Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

NINTH ASSEMBLY

23 JULY 2020

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Thursday, 23 July 2020

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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.

Legislative Assembly chamber
Statement by Speaker

MADAM SPEAKER: Members, it is quite exciting that today marks the first day that the Assembly is meeting in the newly reconfigured chamber. This is the first time that all 25 members have been able to be present in a physical distancing format since the sitting of 20 February this year, before the effects of the pandemic meant that we could not all be present in the chamber.

I would like to thank Hal Guida, the architect for the original chamber, for his assistance in designing the new layout, and Bob Fenderson, from the local company Designcraft, for constructing the new desks to enable us to all be present. Thanks are also due to Dennis London, the Assembly's technical officer, who enabled us to put in place arrangements for us to be seen and heard—sometimes that is a mixed blessing—as well as Ian Duckworth, who coordinated all the arrangements.

I also thank my fellow members on the Standing Committee on Administration and Procedure—Ms Cheyne, Mr Wall and Mr Rattenbury—who were able to set in place arrangements for the Assembly to continue with a reduced membership during the last few months. Thank you very much for that.

The fact that the Assembly has been able to still meet and carry out its important role, and can now have all its members present, should not be underestimated. I thank all members for their cooperation.

Leave of absence

Motion (by **Mrs Dunne**) agreed to:

> That leave of absence for today be granted to Mr Wall for illness and Mrs Jones for family reasons.

COVID-19 pandemic response—update
Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (10.03): This pandemic is far from over in the ACT, in Australia or globally. I rise today to provide my seventh update to the Assembly on the COVID-19 situation in the ACT and the plans, preparations and actions that the government continues to take to protect the health and wellbeing of Canberrans.

During my last update to this place on 2 July 2020, I advised members of the concerns held by the Chief Health Officer, Dr Kerryn Coleman, over the Victorian outbreak. In the intervening period we have all been witness to the rapidly evolving situation in Victoria, and now in New South Wales.

From the outset, let me assure members that our excellent public health experts and healthcare workforce are working tirelessly to protect the community. I will shortly detail some of the steps that the government is taking and measures that have been put in place to strengthen our response.

The situation in Victoria has been concerning and has moved quickly over the last month. Our health officials are also closely monitoring the situation in New South Wales and working with their New South Wales counterparts to understand the outbreak in south-west Sydney and, more recently, the cases associated with Batemans Bay.

What this month has unequivocally demonstrated is that it is more than likely that COVID-19 will continue to impact us for months or even years to come as we see periodic outbreaks in our region and community. It is once again a reminder of just how important it is for us all to play our part in stopping the spread.

Since my last update to the Assembly, we have recorded an additional five cases in the ACT. This means that there have now been 113 confirmed cases of COVID-19 in the ACT since the start of the pandemic, with 107 people recovered and, sadly, three deaths. There are currently three active cases in the ACT. All of these people are safely quarantining, and we are confident that these cases pose no broader risk to the ACT community.

Our public health teams quickly established that the recent cases earlier this month were all connected to two initial cases announced on 8 July as two men in their 20s. One of these men returned from a Melbourne hotspot on 2 July and one was a household contact who also tested positive. Three close contacts returned positive results over the next two days, bringing the number of new cases in that week to five.

We provided prompt advice to the community about the specific times these individuals had visited a small number of locations in the ACT. Our testing and operations teams were quick to respond. Contact tracers quickly followed up close contacts of these cases and appropriate actions were put in place to minimise any further risk.

Madam Speaker, on 3 July 2020 I extended the ACT's public health emergency declaration in response to COVID-19 for a further 45 days from 7 July, effective until 21 August 2020. I took this decision in light of the current situation and based on the advice provided by the Acting Chief Health Officer, Dr Vanessa Johnston. The extension of the public health emergency allows the Chief Health Officer to continue to take any action, or give any direction, deemed necessary to protect the community from the spread of COVID-19. We need to keep public health directions in place at this time to be able to respond quickly and appropriately if there were to be an outbreak of new cases in the ACT.

In responding to the ongoing Victorian situation, the government acted swiftly, with the Chief Health Officer putting into place new public health directions to keep Canberrans safe. In developing the directions, the Chief Health Officer conducts a risk assessment of community transmission in the location of the cases and assesses the likelihood of ACT residents to have visited or travelled through those locations.

On 2 July 2020 the Chief Health Officer signed the Public Health (COVID-19 Interstate Hotspots) Emergency Direction 2020, which commenced at 7 am on 3 July 2020, to complement the Victorian government's stay-at-home orders for those living within COVID-19 hotspots. This direction has since been updated four times, reflecting the rapid change in the situation in Victoria and New South Wales.

Initially, this direction required anyone arriving in the ACT from a COVID-19 hotspot in Victoria to quarantine for 14 days at their own expense or return home at the earliest opportunity. The government also began asking passengers on inbound flights, buses and trains from Melbourne to provide identification on arrival to support this new direction.

Seeing the rise in cases each day, the government strongly advised Canberrans not to travel to the Melbourne metropolitan area except for essential purposes, and to closely monitor for COVID-19 symptoms if they had recently returned to the ACT.

The decision made by New South Wales and Victoria on 6 July 2020 to introduce border restrictions commencing on 8 July was welcomed by the ACT government. To support this decision, the ACT government further strengthened border protections from 12.01 am on Wednesday, 8 July.

The introduction of the Public Health (COVID-19 Interstate Travellers) Emergency Direction 2020 prohibits travel from Victoria to the ACT by non-ACT residents unless an exemption is granted. ACT residents are required to notify ACT Health of their return to the territory and to self-quarantine for 14 days. This measure will significantly reduce the likelihood of the virus spreading from Victoria into the Canberra region and aligns to the measures introduced by New South Wales.

We have been clear in our advice to any Canberran planning to visit Victoria: do not travel unless absolutely necessary; and be aware that you will have to quarantine for a full 14 days when you return to the ACT. Any ACT resident who is unable to safely quarantine in their private residence is provided with options for suitable accommodation where they can quarantine at their own expense.

Victorians should not be travelling, and we have been very strict in establishing exemption criteria. Anyone from Victoria trying to enter the ACT without an exemption will be denied entry and risks a fine.

The ACT Health Directorate has received a large number of exemption requests and the team is assessing each application closely. I would like to give a shout-out to the team in the office of the Chief Health Officer, who worked incredibly hard, especially over the first weekend after the restrictions were implemented, to get through a very

large number of exemption requests, notifications and requests for information and advice.

We recognise that New South Wales is operating with a similar exemption process, and these exemptions are also accepted for reasons such as transit through the ACT to return to New South Wales and for freight and transport purposes. We have worked to maintain a consistent approach with New South Wales and anticipate that the ACT's arrangements will remain in place while the NSW-Victoria border is closed.

Madam Speaker, as of 22 July there were 567 people in self-quarantine in the ACT, either at home or in a hotel. The majority of these people are ACT residents who have returned from Victoria and are now quarantining at home. ACT Policing is leading the ACT government's compliance and monitoring work and is working closely with ACT Health. ACT Health is also in regular contact with NSW Health, given the frequent incidents of residents and travellers returning or moving through either jurisdiction.

Quarantine compliance has, overall, been high. ACT Policing issued a fine to a Victorian man on 15 July for entering the ACT without an exemption and failing to quarantine as required by the public health direction. However, they report that compliance by those in quarantine has generally been excellent.

Madam Speaker, as I have said, we are closely monitoring the situation in New South Wales and have taken measures in response to an outbreak in south-west Sydney and the new cases in Batemans Bay. ACT residents are reminded not to travel to areas where COVID-19 outbreaks are occurring in New South Wales. Presently, this includes the Liverpool and Campbelltown areas of Sydney, where there are clusters of cases.

The Public Health (COVID-19 Interstate Hotspots) Emergency Direction 2020 (No 5), issued on 20 July, requires anyone who has been in certain affected locations identified by NSW Health on certain dates to self-quarantine for 14 days from the date they were there, even if they do not have symptoms. Those affected locations are: the Soldiers Club in Batemans Bay on Monday, 13 July and Wednesday, 15 July to Friday, 17 July; the Crossroads Hotel in Casula between Friday, 3 July and Friday, 10 July; Planet Fitness in Casula between Saturday, 4 July and Friday, 10 July; and the Picton Hotel in Picton on Saturday, 4 July, Sunday, 5 July, Thursday, 9 July or Friday, 10 July.

People who have been in any of these locations at these times are required to self-isolate immediately and get in touch with ACT Health through the COVID-19 helpline on (02) 6207 7244.

There are currently more than 130 people in quarantine as a result of the declaration related to the Batemans Bay Soldiers Club alone, and we thank everyone who came forward while the contact tracing for this venue was still underway. Any Canberran who was not at the Soldiers Club but holidaying in Batemans Bay should be vigilant in monitoring their health and get tested if they have any symptoms of COVID-19, no matter how mild.

In addition to the locations identified under the legal direction, the ACT government is strongly advising anyone who has been in a range of locations identified by NSW Health to closely monitor their health and get tested for COVID-19 at the slightest sign of symptoms. Further details can be found at covid19.act.gov.au and the NSW Health website.

The situation in New South Wales is an evolving one and the advice and affected locations in New South Wales can change quickly. It is important that Canberrans, particularly those who have recently travelled into New South Wales, stay up to date on the latest advice from New South Wales via the NSW Health website and follow the ACT directions and advice.

Madam Speaker, in addition to our public health teams' excellent work in protecting the community, the ACT government and our health services are taking further measures to protect those most vulnerable in our community.

On 13 July 2020, in response to the COVID-19 outbreak in Victoria and recent positive cases in the ACT, all hospitals and community health centres across the ACT returned to tighter visitor restrictions. The visitor policy provides for the following: one visitor per patient, per day, with visitors asked not to bring children to our health facilities unless it is necessary; admitted babies, children and young people aged 0 to 17 years may have one parent/carer present at all times, with an additional visitor for up to one hour each day; women who are admitted for care related to birthing may have up to two support persons present, and this needs to be pre-planned with the relevant midwifery and obstetric staff during antenatal care; if you are attending an outpatient or a community health clinic, you should, wherever possible, attend alone, and if you require a support person, please limit this to one person.

While we were able to ease visitor restrictions in late May, the reintroduction of these restrictions is considered a necessary measure in response to the higher risk situation that we are seeing. Social distancing principles also continue to apply to all carers and visitors, and, of course, please do not visit a hospital or aged-care facility if you are feeling unwell.

A new digital screening tool has been implemented for both staff and visitors to complete each day that they attend a hospital or health facility. This involves a few simple screening questions, and people will receive a green tick if they are cleared to visit or come to work, or a red cross if they should stay home. This has now been provided to all ACT hospitals, in line with the collaborative, territory-wide response that has been established across our public and private facilities.

Madam Speaker, we are conscious that visitor restrictions make things more difficult for those in care, and for their families and loved ones, but I am sure that the community understands that the restrictions are intended to significantly reduce the risk of infection and outbreak in settings where people are particularly vulnerable. Staff have been asked to implement the restrictions with compassion and common sense. We recognise that there will be times, particularly where loved ones are coming to the end of their lives, when it will be appropriate to have more visitors.

Madam Speaker, the situations in Victoria and New South Wales have clearly increased anxiety in parts of the community. We know that many Canberrans are concerned about the potential for community transmission of the novel coronavirus to occur in the ACT. I want to reassure the community that the ACT is in a very good position to respond, should we see an increase of cases. Over recent weeks we have seen a surge in demand for COVID-19 testing, and we have responded by opening two additional testing clinics.

A new testing site is now available at the West Belconnen Child and Family Centre, on Monday to Friday from 9.30 am to 5 pm. A second new testing site is now also available at the COVID-19 surge centre located on Garran oval. This centre is operating as a walk-in testing clinic from 9.30 am to 5 pm seven days a week.

We are also looking to establish an additional drive-through facility in south Canberra, similar to the drive-through testing facility at EPIC, as soon as possible. While there has been a slight delay in getting this facility up and running, a site has now been identified and temporary facilities are being sourced for installation in the coming days.

These new testing sites complement the five existing services that have been doing an outstanding job for our community. In addition, as recommended by the Select Committee on the COVID-19 pandemic response, I have asked Canberra Health Services to explore options for a testing facility in Civic.

I am pleased that Canberrans are hearing the message about getting tested. This is important to help us to monitor the COVID-19 situation in the ACT.

Thanks to Canberrans' response to the public health messages, the ACT is continuing our consistently strong testing figures, having recorded 44,000 tests as of 22 July. We recognise that this is creating a significant workload for ACT Pathology, as well as for the frontline nurses and clinicians that are undertaking the specimen collection. On behalf of all Canberrans, I want to thank our pathology staff for the incredible job they are doing. It has been a long and difficult year, and it is still only July. Canberra Health Services will continue to listen to staff and work with them to manage this additional workload, recognising that the response to this pandemic will be ongoing for some months, at the very least.

Madam Speaker, this testing contributes, along with the consideration of a range of other risk factors, to the evidence base used by the Chief Health Officer when considering the appropriate level of public health restrictions. Canberrans have done an outstanding job over recent months to stop the spread of the virus. This has allowed the ACT to begin easing restrictions over the past few months and for our community to move into the recovery phase.

However, as members would be aware, the planned move to stage 3 of Canberra's recovery plan was postponed on 3 July, following confirmation of five new COVID-19 cases in the territory. With the uncertainty and risk of new cases, the Chief Health Officer advised the government that the further easing of restrictions should be

placed on hold for two weeks, with the next checkpoint scheduled for today, Thursday, 23 July. The main exception to this was community contact sports competition, which was reviewed last week and allowed to recommence from noon on Friday, 17 July. In addition, competition and squad swimming have been able to recommence and the limit on swimmers per lane has been removed.

Delaying stage 3 easing of restrictions has, no doubt, been disappointing and frustrating for many local businesses and organisations. However, as much as the government wants to support the recovery of our economy, if the health advice says we should not move, then we will not.

In relation to today's checkpoint, the Chief Health Officer has advised that she will continue to assess the situation locally and in New South Wales before consideration is given to the further easing of restrictions. The next two COVID-safe checkpoints have been set for Thursday, 30 July and Thursday, 6 August. Should the situation be positive at both of those checkpoints, we will look to move to stage 3 of Canberra's recovery plan on Friday, 7 August.

As we continue moving through Canberra's recovery plan, we must continue to balance the risk of easing restrictions with the risk of undetected virus transmission and ensure that we have the capacity to respond quickly to new cases. COVID safety plans, other return to business plans, and further control measures such as visitor logs for patrons, continue to be critical to easing measures with the confidence that we can rapidly respond in the event of a case or cluster of new cases.

As I have said before, as restrictions are eased, there is an added responsibility on businesses to continue to do the right thing and ensure that they are following their COVID safety plans; and we, as individuals, also need to be responsible: to stay home if we are feeling unwell, maintain physical distancing, practise good hand hygiene and cough etiquette, and get tested if we have symptoms.

I would like to reassure all Canberrans that the ACT government continues to take every action upon the advice of our public health experts to plan, prepare and protect our community to ensure that the economy can continue to recover. However, we cannot do it without the community. I particularly want to thank those people who are, or have been, in self-quarantine and are working with ACT Health to do the right thing and protect the community. This is not easy, but it is an absolutely vital part of our response to contain any potential chains of transmission.

Madam Speaker, Australia and the world are still learning about this virus: how to contain it and how to live with the reality of it. The situation continues to evolve. Once again, I want to thank our public health teams in the public service, research institutions and universities who are constantly monitoring the evidence and providing their expert advice to governments.

I will finish by tabling a copy of the Acting Chief Health Officer's advice on the public health emergency declaration, for the information of the Assembly. I present the following papers:

> Status of the public health emergency due to COVID-19—Acting Chief Health Officer Report—26 June 2020, dated 26 June 2020.
>
> Coronavirus (COVID-19)—ACT Government response—Ministerial statement, 23 July 2020.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Government—2020 safer families policy
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) (10.21): Today I am tabling the fourth annual safer families statement during a time of unprecedented challenges resulting from the COVID-19 pandemic.

The format for my statement today is slightly different, as a reflection of the difficult times and environment that we have faced this year. While I will highlight some of the significant achievements that the ACT government and community have made over the past 12 months, I will, firstly, focus on the actions taken to respond to domestic and family violence during the pandemic.

The first half of this year saw unprecedented challenges both locally and globally. Firstly, there was the horrific bushfire season, followed sharply by the outbreak of COVID-19. We know from the growing body of evidence that during and after a crisis and disasters, the risk, prevalence and severity of domestic and family violence increases.

The COVID-19 pandemic brought some additional challenges for families as the Australian and ACT governments put measures in place to halt the spread of the virus by requiring people to quarantine or self-isolate at home. For some people, their homes are not safe places to be. Isolating at home and continuous contact with a perpetrator of violence exacerbated the risks for women and children. This risk was compounded as health and economic stressors increased and impacts were felt across our community.

The pandemic also brought significant challenges for the service system as essential government and community organisations worked hard to transition to different ways of providing support. The challenges and demands placed on our human services sector, particularly on our community partners, was unprecedented. Canberrans met these challenges by working together in positive and collaborative partnerships to make sure our essential services were open and operating to keep families safe during lockdown.

The hard work, creativity and flexibility in finding different ways of working has been astounding. I thank our community sector partners for their dedication and incredible effort to support people experiencing considerable vulnerability during this difficult period.

I would also like to thank the many public servants who worked tirelessly behind the scenes to support the specialist service providers and the sector. Their efforts to learn from the sector about the profound impact that the pandemic was having on families and services were instrumental in framing how the ACT and Australian governments could best respond.

The regular meetings of the domestic and family violence sector roundtable provided the local mechanism for identifying and prioritising sector-wide issues. This roundtable was also important for facilitating planning, coordination and responses, including getting accurate and consistent communication out across the community.

In April, I announced the details of $3 million in community support funding, which included $1.7 million to support people facing homelessness or domestic and family violence during the COVID-19 pandemic.

The community support package provided immediate financial support for community providers. $550,000 was allocated to respond to an increase in demand for domestic and family violence and sexual assault services and provide emergency accommodation to women, children and families experiencing domestic and family violence, including boosting the safer families assistance grants by $125,000 and funding for the Domestic Violence Crisis Service and Canberra Rape Crisis Centre. These frontline services received $350,000 and $75,000, respectively.

Some of the accommodation and homelessness services funding which will support those escaping family violence include initiatives aimed at addressing increased demand and providing more temporary accommodation options. These provide $832,000 for both emergency and long-term accommodation for men, women and children who face the challenge of physical distancing in shelters, self-isolation when needed and potential quarantine. This money was provided to establish and operate MacKillop House and increase OneLink's capacity.

The ACT government also announced a provider support fund, with $1 million in grant funding to support community service organisations who adopt innovative ways to conduct essential business so that providers can continue operations remotely.

There has been significant progress on reforming the safer families package, which I spoke on in last year's ministerial statement. The ACT government created the safer families levy to provide an ongoing revenue base to fund system reform and service improvements.

Funds were set aside to build whole-of-government and multi-agency domestic and family violence capacity, capability and infrastructure; improve the capacity of frontline domestic and family violence services to meet increased demand; and

support the testing of new approaches for preventing and addressing domestic and family violence, particularly those generated through the family safety hub.

The point of the levy was to provide momentum so that successful trialled initiatives could move into recurrent funding for directorates as they became ongoing core business. For example, in the Justice and Community Safety Directorate, the government is strengthening legal and court support for vulnerable young people and families affected by domestic and family violence. For ACT courts, this means a legal registrar dedicated to hearing interim applications and facilitating cross-examination in family violence matters. The levy also supports the important work of Legal Aid's family violence unit, based at the ACT Magistrates Court, to provide legal services to victims of violence seeking protection for themselves and their children.

Another example is the Education Directorate's new partnership with Legal Aid in a 12-month pilot program to provide young people with access to legal services within their schools. A lawyer hosts drop-in sessions at ACT colleges on a rotational basis and provides legal education sessions for high school and college students. Students and families will also be able to receive individual advice via a text or phone service.

I would now like to share some of the progress that has been made on other safer families packages over the last 12 months. The family safety hub continues to co-design and test new approaches to domestic and family violence services and supports. The hub gathers insights from people with lived experience and draws on research to understand the barriers, gaps and opportunities for improving service systems.

Since the family safety hub was launched, it has focused on three areas of need. The first is early support for pregnant women and parents, because this is a time when violence is more likely. The second is avoiding housing and financial stress, because being in control of your finances and having a home supports independence and recovery. The last one is supporting our children and young people, because their voice is rarely heard when there is violence in their home.

We know that pregnant women are at greater risk of domestic and family violence. We know that it is a time when violence can start or get worse. We know that intervening early can make a significant difference for those at risk of violence. We also know that people are more likely to seek help through someone they trust, or where they feel safe and comfortable.

We have created new ways to get help by putting amazing specialist lawyers at three Canberra locations: two hospitals and a child and family centre. Our health justice partnerships between legal and healthcare staff provide legal, non-legal and wraparound coordinated care for some in our community who are experiencing the most vulnerability. Taking the time to build trusted relationships has paid off. Together, healthcare and legal professionals are helping to prevent crises such as homelessness, physical injury or psychological harm for women and their children.

The most common legal issues for clients were related to domestic and family violence, parenting and child protection, and housing and financial problems. When support services were provided early and in a coordinated way, they could

significantly improve the legal and health outcomes for those affected by domestic and family violence. The partnerships have also greatly improved the ability of staff to identify the warning signs of domestic and family violence and provide the trusted support that women need.

Domestic and family violence is the leading cause of homelessness in Australia, and concerns about money and housing weigh heavily on women who are deciding whether to leave a violent relationship. Finding safety should not mean that women lose their home or financial stability. The family safety hub brought together representatives from financial, legal, crisis and housing services who, together, generated ideas to prevent these crises from occurring.

From this, the family safety hub has begun work on a response to the hidden issue of financial abuse. Financial abuse can be subtle. It can be gradual. It is controlling. Financial abuse is not easily recognised by those who are experiencing it or by the services that support them. The hub is testing a program with Care Financial Counselling and our community and support workers to provide the information and tools that they need to recognise and respond to financial abuse.

Children and young people seeing and experiencing domestic and family violence are affected differently from the adults around them. This year the family safety hub and the ACT Children and Young People Commissioner partnered to listen to young people's experience of domestic and family violence. Experienced child-safe practitioners led the project, ensuring that young people were safe, set the project priorities and advised on engagement methods.

Consulting with young people and gaining their insights provided strong messages for policy, system and service reform. Children's experiences and needs are different from those of adults and we need supports that meet their unique needs. These insights will enable government services and the community to improve support for children and young people affected by domestic and family violence. The family safety hub will draw on these insights to co-design child-centred solutions in the second half of 2020.

Our commitment in the 2019-20 budget of $2.476 million over four years to continue the delivery of the domestic and family violence training to all our 21,000 government staff is progressing well. From previous ministerial statements you may remember the importance of this training to equip staff with the skills they need to recognise and respond to clients and colleagues experiencing domestic and family violence. From June 2019 to March 2020, over 1,400 staff participated in the foundation e-learn and over 580 participated in the foundation manager face-to-face training.

Those seeking help for family violence will turn to someone that they trust, so we need to make sure that, no matter where or who they turn to, our staff are ready and skilled to respond. The suite of training modules and delivery methods have become very sophisticated to meet the diverse needs of all the professionals and business units across government, including ACT Policing.

With the assistance of a whole-of-government community of practice and our community partners, we are proud to have developed and to be delivering such high quality and targeted training, from our online foundation training through to the face-to-face, intensive and manager training modules. With the challenge of COVID-19 restrictions, training is being delivered in other ways—for example, blended learning options for online learning, interaction, and webinars. Finally, our evaluation framework and our new panel of specialist training providers will ensure that we continue to improve and deliver training that meets best practice standards and evidence.

In 2019 Canberra Health Services started implementing a Victorian award-winning strengthening hospital responses to family violence program. This organisation-wide approach has involved establishing governance and working groups; developing policy and workplace procedures; and, importantly, delivering face-to-face and online training.

Before COVID-19 halted all face-to-face delivery of training, Canberra Health Services was able to train 545 staff through e-learning and 142 managers face to face. With a network of workplace champions to assist, Canberra Health Services is continuing to strengthen its organisational response to consumers experiencing family violence.

In last year's statement I spoke about the compelling need for action to address family violence in the Aboriginal and Torres Strait Islander communities. On 22 October 2019, with many members of the Aboriginal and Torres Strait Islander communities present, I presented a ministerial statement, *We don't shoot our wounded*, to the Legislative Assembly. While this statement was an initial step, it was an important one. It ended the long wait the Aboriginal and Torres Strait Islander communities had to get a response from government to these landmark reports. It was also an important step towards rebuilding trust and partnerships with the community.

The $354,000 over four years that we committed to last year's budget has been invested to provided start-up support to the Aboriginal and Torres Strait Islander reference group of the Domestic and Family Violence Prevention Council, ably assisted by Coolamon Advisors. A new Aboriginal project officer has begun with the office of the Coordinator-General for Family Safety. I look forward to being able to present and report on the achievements of this work in future statements to this Assembly.

The ACT domestic and family violence risk assessment and management framework has been gaining momentum this year. The framework, with its practice guides and tools, will develop a territory-wide understanding and practice for screening and risk assessment for domestic violence. Assisting staff and the broader service system towards a conscious and planned approach to identifying, prioritising and responding to domestic and family violence risk is fundamental to keeping victims safe while holding perpetrators to account.

The framework will also be used as the foundation for the reworking of the family violence intervention program—FVIP—case tracking as a consistent and integrated domestic violence service model for the ACT. The ACT government domestic and family violence training complements the messages and approach of the risk assessment and management framework.

Understanding the circumstances leading up to a death resulting from domestic and family violence is vital for preventing the likelihood of similar deaths occurring in the future. The office of the Coordinator-General for Family Safety is leading the development of an ACT domestic and family violence death review mechanism to be established in the ACT. Once it is operational, in 2020-21, all deaths resulting from domestic and family violence will be reviewed and there will be recommendations for system-wide reform, including changes to policy, services and legislation. Having this death review mechanism will allow for more robust data collection and informed public awareness campaigns.

Understandably, much effort and many resources have been invested in supporting those who are impacted by violence against them. However, if there is no focus on perpetrators, we will only be responding to each crisis after it has happened, rather than preventing violence from occurring in the first place.

The ACT government continues to fund the Domestic Violence Crisis Service to run Room4Change, a therapeutic residential men's behaviour change program that commenced in 2017. Room4Change helps men make their own lives better by stopping their use of violence and assisting them to explore what is important for them and their current and future relationships. The program also supports partners and children to stay safely in the home while men are engaged in a six-month therapeutic program which includes group work, one-on-one case management and accommodation.

Room4Change is an important program for the ACT as it has the capacity to support the whole family. It is one of a small number of residential behaviour change programs nationally. In the first phase of the safer families package, the ACT government committed $964,000 over four years to establish the program. In 2019-20 the ACT government committed an additional $4.243 million over four years to fund the Room4Change program, allowing for a full evaluation of this program after two years and ongoing service delivery.

In partnership with the ACT Victims of Crime Commissioner, two forums were convened to discuss best practice approaches for people who use coercion, control and violence in their intimate relationships and their families. The two forums had representatives and senior executives from across the sectors that respond to family violence, including direct service providers in health, housing, justice and community services. Work is continuing to pull together all these learnings to determine the most appropriate steps forward to both hold perpetrators to account for their violence and assist them to get the help they need to stop their violence.

The Standing Committee on Justice and Community Safety inquiry into domestic and family violence released its report late last year. It inquired into the adequacy and effectiveness of current policy approaches and responses in preventing and responding to domestic and family violence in the ACT.

In February 2020 the ACT government responded to the inquiry into domestic and family violence policy approaches and responses. I am proud to advise that initiatives funded through the safer families package, including other initiatives from the ACT government response to family violence, meant that we have already addressed most of the 60 recommendations from the inquiry.

We are continuing our shared commitment and work with other governments across Australia to implement the national plan to reduce violence against women and children 2010-22. The 2019-20 financial year saw several major milestones, such as the development and launch of the national fourth action plan and complementary local implementation plans for each jurisdiction. This time also saw the elevation of the women's safety ministers meeting to a new dedicated Council of Australian Governments, COAG, Women's Safety Council.

Madam Speaker, as I have detailed today, the volume and complexity of work over the last 12 months to keep families safe and reduce and prevent domestic and family violence has been significant. Not only have we been able to flexibly respond to the unexpected and unprecedent impacts of the bushfires and COVID-19 but we have continued to build upon the important foundations from five years of implementing the safer families package across the territory.

I present the following paper:

> Safer Families—Annual Statement 2020—Ministerial statement, 23 July 2020.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Building reforms
Ministerial statement

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.43): I am pleased to update the Assembly on a number of the government's building reforms and some related initiatives applying to the industry.

In November 2019 we announced that we would create and implement a property developer licensing scheme. We have started this work. Initial policy analysis has considered definitions, the types of activities or issues that the scheme may regulate,

and what is in place in other jurisdictions. Work underway now also relates to potential licence scopes and the development of an effective regulatory model that is suitable for the ACT.

We remain committed to this scheme and we will consult with stakeholders in the community and in industry over the course of the project, for implementation within the next term of government. This work is in addition to the substantial reforms that we have already introduced for building projects and unit titled developments.

Madam Speaker, we have seen too many cases where property developers have forced other parts of the industry to cut costs and influence process, only to eventually wind up projects and leave owners with the bill for their dodgy work. Canberrans should not have to chase non-existent companies for building defects while the culprit is able to wind up one company and continue to operate in our community. The developer licensing scheme will help to ensure that we break the chain of phoenixing and prevent developers from influencing the building process, taking the profits, winding up their company, and walking away.

Madam Speaker, the government also undertook to progress work in relation to the registration of engineers in the ACT. For building-related fields, the government's review of the building regulatory system found that there would be benefit from regulating certain scopes of engineering work. This has been further backed up by findings of the *Building confidence* report commissioned by the Building Ministers' Forum. Design practitioners, such as engineers, should be accountable for the work they do and any contribution it makes to non-compliant and defective buildings.

The government's building reforms have established minimum requirements for design documentation. These new requirements have also been incorporated into a new auditing tool for use in regulating building projects.

In parallel, we have started consultation with engineering stakeholders on a registration scheme. The next round of consultation on this will consider the detailed aspects of the scheme and bring the process to the point of developing the model for registration of engineers in the ACT. The government is committed to introducing a regulatory scheme and associated framework for the accountability of engineers within the next term of government.

As part of the current reform program, we also committed to address other issues that were not directly addressed in the building reforms program but were identified during the review of the ACT building regulatory system. This included the privatised building certification system.

The government has begun further work in relation to a new model. This work will develop a public sector or government-run building certification service to run alongside private certification services currently available. We will also look to make the use of such a service mandatory in circumstances such as particularly complex or high-risk buildings.

