Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

NINTH ASSEMBLY

13 AUGUST 2020

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Thursday, 13 August 2020

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

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

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

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

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

Leave of absence

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

> That leave of absence be granted to Ms Cody for today due to illness.

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

> That leave of absence be granted to Mrs Jones for today due to illness.

Petitions

The following petitions were lodged for presentation*:*

Municipal services—Farrer—petitions 10-20 and 15-20

By **Ms Cody**, *from 334 and 263 residents:*

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that Farrer is a strong, vibrant, diverse and engaged community eager to develop community assets for the well-being of the residents of Farrer and the Woden Valley.
>
> We wish to build on the benefits of the nature play and bike track which have proven popular for the Farrer and Woden Valley residents. Community members are active in the enhancement and maintenance of the park but acknowledge the limitation of use dependant on the availability of a public toilet including associated security infrastructure that will deter undesirable behaviour. This particularly affects the younger and older residents of Farrer and their ongoing

engagement with the space. The nearest facility is at the Southlands Shopping Centre approximately 2km away. There is a decommissioned toilet facility at the car park opposite the Farrer Scout Hall.

Your petitioners therefore request the Assembly allocate resources to continue to develop community facilities in Farrer by opening and maintaining a public toilet with associated security infrastructure at the Farrer Nature Play and Bike Track.

Pursuant to standing order 99A, the petitions, having more than 500 signatories, were referred to the Standing Committee on Environment and Transport and City Services.

Planning—Chisholm development—petition 12-20

By **Ms J Burch**, *from 808 residents:*

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

We the undersigned declare our objections to the development of a McDonald at Block: 44 Section: 539 Suburb: CHISHOLM. Development Application Number: 201935300

1. The petition of July 2019 objections remain supported by the community;

2. the reconsideration documents do not fully address the concerns of the community;

3. the revised plans continue to present public safety and amenity concerns as follows:
   - continue to pose a safety risk to pedestrians and traffic
   - apparent loss of car parking in an already busy car park
   - the issue of heavy vehicle access remains a safety risk
   - the increased traffic into the car park with the funnelling effect to drive traffic to a narrow focused area; and

4. there has been no consultation with community or business on the original or the subsequent changes for reconsideration.

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

1. oversee thorough and inclusive community engagement on any proposed redevelopment, at Chisholm Village, of the existing tavern and sale of public toilets site;

2. community engagement to consider the impact of health and wellbeing of the community, existing small businesses, cafes/food outlets, and parking and traffic management; and

3. engage with the local community and businesses on the extent of the changes presented in the. reconsideration of the development.

Pursuant to standing order 99A, the petition, having more than 500 signatories, were referred to the Standing Committee on Planning and Urban Renewal.

Transport Canberra—Symonston bus services—petition 14-20

By **Miss C Burch**, *from 3 residents:*

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:
> Transport Canberra bus services for Symonston were stopped on 29 April 2019.
>
> This bus service catered for 86 tenanted sites at the Narrabundah Long Stay Park which include vulnerable residents, 85 sites at the Sundown Villas for residents of over 60 years old, approximately 500 employees at Geoscience Australia and 750 employees at the Therapeutic Goods Administration.
>
> Your petitioners therefore request the Assembly to:
> Assist where possible in the reinstatement of the Transport Canberra bus services for Symonston.

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

Ministerial responses

The following responses to petitions have been lodged:

Schools—online learning—petition 8-20

By **Ms Berry**, Minister for Education and Early Childhood Development, dated 1 August 2020, in response to a petition lodged by Ms Lee on 7 May 2020 concerning the closure of schools during the coronavirus pandemic.

The response read as follows:

> Dear Mr Duncan
>
> I write in relation to petition No 8-20 tabled in the Legislative Assembly on 7 Mary 2020 by Ms Elizabeth Lee MLA, regarding the delivery of public education in term two.
>
> At the start of term two, ACT public schools students made the transition to learning remotely. Teachers designed this learning to be appropriate for the age and abilities of their students. Remote learning included offline activities and face-to-face activities with classmates and teachers via video conferencing. Year 11 and 12 students continued to work towards their ACT Senior Secondary Certificate.

Students from years 7 to 12 already had Chromebooks provided to them by the ACT Government, and this provision was extended to students from year 4 to year 6. The government also provided devices to younger students who needed it, and internet access to families who didn't have it at home.

Students who were unable to learn from home were able to attend one of the nine safe and supervised sites that were located at schools across Canberra, and all four specialist schools remained available for their students who couldn't be at home.

While public schools were prepared to deliver remote learning for all of term two, the circumstances of the pandemic in Canberra meant that it was possible to do a staggered return from 18 May 2020 in line with the easing of restrictions. This followed consultation with parent representatives, the Australian Education Union and school leader representatives, and advice from the ACT Chief Health Officer.

This pandemic is not over, and the ACT Government is closely monitoring the situation in Canberra and around the country. Schools learned a lot throughout the period of remote learning, and this puts ACT public education in a strong position to respond however may be necessary into the future.

Planning—Chisholm—petition 9-20

By **Ms Berry**, Minister for Housing and Suburban Development, dated 5 August 2020, in response to a petition lodged by Mr Wall on 18 June 2020 concerning proposed redevelopment in Durham Place, Chisholm.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 19 June 2020 about petition No 9-20, lodged by Mr Andrew Wall MLA on behalf of 71 Australian Capital Territory residents.

I understand the petition concerns Housing ACT's proposed plans to redevelop 2 and 4 Durham Place, Chisholm (Blocks 18 and 19 Section 532). This proposal will see the replacement of the existing three-bedroom dwellings with five two-bedroom Class C adaptable dwellings.

This redevelopment is part of the ACT Government's ongoing *Growing and Renewing Public Housing 2019-24* program, which will see the renewal of more than 1,000 of our older inefficient homes and 200 extra homes built over the five years. This plan aims to improve tenant experience, provide more public housing, and build a progressive and inclusive city that supports vibrant local communities. The aged properties will be replaced with new modern homes that will provide tenants with safe, affordable and appropriate housing options.

The blocks are all located in Residential RZ1 Suburban zone which has, as one of its objectives, the provision to provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs. The Territory Plan also makes provisions for blocks that are used for the

purposes of Supportive Housing to be consolidated and accommodate more dwellings.

Supportive Housing refers to the use of land for residential accommodation for persons in need of support. These dwellings will be built to Class C Adaptable standards, which ensures that people of all ages and abilities can be accommodated, and that the dwelling can be easily adapted to meet changing household needs without requiring costly or substantial modifications.

I understand the petition raises concerns regarding traffic noise. It is anticipated that there will be some additional noise and traffic created through the increase in the number of new dwellings; however, this is not expected to adversely affect the amenity of the residents in the adjoining properties. Transport Canberra and City Services has established design standards for urban infrastructure, which includes traffic management and driveways, and it is mandatory that this development meet these requirements.

On 18 May 2020, Housing ACT commenced a six-week community engagement period, with the 21 households in the immediate vicinity provided with information about the proposal, along with copies of the plans. Housing ACT undertakes consultation activities on all projects in order to remain transparent and inclusive to feedback from the surrounding community. The engagement period closed on 26 June 2020.

Housing ACT is working with the project architect to finalise the design and the final design will comply with all relevant development and planning requirements. A Development Application (DA) will need to be lodged and approved prior to works commencing, with Housing ACT being held to the same standards as all proponents. The DA is expected to be lodged in August 2020. There will be further opportunity for the community to provide comment on the proposed redevelopment during the public notification period as required under the *Planning and Development Act 2007*. This process is managed by the Environment, Planning and Sustainable Development Directorate and I encourage interested residents to monitor the Public Notification website for further information.

Municipal services—playgrounds—petition 7-20

By **Mr Steel**, Minister for City Services, dated 11 August 2020, in response to a petition lodged by Ms Orr on 7 May 2020 concerning proposed playground safety in Ngunnawal.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 8 May 2020 regarding petition 7-20 lodged by Ms Suzanne Orr MLA regarding playgrounds in Ngunnawal.

In the ACT safety inspections audits against Australian Standards for playgrounds are regularly conducted with more than 26,000 undertaken on Canberra playgrounds last year. The playground at the junction of Burrumurra Avenue and Maynard Street Ngunnawal and the playgrounds in Amaroo are

regularly inspected as part of this program. In addition, detailed level 3 compliance inspections, as specified in the standard, are conducted on all playgrounds annually by an independent inspector.

I am advised that the playground at the junction of Burrumurra Avenue and Maynard Street Ngunnawal remains safe and fit for play, noting that some of the play equipment is ageing. General maintenance and repairs are also conducted during these visits and any major work is programmed to be undertaken as quickly as possible.

To gain a better understanding of the community's priorities for park and playground facilities in established suburbs, the Government conducted the "Better Suburbs" deliberative democracy initiative in 2018 that was attended by a broad cross section of the community. This initiative included a Play Space Forum on 19 August 2018 where participants identified a range of criteria and recommendations which will be used to inform future decision-making about playgrounds. The participants also allocated funding for priority upgrade works. The safety audits also determine the priorities for playground upgrades. As you would expect child safety is the most important criteria in the audit process.

I can advise that participants in the process did not allocate funding for works at the Maynard Street Neighbourhood Playground, although this playground and many others across the city will be considered for future upgrades based on the results of safety audits and in light of the decision-making framework developed by the Play Space Forum.

During the current COVID-19 pandemic, the ACT Government has committed an additional $300k stimulus package towards refreshing another 30 playgrounds across Canberra. Of these playgrounds, Violets Park in Ngunnawal has received a refresh including repainting and repairing and replacement of the decking and the Softfall.

Thank you for raising this matter. I trust this information is of assistance.

Municipal services—water refill stations—petition 6-20

By **Mr Steel**, Minister for City Services, dated 12 August 2020, in response to a petition lodged by Mrs Kikkert on 7 May 2020 concerning water refilling stations in Kippax and Charnwood.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 8 May 2020 regarding petition 6-20 lodged by Ms Le Couteur MLA regarding water refilling stations and Container Deposit in Kippax and Charnwood.

The previous installations of water refill stations across Canberra were funded by the ACT Health Directorate through the Healthy and Active Living project. These water refill stations were installed and handed over to be maintained by Transport Canberra and City Services. The Belconnen district currently has eight water refill stations available at high usage areas.

> I have been advised that even though there is no water refill station at Kippax, there are many businesses, including the local library, where people have access to water and are able to refill a bottle during business hours. Businesses at the Charnwood shopping centre can also provide water for patrons. In addition, the sporting ovals at both Kippax and Charnwood offer access to water for those who have booked an event with access to the toilet blocks.
>
> Improving the availability of public drinking facilities is important to enable Canberra residents and visitors to keep hydrated, especially, over the hot summer period. I encourage all residents and visitors to carry reusable water bottles to reduce waste from single use drink bottles.
>
> The ACT Container Deposit Scheme (ACT CDS) has recently celebrated its two-year anniversary and has received more than 70 million eligible containers in the ACT. It is encouraging to know that there is high interest for the scheme in the suburb of Holt.
>
> The nearest ACT CDS *Drop & Go Pods* to Kippax shopping centre are located in Charnwood Place, Charnwood and Hawker Place, opposite the Hawker shops. You can view all the current return locations by visiting the website actcds.com.au.
>
> The ACT CDS is run by the network operator, Return.It, and they been notified on the request for additional return locations. Return.It are looking into new potential depot locations within the Belconnen area.
>
> Thank you for raising this matter. I trust this information is of assistance.

Motion to take note of petitions

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

> That the petitions and responses so lodged be noted.

Members, before I make the call, I seek leave to table an out-of-order petition that is along similar lines to the e-petition that we have just noted this morning. It is unusual, I understand, members.

Leave granted.

MADAM SPEAKER: Thank you. I present the following paper:

> Petition which does not conform with the standing orders—Chisholm Village—Proposed redevelopment (207 signatures).

Transport Canberra—Symonston bus services—petition 14-20

MISS C BURCH (Kurrajong) (10.05): I rise today to speak in support of a petition lodged on behalf of Narrabundah long-stay caravan park residents calling on the government to restore bus services running down Narrabundah Lane and Jerrabomberra Avenue.

I also seek leave to table an out-of-order petition with a further 139 signatures, with the same request.

Leave granted.

MISS C BURCH: I present the following paper:

> Petition which does not conform with the standing orders—Symonston—Reinstatement of bus services (139 signatures).

I am proud to support the long-stay caravan park and Sundown Villa residents today, as they, like many other Canberrans across the inner south, have been completely ignored by this old and tired Labor-Greens government.

Back in 2019 Symonston residents made submissions to the government regarding the importance of having an accessible and reliable service on Narrabundah Lane and Jerrabomberra Avenue with stops within a reasonable walking distance from their homes. On 29 April these submissions were completely ignored, and the new network saw the bus stops on these streets cut completely, stranding residents from the rest of the city. Since then, there have been two major tweaks to this disastrous bus network, yet still no acknowledgement from the minister or the government about just how badly these bus stop removals have impacted residents living at the long-stay park and Sundown Villas.

As the petition states, the bus services that previously ran down Narrabundah Lane and Jerrabomberra Avenue connected 86 tenanted sites at the Narrabundah long-stay park, as well as 85 sites at Sundown Villas, for Canberrans over 60 years of age. Many residents at these parks are vulnerable, have mobility issues, or do not have access to a car.

Let me give just a few examples of how badly these changes have impacted residents. Despite the minister having claimed that 800 metres was the maximum distance Canberrans would have to walk to their closest bus stop, the journey planners from Transport Canberra show that these walks are much longer. Narrabundah and Sundown Villa residents have to travel 3.2 kilometres, a 47-minute walk, to get to the nearest bus stop to travel to Woden. The nearest bus stop for a bus that takes them to the city is not much better, being 1.7 kilometres, a 26-minute walk away. Even somewhere a bit closer to home like Manuka is a 32-minute journey door to door, with 26 of those minutes spent walking to the bus stop on Goyder Street.

Let us be clear here. For the last 15 months, Symonston residents have been forced to walk at least twice the distance that the minister promised in order to access basic public transportation services. That is not good enough. It is not good enough for the vulnerable and mobility-impaired residents, and it is not good enough that this government has chosen to effectively isolate so many residents who rely on our bus network to get around our city.

If the minister is so willing, in an election year, to pork-barrel network improvements into key suburbs to improve his chances of winning re-election, then he does have the capacity, and should have the capacity, to restore the cruel and unjustified bus stop removals that have unfairly punished these residents.

Madam Speaker, this is not the first time I have brought forward a petition regarding bus cuts in this place, and it is not the first time that the minister has ignored the ongoing concerns of vulnerable, elderly and mobility-impaired Canberrans. My question to the minister is: just how many petitions, how many pieces of negative feedback and how many more tweaks will it take for him to finally treat Canberra residents with respect and restore the bus services that they deserve?

Municipal services—Farrer—petitions 10-20 and 15-20

MS LE COUTEUR (Murrumbidgee) (10.09): I want to speak very briefly in support of Ms Cody's petition about public facilities for Farrer nature play and bike park. The Farrer nature play and bike park area has been incredibly popular, and is a great credit to the people of Farrer, and also the ACT government, who funded it. Because of its great popularity, there is a need for toilet facilities.

I am aware of the need for toilet facilities throughout Canberra. This is a discussion we need to have more of in Canberra, particularly as we are getting older. Old and young people tend to have—not necessarily—continence issues. I am an ex-Downer resident, and I was part of the unsuccessful campaign to keep the toilets open in Downer. I know the campaign is starting again. I understand there is a campaign in Kaleen.

We need to look at how we provide toilet facilities outside. It is a lot of work to keep toilet facilities in good nick, but we must be able to find a way of doing it. I suspect it may be a public-private partnership where the toilets are provided by the shopkeepers in the local shops and subsidised by the government so that they are available to everyone. I am not sure what the solution is, but I know that this is an issue that exercises the minds and the bladders of many people in Canberra, and it is something that I hope the next government puts some energy into.

Question resolved in the affirmative.

City Renewal Authority and Suburban Land Agency Amendment Bill 2020

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

Title read by Clerk.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (10.11): I move:

> That this bill be agreed to in principle.

I am pleased to present the City Renewal Authority and Suburban Land Agency Amendment Bill 2020. This bill facilitates the revitalisation of the iconic Sydney and Melbourne buildings. These landmark heritage buildings are a significant element of Canberra's history and continue to be a defining feature of our city, framing the gateway to Northbourne Avenue and City Hill. You would be hard-pressed to find a Canberran who does not have some connection to the buildings, and they would be recognisable to most Australians who have visited Canberra.

It is important that we continue to preserve our city's heritage and character, whilst ensuring that our city continues to be a great place to live and visit. Unfortunately, a significant portion of the Sydney and Melbourne buildings' common areas have deteriorated over the decades. This is not because of action or inaction on the part of government or the properties' multiple private owners. Rather, this problem is largely connected to the buildings' unique tenure arrangements.

Usually, multiple properties within a building are unit titled. Unit-titled properties have a body corporate that manages the common and public-facing areas of that building. The Sydney and Melbourne buildings, however, were sold off and built as individual lots between 1927 and 1946, reflecting the real estate practices of the era, well before the introduction of strata title. Importantly, these arrangements did not give rise to the creation of a governing body charged with maintaining the Sydney and Melbourne buildings' common areas and features, such as the buildings' facades, colonnades, lighting and tiling. This legal arrangement is still in place today. Each lot owner maintains their individual sections. As a result, the condition of the buildings is inconsistent.

Today, through the introduction of this bill, the government is taking action to revitalise the Sydney and Melbourne buildings and ensure that we have a modern legal framework to support their future. These landmark buildings can, and should, reflect Canberra's world-renowned legacy as a planned national capital, and our commitment to ensuring that our city continues to grow in a way that is characterised by high quality architecture, public spaces and streetscapes that strengthen sustainability, connectivity and, most importantly, livability. Canberrans recognise the significance of the Sydney and Melbourne buildings and support efforts to realise their full potential.

Prior to finalising this legislation, the City Renewal Authority consulted with the buildings' owners and tenants and the wider community through workshops, briefings and surveys. The authority received more than 600 responses during the consultation period, with 88 per cent who submitted coming from the broader community. The overwhelming majority of respondents identified the Sydney and Melbourne buildings as important architectural features of our city's CBD and were supportive of the government's plan to improve their condition. The Sydney and Melbourne buildings' property owners also recognise the opportunities and benefits stemming from these improvements, and they recognise the benefits of being able to work together to achieve a good outcome.

Working together to revitalise the Sydney and Melbourne buildings is at the heart of this bill. Before developing this legislation, the government investigated several policy options, including buying back leases. We have also considered legal principles, practical responses and, of course, the views expressed by stakeholders, building owners and the public.

The bill I introduce today sets out the process for revitalising the Sydney and Melbourne buildings. Under clause 36B, the minister may ask the City Renewal Authority to prepare a draft revitalisation plan which will set out the refurbishment work required for the public-facing areas of each building. In developing a draft plan, the City Renewal Authority must engage with each owner, the Conservator of Flora and Fauna and the ACT Heritage Council.

Under section 36C, the draft plan will then undergo 30 days of public consultation. After considering any written submissions lodged during the consultation period, the City Renewal Authority must finalise the draft plan and provide a final version to the minister for approval.

The minister may then approve the final revitalisation plan, under section 36D. This section includes several important components. For instance, the minister cannot approve a plan if it is inconsistent with the advice of the Conservator of Flora and Fauna or the ACT Heritage Council. In approving the plan, the minister must state a reasonable period in which the work must be completed. Finally, under this bill, an approval given by this section is a disallowable instrument, allowing the Assembly to scrutinise the plan before it is activated.

Once the revitalisation plan is supported by the Assembly, it becomes a legal instrument, with a time period in which all the owners of the building are expected to comply with its work instructions. Under section 36E, the City Renewal Authority will be able to issue a legal direction to a building owner to complete the work. Any direction must state the area of the building to which the direction complies, the work required to be undertaken, and the time frame within which the work must be completed. If the work is not completed by the stated time, the City Renewal Authority may authorise someone else to do it.

In accordance with section 36F, the relevant owner will have the right to seek a review of the decision via the ACT Civil and Administrative Tribunal. This right of review adds another layer of scrutiny to the process.

The remaining sections of the bill, from 36G to 36J, create authority for a person or company nominated by the City Renewal Authority to carry out the work under a 36E direction. Section 36H suggests the conditions under which the work may be completed. For example, if entry to the building is required, it must be done in business hours or at another time agreed to by the property owner. Section 36I confirms that liability for the cost of the required work rests with the owner of the building who failed to comply with the direction issued under section 36E. Finally, the last section, 36J, protects people authorised under the bill to carry out the work from any civil liability.

Madam Speaker, this bill, as presented, will enable the territory to partner with the Sydney and Melbourne buildings' owners, and work with stakeholders and the broader community, with an overarching objective to renew, restore and breathe new life into these historic Canberra landmarks. We have an opportunity to create great spaces that are better connected to the surrounding city, whilst improving economic outcomes for business owners. We know that the Sydney and Melbourne buildings hold a special place in the hearts of many Canberrans. It is important that this work honours their heritage whilst ensuring that they continue to be appreciated and enjoyed by generations, for decades to come. I commend the bill to the Assembly.

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

Sexuality and Gender Identity Conversion Practices Bill 2020

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

Title read by Clerk.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry, and Investment) (10.20): I move:

> That this bill be agreed to in principle.

I am pleased to present the Sexuality and Gender Identity Conversion Practices Bill 2020, which is co-sponsored by the Minister for Justice, Consumer Affairs and Road Safety, Minister Rattenbury. I thank Minister Rattenbury for the collaboration between the two of us to get the bill to this point and particularly acknowledge the input and advice from many individuals and stakeholders right across the community during the two-year development of this legislation.

This bill prohibits certain practices aimed at changing a person's sexuality or gender identity. These practices are known as conversion practices and they have been shown to cause considerable harm to the people that they are directed towards.

Conversion practices are based in an ideology that LGBTIQ people are somehow "broken" or "unnatural". These practices encompass a wide range of activities that seek to "fix" people so that they become or express heterosexual or cisgender identity.

Formal and informal conversion practices can take a number of different forms. Amongst other things, these can include counselling, pastoral care programs, and the provision of resources where these are directed explicitly at changing someone's sexuality or gender identity.

Evidence from survivors of conversion practices in the ACT and around our country reveals the extent and long-term impact of this harm. Conversion practices cause depression, anxiety, suicidality and decreased capacity for intimacy. They lead to poor

self-esteem and social isolation. Survivors report that it can take an entire lifetime to undo the damage caused.

