



Debates

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Wednesday, 1 December 2021

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Wednesday, 1 December 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.

Petition

The following petition was lodged for presentation:

Woden—indoor sports facilities—petition 48-21

By Ms Davidson, from 694 residents:

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

This petition of residents of the Australian Capital Territory draws 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:

- 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.

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

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

Ministerial response

The following response to a petition has been lodged:

Public housing—maintenance—petition 37-21

By **Ms Berry**, Minister for Housing and Suburban Development, undated, in response to a petition lodged by Mr Parton on 16 September 2021 concerning the maintenance of public housing.

The response read as follows:

Dear Mr Duncan

Thank you for your letter dated 16 September 2021, regarding petition 37-21 lodged by Mr Mark Parton MLA. The petition calls on the Government to:

- Ensure maintenance requests from public housing tenants are dealt with within the required timeframe; and
- Rectify all public housing dwellings that are in breach of or below health and safety standards.

The ACT Government (Housing ACT) is the ACT's largest social landlord with a portfolio of approximately 11,500 properties. Housing ACT, like all landlords across the Territory, has obligations under the *Residential Tenancies Act 1997* to ensure issues of health and safety are addressed.

Programmed Facility Management (PFM) is contracted by Housing ACT to provide a total facility management service. This includes management and triaging of maintenance and upgrades of public housing properties.

PFM is required to deliver repairs and maintenance in a way that meets Housing ACT's obligations under the *Residential Tenancies Act 1997*, particularly with respect to the timely provision of these repairs or maintenance.

The PFM call centre staff are trained in questions to ask of tenants requesting maintenance, to ensure that all information is provided, and the right works order can be raised to address the issue. Housing ACT tenants, like all other residential tenants, are encouraged to undertake their own repairs should the damage have been caused by themselves, their children, or visitors.

COVID-19 has had an impact on the Territory, like many states across Australia. The PFM call centre has continued to receive and log work requests. In line with ACT Health advice during the public health emergency and arising lockdown, PFM committed to completing all urgent and priority maintenance to ensure the health and safety of vulnerable tenants.

When a tenant contacts the PFM call centre the work order is triaged based on urgency and health and safety into one of the following categories:

- Urgent 4hour (U4)—Urgent health and safety work to be completed within 4 hours;
- Priority Next Day (PND)—Critical Health and Safety work to be completed by 6:00pm the following day;
- Day 5 (D5)—Urgent work, to be complete within calendar 5 days; and
- Day 20 (D20)—Works that are not critical or urgent and do not impact on the liveability of the home, to be completed within 20 calendar days.

Property Condition Assessments on public housing dwellings are undertaken every four years. This inspection process rates each and every component in a property on a scale based on the useful life left of the particular component.

Things like carpet, paint, and hot water systems are each rated. Once this has been done, all this information is collated and the asset as a whole is given a rating on the same scale.

PFM has completed just over 6,300 Property Condition Assessments, which is approximately 54% of the portfolio with 90% of these properties being rated at serviceable and above. The remaining assessments will be undertaken by the end of this financial year.

The 10% that have been rated below this will either have major upgrade works scheduled, have a U4, PND or D5 work order raised, or be identified for redevelopment or sale under the Growing and Renewing Public Housing program.

As part of the 2021-22 ACT Budget, the Government recently announced \$80 million over three years to deliver significant additional public housing repairs and maintenance including kitchen upgrades, domestic violence security works and disability modifications.

This maintenance program will be managed in parallel with the Growing and Renewing Public Housing program to ensure high quality public housing while growing available public housing stock.

This initiative builds on the investment of \$8.9 million for general property and energy efficiency upgrades for public housing properties under the *Expanding investment in social housing initiative* in the August 2020 Economic and Fiscal Update.

I trust this information is of assistance.

Motion to take note of petition

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

That the petition and response so lodged be noted.

Woden—indoor sports facilities—petition 48-21

MS DAVIDSON (Murrumbidgee) (10:03): Madam Speaker, it has been a long year and you have all had to listen to me bang on about sports facilities in Woden quite a lot. I thank you all for your patience with me, and I promise that this is the last time this year that I will do this in this place; I hope, maybe—just this year; not tomorrow.

There is a reason why sports are such an important part of our national identity. I do not just mean elite level like the Australian men's cricket team, who could learn a thing or 20 from Ellyse Perry, Meg Lanning and Alyssa Healy! Community and ACT-level sports are a real driver for how we connect with each other and how we come back from challenges. Gabrielle Sutcliffe, with the ACT Meteors, and Grace Kemp and Louise Burrows from Royals Rugby, are great examples of the local talent we have both as players and as community leaders.

But even more than that, it is the coaches, the team managers and the club volunteers for junior sports and social comps who are leading our community, making sure our community sports are welcoming, inclusive, accessible and build both our physical skills and our ability to work collectively towards goals and to overcome setbacks. This is why community voices matter in shaping sports and recreation infrastructure decisions.

In ensuring the voices of the community are heard and that future facilities meet community needs, I would very much like to see a community conversation around what our needs are now and into the future for both indoor and outdoor facilities. What we have had in the past may not be the same as what we need in the future, and community clubs can help us understand where the future of their sport is headed. People with disability and seniors also use sports facilities and need to be engaged in the conversation.

Rather than just maintaining facilities that were designed for the Woden of 50 years ago, or replacing like with like, let us talk about building better to meet the needs of a population that is bigger and more diverse than ever before. As I have mentioned once or twice in this place previously, Mr Davis's facilities management plan will allow for a more strategic and comprehensive approach to the management and maintenance of our sports and recreation facilities based on needs in consultation with our community and sporting stakeholders. I thank him for having called for that back in April. I am really looking forward to the ACT government's draft facilities management plan and to supporting an approach that is developed in consultation with the community and designed to respond to community needs.

Question resolved in the affirmative.

LGBTQI+ community—capital of equality strategy Ministerial statement

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.06): I am pleased

to give this statement today to update the Assembly on the capital of equality strategy. The strategy reinforced the government's commitment to LGBTIQ+ equality and human rights. The "plus" in LGBTIQ+ is a reminder that the acronym is not intended to limit this to those who are lesbian, gay, bisexual, trans and gender diverse, intersex and/or queer.

The capital of equality strategy is the most comprehensive of its kind in Australia. The strategy is supported by action plans that outline the measures that will be taken in each phase of implementation. These documents were developed with the advice of our ministerial advisory council. The government is monitoring the progress of the strategy through an inter-directorate working group comprising senior representatives across all ACT government directorates and agencies, as well as through a range of performance measurement tools.

In the first action plan spanning the period 2019 to 2021, the government has taken action to promote understanding of LGBTIQ+ people and issues, deliver more inclusive and accessible services and keep people safe from harm. I committed to deliver a ministerial statement at the conclusion of the first action plan. Today I want to reflect on progress so far, but also focus on the important work that lies ahead.

Madam Speaker, we have banned sexuality and gender identity conversion practices. The Sexuality and Gender Identity Conversion Practices Act 2020 came into effect on 4 March this year. The prohibition prevents harm caused by sexuality and gender identity conversion practices to people who do not consent or who consent because of misleading or deceptive claims about the efficacy of conversion practices. It is also now a criminal offence to perform conversion practices directed at "protected persons", being children or people with impaired decision-making ability in relation to their health or welfare. The 2021-22 budget increased the Human Rights Commission's capacity to respond to complaints about sexuality and gender identity conversion practices, among other services, by providing funding for additional staff for the Discrimination, Health Services, Disability and Community Services Commissioner.

We have amended the Births, Deaths and Marriages Registration Act 1997 to improve processes for changing birth registration and birth certificates for trans and gender diverse young people. We have commenced consultation on reforms to the Discrimination Act 1991 to strengthen and simplify protections against discrimination in line with the territory's human rights framework. The proposed changes include ways to enhance clarity and consistency across exceptions to discrimination, extending coverage of the act to all areas of public life and the merits of a positive duty on organisations to take action to eliminate discrimination. This review of discrimination law will build on earlier reforms to the Discrimination Act and will ensure that the law promotes systemic change and provides comprehensive and consistent standards of protection from discrimination for all protected groups, including members of LGBTIQ+ communities.

The government is undertaking work to protect the rights of intersex people in medical settings. Over the last two years the government has been engaging with intersex people in Canberra and with organisations across Australia, including health

professionals, about the best way to reform policy so that it ensures essential medical care is always provided, while medical treatments that can be delayed are deferred until an individual is able to participate in that decision-making. Over the coming months the government will undertake public consultation on a draft bill to provide these important protections, with an aim to introduce the legislation into the Assembly in the middle of next year.

In addition, the government is funding A Gender Agenda to employ a dedicated intersex peer support worker. We will be the only jurisdiction in Australia with such a position. This initiative forms part of additional funding for A Gender Agenda of \$623,000 over four years, outlined in the 2021-22 budget. This means that intersex people and parents of intersex children in Canberra are being provided with expert support and holistic advice. We have also provided funds to enable the next annual conference of Intersex Peer Support Australia to be held in Canberra.

Madam Speaker, we are investing in support systems for Canberra's schools, including the safe and inclusive schools initiative. In May the government released a good practice guide for supporting students who are affirming their gender at school. The guide helps schools to be proactive in gender-inclusive practices and support students who are transgender and gender diverse when they decide they wish to share or express their gender identity or expression at school. We know how crucial and how lifesaving it is for young trans and gender diverse people to be supported and affirmed, and we are proud to be championing this initiative in Canberra.

We have funded targeted, peer-led services to provide lifesaving psychosocial supports to LGBTIQ+ Canberrans, as well as training to improve the competence and responsiveness of mainstream organisations. The supporting and strengthening LGBTIQ+ communities initiative, implemented by Meridian since 2019, has already delivered over 1,500 hours of psychosocial services to LGBTIQ+ people and their families. The initiative has established a specialist service user reference group to improve communication and collaboration between services and organisations working with people, families and communities.

Madam Speaker, we know that there is no universal LGBTIQ+ experience and that migration status, race, ethnicity, disability and socioeconomic status, among many other factors, often contribute to poorer outcomes in all areas of public and private lives. Through the Capital of Equality Grants Program we have provided over \$300,000 to more than 30 innovative opportunities providing connection, belonging and community for LGBTIQ+ Canberrans with intersecting marginalised experiences. Some of the grants, accounting for around 30 per cent of all allocated funds, have specifically supported local projects led by the Aboriginal and Torres Strait Islander community and culturally and linguistically diverse communities. We have supported a wide range of larger scale community events, from SpringOUT to Yes!Fest, to provide the opportunity to celebrate pride, celebrate strength and the resilience of our communities.

We have provided financial support to enable young and emerging leaders to engage in training on advocacy and leadership and attend the Canberra Together and Better Together conferences, including support for leaders in the asexual community. We

have supported inclusive sporting activities, from the Roller Derby to Queer Zumba. We are building awareness of LGBTIQ issues within the ACT public service through initiatives such as pride in diversity and an ongoing program of awareness training across all directorates. This investment recognises that workplace inclusion is not only a good thing for community, but it in fact boosts productivity, engagement and belonging.

We have invested in data gathering to better understand the lived experiences of LGBTIQ+ Canberrans and to understand the barriers to equality. The Health Directorate has completed a scoping study to understand the barriers to accessing health services. We know this includes the administrative and financial burden of accessing services, experience of discrimination and having to educate healthcare providers on LGBTIQ+ issues. These experiences can lead people to feel like they cannot access health services or they will not access health services, which is an unacceptable situation.

The study provides information to help prioritise actions to support the health and wellbeing of LGBTIQ+ Canberrans. This is an important resource to inform ongoing work in this area. As part of our response to the study's recommendations, we have allocated specific funding in the budget to partner with community members and experts to co-design a gender-focused health service. The co-design will explore models of care to support access to gender affirming care across the lifespan, from children to adults.

The ACT was the first jurisdiction to invest in the "writing themselves in 4" study conducted by researchers at La Trobe University. We now have comprehensive research into the health and wellbeing of more than 300 sexually and gender diverse young Canberrans. Through this we have learned not only about critical gaps but also what needs to be done for young people to be supported during their formative years.

The study has shown that 80 per cent of lesbian, gay, transgender, asexual and queer young people in Canberra were experiencing either high or very high levels of psychological distress during the study period. The study also found that 40 per cent of the young people surveyed had been verbally harassed in the year prior, and 57.2 per cent felt unsafe at school due to their sexuality.

The study also highlighted, though, where the ACT is seeing a really positive difference in school, with 66 per cent of students indicating they felt safe to openly identify their sexuality or gender identity at their secondary school, compared with only 52 per cent nationally. The study also indicated that 60 per cent of ACT students are using their chosen name or pronouns at secondary school, compared with just 41 per cent nationally.

Madam Speaker, these are not just numbers to skim over. This data is about real people, families and communities and their day-to-day experiences. We must recognise they are not reaching their full potential. Even with the supports we have in place now, they are still subjected to harm, to discrimination and to prejudice. This research should be a call to action for everyone.

When the government gathered young people together to discuss the findings of the report, they gave us clear areas for action to support them in their schools and with their health and wellbeing. I acknowledge this morning that more action is required across a range of areas. I have heard of people skipping meals because they have lost work or they are living on a temporary visa. I have heard that queer, trans and gender diverse people are not eating or drinking in public so that they do not need to use public bathrooms out of fear of being harassed or abused. I have heard that young people are still fearful to access crisis and emergency accommodation, especially if they are queer, trans or gender diverse.

What we see, Madam Speaker, is the burden of support falling on just a few grassroots organisations and community leaders. This is unacceptable. We do need to do more, but I am proud of the tangible changes and the progress that has been achieved under the first two years of the capital of equality strategy. But I am firm in my view that this is not the time to rest on our laurels or to slow down on action and reform in this area. We will not truly be the capital of equality and we will not achieve full equality and inclusion for all Canberrans in our wonderful diversity without further education, without further law reform, without additional resourcing and without the long, steady and consistent endeavours to shift community behaviour and attitudes day-on-day, week-on-week, month-on-month and year-on-year. You can still experience that sort of discrimination and fairly confronting prejudice and, I guess, quite confronting experiences, even when you are the Chief Minister in this place. Although things are better, it is still not equal.

Achieving equitable outcomes for everyone is a shared responsibility between the government and the community. We believe the first action plan has laid a solid foundation for us to now more meaningfully embrace the great diversity that we have within our city and to help ensure that everyone's rights and freedoms are respected and that we are not leaving people behind. This action is urgent. The government is consulting our diverse community as a part of the ongoing development of the second action plan under the strategy, which will commence early next year and is intended to run until the end of 2023, before we move to the third action plan.

We have heard that access to inclusive, timely and specialist mental health supports, safe and affordable housing and prevention and support to recover from experiences of domestic, family and sexual violence are critical issues for the community. We have heard that targeted actions are required to support LGBTIQ+ Canberrans who are Aboriginal and Torres Strait Islanders, or who are from culturally and linguistically diverse backgrounds, or who live with disability. We are working on plans to support these underrepresented communities and mainstream intersectionality in the second action plan.

This morning, I want to express how grateful we are to everyone who has very generously shared their time and knowledge. The government is committed to keeping Canberra the most inclusive and welcoming city in Australia. This requires people of diverse sex, gender, variations of sex characteristics, sexuality and relationships to see themselves clearly and genuinely represented in the work and identity of government organisations and the policies and services that are designed to support them.

Through consultations on the second action plan, the government has undertaken dialogue to better understand local sentiment on inclusive representation. This has included conversations on moving away from representation and visibility via an acronym or the “plus” symbol to more meaningful and impactful support for minority groups. I will release the second action plan early next year and look forward to working with everyone in this place and the broader community to make further strides towards a more inclusive Canberra to support individuals and communities who need that support the most.

I take this opportunity to thank everyone across ACT government, the community sector, the private sector and all of the well-meaning and fantastic Canberrans who have committed their time and demonstrated in their actions a commitment to inclusion and protection of human rights for all Canberrans. I present the following paper:

Capital of Equality LGBTIQ+ Strategy—Statement on progress—Ministerial statement, 1 December 2021.

I move:

That the Assembly take note of the paper.

MR DAVIS (Brindabella) (10.24): I thank the Chief Minister for the ministerial statement on the capital of equality LGBTIQI strategy. On behalf of the ACT Greens, I once again affirm our commitment to the capital of equality strategy and its ongoing success. In particular, I want to highlight some of the awesome legislative reforms that occurred in this place prior to my election. The Chief Minister touched on a few of them, in particular our reforms in the Sexuality and Gender Identity Conversion Practices Act 2020 and our work on the Births, Deaths and Marriages Registration Act.

I thank the Chief Minister for his deliberative and consultative approach with me and my team, knowing our ongoing policy interest in this area. I think we will get the very best outcomes for sexuality and gender diverse Canberrans when those of like mind and value come together across this Assembly. I look forward to continuing to work with the Chief Minister and all in government on a better life for LGBTIQ+ Canberrans.

At the risk of simply repeating the Chief Minister’s presentation, there are a few figures, as part of the survey that was undertaken in collaboration with La Trobe University, that I would like to reflect on because I think they are very important. These figures are harrowing: 40 per cent of young people surveyed had been verbally harassed in the last year and 57.2 per cent felt unsafe at school due to their sexuality.

I understand and empathise with many in our community who may not have a relationship with the sexuality and gender diverse community. They are not sexuality or gender diverse themselves; they have not known or loved somebody. But these are harrowing figures for everybody in our community. It is very distressing that there are people in Canberra who are feeling this way and living like this in our city.

I think it is a testament to this progressive government in terms of the values that we share and the things that we choose to prioritise in developing what a capital for equality strategy says to our community and to young people in our community, as well as the positive role modelling and leadership that it gives to other subnational governments and, dare I say, the federal government in this country. Obviously, as an ACT legislator and an ACT parliamentarian, I want to do all that I can to make sure the lives of Canberrans are as good as they can possibly be. As a queer person in this country, I look forward to seeing other governments around the country emulate something like the capital equality strategy in their own jurisdictions.

Imitation is the sincerest form of flattery. I might go out on a limb here and say that the Chief Minister would probably take meetings with any premier or chief minister across the country who would like to learn from this good work, because young queer people in Sydney, Melbourne, Broken Hill, Darwin and Perth deserve to live in places where they are rewarded by similar strategies.

Obviously, though, as I am prone to do from back here on the crossbench—Madam Speaker, I am always good with the sugar and the vinegar—here comes the vinegar! There has been a lot of financial investment, as the Chief Minister rightly points out, into the overstretched and overworked community sector who do the burden of the heavy lifting to support vulnerable people in our community—organisations like Meridian and A Gender Agenda. I put it on record that I think they are under-resourced and underfunded. In the coming budgets I look forward to seeing more investment in these organisations, because we know the incredibly powerful work that they do.

I am really excited about the government's legislative program over the next 12 months, in particular this government honouring the commitment that it made to the intersex community. By legislating reforms, it will protect the intersex community. I look forward to bringing forward legislation, which I am currently collaborating with the Chief Minister's office on, to further protect trans and gender diverse people in the ACT.

I thank Meridian and A Gender Agenda for their work over the last 12 months. It has been a big 12 months. If you are a Canberran who felt like it was a bit stressful being cooped up at home during lockdown, just imagine you are a 15- or 16-year-old kid whose parents do not really know who you are. You are locked down, and you are trying to complete a school certificate at the same time. You are away from your support networks—your self-made family. I imagine that is a particularly stressful time.

I thank the ministerial advisory council, who volunteer their time to make sure that this government's policy direction is appropriate for sexuality and gender diverse Canberrans. I also thank the very hardworking staff—a very small staff—in the Office of LGBTIQ+ Affairs. They do tremendous work. They support the Chief Minister's work and the government's work. The fact that we have such a deliberative nation-leading program to support sexuality and gender diverse people is a credit to their work.

Question resolved in the affirmative.

Financial Management Amendment Bill 2021 (No 2)

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

Title read by Clerk.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.30): I move:

That this bill be agreed to in principle.

I am pleased to present the Financial Management Amendment Bill 2021 (No 2), which is the secure employment bill. This bill is part of the government's commitment to secure employment and provides a legislative basis for an insourcing framework. The ACT government is committed to providing secure and, where possible, ongoing employment. We recognise the adverse social and financial effects of insecure work on working people and their families.

At the start of this term we committed to maintaining the size of the public service, keeping essential services in government hands, and ensuring that public money is used to promote safe and fair employment. Our commitment to promoting secure employment extends across the community. We introduced and are currently strengthening the secure local jobs code. It is a matter of principle that any business seeking public contracts should meet the highest ethical and employment standards. The secure local jobs code ensures that the purchasing power for government promotes fair, safe and secure employment in the private sector.

In the public sector, our commitment to secure employment and high-quality services for Canberrans is equally strong. This government is working to meet this commitment through two distinct pieces of work which together make the secure employment package.

The first piece of work is the continuation of the secure workforce conversion process—a joint union and government process to examine the use of insecure work in the ACT public service with an updated process to incorporate the new requirements of the commonwealth Fair Work Act, where casual employees can request conversion to permanent employment in certain circumstances.

The second piece of work is the focus of this bill—the implementation of an insourcing framework which will evaluate the insourcing and outsourcing of government work. Through this bill, the insourcing framework will have a legislative basis. The bill provides for the detail of the insourcing framework to be established through a supporting instrument. The bill outlines that the insourcing framework will evaluate whether services or works required by the public sector entity should be provided by the public sector or by an external provider.

This government's commitment to insourcing demonstrates the value we place on our public service, and on secure employment. The insourcing framework is being developed to have a sophisticated approach to analysing proposed government outsourcing of services or works. It will not simply be a matter of deciding on the lowest cost option. Instead, under this new framework, a decision about insourcing will consider how the whole community can be better supported by the public service.

The insourcing framework's evaluation model will be wider in scope than evaluation models of the past. It is being designed to include considerations like economic costs and benefits, social costs and benefits, environmental costs and benefits, and the public interest. The framework operates to and aligns with the future direction and priorities of the government as reflected in those of the ACT public service.

It will also incorporate the government's ground-breaking wellbeing indicators. The government's wellbeing indicators are a commitment to providing the people of the ACT with the opportunity and ability to lead lives of personal and community value, with qualities such as good health and time to enjoy the things in life that matter, in an environment that promotes personal growth and is sustainable.

Measuring wellbeing is about having a sense of our progress around the things that matter to our quality of life and that help us to live our lives well. Putting this at the heart of the insourcing framework further embeds our commitment to the wellbeing of the people of the ACT.

Embedding wellness indicators in an evaluation model of this kind demonstrates this government's commitment to balancing innovation and wellbeing. Incorporating the wellbeing indicators into the insourcing framework will see the government well placed to embrace new directions on work design, work-life balance, and strategies that harness potential and broaden our perspectives on how the ACT public service works in teams.

The insourcing framework is being designed with additional considerations in mind. These include industrial relations considerations, workforce considerations, transmission of business, workforce supply and demand, capital procurements, infrastructure requirements, talent acquisition and technology requirements.

Consultation on the insourcing framework has commenced, supported by a discussion paper circulated to government directorates, public sector bodies and ACT unions. The insourcing framework will benefit from the insight that these experienced stakeholders can bring to our consultative discussions. Further consultation with our stakeholders will occur as we develop the detail of the framework.

Through consultation we are hearing the reasons why secure employment is important to the people of the ACT. Secure work makes it easier for workers to get bank loans and to buy a home. It means they can take leave when they are sick or need to look after their loved ones, without putting their job at risk. It means they can have the confidence to spend money to support the ACT community and the economy, boost growth and create even more jobs.

Consultation also tells us that it will be important for the insourcing framework to consider insourcing newly identified opportunities that might have otherwise been outsourced, as well as considering whether services or works should be insourced at the end of an initial term of a contract when an option to renew the contract has been considered or is being considered.

We have learnt many things during the COVID pandemic, including the risk to both workers and the economy that insecure work brings. We also better understand that women, young people and people from a migrant background are more likely to find themselves in insecure work. Through the insourcing framework, we are committed to ensuring government resources are used to support secure employment. This will mean better outcomes for people across the territory. Emerging from the COVID pandemic, we will be challenged to think in new ways and work in new ways.

The government recognises the value of our public service. They have worked tirelessly these past few months through the COVID pandemic, often in challenging circumstances. Despite these circumstances, they have produced some extraordinary work—like this bill.

We know that our public service cannot always do everything, but they can be, and must be, the foremost advisers to government. They are the custodians of the public good. We trust their advice and we are grateful for it. Protecting the public service and advancing the public good is central to the work of all unions, and it is led by the public sector through the CPSU. I look forward to working with them and other unions to develop the framework provided in this bill, and recognise their members in the gallery today.

We will be seeking to maximise our current and future workforce, catering for future change with broader skill sets. Workforce capability, flexibility and mobility are key considerations when building the ACT public service of the future, and the insourcing framework will capture these considerations. Secure employment and the framework will support the capability of the service into the future.

I will now provide an overview of the clauses outlined in the bill. The first clause sets out the name of the bill. The second outlines the commencement of the act. The act will commence on a day fixed by written notice. If the act has not commenced within six months of passing the Assembly, the act will automatically commence on the first day after that period.

The third clause provides that the bill will amend the Financial Management Act 1996, and the fourth clause inserts a new part 9A into the Financial Management Act 1996. New section 126 defines public sector entities. New section 127 outlines that responsible public sector chief executive officers are to ensure compliance with part 9A, and outlines who the chief executive officers are in the public sector.

New section 128 outlines that the Chief Minister must determine the insourcing framework. The insourcing framework is to evaluate whether services or works required by a public sector entity should be provided by the public sector or by an

external provider. It also outlines that the determination of the insourcing framework is to be achieved through a notifiable instrument.

New section 129 outlines the circumstances in which a community sector entity must evaluate whether their required services or works are to be evaluated by the insourcing framework. New section 129A provides that the Chief Minister may give a direction to a public sector entity in relation to that public sector entity's obligations under section 129 and any other matter under part 9A. Directions under section 129A are to be notifiable instruments. Clause 5 inserts into the dictionary of the Financial Management Act 1996 a definition of public sector entity, which refers to new section 126.

This bill provides the legislative basis for the insourcing framework. It outlines that the insourcing framework will evaluate whether services or works required by a public sector entity should be provided by the public sector or by an external provider. This evaluation must be made at all possible opportunities. A future instrument will capture the design and detail of the insourcing framework, which will be an evaluation model with innovative and pioneering elements that will further safeguard secure employment in the ACT.

The government will continue its efforts to promote safe, secure and fair employment. We will continue working with all of the tools we have available—with our purchasing power, within the public service and beyond, to ensure that Canberrans have the employment opportunities and conditions they deserve.

I am very pleased to commend the bill to the Assembly.

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

Crimes (Policing) Legislation Amendment Bill 2021

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

Title read by Clerk.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.43): I move:

That this bill be agreed to in principle.

I am pleased to present the Crimes (Policing) Legislation Amendment Bill to the Assembly today. This bill continues the government's work to support the efficient functioning of the ACT justice system and enhance community safety.

The bill amends ACT laws relating to registrable child sex offenders and firearms regulation to promote higher levels of compliance with reporting obligations by those

convicted of child sex offences, enshrine a permanent firearms amnesty in the ACT, and increase the security storage requirements for security companies licensed to hold category H firearms. The bill supports our efforts to keep everyone in the community safe and to support our prosecutors and police in court and in the field.

The bill introduces reforms to enhance protections for children and the community by strengthening compliance with, and enforcement of, the reporting regime for registrable child sex offenders. The amendments to the Crimes (Child Sex Offenders) Act 2005 seek to ensure that offenders are held to account where they fail to abide by their reporting conditions, without reasonable excuse for that failure.

When registrable offenders who are subject to reporting obligations do not report to police as required, this represents a risk to the safety of children. Where appropriate, ACT Policing attempts to bring charges against offenders who fail to comply with their reporting obligations. However, police have concerns that a number of prosecutions have been unsuccessful due to the offender claiming forgetfulness as their reason for failing to report. The amendments reframe the elements of the offences so that forgetfulness alone, as a reason for failing to report, will no longer be grounds for acquittal.

To simplify the legislation, multiple offences for failure of a child sex offender to report in a range of different circumstances have been combined into a single offence for failure to report in any of those circumstances. The offence has been reframed in a human rights consistent way, including by providing that child sex offenders who fail to comply with their reporting obligations may be acquitted if they can demonstrate that there was a reasonable excuse for their failure to report.

The bill sets out criteria which the court must consider when deciding whether the registrable offender has a reasonable excuse for failing to report, such as the offender's age, any disability the offender has, and whether the notice of reporting obligations was sufficient. Although strict liability offences engage and limit a person's rights under the ACT Human Rights Act, particularly the right to be presumed innocent, the safeguards introduced to the offence ensure that the limitation is proportionate and demonstrably justified under the ACT's human rights framework.

