



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**22 OCTOBER 2019**

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**Tuesday, 22 October 2019**

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**Tuesday, 22 October 2019**

**MADAM SPEAKER** (Ms J Burch) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

## **Petition**

*The following petition was lodged for presentation:*

### **Transport Canberra—advertising policy—petition 26-19**

*By Ms Le Couteur, from 542 residents:*

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

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

On August 15 2019, Alan Jones on his 2GB radio show said in relation to New Zealand Prime Minister Jacinda Ardern: “I just wonder whether Scott Morrison is going to be fully briefed to shove a sock down her throat.” And “Now I hope Scott Morrison gets tough here with a few backhanders.”

Your Petitioners believe these comments show that Alan Jones does not uphold acceptable community values and does not respect women publicly, that these comments could encourage violence against women, and therefore the promotion of this broadcaster is inconsistent with the values we should uphold in our community.

We note that over forty 2GB advertisers across the country have withdrawn their support for the radio station and Alan Jones, and made statements about their rejection of unacceptable views.

The current Transport Canberra advertising policy restricts the type of material that can be promoted, including political or religious advertising, tobacco products and anti-social or offensive messages. Since 2015, the policy has restricted the promotion of junk food, alcohol, gambling, fossil fuels and weapons.

Your petitioners, therefore, request the Assembly to:

- ensure that promotion of people who make sexist public comments is added to the bans in the Transport Canberra advertising guidelines, and
- call on Transport Canberra to immediately remove from bus advertising all advertisements promoting people who make sexist public comments, including Alan Jones.

*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 Environment and Transport and City Services.*

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

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

That the petition so lodged be noted.

**MS LE COUTEUR** (Murrumbidgee) (10.02): I am very pleased to be able to speak to this petition initiated by Canberra businesswoman Peta Swarbrick. As the petition says, on 15 August 2019, Alan Jones, on his 2GB radio show, said, in relation to New Zealand Prime Minister Jacinda Ardern: “I just wonder whether Scott Morrison is going to be fully briefed to shove a sock down her throat.” Here is another quote from Alan: “Now I hope Scott Morrison gets tough here with a few backhanders.”

Ms Swarbrick was one of the many women appalled by that comment and then horrified to see Alan Jones’s face on our buses. Ms Swarbrick wrote to all female MLAs in this place seeking support for a petition to get this ad off our buses, and I was happy to support her by sponsoring this petition. I am confident—in fact, I know—that I am not the only one amongst the female MLAs in this place who would have supported it; it is just that we have rules that mean only one of us can do so. I am not trying to claim any sort of exclusivity. I am supporting other Canberra women in this regard who are finding the face of Alan Jones on the bus not what they want to see.

Like most Canberrans, I find Mr Jones’s views appalling and harmful, and I do not want to see people who make a point of making sexist public comments promoted on our buses. The ACT government should not promote a journalist who is blatantly sexist and well-known for repeat misogynistic and other hate-mongering dog whistling.

The petition calls for a ban on advertising of people who make publicly sexist and discriminatory comments. In Jones’s case, this is not a one-off. We are not talking about silencing sensible debate or questioning. We are talking about the ACT government not endorsing a product—which is what Jones is in this context—that encourages violence against women in positions of political power, or violence and distrust of non-white-skinned people, whether Aboriginal or Middle Eastern. He has been successfully sued for defamation of an Aboriginal woman. He has been found by the Australian Communications and Media Authority to be in breach of the radio code of conduct.

Transport Canberra’s advertising guidelines already say that we do not accept some ads, including political or religious advertising, tobacco products, and antisocial messages or offensive messages. Since 2015 the policy has restricted the promotion of junk food, alcohol, gambling, fossil fuels and weapons.

The petitioners believe, quite reasonably, that in Alan Jones’s case his comments would not meet the standards that we set for bus advertising. In promoting the show,

which is well-known for this type of commentary, we are so close to promoting these views that it makes no difference.

The ACT government would be lagging behind community sentiment if we continued to advertise him. As at 16 October, 144 businesses and corporations had withdrawn from using Jones's show for their advertising, including companies such as Volkswagen Australia and Bing Lee.

As there are more than 500 signatories to the petition, it will be referred to a committee, and I really hope that the committee can think through the best way to word the Transport Canberra guidelines to make sure we do not accept Jones and his comments as an acceptable product to advertise.

Why does it matter what he has said? Even the federal Minister for Women is clear that, until gender inequity issues are addressed, the violence against women will not stop. One in three women have experienced physical violence since the age of 15. Every two minutes, police are called to a domestic and family violence matter. Every day, 12 women are hospitalised due to domestic and family violence. More than one woman a week is killed by a former or current partner. Every week, we hear about more women murdered; 55 women have been killed so far in 2019. That is 55 women in 40 weeks. That is unacceptable.

One of the things that we have to do to address this is to stop gender violence in our words as well as our actions. We need to address the gender inequality which is leading to this. Women will never be safe until we are seen as equal citizens, and Alan Jones's comments do not help. The same goes for non-Anglo-Saxon people. They will not be safe in Australia until they are seen as equal citizens; again Alan Jones's comments do not help.

**MS CODY** (Murrumbidgee) (10.07): I would like to thank Ms Le Couteur for supporting this petition. As she explained in her comments, it is only able to be sponsored by one member of this place, and it is good to see that Ms Le Couteur did that. It is not often that Ms Le Couteur and I agree 100 per cent on everything we say, but in this instance it is very clear that we both agree on a lot of what Ms Le Couteur has just talked about.

This is just terrible. The words that Alan Jones used were inappropriate, unforgivable and unacceptable. He is just an embarrassment to this country. We are able to stand up in this place and have the right to say what a revolting thing was said about the Prime Minister from across the ditch—and some of our closest allies are the New Zealanders. To have someone in Australia denigrate the New Zealand Prime Minister—who happens to be a woman—in that way is appalling, and I do not think any of us should be standing for it.

This is also quite common in some of the other advertising we see on building sites around Canberra. I have spoken in this place on many occasions about the misogynistic and sexual objectification of women on some of our Geocon sites around Canberra. That, too, is an issue. Canberra says no to misogyny, sexism and objectification. It is wonderful to see the Minister for Women and the Minister for

Transport looking at ways in which we can also say no to the objectification of women on our buses.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Scrutiny report 36**

**MRS JONES** (Murrumbidgee) (10.09): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 36, dated 15 October 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a short statement.

Leave granted.

**MRS JONES:** Scrutiny report 36 contains the committee's comments on seven bills, seven pieces of subordinate legislation, proposed government amendments to three bills, two government responses and a committee comment on the government response to one bill. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Aboriginal and Torres Strait Islander community forum on domestic and family violence Ministerial statement**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.10): Madam Speaker, before I begin my statement today, I would like to acknowledge that we are joined by members of the Aboriginal and Torres Strait Islander community, alongside members from the family violence sector. I would like to thank representatives from the Aboriginal and Torres Strait Islander Elected Body, the Aboriginal and Torres Strait Islander Reference Group for the Domestic Violence Prevention Council, the Domestic Violence Prevention Council, the Domestic Violence Crisis Service, and other community members and services who are here with us today.

In particular, I would like to acknowledge the original contributors to the *We don't shoot our wounded* and the *Change our future. Share what you know* reports and thank them for their courage and leadership in sharing their experiences of community, family and interpersonal violence.

Today, as the Minister for the Prevention of Domestic and Family Violence, together with the Minister for Aboriginal and Torres Strait Islander Affairs, Rachel Stephen-Smith, on behalf of the government we give our unequivocal and shared

commitment to listen to and work in deep partnership with the ACT Aboriginal and Torres Strait Islander community.

We wish to acknowledge the traditional custodians of the land that we are meeting on, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution that they make to the life of this city and this region. We also would like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who are attending the Assembly today.

We are committed to working in partnership to create the necessary supports and services that assist community healing and aspirations of strong, resilient families free from family and domestic violence. Family and domestic violence is not traditionally part of Aboriginal and Torres Strait Islander cultures. Rather, traditional culture and customary lore are highly respectful and protective of women and children.

The complex interpersonal, family and community relationships were successfully nurtured for over 60,000 years prior to colonisation. In all the conversations Minister Stephen-Smith and I have had with the community on various issues, it has been clear that family is at the heart of community life and impacts on all other parts of people's lives and identity.

The kinds of interpersonal, family and community violence seen across Australia in communities today are a manifestation of the widespread intergenerational trauma, trauma resulting from oppression, racism, discrimination and abuse of Aboriginal and Torres Strait Islander people. It shames me to say that they continue to experience that harm across our society. We are sorry for that and we are committed to change.

Colonisation, dispossession and government policies, such as the forced removal of children and the disruption of kinship and community ties, have created grief, loss and intergenerational trauma. It causes ongoing harm. This complex interplay of factors also contributes to the transmission and pervasiveness of lateral and family violence, both within and against Aboriginal and Torres Strait Islander families across generations.

However, strong community leadership and enduring resilience have prevailed. We pay tribute to the many Aboriginal and Torres Strait Islander people who, through their courage and leadership, have sought consistently to improve the situation for their communities. People have shared their stories and insights and offered government clear and compelling recommendations on what needs to be done.

This leadership is demonstrated through the publication of the *We don't shoot our wounded* report, a significant community-led report from 2009. The *Change our future. Share what you know* report from the Aboriginal and Torres Strait Islander community forum on domestic and family violence was published eight years later. This second report supports and underscores the longstanding significance and pertinence of the recommendations from *We don't shoot our wounded*. Both of these reports are clear examples of local leadership and courage to bring about change across our ACT community.

On behalf of the ACT government, we are also sorry for the delay and silence over the past decade with regard to these reports. I recognise the significant distress, anger and frustration this inaction has caused the community. We would also like to commend and thank everyone who contributed to these reports: the brave families who shared their experience of family violence; the many reference group members who guided the development of the reports; and all the workshop participants who brought their extensive expertise. *We don't shoot our wounded* provides an enormous contribution to our understanding of the complexities and drivers of family violence. Importantly, it shines a light on the aspirations of the Aboriginal and Torres Strait Islander community in the ACT.

There is much that has been learnt from these reports. We have heard that preventing, healing and recovering from family violence can only occur when the suffering, destruction and harm from colonisation and racism are both acknowledged and addressed. Aboriginal and Torres Strait Islander victims of violence are unanimous in wanting the violence to stop. Receiving the assistance for this is complicated.

Some personal barriers that prevent families from reporting violence and getting assistance include the profound responsibility and need to protect children, family and community. Combining this with shame and fear, plus the need for privacy and trust, only compounds the challenge of receiving help.

Distrust of the service system is another barrier that hinders help-seeking and receiving appropriate support. This distrust, understandably, arises from fear of child protection and court involvement, particularly as a result of previous experiences with child removal. Non-Indigenous men perpetrate violence and control over Aboriginal and Torres Strait Islander women and children in significant numbers. However, it is Aboriginal and Torres Strait Islander men who are often demonised and blamed for the violence.

We also heard about experiences of discrimination, racism or ignorance, including not feeling heard by staff and agencies. We heard that not having the appropriate support options available made matters worse and left families feeling isolated. The reports also highlighted that the needs of Aboriginal and Torres Strait Islander victims of family violence can be high, complex and involve multiple agencies. The recommendations suggest a way forward. The community needs a strategic, multi-layered and sustainable approach that is led by the Aboriginal and Torres Strait Islander community in the ACT.

We recommend that members of the Assembly and the broader ACT community take the time to read the *We don't shoot our wounded* report. Its significance to the Aboriginal and Torres Strait Islander community is immeasurable. Its value in guiding improvements across government and community services cannot be underestimated.

Members of the Assembly are aware of the co-design process undertaken in 2016 to develop the family safety hub. We gained important insights from listening to Aboriginal and Torres Strait Islander families and others with a lived experience of family violence. Their insights were consistent with, and reinforced, what has been learnt from the two reports.



What is clear from this co-design process is that our service system response is not culturally safe. It does not promote healing and it does not provide the alternatives to a justice or policing response that the community needs. We listened to stories of how services, while well-meaning, did not understand the complex nature of family violence for Aboriginal families.

Services did not understand that family members want to stay strong, stay together, but want the violence to stop. Staying together as a family, with support to heal, and stopping the violence, is a strong aspiration for the community. It is important to bring men and fathers back into family and community, with supports that validate their role and identity.

These are key messages also mirrored in the first 1,000 days project, *Our men, our shields: messages of belonging and hope*. In essence, we have heard over and over again that our services do not meet the needs of Aboriginal and Torres Strait Islander families and that this has to change.

Minister Stephen-Smith and I, on behalf of the ACT government, have committed to keep the issues raised in the *We don't shoot our wounded* report and reaffirmed in the *Change our future. Share what you know* report from being lost again. We offer our unequivocal and shared commitment to listen to the Aboriginal and Torres Strait Islander community. We will continue to work in genuine partnership to assist community healing and create the necessary support for the services.

The government fully supports the intent of the recommendations in the *We don't shoot our wounded* and *Change our future. Share what you know* reports. The government commits to working with community, under the leadership of the Domestic Violence Prevention Council's Aboriginal and Torres Strait Islander Reference Group.

Addressing family violence is now a strategic priority of the ACT Aboriginal and Torres Strait Islander agreement 2019-28. This agreement was jointly signed by the chair of the elected body, the Chief Minister, the Minister for Aboriginal and Torres Strait Islander Affairs and the Head of Service in February 2019. The reference group, the elected body and some of the original contributors to the *We don't shoot our wounded* report worked with us to develop an approach for how to respond to these reports.

The reference groups will be leading a community process to set priorities and determine the actions for responding to the recommendations. These community priorities in turn will guide the ongoing reform of existing services and policies and the development of government commitments.

It is likely that some of these commitments may require new resourcing, and this will be considered in future budget processes. The ACT government and each directorate will be accountable for meeting the community's aspirations, delivering on government commitments and reporting progress back to the community. They will do this by reporting through the Aboriginal and Torres Strait Islander agreement.

Invitations are extended to all community members who would like to contribute to setting priorities and developing actions. Their experiences, insights and aspirations are fundamental to informing the way forward.

Some early steps that can now start towards addressing the report's recommendations include supporting recommendation 1 to develop a joint community-government statement that commits to preventing family violence, supporting victims and helping men lead violence-free lives. The Office of the Coordinator-General for Family Safety will provide resources to support the reference group to lead this work with the community. Ensuring that the voices of the community continue to be heard is the intent of recommendation 2 of *We don't shoot our wounded*.

Recommendation 3 requests a strategic planning and delivery framework to deliver real change. This will be achieved, firstly, by having the joint statement of commitments between community and government. Additionally, government will report on its progress in delivering its commitments through the agreement.

The family safety hub will be made available to support the community-led testing of ideas and actions, which will assist with meeting recommendations 4 to 10. Our commitment to a whole-of-government domestic and family violence training strategy which will be progressively rolled out to provide intensive training for frontline workers and foundation level training for all staff and managers in the ACT public service will assist in progressing recommendation 11, with more to be done to think about building this capacity for services outside of government.

The development of the outcomes framework for the Aboriginal and Torres Strait Islander agreement and the annual statement of performance by the Minister for Aboriginal and Torres Strait Islander Affairs supports the intent of recommendation 12. This will improve the evidence base and quality of evaluations to assess progress in improving the access of Aboriginal and Torres Strait Islander victims of family violence to justice and services.

"Nothing about our mob without our mob" is a key message in the Warawarni-gu Guma statement. This statement was delivered by a delegation of Aboriginal and Torres Strait Islander women at last year's Australia's National Research Organisation for Women's Safety national conference. These leaders brought an Indigenous perspective on family violence to the national stage and reinforced what we have heard from our local leaders.

Despite the delayed response to the *We don't shoot our wounded* report, there have nonetheless been some important improvements that have occurred over the last few years. We are sharing these to illustrate how the government has been listening and working differently with community to support family-centred and community-led approaches.

The ACT government committed to understanding why there is an over-representation of Aboriginal and Torres Strait Islander children and young people in our child protection system. Instead of the usual government-type review or

inquiry response, the Our Booris, Our Way review was set up. An Aboriginal and Torres Strait Islander steering committee with people with professional and lived experience of the child protection system is leading the review and steering its direction. There is still some time to go before the review is completed, but already we are seeing changes happening from its initial recommendations.

We have worked to improve the knowledge and skills of our frontline child protection staff and to shift us towards being culturally proficient. Staff have been trained in cultural load and cultural safety and are supported to make sure they uphold the Aboriginal and Torres Strait Islander child placement principle in their practice each and every day. We have also employed more Aboriginal and Torres Strait Islander staff.

Another important step forward is that families and community can now volunteer to have a designated Aboriginal and Torres Strait Islander family group conference. These conferences are where important decisions are discussed and plans are made to keep their children safe and stay connected to family and community and culture. Discussions include whether children stay at home, return home or stay with an appropriate kinship carer.

Another new program being trialled is the functional family therapy child welfare program. Aboriginal and Torres Strait Islander families can volunteer to work with Gugan Gulwan Youth Aboriginal Corporation and OzChild. Assistance is provided to improve how families relate, communicate and support each other. Having Gugan Gulwan, a respected and trusted agency, provide this program has helped families get the best for their children.

Last year it became possible for people who use violence or who have committed a sexual assault to volunteer to be part of a facilitated restorative justice dialogue. Community members affected or harmed by the offence can come and be supported by an Indigenous convenor and guidance partner. They have the opportunity to share their experience of what happened, discuss who was harmed by the crime, plus create an agreement for what the responsible person will do to repair the harm they caused. The restorative justice team helps create a safe space for everyone to heal together and for members to connect with community-based services for follow-up support.

The last program we wanted to share is from our three child and family centres, specifically our growing healthy families program. The centres are one-stop shops for families with young children. They have child-friendly decor, supportive staff and a wide variety of government and community activities and programs. These centres have evolved into a welcoming and culturally safe place for Aboriginal and Torres Strait Islander families. This has not happened through chance; it has happened because Aboriginal and Torres Strait Islander staff have been employed and have co-designed services with the community. Staff have taken the time to listen, build trust and gain respect so that families choose to use the service. This is an important achievement.

Of course, these programs and services do not provide all the solutions; nor do they respond specifically to the recommendations of *We don't shoot our wounded* and

*Change our future. Share what you know.* They are, however, examples of changes in approach that the government has taken to improve outcomes for the Aboriginal and Torres Strait Islander community. They also illustrate opportunities to strengthen how we work together.

The ACT government is aware there is a long and hard road ahead to continue to build trust and relationships so that support for generational change and community healing can happen. Our statement today is a formal and public gesture of our commitment to work in deep partnership and to be led forward by the Aboriginal and Torres Strait Islander community.

I present a copy of the statement:

“We Don’t Shoot Our Wounded” and the Aboriginal and Torres Strait Islander Community Forum on Domestic and Family Violence—Government response—Ministerial statement, 22 October 2019.

I move:

That the Assembly take note of the paper.

**MRS KIKKERT** (Ginninderra) (10.29): I thank Minister Berry for the statement she has just read out on behalf of herself and Minister Stephen–Smith. I am especially grateful to hear the minister apologise for the Barr government’s years of delay and silence when it comes to addressing the specific needs of Aboriginal and Torres Strait Islander Canberrans in relation to domestic and family violence.

This decade of neglect has not only created anger and frustration, as the minister acknowledged, but has also been understood by many as evidence of the contempt of those opposite. More importantly, it has left numerous victims of domestic and family violence lacking the very help that they have, in their wisdom, asked for.

Minister Berry quoted the clear message from the Warawarni-gu Guma statement: “Nothing about our mob without our mob.” This underscores the absolute importance of working with community members in addressing their concerns. But in this case the ACT government has had the *We don’t shoot our wounded* report for over 10 years and has done nothing about it. There is simply no point consulting community members and then ignoring what they say. Five years ago, Beryl Women’s Refuge manager Robyn Martin publicly noted that the government had not taken meaningful action on this report. Another five years have passed and basic services still do not meet the needs of Aboriginal and Torres Strait Islander families.

In fact, the Barr government’s services are still, to again quote Minister Berry, “culturally unsafe”. Indigenous Canberrans still fear our child protection system, and this fear hinders their seeking help in many cases. This situation is inexcusable. I am glad to hear Minister Berry state that new resourcing will be considered in future budgets. But the simple reality is that a genuine commitment to the territory’s Aboriginal and Torres Strait Islander community would have seen resourcing being

carefully considered over the course of the last 10 budgets. What a difference that could have made!

For the benefit of those opposite, I note that Indigenous Canberrans are looking for more than just words this time. As many of them have expressed to the Canberra Liberals, they have grown deeply weary of this government's endless words without actions. Julie Tongs, the CEO of Winnunga, has recently expressed her alarm at the possible cuts to frontline services foreshadowed in this year's budget papers. Minister Berry has had numerous opportunities to provide an assurance that her decision to pull safer families levy funding from frontline services will not let vulnerable victims fall through the cracks but she has repeatedly avoided overtly making those assurances.

This fact may help to explain why the minister's statement today will inevitably be received with suspicion by the territory's Aboriginal and Torres Strait Islander communities. They will be watching to see what this government actually does during the remaining 12 months of this Assembly, and so will the Canberra Liberals. The minister's apology today, if it is to mean anything, must be accompanied by real progress. Nothing less will do.

**MS LE COUTEUR** (Murrumbidgee) (10.33): I thank the Minister for the Prevention of Domestic and Family Violence and her colleague the Minister for Aboriginal and Torres Strait Islander Affairs for providing this long-awaited response to the *We don't shoot our wounded* report. I think that we can all agree here that taking 10 years to respond is very far from an ideal situation and is, in fact, in some ways insulting to the local Aboriginal and Torres Strait Islander community. It is indicative of how we, in power, have not treated the community with the respect it deserves.

I acknowledge all the Aboriginals and Torres Strait Islanders in the chamber today and pay my respects to you and your elders, past, present and emerging. I also acknowledge the contributions of local Aboriginals and Torres Strait Islanders to this important report and to the other government consultation and co-design processes that have taken place over the last decade. I can assure you that the Greens will help you to hold the government to account in progressing the agreed recommendations in this report and other significant reports.

This report was produced in good faith by the Victims of Crime Coordinator in 2009 and then by the Victims of Crime Commissioner in 2011. More importantly, it was produced in good faith, in collaboration with a group of very dedicated and knowledgeable members of our local Aboriginal and Torres Strait Islander community, with the hope that things would change. They have been very patient waiting for a response, but at last here it is. Thank you.

The main thing now, of course, is that government acts upon the recommendations that it has agreed to. Perhaps somewhat ironically, the second recommendation is to ensure that the voices of Aboriginal and Torres Strait Islander victims of violence continue to be heard. At least now, with this government response, we can hope that this will be the case.

To wait for 10 years is an appalling situation. It is worse than the Northern Territory government, who, admittedly after two years, still have not provided a government response to the Royal Commission into the Protection and Detention of Children in the Northern Territory. It is no wonder that some members of our local Aboriginal and Torres Strait Islander community are feeling really disaffected and not part, in any way, of government consultation processes. Time and again they were consulted and yet, as far as I can see, nothing changes.

We know that Aboriginal and Torres Strait Islander women have higher rates of violence, 32 times higher hospitalisation rates and are 11 times more likely to die from family violence-related incidents than non-Aboriginal women. Yet we still do not have adequate resources in the community—the Indigenous community in particular—to deal with this.

As I heard at a forum hosted by Beryl women just last week, the Aboriginal and Torres Strait Islander community is very, very clearly saying, “Nothing can be done for us without us.” The key is that we listen when we ask for their opinions; we listen when they suggest solutions, even if they are not the solutions that we whitefellas think are the solutions. They are the experts in their own lives and in how their community works. This means resourcing the community as the community thinks should happen, rather than dictating all the time what we think should happen. Clearly what we think should happen is not working, is it? That is the bottom line. We have to do something different.

One of the comments that was made at the forum I went to last week was that so many people felt that they were over just consulting with the government, because they could say all that they felt but the government did not listen and certainly did not act in the way they thought the government should.

The other thing I would say is that the government should not address the issue of domestic and family violence in silos, recognising that the impacts trickle far and wide into the care and protection system, the out of home care system, the youth justice system and the adult criminal system, the health system and the mental health system. All these systems need to be linked because the common thread of family violence runs through them. But, most importantly, the common thread of community and humanity should run through all of them.