Conversion practices are not supported in the medical or psychological professional communities. These practices have been condemned by peak national medical bodies, including the Australian Medical Association, the Australian Psychological Society and the Royal Australian and New Zealand College of Psychiatrists.

The ACT government is committed to the prevention of harm and supporting equality and diversity within our territory. As part of this commitment, we are working to make Canberra the most LGBTIQ+ welcoming and inclusive city in our nation.

In keeping with these objectives, Meegan Fitzharris, the former minister for health, committed to a conversion practices ban in 2018, and in the first action plan made under our capital of equality strategy the ACT government committed to banning conversion practices by the end of 2020. This bill delivers on these commitments.

To ensure that this legislation will operate effectively in practice, the ACT government has engaged with stakeholders across the education, disability, religious, health, LGBTIQ and legal sectors.

Acknowledging that this is an emotive and incredibly sensitive issue for many people, I express my deep gratitude to all who have engaged with us, across the spectrum of opinion, in this process. But most particularly I acknowledge the survivors of conversion practices who have shared their stories with us.

Madam Speaker, this bill is not about banning religious expression. This bill is, though, about protecting vulnerable people from harm. The ACT government recognises that faith is an important part of many people's lives, and we seek to create a community where LGBTQ people can practise their own faith in a way that includes and supports them in a safe way.

With the passage of this bill, religious individuals and institutions will still be able to teach their faith and provide guidance on how to abide by religious tenets. They will only be prohibited from carrying out those practices directly targeted at changing an individual's sexuality or gender identity. This prohibition aims to prevent harm caused by conversion practices to people who do not consent to them or who consent on the basis of misleading or deceptive claims about the efficacy of conversion practices, which are thoroughly discredited and have no place in a modern society.

Madam Speaker, this bill vests the ACT Human Rights Commission with a new complaints jurisdiction to deal with conversion practice complaints. In recognition of the right to privacy and the right of individuals to practise their religious beliefs, only an aggrieved person, or their agent, can bring a complaint to the commission. This means that an individual who has chosen to be subject to conversion practices can make their own choice as to whether to make a complaint about the practice. The commission will also be able to conduct a commission-initiated consideration if that is appropriate in the circumstances.

This bill strikes an appropriate balance between the rights of individuals and communities to practise their faith, an individual's right to privacy, and the prevention of harm caused by outrageous practices aimed at changing sexuality or gender identity. This bill is compatible with the territory's Human Rights Act. I thank Mr Rattenbury for co-sponsoring this bill and all of those who have contributed to getting us to this point. I commend this bill to the Assembly.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (10.27): I am pleased to co-sponsor this bill with the Chief Minister, in his capacity as the Minister for Social Inclusion and Equality. As highlighted, this bill only protects and supports our LGBTIQ community. It sends a clear message that conversion practices that try to change a person's sexuality or gender identity are not welcome here.

Our ACT community is one of the most progressive and inclusive in the world and we are committed to recognising and celebrating our diversity. We want to make sure that every young person growing up in Canberra feels proud of who they are and that they are not subject to harmful practices that try to shame them and change their sexuality or their gender identity. These practices have been demonstrated to be ineffective and can cause lifelong trauma and harm.

The definition of conversion practice has been carefully drafted to focus on preventing the most harmful practices without unreasonably limiting religious freedom and other rights. The bill will not affect the ability of religious organisations or schools to teach the tenets of their faith. It also ensures that legitimate practices, such as those of counsellors or psychologists working with people to explore issues around sexuality or gender identity, or supporting people with gender affirmation, will not be affected.

As has been outlined, the bill addresses conversion practices in a number of ways. It creates a criminal offence where a person conducts a practice that purports to change the sexuality or gender identity of a protected person, which means a child or young person, or a person with impaired decision-making ability. It will also be a criminal offence to remove a protected person from the ACT for the purposes of conversion practices. These offences are important to deal with the most concerning practices that are performed on people who are particularly vulnerable.

We recognise that the criminal law can have limitations in addressing these complex issues. Consultation with survival groups and advocates confirmed that people who have been harmed by these practices would often prefer a process that gives them the opportunity to be heard and supported, rather than being part of a criminal prosecution. Survivors want the people carrying out such practices to understand the harm that is being caused and to take responsibility for redress.

It can be the case that people who conduct conversion practices have themselves been subject to similar repressive practices, and are victims, as well as perpetrators, of these harmful ideologies. That is why this bill also includes a pathway for people who have been affected by conversion practices to take a complaint to the ACT Human

Rights Commission. The commission provides an accessible and supportive process for investigating complaints and bringing parties together to try to seek a resolution of the issues in conciliation.

This process will operate in the same way as for other complaints dealt with by the commission, such as complaints of unlawful discrimination. The commission will have the capacity to deal with complaints made against individuals and organisations providing these services in the ACT.

Where a resolution cannot be reached through the Human Rights Commission, complainants will have the option to go to the ACT Civil and Administrative Tribunal. The tribunal can make binding orders to address the situation, including compensation for harm suffered and ordering the person to stop conducting these practices. The Human Rights Commission may also commence a commission-initiated consideration regarding conversion practices to seek to deal with systemic issues.

The Chief Minister has outlined some of the history of this, and it was an issue that we canvassed at the 2016 election as part of our election platform. I am very pleased that this bill delivers on the commitments that have been made in recent years and takes a careful and measured approach to seek to prevent practices that do lifelong harm and have no place in our inclusive and progressive Canberra community. I commend the bill to the Assembly.

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

Plastic Reduction Bill 2020
Exposure draft

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel, Minister for Tertiary Education and Minister for Transport) (10.32): I present an exposure draft of the Plastic Reduction Bill 2020, together with its explanatory statement. I ask leave to make a statement in relation to the papers.

Leave granted.

MR STEEL: Madam Speaker, I am very pleased to table a public exposure draft of the Plastic Reduction Bill 2020 and explanatory statement in the Assembly today. The ACT government is committed to responsibly managing our environment and tackling the problem of single-use plastic. This bill will reduce Canberrans' use of plastic and reduce the impact that plastic has on our environment and our waste management and resource recovery systems. With this legislation the government is taking a decisive but phased approach to banning select problematic and unnecessary single-use plastic items in the ACT.

The cost of plastic consumption is borne by our environment and our waste management and resource recovery systems. It is hard to avoid it. Plastic is pernicious, lasting for hundreds of years in our landscapes and waterways. It litters and persists in our environment and makes up about 80 per cent of marine litter. Single-use plastic

items often end up in our landfills because they are difficult to recycle or unable to be recycled economically or re-used. Single-use plastics, by definition, are items that are not designed to be reused.

Madam Speaker, Canberrans have had their say and it is clear that they have had enough of single-use plastic. Over the last year the ACT government has consulted with the community on phasing out single-use plastic. We received a huge amount of feedback—3,300 contributions to the consultation process, the highest per capita engagement across Australia for similar legislation.

This bill reflects community concern about plastic waste, which tells us that governments and industry must do more to address the issues and challenges associated with single-use plastic. Our government has listened to our community and reviewed all the policy options available to us to tackle this issue. We will take strong regulatory action to ban certain single-use plastics.

Canberrans expect that the ACT government should regulate to reduce plastic. To inform our approach, we have established the Plastic Reduction Taskforce, comprising key representatives from national and local industry, business, environment and disability advocacy bodies. I want to particularly acknowledge the work of the late Sue Salthouse and her role on this taskforce, representing Women with Disabilities ACT. This is yet another example of her outstanding contribution to public policy here in the ACT, and I am very grateful for her advice.

This bill has also been informed by the ACT government's involvement in a strong, collaborative cross-jurisdictional network as multiple Australian states and territories work together to phase out single-use plastic.

While this bill was originally due to be introduced around mid-2020, we have been mindful that during the pandemic this legislation imposes additional regulation on the hospitality and events industries when they are either not operating or just trying to survive during this health emergency. However, community and industry remain supportive of our proposals and the ACT government remains determined to progress legislation to ban certain single-use plastic.

We are therefore releasing the public exposure draft of the bill and explanatory statement, marking the start of the implementation of the phase-out. The government, through the release of this exposure bill, is giving businesses time to respond and time to determine which alternatives, if any, are best suited to their needs. We know that there will be a very long recovery, both economically and socially, and we will work collaboratively with our community and business in the implementation of this legislation. I would like to take the opportunity to thank our local businesses who, despite the current environment, have continued to move to sustainable alternatives to single-use plastic.

Madam Speaker, this bill will enact a broad framework to regulate the reduction of single-use plastic. In doing so, this bill replaces and absorbs the Plastic Shopping Bags Ban Act 2010 to streamline and expand the ban to a range of plastic products. Between 2011, when the plastic bag ban act came into effect, and 2018, we reduced

our plastic bag use by 1,132 tonnes. In 2017-18 alone, we reduced our use by 199 tonnes. This is equivalent to around 55 million plastic bags. This demonstrates the importance of regulation in helping to improve environmental outcomes.

With this bill we hope to expand the scope of plastic waste we can prevent by reducing the use of other unnecessary and problematic single-use plastic. Following extensive consultation, this bill proposes to phase out a range of other single-use plastic products. The first tranche of items to be phased out will include single-use plastic stirrers, cutlery and expanded polystyrene food and beverage containers such as plates, cups, bowls and "clamshell" takeaway containers. Over 90 per cent of the Canberra community supported phasing out these items.

While the bill is focused on reduction and not substitution, the items that we are targeting have readily available and well understood alternatives. As one example, community consultation identified the phase-out of polystyrene foam containers as the very highest priority, with 94 per cent of the surveyed community supporting a phase-out. This problematic material fragments and disperses in the natural environment when littered, creating small pieces of plastic. Expanded polystyrene foam containers cannot be recycled through the ACT's recycling bins and must be sent to landfill. There are a range of other sustainable packaging products, from cardboard to paper, that can easily replace this problematic plastic.

In preparing this bill the ACT government undertook analysis of the impacts of our first tranche phase-out. This analysis showed us that there are already alternatives to single-use plastic stirrers and polystyrene containers that are both more cost-effective and environmentally friendly. The best option to reduce the impacts of single-use plastic and alternatives is to avoid these altogether wherever possible. We want Canberrans to reduce their consumption of waste; we do not just want one product substituted for another one, plastic or otherwise. The second tranche of products will be phased out over a further 12 months, including single-use plastic fruit and vegetable "barrier bags", oxo-degradable plastic products and single-use plastic straws—except for people who need them.

The ACT government will move to phase these out after 12 months of the first tranche being implemented. The consultation indicated strong support for the phase-out of these single-use plastic products. However, the ACT government and people with a disability and their advocates have acknowledged from the start that detailed work will be required to get the exemption to the ban on straws right, for people who need them. Phasing straws out in the second tranche allows us to continue working on the implementation of the ban on single-use plastic straws and exemptions, until we get it right for people with a disability. Once we have this right, these items can subsequently be banned through regulation.

In the long term we are looking closely at the phase-out of plastic-lined single-use coffee cups and lids; single-use plastic dinnerware such as plates, cups and bowls; and other single-use plastic products, including boutique/heavyweight plastic bags greater than 35 microns thick, and cotton earbuds with plastic sticks.

Madam Speaker, this bill sets out a framework to phase out other problematic and unnecessary plastic products in the future, with appropriate consultation. It

acknowledges that, as global, national and local policy progresses, we may need to regulate beyond the currently identified single-use plastic items. Where a plastic product cannot be easily re-used or recycled, and where there is a viable alternative product, our government will act to phase out those products.

Producers and suppliers of single-use plastic products that are not designed to be economically recycled here in the ACT are now on notice and should begin actively starting to phase out these products and seek out alternatives. The Canberra community has shown their strong support for action in this space and we will support the community and business to reduce their use of plastic through behaviour change programs. While our first preference is education, we recognise that enforcement may be necessary from time to time.

A key approach that the government wants to take is to make sure that there is a level playing field for businesses who are doing the right thing. And we want all Canberrans to rethink whether they need a particular single-use plastic item in the first place—and not just the items we are regulating. We know that the best way to reduce the environmental, social and economic impact of single-use plastic is to reduce our consumption from the outset, rather than just replace it with the next available substitute.

Madam Speaker, in addition to banning certain single-use plastic products, we are committed to promoting "plastic-free" events in this legislation. Ninety per cent of our consultation respondents believed that single-use plastic is a problem at events. We are therefore providing additional leadership by being the first jurisdiction to propose legislation on the ability to phase out other single-use plastic items at public events, both government and non-government. Examples of plastic-free events include Floriade and the National Multicultural Festival, but also major non-government sporting fixtures and festivals. Importantly, an event must be declared to be a single-use plastic-free event, with a requirement to give at least three months notice.

Madam Speaker, the Plastic Reduction Bill 2020 responds to the clear call from our community that government take action to reduce the use of plastic in Canberra. We have consulted with the community and now we are taking action. The release of the exposure bill is a clear signal that the time to reduce our plastic use, or transition to better alternatives, begins now. We will continue to work with stakeholders and the ACT Plastic Reduction Taskforce as we implement the phase-out, with the final bill introduced before the end of the year. I call on all members of the Legislative Assembly to support it.

I present the following paper:

> Plastic Reduction Bill 2020—Exposure draft—Copy of tabling statement.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Scrutiny report 48

MR GUPTA (Yerrabi) (10.43), by leave: I present the following report:

> Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 48, dated 11 August 2020, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR GUPTA: Scrutiny report No 48 contains the committee's comments on five bills, nine pieces of subordinate legislation, one regulatory impact statement, six government responses, and proposed amendments to the Crimes (Offences against Vulnerable People) Legislation Amendment Bill 2020, the Electoral Amendment Bill 2018 and the Public Interest Disclosure Amendment Bill 2020. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Education, Employment and Youth Affairs—Standing Committee
Report 9

MR PETTERSSON (Yerrabi) (10.44): I present the following report:

> Education, Employment and Youth Affairs—Standing Committee—Report 9—*Youth Mental Health in the ACT*, dated 10 August 2020, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

In December 2019 the committee conducted an inquiry into youth metal health in the ACT. The committee received 32 submissions and held five public hearings. The committee is indebted to the many Canberrans who so willingly shared their stories with the committee for this very important inquiry. To those people that made a contribution, I want to say thank you and that that contribution has made a difference. As the committee chair, I hope that we have done you justice. I would also like to take a moment to thank my fellow committee members, Mrs Kikkert and Ms Lee, as well as the new committee secretary, Sarah McFadden. I hope Ms McFadden has enjoyed her very first committee inquiry.

The committee made 66 recommendations across the full spectrum of the mental health and justice systems to eating disorders and drug dependence. This report should be seen not as a panacea but rather as an important contribution towards changing

systems that touch so many of our young people's lives. Based on the evidence presented, the committee believes that evidence-based promotion, prevention and early intervention programs offer the most effective solution to the unfortunately growing problem of youth mental health challenges in the ACT.

The committee reiterates the multitude of evidence that highlighted the neuroplasticity of the 18 to 25 years age bracket, and the suggestion that youth-focused mental health services should be extended to the age of 25. The committee acknowledges the Office for Mental Health and Wellbeing's forward program of work, arising from the children and young people review, and encourages the ACT government to ensure that children and young people, and their families and carers, are actively engaged in any reforms generated from this inquiry.

I want to finish my remarks in the same way that the report began: simply with a quote. This quote was from a 19-year-old witness who very bravely shared her story with the committee and the Canberra community. When asked what her advice would be for other young people suffering mental health challenges, PJ said:

> What I would tell others is that, just hold on, it will get better, even though sometimes I do not believe that and I should take my own advice. There is hope. It did take four years but if I had not had my family and if I had not pushed through and stayed positive, I, you know, part of me feels that I would not even be here today. So just hold on and things will get better.

I would like to provide a few remarks on a more personal level, without my chair's hat on. Young people suffering from mental illness need more support. I have heard too many stories of young people waiting too long to get the help that they need, having to travel too far to get the help that they need and paying too much for the treatment that they need, and simply facing stigma from their diagnosis.

I would like to mention a few sections of this report that I think deserve particular noting. They all do, but these ones do in particular as they are not front and centre. Recommendations 47, 48, 49 and 50 all address the treatment of eating disorders. This is an issue I am very passionate about; I have spoken about it in this place before, numerous times. We need to get our act together and do better when it comes to supporting people with eating disorders.

I think back to when I was at school. I could see that this was a huge issue even then. The number of people in my circles—my schools, my community—that I could see battling this and not getting the support that they needed was too many. I can remember the very scary stories of girls, mostly girls, disappearing from school for months on end, disappearing up to Sydney for a few months to seek private inpatient treatment. They did not get the support they needed in Canberra, and it breaks my heart. Overwhelmingly these were families that could simply not afford this treatment but they had to pay for it anyway. This needs to stop. We need these services here in Canberra and we needed them years ago. I am eagerly awaiting more information on the promised inpatient treatment centre for Canberra. I hope this project is delivered speedily.

I would also like to bring to people's attention recommendation 46. It calls for the ACT government to investigate a simple drug offence notice for young drug users, similar to the SCON that exists for cannabis. This is a good idea and I am very happy that the committee has recommended it. We heard too many stories of young people suffering from the co-occurring experience of drug abuse and mental health problems. These people need medical help, not a journey through the criminal justice system. Decriminalisation for young drug users will help these people seek medical help. Further, it will help the families of the young people, as far too often the family are too scared to call for help in moments of crisis, because they know their child has used illicit substances and they do not want to be responsible for sending them through the criminal justice system.

Finally, wrapping it all up, we heard harrowing stories of young people waiting too long for access to all mental health services. We need more mental health professionals and we need them now. It should not take two years to see a psychologist—not here, not anywhere.

MRS KIKKERT (Ginninderra) (10.50): I rise today to thank everyone who contributed to the youth mental health inquiry—first of all our remarkable secretary, Sarah McFadden, who worked tirelessly in preparing and finalising this report for today. I would like to thank my colleagues, Mr Michael Pettersson and Ms Elizabeth Lee. Finally, I want to thank everyone who made a submission and appeared in our inquiry. Their input has been extremely valuable.

While hearing some of the stories of the witnesses who appeared in our inquiry, I could relate so much to what they had experienced. As a young girl suffering from so much violence, I plunged into a deep depression into my teenage years and well into my 20s. The depression crippled me from smiling, from lifting my head up. I walked around with my head held down, ashamed, fearful, humiliated and lonely. My life was so unbearable that I did not think I would reach the age of 25. There was no need to go on. I suffered in silence for days, for weeks, for years—so many silenced, long years.

When I became a young mother at 20 years old, I fell into postnatal depression. It was difficult to care for myself, let alone another little human being. The shame, fear and loneliness continued. What I wish I had known as a youth is that everybody gets sad at some point in their life. The happiness you see in others is not permanently on their faces or in their hearts. They too face sadness in life. Therefore it must be okay to feel sadness too. As a primary student and as a teenager I thought that being sad and depressed was a sign of weakness. When I saw kids at school happy, cheerful and playful, I thought there was something wrong with me because I could not feel the way they felt.

I tell my younger self and everyone else that it is not shameful to be depressed. It is not shameful that you are going through a hard time and that you do not know how you are feeling. It is not shameful to be sad. It is not shameful to show others what your heart is feeling. It is not shameful to feel that you are the only one going through this dark period because everyone else seems so happy. The truth is that millions of

people across the world are too, and have been going through the same thing as you are.

It is critical in our society to start openly discussing our feelings, no matter how small, damaged or painful they are. During our inquiry it was evident that a lot of times our youth just needed someone to talk to or someone to trust. We need to start talking. This is a first step to taking care of our mental wellbeing. Through my own experience I know that in repressing my emotions my mental health ended up getting worse. I was suicidal on several occasions. Once I started embracing my personal internal struggle, I began to heal, but it took many years in my maturity to figure that out.

Now, as a politician in this place, I do not want to see kids feeling ashamed to talk about their internal struggle. I know that things that are happening outside do not exactly represent things happening inside. We need to send out a clear and loud message that whatever is going on inside is okay and is normal. It is normal to feel different emotions. We even have Facebook emojis to represent our normal feelings. Last time I counted there were 82 emojis to represent different feelings, and millions of people are using them across the world.

I want our young people not to be ashamed when they are sad. I want our young people not to be ashamed when they are depressed. You are just going through normal feelings, and it is normal to talk about it. We need to normalise our feelings when we are upset, frustrated, sad or depressed. We need to start the conversation. It will be hard because we are not used to it, but the more we do it the easier it will be.

MS LEE (Kurrajong) (10.55): Whilst the chair and deputy chair have already spoken at length, I want to highlight some of the issues that I think have not yet been covered. One of the things I was concerned about was that we did not get much evidence about some of the specific concerns faced by young people who are from a culturally and linguistically diverse background when it comes to dealing with mental health issues. Whilst that was unfortunate for the inquiry and for the report itself, it actually highlights the stigma that is attached and is perhaps a reason for us to note that it is still important—that unspoken words speak louder when they are coming from that particular kind of background.

That is why the committee made, in particular, recommendation 26, which "recommends the ACT Government assess the current mental health workforce and ensure it reflects the diversity of Canberra's population" and recommendation 60, which calls on the ACT government to ensure that services are co-designed by young people, including those from a CALD background.

We also heard very clearly from the evidence about the huge gaps in service delivery, and evidence from Canberra's young people who were required to go beyond Canberra to places like Bowral and Shellharbour just to get access to services that most people, I think, would have assumed we had here. That is why recommendation 17 is so important. It states:

> The Committee recommends the ACT Government prioritise making more mental health treatments, of the kind young people are currently required to travel interstate to access, available in Canberra.

There were also, very strongly coming through in the evidence, major concerns raised by parents about being shut out of the discussion when it comes to the care of their children, especially when they reach certain milestone ages: 16 or 18. The committee was really concerned that the closest network to these young people was perhaps missing when it came to discussing the ongoing care of that young person. In reference to that point, recommendation 39 recommends that the ACT Government fund more accessible and free counselling and mentoring services for young people between 12 and 25 years.

It was also a bit of a surprise, at least to me, that some young people were not able to access government services in this space by the mere fact that they did not attend a government school. That is why the committee recommended, in recommendation 9, that "the ACT Government also provide access to school-based mental health resources and expertise to non-government schools, where there is a demonstrated need."

We spoke specifically to the concerns raised by Galilee in recommendation 10, recommending "that the ACT government consult with the Galilee School on the support they need as they work with young people's mental health issues".