Measures which promote higher levels of compliance with reporting requirements by those convicted of child sex offences support the capacity of ACT Policing to protect the lives and sexual safety of children. I am sure everyone in this Assembly can agree that the wellbeing and safety of children are of the utmost importance.

The bill also introduces measures to reduce the risk of gun violence in the community. Amendments are introduced to the Firearms Act 1996 to enshrine a permanent firearms amnesty and ensure that surrendered firearms can be disposed of or destroyed without undue administrative burden.

People may be in possession of firearms without a valid licence or permit either through inheritance or where their licences or permits have lapsed. These "grey" market guns are not registered, are not traceable and may pose a high level of risk to public safety. A firearms amnesty encourages people to surrender firearms for which

they are not appropriately authorised to police. Having all firearms in the community registered promotes transparency and oversight, to be confident that the conditions and responsibilities of the firearms licensing regime are being adhered to.

The ACT has had temporary amnesties in the past, which have removed a large number of unregistered firearms from the community. In the 2017 temporary amnesty, 699 firearms and 60 firearm parts were surrendered. Since the declaration of the most recent temporary amnesty in July 2021, 443 firearms, 55 firearm parts and 146 kilograms of ammunition have been surrendered.

By enshrining a permanent amnesty in our legislation, the ACT will join other states and territories in the permanent National Firearms Amnesty, which commenced on 1 July 2021, and will secure the community safety protections delivered under previous temporary amnesties into the future. A permanent firearms amnesty is an effective public safety measure that reduces the number of guns in the Canberra community, therefore minimising the risk of harm and loss of life caused by misuse of firearms and gun violence.

The bill also makes complementary amendments to allow ACT Policing to destroy and dispose of surrendered firearms in certain circumstances, without needing to seek a court order. These changes are aimed at minimising the administrative burden on our courts and law enforcement agency, in the context of a permanent amnesty.

Finally, this bill introduces new, stricter safe-storage requirements for category H firearms held by security companies by amending the Firearms Act 1996 and Firearms Regulation 2008. Appropriately licensed security companies and their employees may possess firearms, including handguns, in the course of their work. Security companies are highly visible in the community, and their firearms could potentially be more susceptible to attempted theft than other guns possessed by private citizens. Applying stricter storage standards for handguns held by security companies will minimise risks of these firearms falling into the hands of unlicensed people with criminal intent. The additional storage conditions that are imposed vary according to the number of firearms that the security organisation is licensed to hold, with the requirements becoming more stringent when more firearms are held.

These new standards largely replicate the requirements under section 81 of the Firearms Regulations 2017 in New South Wales, which is advantageous in achieving cross-jurisdictional consistency for organisations conducting business across New South Wales and ACT.

Our firearms laws are already robust, but these reforms make further improvements to the safety of the whole Canberra community and reduce everyone's risk of becoming a victim of gun-related accidents or crimes. The proposed amendments are the result of consultation with relevant stakeholders affected by the proposals. Input from stakeholders has informed the amendments proposed in this bill, and I wish to take this opportunity to thank stakeholders for their contributions.

The government is committed to building safer communities in Canberra, and amendments in this bill contribute to this commitment. I commend the bill to the Assembly.

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

Road Transport Legislation Amendment Bill 2021 (No 2)

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

Title read by Clerk.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (10.52): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Road Transport Legislation Amendment Bill 2021 (No 2) in the Assembly today. Members will note that this is the third piece of legislation that I have introduced this year to improve road safety. It shows the seriousness with which the ACT government is pursuing our commitment to the realisation of vision zero, which means zero deaths and zero serious injuries on the ACT's roads. We recognise that all road accidents, and the trauma and heartbreak they too often bring, are preventable. It should be our shared focus and goal to prevent them.

Our road transport laws are never really finished, as technology, risks and community expectations change across time. Our laws need to be continually updated to ensure that they provide the best coverage and protections possible for all Canberrans as things change.

The ACT government has recently announced our intention to progressively expand the popular shared e-scooter scheme to all of Canberra's town centres over the coming year. Canberrans have welcomed e-scooters as another useful transport option, and we see the expansion of the scheme as an opportunity to provide an alternative form of travel for Canberrans, together with our other low and zero emissions options like public transport and active travel.

As we work to expand the scheme, we recognise the need to update our legislative frameworks to ensure that e-scooters and other alternatives to motor vehicles are used safely and responsibly. That is why this bill builds on the amendments that I introduced to the Assembly in August.

That bill addressed penalties for causing harm to other road users, particularly vulnerable users like cyclists and pedestrians. It also started to build the framework for the safer use of new transport modes like e-scooters. I am glad that the bill has been progressively making its way through an inquiry by the transport committee, and I look forward to engaging with its findings soon.

The bill that I am introducing today builds on that first tranche of legislation by strengthening and clarifying the penalties framework for unsafe road behaviours

involving alcohol and drugs, particularly where people are using alternatives to motor vehicles.

It is currently an offence to operate a bicycle, personal mobility device—like an e-scooter, an animal or animal-drawn vehicle—while under the influence of alcohol or drugs on a road. However, as we have seen more people take up these alternative modes of transport, particularly e-scooters, it has become clear that there is still a gap in our legislation which needs to be closed.

There is currently no offence for when this unsafe behaviour occurs on a road-related area, such as a footpath or nature strip. This type of behaviour poses a risk of injury to other people using road-related areas and poses a risk of injury to personal mobility device riders who may need to seek costly medical treatment.

The bill establishes a new offence for operating an alternative transport mode while under the influence of alcohol or drugs on a road-related area, to such an extent as to be incapable of having proper control of the device or animal. The new offence for road-related areas will have a maximum penalty of 20 penalty units. Unlike some other drink-driving offences, it will not carry any imprisonment term or come with mandated licence disqualification requirements. This is because you do not currently need to be licensed to ride an e-scooter, bike or other forms of transport to which this part of the legislation would apply.

This new offence makes it clear that it is not acceptable to have a night of heavy drinking, jump on a scooter and risk your own safety or that of others. This bill will send a strong message to the Canberra community about the importance of being safe and in control while operating any kind of transport device. It is a fair approach which responds to some emerging risky behaviour that we have seen in Canberra since the launch of the e-scooter scheme.

This bill also updates the existing penalties for using an alternative transport mode under the influence of alcohol or drugs while on a road, so that these align with the penalties for doing so in a motor vehicle. At the moment the maximum court fine for riding a bike or e-scooter under the influence of alcohol or drugs on a road is significantly higher than for driving a car under the influence. This is an inconsistency resulting from ad hoc amendments to the law from over two decades ago, and we do not think there is a good rationale for it. This bill will harmonise the penalties for both types of offences to a maximum 30 penalty units, with a maximum term of six months imprisonment for first offenders and a maximum of 12 months imprisonment for repeat offenders.

The bill has been drafted to ensure that riders of personal mobility devices, bicycles, animals and animal-drawn vehicles are not considered driving or riding their vehicle while pushing, carrying or otherwise controlling the vehicle while dismounted. This ensures that people doing the right thing by choosing not to ride or drive alternative transport modes while under the influence of alcohol or a drug are not captured by the offence.

This legislation builds on the bill that I introduced in August to create a progressive hierarchy of offences related to unsafe use of e-scooters and other alternative modes of transport. That bill proposes to give police officers the power to direct a person not to get on, or to get off, one of these devices. This is intended to address a situation where a police officer may see someone behaving in an unsafe way on an e-scooter or other device. It also builds on the non-legislative arrangements that we are introducing following the review of the shared e-scooter scheme, including introduction of a “three strikes” rule, where multiple acts of non-compliance, like not wearing a helmet or not parking a scooter properly, could lead to a user’s account being cancelled.

The provisions of the bill that I am introducing today are intended to be used in more serious instances, particularly where an accident has occurred. Police will be able to take into account whether someone was under the influence of alcohol or drugs in determining whether they had proper control of their device. Where a rider has been taken to hospital for examination or treatment because of an accident, a blood sample may be taken by a doctor or nurse and tested for drugs or alcohol. This sample may then be used in court as evidence that the rider was under the influence when riding. Police may also provide observational evidence to a court based on their professional judgement.

In addition to these provisions, the bill also makes a number of smaller and more technical changes to our existing road transport legislation. The ACT aims to be a global leader on climate change action, and the ACT government is committed to reducing transport emissions as part of reaching our ambitious target of net zero emissions by 2045.

Electric vehicles will play an important role in this. By cutting tailpipe emissions, they protect the environment from the effects of climate change and improve public health at the same time. In order to promote and support the use of zero emission vehicles in the ACT, the bill introduces amendments to the ACT’s road rules relating to electric vehicle parking.

The first amendment prohibits drivers of non-electric-powered vehicles from stopping in a parking area for electric-powered vehicles. The second amendment prohibits a driver of a vehicle from stopping in the parking area unless the vehicle is an electric-powered vehicle and is plugged in to an external source of electricity.

These amendments will be important in supporting zero emission vehicle uptake by preventing specified electric vehicle parking spaces from being taken up by non-electric vehicles and ensuring only those with electric-powered vehicles seeking to recharge their vehicles can park in designated charging areas. Again, this is only fair, and I expect to have the support of the entire Assembly on this issue. Consistent with other parking offences, each new offence will attract a maximum court penalty of 20 penalty units, or an infringement penalty notice of \$125.

When developing these amendments, care was taken to ensure those with mobility parking permits can continue to enjoy their rights for which their mobility parking permit has been provided and also have access to designated electric vehicle parking

bays. The amendments in the bill provide mobility parking scheme authority holders with an additional 30 minutes to the time limit indicated on electric vehicle parking signs. This will allow mobility parking scheme authority holders to have additional time to access these parking arrangements while ensuring adequate availability of electric vehicle parking in the ACT.

The bill also introduces a new regulatory time frame in which the owner of a vehicle that is kept at an ACT garage address must transfer the registration to the ACT. Introduction of this time frame into the regulation aligns with existing regulatory requirements for drivers licences and existing operational practices for the transfer of registration. It is fair that people who reside within the ACT and enjoy the benefits of our road network are required to register their vehicles here. This includes taking out a policy under our Motor Accident Injury Insurance Scheme, which differs from some other jurisdictions in the coverage and benefits that it provides.

If a vehicle reaches the three-month time frame without being registered in the ACT, the amendments will mean a vehicle will be considered unregistered for the purposes of the ACT's road transport legislation.

The amendments proposed in this bill build on the ACT government's commitment to road safety and creating a community culture of shared responsibility. They will support Canberrans to safely explore alternative transport modes and help to reduce Canberra's transport emissions. Taken together, these amendments will deliver a fairer road transport framework which keeps pace as new technologies and transport choices change how Canberrans get around. I commend the bill to the Assembly.

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

Health and Community Wellbeing—Standing Committee Statement by chair

MR DAVIS (Brindabella) (11.03): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health and Community Wellbeing.

Earlier this month, the committee was given the opportunity to inquire into the Public Health Amendment Bill 2021. The committee has decided not to inquire into the bill. I would like to explain to this decision to the Assembly.

The bill seeks to create a new offence of not complying with a COVID-19 direction, with a maximum penalty of 50 penalty units, or \$8,000. This is an offence of strict liability, meaning that a person can commit the offence without intending to cause any mischief. As appropriate for a bill of this type, it is characterised as a significant bill due to the extent to which it engages human rights.

The committee decided not to inquire into the bill for several reasons. The first is that the bill includes a defence of reasonable excuse, which is a protection for people who are trying to do the right thing. The next reason is the professionalism displayed to date by ACT Policing in managing compliance with public health directions. There has been a minimum of adverse comment in the last 18 months about how the police

have enforced the public health directions. This track record has given the committee confidence that new powers such as these will be used appropriately. The third reason is that this is a continuing pandemic and that hard decisions may still need to be made to protect human life. Recent reports of the Omicron variant illustrate that challenges remain.

Proportionate regulation to support social distancing has been an important element in protecting the public. The committee acknowledges that the bill is proposed with these aims in mind. The committee's decision does not mean that these proposals are no longer subject to scrutiny. The committee can later examine their implementation, if required. If they become operational, the committee is open to receiving representations from the human rights and legal communities, as well as from fellow members. The committee can commence an inquiry if warranted. We anticipate that the ACT government will be similarly open to receiving feedback.

Public Accounts—Standing Committee Statement by chair

MRS KIKKERT (Ginninderra) (11.05): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to Auditor-General's Report No. 8/2021, *Canberra light rail stage 2A: economic analysis*. I note the resolution of the Assembly made at its meeting on 7 October 2021 calling on the committee to consider and report on the issues raised by the Auditor-General in his report. The committee has resolved to inquire further into the report. Whilst the terms of reference for the inquiry will be the information contained within the audit report, the committee's inquiry will focus specifically on the conclusions and key findings in the report, and the government's response to the report and its implementation of the audit report's recommendations. The committee will report to the Legislative Assembly on the Auditor-General's report as soon as practicable.

Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent the adjournment debates on 1 and 2 December 2021 extending past 30 minutes and Members to be allocated 10 minutes speaking time each.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Public Health Amendment Bill 2021

Debate resumed from 20 November 2021 on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

MS CASTLEY (Yerrabi) (11.07): The Canberra Liberals have received a briefing on this bill and are generally comfortable with its content and purpose. While we note the scrutiny committee has identified some technical issues with the bill, and these are not issues to be lightly passed over, we will not oppose the bill in its current form.

The bill would make COVID-19 health directions legislative instruments, which is something the opposition has been calling for. The bill would also restate the cautioning requirements for authorised officers and police, meaning that they would not have to apply the caution requirement in criminal laws to a person who admitted that they were guilty of an offence related to a health direction.

During the COVID-19 emergency, the opposition has sought to have the various health directions made notifiable instruments that must be listed on the ACT legislation register. The Chief Health Officer has consistently made those publicly available on the legislation register on a voluntary basis. It is a key principle that rules that we expect Canberrans to comply with should be available to those people as a matter of course. We know that COVID-19 public health directions have been a huge impost on our community. Ensuring that they are required to be publicly available as notifiable instruments is an important reform.

The Canberra Liberals support proposed changes to the caution requirements for people suspected of having breached a public health direction. In our briefing, we were advised that the current interaction of the enforcement provisions of the Public Health Act 1997 and the ACT's criminal laws has a number of undesirable effects. Specifically, we understand that currently when a person makes an admission about non-compliance with a COVID-19 health direction—for example, they are not wearing a face mask—an officer must formally caution the person and record any admissions in a form prescribed under the Crimes Act 1900. Officials advised the Canberra Liberals that this had the consequence that currently officers were likely to proceed to issuing infringement notices rather than obtaining further information about the reasons, and possible excuses, for non-compliance with a COVID-19 health direction.

The bill will provide for alternative cautioning requirements to those in the Crimes Act 1900. The bill affects a person's right against self-incrimination. The scrutiny committee identified this as an issue for the Assembly to consider. The opposition believes that in this case the change is appropriate, but we thank the scrutiny committee for bringing it to our attention.

The bill could result in a person becoming liable for an offence in relation to public health directions that were made before the commencement of this bill. This raises the issue of retrospectivity. We would ordinarily be highly concerned about such a provision. In this case, however, given that the public health directions are being regularly remade, we acknowledge that there is opportunity for ongoing scrutiny in this regard.

Finally, I want to talk about what this bill is not. It is not a Dan Andrews style bill intended to allow for greater restrictions to be imposed by the executive without any recourse to this Assembly.

We understand that the government will be presenting a bill tomorrow that will deal with COVID-19 restrictions in an ongoing way. I would like to thank the health minister for offering the opposition a briefing on the bill prior to its introduction. We will scrutinise the bill closely.

In conclusion, I would like to thank the government for how they have engaged with the opposition on this bill, and I reiterate that the opposition will not be opposing it.

MR DAVIS (Brindabella) (11.11): The ACT Greens will support the Public Health Amendment Bill tabled by the Minister for Health. This legislation is an important step to ensure proper governance and accountability over COVID-19 public health orders.

Canberrans have overwhelmingly shown incredible resilience and commitment to shared values around community safety and care over the last 18 months. We have undergone two essential but tremendously difficult stay-at-home orders with very few incidents of concern related to people failing to comply with these directions. This has been a huge cultural shift for our local and global community, an experience very few of us would have imagined possible this time two years ago.

We know that people in our city did not wilfully disobey public health orders or put themselves and others at risk, despite this enormous and culturally shocking undertaking. The biggest risk in terms of transmission was people working in precarious industries and other marginalised groups such as people experiencing substance use issues and those experiencing extreme mental health concerns. Delicate and considered work was undertaken by this government, public servants and the community sector to ensure that those at risk of being unable to stay at home were provided with appropriate and timely assistance to do so.

This legislation ensures that there is transparency around the legal technicalities of public health orders as they relate to COVID-19. Specifically, this bill creates a new temporary offence covering the failure to comply with a public health direction while a COVID-19 declaration is in force and makes the COVID-19 declaration a notifiable instrument. While the ACT government has ensured that public health directions about COVID-19 have been treated as notifiable instruments in practice, by being placed on the legislation register, this legislation gives legal sanction to this good practice.

This legislation has been carefully put together by experts in the Justice and Community Safety Directorate, ACT Policing and the ACT Director of Public Prosecutions. The ACT Human Rights Commission has rightfully provided advice on the significant human rights impact of this legislation, to ensure that rights that are necessarily limited under this legislation are only limited in a reasonable and justifiable manner.

I thank all of those who worked on this important legislation, as well as the government and Chief Health Officer, who have ensured that measures to keep our community safe over the last 18 months have been reasonable, proportionate and considered.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.13), in reply: Today I am pleased to be progressing changes to the Public

Health Act 1997 that will continue to keep the ACT community safe during the ongoing COVID-19 pandemic.

The Public Health Amendment Bill 2021 clarifies and strengthens the operation of key enforcement mechanisms for compliance with emergency public health orders under the Public Health Act. The bill makes temporary changes to the Public Health Act that are necessary to ensure that the government's response to the COVID-19 pandemic can continue to effectively address public health risks.

Unfortunately, as I speak, new waves of COVID-19 outbreaks are growing overseas. In Europe, countries are reimposing restrictions, and even lockdowns, due to the significant growth in cases as the Northern Hemisphere enters its winter months. We have also seen the recent identification and quick classification of the Omicron strain as a variant of concern by the World Health Organisation. Australia and many other countries have already renewed travel restrictions, but it has clearly been identified in many regions of the world already.

This is a timely reminder of the continued risk that COVID-19 poses to us and the ongoing relevance of changes proposed by this bill to protect the community. Thankfully, the ACT community is doing an amazing job to reduce its risk of succumbing to a similar fate in having to respond to high rates of transmission and hospitalisation, with our vaccination rate rightly lauded as world leading. But we cannot take anything for granted in our current environment.

As Ms Castley has commented on, the scrutiny committee, in its consideration of the bill, questioned whether a situation could arise whereby a person may be subject to a strict liability offence without the relevant details in the form of a direction being published on the ACT legislation register. I responded to the committee on 25 November advising that to date all directions had been published on the ACT legislation register as a matter of transparency, fairness and public information, prior to their application. I can confirm that all COVID-19 directions currently in force have been, and will continue to be, published on the ACT legislation register.

Publishing the Chief Health Officer's COVID-19 directions affords an additional level of certainty and transparency; and the public notification of directions, coupled with significant communication efforts to ensure that they are widely known and understood, means that anyone affected has a reasonable opportunity to understand their obligations. I thank the scrutiny committee for its consideration and insightful query, and I thank the health and wellbeing committee for its consideration of whether to inquire into this bill.

Further technical legal aspects of the bill's provisions are detailed in the explanatory statement as presented with the bill, as well as in my presentation speech. I will not repeat those or the information provided to you, Mr Assistant Speaker Davis, and Ms Castley in responding for the opposition.

The ACT has been very successful in its management of COVID-19. It is important to note that the amendments proposed in the bill are not made to support a change in the government's approach to compliance. Our successful response has been greatly aided

by our proportionate and risk-based approach to compliance activities to date. Through direct engagement with businesses and community groups, ACT government compliance agencies have been able to develop a shared understanding of the restrictions and build strong stakeholder relationships.

The recent lockdown provided an opportunity for compliance agencies to consider options for a more streamlined regulation. We heard from them that as the community moves to a more COVID-normal stance with less daily focus on public health directions, the changes being implemented through this bill become more important to ensure that various compliance agencies can continue to do their work to protect us all. This becomes particularly important for continuing to protect the community from incursions as we ease restrictions and there is more travel across borders domestically and internationally.

The government has listened to our compliance agencies and developed this bill, which will give agencies on the ground appropriate tools to support the public health response to COVID-19. These agencies, it is important to note, will continue also to be guided by their detailed compliance policies, the chief amongst these being the publicly available compliance, engagement and enforcement framework, which ensures that the ACT government's regulatory approach to the COVID-19 public health emergency directions aligns with existing regulatory principles and practices across government. Specifically, the framework uses the engage, educate, enforce regulatory model, which emphasises working with businesses and the community to achieve voluntary compliance where possible.

The collaborative efforts of the ACT government compliance agencies and ACT Policing have seen strong support and cooperation from the whole community, including the business community. With this bill, our compliance agencies will be further supported to continue their work, even in the event of increased COVID-19 cases. I want to take the opportunity to thank ACT Policing and all of the ACT government compliance agencies that have been engaged in this work, including Access Canberra, the Health Protection Service and WorkSafe ACT, who have worked collaboratively to ensure that our compliance stance really encourages that voluntary engagement that I have been talking about.

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

As the ACT and other parts of Australia open up to the rest of the world, we must be prepared to continue to respond to the public health risks of COVID-19. This bill seeks to help protect the ACT community by making necessary technical improvements to further support our COVID-19 public health response, and it does this whilst protecting community values and promoting regulatory transparency.

I thank all members in this place for their consideration of this bill and for their support of it today. I look forward to having more to say about future approaches

when I introduce the second public health amendment bill tomorrow. In the meantime, 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.

Civil Law (Sale of Residential Property) Amendment Bill 2021

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

That this bill be agreed to in principle.

MR CAIN (Ginninderra) (11.21): The intent of this bill is, in my opinion, identical to a private member's bill I presented on the same day as this bill was introduced—9 November this year. For off-the-plan property purchases, under the bill developers must obtain a buyer's consent before they rescind a contract using a sunset clause or other specified delay event. Otherwise, the developer will need to apply to the ACT Supreme Court to justify termination.

The bill amends the Civil Law (Sale of Residential Property) Act 2003 to compel a seller, usually a developer, to obtain a buyer's consent before they end a contract for a purchase of an off-the-plan property. The bill encompasses a range of delay events—for example, a sunset clause, delays to construction and approvals, and a few other delay-type approaches. It will also apply to detached housing.

If the bill is passed, it is my understanding that the amendments to the Civil Law (Sale of Residential Property) Act 2003 will commence on 9 November, the day the bill was presented to the Legislative Assembly. Accordingly, these amendments will have retrospective effect.

There is a provision in the bill for the minister to make a regulation that prescribes a circumstance when rescission will be allowed despite the purchaser refusing to agree to the rescission. I will speak on that later.

The bill also includes a requirement for the minister to review the proposed new part of the act as soon as possible after the end of its second year of operation and to report to the Legislative Assembly within six months of the review commencing.

On 21 October 2021, I was quoted in the *Canberra Times* as stating that my bill, which I had in hand, would be presented on the first sitting day in November, that being 9 November. It is my opinion that my statement that I had a bill to present on that day is what spurred the Attorney-General to present this bill.

It is worth noting that the scrutiny of bills committee asked that the minister respond to the committee's comments on the bill prior to it being debated in the Assembly. The committee particularly noted that it was not clear whether delay events that occurred prior to the commencement of the bill—that being 9 November—extinguished a seller's accrued right to rescind a contract. The retrospective application of the bill appears to remove a seller's right to rescind a contract under those circumstances. The committee is also seeking clarification on whether the existence of broader circumstances, in conjunction with those prescribed in the bill, fall within the definition of a rescission provision.

I want to thank the minister for the briefing I received from his office and adviser on 18 November 2021. Regarding the power that will be granted to the minister to make a regulation, I recommend a higher level of consultation on such a regulation than has been commented on by member groups in the media, who were disappointed at the lack of consultation provided to them on the bill itself.

I welcome this bill. The Canberra Liberals will be supporting it. It is about consumer protection, protecting the more vulnerable party to an arrangement and ensuring that their opportunity to own what in many cases is their first home is not unfairly lost.

As the Attorney-General is aware, there is a class action at the moment involving dozens of individuals who have suffered loss because of this practice, by one developer in particular. There may be other instances. The Attorney-General may be more aware than I am of those.

I do want to mention a disappointment about this bill. It really is a disappointment about the timing of the presentation of this important consumer protection. As the Attorney-General is aware, in 2015, New South Wales saw this problem and fixed it. In 2019, Victoria saw this problem and fixed it. In between those times, in the ACT, the ACT Civil and Administrative Tribunal said that the incidence of such unfair practice should be investigated to see if law reform was required. I mention in particular the case of *Tummala v Tiger Property Group Pty Ltd*, handed down on 31 October 2016.

I want to read some names of people who have suffered unnecessary loss because of the slow action of the government, both in this term and in the previous Assembly. I do not have a list of all the names of those affected by this unfair practice, but those who have been brave enough to go forward to public media include Sheridan Burnett, Olga Zautner, Wasantha Davidlage, Reece Peart, Brayden Abbott, Mohammad Choudhury, Song Le, Kieran Hanchard, Brianna Eggleton, Canny Liu, Zhisong Qu, Cuiying He and Peter O'Dwyer. There are dozens more who have been unnecessarily injured and, in some cases, denied their first home—a home that they had saved for so long.

I will finish with a quote from the *Canberra Times* from one of these individuals, Mr Abbott, speaking of the presentation of the bill:

It's about time, I just wish that it had have happened earlier, so that there was something in Canberra to protect home buyers, especially first home buyers ...

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.28), in reply: I am pleased to speak in support of this bill today. The bill will improve consumer protections for Canberrans by regulating the use of sunset and delayed-development clauses in off-the-plan property sale contracts. The purpose of the bill is to address the power imbalance that can occur between buyers and sellers by protecting the parties to off-the-plan contracts.

The bill responds to an issue that has been of great concern to our community. The government has been very concerned about the reports from constituents about those property developers who have taken advantage of the rising market conditions and have rescinded existing contracts for off-the-plan property purchases, then relisted these properties for seemingly significantly higher sale prices.

I note that Mr Cain has also recognised this as an important issue and I was pleased to see Mr Cain present a private member's bill on this very subject on 9 November this year as well. I do note that Mr Cain's bill applies to sunset events and not developer-delay events, which are the provisions that we are seeing being used to rescind contracts in the ACT market.

The government recognises that rescission clauses are important clauses that provide protection to all parties to these contracts. They are generally a matter for negotiation between the parties. The government does not wish to intervene in every situation where the parties to an off-the-plan contract may wish to rescind; it merely wishes to address the unfair circumstances which have been subject to a large number of community complaints in the last few months, where it has been alleged that these clauses have been exercised for inappropriate means with little recourse available to purchasers.

The bill amends the Civil Law (Sale of Residential Property) Act 2003 to insert new part 2A in the act. This new part provides a process that a seller must undergo in order to exercise their right to rescind an off-the-plan contract under specific types of rescission clauses.

The amendments apply to the following rescission situations: firstly, the bill applies to sunset clauses. This is similar to legislation in New South Wales and Victoria, on which Mr Cain's private member's bill is based. A sunset clause is a contractual term which sets a final date for completion of a property development and creates a right to rescind the contract if the development has not been completed before the sunset date.

Under the bill, the following events are sunset events: the registration of the units plan for a unit, the issue of a certificate of occupancy for a residence or unit, the registration of the Crown lease for vacant residential land, and the issue of a certificate of compliance for the crown lease for a unit or land. The bill also makes provision for prescribing additional sunset events by regulation in the future.

Secondly, the bill applies to developer-delay clauses. This is broader in scope than the New South Wales and Victorian models. This expanded scope is necessary to ensure

that buyers are appropriately protected from the concerning contract rescissions that we have seen exercised in the ACT recently.

The government has listened to the important feedback we have received from stakeholders that regulating sunset clauses alone would not adequately capture the rescission clauses that have been relied on in these recent ACT cases. These clauses were more general-delay clauses which allowed the seller to rescind off-the-plan contracts in circumstances where an event delaying or preventing the completion of the contract had occurred. These clauses are not always dependent on a particular milestone or sunset date having been missed. Such clauses are just as susceptible to misuse as sunset clauses.