I note that last week my colleague, Minister Rattenbury, announced funding to local emerging Aboriginal and Torres Strait Islander-led and informed organisations to work in the area of justice reinvestment, which was not mentioned by the minister but which is equally as important as the work of Our Booris, Our Way and the family group conferencing, the functional family therapy child welfare program and restorative justice. I emphasise again that these justice reinvestment programs are linked and should work together.

More importantly, of course, we need to work in partnership with our local Aboriginals and Torres Strait Islanders in the spirit of the Ngunnawal word “yindgamurra”—and I apologise if I have mispronounced that—which means

“respect”. We need to maintain the trust with our Aboriginal and Torres Strait Islander community members so that they will continue to talk to us, because at present I know some of them are saying, “Why should we even bother?”

I acknowledge that the minister today has apologised for the delay and silence over the last decade and recognised the distress, anger and frustration that the lack of action has caused in the community. I am pleased that finally the community has, I hope, been afforded the respect it deserves. What is left now, of course, is to see real action.

Question resolved in the affirmative.

*At 10.40 am the sitting was suspended until the ringing of the bells.*

*The bells having been rung, Madam Speaker resumed the chair at 10.45 am.*

## **Suicide prevention Ministerial statement**

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (10.45): I rise to make the following statement on suicide in the ACT, in accordance with the motion moved by Ms Bresnan, and passed on 28 March 2012 in this place, committing the Minister for Mental Health to present a biannual ministerial statement on suicide prevention.

In late 2016 the ACT government, as a strategic priority, appointed me as its first dedicated minister for mental health and suicide prevention. Mental health and wellbeing are key priorities for the ACT government. We are committed to enhancing the mental health and wellbeing of our community by focusing on the integration of services, prevention and early support, and the prevention of suicide and self-harm. In accordance with the ninth parliamentary agreement, a key priority for me in the mental health portfolio is achieving a sustained reduction in the rate of suicide in the ACT by 2020. Suicide is an issue globally, nationally and locally.

Across Australia, suicide is the leading cause of death for people aged 15 to 44 years, and the second leading cause of death for people aged 45 to 54 years. Each year in Australia there are an estimated 65,000 suicide attempts, with the majority of these suicide attempts being made by females. Three-quarters of suicide deaths are male. In Australia in 2018, 3,046 people took their own lives by suicide. This was more than double the national road toll and accounted for approximately 105,370 years of potential life lost in 2018.

These are sobering statistics which are even more concerning when considering that behind each suicide there are friends, families and communities that are deeply affected. This underscores why continued and coordinated action to prevent suicide is crucial for Australia and for the ACT. This is also why it is crucial for us to report on the occurrence of suicide in Australia and in the territory. This allows us to understand the patterns of suicide and keeps us accountable for our suicide prevention activity.

This brings me to updating the Assembly on the most recent information about suicide in the ACT. In 2018 in the ACT there were 47 deaths by suicide, compared to 58 deaths recorded in 2017. In 2018 this was equivalent to an age-standardised rate of 11 suicide deaths per 100,000 people in the ACT, which was lower than the national average of 12.1 suicide deaths per 100,000.

Despite this improvement in 2018 from the year before, it is important that we also look at the five-year, age-standardised rate of suicide deaths per 100,000 people to gain a real sense of the trend. This tells us that the figures have largely remained constant, with 10.5 suicide deaths per 100,000 in the 2013-17 period in the ACT compared to 10.7 in the 2014-18 period. Similar figures were also seen across all states and territories, and in the national average.

This again points to the importance of sustained efforts to improve the range of suicide prevention activities and early intervention services in the ACT and across Australia. In light of this and of the fact that it is Mental Health Month, I will take this opportunity to update the Assembly on how the ACT government is continuing to support suicide prevention and early intervention in the ACT. However, before I do, in the spirit of Mental Health Month, which encourages and supports increasing awareness and having frank conversations about mental health and wellbeing, I would like to speak to three of the common myths about suicide.

The first of these myths is the idea that talking about suicide publicly or asking someone if they are having thoughts of suicide can increase the rates of suicide or suicidality. This is a common myth, but it is one that has been proven incorrect in a number of studies, including one in 2014 by the school of medicine at King's College London, which found no statistically significant increase in suicidal ideation among adult participants when asked about suicidal thoughts. Rather, talking openly about suicide raises people's awareness of the available services and encourages them to seek help, thereby potentially helping to prevent suicide.

The second myth is the notion that only people with mental health issues or mental illness are suicidal. This myth itself can be stigmatising, because many people living with mental illness will not be affected by suicidal behaviours and not all people who take their own lives have a mental illness. The reasons as to why people take their own lives are complex and often there is no single reason why a person will attempt suicide.

Recent research by the Australian Bureau of Statistics shows that while many people who die by suicide experience mental illness, other health and psychosocial risk factors are also important. A wide range of social and economic factors are recognised as risk factors for suicide, including a past history of self-harm, alcohol and other drug problems, relationship issues, legal issues, unemployment, homelessness, disability, bullying, bereavement and impacts of chronic health conditions. For Aboriginal and Torres Strait Islander people, suicide rates are approximately twice those of non-Indigenous Australians.

The third and final myth I will discuss today is the belief that once someone is suicidal they will always be suicidal. Heightened suicide risk is often short term and



situation specific. While suicidal thoughts may return, they are not permanent. Someone who has experienced suicidal thoughts or attempts can go on to live a long life.

The ongoing existence of these three myths is a constant reminder of the importance of our efforts to raise the awareness of suicide prevention and develop the resilience of our community. This is something that the ACT government and I, as the Minister for Mental Health, are deeply committed to. This commitment is demonstrated in the programs and services that the ACT government supports for suicide prevention in the ACT. I believe that this is, first and foremost, recognised through the establishment of the LifeSpan integrated suicide prevention framework in 2018, in partnership with the Black Dog Institute.

LifeSpan is an evidence-based approach to integrated suicide prevention that coordinates nine different strategies across community-led approaches that include health, education, frontline services, business and the community. The ACT government is the only state or territory government that is centrally coordinating a LifeSpan trial site.

LifeSpan has hit the ground running and has already made great progress in establishing health promotion and suicide prevention programs in the ACT. A recent example is the “question, persuade, refer” online gatekeeper training program, which has been widely promoted by the ACT Health Directorate and the Capital Health Network. QPR, as it is known, is a suicide prevention intervention that teaches lay and professional gatekeepers to recognise and respond positively to someone exhibiting suicide warning signs and behaviours. I am pleased to say that over 450 Canberrans have taken up this training opportunity to date.

LifeSpan is also targeting groups who are at higher risk of suicidality, such as young people. For example, the ACT government has committed to implementing the Black Dog Institute’s “youth aware of mental health” program, the YAM program, as part of ACT LifeSpan. The ACT Health Directorate will implement YAM with year 9 students in all ACT high schools, in partnership with ACT Education, as it is a program that directly targets young people in the age group identified as being at an increased risk of intentional self-harm. Funding for this initiative has been made available through the commonwealth government’s community health and hospitals partnership program.

LifeSpan is also working closely with the Aboriginal and Torres Strait Islander community in the ACT to develop culturally appropriate suicide prevention and intervention services. This has included employing an ACT LifeSpan Aboriginal project officer to coordinate this work and establishing an ACT LifeSpan Aboriginal and Torres Strait Islander working group. This working group has included consultation with key local stakeholders, including the Aboriginal and Torres Strait Islander Elected Body, the United Ngunnawal Elders Council, Winnunga Nimmityjah, Gugan Gulwan Aboriginal Youth Corporation and a range of inter-directorate ACT government stakeholders.

In addition to those vulnerable groups, the ACT government is continuing to support people who have recently attempted suicide, which is the time when people are at the greatest risk of making another attempt. This is achieved through the ACT government's ongoing funding for the way back support service, developed by Beyond Blue and provided in the ACT by Woden Community Service. The way back support service is a non-clinical suicide prevention program developed to provide follow-up support for people after they have attempted suicide. I am proud to say that the ACT government was an early adopter of the way back support service, as it funded a pilot of the program in 2016. Since then, the ACT government has continued to support the service and has negotiated a bilateral agreement with the commonwealth to provide matched funding to secure its continued operation in the ACT.

These are important health services for preventing suicide and promoting health and wellbeing in the territory. However, as I discussed earlier, the reasons that a person may attempt suicide are complex and multifactorial and can often be influenced by the social and economic circumstances that affect their lives. Many of these circumstances are outside the traditional remit of a health system.

Instead, effective community-wide suicide prevention requires the coordination of a range of different sectors, agencies and community groups that can take a holistic view of a person. A key element of this is enabling a whole-of-government approach where people can work together to improve the underlying mental health and wellbeing of the community and reduce the overall impact of mental illness.

I am also proud to say that in addressing the social and economic determinants of mental health and wellbeing, the ACT is leading the way. A key achievement in this is the establishment of the office for mental health and wellbeing, which was launched in June 2018. The work of the office centres on promoting and coordinating whole-of-government action towards improving mental health and wellbeing.

This aim is reflected in the territory-wide vision of mental health and wellbeing that has been developed by the office, in close consultation with members of the community and other key stakeholders. The vision that the office is championing is "a kind, connected and informed community working together to promote and protect the mental health and wellbeing of all".

This vision is a call to action for cooperation that improves the mental health and wellbeing of all Canberrans. This reaffirms that suicide prevention is everyone's business. In line with this, the model for the office prioritises close collaboration with agencies outside health services, including housing, employment, community services, justice, police and education. By encouraging linkages and cooperation between these agencies, the office and the ACT government are championing the importance of mental health and wellbeing across the community.

This focus on improving the range of social and economic factors that can impact on mental health will help to improve the naturally occurring protective factors in our community that help to prevent suicide. In this way, the ACT government is doing

what it can to create a community where people are more resilient and supportive of each other. This vision of a more connected community in the ACT is something I believe we must continue to strive to achieve. As a result, I will continue to prioritise the important work of suicide prevention in the territory.

There is no single answer for preventing suicide, but each step forward is an important one. I am pleased with the collaborative work that is happening in the ACT. I look forward to continuing to serve the ACT in this regard as the Minister for Mental Health, and I will continue to keep the Legislative Assembly and the public up to date on our work.

I present a copy of the statement:

Suicide Prevention in the ACT—Ministerial statement, 22 October 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Crimes (Protection of Police, Firefighters and Paramedics) Amendment Bill 2019**

**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 Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.59): I move:

That this bill be agreed to in principle.

I am pleased to present the Crimes (Protection of Police, Firefighters and Paramedics) Amendment Bill 2019 to the Legislative Assembly. The bill will introduce new offences into the Crimes Act 1900 to help ACT police officers, firefighters and paramedics be better protected on the job, recognising the special occupational vulnerability these workers have when performing their everyday duties.

The work of police officers, firefighters and paramedics in the ACT is integral to the safety and wellbeing of our community. It is important that we have laws that support these workers to carry out their jobs effectively. In performing their duties, police officers, firefighters and paramedics put themselves in harm's way to keep our community safe. As a result, they are exposed to risks that others in the community are not required to face in their everyday jobs.

As first responders, police officers, firefighters and paramedics are obliged to render assistance and to stay at a scene, as opposed to members of the public, who may elect to leave an escalating incident. These workers are routinely called upon to provide emergency assistance in volatile and dangerous situations.

The issue of occupational violence experienced by emergency workers is well documented by national research. Organisations such as Beyond Blue and Safe Work Australia highlight that the unique challenges faced by emergency workers can have a profound effect not only on a person's physical health but also in terms of mental and emotional harms. The impacts can be long-lasting and devastating.

It is a serious problem and one this government is committed to addressing. We must ensure that our police, firefighters and paramedics are safe and can carry out their duties effectively. This bill recognises the important role that police officers, firefighters and paramedics have in providing emergency services to the community and sends a clear message that violent behaviour is unacceptable and will not be tolerated in our community.

The bill establishes a new offence for assaults against police officers, firefighters and paramedics, with a maximum penalty of two years imprisonment; an offence for intentionally or recklessly driving at a police officer and exposing a police officer to a risk to safety, with a maximum penalty of 15 years imprisonment; and an offence for driving at and causing damage to a police vehicle, with a maximum penalty of five years imprisonment.

The bill's intention is to establish that an assault against a police officer, firefighter or paramedic and violent driving behaviour against police and police vehicles are serious crimes—that is, they are crimes which involve a discrete criminality and should be recognised as distinct from other similar conduct.

Similar provisions for the protection of vulnerable victims currently exist in ACT legislation in relation to aggravated offences against pregnant women. These aggravated offences were created in recognition of the fact that some acts of violence are worse than others. The same principle applies to the offences in the bill, recognising the unique nature of responsibility that the territory places upon those acting in frontline emergency service roles. Police officers, firefighters and paramedics are required to step forward to face risks that others are expected to step away from, and it is appropriate for the law to specifically reflect this vulnerability.

Importantly, reforms to strengthen criminal justice responses to violence targeted at police and other emergency service workers are strongly supported by ACT Policing, the Australian Federal Police Association and the emergency service agencies and unions in the ACT. This message has been core in driving the development and purpose of the bill.

I will now go into further detail about each of the offences in the bill, and, firstly, to the creation of a new assault offence. This offence aims to address increasing concerns about the frequency and severity of assaults against police and other

frontline workers in the ACT. Data from ACT Policing shows that the number of reported assaults against police has been generally trending upward since 2011. From July 2011 to June 2015, for example, there was an average of 29 assaults per year recorded against police, compared with an average of 52 assaults per year from July 2015 to June 2019.

Violence against firefighters and paramedics is also a serious concern. The impact of repeated or sustained exposure to occupational violence experienced by first responders, including police, firefighters and paramedics, has recently been captured by various national reports which highlight that assaults may be associated with increased levels of psychological distress and poor mental health outcomes for these workers. These reports also identify the larger costs of mental health disorder claims by police, firefighters and paramedics.

While assaults against these workers can be captured under general assault provisions within existing ACT legislation, establishing a separate assault offence for police officers, firefighters and paramedics is important to recognise the discrete criminality of this offending and the particular occupational vulnerability experienced by these workers. A separate assault offence is also consistent with similar reforms in other Australian jurisdictions. Creating this new offence also means the specific conduct would be reflected in an offender's criminal record, which enables better informed decisions involving the assessment of a person's criminal history, for example, by police, the courts, prospective employers or volunteer agencies.

The bill provides that the offence will apply for assaults against emergency workers, which is defined to include police officers, firefighters and paramedics, as well as patient transport officers. Patient transport officers drive ambulances and provide patient transport to and from healthcare facilities and also clinics and private residences. Patient transport officers wear the same uniform as paramedics and may be tasked to attend emergency situations as a first response, as well as operate an intensive care ambulance in conjunction with a paramedic.

The offence will apply where a person assaults an emergency worker while in the exercise of functions, which includes any time the worker is on duty. It will also apply in circumstances where the worker is not exercising functions or on duty, where the assault is carried out as a consequence of or retaliation for action taken by the worker while exercising a function or because the person was an emergency worker. The offence will attract a maximum penalty of two years imprisonment. The prosecution will be required to prove that the person knew or was reckless about whether the victim was an emergency worker. However, in certain circumstances a person will be presumed to have known the victim was an emergency worker.

Secondly, the bill will create a new offence for driving at police and an offence for ramming police vehicles. This will send a clear signal that those who ram police will be held to account and face significant penalties. These offences aim to reflect the serious criminality of dangerous driving activity targeting police officers and police vehicles and deter others from engaging in this type of violent conduct. The offences are based on provisions adopted in Victoria in 2017 which were introduced to

specifically address incidents where offenders use motor vehicles to harm police and emergency workers.

The bill provides that it will be an offence for a person to intentionally or recklessly drive near or at a police officers who are exercising functions as police officers. The driver must intend to risk or be reckless about risking the police officer's safety by their conduct. The offence will attract a maximum penalty of 15 years imprisonment.

It will also be an offence to intentionally or recklessly ram police vehicles. Disturbingly, the ramming of police vehicles has been an emerging trend in the ACT, typically occurring in circumstances where drivers intentionally fail to comply with a police officer's signal to pull over or when drivers attempt to avoid random breath testing. ACT Policing has indicated that some incidents have resulted in severe injuries to police officers.

Given the emergent practice and the vulnerable positions police officers are regularly placed in on our roads, it is appropriate for the community to specifically condemn driving behaviour that targets and exploits this vulnerability. These new offences will assist police and others to communicate that this practice will not be tolerated and may act to deter others from engaging in this unacceptable conduct.

In developing these reforms the government worked in close consultation with ACT Policing and emergency service agencies to understand how this new legislation will impact and assist police officers and other emergency workers.

The bill also requires offences to be reviewed within two years, following the commencement of the provisions, which is an opportunity to consider the impacts of the new legislation, including in relation to penalty provisions and the possible application of offences for other victims.

The bill addresses issues that are at their core about respect for public order and the right to live and work in a safe environment. The offences in the bill aim to deter violence against those who provide critical emergency services on behalf of the community. The bill also aims to ensure that there are appropriate consequences for offenders who choose to engage in violent conduct against police officers, firefighters and paramedics who are simply doing their job. I commend the bill to the Assembly.

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

## **Work Health and Safety Amendment Bill 2019**

Debate resumed from 15 August 2019, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MR WALL** (Brindabella) (11.10): Madam Assistant Speaker Lee, welcome back. The Work Health and Safety Amendment Bill 2019 holds little surprise for the opposition. The bill provides a mechanism to enact a major recommendation out of the independent review of the ACT's work safety compliance infrastructure, policies and procedures that was conducted by the Nous Group in August last year.

The recommendation focused on a key solution to the issues around the existing WorkSafe ACT model, perceived or otherwise, which was to establish WorkSafe as the office of the Work Health and Safety Commissioner, an independent and separate entity under the Work Health and Safety Act.

As we are all aware, the current Work Safety Commissioner is not the regulatory decision-maker when it comes to work health and safety; the director-general with responsibility for Access Canberra is. There has been long-running commentary as well as media coverage of this issue and this problem.

Establishing WorkSafe ACT as an entity under the Work Health and Safety Act using a single accountable governance model whereby a commissioner is appointed as the regulatory authority and is accountable for all regulatory decisions provides the rigour that is required in the work health and safety space. When established, the office will continue to provide the previous functions that were undertaken, which include education, research and awareness raising. The opposition is satisfied that this bill will serve that purpose effectively, as it sets out the mechanism for establishing the new entity.

Foreshadowing some amendments that the opposition will have to this bill, we have sought to bring about very straightforward and simple changes that seek to ensure that the appointments of both the Work Safety Council members and the commissioner are scrutinised by the relevant standing committee and that the tenures of members of the council are consistent with what this bill ultimately seeks to do in the longer term. This is to ensure and protect the same requirements that are in place as for other statutory appointments and positions that exist within ACT government.

The bill re-establishes the Work Safety Council, which will be a 12-member council represented by five employee representatives and five employer representatives, as well as the Work Health and Safety Commissioner and the Public Sector Workers Compensation Commissioner. The bill requires the relevant minister to consult with people or bodies, at the minister's discretion, regarding appointments as either an employee or employer representative. The opposition will watch very closely how the minister determines who is a relevant person or body to be consulted with, to ensure that, under this power, the broadest possible consultation is carried out. If those actions are not followed then the opposition will not rule out the opportunity to bring an amendment to this bill at a later date.

The appointment of the commissioner requires the minister and the executive to consult with both the chair and the deputy chair of the Work Safety Council after conducting an open selection process. The commissioner must also have the relevant and required experience. The legislation also outlines that, to ensure transparency and that there are no conflicts of interest, the commissioner is required to complete a disclosure that they report to the relevant minister.

The opposition, as I mentioned before, foreshadow some amendments to this bill. We believe there should also be a scrutiny role for the standing committee of the Legislative Assembly in this space, during the appointment of a commissioner, where the relevant standing committee is consulted on the appointment.

The bill outlines that the role of deputy work health and safety commissioner will be a public service position. The person that occupies that position must also have suitable qualifications in order to act as the commissioner in their absence, for a period of up to six months, should a vacancy occur.

I would like to take this opportunity to thank the current Work Safety Commissioner, Greg Jones, and his predecessors for the work they have done to ensure that ACT workplaces are safe and compliant with work health and safety legislation. Mr Jones and his team in particular have weathered a particularly personal storm in the form of a union-driven campaign to get this legislation underway. I believe the current commissioner and his team have performed their role well and to the best of their ability, in keeping workplaces around the ACT compliant with legislation. This bill should not be seen as any kind of distraction from the work they have been conducting over a number of years.

While members opposite seem to think that it is only their remit and that of trade unions to care about safer workplaces, it must be said—and I will reiterate—that everyone, from employers to employees, past, current and future regulators, and all sides of politics, wants to see safer workplaces where people are getting home safely after an honest day's work. I have said many times in this place, and from a place of experience, that we all have this common goal. With that intention, the opposition will support this legislation, with the foreshadowed amendments that will be dealt with in the detail stage.

**MR RATTENBURY** (Kurrajong) (11.16): Madam Assistant Speaker Lee, welcome back to the chamber. The ACT Greens will be supporting the Work Health and Safety Amendment Bill. October is National Safe Work Month, asking workers and employers across Australia to commit to building safe and healthy workplaces for all Australians. This year's theme is "Be a safety champion" and it demonstrates that anyone, from any occupation or industry, can be a champion for work health and safety.

In Canberra WorkSafe ACT is our regulator, our most obvious champion for work health and safety. This bill gives greater independence to WorkSafe ACT, aiming to enable the agency to more effectively be that champion. It gives them a standalone voice, separate from government, and a platform to transparently and systematically highlight the importance of workplace health and safety and issues arising in Canberra workplaces.

These amendments are part of a range of changes being made to improve work health and safety legislation and implementation in the ACT. This bill takes action to address the recommendations of the 2018 independent review of the ACT's work safety compliance infrastructure, policies and procedures and, in particular, recommendation 21, relating to the governance arrangements of WorkSafe ACT. The bill also makes changes to ensure consistency of work health and safety terminology across the Work Health and Safety Act.



WorkSafe ACT enforces the territory's health and safety and workers compensation laws through a mixture of education and compliance activities. In order to do this work effectively and efficiently, it makes sense for the agency to be independent of government, particularly if it is to act fairly in the interests of ACT government workers.

The Greens have a strong commitment to ensuring the health, safety and wellbeing of workers in Canberra. Over our time in the Assembly, we have worked to support and enhance the role of WorkSafe ACT and, in particular, to deal with bullying in our workplaces. As Minister for Mental Health, I am pleased that the government is acting to strengthen WorkSafe ACT and I welcome action on the recommendations of the independent review. The review noted:

Many stakeholders raised the importance of WorkSafe ACT broadening its focus and emphasis beyond construction and physical injuries to a wider range of industries, for example, health and community services, and beyond physical injuries to include psychosocial injuries that are cumulative including bullying, harassment, and mental health.

I hope that the revised scope of WorkSafe under these changes will allow for and support that work. I was pleased to note the commitment earlier this year from Minister Stephen-Smith, who was the minister at the time, to resource a dedicated psychological health officer to equip workplaces with the tools to support the social and emotional wellbeing of working Canberrans. That role has now commenced, and as Minister for Mental Health I will indeed take a great interest in the work, as well as seek to build on the mental wellbeing of Canberrans.

I think there is real scope to coordinate between the office for mental health and the new officer in this role. Certainly, from the updates I have had on the intent of this role and since the beginning of the work, and in my chats with WorkSafe ACT, I am very positive about the direction in which it is going and the intentions that are behind that role.

The recently released ACT public sector workplace mental health strategy "Healthy minds—thriving workplaces" also shows a welcome commitment from Minister Orr and the government to address mental wellness in workplaces. This bill works to clarify and enhance the role and reporting requirements for WorkSafe ACT through establishing the office of the Work Health and Safety Commissioner, an independent and separate entity under the Work Health and Safety Act. The increased reporting will allow for greater transparency for employers, employees and advocates working in this space and could serve as a further avenue to highlight issues requiring the attention of government and agencies outside Access Canberra, where WorkSafe ACT currently sits.

These are significant changes to the governance of work health and safety in the territory. They will reinforce and give added weight to the work of our frontline work health and safety staff, who are out there protecting and advocating for workplace safety and wellbeing on a daily basis. I commend them for their work. The Greens are pleased to support this bill in the Assembly today.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (11.21): Madam Assistant Speaker Lee, in a show of tripartisan agreement, can I also welcome you back to the chamber. I am pleased to be able to speak in support of the Work Health and Safety Amendment Bill 2019 and its amendments to the Work Health and Safety Act 2011.