This was an important inquiry and it was clear from the evidence that the committee received that, despite a lot of work happening in this space, including the office of mental health, it was still necessary.

I thank all witnesses but especially those who took the time and built up the courage to speak to the committee about their lived experiences, whether they lived through the issues themselves or as a loved one who was there supporting someone and seeing some of the enormous challenges that our young people went through.

I thank my fellow committee members—the chair, Mr Pettersson; and the deputy chair, Mrs Kikkert—and everyone at the committee office who pulled together, especially during the challenging period of COVID, to work on this report. A special shout-out to our committee secretary, Sarah McFadden. I tip my hat and say congratulations on her first inquiry and report; she has now cut her teeth. I commend the report to the Assembly.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Statement by chair

MS J BURCH (Brindabella) (11.01): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure. On Thursday, 20 September 2018, the Legislative Assembly resolved that

the Standing Committee on Administration and Procedure inquire into and report on the application of section 65 of the Australian Capital Territory (Self-Government) Act 1988, specifically:

> the ability for non-executive members to amend bills, move motions and introduce private members bills that have a monetary impact on the ACT;
>
> the Assembly's application of standing order 201A and adherence to the principle of "the initiative of the Crown" and how it relates to the Self-Government Act;
>
> and who is responsible or has jurisdiction to rule on what bills or amendments are compatible with the Self-Government Act.

As members would be aware, issues related to the financial initiative of the Crown—or the financial initiative of the executive, as it is often called—received considerable attention early in the life of the Assembly, particularly in relation to appropriation bills. The committee reflected on this history but in addition also considered non-executive members' rights to initiate or amend revenue proposals.

In September 2019, the committee considered a discussion paper prepared by the Clerk outlining:

> the history of the financial initiative;
>
> the evolution of section 65 of the Self-Government Act and standing orders 200, 201, and 201A;
>
> the interaction between the principle of financial initiative and revenue and taxation;
>
> the Speaker's jurisdiction in ruling on matters related to financial initiative and section 65 of the Self-Government Act; and
>
> options for consideration.

The committee authorised that the discussion paper be published to the ACT Solicitor-General, the ACT Parliamentary Counsel, the Clerk of the House of Representatives, and the Clerk of the Australian Senate. The committee later received submissions from both clerks. To facilitate party room discussion, on 19 March 2020 the committee agreed to authorise publication of the discussion paper and the two submissions made by the clerks to party whips.

On 30 March 2020, the committee authorised open publication of the Clerk's discussion paper and the two clerks' submissions. The committee is aware that in December 2018 the Clerk sought advice from the Solicitor-General on certain legal questions associated with the application of section 65 of the Self-Government Act. I understand that this advice was received by the Clerk in December 2019. The committee is yet to discuss this advice as it was provided to the Clerk, as the Clerk is seeking advice to be able to provide the advice to the committee and to publish it.

While the committee has started to develop some preliminary views about a number of the matters that arise under its terms of reference, it is not in a position to offer a

categorical view on all the matters raised and is not able to report before the end of the this Assembly. However, given the importance of these matters to the constitutional arrangements of the territory and the legislative rights of MLAs, it will be important that the Standing Committee on Administration and Procedure of the Tenth Assembly consider the issues raised and deal with the matters that have been provided.

I encourage all members to read the discussion paper and the submissions made by the two clerks of the commonwealth parliament. It will fall to the Standing Committee on Administration and Procedure of the Tenth Assembly to finalise a report and to make recommendations to this place about the practices and principles that ought to prevail. In accordance with standing order 16(d), it will, of course, be open to that committee to make use of the evidence and records of this administration and procedure committee of the Ninth Assembly to inform its deliberations.

Education, Employment and Youth Affairs—Standing Committee
Statement by chair

MR PETTERSSON (Yerrabi) (11.05): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Employment and Youth Affairs relating to statutory appointments in accordance with continuing resolution 5A. I wish to inform the Assembly that during the applicable reporting period—1 January 2020 to 30 June 2020—the standing committee considered a total of 12 appointments and reappointments to the following bodies:

> Canberra Institute of Technology Board;
> Board of the ACT Teacher Quality Institute; and
> University of Canberra Council.

I now table a schedule of the statutory appointments considered by the committee during this period:

> Education, Employment and Youth Affairs—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2020.

Planning and Urban Renewal—Standing Committee
Statement by chair

MS LE COUTEUR (Murrumbidgee) (11.06): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning and Urban Renewal relating to petition number 5-20. This petition was received by the Assembly on 18 June 2020 and the Assembly resolved to refer the petition to the committee.

The petitioners sought to draw to the attention of the Assembly their concern that community facility zoned parkland adjacent to Cooleman Court and homes in Watling Place, Weston, is to be destroyed to provide a car park to supplement a perceived shortage of parking spaces, due to the fact that the promised shops in Molonglo have not been built. The petition also sought to call on the government to preserve the

parkland and not build a car park on Weston section 75, block 2. The committee notes that block 2, section 75 Weston is zoned as CFZ—community facilities zone.

The committee notes that the minister's response to the petition, under standing order 100, made reference to a development application for the land, DA-202037191, which was lodged with the authority on 20 May 2020 and publicly notified from 28 May to 19 June 2020. Fifty-six representations were received as part of this process. The minister noted:

> The decision on this development application is a matter for the authority… Petition No 5-20 forms part of the representations received during the formal public notification period. I am also informed by the authority that they are aware of the issues raised in the petition, and representations received during the public notification period will be considered as part of the authority's assessment.

Development applications—DAs—are an independent public administrative process and it would be inappropriate for the committee, as a part of the ACT Legislative Assembly, to inquire into, offer any advice on or otherwise be involved in any DA process. Additionally, as the Standing Committee on Planning and Urban Renewal has already undertaken an inquiry into DV344, Weston town centre, which considered a number of the planning and zoning issues raised in this petition, the committee has determined that it will not be holding an additional inquiry at this time.

Executive business—precedence

Ordered that executive business be called on.

Births, Deaths and Marriages Registration Amendment Bill 2020

Debate resumed from 23 July 2020, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

Debate (on motion by **Mr Hanson**) adjourned to a later hour.

Education Amendment Bill 2020

Debate resumed from 23 July 2020, on motion by **Ms Berry**:

> That this bill be agreed to in principle.

MS LEE (Kurrajong) (11.10): The Education Amendment Bill, as the minister has previously told the Assembly, is not a significant bill in the parliamentary sense. As is usual in the electoral cycle, it is an attempt to tidy up loose ends in current legislation, and that is what this bill does. It covers a number of amendments to the Education Act 2004 and also responds to recommendations in the report by the Royal Commission into Institutional Responses to Child Sexual Abuse.

I am pleased to note that whilst this government has a somewhat patchy record of consultation when it matters and with whom it affects, in this instance the sectors to whom these changes apply are happy with the consultations they have had and are comfortable with the amendments proposed here.

In essence, there are four main areas of change: the first relates to regulations under which boarding schools operate. In the Royal Commission into Institutional Responses to Child Sexual Abuse it was noted that the ACT's Education Act did not explicitly outline child safe standards for boarding schools and that ACT schools were, theoretically, not required to abide by conditions relating to the operation of boarding facilities more generally. The amendment will ensure that boarding facilities will be regulated under the Australian Standard, boarding standard for Australian schools and residences.

As we know, there are two schools in the ACT with boarding facilities—Canberra Grammar School and Canberra Girls Grammar School. The minister's office assures me that the ACT government is not contemplating a state boarding school; however, all schools are included in this amendment for the sake of completeness.

The scrutiny of bills committee report 48 has commented on the use of Australian standards:

> The Committee is concerned that the bill will regulate the provision of boarding facilities through reference to an Australian Standard which is not registered on the Legislation Register and is not otherwise available other than by paying a fee to a non-government organisation. As the Committee has repeatedly emphasized, the delegation of legislative authority to non-government bodies, including Standards Australia, requires justification.

The committee asked for a response from the minister and I understand that the minister has or will be doing that and also moving an amendment to the explanatory statement attached to the bill.

Notwithstanding the concerns outlined by the scrutiny of bills committee, it is important to note that the non-government schools sector is pleased to have those regulations backed by reference to those standards now included in the Education Act to add transparency and certainty to the standards under which they operate their boarding facilities.

The second group of changes relates to fee waivers for international students, under certain conditions. The proposed amendment mandates that the minister for education must waive fees for international students in certain humanitarian and financial hardship circumstances. It is not a waiver of fees for all international students.

ACT schools have a number of overseas enrolments, some because families from a number of countries see Australia as a quality education system and a good place for their children to grow up. Other children are enrolled in ACT schools because their parents are here for diplomatic or academic purposes. Others may be a member of a refugee family and fees could well be beyond their financial means. Under these

circumstances it is entirely appropriate that fees are waived, and this amendment requires the minister to do just that.

The third group of amendments relates to the composition of school boards in ACT government schools. There are currently six government schools in the ACT that do not have an active parents and citizens association. Under current legislation that means there are no legislative means for those schools to have a parent representative on their board. These changes to the act will allow the appointment of a parent or local community representative where there is no P&C. Obviously, it is always preferable that a school has an active P&C, but we have to accept that, for whatever reason, a school may not have one. It is inevitable that volunteer activities, like membership of a P&C, are not always possible.

The fourth group of amendments addresses a current anomaly relating to school attendance. At present there is no mechanism to enforce attendance for students who live in New South Wales but attend a school in the ACT. For ACT residents, if a child does not attend school the government can step in and enforce student attendance as per the requirements under the Education Act. However, that is not the case for New South Wales students enrolled in the ACT. At last count, about 4,500 ACT students live in New South Wales, with about 1,800 attending a government school. That figure will grow as more and more housing developments come on stream close to the border. That means there was a huge potential for students to get lost in the system.

In presenting the bill, the minister referenced a 2016 report of a review into system level responses to family violence in the ACT. That report said that a child either not attending school or moving schools frequently could be an indication of child abuse or neglect. The amendments to sections 10A, 10D and 145C will strengthen attendance requirements and link compulsory attendance of a student in an ACT school irrespective of where they live.

Other amendments will also provide information-sharing provisions between the ACT government and relevant interjurisdictional bodies such as the New South Wales Department of Education or the Department of Communities and Justice to ensure that no student falls through the cracks.

As indicated by the minister, this bill is not regarded as significant, but the changes are nevertheless important. The Canberra Liberals will be supporting the bill.

MR RATTENBURY (Kurrajong) (11.16): The amendments in this bill are designed to increase clarity about the roles and responsibilities of people carrying a duty of care to children and young people in schools and ensure that students are better protected by implementing a recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse relating to boarding schools.

As the explanatory statement sets out, the proposed amendment to section 26 will articulate the minister's ability to waive fees for international students, having regard to human rights, under certain humanitarian and financial hardship grounds. This amendment aims to ensure that all children and young people have access to education in an ACT government school.

As a former minister for education, I appreciate some of the complexities in this area and acknowledge Minister Berry's efforts to provide greater clarity. I also appreciate that the amendment makes clear that children and young people can attend an ACT government school while their application for a fee waiver is being assessed. This amendment will ensure that children on temporary visas or who are dependents of temporary residents are still able to access an education if they are unable to pay fees for their education in government schools.

The bill also applies standards to boarding schools in the ACT and, importantly, improves information sharing between the ACT and New South Wales regarding cross-border students. When in the best interests of the child, the ACT Education Directorate can share information relating to participation and attendance. This information sharing will only occur after all avenues of engaging with a family have been exhausted. The only exception to this is when there is a pre-existing concern for the child's safety and wellbeing.

I very much understand and support the need for these amendments. Again, as the explanatory statement makes clear, it is essential to strengthen the mechanism to follow up student attendance of non-ACT residents in the same way that we would for students who live in the ACT and, therefore, the limitation on the right to privacy and reputation through information sharing with other jurisdictions is justified to ensure student safety, wellbeing and access to education. The ACT Greens are pleased to support this bill today.

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) (11.18), in reply: I table a revised explanatory statement. I am happy to have the opportunity to debate the Education Amendment Bill 2020, which I introduced on 23 July. The bill proposes amendments to the Education Act 2004. The ACT government is fully committed to strengthening child safety in schools. We learnt from the Royal Commission into Institutional Responses to Child Sexual Abuse that all institutions should uphold the rights of the child and that governments should require institutions to engage in child-related work to meet the child safe standards.

The bill strengthens the regulation of boarding schools by requiring any ACT school with boarding facilities to adhere to Australian Standard 5725, the boarding standard for Australian schools and residences. I acknowledge the comments of the scrutiny committee about reliance on these standards, and I have just tabled a revised response to the explanatory statement. The use of the Australian Standard will ensure that children are residing in facilities that are kept to a recognised standard in which the governance; facilities; parent, family and community engagement; staff; and the protection, safety, wellbeing and holistic development of boarders are being met to ensure the delivery of a quality boarding facility.

Ongoing work at the whole-of-government level will articulate a streamlined approach to introducing the child safe standards across the ACT, which will

complement the requirement in the Education Act 2004 for schools providing boarding facilities to adhere to the Australian Standard.

As this work progresses, the ACT government will review the approach to boarding schools to ensure it continues to provide the best framework to keep children safe. The Australian Standard includes requirements around governance; records; financial management; the health, safety and wellbeing of staff; the competence and professional learning of staff; and facilities.

Requiring adherence to the Australian Standard will provide an assurance mechanism that requires schools providing boarding facilities in the ACT to be kept to a nationally recognised standard in all aspects to the operation. It is the most appropriate standard to be used at this time. The Education Directorate can provide a copy of the Australian Standard to schools operating boarding facilities in the ACT at no cost to the school. The offer will be made to the schools on the passing of the bill.

This amendment was developed in consultation with the Association of Independent Schools and the two boarding schools in the ACT. The amendment is a demonstration of our shared commitment to child safety. This approach allows for the implementation of recommendation 13.3 of the Royal Commission into Institutional Responses to Child Sexual Abuse and continues the ACT government's sustained engagement with all educational sectors on this important work.

Through an amendment to the act, the government will also clarify arrangements to waive fees for students holding temporary visas under certain humanitarian and financial hardship groups, ensuring equity for all students. This will ensure that children on temporary visas who are temporary residents are able to continue accessing an education.

The bill also addresses an anomaly relating to the composition of school boards within government schools. A few schools do not have parents and citizens associations, which means no parent or citizen members are able to be elected to their respective school boards. This amendment will enable the appointment of parent and citizen representatives to government school boards where there is currently no active parents and citizens association, ensuring that parents and citizens can continue to engage with their school community in this important way.

Finally, the bill also clarifies beyond doubt the ability to share information across jurisdictions about children and young people in relation to their education in certain circumstances. Currently the 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.

When all other avenues have been exhausted, the amendment will enable the director-general to seek and share information with relevant interjurisdictional bodies with authority and responsibility—such as the New South Wales Department of Education or the New South Wales Department of Communities and Justice—whilst managing privacy obligations appropriately. This implements the ACT government's

continued commitment to working to share information with other jurisdictions, ensuring that children at risk stay connected with the education system.

Changes to our education system identified in the future of education strategy are continuing through these amendments to our legislation. 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.

Adoption Amendment Bill 2020

Debate resumed from 23 July 2020, on motion by **Ms Stephen-Smith**:

> That this bill be agreed to in principle.

MS LE COUTEUR (Murrumbidgee) (11.25): I rise today to speak in support of the bill. I may be supporting an amendment that will be moved later. I recognise that any amendments to the legislation around adoption are complex and can raise heightened emotions. That is because adoption has a very significant emotional effect, on all of those involved, that is long lasting and life determining. It is difficult to balance the needs of children and young people who clearly need safe, secure and stable care with the rights and views of birth parents, foster parents and adoptive parents, while also bearing in mind the impacts of past policies and practices of forced adoption, particularly on first nations communities.

This legislation is a positive step forward. It appropriately places the best interests of children and young people at the centre of decision-making. It makes clear a range of specific considerations that must be undertaken by the court when assessing those best interests. I was pleased to see that this specifically encompasses a child or young person's cultural, physical, emotional, intellectual and educational needs and that, wherever possible, the views of the child or young person will be considered.

While the Adoption Act does not currently prohibit the adoption of Aboriginal and Torres Strait Islander children and young people, it does require careful consideration of their need to stay connected to culture, traditions and family. This is vitally important. Our first nations kids deserve to be given every opportunity to learn language and tradition and maintain connection to country. It is what they inherit through their birth family and it is undoubtedly in their best interest to be able to maintain that cultural connection.

Family and kinship are also, of course, relevant to non-first-nations kids. I am very pleased that the preservation of family is to be considered as part of this bill. This includes the child's relationships with the people who form part of their family,

including birth parents, carers, siblings and other significant people in a child's or young person's life. This recognises the significant benefit to the child of having a meaningful relationship with their birth family, wherever that is safe.

I would like to thank the minister for proactively providing a briefing to me on this important legislation, at which I was advised about and subsequently provided with the policy on the adoption of Aboriginal and/or Torres Strait Islander children and young people, which clearly sets out the government's position on the non-adoption of Aboriginal and Torres Strait Islander children for whom the director-general has parental responsibility on long-term care and protection orders. I was pleased to see that this had recently been reviewed and updated and will be reviewed again in 2022. I understand that Mrs Kikkert will move an amendment. Assuming that all goes to plan, this policy review could happen at the same time as the legislative review that I understand will be proposed by Mrs Kikkert.

It goes without saying that the Greens' position is that any review or changes to that policy or legislation, for that matter, must only come about after further community consultation and subsequent wide dissemination of any changes. I recognise that the government is committed to accepting Aboriginal and Torres Strait Islander community-led solutions to issues which impact on the Aboriginal and Torres Strait Islander communities, in line with its commitment to self-determination for Aboriginal and Torres Strait Islander people. This is a position that we support. I note that the policy was developed in consultation with diverse representatives of our first nations communities, as it should be.

I recognise too the need for children to have permanency and stability, and that this legislation ensures that the ability to dispense with parental consent still exists in certain circumstances. I realise, and I am very pleased, that this does not happen very often; nevertheless the ability to do so, I believe, unfortunately does need to exist. I note also that we cannot legislate for the non-adoption of Aboriginal and Torres Strait Islander children, as it would engage human rights and racial discrimination. We cannot have one group of people provided with different protections from another group of people, based on their cultural identity and background.

I was pleased to see the inclusion of the need for parents with a disability or mental health issues to be provided with adequate and appropriate support to make their decision to the best of their ability. However, I do believe that this could have been further strengthened by clearly defining what supported decision-making actually means. At the moment it seems to me to be somewhat unclear how adequate and appropriate support is actually determined. What is important is that there are sufficient resources in the community in order to provide parents with a disability with access to the supports they need.

I support the amendment which will also consider the best interests of the child when it comes to changing any names on birth certificates and note that these amendments also come at a time when my colleague Mr Rattenbury, as minister for justice, has introduced legislation to be debated today which would enable integrated birth certificates. Those changes will 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 and is consistent with the best interests of the child.

I note that the government is today responding to the final report from Our Booris, Our Way, and that many of the recommendations in that report are well underway. This includes the implementation of the Aboriginal and Torres Strait Islander placement principle, access to family group conferencing, supports for kinship carers, and improving the development and monitoring of cultural plans, amongst other things. This signifies a range of improvements to the child and youth protection system over the life of this Assembly and for which the minister, in partnership with community members and organisations, can take credit.

The care and protection system is very complex. It necessarily touches on the most important aspects of people's lives. No child protection system anywhere is perfect, and we all know that. What is important is that we keep improving it, as we learn more about how to improve it. That is why I will close today by reiterating that the Greens believe in the need for an external merits review of care and protection decisions, many of which—probably virtually all—are life altering, and a lot of them are permanent. This will contribute to further strengthening approaches as we evolve, and we look forward to that becoming a reality in the next Assembly.

I support the bill and look forward to the amendment which I believe will be put forward by the Canberra Liberals.

MRS KIKKERT (Ginninderra) (11.34): I sincerely thank the minister for the work that she, her staff and all others involved have put into preparing this important amendment bill, including those who have shared their life experiences and provided their feedback throughout the consultation process. The Canberra Liberals will be supporting this bill today.

The changes proposed have their origin in a motion moved by my colleague Ms Lawder back in August 2016—four years ago. Her successful motion resulted in the creation of the Domestic Adoptions Taskforce, which reported to this Assembly in February 2017. The taskforce found that there were indeed challenges to the timeliness of the domestic adoption process in the ACT and sought to identify solutions—what should be done to address these challenges. The government committed to implementing all of the recommendations contained in the taskforce's final report, including to develop specialist adoption staff to improve delivery of service.

Unfortunately, it has taken a while for some of these improvements to be implemented, and as recently as the 2018-19 budget the government admitted that, because of insufficient staffing, it might have reached only 40 per cent of its targeted number of permanent placements. This is unacceptable in light of the taskforce's findings. Another recommendation from the taskforce was to explore possible legislative amendments to dispensation of consent provisions; to align ACT government obligations and reform priorities with provisions in other jurisdictions; and to better respond to the complexity of out of home care circumstances. This recommendation came with a strong suggestion for robust consultation in order to

determine the appropriate balance between protecting the rights of birth parents and the best interests of children in challenging out of home care circumstances.

The bulk of this amendment bill seeks to fulfil this recommendation. It does so, firstly, by providing a fuller list of needs that decision-makers should consider when seeking to determine what is in the best interests of a child or young person. This expanded list seeks to provide a clearer picture of what research has revealed to be the issues intimately linked to a child's wellbeing. It highlights, for example, the continuity and sense of belonging that comes from a child or young person having stable emotional and physical living conditions. This statement encapsulates precisely why we should care about the issue of permanency. Children who do not know with certainty, from one day to the next, if the place where they live now will be the place that they will live tomorrow, seldom feel safe or secure enough for proper development to occur.

A huge part of that is forming attachments to specific people, which can only happen when they know, again with certainty, that the people who they want to love and trust today will still be there for them tomorrow. This is, of course, a very complicated area because children also need to have a sense of identity. That includes where and who they came from. That is why these amendments also add needs like cultural inheritance, personal identity and a sense of belonging, which must also be considered.

These amendments also reiterate the importance of including the views expressed by the child or young person—but specifically views expressed with adequate and appropriate support so that the child can actively participate to the best of their ability in consultation related to the decision. Hopefully, this change will help to amplify the voices of children in these matters and expand the number of children whose views can genuinely be considered. The central goal of this amendment bill is to place the child more fully at the centre of decision-making. The feedback from many people has been that current legislation focuses more on the adults involved and not on the children. It is to be hoped that these amendments will help to improve that situation.