Establishing a team of public sector certifiers is part of our plan to restore confidence in the territory's construction sector. Government certifiers will provide the opportunity for consumers to make better judgements about who they are trusting to approve building work, as well as encouraging developers to do the right thing and not cut corners.

Madam Speaker, the ACT government's review of the Building Act and associated building regulatory system was comprehensive. We started to make changes during the review, including introducing a pilot builders exam for class C applicants and increasing checking of licence applicants' claims of experience.

Three legislation amendments over 2013 and 2014 included new powers for the Construction Occupations Registrar to refuse to grant or renew a licence, request a skills assessment and direct licensees' training. We revised the penalties for major offences for failing to comply with the building code, with requirements for carrying out building work and/or with a rectification order. We also established the public register of information about licensees.

After the review was complete, from late 2015 to early 2016 we consulted publicly on further reforms targeting the most common building-related issues raised during the review, as well as concerns about payment arrangements between contractors. The result of that work was the current program of 43 integrated reforms, chosen to target the cause of problems and help improve the integrity of the building regulatory system and practices in the building and construction industry.

Reforms completed early in the current program included important changes. These included extending statutory warranties to all new residential building work and giving the registrar powers to help prevent people from phoenixing and shifting their operations between licences and avoiding their obligations. These earlier reforms also established the foundation for the more detailed reforms in the program, creating powers related to licensing qualifications and eligibility, codes of practice, guidelines and residential building contracts.

By the end of June 2019 we had completed 28 of the 43 reforms. Reforms in this group include a code of practice for building surveyors; documentation guidelines for building approval applications for apartment and commercial buildings; exams for class A, B and C builder licence applicants; regulations that prevent residential building contracts from including an authorisation for the builder to act as the landowner's agent to appoint the building certifier; and considering the expansion of rectification and other relevant powers to allow orders to be issued to people closely associated with corporate licensees, which resulted in new legislation applying to the directors and partners of corporate and partnership licensees.

I am happy to advise the Assembly that, despite some significant challenges presented by the ongoing COVID-19 pandemic, as of June 2020, 41 of the 43 reforms were complete and the remaining two are in progress.

This year we have completed a new training course for building surveyors and people operating under the ACT's building regulatory system. We have released guidelines for licensed builders that will form the basis of a new code of practice to be introduced by 1 July 2021. We have passed legislation to implement an alternative dispute resolution scheme for residential building work. We have reviewed the ACT security of payment system against the recommendations of the national review of security of payment laws. We have developed information sheets for people entering into a residential building contract or purchasing off the plan, with explanations of common terms, things to look for and consider, and rights and obligations; and we have enacted a regulation requiring building certifiers to supply information about stage inspections on houses and buildings that include residential apartments shortly after the inspection is complete.

We have also finalised an inspection and auditing tool that supports proactive auditing of practitioners, documentation and buildings currently under construction against obligations in the Building Act, the Building Code, the documentation guideline, and the building surveyors code of practice. Purpose-built from scratch specifically for the ACT, the auditing project has recently been awarded an international special achievement in geographic information systems award. The award recognises innovation in using data from various sources and the tool's potential to help mitigate risks to the community from failure to meet building standards.

Many of the reforms that we have completed have also completed those suggested by the *Building confidence* report. The two remaining reforms on which work is in progress are: reviewing ACT government procurement arrangements for security of retentions and progress payments, and implementing mandatory qualifications for corporate and partnership licences, including financial assessment.

Just as the reforms have created tools to support regulation, policy and legislative changes need to be supported by effective regulatory functions. Last year, the ACT government doubled the size of the building inspectorate in Access Canberra to regulate the building industry, including more staff for building inspections and for ongoing rapid response to building complaints.

Madam Speaker, from 1 July 2019 to 26 June 2020, the registrar issued six notices of intention to make a rectification order, resulting in five rectification orders to licensed builders. In addition, two emergency rectification orders have been made to licensed builders. Three property owners have also been ordered to undertake building work. Fifty-nine stop notices were issued, of which 35 remain in place. As well as formal regulatory action, the registrar has issued 127 demerit points to construction licensees.

In the 2019-20 financial year, Access Canberra undertook more than 28,000 electrical inspections; over 16,500 plumbing and drainage inspections; and approximately 4,200 gas inspections. For building and planning matters, Access Canberra undertook 487 inspections of building or planning matters in relation to a complaint; 1,086 documentation audits; and 730 proactive onsite audits.

We have implemented fundamental reforms to the building system, but, of course, the work does not stop there. As part of the 2019-20 midyear budget appropriation, the government committed to a second stage of building reforms. Work under a second stage of reforms will be to implement the outcomes of the building review relating to the licensing and accountability of design and building practitioners; the regulation of people contracting to the public; insurance; contracts; and protections for residential building work. We will be consulting with industry and the community on these reforms.

We will also consult on the findings of the review of the ACT security of payment system and ways that the system can be improved to help make the building industry fairer. The remaining reform on ACT procurement arrangements will inform this work on security of payments. We will also consult further on the alternative dispute resolution system to ensure that the framework we have legislated will be of most benefit to the community.

In addition to reforms that arose from the review of the ACT building regulatory system, stage 2 relates to participation in national projects under the Building Ministers' Forum that started after the current reform program was agreed in 2016. The ACT government will continue to work with colleagues across other states and territories. However, we continue to be clear that we will not be winding back or removing existing standards for the sake of consistency and the lowest common denominator.

The ACT building reforms have provided a range of new regulatory tools and options and will help to educate industry and the community on minimum acceptable standards for documentation, certification and building work. From the beginning of the building reform process, we recognised that there were systemic issues in the industry that would take time to address. The purpose of the Building Act review was to make sure that the objectives of building regulation were being met, to protect the health, safety and wellbeing of the public by setting minimum standards for the design, construction, maintenance and use of buildings, and to protect those involved in the construction process from unfair or incompetent practice.

We found that, while the building regulatory system included standards and obligations for documentation, certification and doing and supervising building work, reform of the industry was needed to achieve better and more consistent outcomes for the public. We have worked to make those changes. While any system will need to be revised from time to time to remain relevant, the basic expectation of compliant, competent work will not change. We expect that, as a result of the reforms we have implemented, compliance and practices in the industry will continue to improve over time as the reforms are applied to new building and construction projects and businesses in the ACT.

The government has been open in stating that it wants the best built buildings in the country and that poor quality work is not acceptable. I thank those in the industry and in the community who have supported us in our goals to improve industry practices and the regulatory system and have worked with us to implement the reforms. I hope

that people will continue to work with us to make the ACT's industry recognised as the best in delivering quality buildings and the best place for quality practitioners to operate.

I present the following paper:

> Building reforms—Ministerial statement, 23 July 2020.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Public Health Amendment Bill 2020 (No 2)

Ms Stephen-Smith, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (10.58): I move:

> That this bill be agreed to in principle.

Today I introduce the Public Health Amendment Bill 2020 (No 2). As members are aware, as part of Australia's response to the COVID-19 pandemic, national cabinet agreed that anyone arriving in Australia from overseas must self-quarantine for a period of 14 days in a hotel or other premises. Consistent with the national cabinet position, travellers from overseas who have arrived in the ACT since 19 March 2020 have been required to undertake mandatory quarantine under the Public Health (Returned Travellers) Emergency Direction.

Under these arrangements the ACT has accepted two international flights, for a total of 508 returning Australians. The first flight arrived from India on 14 May 2020 carrying 208 passengers, and the second arrived from Nepal on 9 June 2020 carrying 300 passengers. The majority of the travellers on these two flights were not ACT residents but people who had to continue their trips onto their home jurisdictions after the end of the quarantine period. Noting the ongoing global situation in regard to the COVID-19 pandemic, it is highly likely that the territory will be asked to host further overseas flight arrivals in coming months.

To date, the ACT government has taken responsibility for meeting the hotel quarantine costs for all travellers returning to the territory, including accommodation, food, other personal related expenses, health screening, transport and security policing costs, on the basis that the costs of accommodating non-ACT residents would be on-passed to home jurisdictions. Under these arrangements there has been a clear

commitment among states that we will each be responsible for meeting the residual costs of quarantining our own residents. National cabinet has since agreed that it is appropriate for states and territories to introduce charging or cost recovery schemes for costs associated with mandatory quarantine, with individuals to pay these costs from now on.

The bill that I am introducing today provides a clear head of power for the determination of fees under section 137 of the Public Health Act 1997 to recover costs from people who are required to undertake mandatory hotel quarantine here in the territory. The government's approach is consistent with the position of national cabinet and is in line with the actions taken in a number of other jurisdictions, including the Northern Territory, Queensland, New South Wales, Western Australia and South Australia, which have each introduced schemes to recover costs from returning travellers.

The proposed fee schedule will align with the New South Wales government's charging arrangements and is informed by our recent experience of managing the two returning flights. For the information of the Assembly, this proposed fee structure is $3,000 for the first returning adult, $1,000 for any additional adult in the same family group and $500 for any child over the age of three. The fee scheme will be established by disallowable instrument in line with section 137(2) of the Public Health Act. The bill also requires that the minister consider any request from a person to pay the fee in instalments or to have it deferred or waived, taking into account the person's circumstances, including whether they are suffering financial hardship.

I thank the Assembly for providing leave to introduce this bill without the required notice and advise that it is the government's intention that the bill be debated next week. I commend the bill to the Assembly.

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

Education Amendment Bill 2020

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

Title read by Clerk.

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) (11.03): I move:

> That this bill be agreed to in principle.

The Education Amendment Bill 2020 I present today amends the Education Act 2004 to continue the government's work in ensuring that all schools in the ACT are performing to the highest standard, with the appropriate systems in place to ensure that our children and young people are safe and are able to access education. The

ACT future of education strategy outlines the ACT government's vision for the next 10 years for improved education for all ACT students, in all schools, that will build their skills and capabilities and meet the needs and aspirations of our next generation. Members will be aware that this strategy was the product of research and extensive consultation informed by over 5,000 contributions from the Canberra community and an analysis of issues by a range of education and community experts to recognise opportunities where the ACT might be better.

Through the future of education strategy, one of the first actions under the foundation of systems supporting learning is to review and amend the act. This bill is part of a second phase of amendments to the act. The first phase was presented to the ACT Legislative Assembly for consideration through the Education (Child Safety in Schools) Legislation Bill 2018 and passed in February 2019.

These amendments will strengthen the regulation of boarding schools; clarify the framework for fees to be waived for the children of temporary visa holders under certain humanitarian and financial hardship grounds; address an anomaly relating to parent and citizen representation on school boards; and enable enforcement of the attendance of non-ACT residents enrolled in ACT schools. The amendments proposed in the bill have been developed in consultation with key stakeholder groups, including the ACT Association of Independent Schools, the Catholic Education Office of the Archdiocese of Canberra and Goulburn, education unions, parent and citizen organisations and relevant statutory authorities. These stakeholders are key partners in delivering the reforms proposed by the bill and they, like this government, are committed to ensuring that children who are experiencing vulnerability have access to education.

The regulation of boarding schools addresses recommendation 13.3 of the Royal Commission into Institutional Responses to Child Sexual Abuse, which notes that school registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure that they meet the child-safe standards. Policy, guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.

The Education Act does not currently explicitly address schools with boarding facilities, of which there are currently two in the ACT. The amendments proposed in the bill will require any ACT school with boarding facilities to adhere to the Australian standard, the boarding standard for Australian schools and residents. Whilst the ACT government does not intend to directly provide boarding school services, all ACT schools, both government and non-government, have been included in the scope of this amendment for the sake of completeness and to fully meet the royal commission recommendation.

While further work continues to articulate this streamlined approach to introducing the child-safe standards across the ACT, this amendment provides a reasonable mechanism to ensure that all boarding schools in the ACT are providing appropriate protections and support to children in a vulnerable position, living away from home.

The ACT government embraces cultural diversity and it is proud to host students on temporary visas from many countries in our public schools and colleges. For some of these students, humanitarian and financial hardship circumstances can make paying for education in government schools difficult. The government is committed to ensuring that every child resident in the ACT has access to school education. The proposed amendments will clarify the power of the minister to waive fees for students holding a temporary visa under humanitarian and financial hardship grounds. The amendment also ensures that students can attend school free of charge while their application for a fee waiver is being assessed.

The Education Act states in section 41(2):

> The school board of a government school consists of … 3 members (the parents and citizens members) elected by the parents and citizens association of the school …

There are, however, several ACT government schools that do not have a parents and citizens association at this time and, as a result, no parent or citizen members can be elected to their respective school boards. The bill will now enable the appointment of parent and citizen representatives to government school boards where there is no active P&C association. This will ensure that parents and citizens can engage with their local school community even if there is no active P&C association.

Enabling the enforcement of attendance of non-ACT residents enrolled in all ACT schools, both government and non-government, will ensure that all children and young people, regardless of the location of their residence, are accessing an education.

Currently the Education Act does not provide a legislative mechanism for the ACT to enforce the attendance of students who are not ACT residents but are enrolled in ACT schools. It is essential to ensure that all students enrolled in our schools are attending, as the report *Review into the system level responses to family violence in the ACT* 2016, at page 90, states:

> The Inquiry heard during consultation that a child not attending school, or moving schools frequently, can be a sign of child abuse and neglect."

Therefore, it is essential that we have the mechanism to also follow up on the student attendance of non-ACT residents in the same way that we would for students who live in the ACT. The amendment will clarify the director-general's ability to seek and share enrolment and attendance information with relevant interjurisdictional bodies with authoritative responsibility, such as the New South Wales Department of Education, where it is in the best interests of the child.

Privacy obligations must be managed appropriately, while also acting in the best interests of the child. For this reason, the types of information shared will be related to enrolment and attendance in order to enable supports for students to access education. This amendment follows previous legislative changes in 2018, in the interest of ensuring that information sharing provisions are sufficient, and is intended to further strengthen oversight on students fulfilling appropriate participation and enrolment

requirements. The improved ability to share relevant information appropriately and with government agencies outside the ACT will further strengthen our ability to care for the welfare of individual students and provide a safe educational environment.

The amendments in the Education Amendment Bill 2020 take important steps in protecting ACT children and young people in school education settings. Developed in consultation with key stakeholders and informed by their views, these amendments ensure that our most vulnerable students are protected, enable engagement in schools where it has not previously been possible, and ensure that all students have access to education in ACT government schools. The government has worked with non-government education stakeholders in the ACT who recognise that these amendments take reasonable steps to improve oversight and strengthen our ability to protect young students in the ACT.

Further phases of legislative reform will continue over time and be informed through consultation with key stakeholders, including non-government schools and education unions, in the same way as this bill has been presented today, in continued implementation of the future of education strategy. This government is committed to ensuring the protection of children and young people, and the bill makes our commitment clear. I commend this bill to the Assembly.

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

Adoption Amendment Bill 2020

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

Title read by Clerk.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (11.13): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Adoption Amendment Bill 2020. I should say at the outset that this bill relates only to domestic adoption; it does not relate to international adoption processes. Domestic adoption usually involves the adoption of a child by a carer or another person who is known to them.

In introducing this bill, I am conscious that there are many in the community for whom the discussion of adoption raises strong emotions: children and young people who have been or would like to be adopted; birth parents and their families and advocates; adoptive parents and those seeking to adopt; and families and communities whose lives have been affected by past practices of forced adoption. I want to start by thanking everyone who has shared their experiences and views with us as we have shaped this bill.

While the number of adoptions in the ACT is small, for those children and families involved it is an immensely significant experience. Adoption establishes a new legal identity for the child who is being adopted, permanently severing legal ties with their birth family. For this reason, our approach to domestic adoption must sensitively and consistently reflect best practice. This is particularly important in circumstances where the court must decide whether to set aside the requirement for parental consent to the adoption.

This bill upholds the government's strong commitment to supporting children and families by ensuring that our approach to dispensing with consent puts the best interests of children and young people at the centre of decision-making.

In 2016 this government established a cross-directorate domestic adoptions task force to identify issues related to domestic adoption in the ACT. The task force made six recommendations about the timely and appropriate completion of the adoption process, which were all agreed by government.

Four of these recommendations are complete. As a result of this work we established stronger communication practices within child and youth protection services and improved the availability of online information about the domestic adoption process. The government also made a commitment to provide more than $4 million over four years from 2018-19 to employ staff who specialise in adoption. This investment is strengthening the assessment processes and delivery of adoption services and permanency planning to better support children and young people in long-term out of home care.

One of the remaining recommendations was to consider the use of integrated birth certificates to maintain the identity and heritage of adopted children, and better support the recognition of both birth and adoptive parents. Amendments to the Births, Deaths and Marriages Registration Act 1997 that are being introduced in the Assembly today by my colleague Minister Rattenbury address this recommendation by enabling integrated birth certificates.

The bill that I am presenting completes our response to the final remaining recommendation from the task force. This recommendation proposed that further work be done to explore amendments to the dispensing with parental consent provisions in the Adoption Act 1993 to enable the system to better respond to complex out of home care circumstances. Establishing parental consent is a critical component of the adoption process, and a decision by the court to set aside this requirement necessarily involves careful consideration of the needs and rights of all parties—children and young people, birth parents and carers.

When we began this work we knew it would be critical to consider diverse views and learn from the lived experience of people across the community. While we received a wide range of feedback from individuals and organisations, a clear theme that emerged across many submissions was the importance of upholding the best interests of children and young people as being paramount. Many people also wanted to see stronger support for children and young people to have their views and wishes heard.

This bill responds to what we heard from the community, shifting the focus away from adult behaviour and on to the child's best interests. It moves away from revisiting child protection matters to prioritising the needs and interests of children and young people in decisions about dispensing with consent.

Importantly, the bill also enhances the existing framework for determining the best interests of a child or young person which applies to the whole of the Adoption Act. This means that the court will consider broader aspects of child wellbeing, such as cultural inheritance, personal identity and sense of belonging.

The bill also strengthens the guidance for the court about considering the views of the child or young person about a decision that affects their life in the most fundamental way. This reflects feedback we received from many people about supporting children and young people to participate in decision-making.

Another important feature of the bill is enhanced guidance regarding a person's capacity to make an informed decision about consenting to an adoption. This is a safeguard to protect the rights of parents with disability or mental health issues who can make an informed decision if they are appropriately supported to do so—for example, through supported decision-making.

In response to an issue raised by the ACT Supreme Court, the bill also amends the requirement that both the applicant and the person being adopted must live in the ACT. The bill retains the condition that both parties must live in the territory when a child is adopted but removes this requirement for an adult adoption to better reflect the circumstances of modern adult adoptions.

I recognise that this bill does not do everything that everyone wanted. Indeed, it would be impossible to reconcile some of the diverse views that we heard through the extensive consultation on this matter.

It is important to emphasise that this bill is not aimed at making domestic adoption in the ACT either easier or harder. It is about placing the child at the centre of the very difficult decisions that the courts are asked to make in dispensing with parental consent. It is about recognising all facets of a child's best interests and strengthening children's and young people's own voices in the process. By doing so, we hope to move the focus of all parties on to the child and away from an analysis and defence of a birth parent's past behaviour. We recognise that this latter, current focus can have the detrimental effect of creating unnecessary friction between the people who are ultimately most important in the child's life.

I am confident that this bill supports a fair and transparent approach to dispensing with parental consent for adoption, while upholding the best interests of children and young people. It reflects best practice and aligns with what we have heard from the community. The legislative changes contained in the bill will commence on 1 September 2020, enabling the court to prioritise the best interests of children and young people in decisions about dispensing with parental consent for adoption. This time frame is possible because the bill has no resourcing or transition implications.

I again want to thank the individuals and organisations who were involved in the consultation, development and review of this important bill. My office and I, as well as Community Services Directorate officials, were entrusted with many personal accounts and experiences, and these were instrumental to the bill's development. I commend the bill to the Assembly.

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

Births, Deaths and Marriages Registration Amendment Bill 2020

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

Title read by Clerk.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.21): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Births, Deaths and Marriages Registration Amendment Bill 2020 today. The bill is another progressive step for the ACT in providing official birth registration documents that reflect the reality of people's lived experience and identity. This acknowledgement and recognition can make a real difference in people's lives. The bill will create more accessible pathways for young people who are transgender, intersex or gender diverse to change their birth registration details and birth certificates to better reflect their gender identities.

The bill will also support the adoptive community by allowing people born in the ACT and adopted to obtain an integrated birth certificate which recognises both their birth parents and adoptive parents. Integrated birth certificates can also be provided to people born overseas and adopted in the ACT. Birth identification is important on symbolic and practical levels and reflects our values as a progressive and inclusive community.

For a young person, having identification that reflects your lived gender identity makes life easier and provides a formal recognition and affirmation of who you are. Similarly, for an adopted person, having a birth certificate that acknowledges your history and birth parents, as well as your adoptive family, can be extremely important. We have moved a long way since the time when adoption was stigmatised and adopted people were routinely deprived of any information about their history and origins.

Many studies have shown that transgender, intersex and gender diverse young people have a higher prevalence of mental health issues than other young people, often from the conflict and pressure that they feel to conform to identities and gender stereotypes

that do not reflect who they truly are. According to the largest study that has ever been conducted on the mental health of trans young people in Australia, as high as 74.6 per cent of the trans young participants have, at some time, been diagnosed with depression. As the Minister for Mental Health, I am well aware of the risk of suicide and self-harm amongst adults with depression.

However, studies also show that these risks can be substantially reduced through approaches that support young people and affirm their identities. For transgender young people, being able to socially transition and to live and be recognised and accepted as their preferred gender can make a world of difference. Identification documents that affirm their identity rather than "out" them as transgender can make everyday life much easier, from enrolling in a course, to getting a job or just showing their identification on the school bus.

Many young people in this situation are fortunate to have parents who are supportive of their journey, even when it might be challenging for families to understand and come to terms with this change. These supportive parents can assist their children to apply for a change to their birth registration details. However, other young people are not so fortunate and may have one or both parents who are not supportive of the young person seeking to change their name or sex on their birth certificate. Currently, these young people need to wait until they turn 18 to legally change their first name or their registered sex, even if they have socially transitioned and lived as their preferred gender for many years.

During consultation we heard stories of young people choosing not to seek employment or to participate in extracurricular activities because they would have to provide their identification that would "out" them. We heard from young people enrolled in private schools where the roll reflected a student's birth name and identification and could not be changed. While teachers knew the young person and would refer to them by their preferred name, relief teachers would call out their old name, which might lead to bullying and discrimination. This bill reflects a long history of determined advocacy from young people and those who support them.

I would like to acknowledge the work of A Gender Agenda and the LGBTIQ Ministerial Advisory Council for their commitment to this reform. The government is listening and agrees that it is time that we took further steps to recognise and support young people in these situations. I would like to stress that nothing in the bill changes or affects existing requirements for consent to hormone treatment or other medical treatments for gender dysphoria. That is a matter for medical practitioners, families and, in some cases, the Family Court. This bill does not change that. The bill simply provides new pathways for young people to change their registered details and identity documents.

The bill will allow a transgender, intersex or gender diverse young person who is at least 16 years old to apply to the Registrar-General for a change of given name and recorded sex to better reflect the person's gender identity. The young person will be able to apply directly to the Registrar-General without the need for parental consent. Young people will still need to satisfy the usual requirements for seeking a change of registered sex, which includes providing a statement from a doctor or psychologist

certifying that they have received appropriate clinical treatment for gender affirmation, which can include counselling, and does not necessarily require medical treatment.

At 16, young people can already make independent decisions in many important aspects of their lives. Sixteen years is the age of consent for matters such as consensual sexual intercourse and medical treatment in most Australian jurisdictions. Currently in Tasmania, a person who is at least 16 years old can change their sex stated on a Tasmanian birth certificate by registering the person's gender.

For young people between 12 and 15 inclusive who do not have parental consent, a new pathway is created through the ACT Civil and Administrative Tribunal, or ACAT, which can grant leave to the young person to make an application to the Registrar-General. ACAT must grant leave if it finds that the young person has the ability to understand the meaning and legal implications of the change of registered details. In exceptional circumstances a young person under 12 may apply to the ACAT. They can do this only with the consent of one person with parental responsibility, recognising the dependence of children on their families and the need for parental support and guidance at this age.

Where a young person makes an application to the ACAT, parents will be informed and have the chance to be heard on the issue of the young person's capacity to make this decision, unless the ACAT forms the view that notifying parents would present a real risk of adverse consequences for the young person. These provisions strike an appropriate balance between recognising the evolving maturity of young people and the need to ensure that families are involved as far as possible in these important decisions.

Turning now to the other aspect of the bill, in responding to the final report of the Domestic Adoptions Taskforce that was tabled in the Assembly in February 2017, the government agreed to explore issuing integrated birth certificates to support the adoption community. This bill fulfils that commitment by establishing the mechanism to issue integrated birth certificates upon application. Currently, when a child born in the ACT is adopted, a new birth certificate is issued that includes only the details of the adoptive parents, as if they were the birth parents, effectively erasing the history of the child's birth parents. This fiction reflects historical attitudes to adoption, where secrecy was considered important to protect the child and adoptive family from the stigma associated with the child's birth circumstances. Such historical attitudes no longer have a place in our community. The Australian community has moved towards accepting and promoting open adoptions. The option to obtain an integrated birth certificate allows for the recognition of the true history of a person's birth and recognises the importance of both birth parents and adoptive parents.

The bill allows the Registrar-General to issue an integrated birth certificate to a person whose birth was registered in the ACT, and whose adoption order was made in Australia. The Registrar-General may also issue an integrated birth certificate to a person who was born overseas and adopted in the ACT. An integrated birth certificate may be issued only upon application, and such an application may be made for historical adoptions, as well as future adoptions. Some conditions will apply, reflecting existing protections around access to birth information in the Adoptions Act.

While our registrar cannot issue integrated birth certificates for people born in other states or territories, it may be possible for them to apply to the registry in those jurisdictions. South Australia, Western Australia and New South Wales offer a form of integrated birth certificates, and I understand that other jurisdictions are considering such reforms. It is notable that, unlike in New South Wales and Western Australia, an ACT integrated birth certificate will be recognised as a valid proof of identification. This makes the ACT the second jurisdiction in Australia that issues a true integrated birth certificate, following South Australia.

This bill demonstrates the effort that the government has made in fulfilling a commitment in the capital of equality first action plan 2019-20. Today also marks the completion of all recommendations in the review of the domestic adoption process in the ACT. The government would like to thank the Domestic Adoptions Taskforce for their work that will bring long-lasting benefits to ACT families, particularly families involved in domestic adoptions. I commend the bill to the Assembly.

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

Justice and Community Safety—Standing Committee
Scrutiny report 46

MS CODY (Murrumbidgee) (11.32): I present the following report:

> Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 46, dated 21 July 2020, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MS CODY: Scrutiny report No 46 contains the committee's comments on two bills, 20 pieces of subordinate legislation and one government response. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Economic Development and Tourism—Standing Committee
Report 9

MR HANSON (Murrumbidgee) (11.33): I present the following report:

> Economic Development and Tourism—Standing Committee—Report 9—*Inquiry into Building Quality*, dated 22 July 2020, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

This is the ninth report of the Standing Committee on Economic Development and Tourism and, indeed, the last one for this term. On 28 March 2018 the committee agreed to inquire into and report on building quality. As the inquiry continued, various reforms were implemented or announced by the government, including this week. The committee received 103 submissions, held nine public hearings and heard from 52 witnesses and a range of stakeholders.

The report looks at previous reports proposing building quality reforms and the causes of building quality issues. The committee made 48 recommendations. I will not go through all of those—mercifully, I will spare you—but they cover a broad range of areas. This is a complex space and includes building and trades licensing, including the scope of who should be licensed and what form those licenses should take; the issue of building contracts; the enforcement of the rules and the role of the regulator; the auditing of building sites; rectification of faults; the certification process; public information on rights available to building owners on building and rectification processes; dispute resolution; quality of building plans; training and education within the building industry; and a range of other matters.

As I said, this is a complex space; there is no silver bullet. The committee hopes that the 48 recommendations we have put forward to government will assist the government, moving forward, and complement the range of reforms that have been undertaken and those we anticipate will flow on from other bodies of work that have been undertaken both locally and nationally.

It is a fair observation that, since we instigated this inquiry in 2018, there has been a flurry of activity from the government which, according to the evidence presented to the committee, followed a period of the government dragging its heels. We are encouraged that there was this flurry of activity from the government, including this week.

This is an important issue. There may be a different view about some of the nuances of the approaches taken, but all of us on the committee heard some quite harrowing stories from individuals who had not only lost a significant amount of money through building quality issues but also faced mental anguish as their home—the major investment they had made in their life, essentially—had such problems. That highlighted to the committee the importance of getting this right and the government moving forward with not just these recommendations but the other body of work it has undertaken.

I thank those witnesses that came forward with those quite traumatic stories but also all the key stakeholders—from the MBA to the CFMEU and everybody in between. I was encouraged that many of the views put forward were consistent and that there is a great desire across industry, the community and the union sector to make sure that we get reforms in this space. As I noted, the government has ramped up its efforts in recent years with regard to these matters.

I thank the other members of the committee, Mr Gupta and Mr Pettersson, for their support, and also Ms Orr, who was originally on the committee and played a

significant role in instigating much of this work. I acknowledge her efforts and contribution to the committee, although she is no longer a member.

I particularly thank the committee secretary, Mr Hamish Finlay. I note that this is his last substantive job as a committee secretary in this place, as he is moving overseas. His partner has been posted with DFAT as the deputy high commissioner in the UK, so he is leaving us shortly. I think he flies out on 11 August to go off to London, where he will be in iso for a couple of weeks, no doubt reviewing committee minutes and various committee reports.

For those who have worked with Hamish, we know that he has been a delight to work with. Not only is he very professional in what he does, but he is a good bloke with it. To Hamish Finlay, for all the work you have done for this committee but also for other committees, I thank you very much.

I commend the report to the Assembly.

MR PETTERSSON (Yerrabi) (11.39): I, too, would like to take this moment to speak to the report—you do not spend two years on a committee inquiry and not take the chance to talk about it. I also thank the committee secretary, Hamish Finlay, for all his hard work. It is a complicated topic that we have addressed, and his synthesis of the many different issues should be noted. It is a big inquiry to go out on and, as Mr Hanson has said, I am sure that all members of the EDT will miss him, as I assume the entire Assembly will.

I, too, thank the other committee members—Mr Hanson, Mr Gupta and, previously, Ms Orr—for their hard work on this inquiry. All of them, in their own way, have made the inquiry what it is. I also thank all the witnesses and those that made submissions. There were a lot of you.

This has been one of the most important inquiries that I have been a part of. Building quality is a big issue in Canberra. At a fundamental level I believe that Canberrans have been losing confidence in the builders that fill our skylines. It is so important that the confidence is restored, but government cannot do everything. Government will do what government can do, but it fundamentally relies on industry taking a long, hard look at itself and doing better. It is not the government that builds bad buildings; it is developers and builders doing the wrong thing.