The bill clearly demonstrates our commitment to ensuring that our health and safety rules are effective and work to achieve improved safety for our workers. While the bill is directly responsive to recommendation 21 of the independent review of the ACT's work health and safety compliance infrastructure, it is also going to achieve a number of other recommendations made in the review report that was tabled in the Assembly last year.

Indeed, a critical aspect of the bill is the mechanism that it establishes for effective transparency, accountability and scrutiny of the territory's work health and safety regulator. Key to this will be the requirements around four key and publicly visible documents: a compliance and enforcement policy, a strategic plan, a ministerial statement of expectations and a statement of operational intent.

The compliance and enforcement policy must be developed by the Work Health and Safety Commissioner every four years, in consultation with the minister and the Work Health and Safety Council. Importantly, the council will include members representing the interests of both workers and employers. While this policy must be reviewed every four years, it will also be possible to update the document earlier than every four years, should the circumstances or the health and safety environment require that to be the case.

The compliance and enforcement policy will clearly articulate the way in which the office of the Work Health and Safety Commissioner will carry out its regulatory activities. Specifically, it must include the aims, approach and key principles underpinning how it regulates. Policy must also outline the compliance and enforcement tools to be used by the office and the enforcement, investigation and prosecution criteria to be applied by the office.

Consistent with the cornerstone of transparency that is established under this bill, the compliance and enforcement policy will be a notifiable instrument and it will also be published on the office's website. It will serve both as a guide to the office and guidance to all stakeholders, including employers, workers and the broader community, on what to expect from the regulator.

Like the compliance and enforcement policy, the strategic plan must also be developed by the Work Health and Safety Commissioner every four years, in consultation with the minister and the Work Health and Safety Council. That strategic plan must include the purpose and objectives of the office; the outcomes to be achieved by the office; strategies to be used by the office to achieve its purpose, objectives and outcomes; the strategic enforcement priorities of the office; a

description of the operating environment of the office; performance criteria for the office; and procedures for the oversight and management of risk within the office.

Again, consistent with the message of transparency to facilitate better communication about the activities, functions and directions of the regulator, the strategic plan will also be a notifiable instrument and will be published on the office's website. It will provide all stakeholders with a clear view of the direction of the office over the ensuing four years.

In addition to the two documents that I have described already, this bill would, every 12 months and following consultation with the Work Health and Safety Council, require the minister to make a statement setting out the priority activities and initiatives of the office, known as the statement of expectations, and give it to the Work Health and Safety Commissioner. In response, the commissioner would then be required to give the minister a draft statement of operational intent, setting out how the office will give effect to those expectations. Along with the compliance and enforcement policy and the strategic plan, the statement of expectations and the statement of operational intent are notifiable instruments.

The OECD best practice principles of regulatory policy outline the importance of measuring and evaluating the performance of regulators in order to both demonstrate their effectiveness to stakeholders and help drive improvements and enhanced systems and processes internally. Transparent measurement and evaluation of the office is built into every aspect of the bill.

The four-year strategic plan must include performance criteria for the office and, importantly, the effectiveness of the office will be measured and reported each year in the annual report. Specifically, the annual report must include a statement from the chair of the WH&S Council about the performance of the office during the reporting year; about the effectiveness of compliance and enforcement activities undertaken by the office during the reporting year, taking into account the compliance and enforcement policy; and also about the implementation by the office of the strategic plan during that financial year. The annual report must also include any statement of expectations—a statement of operational intent, in effect—during the reporting year and the extent to which the statement of operational intent was met.

Enhanced transparency and accountability are also provided by the declaration of the office as a separate reporting entity for the purposes of the Financial Management Act 1996. This declaration requires the office to produce separate financial statements and budget information, allowing stakeholders to scrutinise the funding and the resources of the office.

These four documents that I have outlined, developed in consultation with representatives of both workers and employers, together with the annual report, will provide all stakeholders with clarity around what to expect from the work health and safety regulator, their strategic priorities and the directions of the office, how the performance of the office will be measured and how it performs against those measures.

Securing sustainable compliance with work health and safety laws is critical to protecting the health and safety of workers now and into the future. This requires a contemporary regulator that strives for excellence and is innovative, flexible, respected, trusted and client focused. This bill lays the foundation for such a regulator, and transparency and accountability are key to those foundations. I commend the bill to the Assembly.

**MS ORR** (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (11.28), in reply: Madam Assistant Speaker Lee, I, too, welcome you back today. By amending the Work Health and Safety Act 2011, the Work Health and Safety Amendment Bill 2019 would establish the foundations for a more effective, transparent and independent work health and safety regulator.

The need for more intensive and effective education, compliance and enforcement in the area of work safety is an urgent one. Members might be surprised to learn that more than 1,600 ACT private sector workers were injured so badly at work last financial year that they had to take time off. SafeWork Australia estimates that injuries and diseases caused by people's work cost the ACT economy \$1.8 billion per annum. SafeWork also estimates that this impact is disproportionately borne by the workers who are injured—in the order of 77 per cent.

The ACT's past experience and expert advice show us that investment in more effective education, compliance and enforcement can have a strong, positive impact on the number and severity of work injuries. The bill before us today will pave the way to making such improvements and is part of the suite of mutually supporting reforms designed to assist industry to raise its safety performance.

Our government is committed to continually improving the health and safety of Canberra's workers. That is why in May 2018 we announced an independent review of the ACT's work health and safety compliance infrastructure. The review was conducted by Claire Noone of the Nous Group, an expert in the field of work health and safety compliance. Her mandate was to evaluate the appropriateness and effectiveness of our work health and safety compliance and enforcement infrastructure and strategies. The review made 27 recommendations about how we could act to make Work Safe ACT a more effective work health and safety regulator, all of which were agreed in principle.

One of the review's findings was that there is an opportunity to improve the regulator's governance model by making legislative changes to the Work Health and Safety Act 2011. This bill will make those legislative changes. Making use of the Organisation for Economic Cooperation and Development best practice principles for regulatory policy, the review considered two features to be critical in the government's design of WorkSafe. These were role clarity and independence. A number of governance structure models were identified and, ultimately, the review concluded that a single accountability governance model would best achieve role clarity and independence for the territory's work health and safety regulator.

Specifically, recommendation 21 of the review states that the regulator should be established as an independent entity under the Work Health and Safety Act, using a single accountability governance model, with a statutory officeholder who holds the regulatory power and is responsible for all regulatory decisions. This bill will establish just that: a single accountability governance model that will support an effective regulator in the ACT.

This bill focuses on a number of key design principles in implementing the governance model, namely, independence, transparency, accountability and scrutiny. The bill would achieve this by establishing WorkSafe ACT with a formal title of office of the Work Health and Safety Commissioner. This office establishes the separate and independent entity of the regulator for the Work Health and Safety Act. Further, the bill would vest the regulator's functions in a single statutory position of Work Health and Safety Commissioner.

The role of the WHS Commissioner is a new role. It is a position that will play a critical role in managing the office and exercising the functions of the regulator. The regulator, under the work health and safety legislation, not only enforces compliance with the obligations and duties applied to the private sector but also imposes obligations on the ACT government as an employer. For this reason, it is important that the regulator be independent in exercising its regulatory functions. In support of the independence of the office and the WHS Commissioner, the staff of the office and the WHS Commissioner will be independent officers in carrying out the regulatory functions under the work health and safety legislation. Additionally, the Work Health and Safety Commissioner will be appointed by the executive as a non-public servant and will be able to appoint staff for the office.

The bill removes an existing statutory commissioner role, and this is in response to issues raised in the review that the two currently separate roles of commissioner and regulator have contributed to a lack of clarity and some confusion.

To ensure that the important education and awareness-raising functions in relation to work health and safety issues are maintained under the new governance framework, these functions have been vested in the office for which the Work Health and Safety Commissioner is responsible. In establishing an independent entity as the regulator for work health and safety, it is also critical to ensure that there are appropriate mechanisms in place for the effective transparency, accountability and scrutiny of the activities of the regulator.

Mechanisms provided in the bill to support the transparency and accountability of the office include increased reporting requirements, including the preparation of an annual report; clarity as to the enhanced advisory functions of the Work Health and Safety Council; a requirement for the government's expectations as to the priority activities and expectations for the regulator to be communicated to the Work Health and Safety Commissioner annually by the minister; a requirement to make a statement of operational intent that responds to the minister's statement of expectations and supports the strategic plan for the office; increased focus on the strategic activities of the office by requiring a four-year strategic plan for the office; and a requirement to

make a compliance and enforcement policy to increase transparency about the way in which the office carries out its compliance and enforcement activities, including its aims, approach, tools and guidance material.

Transparency and accountability around the funding and resources of the office will be facilitated by the declaration of the office as a separate reporting entity for the purposes of the Financial Management Act 1996. This would mean that the office must produce separate financial statements and budget information which will allow stakeholders to better scrutinise the funding and resources applied to activities undertaken by the office.

To further facilitate the accountability and scrutiny of the office, a number of the documents I have already outlined will be required to be notifiable instruments and tabled in the Legislative Assembly. These include the compliance and enforcement policy, the strategic plan and the government statement of expectations. This provides a critical step for members of the Legislative Assembly and the community to see and make comment on the activities of the regulator.

Technical amendments are also being made under this bill to align schedule 2 of the Work Health and Safety Act with the rest of the act by replacing the term “work safety” with “work health and safety”. While the bill represents a significant step in ensuring the best practice regulation of work health and safety, there is also ongoing work to implement the remaining recommendations of the report. An implementation project team has been established to make sure the operational structure of the regulator will support the new governance model.

This bill creates a governance structure for the regulator that will deliver a clear, independent and well-informed strategic approach to the activities of the office, with appropriate oversight and accountability. It will establish the foundations for the office to become a contemporary regulatory entity that is innovative, flexible, respected and trusted.

I thank the scrutiny committee for its comments on the bill and for drawing members’ attention to the explanatory statement to this bill. This bill is the culmination of a tremendous amount of effort and consultation with all stakeholders and it will lay the foundations to ensure that our regulator is effective into the future, ensuring that territory workers continue to be supported by this government. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

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

Clause 11.

**MR WALL** (Brindabella) (11.37): The opposition will be opposing this clause. The clause seeks to extend the term of a member of the Work Health and Safety Council from three years to four years. The opposition believes that three years as an appointment term, with the opportunity of being reappointed for a second term, is the right measure. The three-year term of appointment is also consistent with the majority of other government board and council positions. Therefore, we will not be supporting this clause.

Clause 11 agreed to.

Clause 12 agreed to.

Clause 13.

**MR WALL** (Brindabella) (11.38): I seek leave to move amendments to this bill which have not been considered or reported on by the scrutiny committee.

Leave granted.

**MR WALL**: I move amendment No 1 circulated in my name [*see schedule 1 at page 4172*]. This is a small amendment which seeks to put a temporary condition in the legislation for the reappointment of members to the Work Health and Safety Council who are currently members of the council. The bill before us today seeks to term limit members to what will be two four-year appointments. To ensure consistency of this during the transition phase, we seek to insert a clause that would prevent an existing member of the council being reappointed to two terms of council after the commencement of this legislation. The purpose of that is to ensure that members of council are not holding positions for longer than desired in the intent of this bill and that there is a consistent and contemporary approach to work health and safety present on the council. We believe that this is a measure the government should have considered to ensure that loopholes were not created in the transition from one framework for our Work Safety Council to the new one.

**MS ORR** (Yerrabi) (11.40): The government will be opposing this amendment. Existing members of the Work Safety Council contributed to developing this new framework, and there is no need to deliberately rule them out from further work in this area. This bill is the result of extensive consultation and directly responds to the recommendations that increase the independence, transparency and scrutiny of the territory's work health and safety regulator.

There is already a mechanism for renewal of membership on the Work Safety Council. The government's bill ensures balanced consultation on the appointment of members by requiring the minister to consult with both employer representatives and employee representatives equally. There is also a balance between refreshing the membership of the council and ensuring the most appropriate skilled and experienced persons are represented on the council. This amendment will not improve the transparency, efficiency or effectiveness of the new Workplace Safety Council.

**MR RATTENBURY** (Kurrajong) (11.41): The ACT Greens will not be supporting Mr Wall's amendments to the bill today. There are a couple, and I will speak to them all now, for the sake of time. The bill as it stands increases the opportunity for renewal of the council and associated positions. We think it is important to balance renewal with ongoing expert knowledge and experience. We are concerned that the amendments may inadvertently make it harder to appoint suitably qualified leaders and representatives from across the sector.

The accountability and renewal practices in the government's bill offer a fair process to ensure thorough and effective representation from industry, employers, peak organisations, unions, workers and other stakeholders in this space. The amendment to have an Assembly committee agree to the appointment of the commissioner is not, we believe, in line with the Legislation Act and would be inconsistent with other like appointments.

Increasing the independence and transparency of WorkSafe ACT and its role is the purpose of this bill. We believe there are suitable measures outlined in the bill as presented to ensure transparency and accountability of the recruitment processes and we believe that the amendments proposed by Mr Wall add an unnecessary administrative burden and do not positively add to the processes that have been put in place.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 10

Miss C Burch	Mr Milligan
Mr Coe	Mr Parton
Mrs Dunne	Mr Wall
Mr Hanson	
Mrs Kikkert	
Ms Lawder	
Ms Lee	

Noes 13

Ms Berry	Ms Orr
Ms J Burch	Mr Pettersson
Ms Cheyne	Mr Ramsay
Ms Cody	Mr Rattenbury
Mr Gentleman	Mr Steel
Mr Gupta	Ms Stephen-Smith
Ms Le Couteur	

Question resolved in the negative.

Amendment negatived.

Clause 13 agreed to.

Clauses 14 to 21, by leave, taken together and agreed to.

Clause 22.

**MR WALL** (Brindabella) (11.48), by leave: I move amendments Nos 2 and 3 circulated in my name together [*see schedule 1 at page 4172*]. The first one—and



I must say I am surprised that the Greens have already foreshadowed their lack of support for this—seeks to ensure that the relevant standing committee of the Legislative Assembly has an oversight role in the appointment of the Work Health and Safety Commissioner. The purpose of that is consistent with the appointment of many other government board positions or commissioner roles, where the relevant standing committee of the Assembly is consulted and involved in the approval of that appointment. The clause is very simple in seeking to grant that under the criteria for the appointment of the Work Health and Safety Commissioner.

The second amendment is a definition of what the relevant standing committee is for the purposes of this legislation.

It is quite galling to hear the Greens talk about the need for better scrutiny in this place from time to time but, when the opportunity comes to support it, walk away—unremarkably.

**MS ORR** (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (11.49): The government will be opposing both of these amendments. These amendments fundamentally change the role of the executive in making statutory appointments. The appointments that require the approval of the Assembly typically only appear in relation to appointments made by the Speaker of the Assembly, which this appointment is not. There is simply no basis for making the process for this appointment different from others made by the executive.

The legislation provides for an open and accountable selection process for the new Work Safety Commissioner. The Work Safety Council has the power to remove the Work Safety Commissioner in extreme cases. This legislation provides a framework for a transparent appointment. Canberra's workers and employees can both be confident that they will be working with a commissioner whose focus is on improving safety.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 10

Miss C Burch	Mr Milligan
Mr Coe	Mr Parton
Mrs Dunne	Mr Wall
Mr Hanson	
Mrs Kikkert	
Ms Lawder	
Ms Lee	

Noes 12

Ms Berry	Ms Orr
Ms J Burch	Mr Pettersson
Ms Cheyne	Mr Ramsay
Ms Cody	Mr Steel
Mr Gentleman	Ms Stephen-Smith
Mr Gupta	
Ms Le Couteur	

Amendments negatived.

Clause 22 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

**Sitting suspended from 11.52 am to 2.00 pm.**

## **Ministerial arrangements**

**MS BERRY:** Madam Speaker, the Chief Minister Andrew Barr is unwell today, so I will be taking questions on his behalf.

## **Questions without notice**

### **ACT Policing—cannabis**

**MR COE:** My question is to the minister for police. In regard to how the personal cannabis bill will be policed, legal commentators have indicated that a formal agreement would resolve the problem, to the effect that the ACT government would come to an agreement with ACT Policing not to enforce the commonwealth law. Minister, have you had any discussions with ACT police about a formal agreement not to enforce commonwealth law?

**MR GENTLEMAN:** I thank Mr Coe for the question. I have not had a discussion with ACT Policing not to enforce commonwealth law. We have, of course, been working over the past 20 years with ACT legislation and commonwealth legislation. I can say that over that period of time I am not aware of ACT Policing using commonwealth law in regard to personal cannabis use.

**MR COE:** Minister, have you had any discussions with federal departments or federal ministers about a formal agreement not to enforce commonwealth laws in the territory?

**MR GENTLEMAN:** No.

**MR HANSON:** Minister, will you rule out a formal, informal or documented agreement—any agreement of any sort essentially—not to enforce commonwealth laws?

**MR GENTLEMAN:** I do not think that there would be a position for the ACT not to allow the AFP to enforce, and in fact work under, commonwealth law. In fact, the AFP work under a number of commonwealth laws, including their own AFP Act, the Crimes Act and a number of other acts. I cannot see a position where we would ask our policing taskforce not to work under commonwealth law.

## **Legal services—tenants**

**MS LE COUTEUR:** My question is to the Attorney-General. Attorney, is the funding that is currently allocated for the Tenants Union to provide tenancy advice

and legal services being opened up to a select tender process for the first time since the Tenants Union was first given government funding support a whole 25 years ago?

**MR RAMSAY:** I thank Ms Le Couteur for the question. Justice and Community Safety Directorate officials advised the Tenants Union on 28 August this year that a tender process will be conducted for the provision of the tenants advice service from 1 January next year. JACS last conducted a procurement process to provide the Tenants Advisory Service in 2015.

**MS LE COUTEUR:** Is this change being made just for the Tenants Union or for all the community legal service centres and are there any concerns about the quality of advice or service being provided?

**MR RAMSAY:** I thank Ms Le Couteur for the supplementary question. Recognising that the market had not been tested for a number of years and to ensure that the Tenants Advisory Service remains the best value for money and the best quality of service for Canberrans in this current situation with a number of matters going on in the community and certainly around residential tenancies matters, JACS has decided to undertake that tender process for the provision of the Tenants Advisory Service. This tender process is only in relation to the Tenants Advisory Service. There is consideration being given to the appropriateness of the current base funding, the amount of the funding and the nature of the services and the agreement.

### **Access Canberra—littering reports**

**MS LAWDER:** My question is to the Minister for City Services. Minister, in your answer to my question without notice on 26 September this year you said that the option to report littering or illegal dumping from the fix my street online portal had not been removed. You said that under a new June 2019 design the litter and dumping icon appeared under every icon, leading to a two per cent increase in reporting. Minister, when my staff and I separately looked again this morning, this icon was still not under the fix my street portal. Minister, can you advise why this icon is not available on fix my street?

**MR STEEL:** I thank Ms Lawder for her question. Under changes that have been made to the fix my street form, there is now a variety of different options that the public can use to report illegal dumping, based on the place where that illegal dumping or littering is occurring. That includes cyclepaths and footpaths, grass, trees and shrubs, parks and public spaces, roads, parking and vehicles, around streetlights and around waterways. So the public can go on there, look at the icon where that dumping has occurred, click on that icon and then report illegal dumping or any other matter that may arise in relation to that particular place—

**Ms Lawder:** Have you looked at it?

**MR STEEL:** I have it open right in front of me, Ms Lawder.

**MS LAWDER:** Minister, when people have reported to me that they cannot find the icon, and my staff and I cannot find it either, how can you attribute the increased reporting of littering to the icon?

**MR STEEL:** I thank Ms Lawder for her supplementary. It is great to see Canberrans reporting more instances of littering around Canberra. They are using our online system through fix my street and they are finding that a satisfactory and useful place to report that.

It has also come at a time when the government has had a greater focus on cracking down on illegal dumping and littering in our community, with stronger litter laws being debated today and our compliance team out on the beat using CCTV to capture people in the act and issuing them with infringement notices. This is something that the government is focusing on. People will continue to be able to report this online through fix my street.

**MS LE COUTEUR:** Minister, I have fix my street open now, and it is not there. Can you please update your system so that it does what you say it is going to do? We are not both making it up. It is simply not there.

**MR STEEL:** Anyone can report illegal dumping on fix my street. They simply have to report the incidents of illegal dumping by typing it into the system.

*Members interjecting—*

**MADAM SPEAKER:** Members!

**MR STEEL:** There is a form there that is clearly available.

**Ms Lawder:** How do I report it when it's not on there?

**MADAM SPEAKER:** Ms Lawder!

**Mr Coe:** A hint of honesty wouldn't go astray.

**Mr Gentleman:** A point of order, Madam Speaker. The minister is trying to answer the question but there are so many interjections that he cannot be heard.

*Members interjecting—*

**MADAM SPEAKER:** Members, there is no need for descriptors or interjections. The minister has the floor to respond to Ms Le Couteur's question.

**Mr Ramsay:** A point of order, Madam Speaker. The Leader of the Opposition in his interjection said that a hint of honesty would not go astray, which I believe clearly reflects on the character of the minister, and I would suggest that he should withdraw that.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, no more, or you will be warned. Mr Coe, I did not hear it, but if there is any reflection on his honesty, I think you should withdraw it.

**Mr Coe:** I am happy to do so.

**MADAM SPEAKER:** Thank you, Mr Coe. I call the minister.

**MR STEEL:** All that residents need to do is to log onto fix my street and fill in the form.

### **ACT Health—SPIRE project**

**MR GUPTA:** My question is to the Minister for Health. Minister, could you update the Assembly on the SPIRE project and related community consultation?

**MS STEPHEN-SMITH:** I thank Mr Gupta for his question and interest in SPIRE and how we are engaging with the community and experts in its development.

The ACT Labor government has a very strong record when it comes to investing in health infrastructure. Over the past 10 years, we have invested more than \$1 billion in our hospitals and our community-based services like the increasingly popular walk-in centres. The government's infrastructure plan released last week demonstrates our commitment to continued investment. At the heart of this is the SPIRE project, which will deliver a new state-of-the-art emergency, surgical and critical care facility at Canberra Hospital. Major Projects Canberra is working closely with Canberra Health Services, the Health Directorate and also clinicians, consumers and community groups in the detailed planning for the SPIRE project. In addition, advisory teams have been engaged to assist in the development of the project, including specialists in the planning and design of contemporary health facilities.

Substantial progress is being made on the SPIRE project. The procurement process for the main works will kick off at an industry briefing this week which will be followed by an invitation for expressions of interest for the territory's design and construction partner in November.

This complex project requires considerable planning and consultation to ensure that we deliver the best possible outcomes. Ten clinical user groups have been established that will continue to review the specifications for the new facility as they are further developed.

A consumer interest group has also been developed, and the project team has commenced engagement with local residents and the Garran Primary School in addition to the broader Woden community and the users of the current residential accommodation.

I can assure members and the community that we are committed to engaging with Canberra Hospital's neighbours as well as with consumers to capture their views and input regarding the project's construction and design. I look forward to being part of that engagement as we go forward.

**MR GUPTA:** Minister, what work is underway to support the services that are currently in the footprint of the facility?

**MS STEPHEN-SMITH:** I thank Mr Gupta for the supplementary and his interest in the services that are currently within the footprint of the SPIRE project, a subject that I know has been of some interest for many consumers. The emergency, surgical and critical healthcare facility that will be delivered by the SPIRE project will transform the Canberra Hospital.

The project will deliver a 40,000-square metre state-of-the-art facility at the Canberra Hospital campus, significantly increasing acute services capacity and supporting Canberra Hospital's role as the region's principal tertiary hospital. It will deliver more emergency department treatment areas, more ICU beds, including paediatric beds, as well as state-of-the-art operating theatres that will allow for the use of advanced medical technology and techniques.

But to facilitate this important project a number of existing functions will need to be relocated. The movement of service areas to enable the demolition of buildings 5 and 24 is currently a key focus for the project team. Alternative locations have been identified for the administrative and training services currently within these buildings and for the child at risk health unit. The Canberra sexual health centre will be relocated to new facilities to be constructed on the site of the current building 8. I am pleased to advise that preparatory works are expected to commence later this year on the construction of the first modular building which will temporarily house the Canberra Health Services executive team currently located in building 24.

The new areas for these functions that need to be relocated are being designed to meet the functional requirements of the users and community. The relocation of staff and services from within buildings 5 and 24 are to be staged throughout 2020. This is exciting progress for the SPIRE project and will facilitate the commencement of main works in early 2021 to deliver more health services for Canberrans where and when they need them.