The bill then goes on to place these best interest considerations as the grounds for deciding when to dispense with parental consent in adoption matters. Again, this is a difficult matter. In an ideal world a birth parent's wishes would never need to be dispensed with, but we do not live in an ideal world and decisions need to be made. Under current legislation, the grounds for dispensing with consent focus on the perceived failures of the birth parents. This bill seeks to alter that approach by making the wellbeing of the child the focus of such decisions by the court. I hope that the result will be less conflict between birth parents and adoptive parents, especially since a child, in most cases, is best served by having healthy relationships with all parents and family members.

Across portfolios, I and the Canberra Liberals have consulted with a broad selection of those who care about adoption matters—birth parents, adoptive parents, foster carers, people who have been in and out of home care, people who were adopted, and various community leaders. Included are those who represent the territory's Aboriginal and Torres Strait Islanders, who have very specific reasons to care deeply about this issue, both because of historical event, but also because of the current

situation in this territory, where child removal is something these Canberrans experience at a rate far higher than anyone else.

The consensus of most stakeholders is that the changes introduced by this amendment bill are a step in the right direction. But many different concerns remain, and we understand that adjustments may need to be made in the future. It is specifically for this reason that I am tabling an amendment to this bill today. The clear message that I have heard is that the changes introduced by this bill need to be carefully monitored to make sure that they are working as intended and not introducing unexpected or undesirable outcomes.

My amendment therefore specifies that, two years after these changes come into effect, the minister will review how the best interest and dispensing with consent provisions are working, and report back to the Assembly. This minor addition to the amendment bill will provide an assurance to those who are not 100 per cent comfortable, now, that their concerns have been heard and will be formally followed up on. It is important that we provide this guarantee. I am grateful that both Labor and the Greens have chosen to support this amendment as a demonstration of tripartisan support.

Lastly, I wish to note that this bill also makes it easier for adult adoptions to occur by providing a more generous definition of a care-giving relationship and by allowing such a matter to proceed, even if only one applicant is a resident in the ACT. These are positive changes. It means that in some circumstances, where there have been insurmountable obstacles to adoption, adults who wish to do so, can legally establish who their primary family is. I commend both this bill and the amendment to the Assembly.

MS LAWDER (Brindabella) (11.43): I am pleased to stand and talk about changes to the adoption bill today. It is something that I have been quite passionate about for some time. Indeed, during the last Assembly, when I was shadow minister for family and community services, I brought a series of motions to the Assembly on this very matter, which is why I have risen to speak today.

In reviewing what I said in 2015 and 2016 about adoption and adoption processes in the ACT, I was interested to see how much the Assembly has changed in its makeup. The day I brought a motion to the Assembly in 2016 was the day after Mr Val Jeffery had given his inaugural speech in the Assembly. Mr Smyth had recently left. We had Ms Fitzharris, Mr Doszpot, Dr Bourke and Mr Hinder in the Assembly. Those people have, of course, left us for a range of reasons in the interim.

When I brought this series of motions to the Assembly in 2015 and 2016, it was about securing permanency for children and young people where it is in their best interests. Generally that is because stability and permanency is pivotal to the development of children. Adoption can provide elements of permanency, including a sense of belonging and security in being connected to a family for life; the physical space called family and community; as well as the legal framework that secures both of these with parental responsibility.

The feedback I received at that time from constituents in the foster care system and people looking to adopt was that they were concerned about delays in the local adoption process and the effects that these delays were having on their children. One of them said to me, "These delays impact on the children. It is not in their best interest and does not align with the government's stated aims of getting children into secure, permanent homes and seeking adoption as quickly as appropriate."

We all want what is in the best interest of the child. In some cases, an efficient local adoption process that prioritises permanency may well be what is in the best interest of the child or young person. So that also has to be prioritised. We do not want the system to fail vulnerable young children in the out of home care system. So where adoption is in the best interest of the child or young person it must be carried out and carried out as quickly as possible.

The adoption of a child is a significant moment in the life of the child, the adopted family and the birth family. For some families, adoption is the opportunity to create or complete a family. For some children it offers a long-term opportunity to be part of a loving family for life. But adoption can permanently change a child's identity. The decision to progress with adoption is not a decision to be taken lightly and not one that should be taken without the full consideration of all parties involved and the understanding that the best interest of the child should be paramount.

I am pleased to see some steps in the bill that is before the Assembly today for the benefit of those families who have opened up their hearts and homes to take in a child through the out of home care system and then decided to progress with an adoption process. We must try also to reduce the stress on those families. That stress cannot be overestimated. There are court hearings, lawyers, psychologist appointments and interactions with government agencies. These are not things that your normal, average family goes through. The families who have opened up their hearts and homes to children deserve to be supported throughout the process.

It is quite some time since I brought motions to the Assembly, and, as a result, the cross-directorate taskforce was created. What we see today comes from that cross-directorate taskforce, so it is good that we are seeing progress. I commend the bill and I commend the amendment that Mrs Kikkert will move today to enshrine a review process in two years time. This will be important to see if and how the changes in the bill we have today are making a difference for adoptive families and for children, and ensuring that what occurs is in the best interest of the child, which is what we all care about. I thank Mrs Kikkert for her important amendment, which is something that we will have to consider in the future.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (11.49), in reply: I thank Ms Le Couteur, Mrs Kikkert and Ms Lawder for their contributions to the debate today and for their support of the Adoption Amendment Bill 2020. The bill confirms the ACT government's strong commitment to supporting children and families by ensuring that our approach to dispensing with parental consent for adoption puts the best interests of children and young people at the centre of decision-making.

In the ACT relatively few domestic adoptions take place each year but, as others have mentioned, for the children and families involved it is a life-changing experience. This is because adoption establishes a new identity for the child who is being adopted and permanently severs legal ties with their birth family.

The bill follows many months of consultation with people and organisations who generously shared their perspectives and lived experience. Throughout this work we were reminded of the complex nature of adoption, which elicits strong emotional responses from the community.

As I have acknowledged previously, this bill does not do everything that everyone hoped for regarding the adoption process. However, I am confident that it does respond to the theme that emerged strongly at every stage of the consultation and that has been highlighted in every contribution today—the importance of prioritising a child's best interests in decisions about adoption matters.

This bill addresses a specific element of the adoption process by amending the guidance for the court in deciding whether to dispense with parental consent. The bill's amendments were prompted by this government's commitment to implementing all six recommendations from the Domestic Adoptions Taskforce about the timely and appropriate completion of the adoption process. I acknowledge Ms Lawder for bringing forward those motions originally, prior to my time in this place. As she has noted, it has changed a lot, and the ACT government has committed to all six of those recommendations.

Four of the six have already been implemented, including the commitment of almost $3½ million in the 2018-19 budget to provide dedicated resources for child and youth protection services and for legal services to improve adoption and permanency processes. One of the two remaining recommendations was to consider the use of integrated birth certificates to maintain the identity and heritage of adopted children and recognise both birth and adoptive parents. Amendments to the Births, Deaths and Marriages Registration Act 1997 were recently introduced and will be debated today to respond to this recommendation by enabling the use of integrated birth certificates. This bill and that bill complete the ACT government's response to the final recommendations from the task force.

The particular recommendation that this bill addresses asked us to explore amendments to the dispensing with consent provisions of the Adoption Act 1993 to enable the system to better respond to complex out of home care circumstances.

I am confident that this bill strikes the right balance between considering the needs of all parties involved in an adoption—the child or young person, their birth parents and carers—while maintaining a strong focus on the child's best interests as the paramount consideration. The bill enhances the existing guidance about best interests in the Adoption Act—guidance that applies to all adoption matters, not just dispensing with parental consent. These amendments reflect a more nuanced understanding of child development and wellbeing, shifting the focus firmly on to what a child needs—to grow up feeling safe, secure and loved.

We were careful to consider professional expertise and research evidence to complement the community's perspectives and lived experience that also shaped this bill. The breadth of expertise and evidence ensured that the bill reflects a contemporary understanding of child wellbeing, enhancing the guidance for the court, by considering facets of best interests such as cultural inheritance.

It is important to note that the inclusion of cultural inheritance does not preclude the court from making an adoption order when the prospective adoptive parents do not share the child's cultural heritage. In the bill, cultural inheritance sits alongside personal identity and sense of belonging. These complementary concepts will guide the court in considering the likely effect of a decision on the whole life of the child. In this context cultural inheritance requires active efforts to preserve and support diverse aspects of culture that a child would ordinarily inherit from their birth family as they grow up.

Importantly, the bill also addresses a key finding from the consultation—the need to ensure that children's voices are heard and reflected in decisions about adoption matters. It aims to better support children to freely express their needs and wishes, based on their level of understanding and maturity.

It is important to note, as I did when introducing the bill, that the bill does not seek to make domestic adoption in the ACT easier or more difficult; rather, it shifts the focus away from why a child is in out of home care. This will better support the court to determine a child's best interests now and into the future, rather than making a decision that centres on the adults who are involved.

In this way the bill addresses the damaging effects of an adversarial process that focuses on birth parents' past behaviour. Prioritising the child's best interests makes it more likely that birth parents will be supported to maintain a relationship with their child post adoption, to enhance the child's wellbeing.

I want to thank the individuals and organisations who were involved in the consultation, development and review of this important bill. Many people shared their personal experiences with honesty and courage, and these contributions have helped to shape the bill we are considering today.

I also want to advise that I will not speak at the detail stage because, as Mrs Kikkert indicated, we will be supporting her amendment. I welcome Mrs Kikkert's amendment and I am pleased to be able to support it today.

Reviewing how the amendments that we are making today work in practice will support transparency and ensure that the amendments are operating as intended. This will enable us to check that the changes we have made to sections 5 and 35 reflect contemporary understandings of child development and wellbeing.

I thank Mrs Kikkert and Ms Le Couteur for meeting with my office and with CSD representatives to work through the important questions that they had about this bill and how the amendments will guide the court's decision-making. Again I thank

members here for supporting the bill and thank the officials who worked on the bill and the scrutiny committee for its consideration. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MRS KIKKERT (Ginninderra) (11.56): I seek leave to move an amendment to this bill that has not been considered by the scrutiny committee.

Leave granted.

MRS KIKKERT: I move amendment No 1 circulated in my name *[see schedule 1 at page 2027]*. I table a supplementary explanatory statement to the amendment.

MS LE COUTEUR (Murrumbidgee) (11.56): The Greens are supporting Mrs Kikkert's amendment. Adoption is really important, and that is why we support the amendment to review the impacts of this legislation after two years. We do not want any unintended consequences, because the consequences could or would be life changing for the people involved. Reviewing the legislation after two years seems to be entirely sensible.

Amendment agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 11.58 am to 2 pm.

Questions without notice

Hospitals—acute care beds

MR COE: I have a question for the Minister for Health. In February 2011, the then health minister planned to add 400 beds over a decade to meet an anticipated 50 per cent increase in admissions. Analysis performed by Mr Stanhope shows that the ACT had 132 fewer beds than what was needed as at the end of 2018-19. Minister, what is the current shortfall of acute care beds in the territory?

MS STEPHEN-SMITH: I thank the Leader of the Opposition for his question and just correct one point: Mr Stanhope's analysis only appears to have gone to 2017-18, not 2018-19, when he is talking about the difference between what was projected and the AIHW data for that particular year.

I am advised that the actual number of beds in the ACT has increased, from 907 in 2009-10 to 1,146 in 2018-19. That is more than 26 per cent if you take that 2018-19 figure. What we have successfully done, therefore, is respond to an increase in separations in our public hospitals of more than 35 per cent over that period, from almost 89,000 in 2009-10 to almost 120,000 in 2018-19.

As I pointed out, we also increased and improved elective surgery performance over that period. We have had a significant increase in seen on time performance in particularly category 2 but also category 1, and last year our public elective surgery numbers were more than 14,000 elective surgeries, a record for the territory. We were on track for 14,250 this year.

MR COE: Minister, was the anticipated demand of 2011, that a 50 per cent increase would be required, accurate as to what we now know?

MS STEPHEN-SMITH: That, I would note, is a projected demand to 2022. I have indicated already in my previous answer that we met almost a 35 per cent increase in separations between 2009-10 and 2018-19.

MRS DUNNE: Minister, what are the government's projections for the number of additional beds needed over the next 10, 20 and 50 years?

MS STEPHEN-SMITH: I thank Mrs Dunne for the supplementary question. As she is well aware, we are currently undertaking a territory-wide health services planning exercise, and that future planning is all part of that. We have already committed to the biggest health infrastructure investment since self-government, in the Canberra Hospital expansion, which will deliver another 148 beds, as well as opening two new theatres at Calvary Public Hospital last year and this year. So we are meeting that increase in demand. We also have a scoping study underway for the north side hospital.

That planning is a continual process; it does not stop in 2008 and then we just do whatever it said in 2008. Health planning is an ongoing process. The Canberra Liberals seem to be stuck in 2008. If it was up to them, we would have a big hole in the middle of Canberra Hospital right now because they just picked up a plan and plonked it on as their election commitment in 2016. We did due diligence on that plan, worked out how much it would cost, and worked out that it would actually reduce beds. It would reduce beds for three years during construction. So we chose a better way.

Opposition members interjecting—

MADAM SPEAKER: Members! Mr Wall, Mrs Dunne and others on my left.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe, that is enough.

Parking—Cooleman Court

MS LE COUTEUR: My question is to the Minister for Roads and Active Travel, and Minister for City Services. It relates to the proposed car park at Cooleman Court. Minister, why has the government issued a request for tender for construction of the new temporary car park and associated works adjacent to Cooleman Court when, to the best of the community's knowledge, the DA has not even been approved?

MR STEEL: I thank the member for her question. The construction tender for a temporary car park at Cooleman Court was released on Tuesday, 11 August. On page 6 of the request for tender documentation it says that works are currently subject to a development application process which is expected to be concluded before the award of this contract. If the DA is not approved then the works will not proceed, and the contract will not be awarded.

The construction tender has been released ahead of DA approval so that, should the DA be approved, this project will be shovel ready. I can also advise the Assembly that we updated the original design for the car park, following community feedback at the beginning of this year, and through the concerns raised through the development application process. A key change in response to the feedback has been that we will be retaining an additional three trees that were originally marked for removal. The revised designs will see 63 parking spaces and the retention of 18 trees, with the removal of only one tree, to be offset by the planting of 11 trees, which are intended to be permanent on site, despite the development of a future community facility on that block.

MS LE COUTEUR: Minister, I have been told about this tender by a number of people. The community sees this as a clear sign that the car park is going ahead, regardless of any processes.

MADAM SPEAKER: To the question, Ms Le Couteur.

MS LE COUTEUR: Minister, can you assure the community that the normal DA processes will happen and that it will not be called in?

MR STEEL: I thank the member for her question. We have an independent planning authority that is assessing this matter at the moment, and I look forward to hearing its decision.

MR HANSON: I have a supplementary question. Minister, will you commit to stopping or preventing any works on this site prior to the election on 17 October?

MR STEEL: This matter is subject to the approval of the independent planning authority. I do not have any influence over the timing of their independent decision.

Business—fair trading

MS LAWDER: My question is to the Minister for Business and Regulatory Services regarding ACT Fair Trading. Well over a year ago, an ACT Fair Trading

spokesperson advised that Fair Trading was investigating complaints about a business, Pink Frosting. Minister, what has been the outcome of investigations into the complaints against the large party supplies business, Pink Frosting?

MR RATTENBURY: I will take that question. Responsibility for these matters sits within my portfolio of consumer affairs. I will have to take the question on notice. Investigations on that have been conducted by the commissioner, who operates independently of my ministerial direction and will be undertaking those investigations. I will need to seek advice on the status of that.

MS LAWDER: Minister, how many complaints did Fair Trading receive on this particular matter, and have all complainants now received a refund?

MR RATTENBURY: I cannot remember, off the top of my head. I will take that on notice and provide the answer to Ms Lawder as soon as practicable.

MISS C BURCH: Minister, what action have you, ACT Fair Trading or the ACCC taken, further to this, to protect consumers from similar occurrences, including timely refunds?

MR RATTENBURY: We have, of course, the Australian Consumer Law, which provides a range of protections. Access Canberra, through the Fair Trading agency, implements those laws. They exist for consumers or constituents to call on and seek their advice. As members may recall, we have just brought a new mechanism into the Assembly, the Justice Legislation Amendment Bill, which we intend to debate this week, which creates a mechanism for the Fair Trading Commissioner to actually conciliate between parties on claims under $5,000, to make it easier for people with small but important disputes to seek support without necessarily having to spend a lot of money on legal advice or court processes and the like.

Schools—lead paint

MS LEE: My question is to the Minister for Education and Early Childhood Development. Minister, I have raised with you on a number of occasions concerns about the presence of hazardous material in classrooms at Yarralumla Primary School, starting in March last year. On Thursday, 6 August this year, your office sent me a copy of the Robson Environmental report T-01035, dated 23 April 2019, on lead paint assessment at that school. The email from your office went on to say that all of the actions recommended by Robson in that report had been completed by mid-2019. If all actions were undertaken and completed, why were the classrooms recently closed, and when were parents first notified about the presence of lead?

MS BERRY: I thank Ms Lee for the question. I understand that Ms Lee has had some interest in the lead paint management, maintenance and removal at Yarralumla Primary School, and so have—

Mrs Dunne: So did the parents.

MS BERRY: the parents and the schoolteachers—

MADAM SPEAKER: There is no need to respond to the interjection.

MS BERRY: and the students as well. That is why the government and the Education Directorate have been providing as much information as possible and also, when new questions are asked, updates on those inquiries to make sure that everyone understands exactly the maintenance of lead paint at schools. Schools and buildings that were built in the 60s and 70s often contain lead paint. There is a management process and maintenance process in place for—

Ms Lee: I raise a point of order, Madam Speaker. The question specifically was: if all the actions were undertaken and completed, why were the classrooms recently closed, and when were parents first notified? I ask that you direct the minister to be directly relevant.

MADAM SPEAKER: In the time you have left, minister, you may respond to that.

MS BERRY: Yes. I was just putting some context around the maintenance program for lead paint in buildings. For Yarralumla all of the actions that were recommended in the initial report were completed, but of course lead paint needs ongoing maintenance and management. Additional work that happens at that school is part of a longer term maintenance plan, which occurs in lots of buildings across the ACT—to manage them and ensure that those places are safe and comfortable for everybody who needs to use them.

Ms Lee: Madam Speaker, a point of order just before we finish: I also asked the second part of the question, about when parents were first notified.

MADAM SPEAKER: I think the minister has concluded and she has, in many ways, gone to the point of your question.

MS LEE: Minister, how many children at Yarralumla Primary School used classrooms with high levels of lead, and for how long after they were detected?

MS BERRY: The term is "above-threshold" levels of lead. That is the measurement system that the Robson group uses to measure the levels of lead within an environment. I will have to get the actual number of students that were in the classrooms that had those above-threshold levels of lead in the environment; I do not have the numbers with me today. On the first question, on when parents were notified of this work that was being carried out at the school, it was last year, when the reporting was conducted.

MR HANSON: Minister, what other schools are now subject to environmental assessment reports for lead or other hazardous substances?

MS BERRY: There are a number of buildings and schools in the ACT that have hazardous materials that are maintained, like most buildings in the ACT that were

built in the 70s and 80s with asbestos, and before that in the 60s and 70s with lead paint. I would have to come back to the Assembly with regard to the number of schools, but there are a number of buildings across the city that are maintained safely that people live in every day. Most of us here have homes that were built before the 80s. We live in houses that have bonded asbestos sheeting as well. As long as they are maintained safely, in line with the recommendations by the experts, then they are safe for people to live in.

Housing ACT—maintenance

MR PARTON: My question is to the Minister for Housing and Suburban Development. Very recently, the tenant of an inner north Housing ACT property advised me that, after a violent incident at their complex, blood deposits and stains in a common area were left uncleaned for well over a week. Is it standard practice to take so long to clean up after such serious incidents?

MS BERRY: I cannot recall whether I have seen any correspondence about the particular incident that Mr Parton is referring to. I would have to understand, with that particular incident, what occurred, but it would be expected that the area would be cleaned up, for the safety of all the other residents. If he has not already, if Mr Parton would like to provide my office with the details, I can follow up on why that was not cleaned in a more appropriate time frame, if that was the case.

MR PARTON: What policies do you have in place relating to cleaning up bodily fluids resulting from incidents where, for example, blood might be shed in the common area of a public housing complex?

MS BERRY: The ACT government has a $40 million public housing maintenance contract with Programmed ACT, who are very experienced in ensuring that areas are cleaned and maintained. On the particular circumstances, I would have to, as I say, check, so I ask Mr Parton to provide me with some more detail on the actual incident so that I can follow that up. I would expect that that would be cleaned up as soon as possible so that it is safe for everyone, assuming that the organisation Programmed was informed about the incident and could put cleaners out there to clean it up.

MS LEE: What steps are taken to ensure that incidents at public housing complexes, as reported by police or complaints from tenants, are assessed for health and safety impacts?

MS BERRY: I am not sure if I can answer that question in a way that is specific because the question is a little bit broad. I suggest that there would be an expectation that public housing common areas managed and maintained by Housing ACT, and where Programmed provide the cleaning and maintenance work, would be cleaned appropriately, assuming that the information was passed on in the best way by police and Housing ACT if those incidents occurred. If there is a particular incident here—which it sounds like there is—that I or my office have not been told about that members would like more information on, I ask them to get in touch with my office so that I can actually look at this particular incident.

Public housing—investment

MR GUPTA: My question is to the Minister for Housing and Suburban Development. How does the government's investment in public housing compare to other jurisdictions across Australia?

MS BERRY: I thank Mr Gupta for his question. The ACT government is leading the country in investing in public housing. Last year I announced a plan to grow new public housing, with $100 million to build 1,200 new public housing dwellings, including 200 new homes for people in need of social housing. The ACT has the second highest ratio of social housing in Australia, with 27 dwellings for every 1,000 people, much higher than the national average of 17 homes, and leads the country in the provision of public housing, with 25 dwellings for every 1,000 people, against a national average of 12 dwellings.

The government acknowledge that there is more work to do, and that is why we continue to invest in more public housing for people who need it. We are also renewing old public housing to make sure that it is more affordable and comfortable and that it meets the diverse needs of Canberrans who need a safe and secure home.