Just the other day, while I was driving, I heard a radio ad for a new development. The ad spruiked the quality of the new development because of its esteemed builder and its focus on things like structural quality and waterproofing. This is a somewhat troubling display of the state of the industry, but it shows that there is an awareness of the issue from developers and builders.

Multi-unit developments will be part of our cityscape, moving forward. We cannot continue to expand outwards as quickly as we have; we will need density in our city centres. If no-one has faith in these buildings, no-one will buy them. If no-one will buy them then no-one will build them and that is a bad outcome for our city. Canberrans rely on the commercial construction sector for work.

I will highlight a few of the recommendations that I think need particular noting. They are all good, but these ones are the best. Recommendation 3: establishing a building commissioner, a new independent statutory officer responsible for making sure that the building code is upheld. This will restore confidence in the industry.

Recommendation 18 is to review the Master Builders fidelity fund. We heard too many stories of consumers being unprotected when they needed it most; and, most troubling, because the fund is removed from government processes, information on its operations is not available to the public. This needs to change.

Recommendations 20, 21 and 30 in some way address phoenixing, the great scourge of the construction industry which needs to be addressed. Recommendation 26 is for the creation of a new building standards and disputes tribunal to make accessing justice easier. This will be a very good thing. Recommendation 41 is for a building defect bond scheme. It is a great idea—New South Wales has done it and so should we.

I put on the record my support for Minister Ramsay's announcement yesterday. The issue of certifiers came up time and again. My firm view, from the very outset of this inquiry, has been that the best way to break the nexus of a builder, developer and certifier is for the government to bring back public sector certifiers. It appears all too cosy in certain situations for the same builders, developers and certifiers to seemingly work together on project after project.

I suspect that most people would share my view that builders are not going back to the same certifier time and again because of the rigorous and thorough job that they do in finding fault in their work. Thankfully, for large-scale residential developments, this will no longer be a concern. Once again, I thank the committee office and my fellow committee members, as well as everyone that contributed.

Question resolved in the affirmative.

Crossbench executive members' business

Ordered that crossbench executive members' business be called on.

Gaming—harm minimisation

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.44): I move:

> That this Assembly:
>
> (1) notes that:
>
> (a) in the ACT, people can lose more than $1000 an hour playing poker machines;
>
> (b) all Australian jurisdictions except for the ACT and NSW have bet limits of $5 per spin;

(c) all Australian jurisdictions except for the ACT have load limits, and Queensland has introduced a load up limit of $100;

(d) reports indicate that the COVID-19 shutdown period has been a relief for some people experiencing gambling harm;

(e) in 2014-15 almost 20 percent of ACT adults played the pokies at least once, with losses totalling $37.48 million. Non-problem gamblers accounted for 37 percent of all money lost on poker machines, while 63 percent came from people with some problem gambling behaviours;

(f) the ACT Gambling Survey 2019 (Commissioned by the ACT Gambling and Racing Commission, undertaken by Australian National University) found that:

(i) 9.6 percent of the ACT adult population (approximately 31 000 adults) experienced gambling harm in the past 12 months; and

(ii) 64.3 percent of respondents agreed that poker machines do more harm than good for the community; and

(g) the 2010 Productivity Commission inquiry report on gambling found the significant social cost of problem gambling—estimated to be at least $4.7 billion a year—means that even policy measures with modest efficacy in reducing harm will often be worthwhile; and

(2) calls on the ACT Government to work with poker machine venues to implement bet limits of $5 per spin, and a $100 load up limit. The implementation should be completed within 18 months, with gaming tax waivers used to offset reasonable adjustment costs and reward those venues that implement the arrangements more quickly.

I am bringing this motion to the Assembly today because we have an opportunity right now to make positive changes for people experiencing gambling harm. The shutdown of poker machines during the COVID-19 public health emergency has given a sudden and unexpected respite from the ongoing impacts of gambling harm.

We have heard numerous reports directly from people with a gambling problem or from their family members that the break from pokies during the COVID-19 shutdown period has been a real relief to them, a potentially life-changing break away from the addictive gaming urge.

With the easing of COVID-19 restrictions coming at various stages, we have a unique and clear opportunity to build a better normal. Things do not need to be the way they were before. While we have taken this unprecedented downtime to protect the physical health of our community, we can use it to put measures in place to offset the deliberate design features of poker machines that can cause real harm.

We can take steps to protect the mental health and wellbeing of vulnerable Canberrans. Kate Seselja, a local advocate with lived experience of gambling harm, has been leading calls for changes to our gambling industry for years. She has said:

> Coronavirus has meant the thousands of men and women in Canberra who regularly gambled on pokies have been given an opportunity to re-evaluate their relationship with gambling. In fact, it goes much broader than that. We have ALL been given a chance to re-evaluate our relationship with gambling.

Kate and others who have shared their own stories are urging us, urging the ACT government, to take action now while we can, before people return to harm.

Across the country there are other stories of people experiencing gambling harm calling for changes post COVID. In an interview with the ABC, a young Victorian veteran could not say exactly how much money he has blown on the pokies but estimated it could be anything up to $100,000. He and others like him are calling for the whole dynamic of RSLs—in that particular case—to drastically change, to stop them "taking advantage of people that are in need most".

In the news last week we saw that the Dee Why RSL was fined after the tragic suicide of a patron experiencing gambling harm. The patron lost almost a quarter of a million dollars in less than two years at the club, where he was treated to special events and high-roller perks while his gambling addiction was largely ignored.

In the ACT, people can lose more than $1,000 in an hour playing the pokies. In a post-COVID world where jobs have been lost and future incomes are uncertain, who can realistically afford to lose that much, and at what cost emotionally, physically and financially?

In 2014-15 almost 20 per cent of ACT adults played the pokies at least once, with losses totalling $37.48 million. Non-problem gamblers accounted for 37 per cent of all money lost on poker machines, while 63 per cent came from people with some problem gambling behaviours.

The 2019 ACT gambling survey commissioned by the ACT Gaming and Racing Commission and undertaken by the Australian National University found that:

> A negative view of gambling is common across the ACT community, with no single subpopulation reporting positive attitudes.

The report notes that 9.6 per cent of the ACT adult population, or approximately 31,000 adults, experienced gambling harm in the past 12 months, and 64.3 per cent of respondents agreed that poker machines do more harm than good for the community. It also found that nearly half, or 49 per cent, of the ACT adult population believe that the maximum bet on poker machines should be changed.

In this term of the Assembly there has been some positive movement in this space. At the 2016 election the ACT Greens called for a reduction in the number of poker machine licences in the ACT. It became part of the parliamentary agreement and it has seen steps taken to reduce the impact of gambling harm on ACT communities.

The reduction of poker machine authorisations from 4,938 to 3,888 is a start, as is the continued work with venues to transition away from their reliance on gaming machine revenue, and for greater transparency and clarity around the uses of community contribution schemes.

We are proud of that work. Given the fierce campaign we saw in 2016 to protect the pokies, not many would have believed we could achieve a 20 per cent reduction in poker machine licences in just one term of the Assembly, but it has been done. I think that in the discussion over the last decade there would not have been many people who said that that was possible.

We know that changes to bet and load limits will make a further and tangible difference for people experiencing gambling harm. The evidence is clear. The takeaways from the 2010 Productivity Commission report still hold true. To quote the report:

> Recreational gamblers typically play at low intensity. But if machines are played at high intensity, it is easy to lose $1500 or more in an hour.

The Productivity Commission said:

> The amount of cash that players can feed into machines at any one time should be limited to $20 … There are strong grounds to lower the bet limit to around $1 per "button push" instead of the current $5–10. Accounting for adjustment costs and technology, this can be fully implemented within six years.

It was 10 years ago that the Productivity Commission made those remarks, and in the ACT we still do not have $5 limits, let alone the $1 recommended by the commission. These changes can be made, and we should be working with the industry to make them now while we have the opportunity to build a better normal for our community.

Every other jurisdiction, except New South Wales, has moved to limit bet limits to $5 per spin. We have been assured by gaming harm reduction experts that $5 bet limits can be implemented without major technical challenges, and we have seen it occur interstate without financial support from the government.

That is why we are calling on the government to set a clear timetable for transition immediately and to consult with venues around the design of the scheme. Not all clubs are in a position to make the changes now. That is why we have suggested giving venues 18 months to implement the changes. To offset the costs, rebates on gambling tax could be negotiated. The faster a venue makes the transition to bet limits, the greater the level of rebate, to our minds.

This is a measure to protect Canberra families. This year has shown us vividly that protecting our community is more important than protecting our bottom line. We also want to ensure that there is a future for our clubs, not just a future that is premised on extracting money from problem gamblers with machines that are deliberately designed to be addictive. It is not sustainable for clubs to rely on the money of problem gamblers as their lifeline.

If tax incentives are not the way forward then we would be keen to hear from the government about alternative options for making progress on this matter. The ACT Greens want to work with clubs to find other ways to be financially viable, and we know that clubs want to work with us and with the government as well.

The impact of COVID-19 on our clubs has been staggering, and about far more than gaming revenue. Their closures have meant the loss of key places to connect with people in your community. We have lost opportunities for local groups to use club facilities for their meetings and events. Gigs and shows have been cancelled, a huge loss for our dynamic and diverse arts and music sectors.

We want to engage with clubs and we want the government to engage with clubs to seriously consider their ongoing reliance on gambling revenue. Efforts are being made to diversify their revenue; there is no doubt. We applaud those efforts and we want to build on them.

Alliance for Gambling Reform chief advocate Tim Costello says that research shows that $1 million spent on hospitality creates 20 jobs, whereas the same amount going through the pokies creates just three jobs. That is a substantial difference. We should be investigating this and doing what we can to bring community groups more actively back into our community clubs so that we generate those jobs, as well as providing opportunities for our community organisations.

I have little doubt that I am going to hear some pretty harsh words directed our way today, snide comments about our motivation for bringing this motion on—comments designed to shoot the messenger, not address the message. That will be disappointing, because this is about people who are doing it tough, people who have a gambling problem and people who we have a responsibility to deliver harm minimisation for—people like Professor Laurie Brown. I am sure you all remember her.

Laurie was incredibly courageous to come forward and tell her story. Laurie has said:

> I could be glued to the machine for six hours at a time. You want a bigger hit, so I gambled at the maximum bets of $5 or $8 or $10—I put lots of money through.

Discussing her experience with the ABC, Laurie said her habit partly became that bad because "there was no intervention when I was actually gambling". Laurie lost over $230,000 and almost lost her relationship. She has highlighted a lack of intervention and support at the time as a contributor to her problem gambling.

Laurie's story and the story of the veteran from Victoria, the young man who lost his money and his sense of sense of self in Dee Why RSL—these are the people who are telling us that we need measures to minimise the impacts of gambling harm: measures based on evidence from the Productivity Commission, evidence from experts in this space like the researchers at ANU who undertook the 2019 gambling survey, and evidence from hearing the stories of people's lived experience and the damage problem gambling can do.

We are not talking about the people who go in and have a flutter on a Friday night while they are waiting for their schnitty to get ready. We are not talking about people who enjoy a bit of gambling. We are talking about people who have an addiction, who have a gambling problem, for whom we should have harm minimisation strategies put in place to provide a safer environment than what is currently provided.

I met recently with a young couple who have a family member experiencing gambling harm. They approached me with their detailed research on gambling harm in the ACT and with considered responses to how to assist clubs to make positive and reasonable changes to assist their vulnerable patrons. These young people are dealing firsthand with the impact of problem gambling in their family. They were not the fun police; they were not making a moral judgement about their family member's situation or the reasons why people choose to gamble. They had recognised a problem and were working as best they could to try to present solutions. Their work is very high quality, motivated by truly understanding the reality of the effect that problem gambling can have on a family—on their financial situation, on the relationships in the family, on the sense of trust in the family, and on the sense of hope.

It is time to stop and listen to the evidence. We have an opportunity to do that while people are still coming out of the respite they have been given during the COVID-19 shutdown. Before they go back into the cycle of gambling harm, we can take a decision today to urge the government to put these bet limits in place—take a decision now that this is the time to make a difference for these families, for these members of our community. I commend the motion to the Assembly and I urge members to give it significant consideration.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 11.56 am to 2.00 pm.

Questions without notice

Planning—master plans

MR COE: Madam Speaker, I have a question for the Minister for Planning and Land Management, relating to master plans. Minister, during your time as planning minister, how many master plans have you started and how many of those have actually been completed?

MR GENTLEMAN: I thank Mr Coe for his question. Master planning is an important part of planning for the future of Canberra. It works with the Canberra community and what they want to see in the jurisdiction for the future and also looks to future aspects of growth for the ACT. I will have to come back with the direct numbers. I think almost all of the master plans are now complete.

MR COE: Minister, is it now government policy that the government will not be continuing with master plans because they raise unnecessarily high community expectations, as stated by Minister Stephen-Smith at a community meeting in Pialligo on Tuesday night?

MR GENTLEMAN: As I said, it is historical for us to use master plans. If there are other opportunities for us to engage with the Canberra community on the future of planning, we will look at those aspects as well. Master planning is still within our planning processes at this stage. There are no active master plans; they have all been completed.

MS LEE: Minister, when can Fyshwick businesses and locals expect to have a master plan for their area?

MR GENTLEMAN: I thank Ms Lee for the question. There is no provision for a master plan for Fyshwick at this stage. There are normally master plans around centric locations like town centres and those sorts of areas. Fyshwick is a commercial zone, so at the moment we have no plans for a master plan for Fyshwick.

Schools—Costello review

MS LE COUTEUR: My question is to the Chief Minister and relates to the 2006 Costello strategic and functional review. Chief Minister, this document was the basis for closing 23 schools and preschools across Canberra, and the Kingston library, yet historically it has been kept secret for 14 years, despite many attempts for it to be publicly released to the Assembly and to committees. Chief Minister, why has the government made it so difficult for this to be released for 14 years, and why was it not proactively released after the 10-year cabinet document restriction, along with all other executive documents?

Opposition members interjecting—

MR BARR: The document was prepared for cabinet and was subject to the 10-year cabinet rule.

MS LE COUTEUR: Given that answer, I ask again: why was it not released after 10 years with other executive documents. Why has it been released only to the ABC? Why not to the people of Canberra?

MR BARR: I believe the ABC lodged an FOI application. I understand that the document was available under the 10-year release, but maybe no-one asked for it, Ms Le Couteur. I will check that. Given how long ago it was, its relevance to the situation in 2020 is somewhat diminished. It was of great interest to people in 2006—that is well understood—but we can say, with the benefit of history, that those who want to find out about the 2006 functional review can read the 2006 ACT budget delivered by Jon Stanhope to get a pretty fair indication of what it contained.

Members interjecting—

MADAM SPEAKER: Members, whilst it is good to have 25 back in the chamber, the level of noise has lifted somewhat this week.

Planning—Greenway construction

MS LAWDER: My question is to the Minister for Planning and Land Management. I refer to a number of construction sites on Mortimer Lewis Drive, Greenway. Until recently, construction vehicles of tradies and builders working on the site were parking on the grass verges, where there were no signs prohibiting parking. In the past few days "no parking" signs have been erected, resulting in the construction vehicles

filling up the car parks near the Sea Scouts hall, the learn-to-ride park and the dog park. Parents and other people have been unable to access the public facilities and, as a result, just as one example, Mimi's Pit Stop was forced to close yesterday because customers were unable to access the business. Minister, where can tradies and construction workers park so that they are not obstructing access to public facilities, or is this just another example of the government's lack of planning foresight to ensure that this is catered for through the DA process?

MR STEEL: I will take the question, on behalf of the government, in relation to the parking on Mortimer Lewis Drive.

Ms Lawder: On a point of order, it related to the DA process and why it is not planned for better in the DA process.

Mr Barr: Regardless, the executive can determine who answers the question.

MADAM SPEAKER: I think Mr Steel's responsibility is to resolve the matters as they present now. Mr Steel.

MR STEEL: I thank Ms Lawder for her question in relation to parking around Mortimer Lewis Drive. We are aware, of course, of large residential developments that are occurring on section 28 Greenway, near the learn-to-ride bicycle park and the other two adjacent construction sites in the area. Transport Canberra and City Services has been aware of some issues with construction parking at these sites, including illegal parking on the adjacent nature strips and damage to the grass verge and trees in the area.

Signs have been erected on the nature strip reminding motorists and providing a warning that it is illegal to park on public unleased land. Some construction workers are using the off-street parking area, which does provide some all-day, unrestricted parking for the community to access the beach, as well as the learn-to-ride centre and Mimi's Pit Stop cafe. We are currently working with Access Canberra and EPSDD to review the current construction parking requirements and ensure that people can access those important community facilities.

MS LAWDER: Minister, what representations have you received about the impact of these parking issues from local businesses, residents and visitors to the area?

MR STEEL: We have very recently received some comments on Facebook, just over the last few days, and we will be looking into those as soon as we can to make sure that there is parking availability for those community facilities in the Greenway area.

MR PARTON: Minister, what is your plan to fix this issue for Greenway residents and visitors?

MR STEEL: We are looking into how we can appropriately manage the construction-related parking so that members of the community can continue to park in the government car parks in this area, but the answer to this is not to enable people to park on public unleased land and cause damage to the Tuggeranong foreshore area.

It is critical that we maintain the Tuggeranong foreshore for the amenity of the community. To allow cars to damage trees in the area would not be the solution to this problem.

Planning—master plans

MS LEE: My question is to the Minister for Planning and Land Management. Minister, it has been 10 years since the start of the development of the Pialligo master plan, and nothing has been done since. Is this yet another example of a master plan that is raising unnecessarily high community expectations?

MR GENTLEMAN: I thank Ms Lee for the question. As I said, master planning was a key process in looking at planning for Canberra's future and engaging with the Canberra community. But what they did was to give only an indicative idea of what could occur for an area. After the master planning process, we had state development plans and other opportunities for planning and engagement with the ACT community. We did see, I think, on a number of occasions, expectations that were not delivered through the master planning process because it is not a delivery process.

MS LEE: Minister, are you going to take any action on the Pialligo master plan and, if so, when?

MR GENTLEMAN: Yes, we are taking action on the comments that the community has made. That will be done through the planning review. That is a very intensive piece of work that the directorate is going through at the moment, and there has been quite a bit of engagement with the ACT community on that.

MISS C BURCH: Minister, is this yet another example of you using a master plan to placate a community while not actually delivering anything?

MR GENTLEMAN: No, it is not.

Planning—Gungahlin cinema

MR MILLIGAN: My question is to the Minister for Planning and Land Management. Minister, the ACT planning and land authority recently gave conditional approval to the long-awaited Gungahlin cinema project. As part of this application, there are only 117 parking spaces allocated for a 1,600-seat complex. The lack of parking has been raised formally by Transport Canberra and City Services, local businesses and the community. Minister, why is there so little parking for a facility of that size, which is meant to serve a community of over 100,000 people—a community that is made up of many families for whom catching a bus or a tram to the movies is not practical?

MR GENTLEMAN: I thank Mr Milligan for the question. This is an application that is before the authority. I do not have the details of it, so I will take the details of Mr Milligan's question on notice and seek some advice from the authority.

MR MILLIGAN: Minister, can you explain what the justification is for 117 spaces, given that this parking allocation is only a quarter of what is required by the parking and vehicular access code?

MR GENTLEMAN: As I said, I will take advice from the authority and come back to the chamber.

MR PARTON: Minister, have you ever caught public transport or, dare I say, used active travel from your inner south suburban home to the cinema?

MR GENTLEMAN: Madam Speaker, I cannot see how that relates to the first question.

ACT Health—child sex offences

MRS DUNNE: My question is to the Minister for Health. I refer to the WhatsApp chat accessed by a convicted paedophile who continued to work in the ACT Health Directorate following his arrest. Family members close to Health Directorate staff have told the opposition that the WhatsApp group was established at the direction of senior staff, including this now convicted paedophile.

The opposition has also been told that staff were encouraged to keep in touch and that this was used as a central form of communication, especially during the COVID crisis, where people had work discussions and were notified about meetings and cancelled meetings, but the whole team shared images of themselves and their children.

Minister, did anyone make a child concern report following the exposure of these children to a now convicted paedophile via a management sanctioned WhatsApp group?

MS STEPHEN-SMITH: I thank Mrs Dunne for the question. The Chief Minister and I are waiting for some further advice relating to the specific issues around the WhatsApp group. We have been in direct email conversation with one of the staff members affected by this to better understand exactly what the issues are. To my knowledge, a child concern report has not been lodged and I would not expect it to be in the particular circumstances of this particular matter.

I suggested to Mrs Dunne last time this matter was raised in the chamber that she was welcome to ask for a briefing. As far as I am aware, she has not asked for a briefing. This is obviously a very sensitive matter that is very distressing for many staff in the Health Directorate, not just some of the individuals who might have been involved in the WhatsApp group. I suggest to Mrs Dunne that we would be very, very happy to offer her a briefing in relation to this matter. If she would like to take that up, she could please let me or my office know.

MRS DUNNE: Minister, will you ensure that, if necessary, a child concern report is made?

MS STEPHEN-SMITH: Of course, Madam Speaker.

MS LAWDER: Minister, have senior staff debriefed with and individually offered support to any affected members of the WhatsApp group or did management just rely on the all-staff bulletin distributed when the story became public?

MS STEPHEN-SMITH: I thank Ms Lawder for the supplementary. Quite a lot of support has been provided to individuals both directly, by other individuals within the ACT Health Directorate, and through human resources elements of the different departments in which they now work.

Municipal services—infrastructure projects

MR GUPTA: My question is to the Minister for Transport and City Services. Minister, can you please outline what local infrastructure and maintenance projects are being undertaken across the city?

MR STEEL: I thank Mr Gupta for his question and his interest in making sure that we are supporting economic recovery in Canberra during the pandemic. We are getting on with a significant pipeline of infrastructure projects right around Canberra, fast-tracking local projects and suburban maintenance to create jobs during this very challenging time in the history of Canberra. We are doing this not only to create jobs but to improve the look and feel of our city and public spaces.

During the first round of stimulus we have built over 50 footpaths across the city. It is very difficult to drive around Canberra without seeing one of these projects taking place. They are addressing many of the community priorities that have been raised with us, as well as some of the strategic missing links in our cyclepath network. We have refreshed an additional 30 playgrounds around the city, on top of the 20 within our regular maintenance program. One in 10 playgrounds across our city have received work over the last few months. This has included the installation of new seating and shade sails, the replacement of soft-fall mulch and the repainting of equipment.

Our second stimulus package also will help to improve the look and feel of our city, with local shopping centres refreshed around Canberra, with improved accessibility and amenity, seating and landscaping. We are boosting our investment in city maintenance activities like weeding, mulching around trees, street sweeping and cleaning of our gross pollutant traps around Canberra. We are hiring a new six-person weeding team which will help to weed at key locations around main roads, as well as signs, furniture and hard-to-reach locations like bollards.

I look forward to continuing to update the Assembly as we continue to make improvements around our city. These fast-tracked improvements have already created over a thousand jobs, and we will continue to invest in measures that support our economic recovery. (*Time expired.)*

MR GUPTA: Minister, which parts of Canberra will benefit from these upgrade projects?

MR STEEL: I thank Mr Gupta for his supplementary. All regions of Canberra will benefit from the upgrades that we are making around our city to create jobs and improve the look and feel of the nation's capital.

In Belconnen, John Knight Memorial Park, by Lake Ginninderra, will receive an upgraded toilet block that will be modern, safe and accessible for everyone who enjoys recreation around the lake. We are also building a new pedestrian crossing on Chandler Street in the Belconnen town centre. I know that is an issue that has been raised by Ms Cheyne on several occasions.

In Gungahlin, construction is almost finished on a new shared zone on Abena Avenue in Crace and we have built a new footpath to address a key missing link on the Palmerston cyclepath near Nudurr Drive.

Residents in Tuggeranong will also benefit, enjoying refreshes to play spaces, including at Banks, Wanniassa and Calwell. We are improving the paths and cycleways and public spaces around the shops in Gordon, and on Castley Circuit and Marconi Crescent in Kambah.

In Weston Creek, we have built 1,200 metres of new shared paths along the Cotter Road to connect Weston Creek and Molonglo through to the city. We have installed traffic calming measures on Heysen Street to make it safer for locals in the area.

In the inner north and inner south, we are completing missing footpath links in suburbs like O'Connor, Braddon, Reid, Barton, Forrest and more. All suburbs are benefiting from this uplift, as well as it helping to create jobs right around our city during the time when we need them most.

MS CODY: Minister, how many trees are being planted across the city?

MR STEEL: I thank Ms Cody for her question. As part of the ACT's fast-track and stimulus work, we boosted our autumn planting program, planting 4,000 trees across the city in autumn alone. We will do more in spring. Unlike the Liberals, we have been doing this to create jobs. Not only have we been purchasing trees, which have been grown up at Yarralumla nursery, but we are actually putting them in the ground and putting in the infrastructure and maintenance that are required so that they can grow up and we can benefit from the tree canopy cover.

We have a target of 30 per cent tree canopy cover and we set out a pathway to achieve that in our draft urban forest strategy. We went out for consultation on that just over the last week, seeking feedback from Canberrans about how we can achieve that. To do that, we need to do a couple of things. We need to protect the trees that we have; we need to properly maintain the trees, creating jobs, helping to maintain the fantastic tree canopy that we have. Also, we need to plant new trees properly—not seedlings but actual trees in the treescape of Canberra, not out in Coree but in Canberra—so that we can all benefit. This is a significant planting, the fifth large historic tree planting that we will have in our city. We will make sure that these trees survive until maturity so that we can get the benefit from them for years to come.

ACT Health—child sex offences

MISS C BURCH: My question is to the Chief Minister. Chief Minister, on 2 July in relation to questions about a convicted paedophile who continued to work in the Health Directorate, you told the Legislative Assembly:

> There is an investigation … The matters are distressing and concerning and have, of course, been the subject of considerable discussion in terms of potential responses and issues that this presents for the future. I have had those discussions with the Head of Service. Clearly this situation is one that is of concern and is receiving the utmost attention from the Head of Service. I also need to note that the matter is still before the courts.

This matter is now no longer before the courts. Chief Minister, what is the nature of the investigation that you referred to? Who is conducting it, what are the terms of reference and when will the investigation be complete?

MR BARR: The Head of Service is undertaking work in this regard. I have asked the Head of Service to look at the circumstances in relation to this matter and to provide some further information to me.

MISS C BURCH: Chief Minister, will the outcome of this investigation be made public, and if not, why not?

MR BARR: Yes; when it is complete.

MRS DUNNE: Chief Minister, what discussions have you had with the Attorney-General and the Head of Service about what needs to be done to ensure that information on matters of this kind can be shared between government agencies on a timely basis?

MR BARR: Yes, this matter has come up. It does specifically also relate to matters not only internal to ACT government but, indeed, between commonwealth agencies and the ACT Government.

Crime—motorcycle gangs

MR HANSON: My question is to the Attorney-General. I refer to the *Canberra Times* article entitled "Bikie death means ACT should consider anti-consorting laws: AFP". If the AFP commissioner recognises the need for stronger anti-consorting laws then why can't you?

MR RAMSAY: I thank Mr Hanson for the question. I do, however, wish to draw Mr Hanson to the correction that has been put out by the AFP today as a fact check. The heading of the article Mr Hanson has referred to is an inaccurate representation of the AFP's views. That is not the case. Therefore, I caution Mr Hanson in this area to make sure that the issues he draws to the attention of the Assembly are accurate. I also caution Mr Hanson against trying to mount some sense of momentum based on inaccurate representations.

MR HANSON: How many more deaths need to occur before you will implement anti-consorting laws?

MR RAMSAY: I will not thank Mr Hanson for that sort of question. That is the sort of gutter politics and scaremongering that we expect from Mr Hanson when it comes to anti-consorting matters. No death or violence is acceptable in this jurisdiction. That is why we will make sure that we continue to work in evidence-based ways, in effective ways, and not in scaremongering ways.

We will continue to work with reforms, with resourcing of our policing and our DPP, both through legislative means and through additional financial and people resourcing, to make sure that the work they have been doing so effectively over the last couple of years will continue.

I draw again to the attention of the Assembly that the number of people involved in outlaw motorcycle gangs in the ACT has halved over the last 18 to 24 months. That is a demonstration of the effectiveness of the work of the police and the very strong work that has happened through legislative means. I draw to the attention of the Assembly the response today from both the Law Society and the Bar Association. The Law Society has said that the ACT's—

Mr Hanson: Their members represent bikies, Gordon.

MR RAMSAY: I invite Mr Hanson to say that more clearly on the record: he is accusing the legal profession of protecting bikies. That is an outrageous slur on our legal profession.

Mr Hanson: Madam Speaker, on a point of order, that is not what I said. I made the point that some members of those organisations represent bikies. That is not to say they are protecting them. The attorney should withdraw that comment and perhaps apologise.

MADAM SPEAKER: There is no need, and there is no need for interjections as well. You are a serial interjector, Mr Hanson, so perhaps if you kept quiet you would not find yourself in strife.

MRS DUNNE: Minister, given that similar laws operate under Queensland and Victorian Labor governments, why won't this government recognise that this is sound policy that has bipartisan support?

MR RAMSAY: Because it does not have bipartisan support. It does not have tripartisan support in this place, and I am sure we will discover that again later on today. We will work with the evidence. I note that there are anti-consorting laws in other jurisdictions, as there also is outlaw motorcycle gang violence in those other jurisdictions. We will work in ways that will reduce the impact of violence. We will make sure that the evidence that we base ourselves on is evidence about effectiveness.

Again, let me draw to the attention of the Assembly that the President of the Law Society—I am not sure if he is somehow tainted in the views of the ACT Liberals—said today that the ACT's existing laws already provide police with effective tools to fight serious and organised crime and that where anti-consorting laws have been introduced in other jurisdictions they have proven to be largely ineffective.

Let me also refer to the Bar Association, which strongly opposes the introduction of such draconian, unfocused and unnecessary laws. That is why we will not introduce such laws. We have worked with the leading expert across Australia, a man with decades of experience as a police officer, as well as the leading criminologist in the area.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe! Hush.

MR RAMSAY: I note the specific recommendation that came from Australia's leading expert, based on the evidence that is available—that is, that the ACT should not introduce anti-consorting laws. We will follow the evidence, not the fearmongering and scaremongering that is continually happening from the ultraconservative Canberra Liberals.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, I have asked you not to interject, please.

Mental health—seclusion rates

MRS KIKKERT: My question is to the Minister for Mental Health. Minister, on 21 July 2020 the Australian Institute of Health and Welfare released the latest round of data on mental health services in Australia. The data revealed that, from 2009-10 to 2017-18, the ACT's mental health system had the lowest, or amongst the lowest, seclusion events per 1,000 bed days in Australia, and consistently well below the national average. For 2018-19, however, the ACT returned a rate of 10.9, which was the second highest in the nation, and almost 50 per cent above the national average. Minister, has there been a change in government policy about seclusion of mental health patients? If not, why did we see such a significant worsening in 2018-19?