**MRS DUNNE:** Minister, what consultation and work are you doing with the Garran community to assuage their concerns about access to the SPIRE site off Palmer Street and Gilmore Street where there are 600 children in school?

**MS STEPHEN-SMITH:** I am obviously aware of some concerns that have been raised by Garran residents, including in phone calls to Chief Minister's talkback. I have certainly made a very strong commitment—indirectly at this point but I am happy to make it here in the chamber—to consulting directly myself with Garran residents. I would say that this issue arose as Major Projects Canberra commits to consultation with Garran residents and the school community.

On 26 August, the SPIRE team from MPC met with the Garran Primary School deputy principal, the school board chair, the department of education and the ACT Health directorate. On 26 September, the SPIRE project team from Major Projects Canberra held a community consultation with the local community at the Garran Primary School.

At this community consultation, as we are aware, concerns were raised by local residents in relation to increased traffic and its potential impact on public safety,

including in the school zone. Concerns were raised about a number of issues. I am also aware that the Garran residents association met recently. I understand that Mrs Dunne and Mr Hanson may have attended that meeting—

**Mrs Dunne:** We certainly did.

**MS STEPHEN-SMITH:** and I will be very happy also to attend a meeting with the Garran residents association should I be invited, which I understand at this point I have not been. I would point out, though, in assuaging these concerns, as I just mentioned, there are current facilities on the site. These current facilities generate traffic. They include a parking lot with approximately 60 parking spaces of two-hour parking, which I imagine probably generates around 300 cars a day. That traffic will be redirected as a result of this development. So I think the full picture needs to be understood in that conversation, which we are very happy to have with the hospital's neighbours about the full impact of this very important project. *(Time expired.)*

### **Justice—cannabis**

**MR HANSON:** My question is to the Attorney-General. Attorney-General, a recent analysis of the cannabis laws recently passed in the ACT stated:

When it comes to possessing cannabis, the situation in the ACT will be very hazy from early next year. And it may take having a very unlucky Canberran arrested, charged and put before the court to clear the ... air.

Attorney-General, will you warn Canberrans in the education material that you are obliged to create before these laws commence that a person may be arrested, charged and put before a court?

**MR RAMSAY:** I thank the shadow attorney-general for his question, noting that the educational material does not come within my portfolio responsibilities but within those of the Minister for Health. However, let me comment more specifically in relation to the matter that he has raised in terms of the interpretation of the legislation in any matters potentially before the court.

I note that, in my speech when we were debating this particular bill, I drew to the chamber's attention, and therefore the attention of the people of Canberra, the risks that are there, and that the intention of this government has never been to condone or to encourage the personal use of cannabis. I think it is important for us to say that again because, despite what is said across the chamber here, and in the scaring that is taking place from the Canberra Liberals, and from the people up on the hill as well, who are trying to whip up some sort of fear about this—

**Mr Hanson:** Madam Speaker, a point of order.

**MADAM SPEAKER:** Resume your seat, minister. A point of order?

**Mr Hanson:** The question is about whether there will be information in the educational package that is obligated in the legislation regarding the legal risks.

I would ask him to be directly relevant, or, if he is unable to answer that question, to refer it to the health minister.

**MADAM SPEAKER:** I do not think there is a point of order. He has made reference to the health minister. Would you like to add a comment, minister?

**MS STEPHEN-SMITH:** I thank Mr Hanson for the further opportunity to answer the question. As per the amendments that were made to the bill, I am required to release information in relation to both the legal and health risks associated with cannabis use, and that will certainly happen. That will include detailed information for the Canberra public about any legal situation that might arise.

**MR HANSON:** Attorney-General, why did you pass a law that potentially requires an unlucky Canberran to be arrested, charged and brought before a court even to determine if the law is valid or not?

**MR RAMSAY:** I draw to the attention of the shadow attorney-general the way that the ACT Legislative Assembly works, which is that it is not the role of the Attorney-General to pass legislation; it is actually the role of the Assembly. The Assembly passed the legislation because it upholds the values, the intent and the will of the people of Canberra.

*Members interjecting—*

**MADAM SPEAKER:** Members!

**MR PARTON:** Attorney, will the ACT intervene or cover costs for a person arrested, charged and put before a court to test a law that you have been formally advised is invalid?

**MR RAMSAY:** Again, there has been no formal advice to this government at all that the laws that have been passed are invalid.

*Opposition members interjecting—*

**MR RAMSAY:** I draw your attention to the wording of what the federal Attorney-General has said. He has not said in the advice to this government that the laws are invalid.

### **Justice—cannabis**

**MS LEE:** My question is to the Attorney-General. Attorney, the federal Attorney-General has sent a letter to you stating that the personal cannabis use laws are invalid and will have no effect. He states that the commonwealth Criminal Code, section 308, will continue to operate in the ACT and that the defence under section 313 would not be available as the laws merely remove a penalty rather than provide a “positive legal basis to engage the defence”. The federal Attorney-General concluded that “these laws do not do what they think they do”. Attorney-General, do you accept that section 308 of the commonwealth Criminal Code applies here in the ACT?



**MR RAMSAY:** Clearly the Criminal Code continues to apply in the ACT, as it has in previous years when there has been the SCON regime as well, and for a number of years we have had the situation where the commonwealth law and the ACT law have sat side by side. That continues to be the case.

There has been a range of legal views that have been expressed in relation to the commonwealth Criminal Code and the federal Attorney-General has formed one of those views. It is not the view that has been expressed by the commonwealth DPP in her initial advice to us, nor is it the view that has been expressed by our advisers, nor is it the view that has been expressed by an ANU law professor today.

We understand that the federal Attorney-General has reached a different view. With respect, I understand that he has a different view. It is a different view from the view of the government.

**MS LEE:** Attorney-General, can you point to the “positive basis in law” that would give rise to the defences under section 313 of the commonwealth Criminal Code?

**MR RAMSAY:** I thank Ms Lee for the supplementary question. Noting my previous answer, which was that the view of the commonwealth Attorney-General is not necessarily the view that is held by the government, the premise of her question does tend to fall away. I do note that the particular case that was relied on as the potential precedent for the requirement for there to be a positive element in the defence was a taxation matter that had nothing to do with drug dependency. So it is clearly not an established matter that that view of the federal Attorney-General is accurate.

**MR HANSON:** Attorney-General, can you provide the proof or evidence that you are relying upon that will actually prevent a person from being charged under commonwealth laws?

**MR RAMSAY:** I have never said that there will be something that will prevent a person being charged under commonwealth laws.

### **Transport—active travel**

**MS CHEYNE:** My question is to the Minister for Roads and Active Travel. Minister, what investments is the government making to ensure that Canberrans can keep moving around our city quickly?

**MR STEEL:** I thank Ms Cheyne for her question, noting her interest in our government’s very significant infrastructure investments that are helping to keep Canberrans moving. We are committed to ensuring that Canberrans can get around our city safely and efficiently no matter what type of transport they use.

We have seen significant increases in patronage under our new transport network, and I have announced the recruitment of additional bus drivers and the purchase of new buses to make sure that our transport system continues to grow. We are committed to expanding our city-wide light rail network to expand the benefits and successes that we have seen with stage 1.

More Canberrans are opting to cycle and walk to work. At present, the ACT government manages over 3,000 kilometres of community paths across the territory. We are continuing to expand and upgrade this network in order to encourage more people to use active travel. There is \$30 million of upgrades occurring in our town centres.

We are also continuing our very strong record of building and upgrading roads across the territory to keep Canberrans moving. In this budget, this year alone we are beginning work to duplicate Athllon Drive between Sulwood Drive and Drakeford Drive down in Tuggeranong and also closer to Woden near Melrose Drive and Shea Street in Phillip. We are upgrading William Hovell Drive and William Slim Drive. We have also completed the works on Horse Park Drive which I announced with Mr Pettersson a few months ago. We have seen the first stage of Gundaroo Drive's upgrade completed, and stage 2 is well underway.

Our biggest investment in roads is a jointly funded project with the commonwealth government, something that I was pleased to announce with Mr Gentleman just a few months ago, to improve safety and also traffic flow on this key arterial road in the south, particularly for Tuggeranong residents. We will continue to invest. *(Time expired.)*

**MS CHEYNE:** Minister, what upgrades is the government undertaking in my electorate of Ginninderra?

**MR STEEL:** I thank Ms Cheyne for her supplementary question. There is a lot to talk about when it comes to Belconnen and the upgrades that we are making there in infrastructure, particularly in roads and active travel projects.

I was very pleased to join Ms Cheyne and Minister Ramsay earlier this month to oversee the start of construction of the Belconnen bikeway. The Belconnen bikeway will be a 4.7 kilometre stretch of shared paths and bike paths helping to improve connections throughout Belconnen town centre. This will establish a new east-west connection from Coulter Drive in Florey through to the Belconnen town centre, past Emu Bank to the University of Canberra, connecting with Belconnen town centre, and will be an important part of the regeneration of the Belconnen town centre in the future.

Another key project is of course the design that is now underway on William Hovell Drive, an important connection to the west Belconnen area. It will provide better connections for people in our established Belconnen suburbs. It serves 20,000 vehicles per day, and of course we have growing suburbs emerging around Ginninderry as well that this road will cater for in the future. As part of that upgrade we are also very pleased to include both on-road and off-road cyclepaths to better connect Canberrans.

**MR PETTERSSON:** Minister, how will the government's road network policy benefit all Canberrans?

**MR STEEL:** I thank Mr Pettersson for his question and note his interest particularly in roads in the Gungahlin region. A key focus of our transport infrastructure upgrades is providing options—

*Mrs Dunne interjecting—*

**MADAM SPEAKER:** Mrs Dunne, that is enough!

**MR STEEL:** to all Canberrans, whether they are a couple living in Lyneham commuting to the city or a family of five living in Calwell trying to get their kids to school, themselves to work and to make it through the weekends packed with sport, part-time jobs and other activities that families undertake.

Whether it is active travel, whether it is commuting in a car, whether it is using public transport, the ACT government is investing in the infrastructure needs of our city. We have outlined those through the infrastructure plan. We are making sure that we are upgrading park and ride so that people can take the option of public transport while also using a vehicle. We are providing better active infrastructure, particularly throughout our town centres.

We hear very little from those in the opposition about what their plans are for investing in infrastructure upgrades for our city. Our government has outlined our plan about what we intend to invest in over the next five years and beyond, expanding our city's light rail network.

**Mr Parton:** You have nailed it again, big guy.

**MR STEEL:** Where were the Canberra Liberals on whether they support an extension to Woden or Tuggeranong, Mr Parton? Absolute silence! Where is your commitment in this city?

We have also seen others in this Assembly questioning our investment in roads when we are seeing through the AAMI report just over the past month the absolute priority of investing in the Monaro Highway to ensure the safety of that road and also ensuring traffic flow through the south, particularly around Hume and Fyshwick. This is a critical infrastructure investment that our government is making because we will support the infrastructure needs of all Canberrans, whether it is roads, whether it is footpaths, whether it is cyclepaths, whether it is better public transport, more parking and park and ride.

### **Justice—cannabis**

**MISS C BURCH:** My question is to the Attorney-General. Attorney, on cannabis possession, the Law Society has said:

The current situation left both cannabis users and police officers in an untenable position. The Law Society is concerned that the potential for police to still lay charges under the criminal code may lead to inconsistent outcomes for Canberrans based upon the attitudes and approaches taken by individual officers.

Attorney, why are you supporting laws that leave the public and police in an “untenable situation”?

**MR RAMSAY:** We do not believe that the laws have placed people in an untenable situation at all. We have supported and enacted legislation through this Assembly to make a particular provision, a particular defence, in relation to the personal use of cannabis and the personal possession of cannabis. Because of that, we are upholding the values of Canberrans so that this matter is seen as a health matter rather than a legal matter. In doing so we have made a very clear statement that we are not condoning or encouraging the personal use of cannabis. What we are saying is that the stigma that sits at times within the criminal justice system is not the appropriate place for people who have small amounts of cannabis. That is a health matter, and that is why we supported this legislation.

**MISS C BURCH:** Attorney, why are you passing laws that may lead to inconsistent outcomes based on the attitudes and approaches of individuals?

**MR RAMSAY:** I do not accept that we are.

**MR HANSON:** Attorney, can you rule out any Canberran being convicted for the possession of small amounts of cannabis, and potentially jailed?

**MR RAMSAY:** As Mr Hanson searches yet again for the little sound bite that he would like to get, I will refer to previous statements that I have made in this chamber.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, that is enough, thank you.

### **Mental health—cannabis**

**MRS DUNNE:** My question is to the Minister for Mental Health. Minister, since the passage of the personal cannabis legislation the President of the Royal Australian and New Zealand College of Psychiatrists, Associate Professor John Allan, has called for the repeal of the laws, saying:

The links between early, heavy use of cannabis and the risk of developing psychotic illness later in life are well established.

At the same time an article reported that “the Canberra Hospital doesn’t have enough psychiatric beds to meet current demand”. This was under the headline “Mental Health System in Crisis”. As Minister for Mental Health, why did you vote for the legalisation of a drug which has clear links to psychosis when your mental health system is under stress?

**MR RATTENBURY:** The real premise of Mrs Dunne’s question is that no-one smokes cannabis at the moment and suddenly all these people are going to start smoking cannabis under this changed law. That is the premise. That is the premise that the Canberra Liberals are pushing.

As I have said in this place before, it is very clear that people are smoking cannabis in our community now and, because of the stigma created by people like Mr Hanson, Mr Coe, Mrs Dunne and the federal Attorney-General, these people will not come forward and seek health treatment. They will not because of the stigma that is created from the moral panic that the conservatives in this place are pushing.

I want to have a sensible system here. The attorney has been very clear today. This government is not encouraging people to use cannabis.

*Mr Coe interjecting—*

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

**MR RATTENBURY:** The government is not encouraging people to use cannabis but we are accepting that people use cannabis and we want to have a system where there is not a criminal consequence for that and that people will step around the stigma and come forward and actually have a conversation with medical professionals.

**MRS DUNNE:** Passing over the fact that I have been misrepresented, and I will deal with that later, minister, what extra resources will you be providing for mental health following the legalisation of cannabis, given that the system does not have enough mental health beds at the moment?

**MR RATTENBURY:** Could you start the question again?

**MRS DUNNE:** What resources will you be providing for mental health following the legislation in relation to cannabis, given that the system does not have enough mental health beds right now?

**MR RATTENBURY:** There are two issues in Mrs Dunne's question. The first is that the government already provides significant resources to deal with alcohol and other drug issues in the ACT, to support people who do have dependency issues, overuse issues and the like. That is currently available. Obviously, the information that will be provided as part of the new legislation will highlight to people the pathways that are available to them. I do hope that people will avail themselves of those pathways, perhaps in ways that they have not done so before.

On the issue of the number of mental health beds, I can assure Mrs Dunne that we are very focused on that matter. That is why we have put in place a number of reforms in recent years, and are continuing to do so. I refer, for example, to the advent of the PACER model, the bringing on of additional beds in the ACT health system to deal with some of those spikes in demand that we have seen for acute mental health services.

It is very important that we do not focus just on the acute end of the spectrum. This is where we are doing significant work to focus on the mental wellbeing of our community, so that we avoid people escalating into the crisis system.

**MR HANSON:** Minister, why have you ignored the advice of the AMA and the Royal College of Psychiatrists by legalising cannabis?

**MR RATTENBURY:** I think I have answered that question in my earlier responses today.

### **Mental health—cannabis**

**MRS KIKKERT:** My question is to the Minister for Mental Health. I refer to a media statement from federal health minister Greg Hunt, who said:

Almost a quarter of Australia's drug and alcohol treatment services were for people who had identified cannabis as their principle drug of concern ...

and

Australia remains committed to the international drug control regime established by UN international drug conventions which do not support the legalisation of cannabis for recreational use.

Why are you ignoring the statistics and the UN international drug conventions on the legalisation of cannabis for recreational use?

**MR RATTENBURY:** I think it is very clear that the war on drugs has failed—it is clear—and that the just say no approach that Mrs Kikkert is alluding to does not work. We have to accept that after decades of taking that approach, of working on the moral panic that we are seeing, people are starting to take a more nuanced approach to how you do drug policy in the world. We are seeing a range of countries across the planet that are starting to make serious drug law reform because they know that the just say no approach does not work, countries such as Portugal. We are seeing wide-scale liberalisation in the United States. In the United States, people are taking more sophisticated, more nuanced approaches to the issue of drug law reform than the sort of approach that Mrs Kikkert is suggesting here in this chamber today.

**MRS KIKKERT:** Minister, what extra resources will you commit to making available to assist mental health patients who identify cannabis as their principal drug of concern?

**MR RATTENBURY:** That was very similar to the question that Mrs Dunne asked me earlier. As I said the ACT government has a range of services available to people coming forward. One of the important parts of the community education that will go on over the next couple of months, before this law comes into force at the end of January, is to make people aware of those services. Some of that work is already being done. I have spoken before in this place about the information that headspace provides to young people who are engaging in the use of cannabis and where it is starting to have an impact on their mental health. That is the sort of discussion that we need to be having with people in our community.

**Mr Coe:** A point of order.

**MADAM SPEAKER:** A point of order, Mr Coe?

**Mr Coe:** Madam Speaker, on relevance, the minister is speaking about current resources. The question that was put by Mrs Kikkert was: what extra resources will you commit to make available? He has not answered that.

**MADAM SPEAKER:** The minister still has over a minute.

**MR RATTENBURY:** I have given my answer.

**MR HANSON:** Minister, by removing the positive defence that was previously available under ACT law, have you in effect recriminalised cannabis and escalated the war on drugs?

**MR RATTENBURY:** I do not believe so.

### **Canberra Hospital—security**

**MR MILLIGAN:** My question is to the Minister for Health. On 23 March this year, a nurse coming out of night shift was stabbed while getting into her car at the Canberra Hospital. Police stated that on that occasion a duress alarm was activated. Are duress alarms available to nurses who are in the car park on Yamba Drive over the road from the hospital?

**MS STEPHEN-SMITH:** I thank Mr Milligan for the question. I know that there was some consideration given to various matters in response to this incident. I do not have a specific answer to the question that Mr Milligan has asked; so I will take that on notice. But we are certainly conscious of the need to ensure the security of staff at the Canberra Hospital.

My understanding is that additional security has been provided to people who are going to that car park, particularly in the evening in the dark. An accompanying security officer is available to go with people to that car park if that is required. I will take on notice that part of the question in relation to duress alarms off the site of the hospital building itself, and come back to the Assembly.

**MR MILLIGAN:** Do all nurses coming off evening or night shifts have access to the duress alarms and, if so, is it with them on their person or is there a location set on the hospital grounds?

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

**MRS DUNNE:** Minister, are all of the duress alarms at the hospital accounted for and in working order? Can you inform the Assembly whether staff who are escorted to the car park are escorted directly, all the way to their car, or just to the perimeter of the car park?

**MS STEPHEN-SMITH:** I will take the detail of that question on notice. In relation to the operation of duress alarms, obviously, it would be impossible for me to answer a question at this moment as to whether all duress alarms in the hospital were functioning at this particular moment in time. I do know that occasionally there are issues, both in terms of human error issues and in terms of technical issues, with various pieces of equipment across the hospital, including duress alarms. Not all pieces of equipment are necessarily 100 per cent functional at all times, but I will take the gist of that question on notice, in terms of whether they are all accounted for.

### **Emergency services—infrastructure plan**

**MR PETTERSSON:** My question is to the Minister for Police and Emergency Services. Minister, how is the government delivering for the future needs of emergency services through the infrastructure plan?

**MR GENTLEMAN:** I thank Mr Pettersson for the question and his support for ACT Policing. The government is proud to support the hardworking men and women of ACT Policing and the ACT Emergency Services Agency, who provide the frontline support to keep our community safe.

The recently released infrastructure plan outlines some of the many projects that we will support in the years to come. The new joint ambulance and fire stations, in the growth area of Molonglo and in the city, will help services in these areas when these stations are built and ease pressure on existing stations around the ACT. These two new stations will enable better service and response to the whole ACT community. Design, scoping and site selection work commenced this year on these two significant projects; they are expected to be operational within the next five years.

Infrastructure investment in police and emergency services is not only about new buildings and vehicles. It also supports maximising the potential of existing facilities and the utilisation of the latest technology. In the modern world, as cities like ours become more compact and efficient, investment in improved communication and IT platforms plays a vital role in allowing our first responders to spend more time in the community and less time behind a desk.

**MR PETTERSSON:** Minister, what does this mean for Gungahlin?

**MR GENTLEMAN:** It is a very important question. Police and emergency services in Gungahlin are an important part of our infrastructure plan and we have carefully considered the locations of new facilities in our forward planning. An upgraded ambulance and fire and rescue presence in Gungahlin, along with upgrades to the local police station, will help ensure the responsiveness and effectiveness of these services into the next decade.

Canberrans rightly express high satisfaction levels with ACT Policing and feel safe in our community. We expect the best from our police and emergency services staff and they continue to deliver. It is important that we plan for the future and ensure that upgrades to existing infrastructure match the ACT's strong population growth as well.



The government is committed to providing ACT Policing and the ACT Emergency Services Agency with the support they need to allow the staff to do what they do so well: protect the community and keep it safe.

**MS CODY:** Minister, how is the infrastructure plan helping to protect the Molonglo Valley and other areas of my electorate of Murrumbidgee?

**MR GENTLEMAN:** I thank Ms Cody for the question. Our police and emergency services staff play an important role in making the ACT such a livable city. As the population grows beyond half a million people in the next decade, we know that a well-thought-out plan is needed to ensure that all Canberrans have appropriate access to police and emergency services.

In the member's electorate, the suburbs of Wright, Coombs, Denman Prospect and Whitlam are anticipated to have 35,000 Canberrans by 2030. So the government is committed to keeping pace with what that will mean for the demand on police and emergency services. Our investment in new infrastructure will play an important role in keeping police, ambulance and firefighter response times among the best in the nation. Due diligence and preliminary design are underway for the new station in the Molonglo Valley, with funding provided in this year's budget.

Canberrans in Murrumbidgee and across Canberra will also benefit from the government's investment of almost \$34 million in ACT Policing, which will see more members of ACT Policing on our streets.

The admiration the community has for our police officers and emergency services staff is truly justified. The reputation of these services can only be enhanced by the investment that the government will continue to make to help them keep doing the remarkable work they do each day.

### **Transport—public**

**MR PARTON:** My question is to the Minister for Planning and Land Management. Minister, in question time on 25 September, you said:

The vision, if you can call it that, from the Leader of the Opposition is an outdated dream for all Canberrans to live in outer suburbs and drive to work ...

Minister, do you live in an outer suburb and do you drive to work?

**MR GENTLEMAN:** I thank Mr Parton for his question, because it does go to the future planning of the ACT, and the best way to provide infrastructure and housing for the territory in the most economical way, while also looking at the wellbeing of Canberrans. In regard to my commute to work, I do drive. I would not say that my suburb is an outer suburb. It is certainly a southern suburb in Tuggeranong. I love my suburb. I moved there in 1999. It is a fantastic place to live. It is a little more inner than Mr Parton's suburb.

Madam Speaker, what we are doing—and you saw this in our infrastructure plan—is ensuring that we have the best transport opportunities for people, particularly in my electorate in Tuggeranong, into the future. You would have seen in the announcement light rail going to Tuggeranong in the infrastructure plan.

*Ms Lawder interjecting—*

**MADAM SPEAKER:** That is enough, Ms Lawder. Mr Parton, you have the floor.

**MR PARTON:** Minister, how many motor vehicles do you own and what makes and models are they, because I am just interested for the chamber to hear?

**MADAM SPEAKER:** That question is out of order.

**Mrs Dunne:** I rise on a point of order. Could you give a reason for this?

**MADAM SPEAKER:** It is because it does not relate to the minister's ministerial and administrative responsibilities.

**Mrs Dunne:** The minister is the Minister the Planning and Land Management and has made a comment about the appropriateness of driving to work. It is a reasonable thing for the Assembly and the people of the ACT to know how this minister fills his garage or not as the case may be—

*Members interjecting—*

**Mrs Dunne:** because he has made policy statements that particular things are an outmoded dream.

**MADAM SPEAKER:** Mrs Dunne, there is no point of order. It is not within his ministerial scope.

**Mr Hanson:** Madam Speaker, on the point of order. You will recall that in that answer that Mr Gentleman gave previously, he also made a particular sneer at one brand of car, an Audi. So we are very interested to hear what he drives—

**MADAM SPEAKER:** Mr Hanson, there is no point of order.

**Mr Hanson:** If a particular vehicle—

**MADAM SPEAKER:** Mr Hanson, there is no point of order. Resume your seat.

**Mr Hanson:** Why is it okay for him, if you can clarify, Madam Speaker, to talk about particular brands of vehicle that people—

**MADAM SPEAKER:** Mr Hanson!

**Mr Hanson:** should or shouldn't drive but not explain to this Assembly what he drives?

**MADAM SPEAKER:** Mr Hanson, resume your seat. There is no point of order.

**Mr Coe:** Madam Speaker, I also ask for your guidance as to whether inclusions on people's statements of interests, especially for a minister, make them applicable to their role as a minister and, therefore, accountable.