The Chief Minister and I last week announced an additional investment into public housing, in response to the economic conditions created by COVID-19. The government has expanded the public housing program and will continue to build and upgrade more public housing over the program. This $61 million investment is on top of the existing $100 million program, which will now see the program deliver an extra 260 public housing dwellings.

The focus of the expansion program will be on housing people with disabilities or older Canberrans, through class C adaptable builds. The government is also committed to making sure that the existing public housing properties are maintained to continue to serve the needs of existing residents, with nearly $9 million injected for general property and energy efficiency upgrades. This will see new home upgrades like reverse cycle air-conditioners, new hot water systems and stoves installed in up to 1,300 homes. At least 250 properties will see larger upgrades such as kitchen and bathroom replacements. *(Time expired.)*

MR GUPTA: Minister, over this term of government, what has the government done to increase social housing assistance and reduce homelessness?

MS BERRY: There is not enough time in two minutes to describe every one. However, over the last four years there have been significant achievements in increasing supports for housing and homelessness for Canberrans who need it. Working in partnership with the dedicated specialist homelessness sector, the ACT is well placed to address the national challenge that every city is facing.

In 2018 I announced the new ACT housing strategy that will guide the ACT government's work in delivering social and affordable housing and reducing homelessness, with an upfront commitment to grow and renew public housing over

the first five years. The strategy has 74 actions to increase support for housing services and supports and to make sure housing is more affordable.

There are many initiatives being delivered by the government and some excellent partnerships with the community sector that are tackling homelessness and insecure housing. Last year, for example, I announced a new partnership with CatholicCare and St Vincent de Paul to support 20 individuals with high complex needs who are sleeping rough into permanent housing.

The program, Axial Housing, takes a housing first approach and provides homes to people who are sleeping rough and provides the supports that they need so that they can stay in these homes long term. The program has been expanded, in response to the COVID-19 pandemic, and has seen 22 chronic rough sleepers rapidly rehoused in permanent housing, with ongoing support to assist them in their new living environment.

In response to COVID, the ACT government has provided $3 million in crisis assistance to homelessness and family and domestic violence services, as well as direct funding to support providers, and additional funding to help adapt the way that they support clients in this new environment. The government's response has also stood up to new short-term accommodation services, in partnership with CatholicCare and Argyle, for Canberrans at risk of homelessness. This support is on top of the $140 million of support—*(Time expired.)*

MS CHEYNE: Minister, why is Common Ground Dickson such an important development for social and affordable housing?

MS BERRY: I thank Ms Cheyne for the question. Last week I was happy to announce, with Minister Gentleman, that Common Ground Dickson will move to the next stage of development, with a DA approved for this critical social housing development. Common Ground has been an incredibly successful model adopted from New York and is now in place in cities all across Australia. It provides a mixture of social and affordable long-term, secure housing with on-site support as well as community facilities.

Common Ground Dickson is the next step forward for social and affordable housing in Canberra, providing another 40 social and affordable homes with a mix of one, two and three-bedroom units. Like Gungahlin, Dickson will provide long-term housing for people who are facing chronic homelessness. The people who will live in Dickson will be different to the ones in Gungahlin, with a focus on supporting women and children, families, single parents and older women, all facing increasing needs for housing support, being financially disadvantaged throughout their lifetime.

Common Ground Gungahlin has also been an enormous success, with residents gaining long-term, secure housing. Since Common Ground Gungahlin opened in 2015, I have had the chance to get to know Greg, who is a tenant there. After experiencing homelessness Greg now is in secure housing, with a sense of community, living with the other residents at the complex. Since moving to Common Ground Greg has been pursuing his education at CIT and has recently found

employment in hospitality as well. Greg's story is why Common Ground is so important.

The consultation for Common Ground in Dickson has been extensive and this has occurred through the pre-development application consultation, as well as the consultation required on the Territory Plan variations and consultation on the development application. The final approval takes into consideration environment and heritage considerations that are featured throughout the different stages of consultations. The announcement last week was an important step forward for Common Ground Dickson, and I look forward to all parties' support for this important project. *(Time expired.)*

Housing ACT—COVID-19 pandemic response

MR WALL: My question is to the Minister for Housing and Suburban Development. Minister, what COVID incident response and safety policies have been put in place for Housing ACT tenants located in high density residential complexes?

MS BERRY: I didn't hear the last bit. Was it multi-unit properties?

Mr Wall: Yes, high density.

MADAM SPEAKER: Do you want the complete question again?

MS BERRY: No, it is okay; I think we have clarified it. There has been some work done with multi-unit properties to ensure that, should a person need to isolate or quarantine, once diagnosed positive to COVID-19 after a test, they would be able to isolate in a public housing property that had been set aside specifically for this purpose. It is about ensuring that that happens and that those housing tenants can be supported through this environment, acknowledging that they are likely to be more affected and isolated as a result of a positive COVID-19 test, and making sure that they are supported and able to quarantine and isolate somewhere safe and comfortable so that other people in those multi-unit properties are not affected.

MR WALL: Minister, what actions is Housing ACT taking to ensure that hygiene and contamination control in common areas of high density complexes is being maintained?

MS BERRY: I am not clear that there is advice from Health about the cleaning of those environments, other than for facilities that are used by multiple people at one time; for example, a lift. I would have to get some advice on exactly what is happening in specific multi-unit properties. There are a number in the ACT. I can get that advice and provide that information to the Assembly.

MR PARTON: Minister, if—certainly according to your last response—appropriate practices are not yet in place, when would we expect these to commence?

MS BERRY: I will get some advice on that, as I said, and bring that information back to the Assembly.

Roads—maintenance

MRS KIKKERT: My question is to the Minister for Roads and Active Travel. Minister, following last week's rain, many dozens—possibly even hundreds—of new potholes have opened up in streets all across the Belconnen area. Experts state that the appearance of potholes is a sign that regular road maintenance is behind schedule. Four years ago, an annual report noted a "backlog of resurfacing works throughout the territory" and added that meeting annual targets was merely "maintaining the backlog". The following year, the Auditor-General reported that "this backlog amounts to approximately two million square metres of road pavement needing maintenance" and added that "reducing this backlog will likely take years". Minister, what is the current size of the territory's pothole maintenance backlog?

MR STEEL: I thank the member for her question. I will take the very specific question on notice. I have certainly noticed some potholes forming as a result of the rain. Of course, the wear and tear on our roads is caused by a number of factors. One is the sun; others are water and rain.

We have had a significant amount of rain over the last few weeks, which has meant that a number of potholes have opened up, not only in Belconnen but also, I have noticed, on the Tuggeranong Parkway and Sulwood Drive. I have asked Transport Canberra and City Services to address those as a matter of priority.

I have recently announced a new patching program which will be funded as part of the government's stimulus package and which will lead into our road resurfacing program, which will be commencing just ahead of spring, as it does every year, which makes sure that we can resurface our roads and make sure that our preventative maintenance program is in place.

MRS KIKKERT: Minister, how many new potholes have arisen following the recent rainfall in the Belconnen region?

MR STEEL: I thank the member for her question. That is a question that I have asked the Transport Canberra and City Services Directorate myself, and I am currently looking at how we can address this as a matter of priority.

MS LAWDER: Minister, why is it that our roads in Canberra are so poorly maintained that potholes appear every time there is serious rainfall in the region?

MR STEEL: They are not.

Legislative Assembly—members' staff

MRS DUNNE: My question is to Mr Gentleman. Minister, can you confirm that the recently convicted paedophile Bradley Burch has previously worked in your office?

MR GENTLEMAN: No, he has not.

MRS DUNNE: Would you like to check the record, minister? I can recollect you, during a Christmas valedictory, thanking your staff, including Mr Bradley Burch.

MR GENTLEMAN: I will take that on notice. It is not in my memory.

MISS C BURCH: Minister, when were you notified about the police investigation into Bradley Burch?

MR GENTLEMAN: I was notified in the press. I have not had a briefing from the CPO on this matter.

Arts—government policy

MR MILLIGAN: My question is to the Minister for Arts, Creative Industries and Cultural Events. Minister, when will the *2015 ACT Arts Policy* document be updated from five years ago?

MR RAMSAY: I thank Mr Milligan for his question. The policy of ongoing arts investment in the ACT is something that is continuing to be worked through and is continuing to be developed, especially in light of the COVID-19 situation, which has seen a significant impact on the arts and the creative industries. What we are doing at the moment is making sure that our arts are well supported. We have invested millions of dollars in making sure that our arts are well supported through this time—our arts organisations and our artists' individual practices.

Mrs Dunne: I have a point of order. Madam Speaker, the question was direct: when will the 2015 document be updated? I ask that the minister be directly relevant.

MADAM SPEAKER: I cannot direct the minister on how to answer the question, but he is talking about an ongoing process in the arts community, so I think the response is in order.

MR RAMSAY: Whether it is the case that the 2015 document is amended or it is the case that we continue to unfold our ongoing arts support, we know that the arts are vital for us at the moment, during this COVID-19 time. That is why we have invested so significantly in our individuals and our arts organisations. We are continuing to work with our arts organisations and through the Minister's Creative Council, which has recently conducted an extensive survey right across the arts sector to make sure that, as we move through and beyond this COVID time our arts and creative sector is particularly ready for what lies ahead. As I talk about an arts-facilitated recovery, it is a most important time, and clearly the situation in our arts industry at the moment is substantially different from what it was in 2015.

MR MILLIGAN: Why, on the artsACT website, does it say that you are the minister for the arts, but in another section it says that Ms Burch is the minister?

MR RAMSAY: I will take that question on notice. I am sure that the website contains references to the former excellent arts ministers that we have had. We are most

fortunate across this government to have a history of very strong arts ministers, and I am proud to be following in their footsteps.

MRS DUNNE: Minister, when will your tired government start taking the arts seriously, update its arts policy and stop neglecting the arts community, especially in this important and difficult time?

MR RAMSAY: I thank Mrs Dunne for her question. Again, supporting the arts in this particular time is extremely important for us, and that is why we are so pleased to have been nation-leading in our response—a very quick response to the COVID situation for arts individuals and for arts organisations. We are very pleased to have been providing millions of dollars into our arts organisations, funding our arts practitioners to ensure that they are able to be supported. We note that our response was not at all tired. It was very fast. It was very quick. It was certainly well ahead of the federal government, which has announced funding but none of it looks like coming out in this calendar year. By way of significant difference, we have supported our arts organisations. We have provided a million dollars through to our arts organisations to ensure that they remain sustainable and viable. We have provided funding for arts practitioners. We have provided $2½ million for the Cultural Facilities Corporation to ensure that that can continue.

I have worked with my Minister's Creative Council and met with the chair again yesterday. We are very determined to make sure that our arts survive this time and are strong not only for their own sakes but for the sake of the broader community. In difficult times like this we, as a community, will turn to our arts. They refresh us during this time. There are a whole range of ways that we have been able to be engaged with the arts during the shutdown. We have had the Where You Are Festival to make sure that people across Canberra can continue to engage with the arts. We will continue to do that, and I am proud to be the minister in this government supporting this vital industry.

Canberra Hospital—expansion

MS CHEYNE: My question is to the Minister for Health. Minister, could you please provide an update on the Canberra Hospital expansion?

MS STEPHEN-SMITH: I thank Ms Cheyne for her question and her interest in the Canberra Hospital expansion. Through the Canberra Hospital expansion, the ACT government will deliver more healthcare capacity, to cater for the continued growth of Canberra and our surrounding region.

This 40,000 square metre addition to the existing hospital campus—the SPIRE building, as it is known—is being designed to deliver state-of-the-art patient care and to meet the healthcare needs of our growing city. It will deliver 114 emergency department treatment spaces, 39 more than are currently available at the Canberra Hospital, and 60 ICU beds, 12 more than originally planned, doubling what is currently available. The ICU will also include, importantly, four paediatric ICU beds. The building will include 22 new state-of-the-art operating theatres, an increase from the 13 currently available and two more than originally planned. The theatres will

include hybrid theatres, and interventional radiology theatres will allow for advances in the use of medical technology and new techniques.

We are committed to co-designing this new facility with its users and its neighbours, including the local community reference group, clinicians, consumers, carers and the broader public. This approach will help us to ensure that the new facility is fit for purpose, bringing together technology and modern hospital designs to provide advanced clinical treatments as well as clinical and public spaces that work for hospital users and contribute to healing.

I am pleased to advise that the early contractor involvement procurement model tender process has been completed. The outcome was announced on Tuesday—to have Multiplex as our partner in this project. Multiplex will now work collaboratively with the ACT government and the community to finalise the design of the new building over the rest of this year and work towards the main works contract in the first half of 2021. Over the coming weeks, we will be working intensively with Multiplex to ensure a smooth transition as they come on board.

MS CHEYNE: Minister, how many jobs will be created as part of these works?

MS STEPHEN-SMITH: Again, I thank Ms Cheyne for the question. There is no question—we have talked about it many times in this place—that COVID-19 has had great impacts, felt across the world, across our country and, of course, across our city. That is why it is so critical to continue to get on with the work of government, providing jobs and working towards economic recovery. While there are a number of milestones that lie ahead, much progress has already been made on the Canberra Hospital expansion and many jobs have already been created, providing job certainty for Canberrans as we respond to COVID-19's emergence in the ACT.

Looking forward, I am pleased to say that, during construction of this new critical care facility, we will see an additional 500 jobs created for our region. These new jobs will employ people whose incomes will flow through to support other local jobs. As they get their morning coffee, do their weekly shopping and employ local services, their purchases will flow on to suppliers of and workers in these businesses, supporting their families and our community.

There has also been a commitment to a target of training 30 per cent of those employed to construct the new facility through apprenticeships, graduates and cadets, an upskilling of the workforce generally. This will provide future opportunities for Canberrans as they gain the experience of working on the largest investment in healthcare infrastructure in the ACT since self-government.

I am particularly pleased to advise the Assembly that, in line with the Aboriginal and Torres Strait Islander procurement policy, Multiplex will work to ensure that first nations contractors, workers and businesses are engaged in this process. Once the new facility is completed, there will also be more jobs for doctors, nurses and other medical professionals, attracting more healthcare workers to cater for growing health demand in our region.

MR PETTERSSON: Minister, what other work is underway across the territory to support Canberrans' access to health care?

MS STEPHEN-SMITH: I thank Mr Pettersson for the question. I am pleased to advise the Assembly that the expansion of the emergency department at Calvary Public Hospital at Bruce has recently been completed, with 22 additional emergency department treatment spaces, delivering a 50 per cent boost to treating spaces at Calvary and bringing the total to 61. It features a redesigned and larger fast-track stream and an expanded short-stay unit to help with patient flow through the emergency department, and enhanced waiting areas to make people more comfortable before and during their stay. This expansion is supported by more doctors, nurses, administration and other health staff joining the Calvary ED team.

Walk-in centres continue to be a standout success for the ACT. Speaking to my electorate of Kurrajong, we are particularly excited about the opening of the nurse-led inner north walk-in centre in Dickson, which is due to open in the next few weeks. Led by highly trained nurse practitioners and open from 7.30 am to 10 pm every day of the year, walk-in centres provide local, fast, free access to health care for one-off issues with minor injuries and illnesses. The completion of the inner north walk-in centre will mean that the ACT Labor government has delivered a network of five centres across Tuggeranong, Belconnen, Gungahlin, Weston Creek and now the inner north, with each walk-in centre employing around 10 full-time equivalent nurses and around three full-time equivalent administration staff to support the operation of the centres.

We know that the Canberra Liberals do not support nurse-led walk-in centres. We have not had any health policy from the Canberra Liberals to date, but it will be interesting to see what they tell the Canberra public about the future of walk-in centres, should a Coe government be elected. It will be very interesting. Wait with bated breath.

Roads—upgrades

MR HANSON: My question to the Minister for Roads and Active Travel is in regard to upgrades to the Monaro Highway. Minister, why is it that the roadside signs along the Monaro Highway are covered in ACT government branding, despite the fact that this project is primarily funded by the federal Morrison government?

MR STEEL: I thank the member for his question. It is because the ACT government has made a very significant contribution to this major upgrade for the south side that will help to cut travel times for Tuggeranong residents. It will also benefit the whole region, especially in improving this very important gateway to the south of New South Wales.

MR HANSON: Minister, will you admit that these signs are misleading and fail to acknowledge the federal government's role in this important upgrade?

MR STEEL: I thank the member for his question. We have done joint announcements with the federal government in relation to the upgrades that we are undertaking jointly with them on the Monaro. This is a project that the ACT government is delivering because it is the states that deliver infrastructure projects. We are glad to have the federal government's support in funding this important project, as we are doing on a range of other projects around the ACT, including the Mitchell light rail stop—something that we certainly welcome.

MR PARTON: Minister, how many more giant ACT government signs will Canberrans see appear as we head towards 17 October?

MR STEEL: I thank the member for his question and his acknowledgement of the fact that our ACT government has been delivering infrastructure around our city. We on this side of the chamber believe that the community deserve to know what infrastructure is being built in their community.

Waste—Hume clean-up

MISS C BURCH: My question is to the Minister for Transport and Minister for City Services. In 2017 the EPA issued an environmental authorisation to force a company that was stockpiling rubbish in Paspaley Street in Hume to reduce their rubbish within six months. At the time local businesses were assured that the company would be monitored by Access Canberra and the EPA. Those same businesses have contacted us again this week, three years after the supposed intervention by the EPA. Despite this issue being brought to the attention of the waste regulation team in the Transport Canberra and City Services Directorate, this site has continued to accumulate unsorted landfill, rubbish and builders' site waste for more than four years. When will this issue be resolved?

MR STEEL: I thank the member for her question. I was out there recently and saw that site again. I know that Transport Canberra and City Services has been taking quite an active role in enforcement in that matter, and I will seek an update and provide it to the Assembly.

Opposition members interjecting—

MADAM SPEAKER: Members, enough interjections.

MISS C BURCH: Why have the EPA and the Transport Canberra and City Services Directorate been unable or unwilling to clean this site up?

MR STEEL: I thank the member for the question. We have been undertaking active enforcement in relation to this. I am happy to provide an update. That has been over a number of years and through a variety of ways, including under the Waste Management Act.

Ms Lawder interjecting—

MADAM SPEAKER: Ms Lawder, I will warn you next time you interject.

MS LEE: What penalties, if any, have been issued to the company? If none, why not?

MR STEEL: As I have mentioned, a range of enforcement has been undertaken. I will provide information to the Assembly about what, if any, penalties have been issued.

Waste—recycling

MR PETTERSSON: My question is directed to the Minister for Recycling and Waste Reduction. Minister, can you outline what improvements are being made to recycling infrastructure in the ACT?

MR STEEL: I thank the member for getting my title correct and for his interest in waste management in the ACT. The government is taking responsibility for waste and its impact on the environment and investing in the latest technology to generate cleaner recycling in the ACT and the Canberra region.

In February the ACT government and the Canberra Region Joint Organisation presented the recycling prospectus, following our regional roundtable on waste in December 2019. This proposed a $21 million upgrade to the ACT materials recovery facility to support domestic kerbside recycling across the ACT and a number of councils in New South Wales. Our region is not immune to the waste crisis that has disrupted recycling industries across the globe, including in Australia.

Our ACT government is committed to banning exports of specific types of waste overseas and delivering a plan for managing waste better locally at all stages of the process. When Canberrans put material into their yellow bin they should be confident that it will be sorted and recycled locally and that we ensure that these products go on to proper re-manufacturing in the best use possible.

I am pleased that last month the ACT government announced joint funding, with the federal government, of $21 million for upgrades to the materials recovery facility in Hume. This includes optical scanning equipment to identify and separate different types of plastics, technologies to better track the movement and storage of bales, glass washing facilities to provide better quality crushed glass-sand products, plastic washing and flaking facilities. The flaking process breaks the washed plastic into small pieces, providing clean product ready for local markets. Better screening technology will also be provided to improve paper and cardboard recycling.

The upgraded facility will improve the domestic marketability of recycled products from the ACT and surrounds and help us to build a circular economy and, importantly, create jobs.

MR PETTERSSON: Minister, how will the upgrades improve recycling outcomes in the ACT?

MR STEEL: The upgrades to our materials recovery facility will deliver better separation of recycling streams such as paper, glass and plastic, reducing

contamination rates and providing better quality recycled material. The optical scanning equipment will allow materials to be sorted into a variety of different plastic polymers for re-manufacturing. Mixed plastic is our most problematic waste stream and the only waste stream that is typically exported overseas from the ACT. These upgrades to our local processing infrastructure will set us up, ready to meet the challenge of the waste export ban so that we can effectively eliminate mixed plastics as a waste stream in the ACT. Likewise, washing facilities for glass will provide a higher quality type of recycled glass by reducing impurities in crushed glass so that it can go on to be used in a variety of different uses in building infrastructure.

Contamination of mixed paper and cardboard will also be reduced. Currently our paper and cardboard waste stream has five to six per cent contamination levels. While this is currently enough to ensure that it is recycled through the Tumut Visy paper mill, as markets improve with the export ban, our upgrades will reduce the contamination rate to between two and three per cent to ensure that this waste stream is recycled into the highest quality paper products. Undertaking these upgrades to the MRF will not only improve recycling outcomes but also provide up to 100 direct and indirect jobs in the ACT and the region.

MR GUPTA: Minister, what are some of the products being created from ACT recycled material?

MR STEEL: I thank Mr Gupta for his supplementary. The ACT government is committed to building a circular economy by using recycled material in infrastructure projects around Canberra. All the glass material that is collected in our household yellow recycling bins comes to the Hume materials recovery facility and we are now able to turn it into a new, valuable glass-sand product on site. While clean bottles from our container deposit scheme go on to be remanufactured into other glass products, glass-sand is made from the comingled glass that comes from our household recycling. Around 30 per cent of the content of the household recycling bins is made up of glass.

This glass-sand will be used by Icon Water as pipe bedding for sewer pipe infrastructure around the ACT. Following a successful trial, this has now been approved for use by the ACT Environment Protection Authority. It is a great recycling outcome because this glass-sand will replace Icon Water's use of natural river sand that was being trucked to the ACT at a high cost both financially and for the environment.

The upgrades to the Hume MRF will provide glass-washing facilities to provide better quality crushed glass products for use in a variety of different infrastructure projects, from asphalt through to concrete for footpaths. Sand is an essential ingredient in these infrastructure projects and through this we are quite literally building a more sustainable city. These are just a few examples of how the ACT government is applying the principles of a circular economy, supporting better and repeated use of our valuable resources, with better outcomes for the environment and the economy.