Under the bill, a delay event is any event delaying or preventing completion of the contract. A delay event includes an event delaying or preventing the construction of a building and other related works. A delay event also includes a delay in obtaining any approval, registration, permission, exemption, insurance or other thing necessary for completion of the contract.

The bill does not cover situations where the buyer has caused, or significantly contributed to, the delay event. A delay event also does not include an event prescribed by regulation.

I just draw that distinction out, and I think it is worth reflecting on, because I did note Mr Cain's remarks about New South Wales legislating on this in 2015 and Victoria in 2019. If the ACT government had followed, or copied, those provisions earlier, to my best understanding of the analysis that the agency has undertaken, unfortunately, the circumstances we have seen in the ACT in recent times would not have been covered.

A key distinction between the government's bill and Mr Cain's bill is that, under Mr Cain's bill, the recent circumstances in the ACT would not have been covered. This is, I think, a credit both to the work of the advocates who have come forward and identified the circumstances that they have faced and to the analysis of the Justice and Community Safety Directorate in looking very closely at these measures and the consultation that they have undertaken in developing this bill over an extended period of time.

The bill establishes a new process for using sunset and delay clauses. If the seller wants to rescind due to a delay event or sunset event, the seller must provide the relevant buyer, or buyers, with 28 days written notice of the proposed rescission. The seller must seek the buyer's consent to the proposed rescission or, if consent is not given, seek an order from the ACT Supreme Court permitting the rescission of the contract.

The notice to the buyer should specify why the seller wants to rescind the contract, the reasons for the delay, and that there is no obligation to consent to the proposed rescission. However, the notice must also advise the buyer that if they refuse consent to the rescission the seller may apply to the Supreme Court for an order permitting rescission and that, if the Supreme Court finds that their consent was withheld unreasonably, then the court may order costs against the buyer. The Supreme Court

may only make an order allowing rescission if satisfied that it is just and equitable to do so. The Supreme Court must consider the circumstances of the buyer and the seller when making a decision. I would like to take a moment to discuss these circumstances in detail as they have been carefully developed in order to provide as much balance between buyer and seller considerations as possible.

Under the provision, the court must consider the terms of the off-the-plan contract, including whether a term of the contract is intended to avoid the consumer protections intended by the inclusion of part 2A. The court must consider whether the seller has acted unreasonably or in bad faith and whether factors beyond the seller's reasonable control have affected the seller's ability to complete the contract or the viability of the seller's business. For example, this could be a disruption to the supply of building materials, a significant increase in the cost of goods and services, an inability to obtain or retain finance for the development, changes in the law affecting the development or conditions placed on the relevant development approval that require major changes to the development.

The court must also consider any reasonable steps taken by the seller to avoid a rescission event or to minimise the effect of the event on the seller's ability to complete the contract. The court must consider whether there is a reasonable prospect of the seller completing the contract. For example, this could be looking at the extent to which a development has been completed.

The court must consider whether the unit or land under the contract has increased in value and the effect of the rescission on the buyer, such as the ability of the buyer to enter the housing market after rescission of the contract. The court must consider whether the buyer has been performing their obligations under the contract. Further, the court must consider the effect of completing the contract on the seller and any other matter that the court considers to be relevant. The provision also allows for any other matter for the court's consideration to be prescribed by regulation.

The bill has a retrospective commencement date. If passed, the amendments will be taken to have commenced when I presented the bill to this Assembly on 9 November 2021. Section 74 of the Legislation Act 2001 determines that this will be from the beginning of the day of commencement. As I said during its introduction, I believe that the circumstances warrant the inclusion of retrospective effect to avoid opportunistic rescission between introduction and debate of this bill.

I would like to make it very clear that, while it is not the usual practice for a bill to commence before it is notified on the ACT Legislation Register, it is necessary in the circumstances. Given recent activity in the market, there is a clear and urgent need for buyer protection to commence as soon as possible. The government is responding to real-time changes in the Canberra property market.

Through transitional provisions, the amendments apply to off-the-plan contracts that are in force at the time of commencement. The amendments will not affect rescissions that have already taken place prior to 9 November 2021. The proposed amendments do not change the rights and liabilities that parties to a contract had prior to commencement of the amendments.

Instead, from 9 November 2021, the legislative framework within which existing contractual rights operate is altered to require sellers to seek consent of the buyer in order to rescind under a rescission provision covered by the amendments or, if consent is not given, a Supreme Court order enabling the seller to rescind. In the event that a seller rescinds a contract in the period between the introduction of the bill and its passing, the purported rescission will not have been made in accordance with the contract unless the required notice was provided to the buyer, their consent sought and the rescission otherwise complied with new part 2A.

I would like to take this opportunity to table:

A revised explanatory statement for the bill:

This revised explanatory statement includes more information about the way that the amendments apply from the date of presentation to the Assembly.

The bill also provides flexibility to refine the operation of the provisions and addresses future concerns in this space as they arise. A regulation-making power has been included that will allow additional rescission provisions to be prescribed as being covered by the amendments that require buyer consent or a Supreme Court order to be obtained before rescission can proceed.

I am pleased to bring these amendments to the Assembly in a timely manner. I would like to thank the stakeholders, including many in the property industry, for providing their feedback on the amendments in a short space of time. Thank you to the ACT Law Society, ACT Bar Association, Property Council of Australia, the Housing Industry Association, the Master Builders Association, the Owners Corporation Network of the ACT, the Planning Institute of Australia, the Real Estate Institute of the ACT, the Strata Communities Association ACT and Legal Aid ACT for their engagement with the bill. I would also like to thank those members of the community who have provided details to the Justice and Community Safety Directorate to enable them to ensure that the legislation addresses the circumstances that we find ourselves in.

As I noted previously in my public comments, this has been a relatively recent emergence of this practice in the territory, and I think that this is a timely response to new circumstances we find ourselves in.

As outlined during its introduction, the government will monitor the effects of this legislation on the property market. The bill includes a provision that will require a review of the amendments to be undertaken as soon as possible after the end of the first two years of operation. A report must be tabled in the Legislative Assembly within six months after the day that the review is started.

This bill provides important consumer protection measures. The bill delivers a transparent legislative framework for the use of sunset and developer-delay clauses in off-the-plan contracts, in doing so, better balancing the playing field for buyers of residential property off-the-plan. This framework will provide more certainty in the

use of these rescission clauses for buyers and sellers alike. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Justice and Community Safety Legislation Amendment Bill 2021

Debate resumed from 11 November 2021, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

MR CAIN (Ginninderra) (11.42): I note this omnibus bill provides changes to over a dozen pieces of legislation in the Attorney-General's portfolio to clarify language, to update the legislation to conform with clear and accepted procedures, to increase options for processing of government services and to recognise digital capabilities, as well as a raft of other minor and technical changes.

Given the detail that would be required to speak to this, I am happy to leave that in the hands of the Attorney-General. I do want to thank, again, the Attorney-General for a briefing provided by his staff on 18 October. The Canberra Liberals will not be opposing this bill.

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) (11.43): I just want to speak briefly because this bill makes amendments, as Mr Cain noted, to a range of legislation, primarily in the Attorney-General's portfolio but also to some acts within my own portfolio or which certainly touch on the operational aspects of my portfolio.

Firstly, the amendment to the Liquor Act will facilitate the recognition of interstate responsible service of alcohol certificates. In the ACT our law has required an expiry date but not all states' responsible service of alcohol certificates actually have an expiry date. I know that this has been a source of some consternation for some of our hospitality businesses and hotels and that the Australian Hotels Association ACT Branch will be welcoming this change as it will be easier for new Canberrans to use their RSAs as a result of this amendment. With their skills and expertise from other states, they will be able to contribute to the vibrant hospitality scene here in Canberra.

This bill also amends the Births, Deaths and Marriages Registration Act 1997, which is firmly in my portfolio, in two key ways. Firstly, it clarifies the information that an integrated birth certificate includes. Members may recall that integrated birth certificates became available in the ACT recently following legislation that was

passed last year, and it means that Canberrans do now have the option to include both their biological and adoptive parents on their birth certificate. Previously it was just their adoptive parents.

These certificates, if the applicant chooses, more accurately reflect adoptees' story, their history and their identity. With these amendments today, it will be clear that integrated birth certificates can include information about an adopted person's date of adoption and details about their birth and adoptive siblings as at the adopted person's date of birth and adoption.

Secondly, this bill makes a range of technical amendments in relation to applications made by transgender, intersex and gender-diverse young people to the Registrar-General and to the ACT Civil and Administrative Tribunal to change their given names and/or their registered sex on the ACT register of births or on recognised details certificates. These technical amendments help clarify procedural matters before the tribunal and help build on the great work that the Chief Minister spoke about this morning in his update on the capital of equality plan. We welcome the changes presented in this bill.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.47), in reply: I thank members for their support of this bill and the comments made during the debate so far. The omnibus bill does make amendments across 16 pieces of legislation, which primarily sit within my portfolio as Attorney-General but do sit in other portfolios as well. The amendments are, for the most part, minor, technical or non-controversial and will have a positive community impact. I am pleased to say they are also compatible with and, in fact, promote human rights.

The amendments contained in the bill were identified through ongoing consultation with ACT government directorates and agencies and the legal community. I thank all those stakeholders involved in the development of this bill for their valuable contributions and support in improving the administration and operation of the territory's laws.

The amendments will improve protections and promote better services for the more vulnerable members of our community. In addition, they promote an improved regulatory framework and operation of government agencies.

As Minister Cheyne has spoken about, some of the first tranches relate to the Births, Deaths and Marriages Registration Act, including integrated birth certificates and also where a young person seeks to change their registered sex or given name. And I think Minister Cheyne has given a good description of those amendments.

The changes to the Guardianship and Management of Property Act remove provisions relating to payment of fees to guardians for the provision of their decision-making functions on behalf of the protected person. This amendment ensures greater protection for protected persons by confirming that fees are not payable for decision-making by guardians, while retaining the ability for guardians to be reimbursed for reasonable expenses. This amendment will also bring the territory in

current thinking across Australian jurisdictions about the nature of the role of guardians who are appointed to act as substitute decision-makers for individuals deemed to lack decision-making capacity.

Another significant amendment is to the Legal Aid Act, which updates the exceptions to existing secrecy provisions. This government is committed to improving access to justice outcomes for vulnerable Canberrans through the provision of integrated, efficient and effective legal assistance services. The changes inserted by the bill today play an important role in furthering this goal.

Under the current secrecy provisions in the act, the Legal Aid Commission cannot disclose information concerning the affairs of a person, except in very limited circumstances. The secrecy provisions in the act are very important privacy protections for the commission's clients.

However, they are no longer fit for purpose as they hinder the commission's ability to operate efficiently and in accordance with reporting requirements under funding agreements. As such, the bill amends the existing exceptions to provide two new circumstances in which information or data can be disclosed.

The first new exception permits the disclosure of data or information to commonwealth entities for the purposes of complying with a national agreement regarding the provision of legal assistance services. This exception is needed to allow the commission to meet their reporting obligations under the National Legal Assistance Partnership Agreement. The National Legal Assistance Partnership Agreement is an important funding mechanism for both the commission and other community legal centres in the territory. By providing this exception, the commission, just like our community legal centres, will be able to meet their commitments under the agreement without compromising their funding and, in turn, their vital legal services.

The second exception will allow the Legal Aid Commission to disclose information or data to third-party entities for the purposes of conducting research relating to improving access to justice outcomes or the provision of legal assistance services. By facilitating the commission, through this amendment, to engage in national research projects, we have the potential to improve the accuracy of our data on legal need in the territory. In doing so, we will be able to identify areas of greatest need, adjust service delivery where necessary and make more-informed funding decisions that will keep the justice system accessible particularly for the most vulnerable and disadvantaged persons in our community.

I also want to take a moment to address the impact of the amendment on the right to privacy. The commission provides vital services to assist the community in asserting their legal rights, particularly persons who may be socially or economically disadvantaged. The government recognises that there is a reasonable expectation of privacy when a person engages the commission's services. This is why I want to assure the Assembly the exceptions provided by these amendments have been carefully crafted to ensure any impacts on the right to privacy are reasonable and proportionate.

The bill includes several safeguards to minimise any impacts on a client's privacy. For example, if a commonwealth entity requests data, the Chief Executive Officer of the commission must be satisfied that the receiving entity will act in accordance with the Australian privacy principles. Additionally, the new exceptions also have limited application to data or information collected from 1 July 2021. Further, the amendment expressly provides that the Chief Executive Officer may only authorise disclosure in accordance with the disclosure guidelines, which I look forward to providing to the Assembly in due course. The guidelines will require that a request for data or information be considered holistically.

The commission must not only consider whether the data request has a legitimate objective but also assess how it will be managed, stored and presented, and address any sensitivities associated with the data. I am confident the guidelines will provide a transparent framework for how data requests are managed and support the commission to only authorise disclosures where it is appropriate to do so.

In terms of promoting an improved regulatory framework and operations of the ACT government and its agencies the parliamentary and governing agreement for the Tenth Assembly commits to:

Ensuring a wholistic approach to government budgets, decision-making and reporting, including consistent, meaningful and measurable strategic and accountability indicators based on wellbeing ...

To support the fulfilment of this agreement, the amendment to the Freedom of Information Act will replace the triple bottom line assessment with wellbeing impact assessments. The ACT government is committed to using the ACT wellbeing framework, and the information it provides, to inform government priorities, policies and investment decisions, thereby ensuring the wellbeing and quality of life of Canberrans is prioritised.

Effective embedding of wellbeing in the government's decision-making framework will require similar treatment of proposals across key decision-making processes. Wellbeing impact assessments provide a consistent way to assess proposals by measuring the impact of each proposal on the wellbeing of our community, environment and institutions.

The assessments were required to be produced for business cases in the 2021-2022 budget and will be a valuable tool for all directorates when developing proposals and undertaking government decision-making. Wellbeing impact assessments will replace the current triple bottom line reporting requirement from 1 January 2022 as part of the legislation's open-access requirements.

As Minister Cheyne noted, the bill also makes minor amendments to the Liquor Act to improve occupational mobility for those holding an interstate responsible service of alcohol certificate.

This bill will also amend the commencement provisions of the Magistrates Court (Infringement Notices) Amendment Act so that the amendments will now commence

in February 2024 rather than February 2022. Amendments introduced by the amendment act will provide additional support for vulnerable members of the community to discharge their infringement notices. The amendments ensure that the payment system for infringement notice offences is flexible and that personal circumstances are taken into account, to better cater to the needs of people on low incomes or who are otherwise financially disadvantaged.

By making it easier for people to discharge their infringement notices, this tailored payment system will also increase the sum of fines recovered by the territory. This deferral will provide time for further work to support the implementation of these amendments.

It is also important to highlight that the bill also makes a number of other notable amendments that will improve and clarify the operation of the laws in the territory. There are amendments to several legislative provisions related to succession law which will modernise and clarify the notice required to be issued by an executor or administrator in the distribution of a deceased estate. These amendments harmonise the relevant pieces of legislation and, in doing so, provide clarity to those members of our community who are responsible for the distribution of a deceased's estate during what can be a very difficult time.

The amendment to the Land Titles Act will provide the Registrar-General with clear authority to accept an authorised agent's verification of the identity of a self-represented party for the purposes of lodging instruments which purport to transfer or otherwise deal in or affect an interest in land in the ACT. This minor amendment will provide greater accessibility to self-represented parties to make land titles transactions by supporting more-readily available access to verification of identity processes and recognised identity agents.

The bill also makes a minor and technical amendment to provide that a death of an unclaimed deceased person must be registrable rather than registered in order for the Public Trustee and Guardian to be able to accept responsibility for the body. Typically, to register the death of person, certain particulars are usually recorded, including method of disposal. This amendment acknowledges that, while a death may be recorded without this information, it is administrative preference not to do so in order to support accurate recordkeeping and operational efficiency.

Finally, I foreshadow that I will be moving government amendments to this bill. The amendments are to the Criminal Code, specifically to the provisions dealing with the defence of mental impairment. The need for these amendments has arisen following a recent ACT Supreme Court decision which concluded that the relevant provisions of the Criminal Code are to be interpreted in a way which departs from the longstanding approach which has applied to the burden of proof for this defence.

The amendments will make clear that an accused claiming the defence of mental impairment has a legal burden to prove not only that they had a mental impairment but that the impairment had a relevant effect on their offending behaviour. This amendment clarifies the burden and standard of proof applicable to the defence of

mental impairment and aligns the approach in the territory's legislation with that of the Model Criminal Code and the Commonwealth Criminal Code.

This reflects that the ACT legislature indicated that ACT's Criminal Code provisions were intended by to be based on the Commonwealth Criminal Code. It also reflects the approach of other Australian jurisdictions, all of which are based on the common law approach which provides for the defendant to bear both the evidential and legal burden to establish the mental impairment defence. The amendment will support community safety and justice for victims of crime.

Mr Assistant Speaker, I am confident that this bill will make important improvements to the administration and operation of the laws in the territory. As you can see from my remarks, they cover a broad range of areas but each of the improvements will make a worthwhile improvement to the operation of these laws and, therefore, make it easier for people to go about their business in the territory, whether they are very personal matters or whether they are more employment-related matters and all the others that I have referred to. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.59): I seek leave to move together amendments to this bill that were not circulated in accordance with standing order 178A.

Leave granted.

MR RATTENBURY: I move amendments Nos 1 to 4 circulated in my name together [*see schedule 1 at page 4016*]. I table a supplementary explanatory statement to the amendments.

MR CAIN (Ginninderra) (12.00): I note that the government's amendments are to recognise a Supreme Court decision in *R v Yeaman* not so long ago. We will be supporting these amendments. Can I say we certainly, as Canberra Liberals, support the principle that precedent-setting case law should be accepted to be adopted, unless of course that superior court decision is appealed and overturned. So I certainly support that as an important part of the rule of law operating consistently and comprehensively in the ACT.

But I will say that it is disappointing to me—and I have spoken about this on several occasions—that when it comes to conflicting with the law of the superior jurisdiction, as in the commonwealth, this government seems quite happy to pass legislation that conflicts with a superior law. In this case, they are doing the appropriate thing.

I would certainly encourage the government to be consistent in its approach to having a consistent and comprehensive body of law.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (12.02), in reply: I thank Mr Cain for his support for these amendments. As I alluded to in my earlier remarks, these amendments are addressing a recent decision of the Supreme Court and are consistent with the purpose of the Justice and Community Safety Legislation Amendment Bill. They will further clarify legislation administered by the directorate.

They will clarify that an accused claiming the defence of mental impairment has the burden of proving, on the balance of probabilities, that they had a mental impairment which had one of the effects listed in section 28(1) of the Criminal Code 2002. Specifically, the amendment substitutes existing subsections 28(4) and (5) of the Criminal Code with new subsections (4) and (5). Instead of referring to a mental impairment, the new subsections use the phrase, “a mental impairment which has one of the effects mentioned in subsection (1)”.

This amendment ensures it is clear that there is a presumption that the accused did not have a mental impairment with a relevant effect, and this presumption can be displaced on the balance of probabilities. Where the accused seeks to displace this presumption by raising the defence of mental impairment, the accused will bear both the legal and evidential burden of displacing the presumption, in accordance with sections 58 and 59 of the Criminal Code.

The cumulative impact of these amendments is to ensure that the defence of mental impairment continues to operate in the ACT in line with the Model Criminal Code, and that the evidential and legal burden is on the defendant to displace the presumption that they were not relevantly affected by a mental impairment when they committed the act constituting the offence.

I commend the amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.04 to 2.00 pm.

Questions without notice

ACT Policing—resources

MS LEE: My question is to the minister for police. Minister, I refer to reports that “victims of burglary may not get a visit from police, with officers focusing their attention on more serious crimes”. The Chief Police Officer went on to say:

Resources are tight, as they are in every sector, so we find this is going to be more efficient.

He concluded:

We will be less responsive to some of the property crime we have been in the past.

Minister, when was this decision made and when was the AFPA notified?

MR GENTLEMAN: I thank Ms Lee for the question. It is important that we continue to resource ACT Policing to do the very best they can. The government has injected record funding into ACT Policing, including almost \$35 million to help modernise ACT Policing services and deploy additional staff. It is important that Canberrans have a range of ways of engaging with ACT Policing and reporting crimes.

ACT Policing are not changing the way they respond to crime. That is a very important point here. They are taking operational decisions on how they move their resources around, Madam Speaker. As you have heard from the Chief Police Officer today, they are changing the way that people can interact with ACT Policing to ensure that we can provide on-the-spot responses to those needing assistance.

Ms Lee: Madam Speaker, point of order.

MADAM SPEAKER: Yes, Ms Lee.

Ms Lee: The second part of my question was: when was the AFPA informed? The minister has not got to that.

MADAM SPEAKER: Minister, do you have more? I think it is in order. He is talking about the decisions Policing is making in responding to reports.

MR GENTLEMAN: Thank you, Madam Speaker. Of course, we do have consultation with the AFPA. ACT Policing consults with them, and I have met with them a number of times recently as well.

Mr Parton: How did that go?

MR GENTLEMAN: It went quite well, Mr Parton, actually. It was a very pleasant conversation. Of course, I have been involved on and off with the AFPA for probably 20-odd years. The interactions between my office and their association are quite good. They give us good, strong advice and they advocate very well for their officers.

MS LEE: Minister, who decides which crimes will not receive a visit from police, and how will those decisions be made?

MR GENTLEMAN: These are operational decisions for ACT Policing. I do not interfere with those operational decisions. I am not the sort of person who would be

calling VL1CP and telling a police car where to attend at any particular time. ACT Policing have the knowledge. Their criminal experts have the knowledge on where crime is occurring. They have done a very good job, Madam Speaker. You have seen that the recent results across ACT Policing and crime stats across the ACT dropped dramatically, particularly in areas of Gungahlin and the Molonglo region, some 40 per cent, and across the jurisdictions of the ACT at some 30 per cent. I congratulate them. They are doing a fantastic job.

MR HANSON: Minister, you said that this will not affect how police respond, but the Chief Police Officer said this morning, “We will be less responsive.” Minister, who is telling the truth?

MR GENTLEMAN: I was very clear. I said that this will not change the way they respond to crime that is happening at this time. They will use their resources to respond to crime that is happening in the territory in the priority decisions that they make daily.

Education—early childhood teachers

MR HANSON: My question is to the Minister for Education. Minister, a central plank of quality early childhood education is qualified early childhood teachers. In your response dated 1 November 2021 to question taken on notice ECI7, you advised that in 2020-21, 48 temporary waivers were granted across 262 early childhood services, allowing those services to operate without the legislated number of early childhood teachers. This represents an understaffing level of nearly one in five teaching positions. Minister, how will the government deliver its promise of more education to 500 priority three-year-olds when there is already a one in five shortage of teachers now?

MS BERRY: I am impressed that the spokesperson for education is interested in early childhood education and the outcomes for young people in our community, particularly the ACT government’s strategy to improve early access to early childhood education through our preschool system by expanding preschool access to three-year-olds. The reason why we have been carefully phasing in the early childhood strategy to expand free preschool education to three-year-olds—making sure that it is targeted to young people who need that support most and to understand how the sector can manage with regard to the increase in the number of young people who are accessing free early childhood education funded by the ACT government—is to ensure that we have the appropriate staffing, the appropriate infrastructure and that we that we are targeting early childhood education to those young people and their families who need it most.

We have explained that a number of times in this place. It is very detailed in the ACT government’s early childhood strategy, Set Up for Success, that the ACT government’s priority is to make sure that every child, regardless of their background, gets the best possible start in early childhood education by expanding it to three-year-olds. What we have seen, however, is that the federal government, despite numerous requests to expand four-year-old preschool to three-year-olds, has come back with blank looks and a misunderstanding of what early childhood development

does for our young people. It is not simply wiping noses and wiping bottoms. It gives them the best possible equal start to their early years of education and development, starting them up and setting them up for success as they start their primary and secondary years.

MR HANSON: Minister, what is the government doing to address this significant shortfall in qualified early childhood teachers?

MS BERRY: First of all, we are respecting and valuing the work of early childhood educators, and we are encouraging people to take up a career in early childhood education as well as within the teaching profession more broadly. The ACT government has been working with the Teacher Quality Institute around the registration of early childhood teachers to ensure that their professionalism is recognised and that they are registered the same as any other teaching professional is.

MR CAIN: I have a supplementary question. Minister, why is there a shortfall of nearly one in five teaching positions in early childhood education in the ACT?

MS BERRY: One of the reasons that Mr Cain and the Canberra Liberals might not have noticed is that the early childhood sector is a desperately underpaid and undervalued workforce. Despite the sector being predominantly women—97 per cent of the workforce being women—and having applied for an equal pay case in the Fair Work Commission, the case was knocked back by the Fair Work Commission. It was not supported by the federal Liberals to increase their pay to a rate that reflected the qualifications that they have and the professionalism of their work. That would predominantly be one of the reasons why the early childhood sector has difficulty recruiting people to work in that sector.

They are incredibly well qualified to care and provide an early start to a great education in our early childhood sector, but the fact is that a gendered workforce—97 per cent women—is underpaid and undervalued. They are paid much less—10 per cent less—than a man with the same kinds of qualifications in other, male dominated industries. So what the Canberra Liberals could do would be to support the early childhood sector’s union campaign—the United Workers Union’s campaign—to lift the wages and respect the work of early childhood educators. Then we would see many more people choose that career, as their work is valued and that they are paid appropriately for the very important, vital work that they do for our community.

Business—voucher scheme

MR PARTON: My question is to the Chief Minister: the Canberra Liberals have been told that at a meeting of the Canberra Region Tourism Leaders Forum you declared there would be no more voucher schemes in the ACT. The meeting was apparently discussing introducing a voucher scheme to support the hotel sector, and the Canberra Liberals have been told that you said, “We tried it, it didn’t work. We’re not having another voucher scheme.” Chief Minister, were you referring to your government’s failed ChooseCBR scheme and, if not, which voucher scheme were you referring to?

MR BARR: I am not sure that is an exact quote of what I said, but I did indicate when it was suggested that the government endeavour to provide some form of voucher scheme somewhat similar to New South Wales that we would not be pursuing that and that those states that had been offering those sorts of voucher schemes had largely been undertaking them on the basis of having their own internal domestic tourism market. So, for example, New South Wales can provide voucher schemes for Sydney residents, for example, to undertake tourism within the broader state of New South Wales.

I am not sure there is much value in the ACT pursuing that as it would mean people having to undertake all of their holidays inside the ACT. The staycation model just has not worked. We have done that with various programs and schemes and it is not really an effective way of stimulating the tourism and accommodation sector in the territory.

MR PARTON: Chief Minister, do you disagree with Minister Cheyne, who hailed ChooseCBR a great success despite less than 20 per cent of businesses participating?

MR BARR: The scheme was a trial and a pilot, and it did achieve an economic multiplier effect. It was never intended that every single business in the ACT would participate in it, but it was open to a number of different business types to participate. As a measure to stimulate the tourism sector, which was the context in which I had this discussion with the tourism industry forum, I do not believe it was the most effective way to stimulate economic activity in tourism.

MS CASTLEY: Chief Minister, do you agree with business owners that specialty supermarkets are essential and should have been excluded from the scheme?

MR BARR: There will be variety of views on what sorts of business types should be in or out of particular government stimulus schemes. I find it somewhat amusing in the context of all of the questions and approaches the Canberra Liberals have adopted to business support over the last six months that they nit-pick on a subset of an industry type involved in a pilot trial stimulus scheme. That this is the biggest issue confronting the Canberra Liberals today speaks volumes.

Light rail stage 2—London Circuit

MS ORR: My question is to the Minister for Transport and City Services. Minister, can you please provide an update on the raising of London Circuit?

MR STEEL: I thank Ms Orr for her question. Raising London Circuit is an ongoing project in the ongoing evolution of Canberra's CBD, particularly the southern end of the CBD. It will improve connectivity between the city and the lake, activate unloved parts of city west and unlock opportunities for new precincts and public spaces. It is also an important enabling project for the delivery of light rail to Woden.

This project involves raising London Circuit's roadway on the east and west sides of Commonwealth Avenue by around six metres to create an at-grade intersection with Commonwealth Avenue. Construction will begin in the first half of next year, it is expected, and that will take around two years to deliver.

Real progress is being made in delivering this project, despite the challenges presented by COVID-19. It is an important part of our government's \$5 billion infrastructure program that is underpinning economic recovery as we move through the pandemic. It is supporting jobs in Canberra right now. Early works are underway moving essential utilities in preparation for main works construction to raise London Circuit in the new year.

The expressions of interest process for a construction delivery partner was completed in October and the National Capital Authority works approval was lodged in October. I encourage Canberrans to lodge questions and view the videos, maps and fact sheets on the NCA website about the project. Now is the time to have a say on this very important project for Canberra's future.