**MADAM SPEAKER:** I would take some further thinking on that but my immediate response is absolutely no, otherwise everyone here will be answering a question on every matter that they have on their declaration of interests.

*Mr Hanson interjecting—*

*Mrs Dunne interjecting—*

**MADAM SPEAKER:** Mr Hanson and Mrs Dunne, I have had enough of your interjections, thank you. I call Miss Burch to ask a supplementary question.

**MISS C BURCH:** Minister, how many times per week do you travel to work by active travel or public transport, and would you be willing to ride in with Mr Parton?

**MR GENTLEMAN:** Yes, I do take active transport to work. In fact, I do some 15,000 steps a day most mornings, so I am pretty active. My Fitbit tells me that. I think I will leave Mr Parton to travel in by himself.

### **Schools—infrastructure plan**

**MS CODY:** My question is to the Minister for Education and Early Childhood Development. Minister, what does the government's new infrastructure plan include for Canberra schools?

**MS BERRY:** I am very happy to talk about the important subject of public schools in the ACT. The ACT government's infrastructure plan includes \$2.1 billion of expenditure on education projects. The government is now preparing for a long-term phase of investment in schools that will ensure that all children across all regions of Canberra will have great schools and that schools are planned for and built when they are needed.

The infrastructure plan includes a new primary school at Throsby, set to take students from the 2022 school year, as well as a new high school at Kenny, which is planned to open in 2023. The government will also expand Franklin Early Childhood School and Gold Creek School, while investigating options for additional college facilities in Canberra's north.

The government will deliver a new P-6 school in Denman Prospect, which will open in 2021 and have places for over 600 students. A future expansion is also planned to include a senior campus for years 7 to 10.

The plan also includes modernisation projects in Campbell Primary School and Narrabundah College to ensure that these schools have fit-for-purpose facilities.

**MS CODY:** Minister, how will these projects improve public education in the ACT?

**MS BERRY:** Canberra is growing and so too are our public school enrolments. Enrolments are expected to grow by around 1400 students or around three per cent per year for the next decade. That is 14,000 students over the next decade.

The infrastructure plan ensures that all ACT children will have a place in a public school from preschool through to college. Our schools and colleges focus on equipping students with skills and attitudes to lead fulfilling, productive and responsible lives. These objectives are the key elements of the future of education strategy which provides a framework for student-centred teaching and learning underpinned by quality teaching and active participation from students and their families.

In the 2019-20 ACT budget the ACT government announced that it would invest \$52.2 million over four years in expanding schools across the city, with a specific focus on catering to the growing student population of Gungahlin. Since 2016 the government has spent \$180.3 million on capital works programs for ACT public schools. Every ACT public school has received an upgrade as part of this program.

**MR GUPTA:** Minister, what school infrastructure projects are forecast in the plan for Yerrabi?

**MS BERRY:** The government is planning a variety of school infrastructure projects in the electorate of Yerrabi to cater for the population growth in Gungahlin. By term 1 of 2020, the government will deliver expanded facilities and increased capacity at Neville Bonner Primary School, Gold Creek School's junior campus and Gungahlin College. The expansion of Franklin Early Childhood School to a P-6 school will be complete before term 4 in 2021. Gold Creek School's senior campus will have an additional 200 places by 2022. The government is planning a new primary school in Throsby for the 2022 school year, as well as a school in east Gungahlin for the 2023 school year.

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

### **Supplementary answer to question without notice Access Canberra—littering reports**

**MR STEEL:** Earlier in question time I was asked about the fix my street home page. I can confirm that we use a place-based approach where people can log on, choose a location where the issue is occurring, and then choose from a drop-down menu that includes litter and illegal dumping, graffiti and vandalism, and other issues. This allows people to report litter based on whether it has happened in a park, on a road, by a shared path or in some other location. To prove the point of the availability of that, I will table a screenshot of the fix my street website, which I did have open in front of me during question time. I table the following paper:

Fix My Street website—Screenshot.

## **Answers to questions on notice**

### **Questions Nos 2722 to 2728**

**MRS DUNNE:** In accordance with standing order 118A, I am seeking an explanation from the Minister for Health as to the reasons why questions on notice No 2722 through to No 2728, which were due for answers on 20 October, have not been answered.

**MS STEPHEN-SMITH:** I thank Mrs Dunne for following up and I apologise that my office has not been in contact with her office to explain that. As she is aware, I returned from leave yesterday. There are a number of questions on notice that are in my tray that obviously were chosen to be kept for me to respond to rather than an acting minister. I will follow up on those specific question numbers. It may be that one or two of those were sent back for further clarification or information but I will endeavour to get those responses to Mrs Dunne as quickly as possible. Again, I apologise that my office has not provided an explanation to her office in relation to that.

## **Leave of absence**

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

That leave of absence be granted to Mr Barr for today due to illness.

## **Papers**

**Madam Speaker** presented the following papers:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 19(4)—ACT Climate Change Council—Annual report 2018-19, dated 27 August 2019, together with a statement from the Minister for Climate Change and Sustainability responding to the advice/recommendations made in the Report.

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual reports 2018-2019—

ACT Auditor-General's Report No 8/2019, dated 8 October 2019.

ACT Electoral Commission, dated 30 September 2019.

ACT Ombudsman, dated 4 October 2019.

Office of the Legislative Assembly, dated October 2019.

Corrigendum.

Freedom of Information Act, pursuant to section 67—ACT Ombudsman—Report on the operation of the Freedom of Information Act 2016—2018-19—Amended, together with a letter to the Speaker from the ACT Ombudsman, dated 17 October 2019.

Standing order 191—Amendments to:

Animal Welfare Legislation Amendment Bill 2019, dated 9 and 10 October 2019.

Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018, dated 8 and 10 October 2019.

Sentencing (Drug and Alcohol Treatment Orders) Legislation Amendment Bill 2019, dated 8 October 2019.

**Mr Gentleman** presented the following papers:

**Annual reports**

Annual Reports (Government Agencies) Act—Annual reports 2018-2019—

Pursuant to section 13—

ACT Building and Construction Industry Training Fund Authority, dated 11 September 2019.

ACT Commissioner for Sustainability and the Environment, dated 16 September 2019.

ACT Gambling and Racing Commission, dated 10 September 2019.

ACT Health Directorate, dated 16 September 2019.

ACT Human Rights Commission, dated 4 October 2019.

ACT Inspector of Correctional Services, dated September 2019.

ACT Insurance Authority, dated 26 September 2019.

ACT Policing, in accordance with the Policing Arrangement between the Commonwealth and Australian Capital Territory Governments, dated, 9 September 2019.

ACT Public Service—State of the Service Report 2018-19, dated 1 October 2019.

Canberra Health Services, dated 25 September 2019.

Chief Minister, Treasury and Economic Development Directorate (3 volumes), dated 26 September 2019.

City Renewal Authority, dated 2 October 2019.

Community Services Directorate, dated 10 September 2019.

Cultural Facilities Corporation, dated 27 September 2019.

Director of Public Prosecutions, dated 4 October 2019.

Education Directorate, dated 19 September 2019.

Environment, Planning and Sustainable Development Directorate, dated 24 September 2019.

Icon Water Limited, dated 20 September 2019.

Independent Competition and Regulatory Commission—Report 13 of 2019, dated 25 September 2019.

Justice and Community Safety Directorate, dated 24 September 2019.

Legal Aid Commission ACT, dated 26 September 2019.

Long Service Leave Authority, dated 17 September 2019.

Public Trustee and Guardian, dated 5 September 2019.

Suburban Land Agency, dated 20 September 2019.

Transport Canberra and City Services Directorate (2 volumes) (incorporating the ACT Public Cemeteries Authority), dated 19 September and 1 October 2019.

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3), Schedule 4—Professional Standards Councils—Annual report 2018-19.

Confiscation of Criminal Assets Act, pursuant to subsection 258(4), Crimes (Assumed Identities) Act, pursuant to subsection 38(4) and Crimes (Protection of Witness Identity) Act, pursuant to subsection 21(5)—Annual report 2018-2019—ACT Policing Special Purposes—Attorney-General, dated 9 September 2019.

Crimes (Assumed Identities) Act, pursuant to subsection 38(4)—

ACT Policing Report for the financial years 2009-10 to 2017-18

Australian Crime Commission Assumed Identities Annual Report 2018-19, dated 23 September 2019.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9) and Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—Annual report 2018-2019—ACT Policing Special Purposes—Minister for Police and Emergency Services, dated 9 September 2019.

Crimes (Protection of Witness Identity) Act, pursuant to subsection 21(5)—ACT Policing Report for the financial years 2011-12 to 2017-18.

Information Privacy Act, pursuant to subsection 54(3)—Australian Government—Office of the Australian Information Commissioner—Memorandum of Understanding with the Australian Capital Territory for the provision of privacy services—Annual report 2018-19.

National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—Annual report 2017-18.

National Health Practitioner Ombudsman and Privacy Commissioner—Annual report 2018-19, dated October 2019.

Official Visitor Act, pursuant to subsection 17(4)—Annual reports 2018-19—

Official Visitor (Children and Young People).

Official Visitor (Homelessness Services).

Official Visitors for Disability Services, dated 23 September 2019.

## **Papers**

Courts Construction Project—Update to the Legislative Assembly on the progress, October 2019.

Freedom of Information Act, pursuant to section 39—Copy of notices provided to the Ombudsman—Community Services Directorate—Freedom of Information requests—Decisions not made in time—

CYF-20/06, CYF-20/07, CYF-20/09, CYF-20/11, dated 11 October 2019.

CYF-20/15, dated 10 October 2019.

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission—Container Deposit Scheme Price Monitoring—Final Report—Report 10 of 2019—Government response.

*Rail Safety National Law (South Australia) Act 2012—*

Rail Safety National Law National Regulations (Fees) Variation Regulations 2019 (No 155 of 2019), together with an explanatory statement.

Rail Safety National Law National Regulations Variation Regulations 2019 (No 61 of 2019), together with an explanatory statement.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Animal Welfare Act—Animal Welfare (Advisory Committee Member) Appointment 2019 (No 1)—Disallowable Instrument DI2019-216 (LR, 26 September 2019).

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2019 (No 1)—Disallowable Instrument DI2019-223 (LR, 1 October 2019).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Chartered Accountants Australia and New Zealand Professional Standards Scheme 2019 (No 1)—Disallowable Instrument DI2019-210 (LR, 4 October 2019).

Controlled Sports Act—

Controlled Sports Code of Practice 2019 (No 1)—Disallowable Instrument DI2019-214 (LR, 23 September 2019).

Controlled Sports Public Interest Guidelines 2019 (No 1)—Disallowable Instrument DI2019-225 (LR, 3 October 2019).

Controlled Sports Regulations 2019—Subordinate Law SL2019-26 (LR, 23 September 2019).

Court Procedures Act—Court Procedures Amendment Rules 2019 (No 2)—Subordinate Law SL2019-25 (LR, 23 September 2019).

Health Act—Health (Interest Charge) Determination 2019 (No 1)—Disallowable Instrument DI2019-221 (LR, 30 September 2019).

Public Place Names Act—Public Place Names (Taylor) Determination 2019 (No 1)—Disallowable Instrument DI2019-215 (LR, 26 September 2019).

Public Sector Management Act—Public Sector Management Amendment Standards 2019 (No 1)—Disallowable Instrument DI2019-220 (LR, 26 September 2019).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Tax Rates) Revocation 2019—Disallowable Instrument DI2019-219 (LR, 26 September 2019).

Racing Act—Racing (Appeals Tribunal) Rules 2019 (No 1)—Disallowable Instrument DI2019-224 (LR, 3 October 2019).



Road Transport (General) Act—

Road Transport (General) Extension of Time Guidelines 2019 (No 1)—Disallowable Instrument DI2019-213 (LR, 23 September 2019).

Road Transport (General) Waiver of Infringement Notice Penalties Guidelines 2019 (No 1)—Disallowable Instrument DI2019-212 (LR, 23 September 2019).

Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (No 1)—Disallowable Instrument DI2019-211 (LR, 23 September 2019).

Road Transport (Offences) Amendment Regulation 2019 (No 2)—Subordinate Law SL2019-27 (LR, 27 September 2019).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2019—Disallowable Instrument DI2019-222 (LR, 30 September 2019).

Territory Records Act—

Territory Records (Advisory Council) Appointment 2019 (No 1)—Disallowable Instrument DI2019-217 (LR, 26 September 2019).

Territory Records (Advisory Council) Appointment 2019 (No 2)—Disallowable Instrument DI2019-218 (LR, 26 September 2019).

Utilities (Technical Regulation) Act—Utilities (Technical Regulation) Operating Certificate Fees Determination 2019, including a regulatory impact statement—Disallowable Instrument DI2019-204 (LR, 26 September 2019).

**Official Visitor (Children and Young People)—annual report 2018-19**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (2.57): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Official Visitor Act, pursuant to subsection 17(4)—Annual report 2018-19—Official Visitor (Children and Young People).

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (2.58): I am pleased to have the children and young people official visitors annual report for 2018-19 tabled today. The role of official visitors is an important one. It is to provide an independent person who will listen to the concerns of young people in detention or residential care and follow up those concerns with staff, non-government providers, the Community Services Directorate and/or me directly.

In practice, their role is so much more than this. Official visitors become a trusted friend, someone young people can be frank with about their concerns, frustrations, hopes and disappointments. The children and young people official visitors work with

the most vulnerable children and young people in our community. All too often they are one of a handful of trusted people in their life. The children and young people official visitors are an important part of the rigorous oversight framework that exists in the ACT to monitor detention places and residential places of care.

They work alongside other oversight bodies such as the Public Advocate, Children and Young People Commissioner and the Human Services Registrar. The official visitors' key focus is to engage directly with young people and to ensure that their voices are heard. The official visitors for children and young people during 2018-19 were Ms Narelle Hargreaves, Ms Tracey Whetnall, Ms Tracey Lea Harris and Mr Chris Redmond.

The official visitors visit children and young people in Bimberi Youth Justice Centre and in residential places of care and are available via telephone if a child or young person in one of these places wishes to speak with an independent adult. In this reporting period the official visitors visited Bimberi Youth Justice Centre on 57 occasions. In their reports, the official visitors have consistently expressed satisfaction with the support provided to young people in Bimberi. This does not mean that no issues were raised. Inevitably some were, and these were taken seriously, including in relation to the length of time young people spend on remand and the management of, and support for, female detainees at the centre.

The official visitors noted how impressed they were with the quality of schooling offered to young people at Bimberi through the Murrumbidgee Education and Training Centre and the breadth of programs available to young people. In relation to residential care, the official visitors made 156 visits to 16 residential places of care during 2018-19. Residential care is a different environment to that of Bimberi and the ACT government and ACT Together have taken the official visitors feedback on board about the homeliness of spaces and how support workers can better engage with children and young people.

This year was one of transition to two new official visitors and they note some difficulty in initial engagement with young people as there was no formal framework for handover from outgoing official visitors. The official visitors also noted that there were issues that they remained unclear about, including the role of staff in engaging with young people, action being taken to re-engage young people with education where they were not attending school, and what therapeutic interventions are provided for each young person. I have met with the new official visitors and discussed how transition and handovers could be improved in the future and how they can be better informed about the programs and supports available for the young people they are visiting.

The official visitors also noted continuing difficulty they have in finding teenagers at home when they visit but state that they undertook repeated visits to engage all young people in residential care and were also reassured by conversations with support workers about the welfare and wellbeing of the young people. To support children and young people in residential care, the official visitors worked closely throughout the year with ACT Together, with consortium partners, child and youth protection services and the Public Advocate's office.

I would like to take this opportunity to recognize Ms Narelle Hargreaves and Ms Tracey Whetnall, who finished their appointments as official visitors during the reporting period. Ms Hargreaves is known as Bimberi's grandma and, as she visited Bimberi more than 300 times in her years as official visitor, it is a much-deserved title. Ms Whetnall, who tragically passed away earlier this year, was of course the ACT's first Aboriginal official visitor. Ms Whetnall not only supported those she was working with directly but also showed great leadership in sharing culture with staff and building their capacity to create culturally safe environments.

I would also like to acknowledge and thank our new children and young people official visitors, Ms Tracey Lea Harris and Mr Chris Redmond, for their continued dedication to providing Canberra's most vulnerable children and young people with an independent voice. Tracey and Chris will undoubtedly bring their own approach, their own focuses and their passions to the role. I look forward to working with them into the future.

Question resolved in the affirmative.

## **Rehabilitative youth justice**

### **Discussion of matter of public importance**

**MR ASSISTANT SPEAKER** (Mr Pettersson): Madam Speaker has received letters from Ms Cheyne, Ms Cody, Mr Coe, Mrs Dunne, Mr Gupta, Mr Hanson, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Ms Lee, Mr Milligan, Mr Parton, Mr Pettersson and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mrs Kikkert be submitted to the Assembly, namely:

The importance of a rehabilitative youth justice system.

**MRS KIKKERT** (Ginninderra) (3.03): I am delighted to bring this matter of public importance in my name before the Assembly today. I care deeply about the young people of this territory, including those who find themselves in trouble. The existence of youth justice systems separate to adult corrections acknowledges that there are important differences between adults and children when it comes to offending.

Young people are works in progress; their brains are still developing and they do not always understand what they are doing. I feel reasonably confident that every one of us in this Assembly can remember doing something when young that in retrospect was stupid, silly or even dangerous.

Of course, not everything that a young person does wrong is a crime, but some things are. When that happens and the person is apprehended, what happens next becomes extremely important. As noted in a 2016 publication by Harvard University's Kennedy school, most youth will age out of challenging behaviours if they do not experience the trauma and adverse conditions that convert normal, transitory, risk-taking and impulsive behaviours into deeply embedded identity. This means that most youth who encounter the criminal justice system can be successfully

rehabilitated as long as that system is functioning correctly. That is why we allow young offenders to go forward unhindered by a criminal record.

Unfortunately, when a youth justice system does not function the way that it needs to, the exact opposite can happen; instead of being helped through what should be merely a phase, kids can be seriously harmed by the system. Sometimes this leaves us with permanently wounded adults and sometimes it results in what the Harvard University's report calls a deeply embedded identity. In other words, youth justice done poorly can become a training exercise for adult corrections. That is a tragedy.

Sadly, the ACT's Labor-Greens government has a long and troubling record of significant failures in its delivery of youth justice. A 2005 Human Rights Commission audit of the former Quamby youth detention centre found a stream of worrying issues. Staff complained that they lacked access to adequate training and that understaffing was hindering the centre's ability to function.

The Human Rights Commissioner found that detainees were experiencing long lockdowns where they were not let out of their rooms. She also raised concerns about the use of segregation in the centre, about the overrepresentation of Aboriginals and Torres Strait Islanders, and the lack of access to visits by family and so forth. In partial response Labor and the Greens determined to build a new detention centre that would help address these human rights concerns. Instead, these issues merely moved from Quamby to the new Bimberi Youth Justice Centre.

If we look only at what we know about Bimberi from 2019 we have complaints by staff about lack of access to adequate training, and I understand that the centre is again experiencing significant understaffing issues. This has, once again, led to long periods of operational lockdown with detainees sometimes spending up to 22 hours per day confined to their rooms. This has impacted on the provision of face-to-face educational services. It has also resulted in families sometimes being turned away from visiting their children.

Only four days ago the Barr government was forced to apologise to a 17-year-old Aboriginal girl after she had been held at Bimberi in isolation for two months. Two months!

**Ms Stephen-Smith:** The newspapers don't need to understand isolation, but you bloody should after three years!

**Ms Lawder:** Point of order, Mr Assistant Speaker, I believe Ms Stephen-Smith has lost her cool and used unparliamentary language.

**Ms Stephen-Smith:** I apologise, Mr Assistant Speaker. I did indeed.

**MR ASSISTANT SPEAKER:** Thank you, Ms Stephen-Smith. Mrs Kikkert.

**MRS KIKKERT:** Whilst incarcerated this girl also had to suffer the indignity of her Indigenous artwork and publications being removed from her possession.

I have focused my comments on our detention centre, but the problems extend far beyond the walls of Bimberi. Those opposite have a commitment on paper to divert young offenders away from the courts, but at the same time the Barr government has woefully underfunded diversion options. Police officers and magistrates in the Children's Court who wish to refer young offenders directly into diversion programs know that in many cases those young people will instead just be added to very long waiting lists.

By any account, this is not a rehabilitative youth justice system. I fully expect the minister to tell us all that it is; she will use nice words when she does so, but the reality is that youth, parents, community service providers, police, magistrates and youth workers all know that our youth justice system is failing.

Thankfully not all young people are slipping through the cracks; some of them are getting the help they need but far too many are not. Those paying the price are the young people themselves, their families and the community at large. When we miss the opportunity to genuinely help a young offender, we risk creating a wounded adult who will carry lifelong trauma. We risk creating repeat offenders whose actions will burden our community and we end up with an overcrowded jail.

We can and should be doing much better. As the royal commission into youth detention in the Northern Territory pointed out, Scotland has a population more than 12 times greater than the ACT's and yet they have only 24 young offenders in secure detention. If we replicated this kind of success in Canberra we would have only one or two young people in Bimberi. Instead we have a youth detention facility containing both sentenced detainees and remandees who are experiencing long lockdowns and isolation, lacking face-to-face learning opportunities and on occasion lacking access to their families. We have waiting lists for intensive, diversionary programs for young offenders who in many cases continue to offend, increasing the likelihood that this will become a persistent pattern in their lives.

In contrast, a genuinely rehabilitative youth justice system provides a range of diversions and dispositional alternatives, especially community-based and family-centred programs that are proven to work with young people who have serious problems. Such an expanded area of alternatives gives magistrates better options for matching youth needs and the degree of supervision needed with effective options.

According to the Harvard University report, research confirms that no intervention is more effective when delivered in an institutional setting than when delivered in a community-based one. Where possible evidence-based family intervention models should be emphasised because, quoting the Harvard report again, a family is the best place for kids.

When it is necessary to keep young offenders in a secure facility, this facility should be characterised by high quality, rigorous programs throughout the day. This programming should be designed to boost young people's educational, social and emotional development. This is simply not possible when poor planning and poor execution on the part of this territory's current government have resulted in a

detention facility where understaffing results in children being locked in their rooms up to 22 hours per day.

I am deeply concerned for the mental health and wellbeing of young detainees in this territory. Imagine being kept in isolation for two months. We have laws that prevent people from treating animals this poorly.

We need a genuinely rehabilitative youth justice system in this territory. We need a broad range of funded, diversionary programs that give kids the best chance to turn their lives around and avoid becoming adult offenders. We need a secure facility that is adequately staffed and effectively provides the intensive programming that young detainees need. We need a system that recognises the importance of the family in the rehabilitation of young people and strategically taps into the strength of the family in both its community-based options and when dealing with those who must be detained. To accept anything less is to allow young people, their families and our entire community to pay a terrible price.

**MS LE COUTEUR** (Murrumbidgee) (3.12): I rise today to talk about the importance of a rehabilitative youth justice system, and I thank Mrs Kikkert for bringing this matter to the Assembly.

The ACT Greens believe that young people must be respected and valued for who they are now as well as who they may become in the future. As a young party, a party that values the contributions and leadership of young people—particularly, as we can see currently, the raising of young voices about the need for climate change mitigation and, unfortunately, adaptation—the ACT Greens believe that young people are entitled to express their opinions and have them heard by decision-makers. That is what a rehabilitative youth justice system should be about: listening to and being guided by the young people themselves about what they need in order to be able to live full and productive lives.

We spoke earlier today in the chamber about Aboriginal and Torres Strait Islander led solutions and the notion of “nothing about our mob without our mob”. In the same way, this idea needs to be extended to young people, particularly young people in contact with the youth justice system. Let’s face it, a disproportionate number of them are Aboriginal and/or Torres Strait Islander, and the cultural integrity of any rehabilitation process must be paramount.