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

Supplementary answers to questions without notice

Legislative Assembly—members' staff

MR GENTLEMAN: In regard to Mrs Dunne's question on Mr Bradley Burch, I have been advised by HR that there is no record of Mr Burch having been employed by me or anybody else in the ACT executive. He has not been a staffer. Further, Mrs Dunne should not misrepresent my comments. *Hansard* of 27 November 2014 clearly shows that my reference to Mr Burch was for his role as a public servant.

Housing ACT—COVID-19 pandemic response
Schools—lead paint

MS BERRY: I can confirm for Mr Parton's question on multi-unit properties and cleaning in response to COVID that high contact areas like handrails and entrances are cleaned more regularly because of COVID, and in shared laundry spaces there is hand sanitiser provided.

In response to Mr Hanson's question about hazardous materials, hazardous materials registers are available for school communities to access at the front office of every single school.

Roads—upgrades

MR STEEL: In question time Mr Parton asked me about signs that the ACT government placed on the Monaro Highway and asked why the federal government's logo was not on the sign. It is in fact on the sign. It is the same size as the ACT government's logo on the sign. I table an example of one of the signs for the Assembly:

> Monaro Highway road signage—Copy of photos (2).

Papers

Madam Speaker presented the following paper:

> Standing order 191—Amendments to the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2020, dated 3 and 4 August 2020.

Mr Gentleman presented the following papers:

> Children and Young People Act, pursuant to subsection 727S(5)—ACT Children and Young People Death Review Committee—Annual Report 2019, dated 16 June 2020, together with a statement.
>
> Coronavirus (COVID-19)—ACT Government response—Update, dated 13 August 2020.
>
> Costing Election Commitments 2020—Guidelines.

COVID-19 Pandemic Response—Select Committee—*Interim Report 3*—Government response, dated August 2020.

Entertainment zones—Noise levels—Government response to the resolution of the Assembly of 31 July 2019—Copy of letter to the Speaker from the Minister for Planning and Land Management, dated 31 July 2020.

Estimates 2019-2020—Select Committee—Report—*Appropriation Bill 2019-2020 and Appropriation (Office of the Legislative Assembly) Bill 2019-2020*—Recommendation 84—Status of the building defects and any associated warranty matters at the Centenary Hospital for Women and Children—Update, dated 13 August 2020.

Health, Ageing and Community Services—Standing Committee—

Report 9—*Interim Report on Child and Youth Protection Services (Part 1)*—Government response, dated 31 July 2020.

Report 10—*Report on Inquiry into Maternity Services in the ACT*—Government response, dated 13 August 2020.

Loose Fill Asbestos Insulation Eradication Scheme—Implementation—Report—1 January to 30 June 2020.

Our Booris, Our Way Review—Recommendations—Government response, dated July 2020.

Parking infringement fines—Government response to the resolution of the Assembly of 12 February 2020—Copy of letter to the Speaker from the Minister for Planning and Land Management, dated 7 August 2020.

Planning and Development Act, pursuant to subsection 161(2)—Statement—Exercise of call-in powers—Development applications Nos—

201936662—Block 25 Section 72 Dickson, dated 7 August 2020.

202037196—Blocks 22 and 25 Section 72 Dickson, dated 7 August 2020.

Single-use plastics—Government response to the resolution of the Assembly of 31 October 2018—Copy of letter to the Speaker from the Chief Minister.

Supportive housing—Government response to the resolution of the Assembly of 24 October 2019.

Transport Action Plan—Quarterly update—Number 4, dated August 2020—Response to resolution of the Assembly—Network19—Weekend bus services.

Subordinate legislation

Legislation Act, pursuant to section 64—Rates Act—Rates (Instalment Dates) Determination 2020—Disallowable Instrument DI2020-233 (LR, 11 August 2020), together with its explanatory statement.

Planning—exercise of call-in powers

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal) (2.55): Pursuant to standing order 211, I move:

That the Assembly take note of the following papers:

Planning and Development Act, pursuant to subsection 161(2)—Statement—Exercise of call-in powers—Development applications Nos—

201936662—Block 25 Section 72 Dickson, dated 7 August 2020.

202037196—Blocks 22 and 25 Section 72 Dickson, dated 7 August 2020.

On 7 May 2020, in my capacity as the Minister for Planning and Land Management, I directed, under section 158 of the Planning and Development Act 2007, the Planning and Land Authority to refer to me development application No 201936662. The development application sought approval for, amongst other things, the construction of a new building of up to six storeys, consisting of 40 dwellings for supportive housing, a social enterprise area, basement car parking, ancillary facilities, utilities, landscaping, driveway verge crossings, and associated onsite and offsite works.

As required under section 158A(2) of the Planning and Development Act 2007, I am to consider the nature of the development proposal, the community consultation undertaken prior to the submission of the development application, the public notification and representations received.

Having considered all of these matters, along with the level of community awareness and information and documents provided by the planning authority, I was satisfied that the level of community consultation carried out by the proponent is sufficient to allow me to form an opinion under section 159(2) of the Planning and Development Act 2007. On 7 August 2020 I approved the application with conditions, using my ministerial call-in powers under section 162 of the P&D act 2007.

In deciding the application, I gave careful consideration to the requirements of the Territory Plan; the advice of the ACT Heritage Council; the Environment Protection Authority; the Transport Canberra and City Services Directorate; the Conservator of Flora and Fauna; utility services providers; and other entities and agencies, as required by the legislation and the Planning and Land Authority. I also gave consideration to the representations received by the Planning and Land Authority during the public notification period for the development application that occurred between 23 March and 24 April 2020.

I have imposed firm conditions on the approval of the development application that require, amongst other things: an unexpected finds protocol shall be undertaken on the site prior to any construction works commencing, identifying anything buried under the soil on the site that may pertain to the previous use of the site as an aerodrome; a qualified archaeologist to undertake an archival recording of any surface remnants of the original Canberra aerodrome within the development area, and report on the outcomes to the satisfaction of the ACT Heritage Council prior to the commencement of works; measures to ensure the building height and setbacks of the development fully comply with the requirements of the Dickson precinct map and code; measures to protect existing trees located adjacent to the site during construction and ensure compliance with utility services requirements; additional bicycle parking spaces; and require the granting of a Crown lease that permits the approved development prior to the issue of a certificate of occupancy and use.

On 2 July 2020, in my capacity as Minister for Planning and Land Management, I directed, under section 158 of the Planning and Development Act 2007, the Planning and Land Authority to refer to me development application No 202037196 in conjunction with the development application number 201936662. The DA 2020307196 sought approval for, amongst other things, 16 on-street parking spaces along the east of Hawdon Place; the upgrading of services to facilitate the proposed development for DA 201936662 at block 25, section 72 Dickson; and associated works.

As required under section 158A(2) of the Planning and Development Act 2007, I am to consider the nature of the development proposal, the community consultation undertaken prior to the submission of the DA, the public notification and representations received.

Having considered these matters, along with the level of community awareness of Common Ground Dickson—the development—and the information and documents provided by the Planning Authority, I was satisfied that the level of community consultation carried out is sufficient to allow me to form an opinion under section 159(2)2 of the Planning and Development Act 2007. On 7 August 2020 I approved the application with conditions, using my ministerial call-in powers under section 162 of the P&D act 2007.

In deciding the application, I gave careful consideration to the requirements of: the Territory Plan, the advice of the ACT Heritage Council, Transport Canberra and City Services Directorate, Conservator of Flora and Fauna; utility service providers and other entities and agencies, as required by the legislation; and the Planning and Land Authority. I also gave consideration to the representations received by the Planning and Land Authority during the public notification period for the development application that occurred between 9 June and 29 June 2020.

I have imposed conditions on the approval of the development application for the infrastructure works that require, amongst other things, an unexpected finds protocol shall be taken on the site prior to any construction works commencing, identifying anything buried under the soil on the site that may pertain to the previous use of the site as an aerodrome; measures to protect existing trees located adjacent to the site during construction; require the replacement of two proposed car parking spaces on Hawdon Place to accommodate additional tree planting; and ensure compliance with the utility services requirements.

Madam Speaker, as you would know, addressing housing affordability and homelessness has been a long-term commitment of the ACT government. Common Ground is not a temporary or transitional service or a shelter; rather, it is a permanent supportive housing option for people who have experienced long-term homelessness. It mixes accommodation with personalised support.

Canberra's inner north area is rapidly changing, and the Dickson group centre is an important part of that area. The site for Common Ground is in close proximity to essential urban amenities and services such as transport, education, employment, retail,

health and community services. I trust that the use of my ability to call in this development application will facilitate the timely delivery of a valuable community facility for those people of Canberra who are most in need.

The Planning and Development Act 2007 provides for specific criteria in relation to the exercise of my call-in powers. I have used my call-in powers in this instance because I consider that the proposal, as detailed in development application 20193662 in conjunction with the infrastructure delivered through the development application 20237196, will provide a substantial public benefit to the Canberra community through the timely development of a community facility that supports people to move directly from homelessness into permanent housing and follows through with the support that they need to stay housed, to improve their connections to health, education and employment, and to live independently with stability.

The development will comprise a mix of one, two and three-bedroom homes to allow for greater flexibility of tenants, including families. To this end, the public benefit will be served in making the facility available to service the local community who are most in need. The urban renewal section, 72 Dickson, will also benefit the public by delivering updated infrastructure to replace ageing assets, remove vacant disused buildings and facilitate the construction of some new buildings and associated landscape on the vacant, government-owned land.

The proposed development will contribute to the achievement of the object of the Territory Plan by providing the people of the ACT with a new contemporary development containing 40 social and affordable homes for people most in need. It will serve a stage of principle of social sustainability through the redevelopment of an existing site with a community-use development that responds to current and emerging social needs, as recently highlighted through the COVID-19 pandemic.

Section 161(2) of the Planning and Development Act 2007 specifies that if I decide an application, I must table a statement in the Legislative Assembly not later than three sitting days after the day of decision. As required by the Planning and Development Act 2007 and for the benefit of members, I table a statement for both development applications, providing a description for the development, details of the land on where the development is proposed to take place, the name of the applicant, details of my decision for the application, reasons for the decision, and the community consultation undertaken by the proponent.

MS LE COUTEUR (Murrumbidgee) (3.05): Thank you, Madam Speaker. I am afraid that I cannot, however, thank the minister for planning. The Greens will continue our historical objection to calling-in powers. Basically, what the call-in is doing, as the minister has explained at some length, is putting the minister in as the decision-maker and taking out the community's views. This is just not what should happen.

The Assembly a few weeks ago adjourned debate on my planning legislation. My planning legislation, if passed, would include changes so that anything that was called in would become, in effect, a disallowable instrument so that the Assembly still had a role to play if something actually needed to be called in. I did an interview about that

and I was asked whether I could think of anything where the situation would be such that it would need to be called in. I am not really sure if there is anything.

What have we done recently? We have built an emergency department on the top of a school oval. We did not call that in; we used the public health powers to do that. I suspect that every time a situation is really needing action that quickly, there would be things like the public health powers—which I did not actually have any idea about; I had to read up about how it is that we can put an emergency department on a school oval.

Historically, and continually, the Greens do not think that call-in is a good idea, and we have legislation to improve that. We also have objections to this in particular. That part of Canberra has been very contentious for a very long time. This is, in fact, the second call-in on this site, not the first call-in. The fact that it has been very contentious for a very long time behoves the government to think, "If this is the case, let's do the consultation properly. We don't need to add to community angst by not following the normal processes."

It is just crazy. There is really no need to do it. The people in the community who are already upset about the decision are only going to feel worse about it, are only going to get more and more of the view that the government does not listen to them, that there is a conspiracy et cetera. Hopefully, it is not that bad.

I have no idea on what grounds Minister Gentleman feels that a call-in is necessary, but call-ins have in some instances been done for public housing projects. The Greens are very much in favour, of course, of public housing. When my colleague Minister Rattenbury was housing minister, he successfully had Common Ground in Gungahlin approved without using call-in powers. I would very much like to see Common Ground in Gungahlin built the way that it was planned to be built—that is, with an extra building. It would double the size of Common Ground Gungahlin but it would not double the costs of running it; it would be a very cost-effective way of improving the public and social housing.

Call-in powers for public housing are particularly problematic, because if the situation is that the existing neighbours are not feeling particularly happy about their new neighbours then it behoves the government to make sure that the existing neighbours know that the proper proceedings have actually been followed. In many instances of community objections to new public housing developments, they would object as much if it were a private housing development going on a site where the new public housing is. It is too easy to come to the conclusion that people just are against public housing. Most people in Canberra actually think that we should have fair, affordable housing in Canberra. I note that we are going to have another debate about this shortly, on Mr Coe's motion, and I welcome that.

I think that it is incorrect of the government to feel that all objections to public housing are based on the types of tenants rather than the buildings themselves. I feel that calling in Common Ground in Dickson just gives it an obstacle that it does not have to overcome. There are people concerned about the development. Let the proper processes be gone through. Let the government be in a situation where it can say,

"Yes, we listened to the community. We seriously listened to the community. We did our normal processes and this is what has happened." If the planning minister has faith in the planning system, that is what the planning minister should do.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal) (3.11), in reply: I make no apology for using my powers under the Planning and Development Act 2007. What we have seen from Ms Le Couteur today is another demonstration that she is happy to talk about public housing but she is not so keen on the delivery.

This government is proud to deliver on its promises. The government has done at least four rounds of consultation on this project. We also gave the community the chance to have their say when we made this commitment as part of the 2016 election. I listened to the community in making this decision. My responsiveness to their concerns is evident in the decision itself, and we have committed to preserving heritage and trees.

The project will provide 40 homes, mostly for women and children. The government is providing homes for vulnerable members of the community. It is close to the Dickson walk-in centre, which will be opening shortly. It is close to public transport, shops and services. Ms Le Couteur seems keen on grandstanding about public housing but fights against it every time it is being built. Again, I am proud to have played a part in ensuring that this development gets built as soon as possible.

Question resolved in the affirmative.

Our Booris, Our Way review—government response

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal) (3.12): Pursuant to standing order 211, I move:

> That the Assembly take note of the following paper:
>
> Our Booris, Our Way Review—Recommendations—Government response, dated July 2020.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (3.12): I am pleased that Mr Gentleman today tabled the final government response to the Our Booris, Our Way review. The Our Booris, Our Way review is significant in that it was established as a wholly Aboriginal and Torres Strait Islander co-designed and then led review. The process of government handing over the decision-making levers to guide the solutions on new initiatives has been groundbreaking and it has been necessary.

It is now time for the government to demonstrate that we have not just listened but we are acting to address the unacceptable over-representation of Aboriginal and Torres Strait Islander children and young people involved in the child protection system. The government has agreed in full to 28 recommendations and sub-recommendations and agreed in principle to a further seven. One recommendation has been noted.

With the foresight of the steering committee in taking an iterative approach to the review, we have already made progress on many of the interim recommendations, and this is reflected in the government's response. Other recommendations require more time to undertake the necessary policy or legislative changes. Some others require a whole-of-government response, understanding that protecting children and supporting their families is a whole-of-government, whole-of-community responsibility.

The Aboriginal and Torres Strait Islander child placement principle is a nationally recognised policy and practice framework that defines the way jurisdictions engage with Aboriginal and Torres Strait Islander families and community in child protection decision-making and support options. SNAICC's 2019 review of the implementation of the Aboriginal and Torres Strait Islander child placement principle for the ACT found:

> The Children and Youth Protection Services … has demonstrated significant recent engagement with improving compliance with all elements of the ATSICPP.
>
> Key policy reforms have continued through this period, including the *Our Booris, Our Way* review and the *A Step Up for Our Kids* strategy. All interim recommendations of the review are in progress or have been completed, with the ACT Government driving some important improvements in early intervention.

This is now core training for all child protection workers. More than 162 people attended training in 2019, improving their knowledge and understanding of the context, history and reason for the placement principle. The placement principle has been further embedded in policy and practice through the development of several practice guides.

This has been supported by the appointment of key Aboriginal and Torres Strait Islander positions and expertise in child and youth protection services; an Aboriginal and Torres Strait Islander principle practitioner who is responsible for undertaking systemic reviews and analysis of practice; an Aboriginal and Torres Strait Islander practice leader who has a key role in embedding the Aboriginal and Torres Strait Islander child placement principle within the directorate and ensuring that culturally responsive practice remains at the forefront of decision-making; a designated Aboriginal and Torres Strait Islander senior policy officer who is responsible for the development of a strategy to implement the Aboriginal and Torres Strait Islander child placement principle into child and youth protection services' policy and procedures; and a designated Aboriginal and Torres Strait Islander senior training and development officer who has responsibility for delivering the cultural development program for CYPS staff, along with other training programs that continue to support improved practice with Aboriginal and Torres Strait Islander families.

In recognition that decision-making is often best done by family and kin, in November 2017 the ACT government commenced a family group conferencing, or FGC pilot program, with Aboriginal-owned organisation Curijo. In the 2018-19 budget the government committed an additional $1.4 million for the ongoing operations of the program. FGC diverts families away from Children's Court processes and empowers them to participate and contribute to decisions about the safety of their children.

The latest figures provided for this year's *The Family Matters Report* show that, from November 2017 to July 2020, 41 families have been involved in a family group conference, involving 89 children. Of these, 54 children have subsequently not entered care. For 35 children, decisions about the best care arrangements were made by extended family.

We have also invested in functional family therapy child welfare, or FFT, which is delivered by the Aboriginal-controlled organisation Gugan Gulwan Youth Aboriginal Corporation, in partnership with OzChild. FFT aims to reduce the number of Aboriginal and Torres Strait Islander children and young people entering child protection or out of home care, through interventions that strengthen families and communities. *The Family Matters Report 2019* found:

> So far, FFT has seen promising results with 24 families and 68 children in total being strongly engaged in the program. None of the children have entered out-of-home care since accessing the program.

The most recent figures show that 112 children and young people have been supported to stay with 31 families involved with FFT. Last year Family Matters also found that while FFT was delivering promising results, "preventative efforts in the Australian Capital Territory remain inadequate to eliminate the rising rate of over-representation". We agree that there is further work to do and that FTC and FFT are not the only answers.

It is encouraging that the rate of over-representation in children and young people coming into care has, in fact, significantly reduced over the last two years. Aboriginal and Torres Strait Islander children and young people represented 11 per cent of those entering care in the first half of 2019. This is still an unacceptable level of over-representation but compares to 13 per cent in the same period in 2018-19, 35 per cent in the same period in 2017-18, and 32 per cent in the same period in 2016-17. What this means, in terms of numbers, is that the six Aboriginal and Torres Strait Islander children and young people entering care in the first half of 2019-20 compares with seven in the same period in 2018-19, 29 in the same period in 2017-18, and 35 in the same period in 2016-17. FGC and FFT will not keep every at-risk child and young person out of the care system but they are clearly having a positive impact.

In speaking to the tabling of this government response to the Our Booris, Our Way review, I stress that this is only a point in time. This report summarises the progress that we have made over the past two years in considering and progressing actions under the recommendations of the review; but we know that this is a long road. Our

child and youth protection professionals and their community partners are often working with families that have experienced significant intergenerational trauma.

We will continue to work with the Aboriginal and Torres Strait Islander community to take forward these important recommendations and will remain accountable to the community. Each of the actions listed under these recommendations contributes to a systemic reform of the child protection system in the ACT. The government will continue to work with the Aboriginal and Torres Strait Islander community to establish an ongoing reporting framework that captures the extent of these systemic changes and monitors our progress towards that intent.

Yesterday I was pleased to meet with the implementation oversight committee, established in line with recommendation 15, to discuss this matter among other matters. I thank the committee members for their time and their ongoing commitment to the community.

I sincerely thank the steering committee that oversaw the two-year Our Booris, Our Way review. This was not easy or comfortable work. It was, at times, a confronting, upsetting and frustrating process. The Aboriginal and Torres Strait Islander communities love their children and have suffered so much pain as a result of past policies and practices. Seeing lost or missed opportunities is incredibly tough.

This work was not done in vain. Our Booris, Our Way has already delivered change, and I have no doubt that the implementation committee will hold the incoming government to account to continue this important work.

Question resolved in the affirmative.

Homelessness—housing

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal) (3.21): Pursuant to standing order 211, I move:

> That the Assembly take note of the following paper:
>
> Supportive housing—Response to the resolution of the Assembly of 24 October 2019.

MS LE COUTEUR (Murrumbidgee) (3.21): Unfortunately, the government's response has not yet been circulated; so it is very hard to actually make a substantive comment on it.

Mrs Dunne: Do you want me to adjourn the debate?

MS LE COUTEUR: I think that Mrs Dunne will make a very good suggestion in a minute. All I would say, in the minute before that, is that I know that other jurisdictions have done similar work and looked at basically the cost to the state of

keeping people homeless. My understanding is that they have all basically come to the conclusion that it in fact costs the state an awful lot more than it should to keep someone homeless and that this is yet another reason why we should have more affordable housing, why projects like Common Ground are a good idea and why it is important to have the debate that we will shortly have about affordable housing.

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

Health, Ageing and Community Services—Standing Committee

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal) (3.23): Pursuant to standing order 211, I move:

> That the Assembly take note of the following paper:
>
> Health, Ageing and Community Services—Standing Committee—Report 10—*Report on Inquiry into Maternity Services in the ACT*—Government response, dated 13 August 2020.

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

Housing—affordability

MR COE (Yerrabi—Leader of the Opposition) (3.23): I move:

> That this Assembly:
>
> (1) notes, regarding the cost of housing in Canberra:
>
> (a) the ACT has a unique ability to control traditional state government and local council levers;
>
> (b) the median price of detached houses in Canberra rose as follows:
>
> (i) 2012 – $483 000;
>
> (ii) 2016 – $623 000; and
>
> (iii) 2020 – $819 000; and
>
> (c) that the increasing cost of housing is placing high demands on public and community housing; and
>
> (2) calls on the Government to provide an update to the Assembly, by the last sitting day of this term, with a detailed update on the following:
>
> (a) the progress of the ACT Housing Strategy;
>
> (b) the Government's strategy to address the lack of affordable rental accommodation; and
>
> (c) the planned number of high, medium, and low-density sites to be released for each of the next five years.