MS ORR: Minister, what consultation and engagement is the ACT government undertaking with businesses and residents in the London Circuit construction zone?

MR STEEL: I thank Ms Orr for her question. The raising of London Circuit will deliver significant benefits to Canberra. It will also support the land release in the area in a very constrained part of our city, particularly in and around the existing cloverleaf exit ramps from Commonwealth Avenue. It is a major investment in the urban realm of our city, providing better access for active travel and improved connectivity between the CBD, city west and the Acton waterfront.

The ACT government, as we move through this project, is actively engaging with businesses and the community within the construction area to ensure that they not only understand what is happening but also have the opportunity to help shape the delivery of the project. This includes the establishment of the light rail community reference group and the light rail business roundtable, both of which I have personally attended. Virtual doorknocking and calls to more than 90 stakeholders have been through the face-to-face community information sessions held in the Canberra city area. Presentations and project briefings have been provided to interested stakeholders, business peak bodies and individual businesses. Project notifications have been issued to nearby residents and businesses to inform them of the planned commencement of the early works.

Finally, we are undertaking work with the National Capital Authority at the moment on the public exhibition of the works approval until 24 December. After this, the ACT government will support the NCA in preparing a consultation report that will detail the issues that have been raised by the community and relevant responses to those as well. Local businesses, as well as other Canberrans, can have a say through this process.

DR PATERSON: A supplementary. Minister, what can Canberrans expect to see happening in relation to the extension of light rail to Woden in the new year?

MR STEEL: I thank Dr Paterson for her question. This is a big project and 2021 has been an incredibly busy year, despite the challenges of COVID-19 and one of the wettest years that we have seen in a very long time. We have seen environmental approvals, funding commitments from the commonwealth and, importantly, the start of early works ready for construction. The team will be hard at work to progress important utility relocations right through to Christmas. We will also see the release of requests for tenders for the raising of the London Circuit project, which is a major procurement milestone.

Next year will be an even bigger year for the project. I am looking forward to working with the NCA to progress the works approval for raising London Circuit early in the new year. Following that approvals process we will be awarding the contractor to deliver the project's main works and we expect that main works construction will start in the first half of the year, pending those approvals being given.

We are also progressing negotiations for depot modification works, the acquisition of additional light rail vehicles and the retrofitting of our existing fleet to allow wire-free running through the parliamentary triangle. We hope to enter into this stage of the project early next year. Of course, throughout all of this we will continue to progress consultation with the community on the design of light rail stage 2A. It is a big year for our city's biggest ever infrastructure project, and Canberrans should be really excited about what is coming up.

Tuggeranong—green waste collection services

MR DAVIS: My question is to the Minister for Transport and City Services, and relates to FOGO. Minister, I was delighted to hear that the food organics and garden organics collection pilot, affectionately known as FOGO, is now underway in select Belconnen suburbs. As you would expect, I have been contacted by a number of my Tuggeranong constituents keen to know when the program is coming to the south side. Could you give us an update?

MR STEEL: I thank Mr Davis for his question. It is exciting. We have seen huge numbers of people interested in this pilot project that has started in four Belconnen suburbs, with collections already beginning in single residential households and multi-unit developments as well. It is a really important part of our action on climate change, in reducing the amount of organic matter going into our landfill, which does contribute to climate change through methane gas emissions, and in providing better waste services and building a circular economy in Canberra.

We are starting with a pilot to test how the collections will occur, particularly in challenging environments like large multi-unit properties that have not traditionally had any green waste collection services, because they do not have gardens, but do have a lot of food waste. We will be learning a lot from this. Of course, we have learned a lot from other jurisdictions that have already made the move; around a third of local councils have done so. We will then use those findings to help to inform the future rollout to the rest of Canberra, including to Mr Davis's electorate of Brindabella.

Importantly, when we do move to a city-wide rollout, we need to have a large-scale, industrial-size compositing facility available in Canberra to take this waste, and manage some of the risks and odour issues that might come from that. We do not have that facility in place at the moment. I am very pleased that in the budget we were able to get some funding to start the early planning and feasibility work that is required to get such a facility underway.

MR DAVIS: Minister, most of those constituents that have contacted me do live in medium and higher density developments. Can you explain some of the challenges regarding rolling out FOGO in that environment?

MR STEEL: I thank the member for his question. Food waste can smell, so odour issues are certainly one of the things that we will be looking at how to manage in those environments. What size of bin is required for the population of a particular multi-unit property, and how we undertake education with the body corporate and members of those residential properties to inform them about the pilot will be part of the process, as well as what we can learn from that, to make sure that we reduce the amount of contamination going into the green bins. It is about making sure that people are aware of their obligation regarding what goes in the recycling bin, the garbage bin and the food waste bin.

We will be working closely with the multi-unit properties that have opted in, as part of the trial. We are looking forward to then rolling that out to the rest of Canberra households in the future, including multi-unit properties in places like Tuggeranong, Woden and Gungahlin, as well as other areas of Canberra.

MS CLAY: Minister, how many multi-unit developments have opted in to the Belconnen trial, and how many have opted out?

MR STEEL: I thank Ms Clay for her supplementary. We are expecting that over the course of the pilot we may see a range of different multi-unit properties opt in. That number will change over time. We are hoping to see a greater take-up as time moves on. One of the reasons why we have chosen the four suburbs with the initial approximately 5,000 households being involved is that it does provide a great mix of single residential dwellings, smaller townhouses, and larger and medium-size complexes as well, including one of Australia's largest multi-unit developments, in the suburb of Belconnen. This gives us a really good indication of how we can successfully roll out this scheme across the whole of Canberra. It is a microcosm, if you like, of the situation across Canberra. We are looking forward to testing the collection process in particular and making sure that that works for people in those properties.

Planning—Gungahlin cinema

MR MILLIGAN: My question is to the Chief Minister. Almost eight years ago on 26 November 2013 you announced the government would deliver on its 2012 election commitment to build a cinema in Gungahlin. You said work would start in mid-2014 on a seven-screen cinema complex for 2,000 patrons. You stated, “Delivering on this

election promise is yet another example of the Labor government's commitment to the growth of the Gungahlin town centre." Chief Minister, nine years on from your election commitment, when do you plan to deliver on it?

MR BARR: The government released land for a cinema. The government, through the planning authority, has approved the development application for a cinema, but the government does not build and own cinemas. We have fulfilled our election commitment to make the land available, to release it for a commercial developer—the private sector, Mr Milligan; that part of the economy that you claim to represent.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson!

MR BARR: The government has released the land and approved a development application for a cinema. The delivery of the cinema, the ownership of it and the commercial arrangements—

Mr Hanson interjecting—

MADAM SPEAKER: Members!

MR BARR: between the building owner and a cinema chain or operator are, indeed, commercial matters. The government is not building the building and the government is not running the cinema.

Mr Hanson interjecting—

MADAM SPEAKER: You are warned, Mr Hanson.

MR BARR: The government released the land and has approved a development application.

MR MILLIGAN: Minister, what other election promises have you made in the past 10 years that you have not delivered, and do you have a list of those broken promises?

MR BARR: What an obnoxious and absurd question from Mr Milligan.

MS CASTLEY: A supplementary. Chief Minister, is the fact that you do not have one minister in your government from Yerrabi yet four from your own electorate of Kurrajong another example of your commitment to Gungahlin?

MR BARR: I know this is one of Ms Castley's favourite topics. There are no senior shadow spokespeople in the electorate of Yerrabi. None at all. No-one senior. You have the most junior shadow ministers in the opposition sitting on the backbench having a go—

Mr Hanson: A point of order, the question was about government ministers; it was not about the opposition. Standing orders—

MADAM SPEAKER: Sit down, Mr Hanson.

Mr Hanson: Madam Speaker, it is not on relevance. It is about debating. I would ask if he is debating the question rather than answering it.

MADAM SPEAKER: Well, you are debating the matter, so sit down.

MR BARR: Thank you. The question is political and demands a political response. Let us be clear about that—this is not a question seeking information; it is a question seeking to score a cheap political point. And I am responding with an equally sharp political point that the opposition do not like, hence we have a *Muppet Show*-like performance with everyone jumping up getting a little bit excited. Animal will start playing the drum solo fairly shortly, Madam Speaker.

Canberra Hospital—master plan

DR PATERSON: My question is for the Minister for Health. Minister, can you please update the Assembly on how the Canberra Hospital master plan, released today, will transform the Canberra Hospital campus for the community?

MS STEPHEN-SMITH: I thank Dr Paterson for the question. Today is an exciting day for the launch of the Canberra Hospital master plan. This is a significant piece of work that brings together this government's commitment to real investment in the ACT's health infrastructure and reflects the community's vision for a modern, person-centred Canberra Hospital.

The master plan takes a long-term view of health service delivery in the ACT and will strategically guide investment at the Canberra Hospital campus over the next 20 years. The master plan presents a practical vision for the campus for improved clinical functionality, amenity, accessibility and longevity of the hospital. It is a crucial pathway for meeting increased healthcare demand over the coming years, replacing assets, investing in the campus and achieving net zero emissions in line with commitments made by this government.

A key aspect of the master plan will be the opening up and greening of the campus. The upgrades and improvements set out in the plan make best use of the campus and the open space network that can be made available to patients, visitors and staff. This will complement new buildings, roads and paths to ensure that high quality facilities, cultural representation and wayfinding for the diverse users of the campus. These new spaces on the campus will include more areas to rest, exercise, learn, read, reflect, decompress and get together with family.

As the hospital campus is growing, and will continue to evolve, the master plan will be able to address important issues such as vehicle, public transport and pedestrian access to and through the campus as well as parking for campus users. In the 2021-22 ACT budget, we have already started that investment, with \$3 million to commence feasibility and design work for a new multistorey car park at the Canberra Hospital. This will complement work that is already underway as part of the Canberra Hospital expansion, which is already revitalising the campus.

DR PATERSON: Minister, what consultation occurred in bringing together the Canberra Hospital master plan?

MS STEPHEN-SMITH: I thank Dr Paterson for the supplementary. Community consultation has been a real priority in forming the Canberra Hospital master plan and how we transform the campus over the next 20 years. We have ensured that the plan reflects what members of the community need for their health care and for the Canberra Hospital into the future.

The consultation process for the master plan was one of the biggest community engagement processes undertaken in the history of the ACT government. The team engaged extensively with all Canberra Hospital campus users, including the health workforce; surrounding residents; the wider Canberra community; key stakeholders in the campus, including our tertiary education research partners; and unions and professional associations. There were two distinct consultation phases with the community. I want to particularly thank the Health Care Consumers Association and the Disability Reference Group for their detailed consideration of these matters.

The first phase of community consultation on the Canberra Hospital master plan closed on 10 March 2021, with over 800 pieces of feedback and a reach of more than 30,000 people through YourSay, social media and a road show to Canberra shopping centres. From phase 1, key themes included parking access, open space and wayfinding. This informed the development of master plan options which were presented through phase 2 of the consultation.

The second phase took place between 23 July and 1 September, with a focus on gathering feedback on draft master plan options. The YourSay campaign for phase 2 included a total of more than 6,000 views, meetings with the ACT's community councils, six pop-up sessions and six drop-in sessions across the community, 2,800 flyers distributed to local residents, and doorknocking, with 1,000 pieces of feedback received from members of the public. This result is an enormous achievement given the COVID lockdown starting in the middle of phase 2 consultation. Both the community and the project team should be commended for bringing this work together at this difficult time.

Both the phase 1 and phase 2 listening reports are available on the Canberra Hospital master plan website.

MR PETTERSSON: Minister, how will the Canberra Hospital master plan incorporate recent investments in health infrastructure on the campus?

MS STEPHEN-SMITH: I thank Mr Pettersson for the supplementary question. We know that the Canberra Hospital, which is almost 50 years old, has changed a lot in the last 20 years. The master plan has been designed to complement and enhance the ACT government's important recent and ongoing investments in the campus. The ACT government has invested almost \$1.3 billion in health infrastructure across the territory over the last decade; the Canberra Hospital master plan guides this continued investment in one of the most important health facilities in the ACT for the years to come.

The master plan will make it easier to navigate around the campus and improve day-to-day operations. It incorporates the changes we have already made at the Canberra Hospital to enhance our health infrastructure. This includes the \$624 million Canberra Hospital expansion that is currently underway, the largest investment in health infrastructure since self-government, which has already seen the construction of two new buildings and the refurbishment of a number of spaces.

The master plan will see improvements to access and amenity in the new critical services building that has commenced with the demolition of buildings 5 and 24 and construction now underway. It will also provide improved clinical, public and logistics connections across the campus.

Through the precinct approach that reflects community feedback about the campus, recent and new health infrastructure investments will align, with dedicated precincts to ensure the right service in the right place at the right time in a way that is easy to navigate and understand. These precincts include the acute hospital precinct, which incorporates the new critical services building and the invaluable and expanded Canberra region cancer centre; the women and children's precinct, which includes the expanded Centenary Hospital for Women and Children; the mental health precinct, incorporating the adult mental health unit; the accommodation precinct, which includes the new south-side step-up, step-down facility; a gateway precinct to support flexibility; and a training, research and innovation precinct to support our health workforce through world-class facilities with our tertiary partners.

Education—teachers

MRS KIKKERT: Madam Speaker, my question is to the Minister for Education. Minister, during budget estimates on 19 October, you took questions on notice about the teacher shortages, including: what is the FTE teacher shortfall; a breakdown of how many of the 42.5 staff in the budget are actually registered frontline teachers as opposed to support staff or special needs teachers; and where is the money for 400 promised teachers? You provided a short response on 1 November 2021. Unfortunately, none of those questions was answered. Minister, please answer this question directly. What is the FTE teacher shortfall in the ACT right now?

MS BERRY: Can I seek some clarification from Mrs Kikkert? Was that short clarification in a question provided on notice or in a committee hearing?

MRS KIKKERT: It was a question taken on notice in a budget estimates hearing. It was taken on notice, but you did not provide the answer to that question taken on notice.

MADAM SPEAKER: Ms Berry, she is seeking the shortfall in the full-time equivalent teachers in the ACT.

MS BERRY: I think Mrs Kikkert is questioning the question on notice response. I refer Mrs Kikkert to the question on notice and the response that the directorate has provided.

Mr Hanson: I have a point of order. The question outlined the fact that the question was taken was taken on notice and did not actually answer the question. Mrs Kikkert is asking what is the FTE teacher shortfall in the ACT right now, because the answer was not provided when Ms Berry provided the answer on notice.

MADAM SPEAKER: Ms Berry, please go to that point of the question—the EFT shortfall in teachers in the ACT.

MS BERRY: I think the question was responded to during estimates. I recall that, at the time of the question, there were currently 12 teacher vacancies in the ACT.

MRS KIKKERT: Minister, of the 42.5 FTE equivalent, how many will be qualified classroom teachers, given that the budget line is for special needs teachers only? Please answer directly.

MS BERRY: I will take that question on notice.

MR HANSON: I have a supplementary question. How much funding for the 400 promised teachers that you advised about at the last election has been rolled out thus far in the budget?

MS BERRY: I can inform, again, the spokesperson for education in the opposition, that there were 90 full-time equivalent positions funded in the ACT government's budget. I remind him that, yes, of course the ACT government has committed to fund 400 teachers in the ACT once the schools are built. We have employed and will engage the 90 positions for schools that are being built or are starting next year. As schools come on line—like Throsby, the new school in Kenny and the expansion of Margaret Hendry School—those teacher will be employed once the schools are built and they have places to work. I think that makes sense, doesn't it?

Schools—split classes

MS LAWDER: My question is to the Minister for Education and Youth Affairs. The Australian Education Union report highlights the issues of split classes in ACT schools and states:

... Often up to four classes per day were split, resulting in 'classes' over 40+ students, which contributed directly to ... occupational violence - particularly as students with special needs were forced to work with teachers (and students) they did not know well.'

Minister, how often are classes split in ACT schools?

MS BERRY: I understand Ms Lawder is referring to the teachers survey that was conducted by the Australian Education Union and released around August this year. In August this year the ACT government committed to work in partnership with the Australian Education Union setting up a task force to understand some of the issues identified in that survey, including the issues raised by Ms Lawder around split classes and teacher shortages, retention and workload more generally.

We have been doing that work since August, since the report was released, because the ACT government—

Mr Hanson: On a point of order on relevance, Madam Speaker, the question is a simple one: how often are classes split in ACT schools? I ask that the minister be directly relevant.

MADAM SPEAKER: The minister is talking about a process addressing the issues the review raised. I think she is relevant, but she has a minute left and she may provide more detail.

MS BERRY: Thank you, Madam Speaker. In partnership with the Australian Education Union we have set up this task force to understand the issues that have been identified in the survey with the support of the union and the members they represent—our teacher professionals in ACT public schools.

It is really important to understand and hear from teachers directly through their union about the issues and dig a little deeper into the survey responses to understand completely the kinds of things our teaching workforce are experiencing. We have been doing that work since August, and it seems like the Canberra Liberals have just discovered that that survey exists.

MS LAWDER: What resources are available for those students with special needs when split classes occur?

MS BERRY: I refer the member to my previous answer—that this is work the ACT government is doing in partnership with the Australian Education Union. We are not making up anything here; we have been paying very close attention to this work from the moment the survey was released in August. We have set the task force up. Those meetings have been occurring. The Education Union is representing the interests of their members through the task force, which has been agreed to by them.

It is a genuine attempt by the ACT government and the Australian Education Union to understand the issues that have been raised by teacher professionals in our public schools in that survey rather than waiting for months down the track to start trying to score political points or ask questions about a survey that has been around for a while. It is not a new thing; it has been around for a few months now.

The ACT government has been getting on with the work, valuing and listening to our teaching professionals and the issues they have raised and starting the work on making a difference for the work loads of teachers in our schools, understanding what we need to do around attraction, retention and workload. This is not an issue that is confined to the ACT, but the ACT government is absolutely committed to doing that work. That is proven through the work we are already doing now through the task force.

MR HANSON: Minister, why do you not know or why does your directorate not know how many classes are split and how often, and can you complain what impact this is having on ACT students?

MS BERRY: Again, I refer the member to my previous two answers on this matter. The Australian Education Union released survey results in August. The ACT government agreed to set up a task force and is working in partnership with the Australian Education Union to understand the issues that have been presented in the survey results. The ACT Education Union has supported that. They have asked for it. We are doing it. We take these issues very seriously and we have shown how seriously we take them by setting up this task force immediately.

Mr Hanson: On a point of order, Madam Speaker, the question is not whether the Australian Education Union is happy with what the government is doing; the question is how often are classes being split in schools? It is a simple answer. If the minister does not know, that is fine.

MADAM SPEAKER: Can you go to the detail, minister.

MS BERRY: Yes, Madam Speaker, I can, and I will say again that the purpose of the task force is to understand those issues.

Opposition members interjecting—

MS BERRY: It is very funny. I am answering the question by saying that is what the task force is doing. That is what the Australian Education Union has done, representing their teachers—

Opposition members interjecting—

MS BERRY: Madam Speaker, on a point of order, I am being badgered by at least three members of the Canberra Liberals when I have provided an absolutely honest response to the question they have asked—that is are unpacking that information through the task force. I get that everybody is a little bit tired towards the end of the year, but seriously.

MADAM SPEAKER: I remind members about being orderly.

Mrs Kikkert interjecting—

MADAM SPEAKER: Mrs Kikkert, that is enough.

Gungahlin—swimming pool

MS CASTLEY: My question is to the Minister for Sport and Recreation. Today, 1 December, is the day you promised that Gungahlin's 50-metre pool would open. I had said on radio that I would throw a party to celebrate. Minister, the pool is still closed. Will Gungahlin's 50-metre pool open in January for the summer holidays? Yes or no?

MS BERRY: No, Madam Speaker, it will not open. Ms Castley is well aware—

Opposition members interjecting—

MADAM SPEAKER: Members!

Mr Cain interjecting—

MADAM SPEAKER: Mr Cain!

MS BERRY: Madam Speaker, that is completely unacceptable behaviour from a member of the opposition.

MADAM SPEAKER: I have called him to order, Ms Berry.

MS BERRY: Thank you, Madam Speaker. Ms Castley is well aware of the issues that have faced Gungahlin pool, particularly around the ability to get a workforce to come and do that work at Gungahlin pool, because of COVID. She is well aware of that. The sports directorate has been providing updates regularly to the YMCA and the Gungahlin pool, and directly to the Gungahlin Community Council. Ms Castley knows exactly what is going on at the Gungahlin pool and she knows exactly the reasons why there has been a delay.

I am as frustrated as everybody else in Gungahlin that uses that pool facility that it has been out of use for some period. It is incredibly frustrating and distressing for the Gungahlin pool community. That is why we have been getting on with the work to make sure that it can be upgraded and repaired as soon as we possibly can. Unfortunately, the international health pandemic impacted the ability to recruit the workers to do the actual work.

MADAM SPEAKER: A supplementary.

MS CASTLEY: Will the government provide financial compensation—in light of no date for the pool to open on the website—to members, including squad swimmers, forced elsewhere because of the pool's closure?

MS BERRY: We are working with the pool community about what that might look like in future. A couple of the other things that the government has invested in as far as the pool repairs are concerned include discussing with some of the pool users some of the upgrades that could occur at that pool in the meantime as we are doing the repairs on the tiles and the membrane work. When we talked with the lap swimmers, as well as the water polo association, some of those upgrades were about ensuring that we could make the pool's lighting better; so we are installing better lighting in the pool so that it is better for those pool user communities. In addition to that, we are doing noise-muffling works to make sure that the pool is a bit less noisy when water polo activities are occurring in the pool. Those are two additional measures that the ACT government had taken on in discussions with the pool communities as far as making those upgrades better and bringing the pool back in better condition than it was.

MADAM SPEAKER: A supplementary, Mr Milligan.

MR MILLIGAN: Minister, how much financial compensation is the government paying YMCA New South Wales due to the pool's closure?

MS BERRY: I will take that question on notice.

Umbagong District Park—facilities

MS CLAY: My question is to the minister for city services. Minister, can you provide an update on planning and works for new and improved footbridges in Umbagong park in Latham?

MR STEEL: I thank Ms Clay for her question. As she would be aware, the ACT government understands the real importance of Umbagong District Park, both culturally and as a place of recreation for the community. That is why it has been disappointing that three bridges in the park have been closed. That came about as a result of the ACT government undertaking checks on the bridges. Those inspections revealed safety issues. As a result those bridges have been closed for the time being.

We are now undertaking detailed investigations of the ecological values of the area. That is part of the necessary due diligence that is required before we look at the replacement bridges to be provided in this area. This work will continue. I look forward to updating the community, as this work progresses, on how that might affect the timing of the provision of replacement bridges.

MS CLAY: Minister, can you tell me when you expect works to commence and when they might be completed?

MR STEEL: I thank the member for her supplementary. This is subject to the work that is required. We know that Umbagong park reserve contains ecological values that may be matters of national environmental significance, and that may be protected under the Environment Protection and Biodiversity Conservation Act. As a result of those cultural and heritage values, we need to undertake an ecological survey and heritage assessment to address those issues, ahead of undertaking design work that is required.

We look forward to consulting with the community going forward. If we do need to replace those bridges with new bridges, we will be consulting with the community on those designs. I look forward to updating the community as things progress, but we certainly understand the inconvenience that this poses to people using the park. We ask that they do not use the bridges, which are signposted.

I also acknowledge that this matter has been raised with me by both the Deputy Chief Minister, Ms Berry, and Minister Cheyne. I know constituents have been raising it with them. On the basis of those representations, we have been making sure that any vandalism to the fencing blocking off these bridges has been addressed, and we will continue to keep an eye on that going forward, whilst we work on the ultimate rectification works and possible new bridges over the creek.

MR BRADDOCK: Minister, are there any long-term plans to improve recreational access or the facilities at Umbagog park?

MR STEEL: Certainly, we know this is an important place for recreation. As we undertake this important due diligence work, we will look at ways that we can enhance the recreational amenity of the area. It is important that people have access to each side of the creek for recreation. When we are doing so, we need to make sure that we are protecting the cultural and heritage values of this important park, which has played an important part in the life of Canberra for thousands of years, not just in the life of Canberra since the city has been established.

This is something on which we will be consulting with the community, regarding what they would like to see delivered in terms of making sure that we provide access over the creek. We will be interested in getting the community's views as we progress with this project. But it will take a period of time for us to do these initial assessments to inform that work before we go out for community consultation.

Government—zero emissions vehicles

MR CAIN: My question is to the minister for emissions reduction, which according to the Chief Minister is not a significant portfolio. In a report tabled earlier this year the Auditor-General criticised your government for insufficient public reporting about its actions relating to zero emissions vehicles. In fact, the Auditor-General found the only detailed commentary on the implementation of actions is contained in a secret report the government has not released. The Auditor-General concluded that “local public interest is likely to be high but dedicated detailed reporting is not public.” Minister, what is this secret government report, and why have you not released it?

MR RATTENBURY: I am trying to recall that reference. I will take the question on notice and get back to Mr Cain quickly. I can say that we have been very upfront with the community about our zero emissions vehicle program. In fact, as one of the owners of probably the single largest zero emissions vehicle fleet in Australia we have made enormous progress. We have talked to the community about it frequently. We are working with other governments to share the lessons we have learned. We have set up the Fleet Advisory Service to share the knowledge the government has learned with companies in town and not for profits who also own fleets. We have certainly not been shy in sharing information. I will check that and get back to Mr Cain as quickly as I can.

MR CAIN: Minister, I guess this may also be taken on notice, but will you release this report about the implementation of government actions to reduce vehicle emissions, given the high level of public interest in the issue?

MR RATTENBURY: I will take that on notice in light of my answer to the first question.

MS CASTLEY: A supplementary. Minister, how can Canberrans hold your government to account when there is so little public reporting of your activities to reduce vehicle emissions?

MR RATTENBURY: We have a range of accountability mechanisms and reporting that takes place every year. For example, the minister's annual report on climate change details a lot of this information. Members are free to come in here and ask, as they are doing today, about these matters. There are a lot of measures there. I will check on that other matter and, as I said, I will come back to Assembly with more information.

Citizenship—ceremonies

MR BRADDOCK: My question is for the Minister for Multicultural Affairs. Minister, I have constituents concerned about the backlog of citizenship conferral ceremonies due to the COVID lockdown preventing citizenship ceremonies. What is the government's plan to address this backlog?

MS CHEYNE: I thank Mr Braddock for the question and his interest in this. Yes, lockdown did affect our ability to hold citizenship ceremonies due to their very nature, being held in person. Citizenship is something that is a matter for the Australian government, but we work in partnership with the Department of Home Affairs in conducting citizenship ceremonies. The Department of Home Affairs conducts its own, but it works with the ACT government and also with city councils across Australia in determining when those citizenship ceremonies are held.

We know that there is a backlog that is consistent right across the country. The backlog, as I understand it, is less in the ACT than in the majority of the states. What we are doing to assist with this is have as many people as we possibly can in the citizenship ceremonies. That has meant fewer guests or no guests due to the density restrictions. We did restart our citizenship ceremonies in November, and we have been holding three a day instead of the usual two a day. We will be continuing to do this throughout the coming months until at least March. That should help us clear up the backlog.

It is important to note that we do not get a list of everyone who is waiting from the Department of Home Affairs. We usually get advised two or three weeks before the next scheduled citizenship ceremony. So I cannot provide specific advice on when someone's citizenship ceremony may be held, but people are very welcome to contact the Department of Home Affairs.

MR BRADDOCK: Minister, have you made representations to the federal government to increase their level of citizenship ceremonies to address the backlog?

MS CHEYNE: No, I have not at this stage, but we do have a meeting of multicultural affairs ministers in the coming days. I will be happy to raise the issue then.

MR DAVIS: Minister, based on your conversations with your federal government counterpart, when do you expect to get on top of the ACT's backlog?

MS CHEYNE: It might depend on whether the federal minister will agree to the Department of Home Affairs processing a few more. I expect that the additional ceremonies that we will have—we also have ceremonies coming up next week and

then we will have ceremonies in January, February and March—should help clear the majority of the backlog. We have been looking at some different ways that we might be able to host citizenship ceremonies on a bigger scale, but this is all subject to the health advice.

Arts—COVID-19

MR PETTERSSON: Minister, how is the ACT Government supporting artists through the COVID-19 recovery?

MS CHEYNE: I thank Mr Pettersson for the question. It is well recognised, including by everyone in this place, that artists have had among the most difficult time since COVID hit in March 2020 in Australia. I am pleased to share with the Assembly that the ACT government is standing up for, and supporting, our arts communities with a range of ongoing and new initiatives. I just announced today that 68 Canberra artists, musicians, film makers, performers and other creative practitioners will receive grants through the latest HOMEFRONT and the Arts Activities \$5,000 to \$50,000 funding rounds.