MR RATTENBURY: There has not been a change of government policy during this period. I am concerned by those numbers. As Mrs Kikkert referred to in her question, we have seen a significant increase during that period. I have sought advice on this from ACT Health. It relates to a number of matters, including high levels of incidents with a small number of patients, if I can put it that way. I have sought further work to be done on this, including discussions with the oversight committee to examine the data further—not just to look at the numbers but to get behind the numbers and find out what is actually going on, as opposed to just focusing on the numbers themselves. The numbers tell a part of the story, and we need to look in more detail at why those numbers have risen in that way.

MRS KIKKERT: Minister, what else can be done to address this problem, given that you have acknowledged many times in the past that seclusion is not a desirable treatment method for mental health patients?

MR RATTENBURY: As I indicated in my last answer, I have spoken with the chief psychiatrist about this. I have spoken with the director of mental health, justice health and alcohol and drug services. I have asked them to undertake further work on these matters, to consult with the oversight committee and to examine whether we need to make any changes in light of the circumstances we have seen, and to make sure that we have a deep understanding of why those numbers have changed.

MRS DUNNE: Minister, given that these figures are now 18 months old, why are you expressing surprise and concern at the figures, and why haven't you already done considerable work to get to the bottom of why these figures have turned around?

MR RATTENBURY: Yet again I am being verballed. I am not expressing surprise. These are real numbers. I am expressing concern. These are numbers that are known. They have been known for a while. Work has been ongoing for some time to understand why those figures are the way they are.

Mental health—services

MR PARTON: My question is to the Minister for Mental Health. Minister, I am referring to the Australian Institute of Health and Welfare data released on 21 July. The data revealed that, for 2017-18, the ACT had the worst improvement outcomes in the nation for inpatient episodes of care. They also revealed that the ACT had the second worst rate in Australia of readmissions to care within 28 days of separation, and the average length of stay in acute inpatient mental health services was lower than the national average. Minister, is there a link between length of stay and patient outcomes and, if so, when will we finally see an improvement in the data that is released by the Australian Institute of Health and Welfare?

MR RATTENBURY: On Mr Parton's actual question—which was: is there a link between length of stay and patient outcomes—I do not think one can draw a singular answer on that, given the breadth of cases. The best answer to that question is that people should stay as long as they clinically need to. That is the basis on which the decision should be taken and that is what staff strive for in mental health services.

MR PARTON: Minister, why do Canberra's mental health patients have the worst outcomes in Australia after inpatient episodes of care, and when will we finally see an improvement in the data that is released by the Australian Institute of Health and Welfare?

MR RATTENBURY: In making efforts to improve the ACT's mental health system, I think our staff already work extremely hard to get good outcomes. We are talking about people who come to our care in very difficult circumstances, and our staff do the best job that they can. There are clearly steps that we can take to further improve that service, and those service improvements are occurring. I point to a range of

examples, including the increased provision of supported accommodation, new models of care, and the provision of the PACER service, which is proving to be extremely effective in keeping people out of the crisis system and actually treating them in a place where they feel more comfortable, which for many people is at home.

I anticipate seeing improvements in these numbers. Putting an emphasis on community–based care, which is what we do in the ACT, does mean that when those acute patients come into our adult mental health unit—the most difficult cases, the most acute cases—you would probably find that, compared to other jurisdictions, the ACT's acuity of those coming into inpatient mental health care is higher than others.

MRS DUNNE: Minister, does the inadequate capacity of our inpatient mental healthcare services impact on patient outcomes and, if so, when will we finally see an improvement on the data such as was released by the AIHW?

MR RATTENBURY: The government is increasing the capacity of the inpatient mental health units. As Mrs Dunne has been briefed in the hearings of the committee, the ACT government recently commissioned an additional five beds in Calvary and we continue to make a range of other particular accommodation increases and service changes. I believe these measures will lead to improvements in the data.

Government—community support

MS CODY: My question is to the Minister for Community Services and Facilities. Minister, did the ACT government make use of vacant community facilities during the early stages of the COVID-19 pandemic?

MS ORR: I thank Ms Cody for the question. The ACT government continues to make use of properties and venues which are not able to be used for purposes that they are usually used for. Exhibition Park in Canberra, commonly referred to as EPIC, is an excellent example. Where large events were no longer possible, the ACT government quickly set up the drive-through COVID-19 testing facility. We have also set up the Canberra Relief Network in one of the otherwise unused pavilions.

As part of our economic survival package, the ACT government has undertaken a $35 million fast-track program which is fast-tracking a range of upgrade and maintenance infrastructure projects across Canberra, as well as supporting local jobs and businesses. The ACT government has completed several fast-track projects on several of our community facilities as part of the program.

Works included the construction of a community-inclusive garden space within Ms Cody's electorate, at the Pearce Community Centre; the installation of solar PV across a range of our community facilities; and disability access improvements to the Griffith Community Centre, the Belconnen Community Centre, the Weston Community Hub, the Woden Community Centre and the Grant Cameron Community Centre. These access improvements have provided real benefits to Canberrans living with disability and help make our city even more inclusive for all members of our community. As some of our community groups are beginning to reconvene, where it

is safe to do so, I am pleased to have received very positive feedback, following the completion of these projects.

MS CODY: Minister, how did the upgrades to community facilities support local business and tradespeople?

MS ORR: I thank Ms Cody for the supplementary question. The ACT government recognise the importance of keeping our city going during the COVID-19 pandemic, which is why we are delivering fast-tracked infrastructure projects in every region of Canberra. The fast-tracked upgrades to community facilities are creating job opportunities for local workers, supporting Canberra's businesses and protecting the ACT economy. It is estimated that 73 local jobs were supported through the completion of the community facility upgrade projects, which engaged 15 local businesses.

This government is focused on supporting working Canberrans. Our fast-track program is keeping people in jobs, as well as creating new job opportunities for people in need of secure employment. We will continue to invest in local infrastructure projects so that our community can enjoy the benefits of upgrades to public assets, in turn delivering on the government's commitment to support working people across the ACT.

MS GUPTA: Minister, in what other ways is the ACT government supporting the Canberra community?

MS ORR: I thank Mr Gupta. The ACT government will continue to support the Canberra community through the COVID-19 pandemic and beyond. To date, the ACT government has invested significantly to support our community in a range of ways. In recognition of the additional pressures on our community, I announced a $9 million community support package in March, which was designed to provide direct relief to people most in need, as well as boosting the capacity of critical community services across Canberra.

A key initiative under this package was the establishment of the Canberra Relief Network. The Canberra Relief Network is a group of established emergency food relief and community service organisations in Canberra working together to ensure that all Canberrans have access to food and other essential items. Any Canberran in need of assistance can reach out at canberrarelief.com.au or by calling 1800 43 11 33.

In order to keep supporting the Canberra community, last month I launched the community recovery road map. The road map focuses on immediate community responses to support Canberrans most in need, the delivery of community resilience-building activities and the implementation of long-term recovery measures for our city. This is part of our government's overall response to the COVID-19 pandemic. We will continue to ensure that every Canberran is supported through a strong, healthy economic and community-based response.

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

Answers to questions on notice
Questions 2996, 3008, 3034 and 3054

MRS DUNNE: In accordance with standing order 118A, I ask the Minister for Health why she has failed to answer the following questions on notice: No 2996, relating to public health services being offered for children in the ACT, which was due on 7 June; No 3008, relating to nurse walk-in centres, which was due on 21 June; No 3034, relating to emergency department performances, which was due on 7 July; and No 3054, relating to the operation of theatres and surgical beds in ACT hospitals, which was due on 19 July.

MS STEPHEN-SMITH: In relation to question on notice 2996, I am still awaiting this response, but I note that much of the information in relation to the earlier questions in that QoN is publicly available, and the rest is very detailed information on which we are awaiting some further advice from Canberra Health Services, who, obviously, have been extremely busy over the last little while. But I do recognise that that response is significantly overdue and apologise to Mrs Dunne for that.

In relation to question on notice 3008, that has been returned by me to the directorate for advice, as some of the figures that were provided were not consistent with information that I had previously received. I wanted to seek some clarification about why that was the case and ensure that Mrs Dunne gets a completely accurate answer.

In relation to question on notice 3034, that did arrive in my office this week, but it does require some further work to be done on it and I will be responding to that as quickly as possible. In relation to question on notice 3054, this is a few days overdue. It is a very long and complex question, of the kind that I would have been very proud to have submitted from opposition in the process of developing election policies. That will take a little bit longer to complete because of the detail and complexity of the questions that Mrs Dunne has asked.

Supplementary answers to questions without notice
Schools—Costello review

MR COE: Regarding Ms Le Couteur's question to the government, I draw her attention to *Hansard* of 10 December 2009.

MADAM SPEAKER: I do not really think it falls under a question time matter, but I am sure Ms Le Couteur has taken the message.

Papers

Madam Speaker presented the following papers:

> Legislative Assembly (Members' Superannuation Act), pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual report 2019-2020, dated 2 July 2020.

Budget 2020-2021—Financial Management Act, pursuant to section 20AB—Officers of the Assembly—Speaker's recommended appropriations—Copy of advice circulated to MLAs, dated 30 June 2020.

Standing order 191—Amendments to the:

Electoral Legislation Amendment Bill 2019, dated 6 and 7 July 2020.

Employment and Workplace Safety Legislation Amendment Bill 2020, dated 6 and 7 July 2020.

Mr Gentleman presented the following papers:

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Jandy Renia Shea—

Report, dated 23 September 2019.

Government response.

Economic Development and Tourism—Standing Committee—Report 8—*Report into Annual and financial Reports 2018-2019*—Government response.

Education, Employment and Youth Affairs—Standing Committee—Report 8—*Report on Annual and Financial Reports 2018-2019*—Government response.

Environment and Transport and City Services—Standing Committee—Report 11—*Inquiry into the supply of water to the Tharwa community*—Copy of letter from the Minister for Planning and Land Management to the Chair of the Standing Committee on Environment and Transport and City Services, dated 2 July 2020, advising of delay in Government response.

Environment and Transport and City Services—Standing Committee—Report 12—*Report on Annual and Financial Reports 2018-2019*—Government response.

Fertility preservation—Resolution of the Assembly of 18 September 2019—Update on progress—Copy of letter to the Speaker from the Minister for Health, dated 15 July 2020.

Health, Ageing and Community Services—Standing Committee—Report 8—*Report on Annual and Financial Reports 2018-2019*—Government response.

Inspector of Correctional Services Act—Reports of Reviews of Critical Incidents by the ACT Inspector of Correctional Services—Assaults of detainees at the Alexander Maconochie Centre on 5 December 2019 and 13 January 2020—Government response, together with a statement.

Justice and Community Safety—Standing Committee—Report 8—*Report on Annual and Financial Reports 2018-2019*—Government response.

Planning and Urban Renewal—Standing Committee—Report 11—*Report on Annual and Financial Reports 2018-2019*—Government response.

Public Accounts—Standing Committee—Report 9—*Inquiry into Annual and Financial Reports 2018-19*—Government response.

Territory Records Act, pursuant to subsection 23B(4)—Agreement with the Australian Health Practitioners Registration Agency—Report, dated 29 June 2020.

Tree canopy protection—Response to the resolution of the Assembly of 25 October 2017.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-190 (LR, 30 June 2020).

Agents Act—Agents (Fees) Determination 2020—Disallowable Instrument DI2020-143 (LR, 18 June 2020).

Animal Welfare Act—

Animal Welfare (Advisory Committee) Establishment 2020 (No 1)—Disallowable Instrument DI2020-147 (LR, 18 June 2020).

Animal Welfare (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-159 (LR, 25 June 2020).

Architects Act—Architects (Fees) Determination 2020—Disallowable Instrument DI2020-181 (LR, 29 June 2020).

Associations Incorporation Act—Associations Incorporation (Fees) Determination 2020—Disallowable Instrument DI2020-152 (LR, 22 July 2020).

Building Act—Building (General) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-26 (LR, 30 June 2020).

Canberra Institute of Technology Act and Financial Management Act—

Canberra Institute of Technology (CIT Board Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020-145 (LR, 18 June 2020).

Canberra Institute of Technology (CIT Board Member) Appointment 2020 (No 3)—Disallowable Instrument DI2020-173 (LR, 2 July 2020).

Casino Control Act—Casino Control (Fees) Determination 2020—Disallowable Instrument DI2020-157 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency Act—

City Renewal Authority and Suburban Land Agency (Agency Board Chair) Appointment 2020—Disallowable Instrument DI2020-164 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency (Agency Board Deputy Chair) Appointment 2020—Disallowable Instrument DI2020-165 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2020 (No 1)—Disallowable Instrument DI2020-166 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020-167 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2020 (No 3)—Disallowable Instrument DI2020-168 (LR, 22 June 2020).

Classification (Publications, Films and Computer Games) (Enforcement) Act—Classification (Publications, Films and Computer Games) (Enforcement) (Fees) Determination 2020—Disallowable Instrument DI2020-142 (LR, 18 June 2020).

Clinical Waste Act—Clinical Waste (Fees) Determination 2020—Disallowable Instrument DI2020-180 (LR, 29 June 2020).

Co-operatives National Law (ACT) Act—Co-operatives National Law (ACT) (Fees) Determination 2020—Disallowable Instrument DI2020-141 (LR, 18 June 2020).

Court Procedures Act—Court Procedures (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-154 (LR, 25 June 2020).

Dangerous Goods (Road Transport) Act—Dangerous Goods (Road Transport) Fees and Charges Determination 2020—Disallowable Instrument DI2020-184 (LR, 30 June 2020).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2020—Disallowable Instrument DI2020-185 (LR, 30 June 2020).

Domestic Animals Act—

Domestic Animals (Accredited Assistance Animal Public Access Standards) Determination 2020—Disallowable Instrument DI2020-169 (LR, 25 June 2020).

Domestic Animals (Assistance Animal Accreditation) Guidelines 2020—Disallowable Instrument DI2020-170 (LR, 25 June 2020).

Domestic Animals (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-160 (LR, 25 June 2020).

Duties Act—Duties (Pensioner Duty Deferral Scheme) Determination 2020—Disallowable Instrument DI2020-179 (LR, 29 June 2020).

Duties Act, Rates Act, Land Rent Act and Land Tax Act—Rates, Land Tax, Land Rent and Duties (Certificate and Statement Fees) Determination 2020—Disallowable Instrument DI2020-193 (LR, 30 June 2020).

Electoral Act—Electoral (Fees) Determination 2020—Disallowable Instrument DI2020-148 (LR, 18 June 2020).

Electricity Feed-in (Large-scale Renewable Energy Generation) Act—Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Support Payment Assessment Method 2020—Disallowable Instrument DI2020-174 (LR, 25 June 2020).

Environment Protection Act—Environment Protection (Fees) Determination 2020—Disallowable Instrument DI2020-197 (LR, 30 June 2020).

Financial Management Act—

Financial Management (Territory Authorities prescribed for Outputs) Guidelines 2020—Disallowable Instrument DI2020-183 (LR, 30 June 2020).

Financial Management (Territory Authorities) Guidelines 2020—Disallowable Instrument DI2020-182 (LR, 30 June 2020).

Guardianship and Management of Property Act—Guardianship and Management of Property (Fees) Determination 2020—Disallowable Instrument DI2020-153 (LR, 22 June 2020).

Health Act—Health (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-195 (LR, 30 June 2020).

Heritage Act—Heritage (Fees) Determination 2020—Disallowable Instrument DI2020-198 (LR, 30 June 2020).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2020 (No 1)—Disallowable Instrument DI2020-149 (LR, 18 June 2020).

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2020 (No 2)—Disallowable Instrument DI2020-146 (LR, 19 June 2020).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2020 (No 1)—Disallowable Instrument DI2020-150 (LR, 18 June 2020).

Lotteries Act—Lotteries (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-171 (LR, 25 June 2020).

Machinery Act—Machinery (Fees) Determination 2020—Disallowable Instrument DI2020-186 (LR, 30 June 2020).

Medicines, Poisons and Therapeutic Goods Act—

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 2)—Subordinate Law SL2020-21 (LR, 19 June 2020).

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 3)— Subordinate Law SL2020-24 (LR, 26 June 2020).

Nature Conservation Act—Nature Conservation (Fees) Determination 2020 (No 2)— Disallowable Instrument DI2020-199 (LR, 30 June 2020).

Public Trustee and Guardian Act—Public Trustee and Guardian (Fees) Determination 2020—Disallowable Instrument DI2020-151 (LR, 22 June 2020).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2020 (No 2)— Disallowable Instrument DI2020-161 (LR, 25 June 2020).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Fees) Determination 2020—Disallowable Instrument DI2020-156 (LR, 22 June 2020).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2020 (No 2)—Disallowable Instrument DI2020-144 (LR, 18 June 2020).

Rates Act and Taxation Administration Act—Taxation Administration (Amounts Payable—Rates) Determination 2020—Disallowable Instrument DI2020-176 (LR, 29 June 2020).

Residential Tenancies Act—Residential Tenancies (COVID-19 Emergency Response) Declaration 2020 (No 2)—Disallowable Instrument DI2020-216 (LR, 21 July 2020).

Retirement Villages Act—Retirement Villages (Fees) Determination 2020—Disallowable Instrument DI2020-140 (LR, 18 June 2020).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 4)—Disallowable Instrument DI2020-191 (LR, 30 June 2020).

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 5)—Disallowable Instrument DI2020-192 (LR, 30 June 2020).

Road Transport (General) Certificate of Inspection Application Order 2020 (No 1)—Disallowable Instrument DI2020-175 (LR, 2 July 2020).

Road Transport (Offences) Amendment Regulation 2020 (No 2)—Subordinate Law SL2020-22 (LR, 25 June 2020).

Scaffolding and Lifts Act—Scaffolding and Lifts (Fees) Determination 2020—Disallowable Instrument DI2020-187 (LR, 30 June 2020).

Security Industry Act—Security Industry Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-25 (LR, 1 January 1900).

Stock Act—

Stock (Fees) Determination 2020—Disallowable Instrument DI2020-201 (LR, 30 June 2020).

Stock (Levy) Determination 2020—Disallowable Instrument DI2020-203 (LR, 30 June 2020).

Stock (Minimum Stock Levy) Determination 2020—Disallowable Instrument DI2020-202 (LR, 30 June 2020).

Surveyors Act—Surveyors (Fees) Determination 2020—Disallowable Instrument DI2020-204 (LR, 30 June 2020).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Land Tax) Determination 2020—Disallowable Instrument DI2020-194 (LR, 30 June 2020).

Taxation Administration (Amounts Payable—Land Tax) Determination 2020—Disallowable Instrument DI2020-177 (LR, 29 June 2020).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2020—Disallowable Instrument DI2020-178 (LR, 29 June 2020).

Taxation Administration (Owner Occupier Duty) COVID-19 Exemption Scheme Determination 2020—Disallowable Instrument DI2020-205 (LR, 2 July 2020).

Tree Protection Act—Tree Protection (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-162 (LR, 25 June 2020).

Unit Titles (Management) Act—Unit Titles (Management) (Fees) Determination 2020—Disallowable Instrument DI2020-155 (LR, 22 June 2020).

University of Canberra Act—

University of Canberra Council Appointment 2020 (No 1)—Disallowable Instrument DI2020-206 (LR, 2 July 2020).

University of Canberra Council Appointment 2020 (No 2)—Disallowable Instrument DI2020-207 (LR, 2 July 2020).

University of Canberra Council Appointment 2020 (No 3)—Disallowable Instrument DI2020-208 (LR, 2 July 2020).

Unlawful Gambling Act—Unlawful Gambling (Charitable Gaming Application Fees) Determination 2020—Disallowable Instrument DI2020-158 (LR, 22 June 2020).

Victims of Crime (Financial Assistance) Act—Victims of Crime (Financial Assistance) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-23 (LR, 29 June 2020).

Victims of Crime Act—Victims of Crime (Victims Advisory Board) Appointment 2020 (No 3)—Disallowable Instrument DI2020-196 (LR, 30 June 2020).

Victims of Crime Regulation—Victims of Crime (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-172 (LR, 25 June 2020).

Waste Management and Resource Recovery Act—Waste Management and Resource Recovery (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-163 (LR, 25 June 2020).

Water Resources Act—Water Resources (Fees) Determination 2020—Disallowable Instrument DI2020-200 (LR, 30 June 2020).

Work Health and Safety Act—

Work Health and Safety (Fees) Determination 2020—Disallowable Instrument DI2020-188 (LR, 30 June 2020).

Work Health and Safety Amendment Regulations 2020 (No 1)—Subordinate Law SL2020-27 (LR, 30 June 2020).

Workers Compensation Act—Workers Compensation (Fees) Determination 2020— Disallowable Instrument DI2020-189 (LR, 30 June 2020).

Land—affordability

MR COE (Yerrabi—Leader of the Opposition) (2.45): I move:

That this Assembly:

(1) notes:

(a) that very few ACT families are going to be able to take advantage of the Commonwealth Government's HomeBuilder program for free-standing homes because of a lack of affordable land in Canberra;

(b) the Commonwealth Government's HomeBuilder scheme grants $25 000 for house and land packages valued at less than $750 000; and

(c) the ACT Government took weeks to sign on to the National Partnership Agreement; and

(2) calls on the Government to release more affordable land so that Canberrans can buy a house and land for a combined cost of less than $750 000.

I very much hope that people in this place will agree to this motion, because it is a motion about the welfare of current and future generations of Canberrans. We owe it to them to make sure that the same opportunities that have been afforded to previous generations are also afforded to future generations, that being the opportunity to buy a block of land and to build a house.

The commonwealth government has a very generous scheme in operation at the moment: $25,000 for a deposit can be leveraged at least five times to help to purchase a property. That figure of $25,000 is significant. Of course, right across the country, $25,000 is enough for many people to tip over into being able to afford a property. But here in the ACT there are so few blocks of land available that will allow for a house and land package under $750,000—so few blocks of land.

I note that the government think that you will be able to get a house and land package with a block of land for $420,000. If you are paying $420,000 for a block of land, that allows just $330,000 for construction. It means that, for that $750,000 house and land package, the land component is 55 per cent. In times gone by, even recent times gone by, the land component was more like 20 per cent or 30 per cent. But this government seem to be bragging about the fact that it is now 55 per cent. And why is that? It is because this government gouges Canberrans. It gouges the people it is meant to be representing.

We have the LDA, now called the Suburban Land Agency, gouging Canberrans with their super profits. If anyone else was allowed to have profits of 75 per cent, it would be ropeable, but for some reason it is okay for Andrew Barr and the Labor Party to have super profits when it comes to charging Canberrans.

It is just not fair that this government has shut so many people out of the housing market. Why is it that just a few kilometres from here, over the border in New South Wales, you can get a house and land package for $600,000? In fact, there are some over in Queanbeyan that are even less than $600,000. Yet, here, you will be very hard-pressed to find any for less than $750,000. That is why so many Canberrans are voting with their feet. That is why, when you walk the streets of Googong, Jerrabomberra, Murrumbateman or elsewhere, it is full of Canberrans living in exile. It is full of Canberrans that could not afford to buy in the ACT, yet this government does not seem to care.

This government does not seem to care that there are so few blocks available, and the ones that are available do not have space for a tree in the backyard, the front yard or on the street. There are so many suburbs in Canberra that are forever going to be lacking trees because of this government's planning policy, this government's land release policy and its decision to gouge Canberrans.

It just should not be that way, and the Canberra Liberals will do everything we can to right this government's wrong. We want to make sure that Canberrans can afford to buy a block of land, that they can afford to build a house and, importantly, that they

can afford to do so under $750,000 so that they can make the most of this $25,000 commonwealth grant. We owe it to all Canberrans, current and future Canberrans, to make sure that we are not locking them out of the housing market.

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) (2.51): I move:

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

"(1) notes:

(a) the Commonwealth Government's HomeBuilder scheme grants $25 000 for house and land packages valued at less than $750 000;

(b) there are 346 single residential blocks available over the counter through the Suburban Land Agency and the Ginninderry development as at 20 July 2020, ranging in price between $197 000 and $640 000;

(c) the average cost to build an average sized three bedroom home, which would suit most first home buyers, is $330 000;

(d) there are 188 blocks available through the Suburban Land Agency and from the Ginninderry development as at 20 July 2020, which are priced below $420,000 and could meet the combined thresholds under HomeBuilder; and

(e) the ACT Government:

(i) was not consulted prior to the Commonwealth Government's HomeBuilder announcement;

(ii) worked with the Commonwealth Government following the announcement of HomeBuilder to ensure those in the Territory who could meet the eligibility criteria would gain access to the Commonwealth scheme; and

(iii) since the announcement, worked with Commonwealth officials to address implementation issues associated with definitions, compliance and monitoring;

(2) further notes that the ACT Government:

(a) has removed stamp duty for eligible owner occupier home buyers until 30 June 2021, with no stamp duty on single residential dwelling blocks and no stamp duty on off-the-plan unit titled purchases up to $500 000;

(b) has significantly reduced stamp duty for eligible owner occupier home buyers until 30 June 2021, with an $11 400 stamp duty reduction for off the-plan unit titled purchases between $500 000 and $750 000;

(c) prices land according to its market value as determined by multiple independent valuations to ensure transparency and probity; and

(d) uses the revenue from the sale of scarce land to fund infrastructure and services for Canberrans; and

(3) calls on the ACT Government to continue to implement its affordable housing agenda and work towards further diversifying housing choice consistent with the ACT Housing Strategy.".

The opposition makes some politically convenient but untrue assertions in bringing this matter to the Assembly today. Under the ACT housing strategy, the government aims to give Canberrans housing choice. The commonwealth's HomeBuilder scheme can be accessed by Canberrans buying off-the-plan dwellings or constructing new homes. The $25,000 offered under the scheme, however, cannot be used as a deposit, as Mr Coe suggested. There are affordable and desirable options in the market available for both types of buyers. HomeBuilder has limitations, however, and is a relatively narrow scheme, but it is available to Canberrans who meet its strict criteria.

To be clear, the federal government did not consult with the ACT government or any state or territory government, prior to announcing the HomeBuilder scheme. That was disappointing. This is not how to achieve the best outcomes for the community or industry. As a result, since the announcement, the Treasurer has been working with the commonwealth to address the implementation issues associated with definitions, compliance and monitoring which were not fully contemplated in the announcement.

Nevertheless, there is housing choice available to ACT families who are accessing this scheme. Those families can choose a block of land in one of the government's new suburbs. They could also elect to purchase off-the-plan property in different locations across our city. One of the narrow criteria for the HomeBuilder scheme is that the land must be build ready. Aside from price, this is another way the scheme is limited. This is not the way greenfield suburbs are typically developed. Usually, land is sold many months prior to build readiness. This is good planning; it means land is released to the community as soon as it is available. Families have time to plan for settlement of their chosen block, make choices about the design of their home and provide time for construction well in advance. HomeBuilder requires construction to commence within three months, which is a very short time frame for construction in greenfield estates.

It also makes no sense for the opposition to suggest that the ACT government release more land for the purposes of HomeBuilder. The commonwealth scheme is for a six-month period, but land must be ready in three months to quality. Civil works and planning have much longer time frames. The government is not going to hurry off and bulldoze forests, as appears to be suggested by those opposite, to make more land available to prop up a commonwealth scheme that has not been working successfully. The government has a coherent plan for land release in the ACT over a four-year time frame that is known as the indicative land release program and is reviewed annually.

There are roughly 188 residential land blocks available through the government that are priced to take advantage of HomeBuilder, across Molonglo, Gungahlin and Ginninderry. Potential eligibility has been calculated based on the house size. This type of dwelling would suit most first home buyers looking to construct a family home. In addition to the single residential land blocks available in the ACT for new constructions, there are off-the-plan units, apartments and townhouses which would qualify for the HomeBuilder scheme if the cost is under $750,000. The opposition may say that no-one wants to buy a townhouse or unit off the plan; however, sales figures tell a different story, and there remains a strong demand by families looking for low-maintenance dwellings close to urban amenities. There are over 90 multi-unit

sites made up of hundreds of townhouses and apartments currently for sale—most priced under the HomeBuilder threshold. All of these would qualify for the Homebuilder scheme if the construction commenced within the three-month time window. Off-the-plan product also qualifies for the ACT government's stamp duty waiver or reduction.

HomeBuilder is not a program designed for families looking to upgrade, investors or affluent buyers. The income limits are similar to the ACT government's own affordable home purchase program. This program targets this cohort. However, unlike the federal government, which has rolled out one-off grants, the ACT government has its own affordable housing so that families on low incomes can build equity and break the cycle of intergenerational disadvantage. There are currently 24 properties available to eligible buyers under the affordable purchase scheme in both Taylor and Wright, and over the next six months more affordable purchase schemes will be developed in Coombs, Gungahlin and Taylor and will be constructed—

Mrs Dunne: Taylor is at $1,000 a square metre; tiny blocks there.

MS BERRY: That is not true, Mrs Dunne, and you know it. In total, another 85 dwellings will become available. The ACT housing strategy sets out the ACT government's vision for affordable community and public housing. It articulates the government's agenda for making housing affordable for everyone. The strategy's objectives ensure that there is an equitable, diverse and sustainable supply of housing for the ACT community.

The opposition has tried to put a motion to the Assembly today to suggest that there is a lack of affordable land in Canberra. Land available from the ACT government is priced competitively. It is priced according to independent market evaluation. This ensures transparency and probity when selling public land. By law, the government is required to sell land at its market value. The Suburban Land Agency itself reviews pricing for land regularly to ensure that it is priced within current market expectations. Leading into the current economic circumstances as a result of COVID, I asked the Suburban Land Agency to revalue stock, to make sure that it was priced appropriately, and I will have more to say on this soon.

It is also important to acknowledge that when the government sells land, it needs to sell it at a price that accounts for the cost of developing new suburbs. The government does not sell land to line its pockets, as Mr Coe has quite outrageously suggested in the past; revenue from the government is used to fund infrastructure and services for Canberrans. It helps provide for excellent schools, hospitals, roads and public transport that every single one of us benefits from.

The Suburban Land Agency also prices land reserved for affordable housing, consistent with the government's agenda to release the land to a means-tested cohort of buyers. This housing choice allows for families to build in our newer suburbs, but it does not make sense for everyone to be building a mansion in the suburbs. It is not everybody's dream. That is why the ACT government ensures that it is committed, and continues to be committed, to providing housing choice and affordable options for

everyone in the community. Whether that is in an urban area or within a greenfield suburb, building inclusive, affordable and sustainable communities is the foundation of responsible development.