Once again we are in this place talking about the plight of so many Canberrans that are doing it tough—so many Canberrans that are being shut out of the housing market because of the Labor-Greens policies. We have a planning system that is fundamentally broken, we have a housing strategy that has failed, we have 36,000 people in the ACT living below the poverty line and we have tens of thousands of Canberrans that have given up all hope of ever owning their own home. This is the legacy of ACT Labor. This is what you get after 19 years in government.

The planning system in the ACT really is broken. As I have said on numerous occasions, we actually do not have a territory plan. All that we have is a point-in-time description of current land uses, and that is up for negotiation. Take the lease that was sold in Molonglo: sold for 45 units; amended to a couple of hundred. How can that be? We have totally degraded and devalued the planning system when leases like that are worthless and when the Territory Plan has no impact whatsoever.

Ms Stephen-Smith: It's actually worth quite a lot like that.

MR COE: The minister jokes, "Actually, it's worth quite a lot." Well, you are right. The ACT government has just given a massive free kick to a developer. It is a massive free kick to a developer. It is extraordinary stuff.

We have tens of thousands of Canberrans that have absolutely given up hope of ever buying a home. We have a median house price in the ACT of $819,000. We have median rent in the ACT at $575. When you are forking out $1,100 a fortnight in after tax income, how can you possibly save for a deposit? You can't. That is why so many people have given up hope. That is why so many people are seeking refuge over the border in Jerrabomberra, Tralee, Googong, Bungendore, Sutton, Murrumbateman or other places. It just should not be this way. We have fundamentally let down a generation of Canberrans because they have been locked out of the housing market as a result of Labor and Greens policies.

The Suburban Land Agency is running at a profit margin of 78 per cent. Super profits like that would be condemned if they were a quarter of that. I am advised that developers aim for maybe 15 or 20 per cent. The ACT government is at 78 per cent. Actively and deliberately gouging Canberrans: that is the housing strategy of the ACT Labor Party, with the Greens' consent. They are letting down a generation of Canberrans with their failed housing strategy. It is all about delivering super profits, rather than delivering affordable housing.

Every single estate that is put on the market by the ACT government is, of course, controlled by the ACT government. They control the land. They control the planning. They control the blocks. They control the reserves. Absolutely every aspect of the system is controlled by the government, so they cannot wash their hands of it. They cannot say it is because of the market. They control the market. They are responsible.

Every estate is pitched like it is going to be the last. Every one is marketed as if it could be the last, to try and drive up speculation, to drive up the prices and to make people invest more and more money. This government has failed a generation of Canberrans when it comes to housing.

My motion today simply calls for some transparency about what the government are doing. They are either absolutely negligent or they are incompetent. One way or another, it does not bode well for Canberrans. I think it is pretty reasonable to ask the government to tell us what the breakdown is of units, townhouses and standalone dwellings that are planned for the next five years. That should be able to be presented in this place.

If they cared about transparency and if they cared about housing affordability, surely they would come in here and tell us what the breakdown is for years 1, 2, 3, 4 and 5 for apartments, townhouses and standalone dwellings. But they can't or they won't, because they want to drive the speculation even more. They want to drive the speculation for apartment sites. They want to drive the speculation for standalone homes. They want to gouge Canberrans more. Seventy-eight per cent profit is seemingly not enough for this government. They want even more.

They are gouging Canberrans, and it is absolutely wrong. At least tell Canberrans what they can expect under Labor's plans for the next five years. At least give Canberrans the courtesy of telling them how many townhouses, how many apartments and how many standalone homes are expected to be built over the coming five years. To not even give us that information, to vote against this motion today, is a pretty damning indictment of where we are at. It is a government that simply does not care. It is a government that is happy to have younger Canberrans give up hope of ever buying a new home. It is a government that is happy to have median rents at $575. This government has failed. This government is failing Canberrans, and the only way to fix it is to change the government.

MR PARTON (Brindabella) (3.31): I have had a look at the proposed amendment from Ms Berry. The amendment basically says, "You know what? We're really happy with the way things are going." The amendment pretty much says, "We've done all of this really good stuff. We've surveyed. We've had a look at what's going on out in the suburbs. Let them eat cake." That is pretty much what it says. It says, "We're really happy with the way things are going because we've done a good job." When it comes up, I cannot see that we will be supporting it.

In supporting Mr Coe's motion on housing affordability, I would ask: what does the Chief Minister say to the people impacted by his rather strange housing and land release policies? What does the Chief Minister say to people who want to live in houses, not apartments? What does the Chief Minister say to Shaun, who messaged me on social media last night? Shaun said:

> Hey Mark, great video about Labor cutting jobs.

That is how he started it. He continued:

> I've lost both my jobs in the last few weeks and I'm not sure how I'm going to keep a roof over the heads of this family of five. We cannot financially keep going or we're going to be genuinely homeless. If we lose this house our rental options are completely non-existent.

What does the Chief Minister say to the bloke who works full time at Woolies? His wife works part time on the reception desk at a dental surgery, and they have three kids. He is embarrassed that he can only afford a two-bedroom apartment. He just hangs his head in shame. He is crushed by it every day. What does the Chief Minister say to the young couple who moved to Googong but who now have to put their young kids in child care because grandma and grandpa's place in Florey is too far away to drop them off and make it to work on time? People say, "It's a First World problem." It is a problem that impacts this family enormously and it impacts the very fabric of their family. They would have loved to have purchased in Canberra. They looked and they tried but it was not possible; it just was not possible.

I had a conversation with a real estate figure in this city earlier in the week who suggested that it is likely that many hundreds of rental properties have been sold in our jurisdiction during this COVID crisis. I said to him, "Surely, a percentage of those properties would have been purchased by other investors." He confidently suggested to me that none of them—not a single one—would have been purchased by an investor. He said, "There are nil investors in the market."

That is a problem in other markets, but it is a worse problem here because of the various policies that have been introduced, from changes to the tax system to changes in residential tenancies regulation. Many of these changes have been marketed by Labor and the Greens as being extremely helpful to renters. I am sure these changes will be trumpeted to renters extremely loudly in the lead-up to the election. In the end, as was always forecast by the Canberra Liberals, these changes have not been beneficial to renters at all. We have all seen the average rent prices. We have all seen where they have gone.

When it comes to the direct marketing to quite a number of those renters, I suggest that Labor and the Greens might struggle to ascertain their actual addresses because a large number of them are couch surfing, many of them have moved back home with mum and dad, many have left the territory and, in a number of cases, they are sleeping in their cars. When it comes to distributing those leaflets, walk around, find the cars with the windows fogged up and, in the dead of night, gently put the flyer that says "We're looking after renters" under the windscreen wiper.

Long-term land release policy is one of the big killers in this space. It leads us to ask: does the Chief Minister actually care about everyday Canberrans? As the opposition, we sit back, look at what the government has put on the table and say, "Who actually stands to gain? Who stands to gain from this housing policy? Who stands to gain from the fact that almost all new housing supply is in the form of apartments?" The government gains, because of the land sale, the new apartment tax and other charges, but who else gains?

When I speak to the voters of Tuggeranong about these issues, as I do most days, they are not backward in coming forward on this. Out there in the suburbs, the belief is that the biggest beneficiaries of this policy position are developers. Developers of high-rise apartments have the most to gain.

As you well know, Mr Assistant Speaker, we will potentially have new laws here in the ACT that will outlaw receiving political donations from developers. Developers do not need to donate to the Chief Minister because he seems to have delivered in spades for them already. You can see it all across town. For a decade we have seen high-rise apartments absolutely dominate the landscape. Thank you very much, Chief Minister; thank you very much, Labor and the Greens.

For the people of Canberra who want to live in a house, they say, "No; it's bad luck for you." We all know, through the Winton housing report some years ago, that if you remove push polling from the equation, the vast majority of Canberrans want to live in a standalone house. In the Winton housing report there was a black-and-white question that got a black-and-white response.

I can hear some saying, "The Winton report was four years ago; it's history. Things have probably changed since then and people have moved on." I dare say that, based on the events of the last six months, based on the isolation experiences of many Canberrans and based on the clusters in high-rise developments in Melbourne, if you did the Winton research all over again, without trying to push respondents to a specific outcome, you would find an even greater yearning for a house with a yard, after the experience of the pandemic.

We are not like Hong Kong; we are not catering for millions on an island the size of a postage stamp. We just are not. How does the Chief Minister actually prioritise things? How does he decide what is important? What guides his principles? Who does he empathise with? What does he truly understand? Does the Chief Minister actually care about everyday Canberrans?

I have known Mr Barr for a long time. He is a good man; he probably does care. But does he understand everyday Canberrans enough to get it? I do not think that he does, Mr Assistant Speaker. If you live in a two-bedder in Braddon and you love craft beer, he probably understands you. But if you like a punt, if you drink VB, if you go to church or if you spend your weekend freezing on the sidelines at kids' sport, I am not sure that he does understand you. I do not know that he does. There must be a better way, and I think more and more Canberrans are figuring that out as we get closer to October.

MS LAWDER (Brindabella) (3.39): I sense that we on this side of the chamber acknowledge that we have a housing affordability issue here in the ACT that needs to be rectified. Those on the other side seem to feel that there is nothing to see here, that there is not a housing affordability crisis. But reviewing the supply of affordable housing, as well as reviewing what factors are causing our homes to be so unaffordable, shows the problem.

You can also point to the level of homelessness in the ACT to realise that something needs to be done. You have only to walk outside the ACT Legislative Assembly to understand that homelessness is an issue here in Canberra. For many Canberrans homelessness seems to be invisible. But what we have is a two-tiered society. Many people, including probably everyone in this room, get a pretty good wage or salary, live in their own home or are paying off a mortgage and think that the ACT is—and

we know that it is—well paid, highly educated and long living. But on the other side we have many people in lower paid jobs who are there providing services for us.

Along the housing continuum you start with homelessness at one end or at one part of the circle, however you want to depict it, and you move through that continuum to social housing, renting and home ownership. But it is not always a linear progression from one to the other. People can drop out of one and enter another at almost any time due to bad luck, bad decisions, bad health—a range of issues. And it can happen to anyone.

The problem we have in the ACT is that the gap between social housing and private rental is too big for many people to make the jump. It means that for most people who are either in homelessness or in social housing there is no exit from that homelessness or social housing. We see this year after year with the Anglicare national rental affordability snapshot. Year after year we hear that there were practically no affordable rental options found in Canberra or Queanbeyan for any of the low income household studies.

In our jurisdiction we do have quite a high number of public housing and community housing properties. Earlier, during question time, the Deputy Chief Minister informed us—and I think it is in her amendment as well—that we have 27 per 1,000 in public housing or community housing, and 25 per 1,000 in public housing. On a per capita basis, those are pretty good figures.

Why, then, do we still have 142 people classed as urgent waiting more than 195 days for public housing? Why, then, when we are doing so well for public housing, do we have 1,466 people classified as high needs who are waiting, on average, 802 days to be housed—802 days for well over 1,400 people?

It is one thing to say how well we are doing in the number of public housing properties, but what does that mean for the people of the ACT? What it means for the people of the ACT is that they are put at the bottom of the pile, time after time, by this government. That is what it means for the people of the ACT.

In a previous role that I held before I entered the Assembly, as the CEO of Homelessness Australia, a national peak body, I participated in a loose coalition of organisations that campaigned for affordable housing. It focused on people who are experiencing housing stress, which is defined as more than 30 per cent of your income on housing; or housing crisis, which is when you spend more than 50 per cent of your income on your housing. According to that campaign, childcare workers, electricians, accountants, hospitality workers, schoolteachers and many other occupations in Canberra are in housing stress. Cleaners, delivery drivers, checkout operators and many others are in housing crisis.

These are the people we see every day as we go about our business in Canberra. When we go to the bakery or the supermarket on our way home to get dinner, they are the people we see collecting the trolleys. These people are in housing stress or housing crisis. And what is this government doing about it? It does not care. It is assuring us that everything is okay and there is nothing to see here.

A former Chief Minister, Ms Katy Gallagher, said in 2001 that long-term residents of Canberra suburbs could be forced out of their homes due to rates increases. And of course that stands today. Mr Barr, in his inaugural speech in 2006, said:

> Generally all Australians say they aspire to own their own home; it is the great Australian dream. The preference for home ownership prevails across age groups, household types and socioeconomic status.

He went on to say:

> In 1989, almost 65 per cent of 25 to 39-year-olds had bought their first home. In 2003 that number had dropped to 54 per cent …

I have just looked up some 2020 figures. Only a smidgeon over 40 per cent of people in the 25 to 39-year-old age group have now bought their first home.

So what is going on the ACT? What is going on in the ACT is that we have some lovely strategies and policies and papers but not much actually happening on the ground. When I say on the ground, you can take that quite literally as well, because we are talking about land. We are talking about a government that holds all the policy levers for the supply of land, a government that artificially forces up the cost of land on the ground. We are talking about actual ground here.

What happens is that because the ACT government is in the position of being a monopoly owner of all land in the ACT, it controls and operates the land, planning and regulatory regime which looks at its use and disposal as well. So the housing affordability crisis that we have is entirely a problem of this government's making over the past 19 years.

I have it said before and I will mention it again: in 2015 Mr Stanhope said that his single greatest regret as Chief Minister was lack of action on the affordable housing action plan. Nothing has changed in that regard.

A recent ABC news article, from 10 February this year, showed that ABS data had revealed the staggering difference in wealth of older Australians in owner-occupied households compared to those who rent. Economists quoted in that article said that if fewer Australians owned their own home it would have enormous consequences for all aspects of Australian life. It will lead to intergenerational inequality.

That intergenerational inequality is going to be the enduring legacy of this Labor government after 19 years in government. They are the ones who have made it unaffordable for young Canberrans to buy a house—the great Australian dream, as Mr Barr said in his inaugural speech and many of us have talked about in our inaugural speeches or speeches since.

It is time that this government said straight out, "This is our fault. We've done all the wrong things and we are making rental and house ownership unaffordable in the ACT. We, the Labor government, are the ones making that intergenerational inequality."

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) (3.49): The government will not be supporting Mr Coe's motion in its current form, and I move the amendment that has been circulated in my name:

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

"(1) notes that:

(a) over this term of the Assembly, the ACT Government has implemented a range of measures to support Canberrans to buy their first home in Canberra:

(i) introduced a 15 percent affordable housing target to set aside land for affordable, community and public housing;

(ii) reviewed the affordable home purchase scheme to require affordable properties built under the scheme to be offered to eligible Canberrans at set price points;

(iii) is reducing stamp duty to lower the upfront costs of buying a home and removing stamp duty for eligible first home buyers; and

(iv) is releasing land focusing on infill development to protect our natural environment, parks and reserves from future development; and

(b) during the COVID-19 pandemic and associated economic circumstances, the Government has implemented a range of further urgent measures to support Canberra homeowners, including:

(i) a 0 percent average residential rates increase this financial year and providing a $150 rebate to the fixed charge component of all 2020-21 rates bills;

(ii) scrapping stamp duty on new single residential blocks for owner-occupiers, as well as off-the-plan apartment and townhouse purchases of up to $500 000, until July next year; and

(iii) reducing stamp duty on off-the-plan apartment and townhouse purchases by owner-occupiers between $500 000 and $750 000 by $11 400 over the same period;

(2) further notes that:

(a) on 26 November 2019, the ACT Housing Strategy Year One Report Card was tabled in the Legislative Assembly to update on the progress of the Strategy and Implementation Plan;

(b) the ACT Government has a strong program of investment in public and community housing;

(c) on a per capita basis, the ACT invests more in public housing growth and renewal than any other jurisdiction, with $1 billion over the 10 years from 2015;

(d) the current public housing growth and renewal program has been extended and will now add at least 260 new homes to the public housing portfolio and renew at least 1000 homes over six years;

(e) for every 1000 people in Canberra, there are:

(i) 27 public or community housing dwellings, the second highest ratio in Australia and above the national average of 17 dwellings; and

(ii) 25 public housing dwellings, the highest ratio in Australia and above the national average of 12 dwellings;

(f) the ACT Government has supported the growth and expansion of community housing in the ACT, including through:

(i) supporting the establishment of an affordable real estate management model with direct funding provided to establish HomeGround operated by Community Housing Canberra under the ACT Housing Strategy Innovation Fund;

(ii) introducing and expanding the Land Tax Community Housing Exemption Program to allow up to 125 properties to participate and removing the time limit on the exemption;

(iii) partnering with community housing providers to provide more affordable rental properties to eligible Canberrans, such as funding to build and operate Common Ground Gungahlin and Dickson and a new social and affordable housing development in Kaleen; and

(iv) committing to negotiate long-term arrangements with community housing providers where in the best interests of tenants, for example, the Kaleen social and affordable housing development;

(g) each year, the ACT Government releases an Indicative Land Release Program to provide certainty to builders, developers, investors and residential owner-occupiers;

(h) the Indicative Land Release Program is based on consultation with the housing industry about future demand for housing and forecasts of future market conditions;

(i) the housing market has been impacted by the COVID crisis and there is significant uncertainty over future demand; and

(j) as at 10 August 2020, there are 314 blocks available for purchase over the counter from the Suburban Land Agency; and

(3) calls on the ACT Government to provide a brief update to the Legislative Assembly by the last sitting day of this term on:

(a) progress on the ACT Housing Strategy; and

(b) the Indicative Land Release Program.".

The ACT housing strategy reflects the voices of our community. It recognises that a secure home is fundamental to people's lives and wellbeing. It is a road map for housing in the ACT into the next decade. It acknowledges the unique and complex challenges that exist in the ACT housing market and puts in place strong policy interventions to meet the territory's diverse and changing needs.

The ACT housing strategy contains five strategic goals to deliver on its vision, and each goal contains a range of objectives and actions to deliver on the goals. In total,

the strategy includes 74 actions for the ACT government to progress over the next 10 years.

A key action is to dedicate at least 15 per cent of the annual land release target to the provision of community, public and affordable housing. The 2019-20 indicative land release program exceeds this objective by dedicating 18 per cent of dwelling sites to affordable, community and public housing.

The government has also directed significant funding towards helping people who are falling through the gaps and emerging as priority groups at risk of homelessness. The 2018-19 budget included $6.5 million in additional funding to support frontline homelessness services, particularly focusing on women and children escaping domestic and family violence, and older women and asylum seekers. This funding also includes expanding the reach of the ACT's central intake, OneLink.

Last year I announced a new partnership with CatholicCare and St Vincent de Paul to support 20 individuals with high and complex needs who are sleeping rough into permanent housing. This new program, called Axial Housing, takes a housing first approach, and provides a home to people who are sleeping rough and brings the supports they need to stay housed long term. This program has been expanded in response to COVID-19 and has seen 22 rough sleepers be rapidly rehoused in permanent public housing, with ongoing support to assist them in their new living environment.

Supporting the third goal of the ACT's housing strategy is the government's plan for growing and renewing public housing. This plan details how the public housing portfolio will be managed over the next five years. To meet a growing need for social housing in these challenging times, the government has recently expanded its nation-leading investment.

The ACT government is committed to keep renewing and growing public housing with at least 1,260 new homes to be delivered under the expanded plan and an extra 260 homes added to the portfolio for people in need of public housing. The ACT government's commitment to public housing will see 20 per cent of public housing dwellings renewed over the 10 years, since 2015, with over $1 billion worth of investment.

The fourth goal of the ACT housing strategy, to increase affordable rental housing, has also seen significant progress with the commencement of the land tax exemption pilot scheme last year. Under the scheme, eligible landlords may apply for a land tax exemption when they enter into an agreement with a registered community housing provider to rent their property at 25 per cent less than market value. The government recently committed to expanding this program by allowing more landlords to participate and removing the current time limit.

The government has also partnered with community housing providers to provide more affordable rental housing in a mixed tenure development in Kaleen. CatholicCare will provide tenancy services to 32 of the residents, while 32 are home to public housing tenants. CatholicCare will also provide support and services across

the whole site to build an inclusive and supportive community. All of the units are class C adaptable homes, making them ideal for people with a disability or to be able to age in place. This commitment is part of the 151 dwellings for community housing that were announced with the ACT housing strategy.

Building on the success of Common Ground Gungahlin, the ACT government is getting on with building Common Ground Dickson. This development will include 40 homes for women, children and families, with a social mix and affordable units with up to three bedrooms. Common Ground is a fantastic model for the support of social and affordable housing programs and long-term housing for people who are in need of an alternative option to private rental. This project moved to the next stage with an approved DA, and works will commence soon so that more people experiencing homelessness—women and families, in this case—can be provided with housing as soon as possible.

The last goal of the strategy aims to increase affordable home ownership in the ACT. For the government's part, over the last four years over 3,000 single residential blocks have been released to the Canberra community. In addition, 10,000 compact blocks and multi-unit dwellings were released. Every year the indicative land release program targets have been met or exceeded by this government.

All land released for housing by government has at least 15 per cent set aside for community, affordable and public housing. The affordable home purchase scheme is delivering affordable housing to Canberrans at set price points right now, and I encourage anyone looking to buy their first home to check their eligibility and register their interest on the Suburban Land Agency website.

Land in the ACT is priced according to market value. Many factors determine the market value for a block of land, such as the time of valuation, location, orientation, size, proximity to open spaces and applicable planning controls. Independent valuations to determine price are sought at different points in time. However, when market conditions change, the price of land should also change.

That is why, given the COVID-19 health pandemic, I asked the SLA to get an updated independent valuation on land in the ACT. The Suburban Land Agency recently sought further independent valuations of its existing stock to ensure that prices reflected current economic conditions. As a result, the agency released updated prices on Saturday, 8 August, with the price of many blocks reduced.

As at 10 August, 314 detached single residential blocks were available for sale over the counter in ACT government estates—Coombs, Wright, Taylor and Throsby. Of those blocks, 200 are priced below $420,000 and could theoretically qualify for the commonwealth's HomeBuilder scheme. The median price is $407,000. In addition, hundreds of single residential blocks are due to be released in Throsby, Ginninderry and Whitlam over the spring.

To further encourage buyers, the Suburban Land Agency has reintroduced its front garden landscape rebates of up to $12,500 for land-ready blocks sold until 31 October 2020. This limited time offer is available in Throsby, Taylor, Wright and Coombs.

When combined with government stimulus initiatives such as the ACT government's stamp duty concessions and the commonwealth government's HomeBuilder grant, many incentives are available now to build a home in the ACT and government initiatives are supporting better access to affordable housing.

On the point the opposition leader was trying to make about government and public land in the ACT, it leads to an idea that I have been thinking about—perhaps it is the plan for the opposition to sell off all our public land to developers. It sounds likely that they would sell the land or give away the land to private developers and then all of the funding that goes towards building hospitals and schools in the ACT would go into the pockets of the developer.