I am also delighted to announce that Canberra artists and creatives can apply for the next round of \$5,000 to \$50,000 Arts Activities funding, which opened today. Applications for that will close on 28 February 2022. To support successful Amp It Up! recipients, who represent some of our most beloved ACT live entertainment venues we have extended the performance period for proposed shows under this COVID response program until the end of March 2022. Members will recall that it was initially supposed to be until the end of the November this year. This is obviously in recognition of the disruptive impacts of the recent lockdown on our live music sector and night-time economy.

Another initiative I would like to mention is the Creative Recovery and Resilience program, which has been designed to focus on the employment and economic stimulus for the ACT creative sector. That is supported by an investment of over \$700,000. Six new projects are currently being delivered in partnership with local organisations not only to build their capability and capacity but to provide opportunities to artists and art workers. We have seen extraordinary resilience and perseverance through the arts sector over the past two years, but it is critical that we provide these supports to ensure that the sector not only bounces back but continues to prove why Canberra can be positioned as Australia's arts capital.

MR PETTERSSON: I have a supplementary question. Minister, can you please provide some more detail about the types of projects funded through HOMEFRONT.

MS CHEYNE: I thank Mr Pettersson for the question. HOMEFRONT was announced, as members will recall, in 2020 in response to the immediate and devastating impacts of COVID-19 on artists in Canberra. ACT artists were eligible to apply for up to \$10,000 per application, with the express purpose of supporting their ongoing artistic practice during the pandemic. In this third round of HOMEFRONT, 54 applicants, representing a range of artistic disciplines will share in over \$350,000 worth of funding. In total, the HOMEFRONT program has now supported 179 artists

across the three funding rounds over the last two years. This represents a direct financial investment of over \$1.3 million to ACT artists and creatives.

Some successful applicants who were receiving HOMEFRONT grants in this round include musician Angus McAndrew, who will receive \$8,000 to record, mix, master and produce a video for new songs by local act Neko Pink; performer Shawnah Cady, who will receive \$7,865 for video equipment and mentorship for their *A Daddy and a Diva* show; and Paul Bissett who will receive \$9,693 to work with a script consultant and produce to write a new draft of a screenplay for a horror feature film.

MS ORR: Minister, what support is the Government providing artists through the \$5,000 to \$50,000 Arts Activities funding round?

MS CHEYNE: I thank Ms Orr for the question. Arts Activities funding is available to ACT-based artists at all stages of their careers, and to organisations providing the Canberra community with opportunities to engage in the arts. The initiative supports artists, groups and arts organisations to undertake a broad range of activities, including art-form based projects, mentorships, residencies, professional or skills development and opportunities for the community to actively engage in the arts. Arts activities for the \$5,000 to \$50,000 funding round is open twice a year and provides funding to Canberra based artists and arts groups for one-off projects. A total of 14 artists will receive funding through this latest round, and that totals over \$360,000.

Some examples of arts activities recipients include Sputnik Sweetheart, who will receive over \$13,000 to produce their new EP, *Something More*; Crossroads Movement, who will receive over \$22,000 to develop their artistic practice and a new dance work titled *Sashay Café*, and ArtSound FM, who will receive over \$11,000 to pilot a media training course to support visual arts organisations in the ACT. I congratulate recipients of the most recent funding round, and look forward to seeing and hearing the work our wonderful Canberra artists will produce.

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

Planning—Gungahlin cinema

MR PETTERSSON (Yerrabi) (3.03): I move:

That this Assembly:

(1) notes that:

- (a) the ACT Government recognised the need for expanded entertainment options in Gungahlin by selecting the site on the corner of Efkarpidis Street and Hinder Street for a cinema development in 2012;
- (b) a competitive tender process was undertaken in 2013 and the site was released to the purchaser;
- (c) following a range of delays on the part of the successful tenderer, the project was given approval in 2017, however, construction was further delayed due to legal action between two competing cinema operators;

- (d) new plans were lodged and approved in 2020, with construction due to start in mid-2020;
 - (e) on 12 November 2021, *The RiotACT* reported that the developers still had no timeline to start construction. If construction had commenced on schedule, the complex would have been completed in February 2022;
 - (f) the Gungahlin community has been waiting for the completion of this cinema project for almost 10 years; and
 - (g) there is ongoing uncertainty surrounding this project and when Gungahlin residents will finally have a cinema;
- (2) acknowledges the:
- (a) release of Draft Variation No 364—Gungahlin Town Centre by the ACT Government;
 - (b) recent inquiry from the Standing Committee on Planning, Transport and City Services into Draft Variation No 364—Gungahlin Town Centre; and
 - (c) forthcoming ACT Government response to the Standing Committee’s inquiry; and
- (3) calls on the ACT Government to:
- (a) confirm its ongoing commitment to delivering a cinema in Gungahlin;
 - (b) meet with the developer of Gungahlin cinema, Krnc Group, within the month to determine their capacity to secure finance, commence construction within the development approval deadlines and deliver a cinema complex for the residents of Gungahlin;
 - (c) consider setting an end date for the completion of works under the lease;
 - (d) revise the guidelines for granting extensions on development applications to ensure greater certainty for the community on development timeframes; and
 - (e) encourage retail, entertainment and hospitality providers to commence or expand operations in Gungahlin.

I am pleased to rise today to call on the ACT government to reaffirm its commitment to deliver a cinema in Gungahlin and to reaffirm its commitment to the people of Gungahlin to continue working to make our town centre even better.

Town centres play an important part in the life of any community. They are often where community gatherings take place. There is a social hub. It is where people go to dine, to watch a movie and maybe, every so often, go on a little shopping spree. Gungahlin town centre does not, however, deliver these things in the way the community wants. As a result, there is a real risk that Gungahlin becomes a permanent commuter district. It is great if you are a Belconnen or Civic shop owner—you will have lots of extra patrons venturing to your shop—but it is a real problem for the heart and soul of Gungahlin.

To add to this, we heard just a few weeks ago that the long-awaited Gungahlin cinema, which should have been finished by February, on its most recent time line, is on hold once again. This cinema was first promised in 2012. The ACT government knew back

in 2012 that a cinema would be a good thing for Gungahlin. They were not wrong, and they are not wrong today. A cinema for Gungahlin would be a really, really good thing.

For those less acquainted with the Gungahlin cinema project, here is a short time line: in 2012 the ACT government listened to the community and allocated a site in the town centre for a cinema development. The tender process in 2013 was competitive, and a site was released to the purchaser. There were delays until eventually plans were approved in 2017. Then came the second major delay, a court battle between two competing cinema chains, best described as being about who had the rights to operate the cinema in the new development. Finally, new plans were lodged and approved in 2020. If construction had started on the most recent schedule, the complex would have been completed by February.

But that is not what happened. Instead, frustratingly, the Gungahlin community has watched the block of land released to become a cinema sit there as a pile of dirt for nearly a decade. To make matters worse, as we talk about delays for the cinema, there has not been a delay in the construction of other projects in Gungahlin. The empty block of land next to the cinema has been humming away as a construction site as a new office block has emerged. New apartment buildings are starting to emerge. This is not a construction problem. There is not a shortage of builders or materials.

A few weeks ago RiotACT reported that the developers still had no time line to start construction. Almost 10 years after the project was first considered, construction still has not commenced. That is why today I am calling on the ACT government to reaffirm its commitment to delivering a cinema in Gungahlin and I am calling on the government to do whatever it can to ensure that this cinema is delivered as soon as possible.

Our community is consistently let down by developers who hold the ACT government to ransom, pushing back delivery dates on projects with the knowledge that the government will always grant them an extension. Do not get me wrong, being able to grant extensions on development applications is important, but too often this is abused by developers who do not have the best interests of the community in mind.

This is why I am calling for a revision of the guidelines used for granting extensions on development applications. Our community should not be let down over and over again by developers who cannot commit to their own projects.

Gungahlin is the only town centre in Canberra that does not have a cinema. Gungahlin is also one of the youngest parts of the city, with many young families, children and lots of teenagers. It is just the done thing in Gungahlin that, when it is movie night, everyone hops in the car and drives over to Hoyts in Belconnen. It may seem like a small thing to some members in this place but it is hard to build a town centre when you do not have anchor tenants like a cinema. There is no late-night shopping in Gungahlin. There are a limited number of hospitality venues providing dine-in offerings into the evening, and a cinema will help change that.

Earlier this year I conducted a survey of the Gungahlin community about what kinds of retail and hospitality venues our community would like to see more of in Gungahlin. Overwhelmingly, people wanted to see more entertainment options in the town centre. Over 67 per cent of the respondents wanted more entertainment in Gungahlin. Additionally, many respondents wanted to see more restaurants and bars in the town centre too. And more retail outlets were not far behind. That is why today I am also calling on this government to do more to encourage suitable retail, entertainment and hospitality providers to commence operations in Gungahlin.

Light rail has given Gungahlin an incredible opportunity to become better connected with the rest of Canberra and to become a destination for families and young people looking for something to do on the weekends. This government's investment in public transport has made Gungahlin more accessible than ever before, but now we need to make sure that there are even more reasons to come to Gungahlin.

It is not all doom and gloom. I genuinely believe that the Gungahlin town centre has a bright future ahead. With more development in our town centre will come more opportunities and more activation. The space utilised in our town centre for productive uses is quite limited. There are still lots of paddocks and surface-level car parks to be reinvented for more useful developments. That is why I believe it is so important, at this critical time, that we make sure that the Gungahlin town centre is filled in with the right things, like a cinema. A Gungahlin cinema needs to be built. It should already be built. Gungahlin residents have waited a long time, and I believe it is time they got their cinema.

MR MILLIGAN (Yerrabi) (3.10): I share my community's frustration about the extended delays for this long-awaited cinema complex in the Gungahlin town centre. The initial delays had a lot to do with the government not enforcing development requirements with the successful bidder, which took four years to resolve.

The developer then appeared to make a mistake by endorsing two cinema operators, resulting in lengthy court delays where no useful information was released and zero progress was achieved. After a resolution was reached, the development application was approved, with some conditions, on 7 April 2020. Relevant plans for the development were endorsed. This triggered a two-year time frame for construction to commence. This period ends in early April next year. The Assembly should note that this time line specified the commencement of construction, not completion.

The Canberra Liberals recognise that this project is purely a commercial development and that the construction process is subject to market conditions and other relevant commercial factors. We support the government in its commitment to deliver a cinema in Gungahlin but feel it has only achieved this through the purpose of releasing the original tender.

We accepted the purpose of meeting with the developer, but this meeting should be restricted to exploring how the government may be able to assist in expediting the construction process. A viable outcome could be supporting the developer to ensure that the cinema development proceeds and is completed in a timely manner, consistent with the agreed time frame.

It is obvious that the COVID crisis has severely impacted commercial developments in Canberra. It needs to be recognised that developments in IT plus COVID-related restrictions have affected the viability of entertainment and hospitality developments. The government should not be seeking to impose additional burdens on the commercial sector by introducing new restrictions or regulations such as the proposal to revise guidelines for granting extensions on development applications.

This motion could affect all developments and should be referred to a proper committee inquiry, rather than using an off-the-cuff process to push the debate at this level and at this time. The government could, however, be proactive in supporting the development and construction of a far broader range of retail, entertainment and hospitality venues and businesses in Gungahlin. This is needed to increase the critical mass and patronage necessary to sustain a growing local population.

A strong message needs to be sent that commercial development is important for the growth of the Gungahlin town centre; yet the commercial sector needs to be convinced that the government will ensure that the right environment is provided for their participation. In conclusion, we accept the reasons for this motion and feel the frustration of the community, and we call on the government to provide assistance to ensure that this vital piece of infrastructure is built for the Gungahlin town centre and Gungahlin residents.

MR BRADDOCK (Yerrabi) (3.14): More than 25 years after the first houses in Ngunnawal and Palmerston went up, the 76,088 residents who call Gungahlin home are still waiting for their cinema. There are babies who were born in Gungahlin who are now adults. The most popular baby girl's name in the year 2000 in Canberra was Emily—happily, also the name of my daughter. But let us tell the story of little Emily born in 2000.

Emily was born to a family living in Ngunnawal in the brand-new district called Gungahlin. This was a newly developing part of town in what was pretty near to the outskirts of Canberra, surrounded by sheep paddocks. Just two years before she was born, the marketplace had been opened. With time, more suburbs popped up: Nicholls, Gungahlin, Franklin, Harrison and Amaroo. After a period of 12 years the cinema was announced for a rapidly expanding population.

Emily, of course, being then at the age of 12, was very excited about this. It was supposed to be that, by the time it was finished, she would be old enough to go to the movies without her parents, and she was looking forward to going there with her high school friends. Delays, however, happened and she was 17 by the time the cinema was actually approved. "Never mind," Emily thought, "I can go there with my college friends." Then there was legal action, followed by yet more delays. By the age of 20, Emily thought, "Perhaps I will be able to go there with my uni friends."

Emily is now 22 and about to graduate university. Her entire childhood has gone past and Gungahlin is still waiting for its cinema. A whole generation of Gungahlin kids have lost out due to these delays.

Gungahlin residents want to see a greater range of activity in the Gungahlin town centre. We do not want to be just a dormitory suburb. We need to do better for Gungahlin. There is a great opportunity here to get it right. We need to celebrate, as a strength, that Gungahlin is still in the process of defining itself.

When commercial and community land is sold but not developed for essential community facilities such as shops, cafes, halls et cetera, our community loses out. The site that was chosen and approved for a cinema a decade ago is still sitting there, vacant and empty. This experience, amongst others across the ACT, demonstrate that our current policy settings are not strong enough to prevent land banking, to the ultimate detriment of the community.

We need to examine those policy settings, look at the carrot on the stick within the ACT government's toolbox that may be utilised to improve the outcomes for the community, understand the intended and the unintended consequences of those very tools and determine a better path forward. We need to make sure that we take this once-in-a-generation opportunity that exists in our current planning review to do exactly this, to generate a better range of tools that we can utilise to make sure that the land is used for the benefit of the community. We also need to look at the guidelines to enforce lease clauses.

It is really important that, when the ACT government enters into a lease with a commercial entity, it actually follows through with that, in order to see that the services to the community have been provided. It is really important that, if the lessee is not in a position to provide those much-needed services for our community, there are processes in place that the ACT government can rely on to either enforce the lease clauses or to ensure that the leases are relinquished, or somewhere in the range in between.

We know that there are tensions here, and we need to balance the rights of individual leaseholders with the needs of the community. But we need to get that mix right. The ACT government should enforce all terms of current leases and should not waive conditions, terms and fees unless there are truly exceptional circumstances at play. As part of the planning review, the ACT government should investigate and introduce a mid-level compliance and enforcement tool, to deter these types of lengthy delays and to ensure that the ACT government has a means of enforcing lease compliance that lies somewhere in between the termination of a lease and just a mere talking to a leaseholder.

We also need to examine the economic incentives that are at play, because at the moment landowners factor paying rates into the costs of banking land as part of doing their business, confident that the capital gains and/or the profits from a development will eventually make the venture profitable. Former Greens MLA Caroline Le Couteur advocated for a vacancy tax on residential property. It is now time to examine the economic incentives for commercially zoned property to see if we have the balance right.

We are a steadily growing territory here, and ensuring that the land we have to develop is not left to stagnate on the shelf is extremely important. Our community deserves the security of knowing that, when the government approves a development on a certain piece of land, the community can benefit from that approved service. This is true for all development.

I am sure every electorate across Canberra has one example. For us in Yerrabi, it includes the Giralang shops. We need a mechanism to ensure that developers can be held to account if they do not develop what they say they will do in the time that they have been given to do it. We cannot afford to let another generation of kids grow up and move out before this is done. This is not just a problem; it is an opportunity to get this right. So for little Emily and for all Gungahlin residents, let us not just live in Gungahlin; let us *live* in Gungahlin.

MS CASTLEY (Yerrabi) (3.20): In Mr Pettersson's motion calling on his own government to honour an election commitment made in 2012—yes, 2012—he refers to a recent article in which he claims this is an issue he is deeply passionate about, not just passionate about or very passionate, but deeply passionate. The point I do not understand is that Mr Pettersson was an MLA in the last Assembly. He was elected on 26 October 2016. What, if anything, did Mr Pettersson do in the last Assembly about an issue he claims he is deeply passionate about?

As I said earlier, having a cinema in Gungahlin is a promise, an election promise. This government made it, way back in 2012. I refer to an article dated 26 November 2013 where our now Chief Minister, Andrew Barr, announced that work would commence in mid-2014—more than seven years ago. It was a seven-screen cinema for more than 2,000 patrons.

These government announcements are always made with such fanfare, aren't they? The government trumpet that they are delivering on their election commitments, rah, rah, rah. The problem is: rarely is there ever any follow-up. But, thanks to Mr Pettersson bringing forward this motion today, we can shine a spotlight on the issue and ask Mr Pettersson, along with Mr Barr, "Where is the cinema you promised way back in 2012?"

Let us revisit Mr Barr's words when he announced the cinema in late 2013:

Delivering on this election promise is yet another example of the Labor government's continued commitment to the growth of the Gungahlin town centre.

The problem is: the government has spectacularly failed to deliver its election commitment but still expects Canberrans to believe it is committed to the growth of the Gungahlin town centre. What a joke! We all know that actions speak louder than words, and all too often from this government we get bombarded with words. As for the action, we just wait in hope.

Mr Assistant Speaker, you cannot underestimate the importance of a cinema complex in a town centre like Gungahlin, where entertainment options are so few. I moved to Gungahlin in 2010. Back then my kids were 13 and eight, the perfect ages to take to the movies. There was always so much talk about a cinema complex coming to Gungahlin, but it never happened. Like the rest of the Gungahlinites, we trekked to Belconnen. Of course, this meant that so much business and economic activity was lost to Gungahlin and it benefited Belconnen's restaurants, bars, cafes and, of course, their cinemas. This is yet another example of the government's blatant neglect of Gungahlin.

As we heard today in question time, you only have to look at the ministerial line-up of this government to know exactly where the Chief Minister's priorities lie. It is the Chief Minister who decided that Gungahlin would not have a minister to represent the fastest growing area in the ACT and it is the Chief Minister who instead chose not one or two or three but four ministers for his own inner city electorate of Kurrajong. So much for Mr Barr's claims of the Labor government's continued commitment to the growth of the Gungahlin town centre!

Another example of appalling government neglect of Gungahlin is the fact that our 50-metre pool is still closed. Again, back to question time: we heard that 1 December was the day that sports minister Berry promised that the pool would open. It has not, and Gungahlin residents and their families still have no idea if the pool will open for summer, for the school holidays. The government looks the other way as Gungahlin families are forced to trek hundreds of kilometres every week to take their kids to squad training at other pools, whether it is in town, Belconnen or Stromlo.

Before concluding, I would like to revisit Mr Pettersson's claim of being deeply passionate about a cinema complex for Gungahlin. Given Mr Pettersson's deep passion and the fact that this is his second term in the Assembly, you would expect him to have given numerous rousing speeches about this since 2016. However, my search of *Hansard* did not reveal one.

Earlier this year, on 10 February, Mr Pettersson did speak about the need for more facilities and jobs in Gungahlin, which I absolutely support, but his three-page speech did not contain one mention of the cinema. All I found in my search was an article about the cinema from March 2017, in which Mr Pettersson was quoted as saying:

The community has been calling for these facilities. This will mean residents will not have to travel as far for a night out or to entertain the kids in the holidays.

Sadly, Gungahlin residents still have to travel for a night out at the flicks. They still are unable to entertain their kids during the holidays, plus they do not have a 50-metre pool.

The Canberra Liberals will not oppose this motion because the Canberra Liberals want the cinema built. It should have happened years ago. Election promises are meant to be delivered, but the government seems to disagree. The Canberra Liberals urge the government to honour its election promises, particularly the ones that are nine years old.

How long do Gungahlin residents and their families have to wait before they can get out the popcorn and get their choc tops and take in the previews and the latest releases? Peter Elford from the Gungahlin Community Council recently said of the Gungahlin cinema saga, “It just feels like it is almost a mythical thing that is never going to happen.” Sadly, particularly in Gungahlin, so much feels like it is almost a mythical thing that is never going to happen, thanks to this government’s neglect of my area.

MS CLAY (Ginninderra) (3.27): I would like to thank Mr Pettersson for bringing his motion to the Assembly today. I will not speak for long, but I want to raise a few points. We have heard a lot about Gungahlin this year and it is clear that there are lots of opportunities for us to learn from the development of Gungahlin and its surrounding suburbs.

What struck me most about this motion is an issue that has been coming up for me a lot in the last year, in various capacities, both in my parliamentary work and in my work as a local member. The issue is this: when and how should government enforce lease clauses? This is not a subject matter that would have captured my interest a year and a half ago, when I was busy working in climate change, recycling and the arts. But now that I am here in the Assembly, representing the people of Belconnen and Canberra, and now that I am chairing the planning committee, I realise how important it is to get these details of planning law and enforcement right. They really do affect people’s day-to-day lives.

When lease clauses are not enforced, what happens? Buildings are not built on time. Services are not provided to the community. Leaseholds are kept untidy and insecure, becoming eyesores and sometimes hazards. I have received a lot of complaints about all these issues from my constituents, as I am sure every other MLA has.

The issue is complex and it applies not just to commercial entities. It applies to residences as well. It is complex because there are a whole range of issues behind it, a whole range of reasons why companies and individuals do not do what they said they would do and do not do what they are meant to do. Sometimes it is deliberate and sometimes it is not. It is an important issue that is coming up time and again in that committees I sit on and in estimates.

Without going into the detail, government has a fairly hands-off approach at the moment. I am not convinced that that is working and I am confident that we can do better under our new planning system. In the context of that broader planning review, I welcome this discussion today. When it comes to lease squatting, the slow or underdevelopment of commercial buildings and lease non-compliance, it is our community that ultimately misses out. It is our community we answer to and it is our community we must serve. Given that our developable land is finite, we need to make sure that what we build counts, that it is of good quality and that it is used well and as it was intended to be used.

I look forward to future discussions on what solutions might look like for this complex issue. I join my colleague Mr Braddock and say that the ACT Greens are happy to support this motion.

MR PETTERSSON (Yerrabi) (3.29), in reply: It is with great pleasure that I rise to close this debate. I thought today's motion was going to be an inclusive motion on which all members of Yerrabi would come into this place and speak to the important issue that is the Gungahlin cinema. Unfortunately, not every member got the memo. It seems that some members discovered the *Hansard* website recently and thought that they were making a significant contribution to the debate about the future of the Gungahlin town centre by trawling *Hansard* archives to make a point.

Unfortunately, that is not how you win hearts and minds in Gungahlin. If you want to win hearts and minds in Gungahlin, what you do is you speak to the issues that they care about, which is why I brought forward this motion. The people of Gungahlin are frustrated that they are still waiting for their cinema.

I listened with great, great focus to what the Canberra Liberals members had to say, because the residents of Gungahlin are singularly focused on getting a cinema built. Seemingly, the Canberra Liberals are thinking of the softest way they can say something about the cinema without offending a property developer. Seemingly, the only reason the Canberra Liberals exist in this place is to say nice things about property developers. There is no chance that members of this place on the opposition benches would say something that would reflect negatively on a property developer, even when the residents of Gungahlin are waiting. They are waiting for a property developer to get their act together and build a cinema. I hope that one day the members of the Canberra Liberals can grow a spine and say something about a property developer who is not delivering what they intended to deliver.

I know the residents of Gungahlin are frustrated. They are frustrated that this has taken so long. The government is not perfect in this story, I will admit that. However, we are committed to getting this done, which is why encouraging the government to meet with these developers to find out what the hold-up is and to find how we can resolve this impasse is a good thing.

I am glad that all members will vote in support of that today, because Gungahlin residents deserve entertainment options in their town centre. Young people need somewhere to go; they need entertainment options in their town centre. I am sure all the Yerrabi members can speak to this as well but, for members that do not hang out in the Gungahlin town centre too often, if you hang out at the front of McDonald's or KFC after school, that is where all the schoolkids hang out, because there is nowhere else for them to hang out. And if they are not hanging out there, they are doing mainys up Hibberson Street between the different supermarkets.

I think we can do something better for the youngsters in Gungahlin. I think we can do something better for the adults of Gungahlin that are looking for something to do in the evening, maybe on the weekend, with the family. So I am excited for a cinema to open up in Gungahlin town centre. I do not just want to see a cinema; I also want to see hospitality and retail come to Gungahlin town centre, because we need a holistic approach in making Gungahlin a town centre that people want to come to.

The residents of Belconnen are very proud of the Belconnen town centre. The residents of Woden and Weston Creek love and are proud of their town centres. The residents of Gungahlin want more from their town centre, and that is what I think we should try and deliver in this place.

I look forward to seeing the ACT government progress this issue with whatever levers it has. I look forward to the cinema project being completed and I look forward to booking a movie ticket in the Gungahlin town centre soon. I look forward to inviting fellow members of this place, even the ones that like to engage in personal character attacks, to do so.

Question resolved in the affirmative.

Education—teachers

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

That this Assembly:

(1) notes:

- (a) that the ACT Division of Australian Education Union recently released their study called *Under-staffed, under-resourced, under-appreciated: The teacher shortage and its impact on our schools*—the biggest survey of ACT public school educators ever conducted in the ACT;
- (b) that study found:
 - (i) nearly all respondents (97 percent) said they work more than their maximum weekly hours. This includes working on the weekends, evenings and during periods of leave or stand down;
 - (ii) 79 percent say they work excessive hours every week:
 - (A) 59 percent of classroom teachers say this happens every week; and
 - (B) 70 percent of primary level classroom teachers say this happens every week;
 - (iii) almost all teachers report working unpaid overtime every week with more than 40 percent of them working 10 or more hours, and even more hours when weekend work is included;
 - (iv) teachers regularly supply classroom materials and resources from their own pockets; and
 - (v) according to the report “The harsh reality is that ACT public school teachers subsidise the ACT Government’s spending on education to the tune of at least \$75 million every year on salaries alone”;

(2) further notes:

- (a) wage theft is a major issue in modern Australia, is criminalised in some states and is being reviewed in all others;
- (b) the Australian Council of Trade Unions has claimed wage theft has reached “epidemic” proportions and the exploitation of workers is widespread, while Victorian Minister for Industrial Relations, Tim Pallas, has said “wage theft is an insidious crime”; and

- (c) many cases have been brought to courts, tribunals and the Fair Work Ombudsman relating to wage theft and underpayment via individual or class actions or through self-reporting; and
- (3) calls on the ACT Government to:
- (a) self-report the salaries, working conditions and underpayments of those working in the ACT education system to the Fair Work Ombudsman for review and assessment; and
 - (b) if that review shows teachers have worked unpaid overtime or otherwise subsidise the ACT Government, undertake an assessment as to the amount of that underpayment and proper compensation be paid to teachers.

This motion looks at what could be one of the worst cases of worker exploitation in the history of the ACT. That is a serious claim, but I am not the one who is making that claim; it is a claim being made by the workers themselves and their union. What makes it worse is the fact that the workers in this case are our teachers, our primary and high school teachers, who are at their wit's end. That is why I will not make this case just with my words but with the words and the comments of teachers themselves.

Members of the ACT division of the Australian Education Union recently released a study called *Under-staffed, under-resourced, under-appreciated: the teacher shortage and its impact on our schools*. That was the biggest survey of ACT public school educators ever conducted in the ACT. I quote from the report, which provides the facts, figures and comments:

Teachers and principals are working excessive hours to meet the demands of the system. Nearly all (97%) said they work more than their maximum weekly hours. This includes working on the weekends, at evenings and during periods of leave or stand down.

More than one third of principals work between 10-15 hours over-time per working week and a further third work more than 20 additional hours per week. This does not include weekend hours.

Of our SLC respondents, 79% say they work excessive hours every week, and 59% of classroom teachers say this happens every week, including 70% of primary level classroom teachers.

Three quarters of respondents reported working more than five hours over-time per week on weekdays.

More than 40% are working more than five hours over-time on their weekend.

Three of every five respondents are working more than 10 hours per week during stand down (school holidays), which is stipulated in the Enterprise Agreement as time when teachers are not required to attend work "in recognition of the breadth of their professional responsibilities".

Almost all teachers report working unpaid over-time every week with more than 40% of them working 10 or more hours, and even more hours when weekend work is included.

These figures are consistent with national surveys that report the same findings and link this additional workload burden with burn out and attrition. Clearly, such findings demolish the popular illusion that teachers work 9am-3pm, Monday to Friday and enjoy weeks of additional holidays.