As I said earlier today, domestic and family violence cannot be addressed in isolation from the care and protection system, out of home care, and the youth justice and adult criminal justice systems. In the same way, the youth justice system cannot be considered in isolation from domestic and family violence, care and protection and out of home care systems. All of these things are interlinked. In the case of young people, the education system also plays an important role in providing young people with the knowledge, supports and assistance they need to live full lives.

Domestic and family violence is often the underlying reason that kids end up in care. We have heard stories about children being removed from very protective and good mothers because they continue to live with abusive fathers. We hear loud and clear

from many women, but particularly Aboriginal and Torres Strait Islander women, that they do not want their families to be torn apart and they do not want to leave an abusive relationship; they just want the violence and abuse to stop. Kids growing up in these families are learning the same lessons of violence, abuse and victimisation that will continue into future generations. If we got better at working with families, working with men to stop the violence, we would have fewer kids in the system. Of that I have no doubt.

It is a common trajectory for children involved in the care and protection and out of home care systems to end up in the youth justice system and then, unfortunately, in the adult system. Both here in the ACT and across the globe, the concept of justice reinvestment is taking hold. That has to be part of the solution. Through justice reinvestment initiatives, sustained outcomes can be achieved through diverting funds from adult prison and youth detention towards preventative, diversionary and community development initiatives that address the underlying causes of offending behaviour.

Investing in young people and their families before they end up in any system makes not only economic sense; it just makes plain and simple sense. That is how we can help families to be healthy and how we can help keep them together. While I applaud the government's commitment in this area, I would like to see more youth-focused justice reinvestment introduced.

One of the fundamental needs for any young person—actually, all of us—is to feel loved and to feel that we belong. This is an essential building block for young people to reach their full potential. Children, youth, adults and families need to be supported to build healthy families with strength and independence, resilience and reduced contact with the justice system.

Kids who have resorted to using drugs and alcohol or who have developed mental health issues must be supported and assisted to keep their lives on track. Very often the solution to these issues lies in understanding the underlying causes, particularly where drugs or alcohol are being used to self-medicate, to numb against the pain of the reality of their lives. If the underlying causes are not addressed, then the offending behaviour will continue.

Ideally, it would be great if we could invest to the extent that the reality of young people in the youth justice system or youth detention did not exist, but it would be naive to believe that this can occur. And it is unclear whether government investment, solely, can solve these problems. Realistically, what we can do is hope to significantly reduce young people's engagement with youth justice. I do not think we are going to be able to eradicate it entirely.

This is where we come to the role of youth detention centres such as Bimberi. Once young people are in Bimberi, they need to be given all the supports and education they need to be rehabilitated. The aim should never be punishment; it should be to never to see them again. This is an opportunity to help young people to change their life trajectory. Treat them with respect and dignity. Treat them in the way that we all want to be treated. Give them the opportunity to flourish.

I am sure that the government will talk about the youth justice blueprint, how the rate of youth offending is reducing, that the number of young people being apprehended by police is reducing, and that the number of young people under youth justice supervision and in detention is reducing, saying that something must be being done right. This is very positive, but the numbers are still too high. They could be further reduced.

One of the issues is getting on with raising the age of criminal responsibility. I am aware that this issue has been raised with the attorney and there are many in the community who are waiting for action in this regard. I am hearing loud and clear that the age should be 14, not 12. The attorney is not listening, but hopefully someone will tell him what we said.

**Ms Stephen-Smith:** He is probably watching on the television.

**MS LE COUTEUR:** I hope he is watching upstairs. Yes, I agree. The ACT government should be leading the way, considering a lot of the other positive work that we are doing to address intergenerational disadvantage. The evidence around free universal early childhood education, for example, is overwhelmingly that it can reduce poverty, increase pro social behaviours, and support vulnerable families. Why can't we look at similar evidence which says that early exposure to custodial sentences is—I was going to say akin to trauma; and it is a type of trauma. Does anyone in this place really think that an 11 or 12-year-old child should be deprived of their liberty in a youth detention centre as a punishment? As a mother, the idea of my daughter or my grandchildren being locked up at the age of 12 or 13 horrifies me. I am sure it would give any parent pause.

For the ACT to have a truly rehabilitative youth justice system, we need to consider and support the child before they commit any offence that may bring them before the courts. Consider the young person, who they are, what they need and how they are as part of their family and part of their community. What do they need before they may start on a journey which will lead to them becoming part of the criminal justice system? The ACT Greens believe that we also need to think of the impact that this journey could have on them as the adults they will become and the longer term costs to our entire society.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (3.21): Absolutely, ensuring that the youth justice system is rehabilitative is a matter of the utmost public importance. It is also important to tell the truth in these debates. It concerns me greatly that Mrs Kikkert continues to exaggerate, to misrepresent and to say things that, frankly, are simply not true. The ACT does not use isolation at Bimberi. Isolation has a very specific meaning. The fact that the media misrepresent this in a story in a way that I would understand lay people doing is not an excuse for the shadow minister to misrepresent this matter. It is actually quite serious.



The case that was brought by the young woman in relation to her human rights was an important one. The Community Services Directorate will be making some changes in response to that. It has brought a better understanding of how young people experience separation. That is not segregation, but young people will experience it in a similar way, and because it is not governed by the same procedures as segregation, it does not provide the same opportunity for young people to question the decision that has been made. Those things will, of course, be looked into.

The way that Mrs Kikkert represented that matter is a complete misrepresentation of that matter, as was her commentary around lockdowns—a complete misrepresentation of the current situation at Bimberi. Mrs Kikkert talked about young people being locked down for 22 hours a day as if that is a regular occurrence. That is absolutely not the case.

The reason that this is so important is that misrepresenting the conditions at Bimberi—which I have just spoken about in relation to the official visitor's report and which is spoken about in the Human Rights Commission annual report—and making them sound much worse than the actual experience of being in Bimberi is not good for young people. It is certainly not good for their families. And it is not good for the very hardworking staff who work every day with some of the most complex, most difficult young people in our community to provide a genuinely rehabilitative environment. That includes the teachers at the Murrumbidgee Education and Training Centre, who do an outstanding job ensuring that all young people at Bimberi have access to education and training.

Mrs Kikkert, in a very desperate move, went back to a 2005 report about Quamby. She talked about a lack of family visits. She knows—she should know—that the headline indicators report that I recently tabled indicated more than 1,500 visits to Bimberi by family and friends last year. With an average daily population in Bimberi of 11, there were more than 1,500 visits by family and friends. I just tabled the official visitor's report; the official visitors are there on average more than once a week. They are part of an oversight regime which also sees the Public Advocate and Children and Young People Commissioner there probably more than once a week on average.

Speaking of the Public Advocate and Children and Young People Commissioner, I would refer Mrs Kikkert to their annual report. There are some issues drawn out in that annual report, and we have seen some of them reported. But they also note that we have moved to a situation where there were no reported strip searches in the 2018-19 reporting period. When other jurisdictions come and visit Bimberi, they are surprised at the way we manage our human rights compliant youth justice centre.

In the 2018-19 reporting period, the Public Advocate and Children and Young People Commissioner report that they received two notifications of segregation in relation to two detainees, relating to the same incident. Segregation on these occasions was for a period of five days for both young people. They note that this is a welcome shift from the previous reporting period, in which there were 10 occasions of segregation.

This speaks again to an ongoing culture of improvement at Bimberi in terms of ensuring that the centre is consistently upholding the human rights of young people and providing a rehabilitative environment for some of the most complex, most difficult, most traumatised young people in our community. The way Mrs Kikkert talks about it and the way Mrs Kikkert misrepresents it do absolutely nothing to support the staff of Bimberi.

**Mr Coe:** Has anyone been in for 22 hours?

**MS STEPHEN-SMITH:** Mr Coe asks if anyone has been in for 22 hours. While I should ignore the interjection, of course, everyone is aware that there was a major incident at Bimberi recently, and the subsequent management of the centre after that incident, for the safety of staff and for the safety of young people, involved some lockdowns for a short number of days when young people were locked in—

*Mr Coe interjecting—*

**MS STEPHEN-SMITH:** Mrs Kikkert talks about this as if it is something that happens all the time, as if this is a regular occurrence, not a response to an incident.

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Mr Coe!

**MS STEPHEN-SMITH:** I should move on. But the last thing I want to say about that is in relation to Mrs Kikkert's response. She did not mention the fact that the Human Rights Commission did a very thorough investigation in relation to Bimberi. Over an 18-month period the commission investigated and it did not reveal widespread disregard for the human rights of young people at Bimberi or mistreatment of young people at Bimberi. In fact most young people interviewed spoke highly of most staff members, and the report is actually quite complimentary in a lot of ways in relation to Bimberi.

But Bimberi is only one part of the youth justice system. As members are aware, the ACT youth justice system is guided by the blueprint for youth justice in the ACT from 2012 to 2022. This is an award-winning blueprint for youth justice, a 10-year strategy that provides a framework for youth justice reform in the ACT through early support, prevention, diversion and rehabilitative support for young people from the youth justice system. It has guided evidence-based reform that recognises that by reducing risk factors and strengthening protective factors the ACT community will be better equipped to keep young people safe, strong and connected. In the long term the blueprint has sought to ensure that the ACT community is a safer place for everyone, where fewer young people are at risk of, or engage in, offending.

The progress reports against the blueprint highlight that this has in fact led to a significant reduction overall in the number of young people engaged in the youth justice system; again, something you would never know from listening to Mrs Kikkert. She never wants to celebrate the success of the ACT in comparison to other

jurisdictions: the lowest recidivism rate for young people by far, and a significant reduction in the number of young people apprehended by ACT Policing and those under youth justice supervision. Both community-based supervision and detention have decreased, and there has also been an improvement in the number and the rate of Aboriginal and Torres Strait Islander young people under youth justice supervision, with the number of Aboriginal and Torres Strait Islander young people in detention almost halving, which goes to Ms Le Couteur's point about how important that is.

In August 2017 I established a new blueprint for the youth justice—

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Mr Coe!

**MS STEPHEN-SMITH:** task force to review progress, to provide advice on emerging challenges, and to make recommendations to focus our work for the final four years of the blueprint. I asked the task force to consider several issues, including supporting young people's transition back to the community, particularly those who have spent significant periods on remand; reducing the over-representation of Aboriginal and Torres Strait Islander young people in all stages of the youth justice system; better supporting young people with disability in the youth justice system, aligning with the work of the disability justice strategy; and making sure we turn around young lives at the earliest opportunity.

To make their recommendations, the task force drew on knowledge from across the community, including Aboriginal and Torres Strait Islander leaders, advocates for children living with disability and mental health challenges, and organisations that work directly with children and young people.

I tabled the final report of the task force in May 2019 and I will provide a government response by the end of this year. Importantly, the task force reaffirmed that a rehabilitative focus of the ACT's youth justice system should continue. We are doing this by investing in services and supports for children, for young people and for families at risk.

My time is running out, but I want to note that we have also funded the establishment of the Warrumbul Court, a circle sentencing court for young people, a very important part of ensuring that young Aboriginal and Torres Strait Islander people get the cultural sentencing support they need. That will be up and running soon.

**MR GUPTA (Yerrabi) (3.31):** I would like to thank Mrs Kikkert for bringing this motion to the Assembly, and the Minister for Children, Youth, and Families for her contribution on this important issue. Young people are valuable members of our community. Young people have a voice, and this government is listening to young people, their families, and their communities.

As the minister noted, the blueprint for youth justice in the ACT 2012-2022 is the government's strategy to ensure that young people in the ACT are safe, strong and connected. I and my colleagues know that when young people are connected to their

families and the community they are provided with the best opportunity to participate in education and employment and live healthy and happy lives.

I note the minister's comment that the blueprint is making a real difference in the lives of at-risk young people in Canberra and their families and the community. I am pleased to learn that we are on the right track to achieve the aim of the blueprint, and I am particularly happy to learn that we are lowering the numbers of Aboriginal and Torres Strait Islander young people involved in the system.

Most young people in the ACT safely navigate their way to adulthood. They get the guidance, support and opportunities they need to prepare for life as an adult. However, for some young people this is not the case. For this small group of young people, early support has a critical role to play. I am looking forward to following the government's work in this area in the future.

Genuinely supporting young people means more than just reacting when something goes wrong. It requires providing early support for young people, their families, and their communities. When a young person is at risk of interactions with the youth justice system, we do everything we can to divert them from that path. This depends upon us developing and maintaining a system that supports families to stay together and to keep young people engaged with their families, community, education and employment. As the saying goes, it takes a village to raise a child. We know that the children who get a good start in life are more likely to do well. We also know that young people who have strong protective factors, such as a supportive family environment, are more likely to do well as they move on to adulthood.

For young people who are at risk of engaging with the youth justice system, intervening at the right time can transform their life and set them on the path to a positive and fulfilling adult life. In instances where young people still enter the youth justice system, we need to wrap around them and support them. The task force on youth justice which the minister established sought to identify cohorts particularly at risk of engagement with the youth justice system, to ensure that they get the specialised support they need. This included young people with disability, young people with mental health concerns, and young Aboriginal and Torres Strait Islander Canberrans.

The disability justice strategy will work to improve the experience of people with disability who are involved in the justice system and I am sure it will positively contribute to the youth justice system and Bimberi. The strategy will also help to build a disability-responsive justice system. I look forward to following the progress of these cohorts into the future.

When a young person does end up in Bimberi, everything needs to be done to ensure that the young person receives the support they need, in addition to a good education. The ACT government also supports them to build and maintain family ties and develop the skills they need to live in the community. The Murrumbidgee Education and Training Centre at Bimberi provides a range of educational and vocational programs, including recognised certificate programs, tutoring, and transitional support back into the community through an individualised and tailored approach.

At the Murrumbidgee Education and Training Centre, young people have received nationally recognised qualifications in a variety of areas such as construction, hospitality, business, horticulture and fitness, as well as year 10 and year 12 certificates. This is a great outcome and shows how important a rehabilitative youth justice system is.

Bimberi is an end point in our youth justice system. It is a complex environment, and I know that the ACT government does everything it can to keep young people and workers safe at the centre. There is also a range of oversight mechanisms like the Human Rights Commission and the official visitors. On the whole, the reports from these bodies show that Bimberi is a centre that offers young people many opportunities to engage in rehabilitation. I note that the minister also tables the Bimberi headline indicators in this place, which is another way for us to better understand the operation at Bimberi.

By nature, young people are risk takers. But we know that strengthening protective support and building resilience will make young people less likely to engage in antisocial behaviours. Ultimately this is about making sure that children and young people are safe, strong and connected. When young people enter the youth justice system, we need to wrap around them and support them as the ACT government is doing.

I thank Mrs Kikkert and the Minister for Children, Youth and Families for highlighting this important issue. This government is committed to ensuring a safe, strong, connected cohort of young people in the ACT. The reforms discussed today are excellent examples of the ongoing effort of this government to deliver on this commitment.

*Discussion concluded.*

## **Litter Legislation Amendment Bill 2019**

Debate resumed from 6 June 2019 on motion by **Mr Steel**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (3.37): I rise today to address the government's Litter Legislation Amendment Bill 2019. No-one can object to actions to keep Canberra a beautiful and litter free city. Not only is litter unattractive; it can also be dangerous. The reckless dropping of a lit cigarette or a used syringe are obvious examples. The presence of litter also points to a lack of interest, concern or commitment to recycling by some people. So we all have an interest in reducing or eliminating littering in Canberra.

We struggle sometimes to find the right solution to our littering issues. One of the most common complaints I get as an MLA is from constituents writing, emailing or contacting me in person about rubbish left along roadsides or thrown on to median strips. Of course, the social media sites are full of stories of abandoned piles of

rubbish. I often hear from constituents that the city is looking more and more unkempt and strewn with litter. People believe that Canberra's standards in this area have fallen over the years.

A common view in Canberra is that you should not complain about long grass along our main roads because if you do, and a mower is finally dispatched, the hidden litter will then be chopped into a thousand pieces. You have a choice between long grass and fire risk or streets and footpaths covered in litter. This is not how people remembered Canberra in the past and not how they want to have Canberra in the present or the future.

Earlier this year, my colleague Mr Coe asked a question of the minister on the matter of litter. It was on 22 March this year, question on notice No 2391. Mr Coe asked:

What was the (a) total number, (b) average value and (c) total value of penalties or infringements issued under the Litter Act 2004 (ACT) broken down by (i) type of offence and (ii) suburb, during each financial year since 2007-08 to date.

The answer from Minister Steel was that due to historic data being captured manually, no data was available to answer the member's question. Mr Coe went on to ask:

What was the total cost of clearing illegal (i) littering, (ii) aggravated littering, (iii) dumping and (iv) commercial waste, broken down by suburb for each financial year from 2007-08.

The answer from the minister was:

Since 2007 to date, TCCS has received a total of 9,682 requests for service in relation to illegal dumping.

We struggle to find the total number, average value and total value of penalties and infringements. We do not have that data available, or the minister will not give it to us. But we can see that we have had nearly 10,000 requests for service in relation to illegal dumping. That is about two complains a day for 12 years.

We obviously have a big problem with littering. I know that I write quite frequently to the minister about littering that has been brought to my attention by members of the public. The 2018 Transport and City Services annual report tells us that in the past year we have had 2,451 complaints about abandoned vehicles. That is more than six a day. We have had 364 complains about discarded syringes. That is about one a day. But the licensing and enforcement unit investigated and processed just 73 cases. I am unsure how many of those 73 resulted in fines or other penalties. So action on litter is something that we have been calling for for some time. We have been calling on the government to enforce the laws we already have.

It is already an offence under the Litter Act 2004 to dump rubbish in a public place. Basic littering penalties include \$1,000 for individuals or \$5,000 for businesses. Aggravated littering means littering that could cause injury to person, animal or public place. It carries higher penalties, being \$5,000 for individuals and/or \$25,000 for businesses or imprisonment for six months, or both.

Dumping of illegal substances under the Dangerous Substances Act 2004 carries penalties of up to \$200,000 for individuals and/or \$1 million for businesses and/or seven years imprisonment and the possibility of other penalties. In some ways, you could argue that the laws are already clear and tough. The real question is: how active has the government been in implementing those laws?

The answer to a question asked on 16 August this year stated that while we do not have any information prior to 2017, we know that in respect of littering there was one warning in 2017 and no infringements or charges. There were four warnings in 2018 and no infringements or charges. There were three warnings in 2019 and no infringements or charges.

On dumping in 2017, there were zero warnings, zero infringements, zero charges. In 2018, there were zero warnings, two infringements and zero charges. In 2019, there were 13 warnings, 11 infringements and zero charges. Increasing penalties for littering is something that we agree with. But as you can see from these figures, Mr Assistant Speaker, enforcement—having people available to issue warnings and infringements and to charge people—is just as important, if not more important.

In the absence of acting on the current laws, let alone the laws that will be enacted or passed from today, it is a way to make it look like you are concerned about an issue without actually doing anything about it. The government tells us what we already know, that is, that littering and dumping are bad. They are bad for the environment; they are bad for our society; they are bad for health. Littering and dumping are bad in absolutely every way.

Littering and dumping range from dropping food wrappers and receipts, to more dangerous items like syringes, household goods, cigarette butts, throwing things out of car windows, right through to items on private property escaping on to public land and the dumping of large volumes of waste in remote locations. These are bad. There is no argument about that.

We know that littering and illegal dumping are an increasing problem in the ACT. That has ongoing social, economic and environmental consequences. They can degrade the amenity of a place, thus reducing its value to the community. Littering and dumping mean that waste can also end up in nature reserves and waterways, which can cause harm to people and animals as well as to the broader environment.

It is a significant economic cost to the government and the community—in other words, to the taxpayer or to the ratepayer—in terms of cleaning up and disposing of litter and illegally dumped items. This bill we are debating today is intended to protect and enhance the natural and built environment, as well as the amenity and wellbeing of residents in the ACT, and to reduce the economic and health impacts of littering and illegal dumping in all its forms.

I do not propose to go through every item in the government bill today, except to highlight a couple of issues. We support the government's position to set up an escalating framework to deal with litter on a private site, including the hoarding of

items that are litter. This allows for a staged approach, including education and awareness, a show cause and a notice to remedy, followed by an abatement order where appropriate and where other mechanisms have not been successful.

We are pleased to see that the government is now recognising the particular issue of dangerous litter and is bringing in a strict liability offence for aggravated littering of specific items listed by regulation, such as syringes and cigarettes. We will now have caught up in this area with the standard in other Australian jurisdictions.

We are pleased to see that the government is finally addressing the issue of abandoned vehicles. We support the new provision that enables an abandoned vehicle to be treated as litter once it is deemed abandoned and then disposed of immediately when the vehicle is of no, to low, value, for example, a burnt-out wreck. Where the car is of significant value, it must be disposed of within a short time frame. This is another area where I get a lot of calls from constituents, especially when cars are in their neighbourhood and have been abandoned. In some cases, residents feel that up until now it has been taking far too long to remove them.

Another example was a burnt-out car near Lake Tuggeranong in the car park near the learn-to-ride park that took a while to be removed. The removal of litter in a timely manner reduces the significant cost of impoundment of those abandoned vehicles to the territory. I believe this will be very welcome to many Canberrans.

We take a position of support for the bill today, acknowledging that it has taken a while to get to this point and acknowledging some lack of will on the part of the government to enforce the existing legislation. We hope this does not continue when these changes have been passed through the Assembly. Notwithstanding the comments that I have made, the Canberra Liberals will support the passing of this bill today.

**MS LE COUTEUR** (Murrumbidgee) (3.49): I thank Minister Steel, his office and the staff at TCCS for their engagement since this bill was tabled. We have engaged since the beginning because the Greens have had, and still have of course, significant concerns about this bill. The positive is that the Litter Legislation Amendment Bill 2019 represents a major overhaul of the Litter Act 2004, and the Greens actually are supportive of the majority of the bill's content.

Minister Steel has already provided an overview of the bill—and Ms Lawder even more so—so I will not speak in detail to the parts of the bill that the Greens do not propose to amend. However, I would comment on a number of aspects of the bill. Firstly, I am very pleased to see that the bill updates the objects of the Litter Act 2004 to better reflect the purpose of the bill, which is “to protect and enhance the natural and built environment, amenity and wellbeing of residents of the ACT”.

Secondly, I am very pleased about the introduction of an offence that deals with construction material not being kept on a building site. I think that is an excellent idea. Any of us who have been near building sites will know that lots of plastic, styrofoam, various other bits of rubbish et cetera seem to blow off those sites. I suspect that



enforcing this offence will be challenging, given the other challenges which appear to be the case with enforcing any sort of building regulations. One can but hope.

Another positive step forward is articulating the level of littering or dumping so that there is a different offence depending on the type and volume of the litter and the waste. That seems a reasonable idea.

Another thing which actually seems like a significant positive is the introduction of a vehicle-related offence, which means that if a person, or in fact just a vehicle, is captured on camera or witnessed dumping, then the owner of the vehicle can be fined. I think this is a very common-sense approach. I do not know what level of surveillance people are likely to have but I would have thought in general that it would be much more likely that you would be able to identify the vehicle that did significant dumping rather than the human being who may have taken part in this.

I am hopeful that this will lead to people, particularly serial illegal dumpers, actually being found, more infringements and warnings being issued to these people and a change of behaviours. We are all aware of places in the suburbs that are a bit out of Canberra and that have become semi-official, illegal dumping areas, and hopefully the introduction of the vehicle-related offence will mean that the ACT government is in a position to monitor these and actually stop them happening.

The other thing that I think is really positive is responding to hoarding using a mental health more than a criminal or land management framework, because clearly hoarding is a mental health issue. It is a bit bizarre really to see it in a litter act, and I think that in some ways—given the various issues with hoarding, as I guess highlighted by the fact there is another hoarding-related bill before the Assembly from Mr Coe—it would make sense to have an integrated bill about hoarding rather than tack it onto other bits of litter. But that is just how it has happened.

The positive measures in the Litter Bill will not be effective on their own. Enforcement needs to be combined with education, and I am very pleased to hear that Minister Steel plans to include an education package.

However, the Greens have concerns about this bill, and we are seeking to amend it. I have, however, been told that no-one is going to in fact support my amendments; so I will not move all the amendments put forward. But I will be moving some of them.

The first area that I have been seeking to amend is fines. Firstly, we have problems with the basic increase in fines for littering and, secondly, with the introduction of a new offence of aggravated littering, complete with a \$500 fine for littering objects that are prescribed by regulation, and an associated fivefold increase in the maximum number of penalty units that can be applied to that offence. I do not believe for one minute that the massive increase in fines for littering and the inclusion of a new category of littering, aggravated littering, will drive any behavioural change from the people whose unlawful actions it seeks to influence or punish.