In addition to the ACT government's considered plan for affordable housing in the territory, Labor has cut stamp duty by tens of thousands of dollars to make owning a home more affordable. Between 4 June 2020 and 30 June 2021, there will be no stamp duty on single residential dwelling blocks and no stamp duty on off-the-plan or townhouse purchases up to $500,000. These savings are only available to owner occupiers. In addition, for off-the-plan purchases between $500,000 and $750,000 there is an $11,400 reduction in stamp duty available to owner occupiers. This initiative is part of Canberra's recovery plan and, alongside helping home buyers, will generate more work for the local construction industry, encouraging growth in the residential property construction sector and creating more jobs.

Any family that has a mortgage or owns their home will see the value of that home reduced if the opposition gets its way and slashes the value of land. Those who purchased recently and do not have a lot of equity in their homes may find themselves in negative equity. The Liberals will also see the government abandon its considered indicative land release program, which ensures a sustainable pipeline of land release into the future. As at 20 July 2020, around 90 per cent of the single residential blocks publicly advertised are government owned blocks. There is a large supply of land available currently over the counter. The price is reviewed, as I said, independently and regularly. The government is confident that anyone meeting the eligibility criteria for HomeBuilder will find a diverse choice of product available here in the ACT to meet their needs.

I can provide an update to the Assembly on HomeBuilder applications, which are now at 56 here in the ACT, with 20 renovations and 36 new builds. In defence of our neighbours in Googong, I suspect that they do not think that they are living in exile. The "grass man" of Googong is an example of how proud they are of where they live.

MS LE COUTEUR (Murrumbidgee) (3.01): The Greens will not be supporting Mr Coe's motion. It is based on bad policy and some fairly incorrect assumptions. We will be supporting the ALP amendment.

I have to comment on some of Mr Coe's earlier comments that it was important that this generation have the same opportunities as previous generations. I agree 100 per cent with Mr Coe, in many ways, on this and I really wish that Mr Coe would take this one a bit more seriously. The biggest problem here is that current generations, new generations, should have the right to a stable environment in the way that people of my age did when we grew up. Mr Coe and the Liberal Party may be surprised to find that the situation is such that in other countries—and, I think, one young person in Australia—people are suing their relevant government, saying, "We do not have the environment to grow up in that you had."

Climate change and other pollution means that generations to come, and young people now, simply do not have the opportunities that I have been privileged to have by virtue of being born in the 1950s. I think that is an incredible opportunity and I am

very upset that the Liberal Party is possibly not doing anything to preserve it, certainly from a federal point of view. I think it is very sad that much of the world's governments are not protecting our environment.

Mr Coe also said that everybody should have the right to a house on a block. As a matter of practical reality I would have to also point out to Mr Coe that that may or may not be a right everybody should have, but it is certainly not a right that everybody has had historically. Australia has had a lot of people in very poor housing situations.

My last rave on things that Mr Coe said at the beginning is: Mr Coe was quite upset to find that in house and land purchases now the value of the land might be 50 per cent or maybe even slightly more of the price of the house and land. They are not making any more land. Nowhere are they making more land. If you were to purchase a house and land package somewhere else, which I must admit I have been looking at because I am contemplating not retiring here, you would find the situation is probably even more dire than in the ACT.

The federal government has done a few things well during the COVID crisis but HomeBuilder is clearly not one of them. As I suspect we are all aware, HomeBuilder is a $680 million federal government program, which it announced in June, to support jobs in the construction sector during the COVID recession. It has two parts. First, it will provide eligible owner-occupiers with a $25,000 grant to build a new home. Second, it will provide eligible owner-occupiers with a $25,000 grant to substantially renovate an existing home. This is just the wrong policy.

Why? Firstly, the grant for new home buyers. Australia, including the ACT, has a long history of these types of grants. We know from bitter experience that they do not help home buyers at all. Instead, most economists have concluded that they just drive up home prices by the amount of the grant. They are, in fact, a home sellers grant, not a home buyers grant, because that is where the money ends up. That may of course have been the plan behind the HomeBuilder grant.

Then, of course, there is the outrageous McMansion expansion part of the grant which will pay wealthy people to get a massive home extension. Why not throw in two new bathrooms and a high-end kitchen at the same time? I am not joking. Renovations of up to $750,000 are eligible. There are not, I would have thought, that many Canberrans who can afford a $750,000 renovation, but maybe I am wrong about that.

What, however, could we spend the money on instead—particularly taking as a given the federal government's stated desire to keep the construction sector afloat? In what sorts of places could the money be better be spent? As I have said in this place many times, Australia, and the ACT in particular, has a serious housing affordability problem. Homelessness is much higher than in past decades. Rents have become unaffordable for people on the minimum wage or on federal government benefits. Many people in their 20s and 30s feel priced out of the housing market even if they have a good income. These issues are, by and large, the legacy of the federal government taxation, social assistance and housing policies over the last 25 years.

At a time when there are over 116,000 homeless people in Australia, this $680 million grant should have been spent on social or affordable housing. This is not just the Greens' view; it is also the view of many serious economists and academics. For example, Dr Brendan Coates of the Grattan Institute told the ABC that the economics of HomeBuilder were bad and that it would not provide the immediate stimulus needed. He said, further:

> The tragedy here is that we will be paying Australians to build up a private asset rather than use the taxpayer funds to build up a public asset that is in dire need of more investment, which is social housing.

Not only would building social housing provide for people in dire need of an affordable home; it would support jobs.

Here is what Michael Hopkins, of the ACT Master Builders, told the COVID select committee about the economic benefits of investing in social housing during the COVID recession:

> That would also help the residential sector. We know that the ACT government already has a large number of pre-qualified residential builders that could deliver an increased program of social housing.

That is why the Greens' first election commitment has been a comprehensive $450 million package to get serious about making housing more affordable and making homelessness history. It includes a $200 million investment in new social housing and a $200 million investment in new community affordable rental housing. This would be an important step forward on housing affordability and it would protect jobs during the COVID recession.

In conclusion, HomeBuilder is simply the wrong way to protect jobs in the COVID recession. Unlike investment in social housing, it does nothing for housing affordability and instead is basically just a way of funnelling money to the well-off. The Greens will not be voting for Mr Coe's motion and will instead vote for Ms Berry's amendment.

MS LAWDER (Brindabella) (3.09): I am pleased to speak on this issue of housing affordability today and Mr Coe's motion, because housing affordability is a very important issue to most Canberrans. I am specifically referring to the calls on the government to release more affordable land so that Canberrans can buy a house and land for a combined cost of less than $750,000. Many people in this place should already know that affordable housing is usually defined as housing for the second quintile of income earners, those who do not qualify for social or public housing but who cannot afford market rental housing without being placed in housing stress.

We have a lot of research, it seems almost daily, about housing affordability. A few years ago now, a St Vincent de Paul report, *The Ache for Home*, said that Australia had a crisis in the supply of social and affordable housing as evidenced by "the hundreds of thousands who are experiencing homelessness on wait lists for public housing or living in severe housing stress".

Taken together, the statistics tell us that across Australia there are over 105,000 experiencing homelessness and 875,000 households experiencing housing stress. In the lowest two quintiles of combined household income, around 6,600 households found their rent or mortgage payments quite difficult or very difficult to pay in the past three months and, amongst those in Canberra, single parent families are particularly over-represented.

There is an annual Anglicare Australia rental affordability snapshot, and I refer to this year's rental affordability snapshot from Anglicare. Each year, Anglicare surveys the private rental market to see if people on low incomes can afford to rent a home without putting themselves in financial stress and hardship. Housing affordability, land affordability, homelessness and rental stress are all part of the same puzzle, interlocking pieces that you cannot solve without addressing the root cause of the unaffordability. Anglicare, in their snapshot this year, have looked at suitable rental properties where land is expensive and the cost of building a house, whether expensive or not, combines to make a property unaffordable for purchase or for rental. This will have an impact, especially on the lowest or the second quintile.

Over the past few months in the ACT and Queanbeyan many families were affected by severe drought conditions. We had bushfires in the region, we had a hailstorm and then, more recently, we have had the COVID-19 pandemic, which included job losses and redundancies.

On the specifics of rental affordability in the ACT and Queanbeyan, for a couple with two children, one aged less than five and one aged less than 10, the number of affordable and appropriate properties is zero. For a single person with two children, one aged less than five and one aged less than 10, on a parenting payment single, the number of affordable and appropriate properties is zero. For a couple with no children and on the age pension, the number of appropriate properties is six. For a single person, with one child aged less than five, on a parenting payment single: none. The list goes on: for a couple on the minimum wage, getting FTB(A): eight properties. For a single person with two children, one aged less than five and one aged less than 10, and on the minimum wage: zero properties. For a single person on the minimum wage: 48 properties, or four per cent of available properties.

It is impossible for many people in our lowest quintiles, of which we have many, to find affordable rental properties. Despite the apparent affluence we see all around Canberra—and we have so many people who are struggling every day—the government's policy levers are forcing the cost of land up artificially and this is having a flow-on effect not just to those who want to purchase a home, which is an aspiration of most young families these days, but to the rental market as well. It is not only the supply shortages but the affordability. It is related to the rate, the timeliness and the manner of the release of development ready land by the ACT government.

Back in 2015, the former Deputy Under Treasurer in the ACT for 12 years said:

> The government could solve the crisis in housing affordability as simply as releasing a steady supply of land but it is not even meeting its own targets.

Another quote from Khalid Ahmed:

> Affordability should not be as big a problem as it is in Canberra because we have absolute control over the land supply. If you have got the policy settings right the rest will take care of itself. If you supply enough, the price will stabilise.

I repeat: "Affordability should not be as big a problem as it is in Canberra." We see many examples of this.

I refer members to comments by former Chief Minister Jon Stanhope. I recall very well him saying, about this time in 2015, that the lack of action on the affordable housing action plan was his single greatest regret as Chief Minister. I regret to say that nothing has improved since that time, since he made that comment in 2015. There are many things that we could and should be doing but the government has the policy levers in this regard.

Ms Berry said that the ACT housing strategy aims to give Canberrans choice. I am afraid, at this point, that this is literally as well as metaphorically a choice between a rock and a hard place for many Canberrans. The building of an inclusive community, as Ms Berry has said today, is more than just saying that that is what we want to do. You must put those policy levers into action to ensure that Canberra families, of whatever type—singles, older people with children or without children; it does not matter how you want to represent a family, a family is a family—have and deserve to have housing choice in action, not just in words.

I am very pleased to speak in support of Mr Coe's motion today. Housing affordability can be improved with the right levers, with the right policy settings. What it takes is a will. This government has the will to gouge Canberrans, rather than a will to genuinely make housing affordable for everyday Canberrans. I thank Mr Coe for bringing this important motion to the Assembly today.

MR COE (Yerrabi—Leader of the Opposition) (3.18): To conclude the debate, unfortunately it is no surprise to hear the delusions of those opposite with regard to the current situation. They seem to be absolutely clueless about the extreme hardship that so many Canberrans are facing when it comes to housing affordability. The motion today is specifically about the cost of land and the fact that so few properties are available for under $750,000.

That also extends of course to trying to rent a property as well. Have you tried to go and rent a house in Canberra? Not only are you paying top dollar but when you turn up there are a couple of dozen other parties there begging for the property as well. I have heard so many real estate agents tell me that they have had rental applicants in tears, begging for a property. And that is a property that is $600 or $700 a week—$600 or $700 a week to rent a three or four-bedroom home in Canberra. It is crazy, absolutely crazy. The fact is that a house and land package in Canberra is now $750,000 and that is about as cheap as it gets. We are satisfied with this! This is a monumental policy failure.

We are not just talking about planning; we are not just talking about financial or economic policy. This is a major social policy failure of this government. They seem to think that it is okay to price thousands, tens of thousands, of Canberrans out of the property market. They seem quite content to drive them out of town. Why is it that a house and land package just over the border in Queanbeyan is more than $150,000 cheaper than here in the ACT? We are letting down so many people in Canberra. We are letting down future generations of Canberrans that cannot afford to live in the city that they grew up in.

It is shameful what this Labor-Greens government has done over the last 19 years. They have locked so many families, so many people, out of the housing market. They have created so much poverty and so much misery for so many Canberra families because of their housing policies. And they should be ashamed.

Question put:

> That the amendment be agreed to.

The Assembly voted—

Ayes 12		Noes 9	
Ms Berry	Mr Pettersson	Miss C Burch	Mr Milligan
Ms J Burch	Mr Ramsay	Mr Coe	Mr Parton
Ms Cheyne	Mr Rattenbury	Mrs Dunne	
Mr Gentleman	Mr Steel	Mr Hanson	
Mr Gupta	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	
Ms Orr		Ms Lee	

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Crime—motorcycle gangs

MR HANSON (Murrumbidgee) (3.26): I move:

> That this Assembly calls on the ACT Government to urgently introduce anti-consorting legislation, consistent with NSW, to help prevent outlaw motorcycle gang violence in Canberra.

On 25 March 2009, over 11 years ago, I put out a press release titled "ACT at risk of bikie violence with government's soft approach". In that press release and for 11 years since, I have called on the ACT government to implement anti-consorting legislation that is consistent with New South Wales's, to help prevent bikie violence in this city.

I have also said that it was just a matter of time before somebody was killed because of this government's failure to implement these laws and that, when someone was killed, this government would have blood on its hands. Now, since this government failed to introduce anti-consorting laws, we witness a fourfold increase in bikie gang numbers and a war on our streets that has led to unprecedented violence.

We have seen violent fights between rival bikie gangs in public restaurants. We have seen drive-by shootings. We have seen a woman shot in her home. We have seen a man shot in his home. We have seen one man shot in his legs and another shot in his groin. We have seen shots fired into homes with children inside. We have seen firebombings next to childcare centres. We have seen homes of innocent members of our community invaded by bikies and burned to the ground. We have seen vehicles and houses set alight. We have seen homes of innocent Canberrans destroyed. We have seen an innocent man narrowly missed by a high-velocity bullet fired into his home. We have seen a six-year-old girl trying to use a garden hose to put out cars set on fire on her property while an adult victim lay bleeding from gunshot wounds. We have seen gangs from Sydney maraud across Canberra, wearing their colours with impunity.

This is happening because of the Labor government's failure to act where every other territory and state leader has. This has been enacted in one form or another across Australia by Liberal and Labor leaders.

In relation to the death of the president of the Comancheros early on Sunday morning, the matter is being investigated. At this stage I draw no conclusions. I simply quote what is being reported on the public record, in the media. In an article titled "'Soft' anti bikie stance let slain Comanchero be at bar", the *Daily Telegraph* said:

> Court records show that Mr Ulavalu had been obeying bail conditions to not associate with gang members in public until [the magistrate] lifted the conditions last week, giving Mr Ulavalu the green light to be at the bar with other gang members.
>
> The previous conditions not only banned Mr Ulavalu from being with other Comanchero members in public but also members of the rival Nomads. The previous conditions mirrored interstate anti-consorting laws and for a time had also seen Mr Ulavalu banned from all licensed premises.
>
> Police sources said it appeared unlikely Mr Ulavalu would have been at the bar at the time the violence broke out had they remained in place or had he been the subject of anti-consorting laws.

If you do not believe me, Madam Assistant Speaker, about the need for these laws, then heed the words of a previous Chief Police Officer. In a 2017 article titled "Canberra's lack of anti-gang laws attracting bikies" then Chief Police Officer Christine Saunders warned:

> Canberra has become attractive to bikies because it does not have the same anti-gang laws the rest of the eastern seaboard does …

> "I think the key benefit of anti-consorting laws, noting that's not the only solution, is that it's a preventative tool" …
>
> Assistant Commissioner Saunders agreed that Canberra's lack of anti-consorting laws made Canberra a haven for bikies.
>
> "I believe that's a factor in the decision to come here and undertake their activities," she said.

She said of this issue that this is the one thing that kept her awake at night.

Another Chief Police Officer made similar points. In a *Canberra Times* article in 2016 titled "ACT police chief takes aim at 'flawed' arguments against bikie consorting laws", then Chief Police Officer Rudi Lammers said his state and territory colleagues "had raised renewed concerns with him that the ACT was becoming a safe haven for outlaw motorcycle groups". The article says that Mr Lammers "had heard the arguments against consorting laws and, in his view, those arguments were flawed".

He is quoted as saying:

> There is a need for strong laws in the ACT that stop a fourth, or a fifth or a sixth outlaw motorcycle gang getting a foothold and stopping the expansion of outlaw motorcycle criminal activity in Canberra.
>
> For those groups who say this is an affront to human rights, I'm wondering how much they think is enough …

We may well ask that, following Sunday's tragic events.

Anti-consorting laws are also backed by the Australian Federal Police Association, which says that the ACT has for years given a green light for motorcycle gangs to roam and operate freely in Canberra.

It is not only frontline police and chief police officers in the ACT that support these laws; the previous Labor Attorney-General and Deputy Chief Minister Simon Corbell did as well. This is what Mr Corbell had to say about anti-consorting laws when he tabled draft laws in 2016:

> [He] said the changes would help police to respond more effectively to outlaw motorcycle gang activities, which commonly include violence, drug trafficking and money laundering.
>
> "It will give the justice system improved capabilities to prevent and target crime at an individual level, where it has been shown most effective and disruptive to organised criminal activity," he said.

He said:

> … the fact is that this is a small number of people but with a very disproportionate impact on the level of organised crime in our community and that that level of organised crime has costs and impacts both economically and on a broad number of individuals in our community …

He said that there was also a risk that the ACT's lack of consorting laws was making it a visiting place for bikies, including the gang leadership:

> They are coming here to the ACT because they are able to meet together in person here, whereas they cannot do that in other jurisdictions … National leadership groups are meeting here in Canberra and organising and planning their activities here in Canberra, face to face … I do not want those people in the ACT and I do not think anybody else really does either.

That is what the Attorney-General's predecessor, Mr Corbell, had to say. That was his position. The question is why Mr Ramsay and his colleagues do not take that same position. Maybe it is because they saw what happened to Mr Corbell. Maybe they saw Mr Corbell axed by a faction of the Labor Party in 2016. It seems to me that members of the Labor Party are now putting fear of losing their jobs ahead of community safety. I say to those members of the Labor Party: stand up for your community. Put their safety first. Stop putting your jobs ahead of the welfare of your community. Implement anti-consorting laws. Give the police the tools that they need to keep our community safe, before you end up with more blood on your hands.

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) (3.35): I will take a deep breath; what an amazing speech! Unlike the opposition, I will not be commenting on the events of last Saturday night, noting that Mr Hanson was managing not to draw any conclusions while referring to the matter and drawing a number of conclusions; nor will I be making any comments about the independent decisions of an ACT court, which is an independent body. It is not a part of the ACT Legislative Assembly and it operates, as we well know, under Latimer House principles, completely independently from here. I will not be making any comments about the decisions of an ACT court.

I do want to put on the record that I am absolutely dismayed by acts of violence. I am disgusted by organised crime and criminal gangs. The shadow attorney-general's motion calling on the ACT to introduce anti-consorting legislation is not unexpected. With regard to matters of organised crime and violence, the opposition have simply one card in their deck. It has been one card that they have been drawing on for 11 years, and that one card is anti-consorting laws.

The reason they keep coming back to them is that the ultra-conservative Canberra Liberals cannot think of anything else. The fact is that anti-consorting laws do not work. That does not seem to worry them. They do not seem to worry about the evidence regarding their effectiveness. Rather than look to the effectiveness, Mr Hanson and his colleagues find it easier to drum up fear in the community. They like being irresponsible and divisive, and it is easy to promise zero crime.

As always, the Canberra Liberals live in their own fantasy world. They aim for the headline. It is easy to aim for a headline and it is easy to speak without having any regard for the evidence of what does work, let alone having regard for active police

investigation. Because we live in reality and because we are aim at effectiveness, I move the following amendment to Mr Hanson's motion that has been circulated in my name:

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

"(1) notes the:

(a) importance of evidence-based policy and laws;

(b) need for proactive measures which are proven to undermine the criminal profits of criminal gangs;

(c) anti-consorting laws have not prevented the operation of serious criminal gangs in other States; and

(d) independent reviews of anti-consorting laws have found these disproportionately target vulnerable people, including young people and Aboriginal and Torres Strait Islanders, and their freedom of movement and other human rights;

(2) further notes:

(a) the report of former police officer and Associate Professor Goldsworthy tabled in this place in February 2020, which finds:

(i) anti-consorting laws are not evidence-based;

(ii) anti-consorting laws do not operate to target outlaw motorcycle gangs;

(iii) anti-consorting laws are not effective; and

(iv) measures which target unexplained wealth are effective;

(b) the recommendations in the Goldsworthy Report that the Government has used evidence-based policy and legislation to address the risks and reality of organised crime, including:

(i) since 2016, providing $11 770 000 to police and the Office of the Director of Public Prosecutions to target, disrupt, deter, prevent and prosecute organised crime; and

(ii) introducing law reform which appropriately targets and punishes the criminal and profit-making activities of organised crime, including:

(A) increased penalties for drive-by shootings, fighting and offensive behaviour; (B) increased penalties for specified offences committed in connection with a criminal group or committed by a person associated with a criminal group;

(C) new powers to ACT Policing to preserve evidence in a timely manner at crime scenes;

(D) new powers to permit ACT Policing to remove structures or devices which attempt to defeat the proper execution of search warrants;

(E) tiered offences of serious affray;

(F) introducing an exclusion order scheme to exclude certain people from specified licensed premises through a civil mechanism; and

(G) introducing cancellation of a licence under the *Liquor Act 2010* or the *Construction Occupations (Licensing) Act 2004* on the basis on a person's criminal activities;

(c) the effectiveness of the Government's response to organised crime evidenced in police data showing the total number of members associated with ACT chapters of serious criminal gangs is estimated at approximately 30-40 people, a decrease from the previously reported numbers of approximately 70 members in 2018-19; and

(d) that countering serious and organised crime by criminal gangs and maintaining public safety is a primary focus of ACT Policing. Through Taskforce Nemesis, ACT Policing continues to proactively disrupt criminal gang members to deter and detect criminal activity. ACT Policing has and will continue to deploy resources to target and disrupt those seeking to cause harm in our community; and

(3) calls on the Government to:

(a) continue to use evidence to lead its policy and legislative approach to crime; (b) ensure adequate consultation with the community in the development of its policy and legislative approach to crime; and

(c) implement further measures, which target the profit of criminal gangs through the Confiscation of Criminal Assets (Unexplained Wealth) Amendment Bill 2020, as a matter of urgency.".

When the shadow attorney-general introduced the Crimes (Anti-Consorting) Amendment Bill 2019, it was not supported by the Assembly. Why? It is because they are not proven to be effective measures to combat organised criminal groups. It is because investing resources into strengthening operational law enforcement responses is shown to be effective, and it is because the bill did not comply with the ACT Human Rights Act.

I have noted before in this place the importance of independent reviews of anti-consorting. The New South Wales Ombudsman recommended that they be repealed. Madam Assistant Speaker, when you have the privilege and the responsibility of being in government, it is vital to take an evidence-based approach to legislation, not a headline-based approach to legislation.

Criminal legislation is not a place to play populist politics. It should not be such a place even for the far right. That is why this government engaged a recognised national leader regarding the analysis of the impact of provisions dealing with organised and violent gangs. Associate Professor Goldsworthy has decades of experience as a police officer. He is recognised as Australia's lead analyst in criminology in these areas of law. His extensive report, looking at the effectiveness of the laws that are in the ACT, and that could be in the ACT and in Australia, notes that anti-consorting laws are not effective in targeting organised crime. I repeat: are not effective in targeting organised crime. That is the first question that a responsible government must ask about any potential reform of the criminal justice system: will it have its desired effect? And the answer about anti-consorting laws is no.

After extensive analysis, the Goldsworthy review of the legislation and the powers with respect to criminal gangs made a very specific recommendation regarding anti-consorting laws. Let me quote from that report, which I tabled in the Assembly in February this year. I am not sure whether the shadow attorney-general has bothered reading the 146-page report, but let me summarise some of the key elements for him:

> The review recommends that the ACT Government should not move to implement a consorting type offence that is similar to the New South Wales model, due to the issues raised in this review regarding the effectiveness and the actual ability to target serious and organised crime with such offences.

Let me quote further from the report:

> When faced with moral panic, it is often the knee jerk reaction … to enact draconian laws that have little … practical value.

That the Canberra Liberals would bring forward a motion that flies in the face of an evidence-based analysis by a nationally recognised expert about the situation here in the ACT and across Australia says something about how conservative these Canberra Liberals are, and what they believe about the importance of evidence-based policy. They are happy to stoke the moral panic. They are happy to jump onto their one card again—their knee-jerk reaction of suggesting anti-consorting laws.

If a national expert is not enough, let us look locally at people whose role it is in society, whose sworn duty it is in society as officers of the court, and who make their living out of presenting and analysing evidence. These are the people that, in question time today, Mr Hanson suggested somehow should not be listened to as much because, "Gee, they might have people as their clients." It was an outrageous slur on our legal profession. The ACT Bar Association said today:

> There is no evidence that anti-consorting laws work in Australia or would work in the ACT …
>
> The Bar Association strongly opposes the introduction of such Draconian, unfocused and unnecessary laws in the Territory.

Let me go to the Law Society. Again these are officers of the court, people who are sworn to do their duty to the people of the ACT, to the court of the ACT, to uphold ethics and to make sure that they are looking at evidence-based ways of living. The President of the Law Society said:

> The Society has previously stated its opposition to anti-consorting laws and remains opposed to their implementation in the ACT …
>
> The ACT's existing laws already provide police with effective tools to fight serious and organised crime. Where anti-consorting laws have been introduced in other jurisdictions, they have proven to be largely ineffective.
>
> We support the ACT Government's established response in rejecting such laws.

It is not just the legal profession saying this. Winnunga Nimmityjah, a very important community service organisation here in the ACT, speaks against anti-consorting laws, as does ACTCOSS. We hear, right across the breadth of the community, about the importance of not having anti-consorting laws here in the ACT.

I am delighted to hold up this government's and my personal commitment to take action to have a safe and strong community. What I will do, as long as I have the privilege and the honour of being the Attorney-General, is to ensure that we work in an evidence-based way to promote a safe and secure community.

We have worked strongly and specifically to address the issues of organised crime and violent behaviour. We have enacted legislation that has given police anti-fortification disruptive powers. We have enacted legislation to expand crime scene powers. We have enacted legislation that has strengthened the confiscation of criminal assets. We have increased penalties for drive-by shootings, fighting and offensive behaviour. We have increased penalties for specified offences committed in connection with a criminal group or committed by a person associated with a criminal group, and we have created tiered offences of serious affray.

We have introduced an exclusion order scheme to exclude certain people from specified licensed premises through a civil mechanism, and we are introducing the cancellation of a licence under the Liquor Act 2010 or the Construction Occupations (Licensing) Act 2004 on the basis of a person's criminal activities.

Our evidence-based approach means that we have legislation now before the Assembly to introduce an ACT-based unexplained wealth scheme, to work alongside the national unexplained wealth scheme, so that we can disrupt and attack the foundation of organised crime, which is the motive of criminal profit. I am very pleased that we are due to be debating that legislation later today.

Our evidence-based approach is effective. The police data shows that the total number of members associated with ACT chapters of serious criminal gangs is estimated currently at 30 to 40 people, a decrease from the previously reported numbers of approximately 70 people in 2018-19. Effectiveness is what counts.

Of course, this sits alongside the additional resourcing that this government has been providing, both to ACT Policing and to the ACT Director of Public Prosecutions through Taskforce Nemesis and other teams, to have the proactive and undermining work that is taking place to undermine the work of those people who are deliberately choosing to operate outside the law. I am proud to have been working alongside my colleagues to make this happen.

Through all of those reforms, each of the ones that I have listed, the opposition has said, "I hadn't thought of that one. Hadn't thought of that one. Oh, that's a good one; I hadn't thought of that one either." With each step along the way, we have taken the initiative, we have taken the step, we have worked and we have been effective in that regard. The work of this government stands in contrast to the cheap stunt that is again coming from the shadow attorney-general. I do not support the motion, and I commend the amendment to the Assembly.

MR RATTENBURY (Kurrajong) (3.46): I was not entirely surprised to see this motion come forward from Mr Hanson this week because we know he is a strong believer in anti-consorting laws, despite the contrary evidence. He has taken a lot of effort to pursue this agenda over a number of years now. I know he would like to reduce gang-related crime in the ACT, and that is certainly a goal I share. I think we all agree on that. But what we do not agree on is the effective way to achieve the outcome.

The Greens will not be supporting Mr Hanson's motion because, as we have discussed numerous times before in this place, we do not agree that anti-consorting laws are a good or effective way to combat issues with outlaw motorcycle gangs. We believe that is what the evidence clearly says.

Yes, there have been incidents of gang violence in Canberra, and these are concerning and disturbing. At this point I emphasise that while the incident at Kokomo's bar on the weekend involved an OMCG member, the investigation is not concluded, so I will not be speculating on the cause or the circumstances. I am sure more information will come to light when the police continue their investigations.

We all want to address issues of outlaw motorcycle gangs and organised crime in the ACT, but introducing anti-consorting laws is not some panacea to make the issues go away. In fact, the evidence suggests that they will not be effective and probably are worse because of the other problems they cause.

Issues with criminal gangs and organised crime continue to affect all jurisdictions in Australia, and there is not a single magic bullet to fix it. We agree with the approach that the government has been pursuing, primarily through Taskforce Nemesis. As Minister Ramsay pointed out, that approach has been very effective. The police have been capturing and charging gang leaders. The number of bikie gang members in the ACT has halved from 70 in 2018-19 to around 35 today.

This has been bolstered by several targeted changes to the law which have helped police with the enforcement tools they need, including crime scene powers, fortification laws, offences related to drive-by shootings, the confiscation of criminal assets, and non-association orders. These were developed in consultation with ACT Policing and in response to specific incidents where police identified gaps in their ability to investigate and disrupt OMCG activity.

As I said last time we discussed this issue, these laws and other existing police powers have resulted in a significant number of arrests and charges, with 17 detainees at the AMC believed to be patched members, nominees, former members or associates of outlaw motorcycle gangs. This is all good progress.

As the Greens have said before, and as Minister Ramsay discussed, there is a real concern that anti-consorting laws do not work and just end up disproportionately impacting on vulnerable members of our society. The legislation Mr Hanson has previously championed is based on the anti-consorting legislative regime in New South Wales. The New South Wales Ombudsman reviewed those laws and found they

were disproportionately used to target vulnerable groups not affiliated with organised crime, particularly Aboriginal and Torres Strait Islander people, people experiencing homelessness, and children and young people.

Members in this place claim to be very concerned about these vulnerable groups. The Canberra Liberals have said, for example, that they are concerned about the over-representation of Aboriginal and Torres Strait Islander people in our justice system, as I and am sure every member of this place is. Anti-consorting laws are not the path to addressing these issues and are most likely to exacerbate it.