The report continues:

We asked principals and deputy principals how many hours on average they spend on work unrelated to their leadership responsibilities.

Two thirds (66%) say they spend at least 10 hours a week on this. We asked teachers in all settings how much time they need to prepare lessons and how much non-teaching related work they have on their plate.

The report continues:

Adding the weekend to this, where 43% of respondents report working for five or more hours, we arrive at an average workweek of 45 hours and 39 minutes. This far exceeds the maximum weekly hour limit of 38 hours set by the Fair Work Act.

I will say that again:

This far exceeds the maximum weekly hour limit of 38 hours set by the Fair Work Act.

The report continues:

Given this, a conservative estimate would have that 20% of teachers' work is unpaid.

Using this data, we can make estimates as to the extent that AEU members are subsidising the ACT Government's education budget.

The average teacher earns a salary of \$100,000, which means they are underpaid about \$20,000 (20% of their work).

There are approximately 3,794 teachers in the ACT. If we multiply this number by \$20,000, we arrive at \$75.88 million.

The harsh reality is that ACT public school teachers subsidise the ACT Government's spending on education to the tune of at least \$75 million every year on salaries alone.

That is the crux of this motion today: public school teachers, through unpaid overtime, may be subsidising the ACT government by up to \$75 million a year. That is according to the Australian Education Union.

That is not the only cost that burdens teachers. In addition to the financial support being provided by teachers, there is a cost to their safety and wellbeing. Let me quote again from the report:

In addition to exploiting the hard work and goodwill of teachers, overwork is a serious safety issue.

Let me say that again, Mr Assistant Speaker, as I know that you often talk about workers' rights:

In addition to exploiting—

exploiting, Mr Assistant Speaker—

the hard work and goodwill of teachers, overwork is a serious safety issue.

This is from the Australian Education Union report. It continues:

Safe Work Australia's national guidance material on psychological health and safety and Safe Work NSW's Code of Practice regarding managing psychosocial hazards at work both highlight excessive work hours and demands as a hazard to worker safety.

They make clear that employers have a duty of care to manage common risks relating to role overload.

And the cost to their quality of life, Mr Assistant Speaker. Again, I will go back to the report. These are quotes from teachers:

I have no time for other pursuits and teaching becomes my whole life. If there was a larger permanent teaching and administrative work force in a school that could more effectively manage the myriad difficulties that educational professionals face daily, I would consider returning ...

We hear from the government in question time that apparently there are only 12 vacancies. I quote from the report:

I have been teaching in the ACT for 25 years. The job/expectations have changed drastically over this time, with an increase in workload, accountability, paperwork, duties, family expectations and so on, and a decrease in resources, respect, job satisfaction.

Full-time teachers are stressed and overworked. The main reason I work as a relief teacher is because, when working as a full-time teacher, I cannot cope with the pressure.

There is a term for this. If this was a large company—and you talk regularly about construction companies, Mr Assistant Speaker—such as a bank, an airline or a supermarket chain, this would be called wage theft. It is commonly known and widely condemned.

A November 2019 report by PwC found that the underpayment of Australian workers' entitlements was estimated at \$1.35 billion per year. This modelling was based on Fair Work Ombudsman data and showed that it affects up to 13 per cent of the total Australian workforce. Sadly, that may include our teachers.

Other states have recognised the problem to the extent that they have introduced legislation to address it. In June 2020 the Victorian parliament passed legislation establishing criminal penalties for employers who deliberately underpay or do not pay their workers. The Queensland Criminal Code was amended to enable wage theft to be prosecuted.

I turn now to the ACTU submission to the Senate committee inquiry into unlawful underpayment of employee remuneration on 6 March 2020. This is from the ACTU, Mr Assistant Speaker, and it includes statements that link to the situation here:

Wage theft goes beyond paying under-award wages and also includes the following:

Failing to pay overtime;

Not paying appropriately for higher duties;

Failing to pay for ‘on call’ periods, and:

Annualised wages being set, or falling, below award agreement minima, and/or not taking into account additional hours.

I will say that again for your benefit, Mr Assistant Speaker. Wage theft, according to the ACTU, is setting wages below award agreement minimums, and not taking into account additional hours. These key elements—unpaid overtime, unpaid on-call periods and wages being set without accounting for overtime hours—are what has been identified by the ACTU as wage theft. This is a practice that the ACTU called the “seedy underbelly of exploitation”.

It is a sad day, members, when the employer that we are discussing today is the ACT government, and the victims are our teachers. The question then, when we have a prima facie case on several fronts of what appears to be wage theft, is: what does this Assembly do about it? What do we do? I am not a workplace lawyer, but I know that we cannot have a report as troubling as this that has come before us, and for us to do nothing—and, worse still, for the government to investigate itself again, to send it to an internal review, and come back and say that there is nothing wrong. That is not acceptable.

I simply do not trust this government to review itself. We need, and our teachers deserve, a fair, impartial, expert appraisal of what is going on. Is this exploitation, as the AEU said? Is it wage theft, as is suggested by the ACTU? And what is the appropriate remedy? The motion today seeks to place this matter before the Fair Work Ombudsman, the umpire on these matters. The Fair Work Ombudsman, according to its website, includes the following functions:

provide education, assistance, advice and guidance to employers, employees, outworkers, outworker entities and organisations;

promote and monitor compliance with workplace laws;

inquire into and investigate breaches of the Fair Work Act;

take appropriate enforcement action;

perform our statutory functions efficiently, effectively, economically and ethically.

In short, they can look at this and they can provide advice on what is fair for our teachers. The Fair Work website states that they will examine cases involving work over maximum weekly hours. They state:

Maximum weekly hours forms part of the National Employment Standards (NES). The NES apply to all employees covered by the national workplace relations system, regardless of any award, agreement or contract.

That is the topic at hand—our teachers regularly working above their maximum weekly hours and burning out. Fair Work also makes this point:

We don't represent employers or employees. Our aim is to help everyone understand and follow the law.

That is what is required here—for everyone, including this government, to understand and follow the law. The Fair Work Ombudsman is the exact, correct place to provide advice on this matter, impartially, fairly and fully.

I will conclude today with these quotes from teachers, as they are the ones who will be affected most by this decision today. These are the quotes:

I experience daily, and nightly, concerns around funding this school. We are rapidly expanding ... have so many new educators, so many part time positions and absolutely no ability to reduce the need for split classes.

Thank you for knowing this is a dire need ...

Classroom teaching is absolutely full on and beyond hard work. There is not enough time to manage all the demands.

Only a few months ago, when I moved a motion regarding the Liberals' strategy for education, Greens and Labor members said there was no need for any review and that everything was fine. They congratulated themselves and attacked the Canberra Liberals.

Now is not the time for attacks. Now is the time for this government, for the Labor Party and the Greens, who claim repeatedly to represent workers and to represent teachers, to stand up for the teachers who struggle every day, in every class, in every school in our ACT education system.

A review by the Fair Work Ombudsman is legitimate, it is impartial and, most of all, it will give us an answer. It will be removed from politics and it will tell us how we can treat our teachers fairly. I would think that is what we all want in this place—for

our teachers to be treated fairly. I urge the Labor Party and the Greens to stand up for teachers, to stand up for what they purport to be their values and to support this motion.

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) (3.48): I am pleased to talk about and support, value and respect our hardworking teaching professionals in the ACT public school system. I thank Mr Hanson for moving this motion today. I move the amendment that has been circulated in my name:

Omit all text after “notes” (first occurring), substitute:

“(a) that the ACT Division of the Australian Education Union (AEU) recently released their study called *Under-staffed, under-resourced, under-appreciated: The teacher shortage and its impact on our schools*—the biggest survey of ACT public school educators ever conducted in the ACT;

(b) that study found:

(i) nearly all respondents (97 percent) said they work more than their maximum weekly hours. This includes working on the weekends, evenings and during periods of leave or stand down;

(ii) 79 percent say they work excessive hours every week:

(A) 59 percent of classroom teachers say this happens every week; and

(B) 70 percent of primary level classroom teachers say this happens every week;

(iii) almost all teachers report working additional hours every week with more than 40 percent of them working 10 or more hours, and even more hours when weekend work is included;

(iv) teachers regularly supply classroom materials and resources from their own pockets; and

(v) according to the report ‘The harsh reality is that ACT public school teachers subsidise the ACT Government’s spending on education to the tune of at least \$75 million every year on salaries alone’;

(c) that the AEU study demonstrates that action is required to address unsustainable workloads and a shortage of staff in the teaching profession;

(d) that, in response to the survey, the ACT Government and the AEU jointly formed a teacher shortage taskforce; and

(e) the AEU’s strong representation of teachers, who care deeply about their students;

(2) further notes:

(a) wage theft is a major issue in modern Australia, is criminalised in some states and is being reviewed in all others;

(b) the Australian Council of Trade Unions has claimed wage theft has reached ‘epidemic’ proportions and the exploitation of workers is

widespread, while Victorian Minister for Industrial Relations, Tim Pallas, has said ‘wage theft is an insidious crime’;

- (c) many cases have been brought to courts, tribunals and the Fair Work Ombudsman relating to wage theft and underpayment via individual or class actions or through self-reporting;
 - (d) that the ACT Government is doing the work to improve the lives of workers in Canberra through its Secure Local Jobs Code, anti-privatisation program, and union encouragement policy;
 - (e) that the extraordinary efforts of teachers during the ongoing global pandemic have been vital to our community; and
 - (f) that the national teacher shortage demonstrates the need to better recognise the value of the teaching profession; and
- (3) calls on the ACT Government to:
- (a) bargain in good faith when the teaching enterprise agreement expires to find enduring improvements to teacher workloads;
 - (b) continue to work closely with the AEU through the joint teacher shortage taskforce, focussing on recruitment, retention, and workload issues; and
 - (c) commit to working with public school teachers and their union to ensure that the ACT is the best place in the nation to be employed as a teacher.”.

Of course, we know that teachers work hard because they love what they do, and they care about their students. Teachers always go above and beyond for their students. Even when teachers were in quarantine, their families were in quarantine and they needed to switch to remote learning, they were still prioritising the learning of their students. That is why it is so important that we listen to them and that we keep their workload sustainable.

The ACT government has partnered with the AEU in a joint teacher shortage task force to tackle recruitment, retention and workload issues. The current teaching enterprise agreement made ACT public school teachers the highest paid in the country. That is because the ACT government genuinely values the teaching profession in our public schools in the ACT.

It is really important to state, and let us be clear: there is no systemic underpayment issue in public schools. Mr Hanson is simply clutching at straws here. He is completely misrepresenting the union survey. Teachers are telling us, through their union, that their workloads are unsustainable, and they want to see change in their workplaces. This is a serious issue, and that is why I am taking it seriously. That is why the ACT government is working in partnership with the union to make tangible changes to improve the working lives of teachers and to ensure that our public education system can continue to provide world-class education for Canberra families.

Mr Hanson is not interested in real solutions; let us be clear about that. The government has already been working with the AEU for months to improve the workload for teachers, based on what we heard in the survey. Public school teachers deserve their voices to be listened to genuinely and to be seriously taken account of, and that is what the ACT government is doing.

Here is the thing, Mr Assistant Speaker: Mr Hanson wants people to believe that the Canberra Liberals care about union members. Up on the hill, Mr Hanson's colleagues in the coalition government have a workplace relations policy that deliberately undermines the collective bargaining power of union members and makes it impossible for them to see improvements in their working conditions. Just across the border, in New South Wales, the Liberal government is refusing to listen to schoolteachers, and now the Teachers Federation is needing to take strike action, just to get their voices heard.

Here in the ACT, the Canberra Liberals cannot stop putting public education down. The previous shadow education minister did not meet with the union for four years. It is like the Canberra Liberals have just acknowledged that they even exist. And that is the thing; does Mr Hanson seriously believe that he is going to convince people that he actually supports teachers or unions in the ACT? It is a bit like comparing it to when the Prime Minister thanked Brittany Higgins yesterday, after the sexual harassment report was handed down. Nobody really believes him.

The Canberra Liberals support NAPLAN and the extra work that that creates for teachers. They questioned the government's provision of Chromebooks to high school and college students, which means that teachers spend less time troubleshooting across multiple devices. And we all know what they thought about free breakfasts and lunches in public schools. Mr Hanson decides this week to raise the AEU survey results, which were published back in August, to score political points, and that is exactly what it is.

The ACT government genuinely values public education. Here in the ACT we have heard the concerns of public school teachers. The ACT is the only jurisdiction where the government has partnered with the AEU, in a joint task force, to tackle the teacher shortage which is happening all across this country, and which the ACT is not immune to. But what we are doing here in the ACT is different—creating that joint task force to tackle the teacher shortage.

The teacher shortage task force is a genuine partnership between the AEU and the Education Directorate. The task force meets fortnightly—sometimes more frequently—to thrash out tangible solutions to improve the working lives of public school teachers. Since the task force was established in August, when the survey results were released, it has already made significant progress. One of the first achievements was to introduce a dedicated staffing hotline for schools and more centralised management of the relief teacher pool. This took the pressure off schools needing to find relief staff in the mornings.

The task force has made even more progress than that. To help retain current staff the task force has developed a new educator survey to support new teachers in their transition to their profession, and promoted a week zero professional learning opportunity for casual teachers so that they do not miss out on that important professional development.

In order to tackle the issue of workload, the task force has developed a system to collect data on the frequency of split classes, streamlined how the Education Directorate communicates with school staff, and agreed to a moratorium on new programs for term 4.

The task force has improved recruitment processes by simplifying school leader recruitment, delivering a centralised exit survey for all public school staff, and agreeing to remove barriers to teaching positions being converted to permanent jobs, in line with the secure work conversion policy.

Work is underway on the national and international recruitment campaign, which I have talked about previously, to attract teachers to ACT public schools. Of course, the work there is not finished. The government will continue to work with the Education Union, representing their members, to address the issues that they have raised.

The task force has an ambitious agenda for the new year. In 2022 the AEU and Education Directorate joint task force will tackle the teacher transfer process that enables school leaders to move within the public school system. The task force will also work on an alternative to the current casual relief system. This is the only arrangement of this kind that we are aware of in the country, where the government has come together with the teachers union to jointly work on solutions on the teacher shortage—to even acknowledge that it exists. No other government has given teachers a seat at the table in the same way. That is because this government values public school teachers.

In this year's budget, we also invested in public education. In this budget, funding to public schools increased from \$829 million last year to \$872 million this year. This will result in approximately 90 extra teachers and school staff across our public schools. Twenty-five additional youth and social workers will take the pressure off teachers, supporting student wellbeing, and additional teacher librarians will provide extra literacy support in public schools.

In bargaining, I want to acknowledge that some of the change that is needed to address these issues will be more structural. That is why my amendment to Mr Hanson's motion includes the need for the government to bargain in good faith with the union in the upcoming enterprise agreement negotiations. I am proud of the current enterprise agreement, which saw the AEU achieve significant improvements to teaching pay and conditions for their members. The ACT government will continue that approach to bargaining in the upcoming negotiations.

The current teachers agreement has seen salary increases of \$172 million and improvements to conditions of work of \$36 million. The salary increases of three per cent per annum place public school teachers in the ACT as the highest paid in the country. The agreement also increased superannuation to a total of 11.5 per cent.

In recognition of the importance of keeping new educators in the profession, the agreement increases supports for new educators. We have introduced a five-day

induction program, fewer face-to-face teaching hours for beginning teachers, and six additional professional learning days in their first three years on the job.

The agreement also introduced the class size policy, reduced the face-to-face teaching hours for primary teachers, and created a new school principals health and wellbeing program. Importantly, we also introduced the nation-leading mandatory occupational violence training, with bi-annual refresher training. That agreement expires in 2022. The ACT government is committed to bargaining in good faith with the AEU to improve the working lives of public school teachers. The EA will, of course, need to be supported with resourcing to make sure that it can be implemented as it is intended.

I would like to take this opportunity to acknowledge again the incredible work of our public school teachers, not just this year, not just last year, but every year before that. The work that teachers do changes lives. Every day, they are making a significant difference to our children and young people. Every day, teachers are also joining their union. They are working collectively to improve their pay and conditions, and that is how we achieve real change.

The ACT government is deeply committed to public education and is deeply committed to working with union members to improve working conditions. These are core Labor values. I will continue to work with the Australian Education Union to make the ACT the best possible place in the country to be a public school teacher.

I commend my amendment to Mr Hanson's motion to the Assembly.

MR DAVIS (Brindabella) (3.59): I thank Mr Hanson for bringing the motion to the Assembly today. Based on my consultations with the Australian Education Union, I am pleased to say that the ACT Greens will support the amendments to the motion moved by Minister Berry.

I appreciate, particularly after the year we have had, the opportunity to rise in this place and speak to the awesome impact and great personal sacrifice public school teachers make to their profession and the contribution that sacrifice in turn makes to our community. That applies be it Mrs Oliver, my year 2 teacher, whose words still ring in my head, reminding me that red is no faster than any other colour when I had that argument when drawing a red car; be it Ms Nesbitt, who ensured in year 7, when I was well behind my contemporaries, that I did almost all my primary school education in one year; or be it Mr Palavestra, my high school teacher, who made sure that I actually had a suit that fitted for my school formal.

As recently as a year ago, I made a commitment to this place that I would be a passionate advocate for public school teachers, public school students, public school parents and, importantly, the union. If there is one thing that the Canberra community and Canberra workers can get out of this motion, it is that now is the time to join your union. Joining your union and engaging deliberatively in their consultative processes means that your voice might one day, too, be part of a painfully embarrassing rebranding exercise by the Canberra Liberals. Just think of how effective your contribution to your union's deliberative democracy processes could be.

I hope that there are parliamentarians and representatives of progressive political movements right across the country who have the opportunity to take part in this debate. I know friends and colleagues in the New South Wales state parliament, the South Australian state parliament and especially the Queensland state parliament who would not believe me if I told them that we were debating a motion from a Liberal member that included phrases like “the union said” or “Wage theft is an issue in modern Australia.”

Let this be testament to the value of re-electing progressive Labor-Greens governments time and time again. You don’t just get progressive Labor-Greens government and the progressive policy that comes with it; you get a slightly more palatable Liberal Party as well. It really is double action voting if ever I saw it. It is really impressive.

While there is a lot of fodder available for me to use in talking about the Canberra Liberals and their clear political motivations in bringing forward this motion today, I do not want to. I really want to spend my time talking about the survey conducted by the Australian Education Union and talking about public school teachers and all that they have done, over the last 12 months in particular, during the pandemic.

I have been contacted by a number of my constituents who are parents of students that they send to public schools. I reckon that if anyone in this community had any reservations about how hard our schoolteachers work, they got a crash course in that over the last 12 months. I have heard many stories, not just from my constituents but from some of my own colleagues in this Assembly, about the challenges they have faced in educating their own children at home. It has created a heightened empathy and understanding for teachers within our community.

Mr Deputy Speaker, given my former profession, you might think that I would like to think of myself as a pretty skilled negotiator. But let me give the Treasurer some free advice. Whatever they ask for in the next enterprise bargaining agreement, give it to them. Find the money. Sell something. Tax someone. Find the money. Whatever the teachers are asking for after the year they have had and whatever the ongoing challenge that this government—like every other government in the country—has accepted in recruiting and retaining a teaching task force, we need to ensure that the representations made by the union to the government in their enterprise bargaining agreement negotiations to take place next year are heard and heard loudly.

It was great to hear the minister emphasise, as we all know, that we currently have the highest paid public school teachers in the country. But we know that it is not enough. And we know that it is not enough particularly in this city, where our educated teachers can be tempted into lucrative positions within a public service that offers very competitive pay and conditions. That is just the nature of our city. There are a number of very skilled educators working in our federal public service. I would love to see them encouraged to come back to ACT public schools.

I really valued that the Chief Minister took the opportunity in his national appearance on *Q&A* a couple of nights ago to try and directly recruit a teacher from the audience

to come and work in ACT public schools—a teacher who is no longer working in a non-government school, based on the discriminatory practices that she alleged she faced. These are not things you would face working in an ACT public school. These are not things that you would face working for the ACT government. I echo the calls from the Chief Minister, using that bully pulpit of the national platform, to encourage people to apply for vacant positions.

I also want to focus heavily on the teacher shortage task force. To be fair to Mr Hanson and the Canberra Liberals, I probably would have had a lot more time for this motion—in fact, I probably could have written it—if not for some of the work the government is already doing, which is completely absent from the original drafting of the motion, including the teacher shortage task force. As the minister points out, the ACT is the only subnational government in the country engaged in such deliberative conversations with teachers, the union and the sector to try and identify challenges to recruiting and retaining quality teaching staff and to try and work out how we can get people.

It is very simple for me to get up in here and say we should just pay them more. Of course, that is a part of it. You do not need to take my word for it, Mr Deputy Speaker. You can see the survey yourself. I trust that it was delivered to your office, as it was to mine, in this term's copy of *ACT Educator* from the union. I trust that all members read it every single term when it comes out. I know that I do. You will notice that the union cites a number of ongoing challenges for them, not just about pay but about work safety, workload and the training and professional development within the profession.

I would like to read verbatim from parts of the survey. As a proud unionist myself and a progressive parliamentarian, I always prefer the voices of working people over my own. This is what the union had to say directly, in conclusion and to summarise their report:

The results of this survey have brought into stark relief what members have been saying for some time: ACT public schools need urgent help. The staffing shortage has revealed systemic issues that require more than a superficial solution. It is not simply enough to recruit more teachers into the ACT public education system. The system must also retain those we already have, support them with adequate infrastructure, time for non face-to-face work, provide relief so they can take time off when they're unwell, protect them from violence and the psychosocial safety hazard of extreme stress and make sure their pay and overall conditions reflect their essential work.

We know that the ACT community values public education and our members who work within it. We need more than platitudes; we need real support and action. These problems will require sustained, resource-intensive, evidence-based and systemic problem solving. It will not be easy, but it is necessary. To ignore these issues is to abandon the value of public education. Our union will never tolerate this.

If the terms of reference were not already written for the teacher shortage task force, that would be a tremendous start. That is a tremendous start. The union, in their own

words, are summarising what are currently the challenges for the ACT public school teaching workforce.

While I do not want us, as a progressive government that cares about public education and public sector workers, to be seen to be abandoning our responsibility, it would be intellectually offensive to those observing this debate if I did not acknowledge and emphasise the point that this is not a challenge facing the ACT uniquely. This would be a much different conversation if the challenges that are facing us were the result specifically of ACT government interventions or ACT government policies. If that were the case, I probably would not have to see Mr Hanson's name on this motion; the motion would have been one of my very own.

The reality is that this is a challenge right across the country. There is not a single government of any political stripe that is not struggling with the ongoing challenge of recruiting and retaining quality teachers within their public schools. We are doing more than any government in the country to answer this question. We are paying our teachers more money than any other government in the country. We have purposely set up, at the union's request, a task force that will very deliberately look at the challenges that they have identified and, with them as partners, work through solutions and programs for change. As the minister rightly points out, no other government in the country has done this.

While I am always excited to talk about public school teachers, public school parents, public school students and the public education system more broadly, I am concerned about the insinuation that motions like this could risk creating in our community about the value of our public education system and the efficacy of a public school education. I want to endorse those who have chosen a public school education for their young people and their families. I want to assure them that, based on my best understanding, they can be assured of a great education from great teachers, the highest paid in the country, who, through their union, are in the only place in the country now engaged in a very deliberative consultation process with their government to identify the challenges for their workforce and work through their solutions.

At the risk of repeating myself—it is my key point, so I most definitely will make it—the EBA negotiations will start in earnest first thing in the new year and if the Treasurer is listening, I encourage him to loosen the purse strings immediately. If the last year has taught us anything, it is that our public school teachers deserve everything we can give to them.

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) (4.12): I want to add my support to what Minister Berry has said. Our teachers have worked through extremely difficult circumstances for the past few years, dealing with the impacts of the pandemic not only in their classrooms but also in the wider community. I would like to recognise the grace and determination with which they have handled the situation and cared for the young people in their charge who have needed stability and support through these difficult times.

I recognise as well that our teachers need stability and support. As you heard this morning, Mr Deputy Speaker, this government cares about working people and their families. We are implementing a wide range of secure employment measures across government and across the territory.

Since late 2019, through the Education Directorate and the ACT government's secure work program, over 600 classroom teachers have been permanently appointed or provided with long-term engagements. That is 600 secure positions provided by this government. Minister Berry, as the education minister, has overseen this transition.

Minister Berry has also insourced school cleaners. We know that cleaners are one of the most vulnerable working cohorts, who often experience wage theft in the private sector. Wage theft is a very serious and highly charged accusation. Wage theft is exploitative and horrific. Here in the ACT we have recently seen an example of one such horrific occurrence where massage therapists had their wages stolen and the safety of their families threatened. To compare the actions of their employer to this government is unfair and untrue. The ACT government is not committing wage theft. I want to be very clear about that.

Mr Hanson has misrepresented the working conditions of teachers in the ACT. I absolutely recognise that teachers are working a large number of hours, but they are not having their wages stolen. Under their enterprise agreement, teachers are paid a salary. There are no set hours under the agreement, but there is a provision for managing excess hours.

I look forward to working next year with the Chief Minister and Minister Berry, through enterprise bargaining, to get a good outcome for teachers. We will fix this collectively, together with teachers and their unions, not by shouting in this Assembly.

Mr Hanson says he is not a workplace lawyer. Nor am I. But, unlike Mr Hanson, both Minister Berry and I have spent decades working in the union movement. We understand the power of collective action. It is the voices of many, not the noisy one, that get things done. If the Canberra Liberals stopped pretending to care and actually started listening, they would know this. My challenge to Mr Hanson is that if he seriously cares about this, he should support all of the government's future work on secure employment, workplace safety and industrial relations.

I support Minister Berry's amendments and acknowledge her years of work in improving the education sector.

MR HANSON (Murrumbidgee) (4.15): I thank members for their contributions. I will not be supporting Ms Berry's amendment. There is nothing in it that I would disagree with; the problem is that it so amends the essence of what we are calling for, which is a referral to the Fair Work Ombudsman, that it changes the whole nature of the motion.

There are a lot of things that we would agree with in the motion. A lot of words have been spoken about our hardworking teachers; it is good that we can all agree on that.

But the reality is that Ms Berry's amendment changes my motion so dramatically as to change the whole intent of what I am trying to achieve here, which is to refer some pretty serious issues, I think it is fair to say, to the umpire, to the Fair Work Ombudsman.

I am somewhat staggered that the government would not support that and that the Greens, who purport to be staunch supporters of fair work and fair pay, would not support that. The limited referral was to the report from the union. Much of what was said was just an attack on the Liberals and did not quote from some important points that were raised by the union. I am referring to quotes like "in addition to exploiting the hard work and goodwill of teachers, overwork is a serious safety issue". The report talks about the average hours worked, which far exceeds the maximum weekly hour limit of 38 hours set by the Fair Work Act.

It goes to the point that, in the union's estimation:

The harsh reality is that ACT public school teachers subsidise the ACT Government's spending on education to the tune of at least \$75 million every year on salaries alone.

The ACTU, in their submission to a Senate committee inquiry, made the point—this perhaps goes to Mr Gentleman's point—that wage theft goes beyond paying under award wages and includes annualised wages being set and not taking into account additional hours.

I am disappointed but perhaps not surprised. It would seem that this is a government that pays lip-service to its workers. This was an opportunity for Labor members and the Greens members to not just come into this place and say, "Oh, we love teachers; we love what they do." We all do; parents across this town do. It was an opportunity for them to back up their words with some substantive action. This is an opportunity. They could have done that; they could have said, "Not only do we support what you are doing but we hear what you are saying through your union and we will make sure that the important issues that have been raised get referred to the umpire."

Instead, what we hear today is mostly lip-service being paid, an attempt to try and say, "The Liberals are to blame for all of this. We blame them." And then they put in an amendment. It says nothing wrong—it says things that I would 100 per cent support—but it completely removes the referral to the Fair Work Ombudsman.

If this was the private sector—if this was a builder, a bank, an airline or a supermarket—and these issues had been raised about exploitation, about workers essentially subsidising a business by \$75 million through unpaid work, can you imagine the outrage we would hear from those opposite? They would be picketing. They would be demanding that the matter be referred to the Fair Work Ombudsman.

And rightly so, to be honest. I do not support underpayment of workers. I do not support wage theft. I do not support people being exploited anywhere. If I saw this in the private sector, I would support referral to the Fair Work Ombudsman. Why won't you refer it when it is in the public sector, when it is the teachers who we have charge

of as an Assembly, who the government has charge of through its minister? Why don't we do that? Why are the Greens and the Labor Party running interference in this place?