In his tabling speech for this bill Minister Steel called these fines effective. Certainly some people do sometimes make rational decisions about their behaviour. We earlier

talked about rehabilitative youth justice. Clearly many people often do not make rational decisions about their behaviour. Sometimes we do things like driving below the speed limit, though I suspect everyone in this chamber has sped at some time in the past, or not to breach water restrictions. We do not breach the water restrictions primarily, I would say, not because of enforcement but because of the educative approach which makes it obvious to us when water restrictions are on that we really need to do this for the good of our community.

As well as basic decency, though, of course people's behaviour is clearly influenced by the law of the land. But laws by themselves will not always work. In fact, they seldom work. Penalties and the likelihood of being caught also influence behaviour. It really does not matter what the penalty is if the chance of being caught is approximately zero.

It is for these two reasons that the new provisions relating to dumping will be likely to be effective in reducing this behaviour. People avoiding tip fees may think twice if they think they are actually going to get caught. Indeed, there is evidence that the recent increase in compliance officers within TCCS is already having an impact at least on the number of people being caught.

For basic littering offences, however, it is not clear to me what such high fines might be effective in doing. I have seen and heard no evidence that increasing these fines will change littering behaviour, and I have asked this question repeatedly of the government.

What I have heard, however, is concerns from welfare groups and advocates that these laws are most likely to affect people who are experiencing homelessness. By definition, the people who are experiencing homelessness are living their life to quite an extent in public, the public arena, and their chances of being involved in littering are just so much higher than for the rest of us. Also, of course, people with mental health conditions or who are addicted to alcohol or other drugs are likely to be affected, in other words, vulnerable people, many of whom spend a lot of time in the public realm.

To be clear, I am not for a moment condoning littering, and the Greens are not condoning littering. I just think it is important to be clear about who these fines and offences are most likely to impact and the sorts of impact they are going to have. Research conducted by the Law and Justice Foundation of New South Wales illustrates what appears to be obvious: people who are homeless or mentally ill are more likely to be fined for strict liability offences. They are also more likely to have debts arising from these fines which further compounds their disadvantage.

Fortunately, it is very unlikely that the increase in fines and the new aggravated littering offence will impact many people. Data provided to me following a question on notice to Minister Steel's office shows that in each of the past three years there have been a sum total of one, four and three warnings given for littering offences by TCCS's city rangers, and no infringements were issued in this time. In the same period ACT Police issued one infringement for environment pollution and 12 for

public health and safety offences under the Litter Act. We are really not talking about a large number of offences.

The amendments that I will be tabling today will seek to reverse the considerable increase in penalties for minor litter offences and remove the new category of aggravated littering in section 9(2) and the related prescribed categories of litter.

Given that we are not talking about a large number of offences, I actually have not been able to work out why the government is even trying to increase the penalties. The current penalties are not being used. I cannot see the agenda behind this. It must be some sort of dog whistle, being tough on crime or something, because it does not seem to make sense. As I have worked out that my amendments will not be supported, I will not be moving all the amendments that I have foreshadowed.

I now turn to hoarding. As I noted earlier, I am very pleased to see that this bill seeks to respond to hoarding as a mental health issue rather than a criminal issue. Section 24ZA provides for the establishment of a hoarding code of practice which will be approved by the minister as a disallowable instrument.

I will be moving an amendment related to this—I may not move this exact one because of the order of things—that will create an advisory council to make recommendations about the development of a hoarding code of practice. I thought that an advisory council was something that was going to be supported by the government, because I have had extensive conversations about this, but I have just been informed that, in fact, that is no longer the situation and the government does not feel that this is necessary. I must admit that I am quite surprised, because one question I asked of the government in my first conversation with them was about the consultation they had on these issues. I was told they had extensive consultation with the people involved; they had talked to the Human Rights Commission.

I point out that human rights is one of the things that the government requires all its bills to go through; so I am concerned that TCCS is not really the right part of government to be dealing with hoarding issues, as I said earlier. It is a mental health issue. One of the things I had fought to do to make this legislation work better was to effectively provide TCCS with some expertise in dealing with people. TCCS spends its time dealing with roads, footpaths, trees and things like that. They all work very differently from how human beings work.

The council that I was proposing would include people with experience or expertise in managing or treating mental health conditions, people with an interest in urban land management and anyone else prescribed by regulation. And the minister would have been required to present the council's recommendations to the Assembly within six sittings days after the minister received the recommendations. That would mean they became public.

Hoarding behaviours and the drivers behind them are complex. The framework for responding to hoarding needs to be nuanced and informed by best practice and the knowledge of people who work to support hoarders. There has to be a mental health overlay on what would otherwise just be a land management or public health response.

The amendments which I have tabled—but I will not move all of them—were intended to ensure the development of a hoarding code of practice that is informed by people with suitable qualifications and experience.

The other part of my amendments was going to ensure that if an abatement order was carried out there was support for the person whose hoarding was being abated. Clearly the implementation of an abatement order is potentially very stressful for the subjects of such an order. I have an amendment that would ensure that there is a support person available when an abatement order is being implemented. My amendment gave examples of support people such as a social worker, a person of expertise in dealing with mental health conditions or a carer. In practice, I imagine—and I would have hoped—that it is likely that the support worker would have already had a relationship with the person on whom the order had been served and, thus, that person would serve to alleviate some of the considerable distress that the person would be feeling.

I am in favour of the majority of this bill. I am very disappointed at the approach that the government has taken in terms of dealing with these issues purely as, I guess, civic cleanliness and land management issues and not recognising the reality that littering and hoarding are actually always done by human beings who have very complex issues and that fining them is often not a particularly appropriate or useful way of changing their behaviour. I hope that the government—despite the fact this will be passed—will not actually use the powers given to it under this legislation.

**MR PETTERSSON** (Yerrabi) (4.04): When we move around our local community we expect people to be able to enjoy our public spaces. When we walk through our streets, we expect our neighbours to keep their blocks free of rubbish. It is not rocket science; it is pretty straightforward. For most Canberrans this is their lived experience of our city—it is beautiful and well kept. But, unfortunately, this sensible expectation is sometimes not met. Around our paths, playgrounds and local streets it is concerning that we can see piles of household rubbish, commercial waste and litter which can all pose a hazard to users of these areas and diminish the beauty of our city. It is for this reason the bill seeks to improve both the cleanliness of our environment as well as public safety.

This bill recognises, importantly, that litter and illegal dumping are a threat to the wellbeing of all Canberrans and responds to this hazard by seeking to implement new and increased penalties for such offences. These measures will present greater incentives for people to take responsibility for their own actions when determining how they will dispose of unwanted items.

Canberra is a beautiful place to live and we would like to keep it that way. Most members of this place would be aware of some of the hoarding cases in Kaleen; they have been raised before in this chamber and most of you have probably seen media stories regarding them. I have been to the sites; I have spoken to the community. The community have raised their concerns with me and other members of this place that hoarding, illegal dumping and the risks posed by them to those living in the local area are bad for our suburbs.

I understand their frustration—occurrences of hoarding on private property not only impact those living on the premises but also create safety risks for other people using or occupying land surrounding the property where the hoarding is occurring. It diminishes the property value of the surrounding properties and causes neighbours mental distress as they contend with the years-long sagas that often surround these properties. They are often embarrassed to invite people around to visit them because they do not want people to know what their neighbours are doing. Put simply, people would prefer not to live next to hoarders.

Significant amounts of litter inappropriately stored on private property can attract vermin, snakes, wasps or other insects which, unlike the litter, do not respect property boundaries. Also, depending on the nature of the items stored, hoarding goods can present a serious fire risk, an unacceptable hazard to public safety. We also know large amounts of waste and litter do not meet community expectations of how one should maintain one's block. Just because there is no health or fire risk does not mean it is not causing harm to the good order of the suburb.

We know hoarding is a complex and sensitive issue and often has underlying mental health implications. I am pleased the bill takes a staged approach to managing extreme cases of hoarding that does not criminalise such behaviour but instead allows real action to be taken. The framework is a step forward in addressing community concerns around hoarding, restoring neighbourhoods and making communities safer.

This framework also proactively discourages littering in our communities. The bill will support the reduction of littering in that impact on public safety. One example of littering and illegal dumping is the problem of abandoned vehicles. If they are not moved in a timely manner they may become subject to arson attacks, which can lead to further damage and unsightly waste.

This bill will improve the process for removing and disposing of abandoned vehicles. It will also introduce new powers for officials to enter the vehicle and identify the owner. It will enable compliance action to be taken, which will make our road areas safer into the future and reduce the unsightly appearance of abandoned vehicles left sitting in public places across our city.

This vast improvement in our system will assist in both deterring littering in the first place and streamlining the clean-up of littering where it occurs. This balanced and proportionate enforcement framework will result in improvement of the overall appearance as well as the safety of our open spaces, making Canberra a more livable city and the ACT a fantastic place to enjoy the great outdoors.

This bill will also extend existing legislation governing littering in the form of placing unsolicited leaflets on vehicles. The new provisions will apply to unsolicited items being placed on any fixed building or structure at a public place unless permission from the owner is granted.

Advertising materials attached to public assets are unsightly. I am sure we have all noticed that they are very rarely removed when no longer relevant. Under this bill

officials will have greater powers to enforce the removal of such litter. New infringement notices will be introduced for not complying with a request or an order to remove litter. These provisions will work towards ensuring that the ACT is a clean and safe place to live and work, where we are able to enjoy our public spaces free from litter, unsolicited leaflets and dangerous household waste.

This bill is a robust and holistic piece of legislation which represents best practice, in line with community expectations. This bill will help to reduce the prevalence of littering and illegal dumping in the ACT and will also support and protect public safety where these illegal activities put people at risk. This is a step towards putting our environment first and better ensuring public safety.

**MS CHEYNE** (Ginninderra) (4.10): I, too, am pleased to speak in support of this bill containing important reform today. The amenity of the ACT is tangible. How a place looks directly impacts how we as Canberrans feel about it. We know something intrinsic to Canberrans is how proud we are of our city, our bush capital, and how deeply it affects us when the bush capital is looking less than pristine or, indeed, when there is a risk to public safety. Generally one of the key contributors to this diminishment of our capital is litter.

Litter is not like a lot of the other city presentation issues our rangers dedicate their efforts to addressing, like trees or grass or weeds. I acknowledge the rangers I saw on Eastern Valley Way this morning working hard to get rid of our weeds. Unlike trees or grass or weeds, litter does not occur naturally; it does not appear and it does not grow without the direct involvement of a human.

Fortunately for us in Canberra, the majority of people do the right thing and do not carelessly dispose of their litter. They consider what they have in their hand and they consider the right way to dispose of it. But, unfortunately, a few people do not take that personal responsibility on board, and that is the heart of what this bill is about—reforming the law to demonstrate that we take the state of our city and public safety incredibly seriously.

This amendment bill provides for new and increased penalties and enhanced powers for rangers to present more incentive for people to take responsibility for their own actions when determining how they will dispose of unwanted items. There has been a bit of discussion about it in this place today, but I put on the record that I am particularly pleased that the bill provides an on-the-spot fine for aggravated littering of \$500. This includes, critically, cigarette butts.

Cigarette butts for many of us are simply a disgusting nuisance, but cigarette butts are inherently dangerous. They are slow to break down and leach harmful chemicals into the environment. They are also, of course, a fire risk. We know our temperatures are rising and our fire seasons are lasting longer and have the potential to be incredibly severe. This is top of mind for many of us in the ACT, with our generally dry climate and extensive bush and grasslands. Dropping a lit cigarette butt is an inherently dangerous behaviour because of the consequences of doing so to property, to animals and to people.

I strongly believe there should not be a distinction between a lit and an unlit cigarette butt. Too many times people think a cigarette is extinguished when it is not and it remains lit. Creating a distinction between lit and unlit and then a distinction in fines would potentially result in people behaving more recklessly if they believe their butt is extinguished. As a society we should not accept that risk.

I appreciate that a \$500 fine is high, and I acknowledge Ms Le Couteur's point that this is a large increase. But anyone who has done a clean-up recently, whether with the fabulous Trash Mob or with me or any number of members here or as part of a Clean Up Australia Day event will know just how prevalent cigarette butts are throughout the territory. They are a scourge. They do not need to be there, and our rangers spend an inordinate amount of time picking them up. I would much rather our rangers be addressing the many issues with trees and keeping our grass trimmed and our weeds vanquished. Unlike Ms Le Couteur, I believe a fine of \$500 is the adequate deterrent to the behaviour of dropping these butts.

Aggravated littering fines will also apply to syringes. The risk of children stumbling upon sharp items such as a syringe while playing is a significant problem and is of course a nightmare for any parent. Playing safely in the outdoors should be a right of every Canberran, and this bill will bring us a step closer to achieving this.

I take Ms Le Couteur's point, of course, about vulnerable members of the community, but it is worth stressing that this new framework will be supported by a comprehensive education and awareness campaign to alert people to their responsibilities and the consequences where they are not met. That is before the compliance action is undertaken. Our rangers also have a city rangers accountability statement which guides them in applying a commonsense approach in their interactions with the public.

Importantly, we are also providing better amenity for people to encourage them to do the right thing. It is not just a big stick approach; we are providing more bins across the city as part of the 2019-20 budget.

In addition to the aggravated offences for items that pose the greatest danger to the community and the environment, the bill creates an escalating framework for general littering offences. The existing infringement offence for littering a small item like a lolly wrapper will increase. The fine for this offence has not increased since it was introduced in 2004 and no longer is proportionate nor acts as a genuine deterrent for people doing the wrong thing.

The escalating framework will kick in when the volume of litter dumped is over one litre but under 10 litres, which will attract an on-the-spot fine of \$500. Moving up the scale, between 10 and 200 litres will attract a \$1,000 on-the-spot fine, and over 200 litres a \$1,500 on-the-spot fine. I am pleased these offences will now reflect the community expectation that littering and illegal dumping are not acceptable in our community.

To complement the robust new approach to litter enforcement, this bill both supports and protects rangers enforcing the law. New provisions allow rangers to link an offence to the operator of a vehicle where the offence is committed after exiting or before entering a vehicle—that is, where someone drops a cigarette butt and refuses to give their name or address or becomes aggressive to a ranger before getting in a vehicle and driving away, the offence may then be directed to the owner of that vehicle. As a result, our rangers can now target littering and illegal dumping offences with greater confidence, knowing they have added protections when issuing infringements, which they will not be doing lightly.

This is an incredibly important bill and one I am pleased to support. It is about bringing our legislation in line with community expectations and desires, about reflecting how seriously we take the state and the safety of our city and ensuring that how we feel about the city marries with how it looks, and for good reasons. I commend the bill to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.18), in reply: Littering and illegal dumping is a problem that occurs in many forms and across all areas of our city. From the dropping of food wrappers and receipts to the dumping of trailer loads of rubbish or depositing dangerous items like syringes, these actions have important impacts on the wellbeing of our people and the environment and do not have a place in our community.

In June I introduced new and robust laws, through the Litter Legislation Amendment Bill, that are designed to address these problems and more, including dealing with abandoned vehicles, road users making roads unsafe by failing to cover a loaded vehicle appropriately, and extreme cases of hoarding. By improving the enforceability and efficiency of our legislation and introducing proportionate and escalating offence provisions, we can combat littering and illegal dumping for a safer and cleaner city. This issue goes to the heart of the wellbeing of Canberra residents and acts on a priority from the citizen-led better suburbs statement 2030.

Littering and illegal dumping is, unfortunately, an increasing problem in the ACT as our community grows and becomes more compact. Littering has a serious impact on the natural environment, as littered items often blow or wash into our parks, waterways and landscapes, creating an unsightly and unhealthy place for residents and potentially a dangerous habitat for wildlife. It also has a serious impact on society, with the littering of harmful items such as syringes or broken glass making our parks and other open areas a risk to the health of the public.

Littering and illegal dumping also has an economic cost. Cleaning litter from our streets and parks and waterways and removing dumped items cost the government over \$3 million in the last financial year, with over \$550,000 spent on cleaning up illegal dumping alone, a 30 per cent increase on the last financial year. This is a significant financial burden to the community and one that this bill will address to ensure that we can move towards a more efficient and proactive system for managing what has long been a problem in Canberra.



This bill will work to improve both the built and natural environment, improve the amenity of the ACT and support the wellbeing of people who call Canberra home. We know that the problem of littering and illegal dumping is important to the people of Canberra. The management of waste and bulky items, which are often dumped in public spaces, were identified as the third and fourth priorities of city services by our citizens forum, through the better suburbs statement. We know that this is increasingly becoming more of a problem in the ACT, with the number of abandoned vehicles particularly and illegal dumping requests through fix my street increasing over time.

The Litter Legislation Amendment Bill will holistically address littering in every form and will support the majority of the Canberra community who do the right thing. The first form of littering addressed in this bill is general littering and illegal dumping. This captures both small items that can be littered, often through thoughtlessness and disregard for the consequences of people's actions, right through to large items or volumes of litter which are intentionally dumped and pollute the environment.

To address these issues, the bill provides a proportionate and escalating framework where penalties increase depending on the volume of litter being dumped. Under the new laws there will be a different penalty for someone who dumps a bag of rubbish than for someone who dumps a trailer load of rubbish. This escalating framework is important to ensure that the penalties are proportionate to the offence and act as a deterrent to offenders. Littering fines range from \$150 to \$300 for small to medium items and up to \$1,500 for dumping items over 200 litres.

This bill extends the existing provisions for littering so that they also apply to litter deposited on open private land. Under the bill, when a person litters from public land onto open private land or from one private block into someone else's block, this will now be able to be treated the same way as existing offences on public land. There are also provisions that place more responsibility on landowners to manage their litter. It is not acceptable for a landowner or a builder to store litter on their private space in a way that allows it to escape into our parks, streets and waterways.

It is important to note that these provisions do not criminalise ordinary people undertaking normal activities in their own private space. For example, if a resident prunes their garden and does not pick up the clippings, this is not an offence under the new framework. Similarly, a family having a barbecue in their backyard where items are not cleaned up would not be captured. The bill does, however, apply where a person leaves items on their open private land that are obviously likely to blow away onto other properties or the street. This sends the message that we all have a responsibility to each other and to our environment.

Another key element of the bill is how it addresses the littering of cigarettes. This is a persistent issue and one that most Canberrans take seriously. The national litter index indicates that cigarette butts are consistently the most littered item across Australia. In fact, there are other studies that show it is the most littered item across the entire planet. What makes this worse is that littered cigarette butts are not only unsightly but also very dangerous to animals and to the environment more broadly. Cigarette butts

are persistent in the environment, taking between 18 months and 10 years to break down, and are often mistaken as food by animals. Used filters contain thousands of chemicals that can kill plants, insects, rodents, fungi and other life forms, and some of which are known carcinogens.

ACT Emergency Services Agency data estimates that around 13 per cent of grassfires in the ACT are started by cigarettes. With climate change making our city hotter and drier, our government is taking responsible action on the environment. Our bill seeks to reduce the littering of cigarettes and send a very clear message to the community that these are very dangerous items, and make sure that they are treated in the bill in a way that suggests they are a problem in the environment, attracting a fine of up to \$500 through an aggravated offence provision.

The bill will also target dumping in the form of abandoned vehicles. Under the new framework, abandoned vehicles will be considered litter and can be removed quickly and efficiently, including those left on school grounds or in open private car parks. Rangers will also now have the power to enter abandoned vehicles and identify the last registered owner where numberplates have been removed and identification otherwise is not possible.

Under the new framework, rangers will have more options to issue fines for dumping abandoned vehicles or not complying with removal directions. These new powers for managing abandoned vehicles will ensure that we can meet the expectations of the community to keep our open spaces clear, functional and, most of all, safe for drivers, cyclists and pedestrians.

The bill will reduce the time frames for which vehicles must be held before disposal. This will significantly reduce the cost and government resources required to manage abandoned vehicles once they have been removed from the dump site. In the case of burnt-out vehicles, these can now be disposed of directly with no storage costs. This will significantly reduce the economic impact of illegal dumping and streamline the process for better and faster outcomes.

The bill will also make the offence of dumping litter easier to police by adding provisions to direct penalty notices to the registered owner of a vehicle involved in illegal dumping activities, which will support our rangers in conducting compliance operations and enforcing our legislation, be it through CCTV or, indeed, in relation to evidence that is provided from the public through fix my street—photographs of cars involved in illegal dumping, for example.

The bill has several important provisions that are designed to protect our natural environment. Specifically, we have increased penalties for driving a vehicle with an uncovered or unsecured load and amended the definition of an uncovered load to include the word “escape”, to be consistent with other offences in the bill. Recent data suggests that one in 100 vehicles travelling on Mugga Lane to the resource management centre have loads that are not appropriately secured. This is unacceptable and will be addressed by this bill to improve the amenity of the ACT and the safety of road users.

The bill further protects the natural environment by regulating construction materials to reduce litter from building sites. Litter from lightweight construction materials that escape from building sites is a concern that I have heard from the community, particularly in the new areas of Molonglo, where this has been seen on a regular basis, unfortunately. We are addressing that through this bill. It is problematic, particularly where foam blocks have been reported as being strewn across whole suburbs and then into our waterways like the Molonglo River. The bill will proactively address how construction materials are stored on building sites and place the responsibility for securing lightweight material on the occupier of the site.

The last element of the bill, and an important element, is the new framework to address cases of hoarding on private property where it is creating a significant impact to the amenity of the area. Hoarding is a sensitive issue and can be traumatic for people involved. The bill sets out an escalating framework for managing the hoarding of litter on private property. It is important to note that these new provisions are only intended to apply to the extreme cases where the activities taking place are having a significant impact on the occupants of the surrounding area. The provisions in this bill allow for a staged approach to be taken, including issuing a show cause notice, issuing an abatement notice and a court-issued abatement order.

In developing this bill, significant consideration has been given to the underlying causes of hoarding situations and the broader context of this complex issue. These issues often involve mental health issues and consequently involve some of society's most vulnerable people. As such, this bill does not criminalise mental health issues and does not impose criminal penalties unless a court order is not complied with. Furthermore, social solutions, including assistance from non-government community organisations, mental health professionals, can be very effective in generating positive results in these cases.

To assist with guiding this process, a code of practice has been mandated under this bill to assist compliance officers to apply these laws in a consistent and appropriate manner, including knowing when to take social steps and when to take compliance action such as issuing abatement orders. These provisions represent a balanced and humane approach to hoarding which will lead to positive outcomes for everyone affected by this issue.

In summary, this bill sets out a legislative framework that is both holistic and robust. It will allow for effective compliance to be undertaken where necessary. However, I also recognise that enforcement and compliance action is only one piece of the puzzle in reducing littering and illegal dumping. Education and awareness will be integral to the successful implementation of this new framework. City rangers and the compliance targeting team will be working with the community to make Canberrans aware that we take littering and illegal dumping seriously and that compliance action will be taken where necessary. That has been stepped up in the last year, with that new team being established, and the numbers support that.

The amendments in this bill clarify and strengthen the existing laws and establish efficiencies and regulatory improvements so that the law is enforceable and meets the

expectations of the community. These amendments are necessary to protect the amenity of the ACT for people and to support our natural environment and the health and wellbeing of the community. The bill will deliver best-practice legislation, in line with our community's values, to reduce the problem of littering and illegal dumping in all of its forms, and, through this process, bring positive social, environmental and economic outcomes for a cleaner, more livable city that is free from pollution.

I table the revised explanatory statement, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.31): I seek leave to move amendments to this bill which have not been considered or reported on by the scrutiny committee.

Leave granted.

**MR STEEL**: I table three supplementary explanatory statements to the amendments.

**MS LE COUTEUR** (Murrumbidgee) (4.32): I seek leave to move amendments to this bill which have not been circulated in accordance with standing order 178A.

Leave granted.

Clause 1 agreed to.

Clause 2.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.32): I move amendment No 1 on the green paper circulated in my name [*see schedule 3 at page 4173*]. This is a minor technical amendment that omits section 28 of the bill from the list of sections that have a delayed effect. This means that section 28 of the bill, relating to a hoarding code of practice, will take effect the day after the bill is notified so that the code of practice can be made as soon as needed.

Amendment agreed to.

**MS LE COUTEUR** (Murrumbidgee) (4.33): I wish to move amendment No 1 circulated in my name.

**MADAM DEPUTY SPEAKER:** Ms Le Couteur, you cannot move your amendment No 1 because it is the same as Mr Steel's, which we have already passed.