The over-representation of Aboriginal people in our criminal justice statistics creates a substantially increased risk that they will become subject to anti-consorting laws. The New South Wales Ombudsman found that around four out of every 10 Aboriginal men will fall within recognition of convicted offender, and any person who associates with these men could be issued with a warning for consorting. The Ombudsman further found that 37 per cent of all people subject to the anti-consorting law during review period were Aboriginal. Half of them were issued with warnings or charged under the legislation, and 60 per cent of children and young people were identified as Aboriginal and Torres Strait Islander. That is a massive over-representation.

These laws send Aboriginal people into the criminal justice system, and not even for involvement in gangs or organised crime. That is a real and serious problem with anti-consorting laws. Mr Hanson and the Liberals have no way to reconcile these issues. They are supposedly committed to Aboriginal justice, but the evidence around anti-consorting laws shows a serious problem when it comes to Aboriginal people and the criminal justice system.

The way to reconcile these issues—and this has been the consistent policy response—is to tackle gang and OMCG violence through a range of careful, targeted and considered responses that do not include sledgehammer anti-consorting laws. The ACT government has so far done a good job in taking such a considered approach, and it is working, as the statistics clearly show.

As I have noted before, it is not just Indigenous people that are disproportionally impacted by anti-consorting laws. I have discussed in this place before the first example from New South Wales where a person was charged under their anti-consorting laws. He was not a member of an unlawful motorcycle gang; he was a young man with an intellectual disability and was charged while out shopping with friends and sentenced to nine months jail. Fortunately, that conviction was later overturned.

These laws criminalise people associating with each other in person, phoning or emailing, and that is a very problematic and murky area. These laws certainly do not help people with criminal convictions reintegrate into society. These laws can prevent anyone, conviction or not, from associating with a person with a conviction. Our goal for the corrections system is to reduce recidivism, and an essential part of that is ensuring that people can participate in society, whether that be in a sporting team, a club, or other social endeavours, because those activities can be rehabilitative.

The breadth of anti-consorting laws is also a concern. The New South Wales Ombudsman found that anti-consorting laws were used in relation to a broad range of offending, including minor and nuisance offending. As noted by the Standing Committee on Justice and Community Safety in its scrutiny report that considered Mr Hanson's earlier anti-consorting bill:

> Mr Hanson's bill prohibits a person from consorting with a person convicted of an indictable offence irrespective of whether the offence has any connection to organised criminal activity, or whether it is related to intimidating, harassing or violent conduct. There is also no limit for how long ago the offence may have been committed.

Although we are discussing OMCGs, these laws can have widespread impacts on all kinds of people. We have seen them operating in New South Wales, where the Ombudsman found that, unfortunately, there was an exceptionally high police error rate, in particular in relation to the laws being used against children and young people. I do not raise this to cast any aspersions on ACT Policing or even NSW Police, for that matter—it is just that these kinds of anti-consorting laws are not very good laws. They are difficult and not conducive to efficacious enforcement.

Mr Hanson is convinced that this is the answer. He decided that some time ago and has kept on that pathway, despite all the evidence to the contrary. Evidence from other jurisdictions shows that they are not doing their job and can have other impacts that were not intended. A series of other measures have been brought in in the ACT that are doing their job.

I was interested in the example from the *Daily Telegraph* that Mr Hanson shared with us today. Mr Hanson may correct me if I have misunderstood his example, but he basically said a gentleman was subject to curfews, that the court lifted the restrictions, this gentleman went to a bar, this incident took place and therefore we need anti-consorting laws. According to Mr Hanson, the judicial officer who oversaw the case lifted the conditions, the man involved was free to go and do what he wanted because his conditions had been lifted and so we need anti-consorting laws. Mr Hanson is adding one and one and getting four or five or six here, and I do not think that justifies the solution he is trying to impose on us.

To summarise the position of the Greens, we agree with efforts to combat violence and other criminal activities of organised crime, including outlaw motorcycle gangs. We want Canberrans to be safe. We value the work of our law enforcement in this arena. We are open to new initiatives but they need to be effective and they must avoid perverse outcomes. We cannot agree with passing an ineffective law, contrary to the evidence and where there is a high risk of perverse outcomes, just because there is concern about a particular issue. We will not be supporting the motion today and will be supporting the amendment moved by the Attorney-General.

MR GENTLEMAN (Brindabella—Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (3.56): I want to thank, first of all, our hardworking police officers. Their dedication has helped make

Canberra one of the safest cities in the country. Contrary to the Canberra Liberals' opportunistic scaremongering, local recruitment to motorcycle gangs has been declining. The number of bikie gang members has halved to around 35 in the ACT today.

The Canberra Liberals are always eager to pretend to be friends of our men and women in blue, but pretence is all they have. If Mr Hanson is going to come in here and verbal or quote from a previous CPO, he could at least get her name right. When it comes to tackling serious criminal gangs, the Canberra Liberals only have one trick—an ineffective policy that sees gangs still operating in states that have that policy. And that is all they will do. I have some news for Mr Hanson: anti-consorting laws do not work, and we have experts who tell us that.

We have these groups causing havoc in states that have those laws. There is a reason for that, and there is also a clue in Mr Hanson's own motion. He uses the label "outlaw". I will give him a hint: this means they do not care about laws passed in this Assembly. Unlike the inexperienced and conservative Canberra Liberals, this government has helped law enforcement effectively target organised crime with crime-scene powers, fortification laws, offences related to drive-by shooting, the confiscation of criminal assets and non-association orders.

The Canberra Liberals have voted, time after time, against budget support for Taskforce Nemesis. They have opposed budgets that delivered resources that have been used effectively by ACT police to reduce the number of gangs and the number of members. These new laws and resources come about by working with ACT Policing to ensure that they have the resources and the tools they need. ACT Policing will continue to keep our community safe. Police will be proactively disrupting gangs and their activities. There is a clear message: ACT Policing will work to shut down your activities and cut off your ill-gotten gains. If you are a member or associate of an organised crime group, you will be targeted by police and likely find yourself in prison.

Instead of congratulating ACT Policing on their success in halving the number of gang members and reducing gang related offences, the Canberra Liberals are choosing to politicise an ongoing police investigation. In contrast, the government is continuing to tackle the issue of organised crime through well-researched initiatives and programs that are subject to ongoing evaluation and improvements. Police deserve better than what the Canberra Liberals are offering, and so does the Canberra community. The government will continue working with our hardworking police to ensure that they have the powers and resources they need in the fight against organised crime to keep our community safe.

MR HANSON (Murrumbidgee) (3.59): I imagine that I speak in closing, as there are no other speakers. The opposition does not support the amendment because—I will not go into the specific details of the amendment—it removes the call to action to introduce anti-consorting laws. Without going through the various debating points that have been canvassed in great detail, I can say that it removes the nub of the argument—the whole point of this motion—so we will not be supporting it.

I will go to a couple of points that were made. Mr Ramsay appears to be trying to characterise anti-consorting laws as popularist, conservative and not working. If he is going to say that, he should probably address those comments to his colleagues interstate—the Labor premiers, both present and former, who have introduced and supported such laws. In the case of New South Wales, the Labor Premier in 2009 initiated a sequence of events that led to New South Wales having these laws. As Nathan Rees said, "I am going to drive the bikies out of New South Wales," and that led to the situation that we are in. Equally, Mr Corbell circulated draft anti-consorting legislation in 2015-16. So to characterise these laws—laws that were supported in this jurisdiction by a previous Labor Attorney-General and by Labor politicians across the country—as some sort of conservative conspiracy is ludicrous.

It is ridiculous for him to say that such laws will not work when Mr Corbell; two former chief police officers and many other people on the front line of policing; the Australian Federal Police Association; and all of the other state premiers, Labor and Liberal, support these laws. We hear a lot from the Attorney-General about evidence. He says, "It is evidence based, evidence based." He can point to Queensland academics or people from various lobby groups, but the reality is that when this debate started, in 2009, there was one gang in Canberra and there was limited violence. Obviously, there was organised crime activity, but there was limited violence of the sort that we have seen. New South Wales implemented the laws and other jurisdictions followed, and at that time the Australian Federal Police Association, the Australian Crime Commission, various other people and I, said that it would lead to bikies and other gangs establishing here in Canberra and the ensuing violence.

That has happened. The evidence is in black and white. You can point to opinion—and Mr Ramsay points to the academic opinions of various people—but if Mr Ramsay wants to talk about the evidence, he will find that the evidence is the criminal activity and the violence that we have seen on our streets since 2009, when these laws were introduced in New South Wales and failed to be introduced in the ACT. Mr Ramsay seems to be confused between opinion and evidence. The reality is that our police are fighting hard, despite the lack of support from this government. This government cut $15 million from the policing budget not many years ago. I remember that the Australian Federal Police Association came out very strongly against those cuts, describing them as really concerning.

The police are fighting against these outlaw motorcycle gangs with one hand tied behind their back. They are doing a lot of good out there. They are working hard. They are doing everything that they can, but the frontline police officers that I have spoken to, and their representatives in the Australian Federal Police Association—I spoke to that organisation yesterday—are desperately frustrated that they are doing everything that they can and this government will not give them the full suite of tools that they need to keep our city safe.

If I am lucky enough—privileged enough—to be the Attorney-General following the election in October, let me be very clear that we in the Liberal Party will give the police the tools that they need to do their job on the streets of Canberra, and that introducing anti-consorting laws will be my first order of business.

Question put:

> That the amendment be agreed to.

The Assembly voted—

Ayes 12		Noes 9	
Ms J Burch	Mr Pettersson	Miss C Burch	Mr Milligan
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Parton
Ms Cody	Mr Rattenbury	Mrs Dunne	
Mr Gentleman	Mr Steel	Mr Hanson	
Mr Gupta	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	
Ms Orr		Ms Lee	

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Gaming—harm minimisation

Debate resumed.

MR PARTON (Brindabella) (4.10): The Canberra Liberals will not be supporting this motion, for a number of reasons. I start by commending Minister Rattenbury on his previous support for clubs as important community hubs. In April, in this chamber Mr Rattenbury said:

> I hope that the minister and the rest of the government continue to engage with clubs and stakeholders in the sector to ensure viability of these important community hubs as we move through the pandemic and into the future.

I think they were well-thought out and sensible words.

It is a little disappointing now to see this gaming motion, which, if we actually implemented much of what is in it, would force more clubs to close, just like the Kaleen Sports Club did earlier in the month. Our clubs have not been allowed to fully reopen here, unlike the situation in New South Wales, because of some interesting interpretation of health advice. But, irrespective of the merits of that interpretation, the result is that many clubs have not been able to fully reopen. This has resulted in many hundreds of staff members sitting at home wondering when they will get back to work or even wondering if they will get back to work.

I do not think I need to remind members of the ABS figures released earlier this week that showed that the ACT had the second largest drop in payroll jobs of any state and territory. The index showed a significant decline in jobs for young people. Food service jobs were particularly highly impacted, and these people are hurting. At this time there is no way that we should be talking about creating an additional high-cost burden to the reopening of our clubs.

I say to all the club staff who are in stress over this situation, "I am sorry that Mr Rattenbury does not appear to care about your job. I am sorry that Mr Rattenbury wants to do whatever he can to stop you going back to work. I will do whatever I can to stop him." Without the generous JobKeeper payments established by the Morrison government, quite a number of our clubs would have already gone under. A number of our clubs, irrespective of the JobKeeper lifeline, are sailing very close to the insolvency line.

You have to ask why Mr Rattenbury does not care about all those workers and their families. This could be the answer: a little under two years ago this Assembly established a new gambling levy, the point of consumption gaming tax for online transactions. At the time, they estimated that this would raise $2 million annually. There were calls for some of this money to go back to the racing codes or to harm minimisation or to community groups, but the Barr government made the call to keep it all for themselves, to just channel it into consolidated revenue. I believe that we are the only jurisdiction in the country that does not return some of the POC money to the racing codes; but that is a whole other story.

They predicted that this point of consumption gaming tax would raise $2 million. It turns out that they were wrong. In the financial year just completed, it raised more than $10 million. At a time when Mr Rattenbury is nobly coming into this chamber with a motion which would effectively close many clubs, his government is making a killing out of gambling money, absolutely making a kill. Tom Waterhouse would be proud of what the Labor-Greens government are doing. They are the biggest bookmaker in town, and it is no wonder that they want to shut down any of their competitors because this really is the goose that has laid the golden egg.

When it comes to online gaming, it has gone through the roof in this period. In fact, it cannot possibly be ignored. Mr Rattenbury states in his motion that people can lose $1,000 an hour playing poker machines. There is no limit to how much you can bet online. Indeed, if I had not left my phone over there and if, indeed, Madam Deputy Speaker, you were not keeping an eagle on me as far as props are concerned, I could have taken my phone out of my pocket here in the chamber and placed a bet online. I could have pulled my phone out and, in a couple of simple steps, while giving this speech, I could have placed a $20,000 bet, a $50,000 bet, a $100,000 bet on a race through the TAB app. It can be gone in 60 seconds.

How much do you reckon was the biggest single bet made through Tabcorp on Winx? What do you reckon? What would it have been? Would it have been $50,000? Would it have been $100,000? Indeed, Tabcorp reported last year that it was half a million dollars. It was $550,000—over half a million—and it could be gone in 60 seconds. I am not saying that that is a good thing; I guess what I am reflecting on is that poker machines still are one of the slowest ways to gamble money, when you compare them to all the other avenues. It is just a fact of life, Mr Rattenbury.

During this experimental period, with gaming machines closed here but open in Queanbeyan, we have seen the futility of legislating in this way here, in that we are an island inside New South Wales. We have seen, I guess, a return to those days in the

70s when Canberrans flocked across the border to play the pokies in Queanbeyan. In the two weeks after gaming recommenced in New South Wales, ClubsNSW reported to me that, on a per machine basis, turnover was up across the state by 89 per cent—an 89 per cent increase per machine across New South Wales. What do you reckon the Queanbeyan figure was? On a per machine basis in Queanbeyan it was up 453 per cent. Is that not staggering? You did not have to spend much time in the car park at Queanbeyan Kangaroos or the Queanbeyan Leagues Club to know that the increase was all ACT residents, with very distinctive ACT number plates.

This week it has been revealed that a large proportion of our local suburban sporting clubs fear they will become insolvent during the COVID crisis. These clubs rely heavily on our licensed clubs. If our licensed clubs do not reopen it is going to be disastrous for junior sport and all amateur sport right across Canberra. These groups do not benefit from the point of consumption gaming tax. The clubs are a lifeline for them.

I am so close to Mr Rattenbury that I can actually hear the cogs whirring in his brain and I know that he is thinking, "Hang on a second, Mr Parton; I'm not talking about closing the clubs. I am just talking about some very, very simple changes that in theory could be done at the push of a button." Indeed, they are not as simple as Mr Rattenbury suggests and it is disappointing to see Mr Rattenbury, given his reputation for being a diligent legislator, taking a policy position which suggests that he has not fully done his homework.

Has Mr Rattenbury actually consulted the clubs to help with that homework? Does Mr Rattenbury know that when it comes to electronic gaming machine approval we piggyback off New South Wales? If we were to implement his suggestions we could no longer do that. We would have to either go it alone or piggyback off the Queensland machine approval, which has even more complications because, although the Queensland machines by and large comply with Mr Rattenbury's suggestions, we would have to start from scratch when it comes to our EGM fleet. The cost would just be amazing.

It is fine for Mr Rattenbury to suggest that we go it alone, but that would require a new, comprehensive regulatory framework and, again, the cost would be enormous. To go it alone would impose a massively high economic cost to reconfigure the machines. As an example of the cost we are talking about, when this jurisdiction went through the $20 note receiver change, which was a seemingly minor change, that cost around $750 per machine. When you scope that out across 4,000 machines, it is three million bucks. Understand that the sector has not been turning over anything, really, for such a long period.

If machines need to be replaced, which we believe would be the case for quite a number of smaller venues who have held onto old machines, if they have to replace all their machines, we are talking about $25,000 per machine. The replacement cost in particular would hit a number of those smaller clubs who have been hanging onto those older machines and, quite clearly, costs of this level would sound their death knell. They would be gone. If the changes contained in this motion were implemented, you could say goodbye to a large section of the club sector.

If the economic impacts were not bad enough, public statements and commentary by Mr Rattenbury suggest he does not have a clue about the space he is regulating. Does Mr Rattenbury know that playing times in the ACT are not actually faster than elsewhere? They are not. It is incorrect. You want to talk about truth in political advertising! Does Mr Rattenbury know that load-up limits do not actually disable the gaming machine? We have been talked through how, indeed, people get around those load-up limits and do it very, very easily in Queensland.

Does Mr Rattenbury want more clubs to close, to lose some of those important community hubs that he allegedly values so much? Does Mr Rattenbury know that, according to an answer to a question on notice that my office received from Minister Ramsay's office, there was over $2 million in the gambling harm reduction fund that was sitting unspent? It has been collected from the clubs but it is just sitting there, unused. I find that astounding. Gambling harm is a serious issue in our society. All this money raised is sitting there unspent, which I think is outrageous.

The Canberra Liberals, when it all boils down, do not actually believe that this Labor-Greens government takes gambling harm reduction seriously. You all say you do. There is lots of virtue signalling, but where are the outcomes? All these regulatory changes, year after year, all these new levies and taxes, for what? What have we actually achieved? The ACT gambling survey in 2019 showed no demonstrable improvement, despite all this alleged reform. Why are we talking about clubs' gaming rooms being closed? Why are we talking about clubs' employees? Why can't we talk about them going back to work? Why aren't we talking about the community groups that are not being supported because clubs cannot fully reopen or have been forced to close?

I acknowledge that Mr Rattenbury is well intentioned—and he is on most things—but much more work needs to be done. I note that we have a somewhat sensible amendment from Minister Ramsay. I think there needs to be a focus on actual outcomes in the gambling harm reduction space. We will not be supporting this motion.

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) (4.23): I thank Mr Rattenbury for bringing this motion forward today so that we can have an important conversation about the place of clubs in our community and the impact of gambling harm. I thank Mr Parton for his contribution, and I want to refer to one point specifically.

Early on in his speech Mr Parton talked about the clubs not being able to open because of some interesting interpretation of health advice. It is really important to be accurate about how public health directions work in the ACT—

Mr Parton interjecting—

MR RAMSAY: Indeed, maybe not in other parts of Australia, but it is important for us to be clear about who does and does not make the decisions here, as opposed to other jurisdictions. I encourage Mr Parton to spend the time and look at the Public Health Act and note whose responsibility it is to make public health directions. They are not made by the Minister for Health. They are not made by the minister who has gaming policy or regulatory oversight. They are not made by cabinet. They are made by the Chief Health Officer. Why is that the case in the ACT? It is because, unlike in other jurisdictions, we have separated the political interference from the public health determination. That is fundamentally important.

I had the privilege of speaking with club presidents and their representatives earlier this week. I remind people that the ACT has stayed in tune with the national agreement about moving to the opening of gaming venues at stage 3. New South Wales did not stay in line with the national agreement. Things changed in that jurisdiction when the decision was made not by the Chief Health Officer but by a minister, and that is important for us to remember.

It is also important for members in this place to be clear and accurate about what we say in the public realm. It is outrageous for Mr Parton to smear the Chief Health Officer by describing this decision as an interesting interpretation of health advice.

The ACT government and ACT Labor acknowledge the very real harms associated with gambling, and from gaming machines in particular. My personal understanding of this harm has been strengthened through hearing from those with lived experience of gambling harm during the roundtables I have hosted over the past three years. I thank people who have shared those experiences with me over the last three years.

Minister Rattenbury referred earlier to Kate Seselja and Laurie Brown. I thank them, the people who prefer not to be named publicly and those I had the privilege of working alongside in my previous career, when I sat face to face with people who had experienced the impacts of gambling harm. They have talked about the impacts of gambling harm on them, on their relationships, on their families and on their broader community. They are real people. They are not alone, and we acknowledge them through the public health approach we have to gambling harm in the ACT.

We are looking beyond the concept of problem gambling by individual gamblers and we are taking a broader approach. We are more attuned at the moment to hearing about a public health approach in relation to the ongoing pandemic and we are taking a public health approach to the issue of gambling harm.

The ACT Gambling and Racing Commission sets this out in its new approach outline in *Strategy for Gambling Harm Prevention in the ACT: A Public Health Approach, 2019-2024.* The government enshrined these new responsibilities in the Gaming Machine Act 2004, and club directors must act, as far as practicable, in a way that reduces gambling harm. Where licensees do not meet their obligations under the legislation, the commissioner has expanded regulatory powers to facilitate compliance and accountability through effective, appropriate and transparent responses.

Clubs have gone through a period of very significant reform over the past five years. They have engaged constructively with the government's reform agenda and, working together, we have reduced the number of gaming machine authorisations by around 20 per cent, from 4,938 in August 2018 to 3,888 today.

The public health approach to addressing gambling harm has been lived out in the increasing contributions to the gambling harm prevention and mitigation fund, which funds a range of ways that people can be educated, supported and counselled in relation to gambling harm. We have introduced restrictions on EFTPOS withdrawals in clubs to complement existing ATM cash withdrawal limits, and we have established the diversification and sustainability support fund, which has assisted clubs to diversify their revenue streams and move away from reliance on gaming revenue while still fulfilling their role to the community in supporting around 10,000 community, sport and multicultural groups.

We know supporting clubs to diversify their revenue streams and move away from such a heavy reliance on gaming revenue is part of reducing gambling harm. At the same stage, it is important in building a strong and vibrant club sector. Diversification efforts take time, and I look forward to seeing the ongoing fruits of the measures over coming years.

The ACT government acknowledges the pressure clubs have been under to remain viable, to keep people employed and to support their communities during the ongoing pandemic. We believe in the fundamental importance for clubs to survive, to recover and to thrive. Clubs are an integral part of Canberra's social fabric. They provide key community infrastructure. They play an important role in the social life of many Canberrans as meeting places, as employers of around 1,745 people, in supporting countless community groups, sporting codes and, as I have mentioned, our rich multicultural community.

That is why we have been pleased to be able to provide significant support to clubs during this very difficult time. Part of the economic survival package was the distribution of $3.3 million to clubs from the diversification sustainability support fund, supplementing the existing $1.8 million that was held in the fund with an additional $1.5 million. That supported emergency relief funding for the payment of wages and other income support for club staff. That funding represents at least 4.4 times the contributions made by each club to that fund to date.

Also, as part of the economic survival package, clubs were given the opportunity to participate in a further voluntary surrender process to access cash payments with $15,000 per authorisation. I was pleased that four clubs took part in the process, surrendering a further 109 authorisations in return for $1.635 million in incentive payments to support the clubs in reducing the impact of gambling harm.

In relation to Mr Rattenbury's call for bet limits, it is important to note that there are significant challenges in implementing these restrictions for the existing gaming machines. Most gaming machines in ACT clubs are based on older technology than that in other jurisdictions. There may be steps that can be taken, but there will be costs involved and there are significant questions about whether the clubs can bear those costs at this moment, as they recover from COVID-19.

Clubs have been significantly impacted by COVID-19 closures and the ongoing social distancing requirements. The impact has been of unprecedented scale for this industry. The capacity for the industry to engage in reform proposals at this moment is certainly limited, and many would understand this. Clubs are currently focused on their sustainability so that they can continue to provide the services, the activities and the facilities that the Canberra community enjoys and so that they can continue to employ the many Canberrans who work in our clubs.

For that reason, shortly I will move the amendment circulated in my name, which, rightly, acknowledges the importance of our clubs in supporting thousands of community, sporting and multicultural groups and providing a safe and welcoming place for socialisation and to engage with live music, entertainment and activities. We need to think carefully when we ask more of our clubs sector, which we know is hurting and needs time to stabilise and rebuild.

The ACT government has already undertaken to clubs to make further reforms, along with an agreed industry road map to ensure their ongoing financial liability and, simultaneously, to work on further gambling harm minimisation measures. As we move forward, we must do it together with clubs, with experts, with the community and with people with lived experience. Therefore, I move:

> Omit all text after "That this Assembly", substitute:
>
> "(1) notes that the ACT Government:
>
> (a) recognises that:
>
> (i) clubs play an important role in the social life of many Canberrans, as meeting places, employers of around 1745 people, and supporting essential community groups, sporting codes and our rich multicultural community; and
>
> (ii) clubs have gone through a period of significant reform over the past five years;
>
> (b) takes seriously the need to protect members of our community experiencing gambling harm, ensure there are rigorous and well enforced safeguards in place, and continue to assist clubs to move away from reliance on gaming revenue; and
>
> (c) acknowledges the pressure that clubs have been under to remain viable, keep people employed, and support their communities during the COVID 19 pandemic, and the importance for clubs to survive, recover and thrive;
>
> (2) notes that the ACT Government has this term:
>
> (a) reduced the number of poker machine authorisations from 4938 to 3888, which represents a 20 percent reduction in this term of government;
>
> (b) adopted a public health approach to addressing gambling harm, which has included targeted education campaigns, increasing funding to the Gambling Harm Prevention and Mitigation Fund, and introducing restrictions on EFTPOS withdrawals in clubs;

(c) implemented a range of measures, including establishing the Diversification and Sustainability Support Fund, which are assisting clubs to diversify their revenue streams and move away from reliance on gaming revenue while still being able to fulfil their role in the community, supporting around 10 000 community, sport and multicultural groups; and

(d) reviewed the Community Contributions scheme to improve transparency of funding by clubs to community support and to maximise this benefit to the community;

(3) notes that:

(a) in the ACT, people can lose more than $1000 an hour playing poker machines;

(b) all Australian jurisdictions, except for the ACT and NSW, have bet limits of $5 per spin for poker machines in clubs and hotels;

(c) all Australian jurisdictions, where poker machines accept banknotes, except for the ACT, have load limits in clubs and hotels, and Queensland has introduced a load up limit of $100;

(d) reports indicate that the COVID-19 shutdown period has been a relief for some people experiencing gambling harm;

(e) in 2014-15, almost 20 percent of ACT adults played the pokies at least once, with losses totalling $37.48 million. Non-problem gamblers accounted for 37 percent of all money lost on poker machines, while 63 percent came from people with some problem gambling behaviours;

(f) the ACT Gambling Survey 2019 (Commissioned by the ACT Gambling and Racing Commission, undertaken by Australian National University) found that:

(i) 9.6 percent of the ACT adult population (approximately 31 000 adults) experienced gambling harm in the past 12 months; and

(ii) 64.3 percent of respondents agreed that poker machines do more harm than good for the community; and

(g) the 2010 Productivity Commission inquiry report on gambling found the significant social cost of problem gambling—estimated to be at least $4.7 billion a year—means that even policy measures with modest efficacy in reducing harm will often be worthwhile; and

(4) calls on the ACT Government to:

(a) continue to work alongside the clubs to help them secure their future over the long term, support their communities and protect their patrons, and to help them to continue to move to other income-generating activities; and

(b) work in close consultation with clubs, experts, the community, and people with lived experience on further evidence-based harm minimisation measures.".

The amendment adds to Mr Rattenbury's motion acknowledging the role of clubs in supporting the community and reforms that have been achieved in this term of

government, including those under the parliamentary agreement, and provides clarification to some of Mr Rattenbury's data. The amendment calls for a consultative, evidence-based approach to any further reforms, noting that, for now, our clubs are focused on surviving the effects of the ongoing pandemic and that we need to let them settle into a new normal before we look at substantial further reform.

The cost of adaptive or new technology to implement bet limits, as put in Mr Rattenbury's motion, will be a significant issue. It may well not be insurmountable but it needs proper exploration. I note that the estimates from the clubs and others with an interest in reform differ very widely and the cost and time frames of any reform will need to be based on the best, fullest, accurate evidence.

I mentioned that I had the opportunity earlier this week to host the most recent club presidents forum to discuss the current circumstances for our community clubs and their future. It was a helpful and productive meeting, as have been previous gatherings with clubs. The clubs specifically talked about the fact that this is a time for shaping a new future. More than one club talked warmly about their nimbleness in being able to adapt to the current and future circumstances, and I certainly affirmed that.

One specific matter I noted that we discussed was the potential right now to draw together some matters around a COVID-safe plan for gaming venues and further support for members by way of harm minimisation. As clubs have mentioned, they are currently able to provide a way of operating when they know exactly who is in any space within their premise at any time. Therefore, there is the chance for us now to work together on a stronger and more effective exclusion register. That is about working smarter in the area of gambling harm reduction.

My amendment is a productive way forward for the next steps in continuing to reduce harm caused by gambling, while acknowledging that the path must be consultative and not damage a sector that is hurting and which is a significant employer and supporter of many thousands of sporting, community and multicultural groups. The government affirm that we will work alongside the clubs to help them secure their future over the long term, to support their communities, to protect their patrons and to help them to continue to move away from the reliance on electronic gaming machines and to address gambling harm. We believe we can do this together. I commend the amendment to the Assembly.

MR PARTON (Brindabella) (4.36): We will not be opposing Mr Ramsay's amendment. Mr Ramsay's amendment is quite sensible. I applaud—and voiced that during his speech—many of the things he had to say. I applaud the minister for engaging with the industry in the way that he did this week. I am sure that both sides in that particular room—not that it is about sides—came away having learnt things that they did not already know, and that is always of benefit.

Madam Deputy Speaker, this is the sort of Labor amendment that you might expect to see within 90 days of an election, while the Indians are circling the wagon. If you get Labor in a room on their own, they can be quite sensible in the gaming space. If you get Minister Ramsay in a room with a group of club staff and officials, he pretty much just morphs into Mick Molloy, if you can imagine that. That is probably the most

complimentary thing I have said about Mr Ramsay in this place! It is only when they find themselves in a headlock from the Greens that it gets a little crazy.

That is why Labor's gaming policies are almost irrelevant. We all know that if there is to be a continuation of Labor government here in the ACT, it will be with the assistance of the Greens. The only way that Labor can govern will be to enter into a power-sharing agreement with the Greens. When that agreement is drawn up, what do you reckon, Madam Deputy Speaker? Do you think Mr Rattenbury is going to slow down here in this particular space that he is carping about today? I do not.

One of the virtue-signalling policy areas that the Greens will be hammering will be gaming. We all know that this is a policy area that the government will horse-trade on. If they are going to compromise anywhere, it will be on gaming. Standalone Labor gaming policy is irrelevant. It will always become a victim of power-sharing agreements. Mr Ramsay can go back to the clubs and say, "We're really sorry, guys; this is what we wanted to do, but the Greens made us do this instead."

We will not be opposing the amendment from Mr Ramsay. We are well and truly aware that, particularly at this time of the electoral cycle, Mr Ramsay is doing his level best to appear reasonable and sensible in this space, but there is a very serious chance that the mirage will quickly disappear, if indeed another Labor-Greens government is cobbled together.

MADAM DEPUTY SPEAKER: I could not possibly say anything about that being a *Crackerjack* speech, could I? Sorry!