I can just imagine the talk about bad bosses, "the bad bosses exploiting the workers". The sad reality is that the bad bosses are those members of this government who are, in the union's words, exploiting the workers. The Greens' argument seems to be that there is a problem across Australia so it is okay. Who is helping it to happen elsewhere does not matter. It does not matter, does it, Mr Deputy Speaker? It has happened elsewhere, so it is not a problem.

I have spoken to the Australian Education Union. They have no objection to this matter being referred. This sort of myth, this lie that is put out there—that only the Labor Party talks to workers, only the Labor Party talks to unions—is simply not true. I have met with the AEU. I talk to the AEU. We have agreements; we have disagreements. There are things that we passionately agree on; there are things that we disagree on. It is not right to suggest that that is not the case and that it is only the Labor Party they talk to.

As you can see through their actions today, it certainly is not the Labor Party or the Greens that will fully support workers through their union. I have very constructive conversations. I am meeting with the Australian Education Union. We share a lot of things in common. Indeed, some of the ideas that they put forward formed part of the paper that I put out in June about bringing out the best in every child. They were ideas that came from the union which I fully support.

Ironically, only today we heard from the Australian Federal Police Association, who we work with closely. They are, I am sure, incredibly frustrated that police are no longer going to be responding to certain crimes across this town. I know that Mrs Kikkert has been out there working with workers at the jail. I do not think they feel that this is a government that has been supporting them. And I know that that is the case in the health system, with their union.

They are trying to say that this does not matter and that only Labor and the Greens support workers. We see today that that is lip-service; that is a myth. If you want to back up your words with action, support this referral to the Fair Work Ombudsman. Stop taking your workers for granted. That is what you are doing. You are ignoring what the union have said in their report that makes the case that this should be referred to the Fair Work Ombudsman. If a private sector union had made this case in the private sector, this is something that you would be cheering on—going to the Fair Work Ombudsman. We would be right with you, supporting that. The inconsistency in this is extraordinary.

I am disappointed. We will continue to advocate for teachers; we will continue to work hard to pressure this government to support frontline teachers to make sure that there are sufficient teachers across primary schools, early learning and our high schools and colleges so that they can do their job. One thing that is clear is that we all come into this place and say that we value teachers, we value what they do, but the

actions of this government today suggest that, for the Labor Party and the Greens, that is lip-service. They have a chance for action today and are not taking it.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 15

Noes 8

Ms Berry	Ms Orr	Mr Cain
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 Davis	Ms Vassarotti	Mr Milligan
Mr Gentleman		Mr Parton

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Valedictory

MR MILLIGAN (Yerrabi) (4.29): Mr Deputy Speaker, it certainly seems strange to be saying goodbye right now. It feels strange to be back in the office and then to be going on a Christmas break. We could attribute that to all of us pretty much working from home during the COVID restriction period. I am certainly looking forward to getting back out in the community and spending a bit of time there.

Over the last period of this year, I have certainly enjoyed advocating for the people of my electorate, standing up for the issues that are important to them and making sure that those issues are heard in this Assembly. I have also continued to support my colleague Ms Castley, both here and out in the electorate, in advocating for business, small business, that has been struggling due to restrictions put in place by this government and the lack of support offered to those businesses. Ms Castley and I will continue to work to make sure that the government is supporting these businesses during this key recovery period.

I have enjoyed starting in my new portfolios. It is good to have sport and recreation back. I am certainly enjoying getting back onto the cricket field. I certainly feel it a

little bit these days. I am not as fit as I once was, but I enjoy playing cricket and playing with my cricket team, the Barton Cricket Club.

I hope that there are plenty of clubs still around, because during the COVID period this government has not supported our sporting clubs and recreation groups. They have really struggled. They have not been able to secure sponsorship, such as financial sponsorship to keep their clubs operating. I asked the government whether they would be prepared to waive ground hire fees. They said no. I hope that this government may come to their senses and offer some sort of support for our sporting and recreation community.

With respect to disability issues, it has certainly been a bit of an eye-opener for me. I had shadow responsibility for Indigenous affairs in the last term. I learned a lot in that space. There is so much that can be done in the disability space. There is a lot of work that we could do, and I am certainly looking forward to advocating for that community, and advocating for change.

Similarly, the skills portfolio is another area where this government has its eyes only on its own institution, CIT. Whilst I do advocate for and appreciate the hard work of CIT and all of their teachers for their students, there also needs to be adequate support for our independent RTOs in the ACT.

Moving on to emergency services, this is another portfolio on which I am looking forward to spending a bit of time. Recently, the government have proposed to inject a bit of money into the Gungahlin Joint Emergency Services Centre. We will certainly be watching what they do in this space to ensure that they do deliver it and that they stick to the time frame. We need to ensure that they put police on the beat; we need police officers. We do not just need more space; we need more officers on the beat.

I want to thank everyone in this Assembly who helps with the smooth operation of this parliament. I want to thank the attendants, the committee team, the library, OLA HR and the finance crew. Without their commitment, this place would not be able to function and operate in the way it does.

Of course, I thank my office staff. I have an amazing team helping me to perform my Assembly duties, my portfolios, my committee work and, of course, my electorate duties. I want to thank my senior adviser, Karin Oerlemans, who has been a great support with my portfolio and Assembly duties. I thank Ewan Brown—aka the old man—for providing his wise counsel and valuable policy input; he has been a great support to me over many years. I thank Kaylee Dorris, who has brought added expertise to our communications and has been a dedicated performer in all electorate-related matters within the electorate and the Assembly. She has certainly built a strong relationship with people in our community. That vital skill is needed if any office is to be successful.

I want to thank my family—my wife and my son, Blake—for their support, my volunteers, and the broader Canberra Liberals family. None of us on this side of the chamber would be here without the support of our Liberal volunteers.

In conclusion, I want to take the opportunity today to say thanks for all of the support that we get in this place, and to wish everyone here a merry Christmas and a safe and happy new year. I certainly hope that Santa visits and drops off many presents, and that everyone has a happy and safe new year.

Debate interrupted.

Leave of absence

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

That leave of absence be granted to Mrs Jones for this sitting for personal reasons.

Adjournment

Debate resumed.

Valedictory

MS CASTLEY (Yerrabi) (4.35): What a year it has been. I have learned so much about politics, people and myself. I could talk all afternoon about the motions, the speeches and the big solid “noes”, the local issues, because there is a lot to say.

I want to spend my time, similarly to Mr Milligan, thanking the people who have helped to make my first 12 months here in the Assembly smooth and enjoyable. There are so many people. I will list as many as I can remember to name: Jim, Lyndell, Alex, Christian, Oscar, Cameron, Michael and Peter. You guys are always there; I love it. You are helpful. Today I got to use the brand-new podium. Thank you, Jim; you are so helpful.

I refer to facilities, and all of the work that goes on there—Richard, Marcus, Brent, Warren and others. Behind the doors here, there are the amazing people that make everything run—Tom, Janice and Celeste. You are so patient with me and I have appreciated it all. I thank Julia, David, Brianna, Frieda, Dennis, Michelle and the HR team. I thank the library team—Jennifer, Karen, Fiona and Chris. You guys are certainly very helpful to us. We have loved all of that. I thank Jasmine, who waters the plants, and Val and the IT support team. I thank David, who is happy to chat about soccer with Liam very often, each time he comes up to clean our office, Dina and all of the cleaning staff.

Hopefully, I have covered everybody. I have learned that, for everybody that I have mentioned, nothing is too hard. As we all know, I am a singer and, when you do a big show, I might be the singer but without the production guys and the organisers I am nothing. There is no point in even standing on stage, because no-one would hear me. It is the same here. Without everybody putting all of the pieces together, it will not work. A huge thankyou to you all. As I said, I appreciate the support and patience that you have given me and my office this year.

I would also like to thank Elizabeth Lee and all of my colleagues in the Canberra Liberals, and the volunteers. We are a great team. I appreciate the patience, support and advice; it has been overwhelming this year—so helpful, and I am really grateful to everybody.

Obviously, I want to shout out to everybody in Yerrabi. COVID has meant that we could not be out and about as I would have hoped. We did not see much of each other, but I am hoping that 2022 will be very different. I look forward to getting out and chatting with as many people as I can.

Finally, I thank Felicity, Liam, Shannon and my mum. Without you guys cheering me on, organising me, advising me and looking after the office, I honestly do not know where I would be. To finish on an extremely cheesy note—Mr Assistant Speaker, I am sure you will appreciate this one—these guys are the wind beneath my wings. Honestly, I am so thrilled. I think Team Castley have had a great year. I wish everybody in this place, on all sides of the chamber, a very merry Christmas. I hope you get the chance to spend time with your families and enjoy the break.

Valedictory

MR PARTON (Brindabella) (4.39): I will be brief. I want to start by mentioning Madam Speaker. I know Madam Speaker is not here, but I also know that she hears about everything that I say at some stage, so it will get back to her. I was assuming that she would be sitting in the chair, and I wanted to start by saying to Madam Speaker: thanks for putting up with me as Deputy Speaker. I know that Madam Speaker and I have had some interesting times in the last 12 months, and I genuinely thank her for her patience.

From the perspective of my office, most of our victories were on a micro level. Certainly, for those constituents involved, those wins were massive for them. They were massive for those individuals. We are so pleased that we can have an impact on the outcome of things that genuinely affect people every day.

On a broader front, we were most pleased finally to inspire the government to inject some much-needed cash into the maintenance program for public housing dwellings. There is always so much going on in housing. It was an absolute delight of mine to take on the transport portfolio this year—perhaps not so much of a delight for Mr Steel, but I am really pleased to be playing in that space. It pleases me greatly that he wishes that I was not.

The committees are a blast. Mr Assistant Speaker, can you think of anything more appealing than sitting for an hour and a half with Ms Clay and Ms Orr every week to discuss planning issues? Quite frankly, I cannot. The planning committee is just a blast.

Many thanks to my amazing staff—the legendary Rob Lovett, the amazing Elyse Heslehurst and the young gun, Max Evans. You guys go to enormous lengths to make me look good, and I still end up looking pretty shabby, but it would be much worse if

they were not propping me up. I also thank Charlotte Menagh, who stepped in at short notice when young Mr Evans went off to save the world in uniform.

Many thanks to all of my colleagues, headed by our illustrious leaders, Ms Lee and Mrs Jones, for an exceptional year, under trying circumstances. I make special mention of the staff in the leader's office, who always go above and beyond; and, of course, all of the staff that make this happen here in the Assembly.

I want to say, genuinely, thanks to those opposite. By and large, I think that the level of our debate is much more palatable than is the case in many other parliaments. When I look across at members on the other side, I can genuinely say that there is nobody there who I despise. They might despise me on occasions. I know that on occasions, Mr Assistant Speaker, debate gets willing, but as we head towards Christmas I would like to think that we can genuinely wish the best to all of our political opponents, to take the gloves off and pat each other on the back for getting through what has been a most extraordinary year.

Additionally, in the Kumbaya spirit of this particular address, I would like to reflect on this: there are two parliaments in this town, and I know that there are observers who sometimes scoff at ours for being insignificant. But, based on the Jenkins review, which was released yesterday, I know which parliament I would rather be working in. This is a large workplace. Obviously, it is not as large as the one up on the hill, but it is still a large workplace. No workplace of this size is perfect or has an unblemished record in this space. But I think that we should be proud of the culture in this place. Speaking from the viewpoint of a member of a majority female parliamentary Liberal Party, with an all-female leadership team, we should all reflect on what we achieve on a daily basis in being a safe and respectful workplace. I am sure there is still more work to be done, and I know that that work is ongoing, but I think that stuff is really important. I think we should reflect on that.

I say to everyone: recharge, enjoy the break and get ready for a fight next year, because there will be one.

William Hovell Drive—community consultation

MR CAIN (Ginninderra) (4.43): I will be saving my lengthier valedictory speech for the adjournment debate tomorrow. I rise because something came up within the last week that I feel I must bring to the attention of this Assembly, and that is the consultation, or lack thereof, on the duplication of William Hovell Drive. As members would be aware, there was patchy consultation at the development approval stage of this. As a result of that, I wrote to the minister asking for an extension on the consultation period and for DA placement to be improved for visibility.

It was good to see some positive responses to that, so I hoped that that would be a sign of things to come. Sadly, I was disappointed. I was glad to hear that the government had organised two further community consultation sessions, one on Saturday and one on Monday afternoon. Unfortunately, the descriptors for the location of these community consultations were vague and broad, and it meant they were very difficult to locate.

On Saturday morning there was consultation at the Kippax group centre. I am sure that most members here, perhaps all, have been to Kippax. There is quite a lengthy stretch of retail and commercial property and on both sides there are retail and commercial opportunities. I thought, “Surely, on such a day, a Saturday, with the weather the way it is, it will be indoors.” I did what I thought was a sensible thing to do and checked the various open spaces indoors. There was no consultation area to be found. I have to say that it was pretty much by accident that I spotted it near the library. I was joined by a few people who said to me, in almost identical words, “We didn’t know where this was; we were just lucky to find it.” That is not genuine consultation. I would urge the minister—Minister Steel I believe was responsible—to redo this consultation.

On Monday afternoon there was consultation for mostly Hawker residents. As shadow planning minister, constituents were contacting me and asking if I was going to attend. I was on my way, driving through Hawker, and looking for what was called the “Hawker green space”. There was actually a map in the consultation letter that had been letterboxed to some of the residents. Nowhere on that map was a location saying, “Hawker green space”. It was purely by accident, as I was driving into Hawker, that the father of one of my regular contacts in that district saw my car and waved at me. I thought, “What have I done wrong?” So I pulled over and we had a chat. He was able to walk me to where this was. Again, that is not consultation. You do not tell the community, “Please come and meet here,” without being pretty specific about where “here” is.

I would urge Minister Steel to reconsider this consultation approach and re-calendar these two consultation opportunities. I have an email just today from a constituent who said, “A friend of mine wanted to be there, but they didn’t know where it was going to be.” That is not consultation. Unfortunately, it seems to be a hallmark of this government.

Valedictory

MR BRADDOCK (Yerrabi) (4.48): 2021 continued where 2020 left off. Unfortunately, within this Assembly I cannot swear like a trooper, as I would in the privacy of my home, but you can imagine where I would tell it to shove it.

To the residents of Yerrabi in Canberra, as we head into the end of the year I encourage everyone who can to take an extended break. Everyone is tired and needs time to rest, recuperate and recharge. To those who cannot take an extended break, I thank you for your service over this period in whatever sector you happen to be working in. I hope you get an opportunity at some point to take that extended break in the future. I hope this summer brings nothing more alarming than the sounds of cricket, a cold drink and time with family and friends. I hope there is no need to fear floods, fire or plague.

To the community groups and volunteers who work tirelessly to make Canberra a better place, I would like to say thank you. Your work—whether it involves planting trees, forming social ties, building rotundas, cleaning up Yerrabi Pond, looking out for

others or maintaining your culture and language—makes Canberra home and a community. So I say thank you for all your efforts over the year.

I would also like to thank OLA staff for helping this wet-behind-the-ears MLA find his feet. To Hansard, the attendants, the tech support, chamber support, the committee secretariat and the wider ACT public service, you are essential to our democracy, and how appreciated you are is not said enough; thank you.

I would also like to thank members of my staff—Deb, Kat, Aileen and Alex—for all your hard work over the year. We established an MLA office and learnt how to do it together. We have come a long way. I also wish Kat all the best in her new role with the New South Wales Greens in the new year.

I would like to say thank you to all the Greens staff in this building, the ACT Greens and members of the local Yerrabi team. I also thank all of the colleagues in this chamber. Finally, and most of all, I thank my long-suffering family, without whose support I could not be here. So to all, I hope you have a good break and we can come back to a better 2022.

Valedictory

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.50): I begin by thanking the Canberra community and my constituents in Murrumbidgee for their resilience and the support that they have provided to others in our community over the past year, including through a world-leading vaccination drive that has been incredibly fantastic to see. I have never been more proud to represent my community.

Whilst it has been a disrupted year full of online meetings, I am looking forward to engaging more directly and in person next year. There is a lot to talk about. We have really started the new term running, getting on with the significant agenda that Labor took to the election, which is now underway—evidenced in the PAGA progress report—as well as at the same time managing the COVID-19 pandemic response.

You only have to stand in Woden—as I did this week, turning the sod on the new interchange—to see evidence of the massive amount of work that is happening not only there but right around the city. Both on small and large infrastructure projects and in service delivery there is a huge amount of work going on.

I thank the Chief Minister and cabinet and my Labor and Greens colleagues for their comradeship as we continue this progressive agenda into next year. Canberra really has seen the value of government in the emergency response and the hard work our officials, both elected and unelected, have been doing, whilst at the same managing the ongoing services and implementing a significant reform and infrastructure agenda this year.

All staff across government deserve a huge thankyou for their often exhausting work throughout this year, during the COVID-19 pandemic, from the bus drivers who have been keeping essential workers moving throughout the city to the city presentation

team keeping our city looking good during a year of rain. Every worker deserves our thanks for the work that they have done.

I want to particularly thank Director-General Alison Playford and deputy directors-general Jim Corrigan and Ben McHugh and their teams at Transport Canberra and City Services for the work they have been doing to deliver transport and city services during challenging times and the work they have done to ensure that TCCS was in the wheelhouse, supporting the health response along the way.

Chief Projects Officer Duncan Edghill and the team at Major Projects Canberra have continued our massive infrastructure agenda during a global upheaval whilst working often on a daily basis with industry as we sought to put work out into the market to support employment and build important projects for our city's future. I would like to thank them.

Skills has been so important to our economic recovery. Skills Canberra and Economic Development, led by Deputy Director-General Kareena Arthy, has been pivotal during a time of ongoing reform in the skills area. I would like to thank her and also Leanne Cover, the CEO at CIT, for their work.

I have really appreciated the work that our central agency, CMTEDD, and Justice and Community Safety have been doing in getting the government's agenda underway across procurement and other areas under acting Under Treasurer Stephen Miners and under JACS, through Director-General Richard Glenn. I take this opportunity to formally welcome the new Under Treasurer, Stuart Hocking.

To my dedicated staff, led by chief of staff Dr Jennifer Rayner, including Greta Piazzoli, Hanna Froehlich, Thomas O'Connor, James Koval, Anton Gallacher and our new member, Louise Momber, thank you for your efforts throughout the year in providing me with quality advice on enacting the government's agenda in our first year of the term.

I would like to put on record my thanks to officials who are department liaison officers in the Assembly, including Sarah May, who is just about to go on maternity leave, Lauren Cunningham, Erin Stepney, Chris Kalatzis, Kylie Gstrein and Thomas Kriedemann. I would also like to welcome Kelly Bradley and Callum Blake as DLOs and say a big farewell to long-serving public servant Karen Kennedy, who has served as department liaison officer across many ministers and directorates but is particularly well regarded by me and my office. Thank you to other Assembly staff from the Office of the Legislative Assembly. To all members, have a great Christmas and new year.

Valedictory

MRS KIKKERT (Ginninderra) (4.55): Madam Speaker, 2021 has been difficult for many Canberrans. Many difficulties have been caused by COVID-19 and/or our response to the pandemic. People have lost businesses they have spent their entire lives building, and workers have lost jobs and wages. Loss of income has made it hard

to pay rent and mortgages, with some losing their homes. I have personally delivered food and medicines to people going without.

Many have been separated from loved ones. Others have missed weddings and funerals. Canberrans have been cut off from synagogues, temples, mosques, churches and other essential places of gathering. People with debilitating ailments have faced agonising delays in accessing surgery. Homes have been visited by disease, death and ongoing disability. Parents at dining tables have struggled to work from home as their children have cried out for face-to-face assistance with learning. Mental health challenges have surged amongst young and old alike.

In the midst of everything, all the usual non-pandemic-related complications have continued. Motivated by a desire to protect those whom I love most, I will not go into detail, but 2021 has been a year of personal tragedy for my family, the impact of which will be lifelong. I choose to share this only because I want others who are struggling to know they are not alone. I also want to help give my fellow Canberrans reason to hope. I certainly do not have all the answers, but I know what has helped me and my family when faced with a deep challenge. I share a few of those things in case they might also help.

First, stay active. Exercising not only changes your body but also your mind, your attitude and your mood. I am deeply grateful that I found my Brumby Fitness group. I look forward to training with them, even at 4 am. Some say that is crazy but, to me, time has no meaning when it comes to seeing family members. I always look forward to seeing family, whatever hour of the day it is. They have helped me a great deal in coping with personal tragedy.

Second, talk to someone. I am grateful for three wise men who entered my life because I reached out to them. We have to set aside embarrassment or shame during our difficult times and talk to someone. I am deeply grateful that I have the men who were there during my many, many dark times. I thank Paul, a lifelong friend. Without him, I would not be here today. To Adam, I am grateful for the wise words and comfort that provided a place of safety. Without him, I would not be the person I am today. He has tremendously helped me understand issues more clearly and has counselled me in wisdom. My third wise man is my dear friend Talis and his family. I am grateful for his spiritual light, which could not be darkened, and grateful that he could pass on that light when I felt dimmed and slowly dying.

Third, invest in yourself. Find something that you like. Discover who you are and reconnect with that person. In a new world, one where I needed to learn to breathe again, I had to learn to go about my daily responsibilities as a mother, a family woman and a worker. These three things helped me greatly, and I am deeply grateful for that.

Earlier this year, if someone had asked me if we were going to make it, I would not have had an answer. There have been times when I was not sure we would. There have been times when I wanted to just give up. Too often everything felt too hard. But I stand here at the end of this legislative year as a survivor. That is not a boast in any way. If anything, it is an expression of deep gratitude. The good news is that, despite

everything we have been through, we are doing pretty good. I feel stronger than I have felt in many years—stronger physically, mentally and emotionally.

My simple message for those who are struggling is, first, hang in there. It does get better; I promise. Second, it is okay to need help. Choose not to struggle alone; reach out to someone that you trust. It is my great desire that we will all do better in taking care of one another. It is my deepest desire that, as 2021 draws to a close, the future will be brighter for all of us.

Lastly, I want to thank my incredible staff—Sylvia Wang, Brett Baker and Joseph Stubbs—for their loyalty, their diligence, their wisdom and their friendship. And I would like to wish one of them, Brett Baker, a great happy birthday today.

Valedictory

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (5.01): Almost a year to the day, I rose to give my first speech in this chamber, reflecting on the journey that had led me here and the opportunities and challenges that lay ahead. At the time we knew, as a community, that we had faced some pretty significant obstacles but had hopes that 2021 would be less interesting than 2020. We all know how that turned out.

2021 has been an incredible year. It has been framed by the threat of the COVID-19 pandemic. While a global pandemic, it has been a challenge with significant local impacts. Our geography, community structure, economic conditions and the decisions that we have made as a government have seen us navigate through an incredibly difficult time and set of circumstances stronger, compassionate and resilient.

While our challenges are far from over, I cannot express deeply enough how grateful I am to be part of the community that I am part of. I want to pay tribute to the public health officials and public servants who have supported this government's very difficult decisions to keep our community safe and well.

When faced with very difficult decisions, often the least worst decision, we had access to the best information day after day, week after week. I would challenge anyone who questions the value of our local public service, who have performed with professionalism, dedication, commitment, often good humour, in the most challenging of circumstances. Thank you for everything you have done.

I have the privilege in my portfolio areas to work across three different directorates. I am very aware of the challenges that are faced by some of our senior officials, who need to balance the priorities, personalities and preferences of three, four, sometimes even five ministers, and I continue to be so impressed by the way this is managed. We have a small public service that is spread across both municipal and state responsibilities. This requires creativity, adaptability, flexibility and care. Thank you for your advice and support as we deliver our commitments to the community.

In my first year of government I have had the pleasure to work with a group of government colleagues, not all of whom sit within my own party. Our unique situation and power-sharing agreement means that we are continuing to carve a new path in relation to how governing is done. And this cabinet has been different to any other that the ACT has ever supported.

I want to thank my cabinet colleagues, particularly the Chief Minister for his collaborative and inclusive approach to governing. The strength of our government is our commitment to shared values, evidence, relationships and pragmatism. I look forward to continuing to progress our strong agenda as a progressive, sustainable and compassionate community, and am incredibly excited about the work ahead. I have so much passion for my portfolios and I am thankful every day for the job I get to do.

Thank you to everyone in this Assembly for helping me navigate the somewhat bamboozling parliamentary processes that we have in front of us, and those opposite, who, I hope, have seen me operate in a way that is open and demonstrates a commitment to act in good faith.

To my fellow Greens members, all bar our leader have been on a shared learning journey, working through how we can best honour the privilege the voters of Canberra have placed on us and work together to deliver our commitments. Thank you for your good grace, your support and shared commitment. I would like to particularly thank our leader, Shane Rattenbury, for your leadership and guidance. And thanks to all of our extraordinary staff, who are the real heroes. I would not have survived this most challenging of years without the work of all my staff in my office. Your intellect, compassion and commitment drive and inspire me every day. Thank you for living our office values of equality, respect, integrity, courage and kindness that we affectionately refer to in the office as ERICK.

Finally, I would like to thank the Canberra community, particularly the people of Kurrajong. Thank you for your faith and your confidence in our progressive democracy. It has been an incredibly tough year and we are all really tired. I wish every member of our community a safe, restful and uneventful festive season.

I look forward to spending time with my family, who, again with good grace, humour and generosity, have shared me with the electorate and the parliament. No doubt 2022 will be another big year for all of our community. There is still much to do and I look forward to working with and for you next year and in the years ahead.

Valedictory

MS LEE (Kurrajong—Leader of the Opposition) (5.06): It is a great honour to serve as leader of the Canberra Liberals and, whilst this year has been an incredibly challenging one for our community, looking at some of our achievements over the last year there is a lot to be proud of. The Canberra Liberals Assembly team and I have been working hard to give a voice to the Canberrans that have been left behind by this government for too long.

We have delivered a comprehensive education strategy, which will bring out the best in every child. We have passed Australian-first stealthing legislation. We advocated for laws to strengthen bail conditions to keep frontline police safe. We released an exposure draft for legislation to strengthen domestic violence laws, which prompted the government into action on these reforms. We secured \$80 million worth of funding for maintenance of public housing through continued advocacy and lobbying on behalf of housing tenants.

We have legislated for dementia-friendly design in the age-friendly city plan. We called out and continue to call out unacceptable and hurtful incidents of racism in our community. We have advocated and continue to advocate for our hardworking frontline officers in our health professionals, police, corrections and teachers. We have stood up for our business community and advocated for and delivered on sensible changes to restrictions on border and non-essential retail during lockdown. Importantly, we have worked with the ACT government to support the COVID-19 pandemic health response.

Since October last year my team and I have spoken to tens of thousands of Canberrans, and the message they have for us is crystal clear: they want a government that is compassionate, one that works hard for them and puts them first. We have listened, and we have brought these issues to the Legislative Assembly, raising concerns about the rising cost of living, poverty, the plight of our businesses during the lockdown, and real concerns about some of our most vulnerable Canberrans, including those in our prison system.

There are a number of issues that we were able to work with the government on, including territory rights, sexual assault reform and, most recently, ensuring a commitment for all public sector employees to access miscarriage leave.

This is only the beginning of what the Canberra Liberals will achieve over the next three years and beyond. We have demonstrated time and time again that, whilst we will continue to hold the government to account, we will always look at initiatives, proposals and policies on their merits and support anything that is in the best interests of the community, because it will always be about putting Canberra first.

To all the officers of the Assembly—the Clerk’s office, committee office, chamber support, our attendants, cleaners, library team, HR, finance and Hansard—thank you for supporting us to carry out our duty in representing the people of Canberra. To all the ACT public servants that diligently prepare answers to our questions on notice and FOI requests, we know it is not always easy, and I thank you for your ongoing professionalism and commitment to serving the people of Canberra.

To my Canberra Liberals Assembly colleagues—Giulia, Jeremy, Mark, Nicole, Elizabeth, Leanne, Peter and James—thank you for your continued trust in me to lead our team. We are a strong, united team that are growing each and every day and I am very proud of each and every one of you and your teams. Next year will be even bigger and better.

To my other Assembly colleagues from Labor and the Greens, thank you for the work that you do in serving our community and, whilst we will always have disagreements, I am very proud of the work we have been able to do together to serve the people of Canberra.

This year we had a few changes of staffing in my office. I thank Sue and Liam, who went above and beyond and were certainly my rocks when I took on the role of leader. They have both now moved on to bigger and better roles and I have no doubt that they are kicking goals where they are.

To my current team—Lisa, Dean, Paddy, Georgia, Brendan, Albert, Anastasiya—I spend more time with you than I do with my own family. Through all the ups and downs that come with being in the office of the Leader of the Opposition, you have demonstrated time and time again your commitment to not only supporting me to do what I do but to serving the people of Canberra.