**MS LE COUTEUR:** I move amendment No 2 circulated in my name [*see schedule 2 at page 4173*]. This is a technical amendment to commencement dates, to delay the commencement of section 33B. I think we are in a bit of a mess. My understanding as of this morning was that the government was going to agree to my proposals on the hoarding advisory council. Mr Steel's amendment is inserting the words "not approve a hoarding code of practice within six months". My understanding is that the government has decided not to agree to my amendments with respect to the hoarding advisory council, and thus amendment No 1 of Mr Steel is not actually what he wants. If he does want to do the hoarding advisory council, that is absolutely great. My amendment No 2 does not make sense unless you want to agree to the hoarding advisory council. I move it on that basis, but I am unsure that we know exactly what we are doing. What we were doing three hours ago is not what we are doing now.

**MADAM DEPUTY SPEAKER:** For the guidance of members, if I might interpose, this amendment is essentially conditional on some other amendments which may or may not pass—is that right, Ms Le Couteur?

**MS LE COUTEUR:** It is not so much essential as irrelevant. It is a technical amendment to commencement dates, but if we do not have any hoarding advisory council to give us advice, we do not need it.

**MADAM DEPUTY SPEAKER:** Since it has been moved, we will proceed. The question is that Ms Le Couteur's amendment No 2 be agreed to.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.37): We do not support this amendment, which—I will explain later—would allow for the definition of a code advisory council to be included in the act. I will provide some further details about that when we get to the substantive section, but I think we can continue the debate and just go through it clause by clause, as per the running sheet. We will still get to a position that, from a technical point of view, we need to get to.

**MS LE COUTEUR** (Murrumbidgee) (4.38): This is very irregular, because we are trying to work it out on the floor. I had been assuming that, in the interests of not boring everybody, I would do one amendment which related to hoarding and then another relating to fines, knowing that they would both be defeated. It sounds as though Mr Steel wishes to have a debate about the hoarding advisory council at some other point. I want to move a division on the hoarding advisory council. I was going to do it now, but if there is a better place—

**Mr Steel:** Do it now.

**MS LE COUTEUR:** I seek a vote on my amendment No 2.

**MADAM DEPUTY SPEAKER:** The question is that Ms Le Couteur's amendment No 2 be agreed to.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 2	Noes 17	
Ms Le Couteur	Ms Berry	Mrs Kikkert
Mr Rattenbury	Miss C Burch	Ms Lawder
	Ms J Burch	Mr Milligan
	Ms Cheyne	Ms Orr
	Mr Coe	Mr Parton
	Mrs Dunne	Mr Pettersson
	Mr Gentleman	Mr Steel
	Mr Gupta	Ms Stephen-Smith
	Mr Hanson	

Amendment negatived.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.44): I move amendment No 1 on the pink paper circulated in my name [*see schedule 4 at page 4173*]. This amendment is technical in nature and omits note 2 under the commencement section of the act. Note 2 references section 79 of the Legislation Act, which states that if the sections that have a delayed effect have not commenced within six months, beginning on the act's notification day, they automatically commence on the first day after that period. This would not allow enough time for a hoarding code of practice as outlined in section 28 of the bill to be developed.

Amendment agreed to.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.44): I move amendment No 2 on the pink paper circulated in my name [*see schedule 4 at page 4174*]. This amendment means that if the sections that have a delayed effect, which are all related to hoarding, have not commenced within 12 months, beginning on the act's notification day, they automatically commence on the first day after that period. This allows enough time for a hoarding code of practice, as outlined in section 28, to be developed. This means that these provisions must take effect within 12 months to ensure that Canberra's most serious hoarding cases can be addressed as soon as possible.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.45): I move amendment No 1 on the white paper circulated in my name [*see schedule 5 at page 4174*]. This is a minor amendment that removes Litter Regulation 2018 from the list of legislation amended by this bill. Litter Regulation 2018 is repealed by later amendments.

Amendment agreed to.

Clause 3, as amended, agreed to.

Proposed new clause 3A.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.46): I move amendment No 2 on the white paper circulated in my name [*see schedule 5 at page 4174*]. This amendment is technical in nature and inserts new clause 3A for legislation that is repealed by this bill, which includes Litter Regulation 2018.

Amendment agreed to.

Proposed new clause 3A agreed to.

Clauses 4 to 8, by leave, taken together and agreed to.

Clause 9.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.47): I move amendment No 3 on the white paper circulated in my name [*see schedule 5 at page 4174*]. This amendment sets out the items which, when littered at a public place, would cause the offence of aggravated littering. The bill previously listed these in Litter Regulation 2018. The amendment also removes the power to add additional items to the list by regulation. This amendment was made in response to the scrutiny committee comments.

This amendment also inserts new safeguards around the offence of aggravated littering to provide greater protection for people who do the right thing. The introduction of these safeguards will also make this offence consistent with other littering offences in the bill. These safeguards will protect a person from a criminal penalty where the depositing of litter is accidental and a person takes reasonable steps to retrieve the litter, even if they do not retrieve it. There are also safeguards in the situation where a person deposits these dangerous items in a responsible way that does

not pose a risk to the safety of others, for instance, by depositing a syringe into a dedicated sharps container.

Amendment agreed to.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.49): I move amendment No 4 on the white paper circulated in my name [*see schedule 5 at page 4175*]. This amendment is technical in nature and sets out a definition of a syringe for section 9. This definition was previously listed in Litter Regulation 2018. As a consequence of amendments 3 and 4, Litter Regulation 2018 is repealed.

Amendment agreed to.

**MS LE COUTEUR** (Murrumbidgee) (4.50): Madam Speaker, can I move my amendment No 6?

**MADAM DEPUTY SPEAKER:** Your amendment is the same as Mr Steel's amendment. It was a case of the first member rising, so Mr Steel's amendment supersedes your amendment. You cannot do both, because they both do the same thing.

Clause 9, as amended, agreed to.

Clauses 10 to 17, by leave, taken together and agreed to.

Clause 18.

**MS LE COUTEUR** (Murrumbidgee) (4.51): I move amendment No 7 circulated in my name [*see schedule 2 at page 4173*]. This is not really the amendment I planned to move. I wanted to move an amendment about fines and aggravated littering, and this seems to be the one that I can move, because the others have been, unfortunately, superseded. As I said in my speech earlier, there is absolutely no reason to believe that higher fines are going to change the behaviour of the people whose behaviour we would like to have changed. All they are likely to do is penalise the vulnerable populations of Canberra.

In terms of aggravated littering, again, it is hard to see that this will make any useful difference. The people who inappropriately dispose of syringes generally speaking have considerable other issues in their lives, and the thought that there is a very small chance they might get a fine for it is not likely to be uppermost in their minds if they inappropriately dispose of a syringe. Equally, very few people in fact dispose of cigarettes inappropriately in places where fires might be started. I totally agree that it is inappropriate and I am not trying to support it. The few people who do that, generally speaking, again, have issues other than thinking, "It's going to cost me \$500 if I do this."



The most positive thing you can say about this legislation is that it is unlikely to ever be implemented because, as both Ms Lawder and I said earlier today, the existing fines have not been enforced in the past. I am very hopeful that these will not be enforced in the future and that the ACT government rangers will continue to take the approach they have of basically warning and educating. I do not see the point of these. They are just making ways to make it possible for us to penalise the vulnerable people in Canberra. I wholeheartedly urge the Assembly to vote for my amendment, but I do appreciate that you have already made up your minds in not voting for the earlier consequential ones.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (4.54): Ms Le Couteur's amendment here would remove the offence of aggravated littering from the list of offences to which an incidental vehicle offence would apply.

An incidental vehicle offence is a key tool in enforcing the Litter Act. It enables a person to be identified by their vehicle registration details where an offence is committed in close proximity to their vehicle, either before entering or after exiting. This provision has been included to enable authorised officers to identify offenders and issue infringement notices in the case where someone refuses to give their name and address or where it is not possible to approach them before they drive off. Cigarette butts are a very common item that is littered from vehicles, either just before entering a vehicle or out the window.

If aggravated littering is removed as an incidental vehicle offence, it will limit how the Litter Act is enforced. We take the view that littering of cigarettes and cigarette butts, matches and syringes is a specific item that needs to be identified as an aggravated offence. These are items which pose a risk both to the environment and to the community.

It is not just in bushland where these items, and the depositing of these items in an inappropriate way, cause a risk to the community; it is also in the city. We live in a bush capital. There is bushland all around us, and when this type of material is littered it really does cause a problem. We have seen some recent instances of that. Thirteen per cent of fires lit in the ACT have been in relation to cigarette butts. So there is a real risk there, and with a hotter and drier climate we need to send a strong message to the community that this is not okay.

I really do hope that the compliance team will be out there issuing infringements, because we have stepped up enforcement, using the compliance targeting team. They are using things like CCTV. I was just walking on Sulwood Drive near my home recently and spotted a camera that was monitoring an illegal dumping hotspot. So these cameras are being used to identify people, and fines—or warnings if appropriate—will be issued to those people to deter this behaviour from occurring in the future.

We want to make sure that we are living in a safe community. We are a community that is at risk of bushfire, particularly during the summer, and we need to send a

strong message right now, as the fire season begins, that this is not appropriate. That is why we will not be supporting this specific amendment and any other amendment that would seek to water down our aggravated littering offences that are provided for in this bill.

**MS LAWDER** (Brindabella) (4.57): We do not support removing this provision for the aggravated littering offence. I think regular littering is bad enough, but some littering can cause catastrophic injuries to a person—for example, a needlestick injury from a discarded syringe—or a bushfire from a lighted cigarette butt dropped from a car, which in our bush capital could also have a catastrophic impact on our community. We do not support removing this provision based on an argument about equity and fairness. I think everyone has a responsibility and we should not allow that some people have a lesser responsibility than others.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 2

Ms Le Couteur  
Mr Rattenbury

Noes 15

Ms Berry	Mrs Kikkert
Ms J Burch	Ms Lawder
Ms Cheyne	Mr Milligan
Mr Coe	Ms Orr
Mrs Dunne	Mr Parton
Mr Gentleman	Mr Pettersson
Mr Gupta	Mr Steel
Mr Hanson	

Amendment negatived.

Clause 18 agreed to.

Clauses 19 to 23, by leave, taken together and agreed to.

Clause 24.

**MS LE COUTEUR** (Murrumbidgee) (5.02): I am not planning to move any more amendments, because I know what is going to happen to them. I am not going to waste the Assembly's time.

Clauses 24 and 25 agreed to.

Clause 26.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (5.03): I move amendment No 5 on the white paper circulated in my name [*see schedule 5 at page 4175*].

This amendment responds to scrutiny comments on the bill and sets out new provisions which outline what actions an authorised person may take when entering an abandoned vehicle. These new provisions protect the privacy of vehicle owners by requiring an authorised person to take only reasonable steps to identify a vehicle. This amendment inserts examples of when it would be appropriate to remove an item from a vehicle. The amendment also includes a provision which prevents authorised persons from disclosing information they may have come across while exercising the power to enter an abandoned vehicle.

Amendment agreed to.

Clause 26, as amended, agreed to.

Clause 27 agreed to.

Clause 28.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (5.04): I move amendment No 2 on the green paper circulated in my name [*see schedule 3 at page 4173*]. This amendment inserts a new section into clause 28 which sets out a requirement for a hoarding code of practice. The amendment would mean that I cannot approve a code of practice for six months, to allow time for a code of practice to be thoughtfully developed. I note that Ms Le Couteur had some similar amendments, but mine deals with the making of a code of practice even if all prerequisites have been met. It means that no action could be taken on extreme cases of hoarding for a year.

Amendment agreed to.

Clause 28, as amended, agreed to.

Clauses 29 to 32, by leave, taken together and agreed to.

Clause 33 agreed to.

Clauses 34 to 36, by leave, taken together and agreed to.

Clause 37.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (5.06): I move amendment No 6 on the white paper circulated in my name [*see schedule 5 at page 4176*]. This amendment responds to scrutiny comments and corrects a drafting oversight. The amendment clarifies that the definition of waste in the Litter Act 2004 is the global definition of waste defined in the Waste Management and Resource Recovery Act 2016, section 10, and not the section definition in section 63.

Amendment agreed to.

Clause 37, as amended, agreed to.

Part 3 (clauses 38 and 39).

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (5.07): I move amendment No 7 on the white paper circulated in my name [*see schedule 5 at page 4176*]. This amendment omits part 3 of the litter bill which relates to the Litter Regulation 2018.

Amendment agreed to.

Part 3 (clauses 38 and 39) omitted from the bill.

Clauses 40 to 42, by leave, taken together and agreed to.

Clauses 43 and 44 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Jasiri Australia—girls take over parliament program**

**MS LAWDER** (Brindabella) (5.09): In the past two days I have been thrilled to have a young woman participate in my office as part of Jasiri Australia's girls take over parliament program. This program pairs young women and girls with politicians to empower them to take an active role in political life. This is the third year the program has taken place, and it is spread all around Australia and the Pacific.

I have had Harriet Nolan in my office and she has shadowed me and learned about the wide range of activities an MLA undertakes in an average week. She joined me at the Community Clubs award night last night. She met with the Hon Margaret Reid AO and talked with her about her long and illustrious career in politics. She talked with Ginger Gorman about predator trolling and *Troll Hunting*, Ginger's recently released book.

Harriet has also had the opportunity to talk with other Liberal MLAs and staffers to learn more about the everyday running of a political office, writing some constituent letters and attending meetings, including the question time meeting between political

advisers. Eight other young Canberra women have also participated this week at the ACT Legislative Assembly as part of girls take over parliament.

In the two days Harriet spent here, I asked her a lot of questions about her opinions on various matters. I am really pleased to say that not only did she have an opinion on a wide range of matters but that it was a very informed opinion on a range of matters. She was willing to talk about them and asked questions to understand what other people were thinking. It was a really important part of showing how engaged she was in the political process.

Harriet said she felt that the voices of young people—young women of diversity especially—were under-represented generally in parliament, and she is passionate about creating a positive political culture that genuinely engages with young people and women of diversity.

Harriet said she feels this program, even though it was only two days in the Assembly, has been invaluable to her. She felt wanted and welcomed in politics as a young woman. She has learned much more about the way that democracy works in the ACT Assembly on a day-to-day level and is now much more confident about how she can be heard, calling up her local politician and asking for change in the future.

I express my appreciation to Harriet for her efforts in my office this week and to the other young women in other offices throughout the Assembly. I especially thank Jasiri Australia for their hard work and vision in putting together the girls take over parliament program. Thanks also to the Hon Margaret Reid, the first female President of the Senate, and former ABC journalist Ginger Gorman, who spoke to the girls this week.

On our side of the corridor Mark Parton, Elizabeth Lee, Candice Burch and Julia Jones have also participated. I am really looking forward to the next generation of young and diverse women's representation, like Harriet, to see how they can take over politics by entering our parties and our parliament in the future. I am excited at the opportunities for them to help shape positive change in our community in the process.

Thank you to everyone involved, and I wish Harriet all the very best for the future. I think she has a very bright future ahead of her. She is studying at the ANU and she does a lot of research. She is keen to learn more, and this is a really valuable attribute that will stand her in good stead in the future. Thank you, Harriet Nolan.

### **Catherine Woodward—tribute**

**MS CHEYNE** (Ginninderra) (5.14): I rise to pay tribute today to Catherine Woodward, commonwealth public servant, colleague, dog lover and friend—my friend. Catherine died early last week, following a short unexpected illness. Catherine would be a little shocked that any fuss was made about her. Indeed, she has actually asked that a funeral not be held. One of her key personality traits was her quiet humility. But it is for this reason that it is important to acknowledge and pay public tribute to who Catherine was and the type of public and personal contribution she made.

I first really got to know Catherine well at the start of 2015, when I joined the governance office at the commonwealth Attorney-General's Department. Catherine quickly made me feel very welcome. Being caring was intrinsic to her nature, and everyone who came into contact with her would attest to this. I vividly remember one of the first things Catherine asked me was if I was dog person. Catherine was without a doubt a dog person. I do not think her little dog, Sparky, could have had a better or more loving carer. He and his numerous health issues were a frequent topic of discussion in the team. Only this year Catherine adopted another little dog, Walter, who I can imagine received the same dedication and love as Sparky did.

But Catherine's dedicated nature extended beyond Sparky and Walter; Catherine's dedication to her job was palpable to everyone who came across her. She joined the commonwealth Attorney-General's Department in 2004, following a career in teaching and having worked in local government in New South Wales. She first worked on the national security hotline and in cyber and identity policy. When I joined the team she was a longstanding member of the governance office and provided, and continued to provide up until her death, high-level and high standard corporate support to the department's senior management committee and executive board. For those who are not members of the department, these groupings probably do not mean much, but the members of these are the most senior officers in the department.

Catherine was well known and respected among the senior executive, and the secretary of the department, Chris Moraitis, acknowledged this personally last week in an email to all staff. But it was more than just the senior executive; Catherine had extraordinary and enduring connections right across the department at all levels. Her job essentially involved herding cats. She was extremely good at it, in large part due to how well she got to know the person behind a role, no matter what level position they held. And if you had a dog, she got to know you especially well.

It was an honour and a pleasure to nominate her for an Australia Day achievement award, which she duly received in early 2016, for consistently providing exceptional service to the department's governance bodies and contributing to the department's corporate management through outstanding cooperation and innovation. She had no idea it was coming, and I had to keep the secret for around two months. I will never forget standing beside her and seeing her face and how quietly chuffed she remained afterwards. I am especially glad that the department as a whole got the opportunity to demonstrate to Catherine in a very public way how we felt about her and what her professionalism meant to us.

As Catherine's boss I can remark that she was loyal, kind, constant and consistent, all qualities I deeply value and recognise. She was widely trusted and respected, and she was also my friend. If Catherine was listening to this speech she would say she was just doing her job, but it is the way she did her job which was so highly valued and why her loss is so deeply and keenly felt, a painful ripple across the Australian public service for all who knew and worked with her. As one of her colleagues recently remarked:

The thing I keep coming back to is that if we all took on board the principles by which Catherine lived—gentility, kindness, selflessness, respect and care for all—society would be a lot better off.

*(Extension of time granted.)* On a personal note, Catherine remained my friend after I left the department. She helped behind the scenes with my election campaign, particularly with the most monotonous and mind-numbing tasks, which, as she did with most things, she approached cheerfully. Catherine was often happiest supporting others and seeing them achieve. Her ongoing friendship and support while we worked together—2015 was the toughest year of my life—and beyond has always been a great source of comfort for me.

I extend my heartfelt and sincere condolences to Catherine’s friends and current and former colleagues, many of whom are my own friends and former colleagues, who I know are reeling from her death. I especially give my condolences to her family, about whom she spoke regularly and lovingly and to whom I am very grateful for giving me permission to put her contribution permanently on the record. Her contribution, her professionalism and her friendship will always be remembered and will always be valued.

Question resolved in the affirmative.

**The Assembly adjourned at 5.20 pm.**

## Schedules of amendments

### Schedule 1

#### Work Health And Safety Amendment Bill 2019

##### Amendments moved by Mr Wall

1

##### Clause 13

Page 5, line 15—

*omit clause 13, substitute*

##### **13 Schedule 2, new section 2.4 (3) to (6)**

*insert*

- (3) A person who has been an appointed member of the council for 8 consecutive years is not eligible for reappointment.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def **appoint**).

- (4) However, if a person was an appointed member of the Work Safety Council immediately before the commencement day, and the person is appointed as a member of the council on or after the commencement day, the person is not eligible for reappointment.

- (5) Subsections (4) and (6) and this subsection expire 5 years after the commencement day.

- (6) In this section:

**commencement day** means the day the *Work Health and Safety Amendment Act 2019*, section 3 commences.

2

##### Clause 22

Proposed new section 2.21 (2) (d)

Page 10, line 17—

*insert*

- (d) the relevant Assembly standing committee agrees to the person's appointment.

3

##### Clause 22

Proposed new section 2.21 (6)

Page 10, line 28—

*insert*

- (6) In this section:

**relevant Assembly standing committee** means the standing committee of the Legislative Assembly whose functions include the examination of matters related to work health and safety.



## Schedule 2

### Litter Legislation Amendment Bill 2019

Amendments moved by Ms Le Couteur

2

Clause 2 (1)

Page 2, line 10—

*insert*

- section 33B

7

Clause 18

Proposed new section 13A (1) (b)

Page 14, line 17—

*omit*

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## Schedule 3

### Litter Legislation Amendment Bill 2019

Amendment moved by the Minister for City Services

1

Clause 2 (1)

Page 2, line 8—

*omit*

- sections 27 and 28

*substitute*

- section 27

2

Clause 28

Proposed new section 24ZA (2A)

Page 30, line 17—

*insert*

- (2A) Despite subsection (2), the Minister must not approve a hoarding code of practice within 6 months after the day this section commences.
- 

## Schedule 4

### Litter Legislation Amendment Bill 2019

Amendments moved by the Minister for City Services

1

Clause 2 (2), note 2

Page 2, line 18—

*omit*

2

**Proposed new clause 2 (3) and (4)**

Page 2, line 20—

*insert*

- (3) If the provisions mentioned in subsection (1) have not commenced within 12 months beginning on this Act's notification day, they automatically commence on the first day after that period.
- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to the provisions mentioned in subsection (1).

**Schedule 5****Litter Legislation Amendment Bill 2019**

Amendments moved by the Minister for City Services

1

**Clause 3**

Page 2, line 24—

*omit*

- *Litter Regulation 2018*

2

**Proposed new clause 3A**

Page 2, line 28—

*insert***3A Legislation repealed**The *Litter Regulation 2018* (SL2018-13) is repealed.

3

**Clause 9****Proposed new section 9 (2)**

Page 6, line 26—

*omit proposed new section 9 (2), substitute*

- (2) A person commits an offence if—
- (a) the person deposits litter at a public place; and
- (b) the litter is any of the following:
- (i) a cigarette or cigarette butt whether lit or unlit;
- (ii) a match or similar item whether lit or unlit;
- (iii) a syringe.

Maximum penalty: 50 penalty units.

- (2A) Subsections (1) and (2) do not apply if the depositing of the litter is accidental and the person takes all reasonable steps to retrieve the litter.
- (2B) Subsection (2) does not apply to—
- (a) the depositing of the litter in a public place in a receptacle that is—
- (i) provided or designed to be used for litter; and
- (ii) appropriate for litter of that size, shape, nature and volume; or

**Example**

depositing a syringe in a sharps container

- (b) the depositing of litter in accordance with an invitation from a public servant in the exercise of the public servant's functions; or
- (c) for litter mentioned in subsection (2) (b) (i) or (ii)—
  - (i) the placing of a receptacle containing litter at a public place for the litter to be removed by a waste collection service; or
  - (ii) the depositing of litter at a public landfill or waste facility.

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

**4****Clause 9****Proposed new section 9 (4)**

Page 7, line 3—

*insert*

- (4) In this section:
 

***syringe*** means a hypodermic syringe and includes—

  - (a) anything designed for use, or intended to be used, as part of a hypodermic syringe; and
  - (b) a needle designed for use, or intended to be used, in relation to a hypodermic syringe.

**5****Clause 26****Proposed new section 24O (2)**

Page 24, line 15—

*omit proposed new section 24O (2), substitute*

- (2) The authorised person may enter the vehicle, to identify the vehicle or responsible person for the vehicle, only if the vehicle or responsible person cannot be identified without entering the vehicle.
- (3) If the vehicle is entered, the authorised person—
  - (a) may take only the steps reasonably necessary to obtain the information needed to identify the vehicle or responsible person for the vehicle (the ***identification information***); and
  - (b) must not examine anything else in the vehicle that is not relevant for obtaining the identification information; and
  - (c) must not remove anything from the vehicle other than the following:
    - (i) perishable items;
    - (ii) items that could cause harm to a person or animal if left in the vehicle;
    - (iii) items that may damage the vehicle if left in the vehicle.

**Examples—removable items**

- 1 foods that if spoiled, may soil or cause an offensive smell to permeate the vehicle
- 2 chemicals or explosives

- (4) The authorised person must not disclose any information, other than the identification information for the purposes of this Act, obtained by the authorised

person because of the exercise of the authorised person's functions under subsection (3).

**6**

**Clause 37**

**Proposed new dictionary definition of waste**

**Page 34, line 19—**

*omit the definition, substitute*

*waste*—see the *Waste Management and Resource Recovery Act 2016*, section 10.

**7**

**Part 3**

**Page 35, line 1—**

*omit*

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