MR RATTENBURY (Kurrajong) (4.39): Madam Deputy Speaker, I am still trying to work out that analogy—

MADAM DEPUTY SPEAKER: I think I just made the link for you.

MR RATTENBURY: Yes. However, I am still trying to work out whether it is a positive or negative for the attorney, and I have not quite decided yet—with no disrespect to Mr Molloy, because he is a very funny man.

MADAM DEPUTY SPEAKER: I am taking it as a positive; otherwise it would have to be withdrawn.

MR RATTENBURY: This has been an interesting discussion. I always find it very enlightening to follow this through. For me, one of the really sad parts of the discussion about clubs in the ACT is that it has become synonymous with poker machines. I think that is the true tragedy of this discussion, because the clubs have a very proud history in the ACT of being tremendous places for ethnic communities, sporting communities and the like but, over time, the two issues have become so entwined, in the most unhealthy way, that it is really disappointing.

What flows from that, and what was utterly implicit in today's conversation, is that the clubs are reliant on the revenue of problem gamblers. That is the only conclusion you can draw from the way the debate took place today. What my motion seeks to do

is to put a bet limit on poker machines. It is not saying that you cannot use the poker machines; it is not saying that you cannot have the poker machines; it is not saying that you cannot have people in the club for the 20 or 21 hours a day that those poker machines are available to people. It does not put any limits on any of those things. It simply says that we know that, for some people, controlling their impulses on machines that are designed to addict you to them is a problem.

One of the evidence-based approaches is to say, "We're going to put a limit on how much you can flog through the machine." That is what we are asking for. The people who say, "That's not okay," are actually saying, "We can't have that because it'll ruin the clubs. It'll ruin the clubs." That is the problem we have here. Our clubs have become so large and so reliant on the rivers of gold from poker machines that this is where we find ourselves.

I certainly agree with Mr Parton that online gambling is an issue. I do not think anybody disagrees with that point. The growth numbers are enormous. They are off a small and rapidly growing base, but they are enormous, and that is a cause for concern. I find the targeting of online gambling ads particularly distasteful—the way they say to young men, "If you want to be cool with your mates, this is the way to do it." I think that is problematic. Those things are not in our sphere of influence at the moment. They are very difficult for state and territory governments to control. I think they are very difficult for any government at the moment, given the global nature of the internet and these sorts of issues. It is an area that needs some serious work. I do not dispute that.

What is within our sphere of influence is a machine that is globally recognised as being designed to addict people to it and which, in our community today, has a detrimental impact. We have a direct legislative capability to change that. That is what we want, that is what we are talking about and that is where we think we can make a difference for our community.

I find the arguments about support for community groups problematic. I find that there is an extraordinary disconnect when people say that there is all of this fantastic support for community groups from the clubs—and there is. It comes in various forms—providing meeting venues and the like. Again, there is this enormous disconnect.

I will never forget talking to someone whose paid job was to support the clubs industry. We sat and had a very nice conversation at a clubs event one time. She was an interesting lady. We were chatting away and she said to me, "What about the fact that my son gets a subsidised football jersey each season to help him play sport?" This lady was probably comfortably middle class, and there was a complete failure to connect with the fact that that subsidised footy jumper came from the poker machine revenue, which disproportionately comes from people with a gambling problem.

It is the reverse Robin Hood effect, where we take from the people who can least afford it in order to provide subsidised footy jumpers and a range of other things. It is an awkward conversation to have, because I am really glad that those kids are playing footy and that people are participating in those community groups. We have to stop and ask ourselves the question: is this reverse Robin Hood effect that the clubs are

performing really the best outcome for our community? Reflect on that question a little bit. It is not a comfortable one to have to think about.

This is a tricky space. The clubs do play a part—I will say it time and again, and I will always say it—and we want the clubs to be part of our community. We just do not want them to be part of our community in this way, and that is the job we need to do over time.

It being 45 minutes after the commencement of crossbench executive members' business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to crossbench executive members' business be extended by 30 minutes.

MR RATTENBURY: I will wrap up quickly. I commend my motion to the Assembly today. It has a very deliberate purpose—to provide a very targeted response to a particular problem in our community. I think we can do that in a way that addresses the outcome we are after whilst continuing an orderly transition as our clubs seek to diversify their revenue base.

With respect to the Attorney-General's amendment, I acknowledge the additional "notes" that the attorney has put in. I welcome the information he has provided and I have no disagreement with any of it. When it comes to the putting of the question, I will ask, under standing order 133, that the question be divided. I ask that we take paragraphs (1) to (3) of Mr Ramsay's motion together, and that paragraph (4)—the "calls on" paragraph—be put as a separate question.

Ordered that the question be divided.

Paragraphs (1) to (3) agreed to.

Question put:

> That paragraph (4) be agreed to.

The Assembly voted—

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

Paragraph (4) agreed to.

Original question, as amended, resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Royal Commission Criminal Justice Legislation Amendment Bill 2020

Debate resumed from 2 July 2020, on motion by **Mr Ramsay**:

> That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (4.53): The Canberra Liberals will support this bill. It is the latest and, according to the presentation speech, the last in a series of bills to implement the recommendations of the royal commission into institutional abuse. I will not go through every clause or comment, but I will touch on the main areas of the bill.

The first area is about maintaining a sexual relationship with a young person under special protection. This relates to those circumstances where an ongoing relationship of a sexual nature was conducted over a period of time. The recommendation arose from the royal commission to prevent situations where offenders were not being convicted because of the requirement for detailed prosecutions and trials for every single accused offence, which created unjust outcomes.

A version of this was legislated in March 2018, with the Canberra Liberals' support. However, a recent ACT Court of Appeal decision found that, in some respects, the legislative intention to implement the royal commission recommendations has not been realised. This amendment addresses those comments to implement what was originally intended. I note comments raised about the possibilities of double prosecutions, but in the full context of this law and our previous commitment, we confirm our support for this change.

The second area relates to changes to tendency and coincidence evidence provisions. This area is more complex and more controversial. Traditionally, tendency evidence has been restricted or excluded from trials, as it goes against the presumption that the prosecution must prove the offence in front of the court and it raises an unacceptable risk that the person is convicted simply because they have a tendency to commit a crime. However, the royal commission and the federal Council of Attorneys-General have considered the matter and reached a nationally agreed model for its use in limited circumstances in child sex offence cases.

Under the bill, some tendency evidence may be admitted when that evidence shows a specific tendency for a particular type of offence and that same offence is in issue in the current case or when it is relevant to show an act or state of mind that is important in the context of the current proceeding as a whole. In either case, the court will consider the particular circumstances of each case at hand, and whether the admission would, on probability, be unfair, and must give proper instructions to the jury before the evidence can be admitted.

Even so, these changes have caused concern in the profession. For example, we received a letter—I believe it went to the Attorney-General and the Greens as well—from David Hamer, Professor of Evidence Law at the University of Sydney Law School. He expressed concerns, and I commend that commentary to the Assembly as a valid note of caution. I seek leave to table his letter for the information of members.

Leave granted.

MR HANSON: I thank members. I table the following paper:

> Royal Commission into Institutional Responses to Child Sexual Abuse—Copy of letter to Honourable Members from David Hamer, Professor of Evidence Law, Sydney Law School.

Given the nature of the crimes we are debating and the difficulties highlighted by the royal commission, we are satisfied that this bill strikes an acceptable balance between protecting due process but also protecting children and young people from these crimes.

The last main changes are to the Evidence Act and relate to failure to report laws passed in previous bills. The substantive part of this amendment was largely dealt with in a previous bill in 2019. That bill included a positive obligation to report abuse, including information received in a religious confession. This amendment clarifies that matters reported in such circumstances may also be admitted as evidence to remove any inconsistency or undermine the intent of that original provision. The Canberra Liberals supported the amendment at the time, and we support this clarification today.

In conclusion, the bill does touch on legal principles which have a long history of protection and precedence. However, in considering the royal commission findings, the national groups working on implementing those findings are all introducing similar laws, which are all aimed at protecting children from repeated past failures.

The Canberra Liberals have supported all the other bills arising from the royal commission. Noting the concerns and comments that have been made, we also support this bill.

MS LE COUTEUR (Murrumbidgee) (4.57): I thank the attorney for bringing this amendment bill forward and indicate that the Greens will be supporting it. This is one of many amendment bills that the attorney has brought forward in relation to the Royal Commission into Institutional Responses to Child Sexual Abuse during this term. It continues to build on the protections available to children and young people in matters of child sexual abuse and continues to improve the justice system's response to such abuse.

The safety of our children is the most important of all issues for us to consider. We must do all that we can to ensure that children are protected from abuse. Child sexual abuse violates the most basic of a child's rights, which is protection from torture and cruel, inhumane or degrading treatment.

As we all know, but I am sure that we continue to underestimate, the impacts of child sexual abuse are far-reaching and, in many cases, devastating. There is sufficient scientific evidence to show that such abuse can permanently affect the neuropathways of the brain. Sexual abuse can be a life-threatening experience which can leave the victim feeling numb, shocked and overwhelmed.

Survivors often feel unable to trust anyone, fear forming relationships, and can develop significant mental health issues or resort to drug and alcohol use to numb the pain. This can last a lifetime. The costs to society are enormous and can encapsulate such psychological and emotional damage to a victim that it prevents them from being able to participate fully in life's opportunities, ever needing to rely on a range of human services to get by. It thereby costs us, as a society, and the individuals economically as well.

Importantly, this legislation signifies that the issue of child sexual abuse is taken seriously and makes it clear that developing certain relationships between an adult and a child or a young person in special care is a crime. The legislation defines what is meant by special care and includes children and young people in all contexts where they are entrusted to an adult.

What is most important here is the inclusion of maintaining a sexual relationship with a child or young person as an offence in and of itself without the need to prove specific events. We know all too well the number of sexual abuse cases that have failed because a child or young person cannot remember the specific day a traumatic sexual abuse incident occurred or what the defendant was wearing on that day, for example.

I acknowledge that it is very difficult to balance the rights of the defendant with the rights of a child or young person, and that concerns have been raised regarding the potential for double jeopardy with retrospective application of this legislation. However, whilst it is possible that there may be some technical issues that need to be ironed out, I do believe that the legislation has been drafted with an intent to capture persistent child abuse offences as recommended by the royal commission and that the legislation ensures that the probative value of such evidence outweighs the danger of unfair prejudice to the defendant.

That is why I also support the introduction of tendency and coincidence evidence to be admissible in matters dealing with child sexual abuse. Where similar allegations have been made by a number of victims against an alleged offender, this must surely be taken into account. The likelihood of all victims colluding to fabricate such allegations is slim, and it is time that the justice system caught up with this. Historically, the system has erred on the side of the rights of the defendant by not allowing similarity of allegations to be raised. This legislation sends an important message to the community that repeat offenders are now more likely to be caught. This tendency and coincidence evidence is vitally important because we all know that the average paedophile has more than one victim, with some research suggesting an average number of 70 child victims to an individual offender.

I note that there has been some evidence expressed by experts in the field regarding tendency and coincidence evidence and a possible risk of prejudice which can lead to wrongful convictions of alleged child sexual offenders because of the complex way the legislation has been drafted. Yes, Mr Hanson, the Greens received the same letter that you did. I and the Greens would recommend that in two years there is a review of the circumstances in which tendency evidence or coincidence evidence about a defendant is admissible in proceedings for sexual offences and whether today's reforms are truly effective and fair.

I take this opportunity, however, to suggest that the admissibility of tendency and coincidence evidence has possibly not gone far enough and actually should be extended to apply in all matters of adult sexual assault. This is because the same propensity to abuse applies to those who sexually abuse women and adults. They do not do it on isolated occasions. Once they get away with it, they tend to do it again. Many adult victims of an individual defendant may come forward, and being able to establish that there is a pattern of behaviour provides more surety to a court, I would have thought.

I recognise that this bill is specifically designed to address the recommendations arising from the royal commission, but this is an opportunity to remind all of us that there is still some way to go to ensure that all victims of sexual assault can get justice.

You are all aware that I tried during this term of the Assembly to strengthen the definition of consent in the Crimes Act, and I am disappointed that the attorney has not seen fit to bring forward a positive definition of consent before this Assembly, as I understood that he would. I realise that the COVID pandemic has had an adverse effect on the legislation program and may well have stopped this from being achieved before August, but I say clearly that the Greens will not let this important law reform go and will continue to advocate for it in the next Assembly.

It is incumbent on all parts of society to do what we can to protect all members of the society, be they children or adults. It is mainly women who suffer from sexual violence and abuse, and it is incumbent on legislators such as ourselves to strengthen the law where it is deficient. This is a piece of unfinished business that is of some regret to me, as I will be leaving the Assembly.

This legislation also, importantly, secures without a doubt that information gained by clergy in religious confessions about sexual abuse or non-accidental physical injury, where that is being experienced, it has been experienced or there is a substantial risk of it being experienced by a child, is not captured by the entitlement of a member of the clergy to refuse to divulge that religious confession was made or the contents of a religious confession.

This has been a very moot point, but the issue seems to be that specifically requiring reporting ends up diminishing the risk that once abuse is disclosed in a confessional, the confessor feels absolved in some way. Historically, what has happened in practice is that this has allowed the abuse to continue as the offender has sought forgiveness

and believes they have been pardoned, only to go on and continue to abuse that child and groom more children as intended victims.

This makes it very clear to members of the clergy that they are obliged under law to report such information, and I commend the attorney for his unwavering determination to get this one done.

I also take this opportunity to say that, whilst I realise that COVID has changed the way we do business in the Assembly and sped up the debate on some legislation, it is also important that proper scrutiny of legislation continues to occur. Sufficient time must be given for ministers to respond to comments by the scrutiny committee and for members to be able to consider both the scrutiny committee's comments and additional advice provided by ministers. In this case, the scrutiny report was only provided two days before the debate and the minister's response is still pending. I will admit to also being an offender with some of the amendments that I have moved as far as getting things to scrutiny on time is concerned. That is an issue that needs resolving.

Madam Speaker, as I have said before in this place, I am pleased to be part of the Ninth Assembly in making sufficient headway in implementing a significant number of the recommendations from the royal commission and I am happy to support this bill.

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) (5.08), in reply: The Royal Commission Criminal Justice Legislation Amendment Bill 2020 is the fifth bill to implement the criminal justice recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. It is an important piece of legislation and I thank members for their contributions to the debate today, for the support across the chamber. It is important for us to be able to be working in a tripartisan way on such important legislation. I also thank the scrutiny committee for their comments and I can assure Ms Le Couteur that I have responded to the comments that have been raised by the scrutiny committee.

As I said when I introduced this bill, the abuse of a child is a terrible crime. It is a crime that is perpetrated against the most vulnerable in our community. It is a crime that cannot be tolerated. It is a fundamental breach of the trust which children are entitled to place in adults. This bill reflects the government's ongoing, steadfast commitment to ensuring improving access to justice for victims of child sexual abuse, addressing persistent child sexual abuse offences, amending laws governing tendency and coincidence evidence provisions, and clarifying that the relevant disclosures in the setting of the religious confessional are not exempt from being used as evidence in court.

It is now beyond doubt that victims of child sexual abuse face unique difficulties in providing adequate details of sexual offending against them. In the context of ongoing sexual abuse of a child or persistent sexual abuse of a child, the amendments to section 56 of the Crimes Act are intended to make the relationship itself the actus reus of the offence, as opposed to any individual occasion of the abuse. The royal

commission recommended the construction of the offence as providing the best opportunity to charge repeated or ongoing child sexual abuse in a manner that is more consistent with the sort of evidence that a complainant is more likely to be able to give.

In relation to the tendency and coincidence evidence, the royal commission found that there should be reforms on the basis of several conversations, including the expert-conducted 2016 jury reasoning research, which showed that juries treat tendency and coincidence evidence carefully and not in a way that unfairly prejudices the accused. The Council of Attorneys-General working group was tasked with developing a model bill on the reforms to tendency and coincidence evidence provisions, noting the considerations and noting the carefulness that must be undertaken in regard to this particular reform. This reform is for all uniform-evidence jurisdictions to implement to ensure consistency and in a way that would give effect to the relevant royal commission recommendations. This bill brings those amendments into place.

In relation to section 127 of the Evidence Act, the government has introduced comprehensive reporting laws and the Royal Commission Criminal Justice Legislation Amendment Bill 2019, which require all adults who receive information about the commission of a sexual offence against a child to report it, and that includes information received under the seal of the confessional. Failing to report information about child sexual abuse leaves individual children vulnerable and it exposes other children to the risks of abuse, given that we know that those who commit child sexual abuse may offend against many individual victims over lengthy periods and may well have multiple victims.

Children are less likely to have the ability to report abuse or to protect themselves. Adults must proactively report it when they receive such information. Not to do so is a fundamental breach of a child's right of safety and protection; and it was for that reason that the reporting laws were introduced in 2019, and those laws extended the requirement to report the information which is disclosed under the seal of the confessional.

As I said when introducing this bill, it would be inconsistent to suspend the confessional privilege for the purpose of reporting child sexual abuse to police, only to have it be a shield behind which a person could hide during court proceedings. That scenario would render inadmissible the reporting laws power, hindering the prosecution of perpetrators.

The royal commission's findings were unequivocal. Many of our institutions have failed victims of child sexual abuse and with that failure they have failed us all. With the introduction and the passing of these laws, the ACT community will have a light shone into the dark hearts of these institutions. Protecting children is and will remain our absolute priority.

In the implementation of the royal commission recommendations in this, the fifth and the final, bill, we make good on our promise to keep improving our institutional

responses to child sexual abuse, to do our best to ensure it is prevented, it is detected, it is investigated and it is prosecuted.

Again, I thank the team across the government but especially in the Justice and Community Safety Directorate for their amazing, their dedicated and their compassionate work throughout this term of government on this wide range of reforms. We are and we will be a stronger community because of their work. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Coroners Amendment Bill 2020

Debate resumed from 13 February 2020, on motion by **Mr Ramsay**:

> That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (5.14): The Canberra Liberals will be supporting this bill. Although it is not listed as a significant bill in the explanatory statement, this is obviously very significant for families and friends going through a coronial process. The bill makes changes to respond to the needs of those families and is also designed to make it easier for the coroner to implement restorative approaches to the daily practice.

The significant changes in this bill include an obligation that the coroner must, at the earliest opportunity, notify members of the immediate family about the inquest and the time and place of any hearings. It requires altering the definition of death in care to include those under mental health orders. It includes step-parents in the definition of immediate families.

The bill creates an error of correction power so that errors can be corrected without families needing to appeal to the Supreme Court. The bill clarifies notice periods for providing information to families in relation to hearings and gives the Attorney-General the power to issue further guidelines, particularly in relation to government responses to coronial findings.

The bill follows lobbying from stakeholders and feedback from families who have been involved in coronial inquests. I commend those who have pursued this issue to get this bill before the Assembly. The members of the Coronial Reform Group have been one of those key players. I have met with them and I believe that the Attorney-General has, and potentially others. I acknowledge their work in assisting the progress of this legislation. When I met with them, they raised a number of concerns,

particularly in areas where, in their view, the bill does not go far enough. I acknowledge their concerns.

Whilst this bill may not achieve every reform, it is a step in the right direction. That is why we support it. Indeed, I understand that the Coronial Reform Group, although they would like to see further steps taken, support this legislation as well. As far as the Canberra Liberals are concerned, this is the first step for coronial reform. We will continue to work with families and stakeholder groups and make our own proposals and policies to go further and achieve even better reforms to the coronial processes in the future.

MR RATTENBURY (Kurrajong) (5.17): The explanatory statement for these proposed amendments notes that they are the result of extensive consultation with key stakeholders and families with lived experience of the ACT coronial system. I start today by acknowledging the sustained advocacy and passion of what has, over time, become the Coronial Reform Group. For many years now I have been meeting with this small and tireless group of bereaved parents who have, through the most tragic of circumstances, become involved in coronial inquiries in the ACT. Hearing their personal stories has had a powerful effect on me, and their, frankly, formidable desire to bring about deep and systemic change to the coronial process for future families is truly admirable. As the years have passed, they have refined their calls on government, but the heart of their concerns has been consistent.

They are seeking a less adversarial process that better recognises the impact of the death of a loved one when considering legal facts. They are seeking increased support for family members, whose mourning and grieving processes are complex and often interrupted and, most unfortunately, delayed while an inquiry is underway. They are seeking to have greater standing before the coronial court to ensure that the voices of the deceased's family members are heard alongside the more sterile representations taken from file notes or clinical records.

They also want answers: answers about the services that may have provided treatment or care, often about benign, but opaque, government policies and procedures, and about the decisions and coordination of the various and many agencies that have often been in contact with people whose death has been referred to the Coroner's Court.

At the end of this process, something that can take unfortunately many years, they want more than just a report with recommendations. They want and deserve a deeper engagement with the government about what has happened, what the impact has been and what will possibly change to reduce the likelihood of it happening again.

I know that the ACT government has been hearing their voices and others and that the bill before us today is, in part, a response to a range of genuine consultations and forums. I also appreciate that for many advocates the amendments we are debating do not go far enough, and that they feel that some of the more practical procedural reforms are not happening fast enough. Unfortunately, due in part to COVID-19 and the ending of this term of the Assembly, I also appreciate that some of this further work is just not feasible now.

I believe that the issues they and others have raised would greatly benefit from more in-depth consideration by the Assembly. Therefore, I would like to go on the record today as stating that the ACT Greens will be moving for a select committee to be formed at the earliest possible opportunity in the next term of the Assembly.

These are sensitive matters that involve multiple frontline and human service agencies. There are genuine questions to be asked about the territory's need to explore having a full-time dedicated Coroner's Court to reduce delays and to consider more deeply the objective of the Coroners Act's operation—to really think about the benefits of the court's consideration of matters of community safety and how any recommendations and findings are absorbed by government. I feel that a select committee is the most effective possible way to give these and other matters the best hearing and will lead to a more in-depth reform program being embedded in government thinking.

In the interim, I do support the amendments before us. I appreciate that the Attorney-General has sought to improve the operation of the act and has recognised the need for reform of the coronial system in the broad. In particular, I welcome the inclusion of step-parents in the definition of "member of the immediate family" for the purpose of the Coroners Act, and the resolution of an issue that has been brought to my awareness many times: that we will now create an error correction power for the Coroner's Court to allow a coroner to amend their findings to correct an error, mistake, or omission. This will also clarify for families that they do not need to appeal to the ACT Supreme Court to correct an error in coronial findings resulting from an accidental slip or omission. Representations to my office on this have highlighted the too-often disempowering, overly legalistic and potentially adversarial nature of coronial inquiries. This is a solid response to those issues.

I also acknowledge the calls from the community, represented by the ACT Law Reform Advisory Council's final report *Canberra—becoming a restorative city*, to develop a more restorative approach to these complex matters. In my capacity as Minister for Mental Health, I have recently explored the feasibility of undertaking a pilot in this vein. I can definitely see potential benefits. However, I am also very mindful of the need to undertake any such innovative approach within careful frameworks and defined parameters.

The bill before us is a good first step towards the broader reform agenda that I believe is required to improve the coronial process. Certainly, if it is within my influence, we will be endeavouring to see that there are further reforms in the coming months and years. As I have said, I think that a select committee would be a good way to start that, to give a forum to explore these issues in more depth, to build an understanding across the Assembly and to build a sense of common agreement amongst the parties as to where we should go. We should get into that early in the next term so that we have time across the course of four years to have the committee, do the in-depth consideration of its findings and then bring the legislative reform back to this place.

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) (5.23),

in reply: It is certainly a privilege to be able to close the debate on this very significant piece of legislation. I thank Mr Hanson and Mr Rattenbury for their comments, their contribution to this debate—again, an important one for us to be marking with tripartisan support. The Coroners Amendment Bill 2020 aims to support families, families who are engaging with the coronial process, and it is a significant step forward in creating a better, more compassionate and more restorative coronial system.

The bill amends the Coroners Act 1997. It builds on the ACT's momentum towards integrating restorative approaches into the daily practices of the Coroner's Court. The loss of a loved one is a devastating experience; and our coronial system must be able to support families and friends throughout that experience. The coronial process should, wherever possible, bring people together to work collaboratively so that they are and feel heard and that the systems are genuinely open to what is being said.

When I presented this bill to the Assembly earlier this year, I highlighted that the proposed amendments come from a place of compassionate concern to embrace restorative practice. That is a key point that I emphasise again today. Restorative practice is sometimes called relational practice. It is grounded in the understanding that relationships are central to who we are and how we function as individuals and as a community. At the system level, this means critically assessing institutional cultures, redesigning our processes, understanding what it means to put relationships at the very centre of our systems, because that is the thing upon which our community is built.

In our coronial process there is the challenge of balancing the legal rights of all interested parties and at the same stage honouring the deep need of family and friends to be engaged at every point in the system—doing that in ways that are meaningful, thoughtful and appropriate—and that is the challenge that the government is committed to seeing through. That is the challenge that the Coroners Amendment Bill 2020 is helping to address.

The amendments to the objects clause in the Coroners Act are a clear moral compass to guide practices of the court at the highest level. They enshrine restorative principles in the act; they focus on ensuring that the coronial practices respect culture; and recognise that families and friends going through a coronial inquest are, indeed, active participants, people who are personally impacted by the process, with an equal voice to that of medical professionals and other officials.

Other amendments focus on practical steps, allowing families to engage more effectively with the coronial process. These recognise the need for families to be made more aware of the progress of matters at the earliest point, so that family members have the time to emotionally and physically prepare to make arrangements in order to fairly participate if they choose to participate.

The amendments include a change to include step-parents in the definition of immediate family, and the creation of an error correction power to allow a coroner to amend the findings to correct an error, mistake or omission. These changes will mean that families will not have to go through expensive, time-consuming and emotionally

draining impacts of having to go through the Supreme Court simply to correct errors in coronial findings that come from an accident or an omission.

The new definition of death in care will ensure that death in a correctional centre is clearly distinguished from death under a mental health order, where involvement in the criminal justice system should not be assumed.

The bill will introduce a ministerial power to make guidelines to assist in the preparation of government responses to coronial findings to prescribe the kind of information that must be included in these responses.

I also mentioned, on the presentation of this bill, that a new family liaison officer role was being established as an important non-legislative reform to improve the experience of families navigating the coronial system. I am pleased to inform the Assembly that the family liaison officer has now been recruited and commenced working in the Coroner's Court on 25 June this year. The family liaison officer is the interface and the primary point of contact for families who are engaged in a coronial process. The officer also supports coroners to consider how restorative approaches can be applied to their practice.

In working towards a restorative coronial process, what we are really asking ourselves is: how do we build a system that is more humane? Understanding this means understanding people, the experiences and the views of those who work in the system and those that the system exists to serve. The voices of the community, the stakeholders involved in the system and those individuals and families who have lived through the system are at the very heart of the reforms.

Throughout the development of this bill, it was inspiring to have witnessed the community's deep motivation to see tangible changes to improve the coronial landscape, and I feel honoured to have been part of that conversation. Working together to see positive change come from a loved one's death is indeed humbling. It is restorative.

I place on the public record my enormous appreciation to the members of what has become known as the Coronial Reform Group: Ann, Eunice and Rosslyn. I understand that they are watching this live today. Through their pain, their hurt, their experience, they have worked very generously to make the situation better for others. I am honoured to have worked alongside them.

I also thank all the officials, all the others, all members of the community, people from the coronial system, the ACT Acting Chief Coroner—as he was at the time—Glenn Theakston, who was involved in the design around some of the reforms as well, the Restorative Community Network that works right across the ACT, the restorative justice team in the Justice and Community Safety Directorate and many, many more.

Of course, there is the potential for us to do much more. What this bill aims to achieve is just one part of the story—an important part, but one part. It paves a path for the ACT to build momentum, to direct our focus to what comes next for restorative coronial reform, as well as for restorative practices in the broader community.

I know that the ACT is being closely watched, not only around Australia but internationally, for these reforms. The conversations that have been captured through consultations on the bill and those that are ongoing in the community are what will drive us further. It will be a constant and a continuous process because real, meaningful societal change and improvement has no decisive end. I am committed, and this government is committed, to continuing this journey, to working closely with the community further, to move forward together. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Confiscation of Criminal Assets (Unexplained Wealth) Amendment Bill 2020

Debate resumed from 20 February 2020, on motion by **Mr Ramsay**:

> That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (5.31): The Canberra Liberals support this bill. Unexplained wealth schemes exist around the country and the world as a unique way to target those directing and masterminding criminal activity, particularly at arm's length, and to disrupt high-level members of organised crime groups, who may profit from crime yet prove difficult to link to specific offences.

The bill creates the ability for courts to grant two types of orders: an unexplained wealth restraining order and an unexplained wealth order. A restraining order is an interim measure to prevent the disposal of assets or property while a court considers the unexplained wealth. The second order is the final ruling, which means a person must deliver to the territory the whole or part of the wealth which they cannot prove was legally obtained.

It is true that unexplained wealth laws have attracted some criticism, notably from the ACT Bar Association, and those criticisms should be given due consideration; however, this bill is intended to operate when a person's total wealth clearly exceeds wealth that was lawfully acquired. Plus, the court must be satisfied that there are reasonable grounds to suspect that the whole or part of the wealth was derived from serious criminal activity.

The court also has a discretion to make an order for hardship relief—for example, for family implications or reasonable legal expenses—at the restraining order stage. Given these checks and safeguards, we believe that this bill strikes a proper balance. The Canberra Liberals have been long-term supporters of strong legislation for organised crime. We are always, and always will be, the toughest opponents of organised crime in our community and we support this bill.

MR RATTENBURY (Kurrajong) (5.33): The ACT Greens support the amendment bill before us today, which will introduce local unexplained wealth laws in order to more effectively deter and disrupt serious criminal activity, including organised crime, and to ensure that those involved in such crime do not profit from their illegal activities.

As the explanatory statement outlines, section 3 of the Confiscation of Criminal Assets Act 2003 sets out the purposes of the act, which include to encourage law-abiding behaviour by the community; to give effect to the principle of public policy that a person should not be enriched because of the commission of an offence, whether or not anyone has been convicted of the offence; to deprive a person of all material advantage derived from the commission of an offence, whatever the form into which property or benefits derived from the offence may have been changed; to deprive a person of property used, or intended by an offender to be used, in relation to the commission of an offence, whatever the form into which it may have been changed, and to prevent the person from using the property to commit other offences; and to enable the effective tracing and seizure by law enforcement authorities of property used, or intended by an offender to be used, in relation to the commission of an offence and all material advantage derived from the offence. Complementing these purposes, the bill before us today adds the following additional purpose in section 3, which is to deprive a person of any unexplained wealth derived from serious criminal activity.

More practically, in application the bill provides for two types of orders which can be sought in relation to unexplained wealth: an unexplained wealth restraining order and an unexplained wealth order. This is clearly a bill designed to further increase community safety by enhancing the court's ability to consider a defendant's source of wealth and to ultimately lay charges and seize property. It has been considered as part of the government's ongoing commitment to reducing crime—in particular, organised crime—and the ACT Greens support these efforts wholeheartedly. So we are pleased to support the bill today. Thank you very much.