To the leadership team at the Canberra Liberals—Josh, Ian, John, Kieran and, of course, Amanda and Tamara—thank you for your support and belief in me, for everything that you do to keep the Liberal voice strong in our community.

To my parents, John and Cecilia, and my sisters, Rosa and Sarah, who have been there for me from the day I had the crazy idea of perhaps putting my hand up to be a parliamentarian—they have weathered the emotional storm of life and leadership and, whilst the challenges of COVID meant that we were not able to see each other as often as we would like—their hearts have held and will always hold a very dear place and I would not be where I am today without them.

To Nathan and Mia, my beautiful family, they have never known life without politics. Whilst it is a tough gig being the Leader of the Opposition, I think it is an even tougher gig being the family of the Leader of the Opposition. So for all the sacrifices they have made, and continue to make, I owe them my deepest gratitude, my love and my respect.

Nathan, thank you for your unconditional love and support. I know I am not the easiest person to live with—I admit that—and you take a load greater than most. Whilst I do not always show it or say it, know that I respect, value and love you deeply.

My Mia, my feisty, sassy, amazing, Mia, you bring me more joy and pride than I knew was possible. Each night that I am not able to put you to bed or each morning that I am gone before you open your eyes, know that I am doing everything I can to make this world a better place for you, because you deserve nothing less.

To the people of Kurrajong, who continue to put their faith and trust in me to be their voice, thank you and know that I am here for and because of you. It is an enormous privilege to serve you.

Merry Christmas to everyone. I look forward to another productive and, more importantly, virus-free 2022.

Valedictory

MS DAVIDSON (Murrumbidgee—Assistant Minister for Seniors, Veterans, Families and Community Services, Minister for Disability, Minister for Justice Health and Minister for Mental Health) (5.12): As we head into the final sitting days of 2021, I have been reflecting on the last 12 months and reaffirming my commitment to supporting our community through whatever may come in the next year, and the privilege of working with so many committed, creative, caring people in this Assembly, in our public service and in our community sector.

This year has not been what any of us expected, including me. I have learned a lot from the people I have worked with over this year, and I am grateful for that. I know that I still have a lot to learn.

I want to thank my constituents in Murrumbidgee and all Canberrans for supporting and engaging with me this year. I thank those who have written to me, met with me or my office, and engaged with me at events and community forums to discuss not only the issues that matter to them but also to advocate on matters that impact others. This is the kind of community we are. We think about and look for ways to support each other and recognise that we are stronger together.

I acknowledge all of my colleagues in this place, my fellow Liberal, Labor and Greens MLAs and ministerial colleagues, for your hard work this year. In particular, I acknowledge the Greens MLAs and the big Greens team in this Assembly, for your vision, determination and optimism regarding building a better normal.

I thank the community sector for your fierce advocacy and for working with the ACT government to deliver important services and programs. I thank every individual worker and volunteer for your dedication and innovation in supporting Canberrans, and for fostering a more inclusive community.

Our city could not have made it through this year in the way that we have without our emergency and health workers, including those working in call centres and administrative roles. You are doing an amazing job, and I am sure all Canberrans will join me in thanking you for the work that you are doing. Our community is safer and able to do things that support good physical and mental wellbeing because of you.

I also thank our public servants, particularly those in human services within Canberra Health Services, ACT Health, the Office for Mental Health and Wellbeing and the Community Services Directorate for their flexibility and hard work in responding to the public health emergency, to support Canberrans throughout the pandemic. I thank our official visitors for monitoring the support that people receive in our care, to improve service quality and safeguard their rights.

I also could not do what I do without my staff. Thank you, Jon, Clare, Julia, Eliza, Loi and Hafsa, and team members who have gone on to other adventures—Veronica, Rochelle, Aiden, Greg, Erin, Sandra, and our intern Paul. You have my sincere thanks for being part of the journey.

I also thank the clerks, attendants and all of those who make this building and our democracy work. That includes the committee staff, security, the cleaners, and all of the admin, IT and other support staff who work behind the scenes to keep this place running. We could not do what we do without you, and I thank you for your work and support. I say particularly to David and Dina that there were so many long days, working well into the night during lockdown, when you were the only human beings I spoke to in person, and I have no words for the difference you made.

In closing, I wish everyone a safe and happy summer. None of us can predict the future, but what is coming will come, and we will meet it when it does.

Valedictory

MR DAVIS (Brindabella) (5.15): Around this time last year I was thanking the 70,484 good burghers of Tuggeranong for electing me and, a year on, I would like to thank them for allowing me to be of service. I am a born and raised Tuggeranong boy and it has been a true privilege to represent my community, my friends, my neighbours, people who share my progressive Greens' values and, if my inbox is anything to go by, even those who do not. It has been an absolute joy.

I have had it put to me by some that this job is a bit like a four-year arts degree without the HECS debt and, if what I have come to learn over the last year is anything to go by, that has certainly proven true, which means my first thanks really need to go to everyone who has made contact with me as their local member in my community, and to all the stakeholders in all the spokesperson roles that I hold for the Greens, who have been frank and fearless with me over the last 12 months about their hopes and aspirations for government policy, who praise me when they think I am getting it right and for the healthy criticism when they think I am getting it wrong. That ongoing and sustained activism from the community and from my constituents will make me better at this job.

Each day that I come up from the car park and I see the three flags and walk in through the members entrance, I try to remind myself to commit myself to be better today than I was yesterday. And I hope I am honouring that commitment to the community.

It has been a really big year from back here on the boondocks, on the crossbench. I am proud that, in spite of the fact that I do not sit in cabinet or sign the cheques, I have still been able to achieve so many tangible progressive policy outcomes for people in my community and people right across Canberra. I have got a bit of a list because, Lord knows, I would not be able to remember them all. One is being the first MLA in the history of this Assembly to open an electorate office every Friday, 9 to 12, at Jindebah Coffee in Greenway, where my constituents are prone to find me with a flat white and hold me to account. I appreciate it.

We passed a motion to move the big banks out of public schools. We passed a motion calling for a long-term strategic plan for community sport, including a full audit of facilities, a forward-thinking facilities management plan, a peak body to represent the

sector and a plan to tackle disadvantage. We passed a motion strengthening rights to protest and improved access to civics education for young people. We passed a motion securing more funding and more supports for Canberra's not-for-profit community sector, in response to advocacy from ACTCOSS.

We elevated the conversation around making drugs like MDMA and psilocybin more readily available for the treatment of mental health ailments like PTSD and anxiety. I have consistently supported Canberra's sexuality and gender-diverse community with speeches and representations, and I was pleased to host an event here for International Day against Homophobia, Biphobia and Transphobia.

I have worked across this Assembly to secure funding for a full revitalisation of the Lake Tuggeranong foreshore. I joined with my colleague, Shane Rattenbury, as the minister for water, to launch three new floating wetlands in Lake Tuggeranong that were designed to reduce blue-green algal blooms. I was pleased to sponsor a petition from my constituents in Gordon who were concerned about speeding and antisocial driving in suburban streets. We helped secure funding for a pill-testing trial in the CBD in this year's budget. I have consistently advocated for the federal government to raise the rate of their payments and lift Canberrans out of poverty.

In addition to that, I have been pleased to work on a number of the Assembly's committees, in committee inquiries, including school infrastructure and maintenance; drug decriminalisation; monuments to women; the four-day work week; child and adolescent health screenings; and the Carers Recognition Bill.

It has been a really big year. I am really proud of all that we have been able to achieve. I have been really proud of the great relationships, I think, I have been able to form, my team and I, right across this Assembly. There are many people that I work with in here that, if you had asked me before my election would I become friends with, I probably would have said no. But it has been really nice to meet fellow travellers who work here. By "fellow travellers" I mean people who are motivated by a sense of civic service, who want to make their community better.

I could not do this job if it were not for my incredibly talented staff. Let me just say this to the people of Tuggeranong: on the days I say something that you do not like, my bad. On the days that I have done something that you are incredibly pressed with, it is because Izzy, Jordan, Laura, Alex and Liz have punched well above their weight to make sure that your voices are represented here.

The wonderful thing about not just my staff—I am sure I speak for all members—but all staff is that the Canberra community might not appreciate that they really get bang for their buck when they get a member but they usually get a handful of really hardworking people that make that member upright with a coffee before going into the chamber to say something pretty impressive. So I am incredibly grateful to my team.

I am really grateful to my ACT Greens team. As my colleague Rebecca Vassarotti rightly pointed out, five out of the six of us are brand new here over the last year and it has been a steep learning curve. I imagine every employer, every parent, can relate

to the poor experience Mr Rattenbury has had over the last year. With his years of experience, he inherited five newbies and had to somehow help us all figure it out.

On the subject of people figuring it out, can I say that I have been really impressed, delighted and grateful for the tremendous service offered to us in our work by the committee secretariat office, the staff of the Legislative Assembly, the Clerk and his team, and all the attendants who reject my offer every day when I say I am doing a coffee run. One of these days I will be able to get you a round and I will feel a little less guilty.

It has been a real privilege and over the coming 12 months I hope that all my constituents continue to hold me to account, to call me, to email me. I hope to see you at my mobile electorate office more regularly next year than I have this year. COVID has certainly made that a bit challenging.

I did have one experience this year which I would encourage all 25 members of this Assembly to do. Perhaps this is where you will all laugh at me and you will go, "That is a true reflection of Johnno's naivete." When the Chief Minister popped up on the TV in my office and said, "We have got a COVID case. Canberra is going into lockdown," we set our phone on voicemail. I said to Laura in my office, "Just divert it to my mobile." That was what I said to her. I said, "Just divert it to my mobile because it will only be seven days." Rookie mistake, very much a rookie mistake! But can I say that, at the time, it was maybe a little frustrating, particularly when the most aggrieved calls came in at the most inappropriate times. I will say, as a first-year parliamentarian, it was an incredibly humbling experience.

If you have not already done so, all of my 24 colleagues, put yourself on the shift occasionally to be the receptionist, to answer the phone and to hear what people are saying when they call up. It was really nice, on a personal level, to have so many conversations with my constituents throughout the course of lockdown.

I hope that over the next 12 months it will be under much better circumstances at mobile electorate offices throughout the electorates. I hope I am doing you proud and I hope that the work that my team and my Greens colleagues and I are doing proves to the community our genuine commitment to our policy ambitions, to our platforms, and our strongly held commitment to create a better normal for Canberra.

Valedictory

MS ORR (Yerrabi) (5.23): I rise to give my final adjournment speech for 2021. There are two aspects of this speech: a thank you to all the people who have made 2021 a success and another topic that I will save for a little later. As mentioned by many other members, 2021 has been one eventful year. Despite the lockdown and ongoing COVID situation, my office and I have continued to chug along and I am proud of the work we have done and the things we have been setting up for 2022. Together with the Yerrabi community, we have managed to accomplish some fantastic things and met some truly wonderful groups and people along the way.

2021 started with a big focus on my Carers Recognition Bill, which I am extremely proud to soon hopefully have officially passed as legislation. Countless hours were spent in the development and refinement of the bill and I met with many stakeholders, including community organisations, community groups and hardworking carers. I would like to thank all the stakeholders and constituents who provided feedback and inspired and aided me to make my bill as inclusive and supportive as possible for carers throughout the territory.

Meeting with carers one on one, who will directly benefit from this bill, was a truly special experience. Many of these carers opened up about their lives, speaking frankly and fearlessly with me about their experiences. This was brave and I would like to especially thank these individuals.

Carers ACT, ACTCOSS, the Mental Health Forum and other organisations were also fundamental in helping to ensure that my bill will be the best to represent and empower carers throughout the ACT. A big special thank you to them as well.

As I have mentioned, there has been a lot going on this year and I would like to make special note of Sanjay and Jasmine Sharma, two of my constituents who live in Bonner. Sanjay and Jasmine voluntarily run many, many, many cricket competitions in Gungahlin through the Indian Australian Multicultural Sports Association. This year Sanjay and Jasmine put together an extra focus, bringing women, particularly the daughters, mothers and grandmothers who come to the men's cricket matches, onto the pitch, creating a women's competition and also a kids' competition, bringing more women and girls, as they say, from the kitchen to the crease. This initiative to get women and girls into cricket has been a big success and I cannot praise Sanjay and Jasmine enough for the work that they do.

Additionally, I was happy to sponsor a petition from Sanjay on a much-needed bubbler at Bonner oval earlier in the year. This is the main oval where the club trains and runs competitions and I was excited to see the bubbler installed a couple of months ago. My congratulations go out to Sanjay for his community petition, which had hundreds of signatures, showing the true want for a bubbler.

Moving on, I would like to thank the Giralang community for their engagement and input throughout this year regarding the Giralang shops. I have been regularly in the community and talking to members about their frustration with the lack of progress on the development. This has been a really important issue, which I hope this place can help resolve while working with the community in Giralang.

I also want to give a special mention to the Gungahlin Jets—it would not be an adjournment speech without my mentioning them—my favourite sporting team that always makes both Gungahlin and I proud. Thank you for your constant support and for inviting me to all your events throughout the year. It is always an honour to be able to attend, watch the games and be able to present awards as one of the local members. I would also like to acknowledge Anthony Hambleton, a stalwart of the Jets, and, as of this last week, the most recent life member of the club. I look forward to seeing the club grow and develop further in 2022.

Before I move on to the second part of my speech, I think it is also important that I mention all the hard work Helping ACT did throughout the lockdown. Mohammed Ali from team Helping ACT is a big inspiration to me and the wider community. While the ACT was in lockdown, Mohammed and the rest of Helping ACT were out ensuring that Canberrans did not go without food. Thank you for all the work that they have done this year, particularly ensuring that families have had food during the lockdown.

Now it is time for me to mention the other thing that I wanted to talk about. I want to speak about an issue that is slowly but surely receiving attention outside this place due to the serious nature and challenges it presents. The ACT is a wealthy community in which most people can comfortably meet their basic needs. Unfortunately, 15 per cent of people who have periods are experiencing period poverty here in the ACT. Simply put, period poverty is a lack of access to any one of the following: sanitary products, toilets, hand-washing facilities, waste management or educational resources about periods.

It is possible to overcome physical barriers to period poverty, but not without a complete understanding of the most significant barrier to menstrual equity: stigma. Historically, all cultures have engaged and do engage in behaviour which results in shaming menstruation and those who experience it. This includes, but is not limited to, more pervasive narratives of disgust compared to other normal bodily fluids such as sweat, blood or breast milk; cultural beliefs that a woman is so unclean during her menstrual period that she cannot worship with her community; advertising menstrual products in a way that implies any menstrual blood-leaks somehow expose an absence of femininity; the restriction of freedom of behaviour due to menstruation that a person may have enjoyed in the past; and the association of menstruation with mood disorders.

Having a period should not be a disadvantage. But while periods remain wrapped up in shame and stigma, many women and people who menstruate still whisper to each other when we need a tampon, feel uncomfortable asking our male boss for time off because of period pain, or are shamed if we do not have periods. This shame absolutely has a material impact on the daily lives of women and people who menstruate. For instance, Share the Dignity's *Period Pride Report*, the largest report of its kind undertaken in Australia, reveals that, in addition to 59 per cent of people surveyed having felt too embarrassed to talk about periods, cost pressures meant that two in five respondents were using less suitable period products and one in five respondents were improvising, such as using toilet paper.

People are putting their health at risk, with almost one in two respondents wearing a pad or a tampon for over four hours because they did not have any more to use. Participation in school and work is also affected, with nearly half of respondents saying they had skipped a whole day of school and two in five respondents saying they had called in sick to work because of their period.

There is an indisputably strong case for efforts to remove the stigma associated with periods so that responding to the other barriers that stop women participating in

everyday life will be a significantly easier task. This is a matter I look forward to, and put everyone on notice on, discussing in 2022.

On a more personal note, I would like to use this valedictory opportunity to thank my wonderful team, Jason, Jayden and Ciara. I apologise to Jason for all the breakdowns we have given him this year with all our wonderful demands. I welcome Jayden into the Assembly. He is just wrapping up his first full year and he has taken to it like a duck to water. I think that is what it is, or is it fish to water? Johnno, help me out here.

Mr Davis: Duck to water.

MS ORR: Duck to water is good? All right. He has taken to working in the Assembly like a duck to water. To Ciara, who moved into the office last year, put up the Christmas decorations and has not left, I look forward to her putting up the Christmas decorations this year and many, many more. Thank you. Merry Christmas and a happy New Year.

Valedictory

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) (5.31): We are here and we get what we do done because of others—our staff, volunteers, directorates, counterparts and the community. This year the team I have worked with has grown considerably, taking on five portfolios.

Madam Speaker, I have always known just how hard the ACT public service works, but this year I have experienced it right up close. I spoke in the budget debate this week about how proud I am, but I want to reflect again that it is just the most enormous honour to be associated with a public service which is so professional, so committed, so thoughtful and so caring, in my portfolios and across the ACT public service. I have felt incredibly supported in what has been a year of triumphs and challenges, difficult but necessary decisions, and new, exciting initiatives. But, more importantly, the public service has been instrumental in sustaining this city. We are more connected than ever before.

I also want to thank the community at large for the support that they have shown each other, particularly the remarkable ways in which the community stepped up during lockdown, and Ms Orr gave some wonderful examples before. We have shown a commitment to each other with our vaccination rates, and we do talk about them a lot, but it is because it is really a celebration of exactly who we are and who we are to each other in this city. I just want to put on the record my own thanks for what a remarkable feat this is.

Thank you to my staff. To Joe Saunders, my chief of staff, who took the most significant leap of faith in coming on board. I told him it would be fun. I am not sure he would agree, after the year he has had, but we have had an incredible year together. I am just so lucky, Madam Speaker. His patience, his intelligence and his general

unflappability, particularly when compared to me, are just a few of the many qualities he has and that I and everyone he interacts with values.

To Michael, Nick, Jemma, Anna, Kaarin and Ana, I feel incredibly grateful to work with a team that inspires me daily, that puts up with my very specific ways of working and approaches all tasks with professionalism but, most importantly, with compassion.

And thank you to our DLOs: Gez, Tom, Radmila, Cath, Rick, Karen, Kellie, Al and Kylie—not all of them at once throughout the year, but many of them at once. We are truly lucky to have such extraordinary support as you go about assisting multiple ministers. On behalf of my office, and through you, Madam Speaker, I just cannot thank you enough.

Thank you to all my colleagues and their staff, particularly in the Chief Minister's office. I am so proud of our progressive and ambitious agenda and to be delivering it with colleagues with strongly held values. A special shout out to our whip, Ms Orr, who, with her team, has I think one of the most challenging jobs in this place, particularly in this term, and to you, Madam Speaker, for your guidance and support, particularly in the chamber. Thank you, of course, to our Assembly staff, without exception, for your patience, consistently cheerful attitude and just your general support. I know you know this, but we would not get through much without you.

This has certainly been one of the most humbling years of my life. I have learned a lot, including about myself. It has not been smooth sailing and it was immediately apparent to me that that was going to be the case when my year began with me breaking my leg, alone on an island in Queensland, to which the ACT had its border shut at the time, which had followed a break-up and unexpectedly finding myself quarantined in two states.

I would be nothing without the support around me, which has been unconditional. From the health professionals who helped me at the start of the year to my incredible mother Deb, who is steadfast in her love even though I am incredibly annoying, my dog, who is always up for a cuddle and ensures I get at least some exercise, and especially my gorgeous friends, who ground me and keep balance in my life. I count myself lucky to have had relationships this year that have grown and deepened.

But most of all, Madam Speaker, thank you to the people of Ginninderra. I think I say this every year, but it remains enormously humbling to be a representative of the home that I love so much, in the city that I love so much. It is the very best place to live, not just because it is beautiful with fantastic infrastructure and opportunities, but because of the people. It is always because of and about the people, and Ginninderra has the very best.

I arrived in Canberra as a 21-year-old graduate employee at the commonwealth Attorney-General's Department just under 14 years ago. I never would have imagined the enormous opportunities and privileges I would be given in this city that I had never stepped foot in but came to adore. I remain so grateful and so honoured, and I reaffirm my commitment to giving my all to serving this city and its people. I wish everyone a merry Christmas.

Valedictory

MR PETTERSSON (Yerrabi) (5.37): What a year. Thankfully it is nearly over. I feel like I am cheating giving this speech the day before we finally break for the year, but I figured I would get it out of the way now so we can all get away from here as quickly as we can tomorrow. I have nothing profound to say; just a lot of thankyou. To the good people of Yerrabi, thank you for your support throughout this year. It is always an immense honour to represent anyone, but to represent people in this place is a tremendous honour. I look forward to working hard for each and every one of you next year.

I want to say thank you to the wonderful staff in my office—Abby, Flynn and Sam. They are enthusiastic, talented young people, and I know that they have incredibly bright futures ahead of them. I am honoured that they want to work with me in this place for at least a short time. I will take a brief moment to say thank you to Zoe, who worked in my office but left earlier this year. She has been off doing big and exciting things and I look forward to following her career in the coming years. To the wonderful rank and file members of ACT Labor and to the mighty ACT trade union movement, thank you for all your hard work and support. You are truly the true believers.

To all of the staff that make the Assembly work—the attendants, Hansard, committee support, chamber support, HR and IT—and the amazing cleaners that keep this place looking good, thank you. You all play a fundamental role in our democracy and we could not do what we do without you.

I want to say thank you to all of the journalists that have to listen to everything we say in this place. You do an important thing for our democracy as well. No-one would know what on earth we do in this place if you did not tell people, so thank you.

To the ACT public service, from the hardworking mowing crews, who are definitely putting in some overtime at the moment, to the nurses and teachers that have worked in some of the strangest circumstances this year, and to all of the ACT public service directorates, a huge thank you.

This has been a strange year. I think we have seen the best of Canberra in the most trying of circumstances. I have met some incredible people, often through a face mask. These people have put others' needs above their own. I am proud to be a Canberran when I see Canberrans like this.

I have also been very proud of Canberra for embracing science and rejecting conspiracy. Every day when I check that little ACT Health update and see the vaccination rate trending upwards, I am so proud. Over the coming weeks I will be watching a tracker and hopefully, fingers crossed, we can crack that 100 per cent mark. I know we will come close. I am not quite sure we will get there, but I hope we get as close as we can.

In closing, I wish all members of this place a joyous summer. And, like Mr Parton, I will see you next year, back here, ready to do it all again.

Valedictory

MS BURCH (Brindabella) (5.41): In this adjournment speech, again I want to start by thanking the staff of OLA. Everyone has recognised that they do a fabulous job. Without them we would be a bit of a rudderless ship, and very sloppy during the day, I have no doubt. Thank you, OLA, for the work that you do.

To my team upstairs—Mel, James and Emma, who have been with me for some time, which is testimony to their patience—thank you. To my caucus colleagues—there is always something interesting to talk about in caucus—thank you for your kind words. Your patience and sometimes just being there and listening to me rant is useful.

To the Canberra Liberals, there are always interesting conversations with the Canberra Liberals in the room. I missed Mr Parton’s comment. It seems I have patience but, Mr Parton, your report card will be coming by the end of term!

A shout-out to my husband and sons: thank you for being there, for the help and the balance that you give me. Like all of us, we have people and family that we stand on their shoulders. They make us who we are. Thank you for that.

It has been a tough year, and I hope that the end-of-the year break will welcome in the new year with more hope and opportunity than was dished up to us this year. Words of wisdom from Walt Whitman: “Keep your face always toward the sunshine—and the shadows will fall behind you.” That is what I am taking into next year.

As I did last year, this morning I asked my grandkids what words made them happy, because if we can bring happiness into our hearts, the rest of it falls into place. That is my thinking. Hunter loves coding and reading, so his happy words, the words that make him feel good, are to be allowed lots of screen binging. That allows him to read at all hours and in any location. I was happy to accept the good intent of that. Kade says that, when he thinks of beach mornings, he always smiles. Given that he is on the west coast of Australia and a budding surfer and paddle boarder, I can understand why that does. For Fletcher, the youngest of that family, it was quite simple. He feels that the world would be a happier place if it were filled with chocolate and dog cuddles. It is a remedy we could all have perhaps.

The youngest grandchild, Loup, is just starting to talk and all food, any category, is described as cheese. It makes him happy when you offer cheese. It is not the smile-in-cheese; literally he sees cheese, and he smiles. That is what makes him happy. Because Loup talks to his mum’s family in France most days, may I wish you all a Merry Christmas and Joyeux Noel.

Valedictory

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) (5.44), in reply: Madam Speaker, what a year you and I have had, working

hard to deliver for the residents of Tuggeranong. It has been a pleasure to be able to help so many of our constituents. As we head towards the holiday season, I hope south-siders and all Canberrans can enjoy a well-deserved rest and catch up with family and friends.

I thought 2020 was a difficult year, but I think 2021 has been even more challenging. I want to acknowledge and thank all Canberrans for how they have responded to the COVID-19 pandemic. It is because of their good work, adhering to the Chief Health Officer's advice and getting the jab, that our city has done so well.

I am heartened by the Chief Minister's remarks earlier in the week about the V-shaped economy recovery that is emerging. It is very important for our city and very important for workers. Our city would not be in the position it is without the leadership of our Chief Minister. He has guided the territory throughout the toughest two years we have ever had. He is a leader who cares about our city and everyone who lives here. He has worked every day to keep us safe, and he has done this with a compassion and passion for every Canberran.

I also want to acknowledge the Deputy Chief Minister and the Minister for Health. Together with our Chief Minister, these friends of mine have helped steer our city to be the envy of the world when it comes to managing the pandemic. I have known these three ministers for a long time, and I am glad that all Canberrans have had the chance to see their skills, care and compassion. At the core of their being is a respect for workers and looking after people. These values are shared across our caucus, our party and our broader union movement.

This government values every worker and will always work to ensure that every job is a secure job because it is only Labor that understands a secure job is good for our economy, good for families and good for everyone's health and wellbeing. I am proud of the work that we have delivered this year to support workers.

In partnership with Minister Steel, we have undertaken significant reform to improve government procurement and support secure local jobs. There is more to do. And we will be rolling up our sleeves next year and working closely with the union movement to enhance workers' rights, safety and conditions.

My Christmas wish is for a federal Labor government. I know Albo shares our values of looking after workers and the most vulnerable people in our community. Many of the government's initiatives would have been enhanced if we had had a federal government that cared, a government that wanted to put out fires, even, I would say, a government willing to hold a hose. Unfortunately, this Prime Minister is all pose and spin.

As we head to the holiday period, I want everyone to put this year behind them and take a well-earned break. This includes our hard-working public servants. Many of our public servants have been on duty for almost two years, helping our city navigate one emergency after another. Everyone in the service has been crucial to keeping our city safe. There is so much work to do next year in making our city even greater. But we need everyone to rest and recover.

To the workers on duty over the holiday season—the bus drivers, the garbage truck drivers, the cleaners, the nurses, first responders—thank you.

I want to thank all my colleagues for their support and assistance this year. I acknowledge the contributions from the three new cabinet colleagues, Minister Cheyne, Minister Vassarotti and Minister Davidson. Hopefully, we will have fewer security and emergency management cabinets next year and, hopefully, a more normal year.

In my motorsport career of 42 years, I managed to win five championships. But this last year is the first time I have had the opportunity to work with such a group of really great champions. To my DLOs and office staff, thank you. I have a brilliant team who respect and work closely with our public servants. The team is skilled at handling bushfires and now has become experts at dealing with other fires. Our team is close and works hard to deliver for all Canberrans. And I would not be able to do my job without them.

The next few years will be big for our office. Many of the major commitments fall on their shoulders, all the while being on call to respond to emerging issues, sometimes out of their control. So my message of rest and relaxation also applies to them.

Madam Speaker, happy holiday period to you, to everyone in this place, most of all to our wonderful fellow Canberrans.

Question resolved in the affirmative.

The Assembly adjourned at 5.50 pm.

Schedule of amendments

Schedule 1

Justice and Community Safety Legislation Amendment Bill 2021

Amendments moved by the Attorney-General

1

Clause 2 (1)

Page 2, line 8—

insert

- part 7A

2

Clause 2

Page 2, line 15—

insert

- (2A) Part 7A (Criminal Code 2002) commences on the day after this Act's notification day.

3

Clause 3

Page 3, line 8—

insert

- Criminal Code 2002

4

Proposed new part 7A

Page 15, line 7—

insert

Part 7A Criminal Code 2002

15A Mental impairment and criminal responsibility Section 28 (4) and (5)

substitute

- (4) A person is presumed not to have been suffering from a mental impairment that had an effect mentioned in subsection (1).
- (5) The presumption is displaced only if it is proved on the balance of probabilities (by the prosecution or defence) that the person was suffering from a mental impairment that had an effect mentioned in subsection (1).