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) (5.35), in reply: The Confiscation of Criminal Assets (Unexplained Wealth) Amendment Bill creates an unexplained wealth scheme for the territory. The bill continues this government's determined work to effectively target and disrupt serious and organised crime in the ACT—work that is based on evidence, not based on emotion and not based on opportunism. Unexplained wealth laws strike at the very heart of serious criminal offending through the seizure, restraint and forfeiture of assets of those who cannot prove that their wealth was acquired lawfully.

Because we know that organised crime is a business model, albeit an illegal one, we need to starve those who choose to partake of the funds that they earn in this illegal activity. We want to make sure that this is a business model that is not profitable. Unexplained wealth laws are unique in their ability to target those who are directing and masterminding serious criminal activity at arm's length. The bill creates an ACT

unexplained wealth scheme and provides for unexplained wealth restraining orders and unexplained wealth orders. This will enable the restraint and, ultimately, the forfeiture of property by a person connected to a serious criminal offence, putting the onus on the criminals to show that their money is not linked to criminal activity.

The bill will enable authorities to target wealth where it is not possible to prove a direct connection between assets and a specific criminal offence, even though the criminal activity may be well known. Through the establishment of this scheme, authorities will be able to intervene proactively when wealth is identified and there is a suspicion that it has been derived from serious criminal activity. This approach facilitates law enforcement powers to detect and deter crime by targeting assets associated with crime and undermining the underlying business model of organised crime.

The bill is consistent with schemes that have been established by other jurisdictions, and it works by shifting the burden of the onus of proof onto the respondent to show that they lawfully acquired their wealth. This ensures that a person with the ability to explain their source of wealth is afforded an opportunity to do so. The bill makes significant inroads into depriving criminals of their illegal profits. Under the existing civil forfeiture scheme the court must be satisfied that the person has committed a serious offence. This requires the Director of Public Prosecutions to prove on the balance of probabilities that the person committed the offence. In the overwhelming number of cases, forfeiture occurs following a criminal conviction; but under this bill the DPP now need only present evidence that a police officer suspects that a person's total wealth exceeds the value of the person's wealth that was lawfully acquired and the whole or any part of the person's wealth was derived from serious criminal activity. The bill provides that the evidence required does not require the police officer to specify a particular offence for serious criminal activity and it is sufficient if the police officer suspects and the affidavit describes the nature of the activity in general terms.

The provisions relating to hardship relief are an important safeguard contained within this bill. They allow the scheme to operate effectively and also protect the human rights of a person against whom an order is made and those of their dependants. The human rights measures included in this bill allow a court the discretion to refuse to make an order, or make an order to reduce the amount that is payable, if it considers that it is in the public interest to do so. A consideration that a court will need to have regard to amongst matters relevant to the circumstances of the case will be the new purpose of the act—that is, to deprive a person of any unexplained wealth derived from serious criminal activity. Further, at the final order stage, the court has discretion to make an order once the final order amount is paid, to provide for living expenses of dependants.

These discretions act as a very important safeguard. The financial and personal circumstances of a person who is the subject of the confiscation of criminal assets proceedings can vary significantly, and, accordingly, this bill ensures that the restraining and forfeiture provisions, including as they apply to the unexplained wealth scheme, will operate in a proportionate way and will not result in unreasonable financial hardship for a person or their dependants.

The ACT is a proud human rights jurisdiction, and this is reflected in this bill. The bill includes important provisions which address the potential for undue hardship to a defendant and their dependants at the restraint stage and, to a more limited extent, on dependants at the final order stage. The bill amends the existing confiscation regime in a way that ensures that it does not operate in an unduly harsh manner. The scheme established by this bill properly considers the rights of those directly affected, as well as the need for an operationally effective scheme. The bill ensures that ACT law enforcement has the best tools available to effectively target illegal activity.

This is a government commitment that is also evidenced by increased funding to ACT Policing throughout this government's term and the consistent enactment of evidence-based, effective and targeted legislation in the criminal justice space. The measures in this bill target and disrupt serious and organised crime and support national efforts to take the profit motive out of crime. As a government, we take the responsibility to protect our community very seriously. We will continue to ensure that law-abiding citizens are protected from all kinds of criminal behaviour. We will continue to enact laws that have been shown to work, laws that have been shown to make the business model of organised crime less profitable, laws that are not based on emotion and ideology but make a measurable deference to counter and proactively disrupt organised crime in the territory. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Victims Rights Legislation Amendment Bill 2020

Debate resumed from 2 July 2020, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (5.42): The Canberra Liberals are very pleased to see this bill finally before the Assembly. At last we will see a charter of victims' rights in the ACT. The work on the charter of rights was initially started by the former commissioner, John Hinchey. I would like to acknowledge his role in starting this process. That process was continued by the current commissioner, Heidi Yates, who spoke positively about this bill when the bill was tabled. I would also like to recognise the input of the staff of all of the agencies who have worked to bring this to the Assembly.

This is an important bill, and it is a comprehensive bill. Arguably, it is the most extensive of its type in the country. The bill legislates the core elements of the charter of victims' rights. These include broad statements of principle, including acknowledgement that the victim plays the central role in the criminal justice system. That is a very important recognition.

It also includes specific obligations for a range of justice agencies to protect victims' rights. These include the right to respect the privacy and safety of victims; the protection and engagement of child victims; the storage and return of a victim's property; protecting victims during committal hearings; minimising victims' exposure to offenders; the provision of aid and support; and the provision of legal and financial assistance. They also include an obligation across several justice agencies to keep the victim informed, including information about processes; updates on the status of investigations, including if a charge is dropped or discontinued; bail decisions; and the outcome of trials, parole hearings and decisions. Victims' concerns are to be raised in bail hearings, pre-sentencing reports, intensive correction assessments and parole or release hearings.

If a victim feels that any part of these processes has not met the obligations, the victim has a right to lodge a complaint with that agency and the agency must investigate and respond. If the victim does not feel that their complaint has been addressed, they have the right to refer the matter to a commissioner. Agencies must deliver all relevant documents and details for the commissioner to settle it.

While supporting the bill, the victims' rights commissioner mentioned some areas where these rights could be extended. For the record, I would like to include these comments from the Victims of Crime Commissioner, Heidi Yates. These are directly from her.

The first is about exploring the option of victims having recourse to ACAT to resolve charter complaints that have not been resolved by the Human Rights Commission complaint process. These include access to a full range of remedies, including financial remedies. Such an approach would ensure that charter complaints were treated equitably with other civil complaints, such as those relating to discrimination. An ACAT pathway would also provide an additional incentive for agencies to reach a settlement at conciliation, promoting the early resolution of disputes.

Her second point was about getting the balance right—ensuring that the charter does not inappropriately interfere with investigations or prosecutorial decisions but does not provide unreasonably broad loopholes for agencies to excuse themselves from accountability. For example, proposed new section 100B states that the DPP may excuse themselves from human rights compliant processes if they consider that compliance would prejudice the independence of the DPP or the prosecution of an offence. This clause is considerably broader than the comparative clause in Victorian legislation, which focuses on the exercise of prosecutorial discretion and potential prejudice through a criminal office rather than the director's broader independence.

Other parts of the charter indicate that agencies must only comply with certain rights if it is practicable to do so. Examples are proposed new subsections 14I(2), 17A and 17D(3). It is yet to be seen whether the bill sets a sufficiently high bar to adequately protect victims' rights.

Thirdly, the commissioner makes a point about working towards the explicit protection of victims' rights in the Human Rights Act as it exists in relation to the rights of offenders; for example, section 22 of the Human Rights Act.

I thank Ms Yates for her input. We have had discussions with her along the way. I reiterate my thanks to her and her predecessor, John Hinchey, for the work they have done and their advocacy in getting us to this point. I encourage the government to consider the points that she has made, and I make the point that if we do form government past October, we will work with the commissioner on those points.

It is fair to say that this legislation has taken some time. I think that I was a bit like a broken record in various annual reports and estimates hearings in asking where this work was up to. In briefings with the minister's office, it has been explained that this was due to working with the affected agencies, which would have considerable new obligations placed on them to develop and agree to a workable model. Regardless of that, we are here now, and that is a good thing. I thank the government for bringing this forward. It is something that enjoys strong tripartisan support in this place.

The act has a delayed start date to enable agencies to prepare and will be reviewed three years after commencement; but I make the point that if some of the issues that are raised by the commissioner can be adopted as part of this legislation at an earlier point, that should be considered.

Given all the work that has been done to date and our long support for the victims' rights charter to support a rebalancing of the scales of justice, I support this bill. I see this as a very important piece of legislation. I thank the minister for a briefing and I thank all of those who have been involved in getting us to this point today. I hope most sincerely that this piece of legislation makes the often very traumatic experience of victims of crime an easier one. It is always a difficult situation, and I hope it makes it in some way better.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (5.49), in reply: I am pleased to close the debate on the Victims Rights Legislation Amendment Bill 2020. This bill is a significant step towards fully recognising victims of crime and justice outcomes. It will have real-life impacts on ACT community members and change the way that people affected by crime as victims experience the justice system.

The ACT has a strong history of initiatives that improve access to justice and build on our position as a human rights jurisdiction. Such initiatives are important for all Canberrans, but particularly for marginalised community members for whom interactions with crime and the justice system can shape their lives in deep and ongoing ways.

This bill establishes a charter of rights for victims of crime. Despite the excellent frontline work of ACT justice agencies who support victims of crime and work to achieve justice every day, being part of the process can still be a re-traumatising experience for victims. The justice system can be confusing and difficult to navigate, and a lack of community awareness about justice processes and the role of the victim can leave them feeling disempowered. At worst, this can deter survivors and people adversely impacted by crime from reporting crimes to police or cooperating with

prosecution, as well as leading to long-term impacts on people's health and their ability to participate in education and employment.

The August 2017 recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse highlighted that criminal justice responses must be triangulated in the interests of defendants, victims and society. Those who are charged with criminal offences are expected to be brought to trial fairly, impartially and in the public interest, and criminal justice responses must be in the interests of the community, including victims.

The charter will transform the broad and aspirational governing principles for the treatment of victims of crime in the administration of justice in the Victims of Crime Act 1994 to rights underpinned by obligations for justice agencies on how victims are to be treated. It will also establish a restorative complaints resolution process, enlivening victims' rights by providing mechanisms for victims to seek remedy where a possible breach has occurred.

The charter has been directly influenced by what community members with lived experience told us is important to them. Victim rights have also been carefully contextualised through in-depth consultation with justice stakeholders so that they align with and complement legal frameworks and justice agency practices.

While many victim rights in this bill are based on existing practices or legislative entitlements, the charter ensures consistency in delivery; builds community awareness about how victims can expect to be treated; and provides opportunities for the acknowledgement of harm and improvements in practice where a breach occurs.

Certain rights also consolidate or extend victim engagement practices. For example, they ask justice agencies to seek the views of victims for certain decisions, while still respecting the necessary independence of those agencies. Victim rights also make improvements in the type of information that is provided to victims and place the responsibility for proactive engagement on justice agencies. Most importantly, this information is often used by victims to make decisions about how they can best protect their safety and how they want to engage with the justice process, allowing victims to feel heard and directly engage with the justice system.

The charter requires that justice agencies comply with victim rights. However, it also seeks other entities, such as community organisations and government policy areas that engage with victims, to have regard for victim rights. This acknowledges the support that community services provide for victims and embeds cultural change in how victims are viewed in the community more broadly.

The charter includes victim rights under five key themes. The first is respectful engagement with victims and the protection of their privacy and safety. The second is ensuring access to victim support services and assistance. The third is the provision of general information about justice processes. The fourth is about case updates and, where appropriate, seeking victim views on key decisions made in the administration of justice. The final one is about opportunities for participation in proceedings where this is provided for in the justice system.

Victims must be treated respectfully throughout the justice process, with consideration of their individual needs. For example, the views of child victims must be directly obtained and considered wherever possible and appropriate. Victims must also be provided with access to any aids and adjustments that are required to support their participation in the justice process, such as an interpreter.

The charter also outlines that the privacy of victim information, and any property held in the course of a prosecution or investigation, must be respected. Giving victims information about the justice process and their case in a timely manner ensures that victims can make informed decisions about their safety and how they want to engage with the justice process, and improves their access to recovery by understanding the financial and support services that are available.

When a victim first comes into contact with police, they will be told about the justice processes resulting from reporting an offence, receive written confirmation of having reported a crime, and be referred to relevant support services. When a crime is being investigated, victims must be kept regularly updated, unless this would jeopardise the police investigation.

During prosecution of an offence, victims will be given information about their role as a witness, including victim impact statements; the review process that is available if a decision is made not to prosecute; hearing dates; and the outcomes of trials and appeals. Victims' views must also be sought on key decisions around dealing with charges, recognising that, at times, the DPP may choose not to consult with victims due to the risk of prejudicing the prosecution of an offence.

After sentencing, victims will be given information about reparation orders, the availability of victims registers, which provide information about an offender's sentence, and options about how to minimise exposure to the offender—for example, via a personal protection order or requesting that they not be contacted while an offender is detained.

When parole inquiries are being held, registered victims will be provided with information about how they can provide a submission; the outcomes of any parole decisions; and information about an offender's sentence, including intensive corrections orders, where this relates to their safety.

If an offender is subject to a mental health justice pathway, a victim will be given information and updates about mental health orders where appropriate, how to provide submissions to ACAT hearings, and how they can register to receive further updates and support.

A number of charter rights highlight the importance of victim safety. In line with existing legislation, victims' views will be sought on safety concerns when bail is being considered, and victims will be updated on bail decisions. Prior to sentencing, victims' views in relation to safety must be considered when pre-sentence reports and intensive corrections orders are being prepared.

When a victim is in a court or tribunal building in relation to a proceeding for the offence, they can seek protection from violence or harassment from the accused person. Victims also have rights to information about, and participation in, restorative justice where eligible, as this is an important opportunity for victims to seek recognition of the harm caused by an offence.

Where relevant, victims' rights recognise the ability for the court to direct certain actions, rather than being the administrative responsibility of justice agencies. Rights also provide justice agencies with appropriate discretion so that they can make decisions in the context of independently conducted proceedings, in consideration of available resources, and in relation to weighing up the privacy and safety both of victims and of the accused. These rights have been carefully consulted on with justice agencies and crafted to ensure that the rights of victims and the accused are fairly balanced.

In response to a comment from the justice and community safety standing committee, in its legislative scrutiny role, I am proposing a minor government amendment to this bill to clarify the circumstances in which information about orders relating to an offender's mental health can be provided to a victim. This clarifies that certain information about an offender's mental health order can only be provided to a person who is a registered affected person under the Mental Health Act 2015 in relation to offences committed by forensic patients. Information will therefore only be shared with victims who fall into that category. There will also be clear links to the special circumstances and considerations that apply in relation to what information should be disclosed—for example, consideration of sensitivities in relation to young offenders.

I thank the scrutiny committee for their comments, as this amendment aligns with the intention for this bill to operate cohesively with other ACT legislation and to acknowledge the complex circumstances in which decisions about information being shared with victims are to be made.

One of the most important aspects of the charter is the restorative accountability framework. This sets out clear pathways for the acknowledgement of victim rights where they are not upheld. Conversations between victims and agencies provide opportunities for harm to be repaired and trust to be restored for victims of crime. It also allows for changes in victim engagement practices so that other victims are less likely to experience a breach of rights in the future.

The complaints resolution process acknowledges the ability for justice agencies to monitor their own compliance with the charter and the existing good practices of agencies and officials in resolving concerns directly with community members where they arise. Justice agencies will also be required to develop policies that demonstrate how responsibilities under the charter are upheld and report on complaints that are raised.

While the majority of concerns are expected to be resolved directly between victims and agencies, the complaints resolution framework also offers the option of a more centralised process for victims to raise concerns with the Victims of Crime

Commissioner or the ACT Human Rights Commission. This ensures that there are opportunities for systemic advocacy and independent complaint resolution in a victim-focused context.

The human rights complaint consideration process will follow the same pathway as other service complaints, whereby information can be sought from parties to assist in resolving a complaint, recommendations can be made to an agency and a report can be made to the minister. Access to Human Rights Commission conciliation is considered to be one of the most important contexts of this framework. It is an opportunity for the victim and the justice agency to discuss the breach that is alleged to have occurred in a supported, confidential and independently facilitated environment. This may assist in a victim's recovery and provide agencies with valuable rights to improve the treatment of victims.

The Human Rights Commission will also be able to consider a complaint about a potential breach of a charter right on its own initiative. This is important for victims who may not feel comfortable pursuing the complaint process and provides an avenue for systemic change. All agencies are required to give information to victims about the available complaints pathways if a concern is raised and the processes for resolving the concern. A victim may also nominate a representative to exercise some or all of the victim's rights on their behalf, such as receiving information and making a complaint.

This accountability framework for victims' rights is the strongest in Australia. Both the complaints process and victims' rights themselves have been carefully developed with regard to existing legislative frameworks, practical implementation issues, respect for the rights of the accused and offenders, and the preservation of judicial and prosecutorial independence.

For example, while all victims have rights wherever possible, the charter recognises that there may be circumstances where contact with a victim is not possible or practicable. It acknowledges that there are agencies that often work together to deliver information to victims of crime, that sometimes the victim does not want to be contacted or cannot be found after reasonable attempts have been made and that sometimes the proceedings progress too quickly for contact to occur.

The charter also recognises that if a primary victim is contacted, a justice agency need not necessarily contact the secondary victim who is related to that person. There are also particular groups, such as victims of indictable offences and victims who are concerned about their safety, who have enhanced rights due to the nature of support required, whereas other groups of victims can access this additional information and support on request.

The bill appropriately recognises the importance of prosecutorial and judicial independence. The Director of Public Prosecutions need not comply with the provision of the Human Rights Commission Act in relation to a victim's rights complaint if that would prejudice the independence of the DPP or the prosecution of an offence.

The charter also carefully constrains the coverage of independent bodies that exercise judicial functions, such as ACT courts and tribunals. Although the charter requires justice agencies to uphold victim rights, this does not include judges or magistrates and it only includes a court or tribunal when acting in an administrative capacity. A court or tribunal is considered to be acting in an administrative capacity other than when it is exercising its jurisdiction in relation to any proceeding before it.

Moreover, the charter includes a statement that it does not intend to create any legal right that could give rise to civil action, affect the interpretation or operation of other territory laws, or affect the validity or provide grounds for review of any judicial or administrative act or omission.

In these ways, the charter achieves its aim of setting standards for improved victim treatment while respecting the independent justice settings within which victim engagement occurs. The implementation of the charter has been carefully planned to ensure that it can be reasonably upheld by justice agencies and that victims are supported to access their rights.

Prior to commencement on 1 January 2021, new community and victim education materials will be developed to increase understanding of victim rights and justice processes. Three victims' registers, which provide information to victims to support their safety and participation in justice processes post sentence, will be relocated from their respective justice agencies to Victim Support ACT. This will improve efficiency and information flow and wraparound support and advocacy for victims.

Key justice agencies will receive additional resources to support victim engagement. In 2021 a flexible fund for the Victims of Crime Commissioner will be piloted for two years. The purpose of the fund is to meet diverse and individually identified victim needs, filling gaps where other provisions are not available. The charter will be reviewed three years after its commencement to provide an opportunity to further build on and strengthen the ACT's victims' rights framework.

People who are impacted by crime as victims and survivors are central to the justice process. Their participation ensures that prosecutions have the best possible outcome and that those who commit crime are held to account for those actions. The introduction of victims' rights provides assurance that victims will be acknowledged and respected throughout the process and provides avenues for more meaningful engagement.

Empowering victims of crime to participate fully in the justice processes from their first point of contact will better support recovery from crime and encourage more community members to feel comfortable reporting crime. This bill is an important step in the government's commitment to ensuring that the ACT justice system is accessible and fair for all Canberrans.

I thank Mr Hanson for his remarks. I note the comments he made. I agree with them. I think that the review point is an important process along the way, but there may be opportunities before that. I thank members for their support for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (6.07): I seek leave to move amendments to this bill that have not been circulated in accordance with standing order 178A and, pursuant to standing order 182A(c), I seek leave to move amendments to this bill, which are in response to scrutiny committee comments, together.

Leave granted.

MR RATTENBURY: I move amendments Nos 1 to 5 circulated in my name together and table a supplementary explanatory statement to the amendments *[see schedule 1 at page wwww]*. I referenced these amendments earlier in the discussion. I do not intend to make any further comments unless members seek information.

Amendments agreed to.

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

Bill, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Urban forest strategy—Mr Brian Brocklebank

MS CHEYNE (Ginninderra) (6.08): I rise tonight to speak briefly about an important announcement that I was pleased to be a part of in Ginninderra this week. As you are aware, the urban forest strategy was released on Monday, and as part of this I joined Minister Steel on a frosty morning at the Jamison Centre to announce a special project for the trees in the Jamison car park.

This might not sound like the most exciting project you have heard of, but anyone who has visited the Jamison Centre knows exactly why it matters—the numbers of trees are sparse, just like the trees themselves are sparse. They are struggling to grow under compacted root space, lack of available water and insufficient soil volume. They are undersized and unhealthy, if they have not outright failed already. It is one of those things that, once you see, you cannot unsee.

The impact of not having healthy trees in a car park the size of Jamison's is patent. There is little shade, even in summer, when the trees should be full of leaves. The car park becomes a heat island. It is unpleasant to be in and has broader effects for the surrounding area. Jamison, then, is an obvious choice for a water-sensitive urban design tree pit trial.

A tree pit is filled with high quality soil and enough root space for the healthy development of the selected tree species. The uncompacted soil, increased space and increased access to water helps extend the life of the tree, improve canopy cover, increase shade and cooling, improve landscape amenity, reduce ongoing irrigation and tree care, and prevents the uplift of pavement by the tree roots. The system is designed to allow stormwater from the surface of the car park to flow into the structural soil cells to further enhance tree health and deliver a number of stormwater management benefits.

Eight trees will be planted in one part of the car park as part of this trial and another eight will be planted under normal conditions as a control. Design work will begin on this soon and it will hopefully all be in place by early next year.

This did not come about by any accident—the state of the trees is obvious, but it is the many people who have brought the issue to my attention that has ensured it has been given the response and the funding that it needs. The number of constituents that I have spoken to about the issue, who I am so pleased were able to join us on Monday, was just a small number of the people who have been raising the issue; but one person was missing.

It was 2016 when Brian Brocklebank first began to speak to me on a number of issues, including his interest in the budget situation. Quickly our conversation turned to the state of the trees in Jamison. Brian was nothing if not passionate, proactive and persistent. It was Brian who first raised the issue with me and Brian who I first toured the car park with. Later, Brian and I toured the car park with Minister Steel, who saw firsthand the deterioration of the trees and agreed that something needed to be done. Brian also met personally with officials from TCCS to understand the situation from their perspective.

When he was travelling, whether it was to another city or just to the other side of the lake, Brian was constantly on the lookout for interesting or better ways of making the place better for his grandchildren. He would reflect on what worked, and invariably an email would pop into my inbox with his thoughts and suggestions. It is not a surprise that what is going to happen at Jamison fits largely with the vision that Brian had for the car park; but, regrettably, it is a vision that Brian will not see realised.

Brian was tragically killed in a car accident late last year. While Brian could not be there, we were very lucky to be joined by Brian's wife, Deirdre, his daughter, Holly, and his many, many, family and friends. We extend our sincerest condolences to them. Brian was a giving person. He wanted to do things that benefited many and not just a few. Other people talk about doing things, but Brian did them. These trees will be a living reminder of Brian's foresight and his contribution to the community: a fitting legacy for an extraordinary person.

Transport Canberra—bus services

MRS KIKKERT (Ginninderra) (6.13): Shortly after my election in 2016, I was contacted by a constituent who lives in Macrossan Crescent in Latham. At the time, there were bus stops in this street, but these stops were serviced only on weekdays. Weekend service completely bypassed Macrossan Crescent, requiring this resident, and many others in the same situation, to walk more than a kilometre to access the nearest bus stop in Onslow Street. This is a significant journey by foot, especially for many of the older Canberrans who live in the area.

I wrote to the then minister and asked if bus service could be extended to this street on Saturdays and Sundays. Her short response was no, but she assured me and residents in this part of Latham that their feedback would be considered as part of future network planning.

The next year, the network was updated, and I hoped that this might include a weekend bus service for Macrossan Crescent. It did not. So, again, I wrote to the minister to find out what had happened to the feedback. In response, the minister wrote:

> Your constituents' concerns about the weekend buses in Latham have been forwarded directly to the Transport Canberra service planning area to be considered as part of network 18 redesign.

Nevertheless, network 18 still did not extend weekend bus service to the residents of this street. Then came network 19, with its slash and burn approach to long-established bus stops across our city. The residents of Macrossan Crescent who had politely asked this government for weekend services to match weekday services, were given a nasty fulfilment of their request: no more buses in their street at all any day of the week.

I am reminded of these events after recently speaking with another Canberran who lives in Macrossan Crescent. Three years ago, this gentleman, like his neighbours who first contacted me, found it difficult to use public transport on Saturdays and Sundays, but at least he had other options. Now if he wishes to go anywhere, he needs to walk more than a kilometre, regardless of the day of the week.

I realise that the former minister once tried to explain away this kind of distance by saying that the government looks at radial distance and not how far someone has to actually walk to a bus stop. That might seem like a clear response during question time, but it does nothing to change how far the residents of Macrossan Crescent must now walk to catch a bus, despite having previously enjoyed a bus service in their street for many years.

The former minister also stated that this government relies upon the recommendations in its estate development code. Rule 4 in the code requires that at least 90 per cent of dwellings are within 500 metres of a bus stop for a local route and within 800 metres of a bus stop for a rapid route. No matter how one measures the distance, fewer than

20 households in Macrossan Crescent are within these guidelines. The remainder—more than 100 households in this street and the surrounding area—fall well outside these guidelines. By ignoring its own code, this government has failed these residents.

This week, the government had the opportunity to do the right thing and re-establish a bus service for these households. It did not. On behalf of my constituents in Latham, I once again call upon those opposite to restore the previous level of service by allowing the number 40 bus to take a few extra minutes—that is all it takes—to travel down Macrossan Crescent.

Government—achievements

MR GUPTA (Yerrabi) (6.18): Today marks a year since I was confirmed as a member of the ACT Legislative Assembly and it has easily been the most rewarding year of my life. I ran for the Legislative Assembly in 2016 because I believed that something that many of us are yearning for is a return to a tight-knit community where neighbours know each other and take care of one another. This need for community has only been further highlighted by the challenges we, as a territory, a state and a nation, have faced over the past year; but the way Canberrans have come together to care for each other has been one of the highlights.

During my time as a member I have been working hard to strengthen Gungahlin as a community. For me, a strong community is one that cares for its vulnerable members, one that provides excellent education, from early learning to tertiary education and beyond, and one where everyone can access the health care that they need without worrying about cost. It is a place with vibrant community spaces that allow us to come together, whether that be indoors or out. It is somewhere with a strong economy, strong business prospects, so that young people can get jobs close to home.

However, just as they say it takes a village to raise a child, I believe that strong community needs strong connection, where everyone can share ideas. When I joined the parliament, I set out to talk to as many of my constituents as I could. It is all very well to bring in my own ideas for a strong community, but true progress comes from collaboration.

Over the last year my team and I have knocked on almost 5,000 doors and called almost 16,000 phones. We have spoken to constituents about a host of issues, from the simple joy of a walk in the park to the challenges that our economy faces in a post-COVID world. By combining my own ideas with those of my constituents, I have been able to get a clear idea of what my community needs. That has been my guide map for the past year.

It seems like a lifetime ago now, but this summer's bushfires threw into stark relief the need for effective climate management in Australia, which is something that I have felt strongly about for many years. In November I moved a motion calling on the government to ensure that we continue to prioritise water security for the territory as, even without the recent bushfire, access to fresh water is a challenge that will only continue to grow.

As well as representing the community of Gungahlin, I have also had the privilege of working closely with a number of multicultural communities in the ACT. Last year I moved a motion calling on Minister Orr to build a new community facility at EPIC, with the specific goal of allowing our multicultural communities to hold large-scale events in line with religious and cultural practices.

I was also privileged enough to travel to Lucknow, India, where I followed in the footsteps of Graeme Westlake to visit Walter Burley Griffin's grave. It was difficult to find but it was more than worth it to be able to pay my respects to the man who had such a strong hand in building the city that I have come to call my home. I have since moved a motion in the Assembly with the aim of continuing to recognise Mr Burley Griffin's legacy, as well as to further draw attention to the contribution of Marion Mahoney Griffin, whose contributions are likewise all around us.

More recently, I moved a motion to support flexible work arrangements for ACT public servants, with a further goal of allowing their federal counterparts to continue to work in the way that best suits them. I believe that the struggles we have faced this year have taught us a lot and we should be careful to remember new lessons we have learnt.

To conclude, I thank my colleagues in the government for their continued efforts to help the people of Canberra. I believe that we are all passionate about and share the goal of building better lives and better communities for our constituents. I sincerely hope that we can continue with the important work in the future.

Question resolved in the affirmative.

The Assembly adjourned at 6.23 pm until Thursday, 30 July, at 10 am.

Schedule of amendments

Schedule 1

Victims Rights Legislation Amendment Bill 2020

Amendments moved by the Minister for Justice, Consumer Affairs and Road Safety

1
Clause 30
Proposed new section 16M (1)
Page 43, line 3—

omit

a victim of the offender

substitute

a registered affected victim of the offender

2
Clause 30
Proposed new section 16M (2)
Page 43, line 11—

omit

a victim of the offender

substitute

a registered affected victim of the offender

3
Clause 30
Proposed new section 16M (2), note
Page 43, line 15—

omit the note, substitute

Note 1 The *Mental Health Act 2015*, s 134 sets out information in relation to a forensic patient that must be disclosed to a registered affected person if a mental health order has been made (see that Act, s 134 (2)). Other information may be disclosed if necessary for the registered affected person's safety and wellbeing (see that Act, s 134 (3). However, identifying information about a child, or a person who was a child when the offence was committed or alleged to have been committed, may only be given in certain circumstances (see that Act, s 134 (4)).

Note 2 Th e ACAT need not give the information mentioned in this section to the victim if another justice agency has already given the information to the victim (see s 14E (2) (b)).

4
Clause 30
Proposed new section 16M (3), definition of *offender*, new note
Page 43, line 19—

insert

Note A victim can only be a registered affected person in relation to an offender who is a forensic patient.

5
Clause 30
Proposed new section 16M (3), new definition of *registered affected victim*
Page 43, line 19—

insert

registered affected victim, of an offender, means a victim who is a registered affected person for an offence committed or alleged to have been committed by the offender.