Opposition members interjecting—

MS BERRY: That's cool. If it is not going to happen, that is great. What a relief for us. All that public land, which is finite, needs to be managed carefully and the proceeds of sale of that are used to build new suburbs and hospitals and schools and will remain in public hands, managed by the ACT government.

I cannot understand why there is some issue with ACT government land being used to build hospital and schools for our community and new suburbs so that people can live in them. Mr Coe is laughing like that is an outrageous idea, when it sounds to me like the opposition and Mr Coe want to give away public land to private developers to make a profit out of. If that is not the case, I am happy to be corrected.

Opposition members interjecting—

MS BERRY: I listened to the opposition in silence, Mr Assistant Speaker; I did not say a peep.

MR ASSISTANT SPEAKER (Mr Pettersson): The member will be heard in silence.

Ms Stephen-Smith interjecting—

MR ASSISTANT SPEAKER: Ms Stephen-Smith. I get that everyone is very excited, but can we please pay attention to Ms Berry.

MS BERRY: Thank you, Mr Assistant Speaker. I just wanted to just clear that up, and it looks like we have. It is great to hear that the opposition are not going to be selling land off to developers to make profits off finite land in the ACT community that we want to make sure stays in public hands.

The ACT government acknowledges that there is always more work to do, but we cannot do it on our own. That is why we are constantly lobbying the federal government to do their bit as well to provide opportunities for community housing providers and others through their previous ANROWS funding, which supported community funding to do even more. That ANROWS funding will end soon and there is no commitment from the federal government on an extension of that or some other funding model to support community housing across the country.

In addition, there is no support from the federal government to build more social housing and no commitments from the rest of the country. We cannot do it on our own, but we are lifting way above our weight here in the ACT. There is more to do, and the ACT government will continue to support people in our community who need that support most. We will continue to maintain the highest per capita public housing investment in the country—$1 billion. If the rest of the country contributed the same there would be a $6 billion investment in social housing, and that would make a difference.

MR GUPTA (Yerrabi) (4.01): It has been said that insanity is doing the same thing over and over again and expecting different results. Given this, I have to wonder why Mr Coe is moving the same motion he has moved for the past two weeks. I suggest that he instead consider releasing his fabled land release policy, but that would require the Liberals to have a coherent policy platform.

I share Mr Coe's belief that Canberrans should be able to access housing. However, to claim that it is simply an issue of not releasing enough land is laughable. As of 10 August there are 314 blocks available for purchase over the counter from the Suburban Land Agency. There is clearly land available, and residential dwelling construction in the ACT is performing strongly, as the Commonwealth Bank's *State of the States* report told us less than a month ago.

Mr Coe has been pushing for the government to release land and has said that a Liberal government will do so if they are elected. Since he will not release a policy, we can only assume that the Liberals plan to bulldoze Kowen Forest, which runs oddly counter to their commitment to plant a million new trees in Canberra. I also wonder what thought Mr Coe and his colleagues have given to urban planning. Canberra is known for its sprawl, and we cannot continue to expand outwards indefinitely. Calling to release more land with no thought is not helpful and will not address any of Mr Coe's concerns.

Mr Coe also states that land and house prices are rising. That is true; properties that are close to amenities and services tend to have a higher value than those that are not. However, since the Liberals do not believe in providing the funding to ensure good government services, I do not expect Mr Coe to understand the connection between access and value. Mr Coe's motion suggests that the government should intervene to reduce land prices. Should we also intervene to reduce the property values of Canberrans who already own their homes? I will admit that I am a little surprised; I was under the impression that a key tenet of the Liberals' philosophy is reducing government intervention in the market.

Rather than artificially reducing land values, the government has reduced stamp duty on new land to zero. The stamp duty on off-the-plan apartments and townhouses valued up to $500,000 has also been reduced to zero. There is also an $11,400 reduction to stamp duty available for off-the-plan townhouses and apartments valued between $500,000 and $750,000. This is designed as a relief measure for new home buyers, as well as stimulus for the construction industry. Once again, I wonder why Mr Coe wants land values to go down when the country is in recession and is forecast to stay that way for some time. Finally, I note Mr Coe's concerns about the burden on public housing. I agree; it is something we need more of. That is why the ACT

government has committed $61 million to build more public houses in the ACT. I note that, once again, the Liberals have no policy regarding public housing.

In conclusion, the ACT government recognises the importance of affordable housing, and it will continue to work to deliver it. We will build more social housing, and we will continue to release land for new houses in a considered, sustainable manner. I encourage the Canberra Liberals to release their own policy for land release, rather than continue to demonstrate their own hypocrisy. I commend this amendment to the Assembly.

MS LE COUTEUR (Murrumbidgee) (4.05): This has become very complicated and, so that I do not forget to do it, I move my amendment to Ms Berry's proposed amendment of Mr Coe's motion:

> Insert new paragraph (1A) before paragraph (1):
>
> "(1A) notes, regarding the cost of housing in Canberra:
>
> (a) the ACT has a unique ability to control traditional state government and local council levers;
>
> (b) the median price of detached houses in Canberra rose as follows:
>
> (i) 2012—$483 000;
>
> (ii) 2016—$623 000; and
>
> (iii) 2020—$819 000; and
>
> (c) that the increasing cost of housing is placing high demands on public and community housing;".

I am going to start by taking the opportunity to strongly rebut Minister Gentleman's comments about me and the Greens in terms of public housing and affordable housing in the debate on the call-in about Common Ground. The Greens have supported public housing forever. The Greens still support public housing; I still support public housing.

Members may be aware that the first major election initiative we announced was a $451 million package, which is focused on affordable housing and public housing. I also note a motion—a motion that you will remember, Mr Assistant Speaker—to ensure that the rate of public housing in the ACT did not fall below the current rate. Unfortunately, while that was passed by the Assembly it was not voted for by the Labor members, and I think they should probably consider their commitment to public housing as well.

As has been noted, this is the third consecutive sitting week that Mr Coe has put forward a motion about the cost of housing. I think that this is a better motion than his earlier ones. It does not try to blame the ACT government entirely for the inevitable consequences of federal government decisions over the last 30 years. The key decisions that have led Australia to a housing affordability crisis are, firstly, the introduction of the capital gains tax discount, which led to rampant and destructive house price growth across the country; secondly, the setting of government benefits at cruelly low levels; thirdly, the slashing of federal funding which allowed state and

territory governments to build more public housing; and, fourthly, our current high rates of immigration. While those high rates of immigration are very good at raising GDP, as Australia is not getting any more land—and, in particular, the ACT is not getting any more land—there comes a time when, if you want to build on quarter-acre blocks, something has to give.

I am not quite sure what value the 78 per cent increase relates to but that presumably would be it. As I said, Mr Coe is quite right to highlight the rapid growth in house prices; however, the data in his motion should have started in 1999, because Australia has had chronic house price inflation since then. That was the year that the Howard federal Liberal government introduced the 50 per cent capital gains tax discount, which, coupled with our wonderful friend negative gearing, has turned housing into a speculative investment rather than a necessity of life. As I have said repeatedly in this chamber, the sad and frustrating thing is that, in 1999, groups like the Australian Council of Social Service and the Greens said that the result of the capital gains tax discount would be rapid house price inflation which would price out lower income people. I am very sad to say that this is exactly what has happened over the 21 years.

I move, now, to the calls in Mr Coe's motion. He makes a number of calls for updates on government activities. Of course, the Greens support transparency wherever possible, and we have supported Mr Coe in previous motions which call for information to be produced. However, the Assembly needs to be cognisant of the fact that there is an election coming fairly soon and that the last sitting day of this Assembly is not long off. Mr Coe has included a one-fortnight deadline in his motion, so we have to be somewhat realistic about what the public service can produce. How much detail can they reasonably be expected to include in Mr Coe's detailed update?

In terms of Mr Coe's 2(a) and 2(b), Minister Berry presented a ministerial statement to the Assembly in November last year which called for an annual update on the housing strategy. At seven pages of large-font text suitable to read out to the Assembly, this is the kind of update we think will not be too hard for the government to produce in a fortnight. And that would cover both 2(a) and 2(b), because the housing strategy is the strategy to address the lack of affordable accommodation both for rental and purchase. I note that ACTCOSS has tweeted its desire to get an update of the affordable housing strategy, and I think everybody would like to see that before the election comes. Hopefully, it will be a key piece of information that people will pore over when deciding how they should vote in this coming election. I really hope that housing strategy will be one of the election issues.

Call (c) is asking for a land release program for the next five years to be put out. As we all know, in normal circumstances the four-year land release program would have come out by now. It would have come out with the budget in June, but we have all noted the lack of a budget in June because of the COVID-19 emergency. Given that, I agree with Mr Coe that the government should provide an update on land release on the last sitting day before this election. However, I do not know that the government can do as much as Mr Coe is asking for. Unfortunately, I think that Ms Berry's amendment may be slightly more possible.

We should note that we are in Australia's first recession for decades. Unemployment is skyrocketing around the country and housing data is extremely volatile. For example, the HIA puts out a new homes sales data series each month. In the three months to May 2020, sales were down by 20.3 per cent at a national level. There was a substantial bounce in June but the HIA report is very cautious about whether this will continue.

I think it is right in its caution because since then we have seen a second wave of COVID in Victoria, which no doubt will have impacted on consumer confidence and, therefore, new house sales. To be blunt, in this environment a five-year detailed land release plan would not be worth the paper it is printed on. However, it would be very useful for industry and the community to hear from the government on how they plan to manage land release during the COVID crisis over the next 12 months.

I will turn briefly now to the amendment that I am moving. It reinserts the totally reasonable comments in paragraph (1) of Mr Coe's motion. There is no reason to remove them, because they are truthful. I must admit, however, that we have talked about paragraph (1)(c). There could be a variety of interpretations of the meaning of that paragraph. I thought that it meant that the high cost of housing resulted in public and community housing costing an awful lot, but there was an alternative interpretation—that the high cost of housing meant that people could not afford it and therefore there were lots of demands on public and community housing. I would be quite interested if Mr Coe could talk a little bit more about what he really means by that.

In conclusion, the Greens strongly support government transparency and believe that it is totally reasonable for the government to provide updates on housing strategy and land release. However, in the current environment it cannot produce this detail within a fortnight. I also note Ms Berry's amendment. While it is long, it is basically pointing out the fact that there are an awful lot of wrinkles in the housing market, and there are a lot of things that make positive and negative differences. Mr Coe has chosen some points and Ms Berry has chosen another set of points, but they are all relevant to the current housing affordability crisis that we find ourselves in.

So I will be voting for my amendment. Basically, I will be voting for everything! That is my plan, here. I will be voting for my amendment and then I will be voting for Ms Berry's. Assuming that those two motions are passed, I will then vote for the motion as amended.

MR COE (Yerrabi—Leader of the Opposition) (4.16): I wish to respond to that pretty gutless speech by Ms Le Couteur. She is voting against the government publishing a strategy to address the lack of affordable rental accommodation in the ACT. She is actively saying that the community does not deserve to know the number of townhouses, the number of apartments and the number of standalone dwellings that are planned for the coming years. That is what she is voting against.

I would have thought that in her final fortnight in this place the concessions that the Greens have been giving the Labor Party for years and years would finally have stopped. But obviously that is not the case. Despite the fact that Minister Gentleman has given Ms Le Couteur a serve and has misrepresented her, she will still blindly

follow the Labor Party into a bad motion and let them off the hook for the housing crisis that they have created with the Greens' support. It is pretty damning.

After 19 years of Labor, $575 is the median rent and $819,000 is the median price of a block of land. Thirty-six thousand people are living below the poverty line. Tens of thousands of people have given up hope of ever owning a home in the ACT. We have a chronic undersupply of community housing, yet the Greens are still giving in to every one of Labor's demands. It shows just how bad this marriage is between the Labor Party and the Greens. The Canberra Liberals will keep standing up for the thousands of people in this city who deserve the opportunity to live in affordable accommodation, for Canberrans who deserve the opportunity to buy their own homes and for Canberrans who deserve to have enough money left over after paying rent to buy food.

There are a lot of people in this city who are doing it tough, and Labor and the Greens are just not looking. They would rather look at their own cosy deal than at the welfare of so many people in this city who are struggling. This government has let down so many people, and it has all been because of the Greens giving way to the Labor Party at every single opportunity. The Greens are just as responsible as the Labor Party.

Question put:

> That **Ms Le Couteur's** amendment to **Ms Berry's** proposed amendment be agreed to.

The Assembly voted—

Ayes 12		Noes 9	
Ms Berry	Mr Pettersson	Miss C Burch	Mr Parton
Ms J Burch	Mr Ramsay	Mr Coe	Mr Wall
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		Mr Milligan	

Amendment agreed to.

Ms Berry's amendment, as amended, agreed to.

Original question, as amended, resolved in the affirmative.

Hospitals—elective surgery

MRS DUNNE (Ginninderra) (4.24): I move:

> That this Assembly:
>
> (1) notes the importance of elective surgery for the continued health of the Canberra community;

(2) further notes the:

(a) continuous failure of the Labor/Greens Government to keep abreast of the demand for elective surgery and the adverse impact this is having on the health of the Canberra community;

(b) growing number of Canberrans waiting longer than clinically indicated for elective surgery; and

(c) impact of COVID-19 in extending elective surgery waiting lists; and

(3) calls on the ACT Government to address the chronic backlog in elective surgery.

Elective surgery wait times are one of the key performance indicators of any public health system in Australia. It is important to reflect on why elective surgery is important and what it is. A lot of people might think that elective surgery is the sort of stuff where you might have a nip, a tuck, a nose job or something like that. It is not. Elective surgery is any surgery conducted in a hospital which is not absolutely emergency surgery for a lifesaving purpose.

Most people go onto an elected surgery waiting list under one of three categories: urgency 1, 2 or 3. That means that they should be seen ideally in 30 days, 90 days or a year. That is the clinically advisable time for them to do so. The ACT government is constantly falling behind on this measure and has performed poorly on this measure for a long time.

If we look at the latest quarterly performance report, for the third quarter of the 2019-20 financial year, the last available information, we see that there were 889 people overdue for surgery on 31 March 2020. This is a 13½ per cent increase from the previous year. There were 3,097 surgeries performed in the third quarter of 2019-20. That is 390 fewer surgeries than in the second quarter, a fall of 11.2 per cent. There were 372 people added to the waiting list in the third quarter, which was a decline of 302 from the second quarter. But the elective surgery waiting list grew by 88 over the period.

The Minister for Health will claim that the poor performance in the third quarter is due to COVID-19. However, we have to remember that the COVID-19 shutdown to elective surgery happened at the very end—the very end, the last couple of weeks—of that quarter. The ACT's poor performance in elective surgery clearly pre-dates COVID-19.

If you look at the performance targets for 2018-19, you will see that the ACT missed its targets in all three categories. The government will claim that there has been some improvement. The minister alluded to that today: that there was some improvement in 2018-19. However, this improvement has not been sustained into 2019-20. And the problems were becoming evident well before COVID-19 hit.

There has been a significant upward trend in the ACT for elective surgery waiting times over the life of the Barr government. The former Chief Minister, Jon Stanhope,

and his colleague Dr Khalid Ahmed recently performed an analysis of elective surgery wait times over the past six years. Mr Stanhope and Dr Ahmed found that waiting times had increased across Australia. That is true. But their conclusion was:

> … the increase in the ACT has outstripped all other jurisdictions and is significantly higher than the national average …
>
> A comparison of the median waiting time in the number of days for half of all patients from 2014-15 to 2018-19 reveals that in aggregate ACT patients waited 17 per cent to 62 per cent longer than patients at the national average.

There are a couple of specialties in the ACT where the performance is even worse.

I noted a couple of weeks ago that the minister tried to downplay Mr Stanhope's and Dr Ahmed's categorisation by saying that they only looked at the ones that were really bad rather than the whole of them. I will look at some of the really bad ones.

In orthopaedic surgery, the waiting time in the ACT is 55 per cent higher than for like hospitals across Australia. When we say "like hospitals", we are comparing apples with apples. We are comparing the Canberra Hospital with its, I think, 19 peer hospitals. We are not comparing it to country hospitals, smaller hospitals or bigger hospitals. We are comparing the Canberra Hospital to like hospitals. We are comparing Calvary Hospital to its peer, I think, 22 hospitals across the country. We are comparing like for like. In orthopaedic surgery, the wait time is 55 per cent higher than in like hospitals across the country.

Recently I had a conversation with an orthopaedic surgeon who does both public orthopaedic work and private orthopaedic work. This is a very experienced, very eminent, very senior orthopaedic surgeon who said to me that people on the public waiting list are infinitely sicker by the time he gets to see them on an operating table than they would be on the private list. People who have private health insurance would not let themselves become so ill as to have their bones so degenerated. He said that for him it is interesting: the work he does on the public list is infinitely more interesting than the private list. But that is because, under this Labor government, the poor people who need orthopaedic surgery get much sicker. Their recovery is much worse; their waiting time for surgery is much more painful; and they may not recover as much as they should because they are not seen in a timely way.

We are 55 per cent worse, and that means that we are infinitely more sick. The people who are paying for this are the working men and women of Canberra who cannot afford private health insurance and who have to lump it on the public waitlists.

In relation to gynaecological surgery, the ACT's performance is much worse than our peer group hospitals. The number of Canberra women who have waited more than a year for gynaecological surgery was proportionately 425 per cent above the national average.

All these statistics are for the period 2014-15, since the time that Andrew Barr became Chief Minister. The Barr Labor-Greens government does not have a good record

when it comes to elective surgery. It is not due to COVID-19. It is not, as I heard the Chief Minister try to claim the other day, because there has been underinvestment in New South Wales in hospital infrastructure. It is due entirely to Labor's poor management of the health portfolio. The problems with elective surgery waiting lists are not the fault of our dedicated surgeons, doctors, nurses, health professionals and hospital staff. It is a problem that is due to mismanagement by Andrew Barr and the succession of health ministers since the beginning of 2015, including Mr Corbell, Ms Fitzharris and Ms Stephen-Smith.

The ACT Health Directorate has developed an elective surgery plan where routine non-tertiary services are removed from the Canberra Hospital to allow Canberra Health Services to concentrate on delivering emergency, trauma and tertiary level services. This means that most elective surgery is being performed at the Calvary Hospital and at private hospitals. This is mainly brought about because the Canberra Hospital does not have enough beds to support an elective surgery strategy as well as the growing demand for trauma, emergency and tertiary level services.

As we heard in question time today, in 2011 the then health minister, Katy Gallagher, started a consultation process to add 400 beds. She released a discussion paper which stated:

> The existing ACT public health care system is at capacity and needs to expand to meet future health demand created by an ageing and growing population, changing technology and consumer expectations … The pressure on acute beds will continue with projections estimating a 50 per cent increase in admissions up to 2022.

In question time today, the health minister admitted that so far we have seen since that time a 35 per cent increase in admissions, so we are well on track to meeting Katy Gallagher's estimated 50 per cent increase in admissions.

The Barr Labor government has abandoned the plan for 400 new beds. Instead, the plan has been to bed-manage the increased demand. If you look at the quarterly performance reports, the annual reports or the Productivity Commission's reports on government services, you will see that the Barr government's bed management strategy is seen to be a failure.

The Barr government have failed to provide the beds they knew they needed. This means that the Canberra Hospital does not have the ability to perform elective surgery to meet a significant part of the demand, meaning that most elective surgery is now done in the private hospitals, and almost all of the orthopaedic surgery is done in the private hospitals.

We know that elective surgery waitlists have got worse due to COVID-19. There is a COVID-19 impact. Canberra Health Services have advised that 2,250 surgeries have been cancelled during the fourth quarter of 2019-20. This is directly because of the halt to elective surgery that was announced in late March as we were preparing for the pandemic.

The Minister for Health has announced a $30 million fund which includes, amongst other things, $22 million for elective surgery. Mr Stanhope has described this as a sugar hit that will have no impact past this election year. That sugar hit is designed to address the 2,250 surgeries that were not performed during the COVID crisis and does nothing to address the growing elective surgery waitlist. There will be many other people added to the list during the COVID crisis, and the list is now burgeoning.

We have seen Labor offer short-term elective surgery blitzes in the past. They have failed to result in long-term solutions. The government constantly says that more surgeries are being performed, but we are not seeing a decline in the number of surgeries and we are not seeing a decline in the waitlists.

One of the very concerning things—we in the opposition are constantly coming across this—is instances where people have been waiting a very long time even to get onto the elective surgery waitlist. There is a hidden elective surgery waitlist. For instance, I had correspondence from someone only yesterday. I will call him Clarrie. Clarrie has waited 655 days for his first appointment to see an orthopaedic surgeon, to be told that he needs a complete shoulder reconstruction. To add insult to injury, after waiting 655 days, he was told that he will have to wait 12 months for that surgery.

That is a category 3 surgery. Category 3 surgery in orthopaedics is a 12-month wait, ideally, but in the ACT it will be longer than that. I fear for Clarrie. Remember that someone who needs a complete shoulder reconstruction is probably suffering from spontaneous dislocation on a regular basis. It is painful. Every time you put it back, you do more injury to your shoulder. If Clarrie has been waiting 2½ years, 655 days, and then has to wait another year, how many times will Clarrie's shoulder spontaneously dislocate as he is picking up a glass, putting a jumper on or doing one of those everyday things? How much pain does that cause? How much damage does that cause to Clarrie's shoulder? How much worse will his shoulder reconstruction be at the end of that time?

The people of the ACT deserve—in this rich country, in this rich city—a better health service than the Labor government has provided, especially since the departure of Katy Gallagher as the health minister. Ms Gallagher was criticised for many things, but the actions of her successors as health minister have been a shadow of what she tried to achieve and wanted to achieve. Her successors have trashed her legacy by abandoning all of the proposals that were put forward. They have given up on the bed strategy. We do not have the acute beds.

We still have what Ms Gallagher constantly referred to as a tsunami in health. We are getting older; we are requiring more services. The services are more expensive, but this government has failed to deliver them. We have chronic failures in the elective surgery wait time. This government needs to do more. This minister will stand up and say, "We're doing everything that we can." The answer is that there is a better way, and it is not the Labor way. *(Time expired.)*

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (4.39): I move the following amendment that has been circulated in my name:

Omit paragraphs (2) and (3), substitute:

"(2) further notes that:

(a) the ACT Government has made substantial investments to deliver significant increases in elective surgeries, with admissions growing at twice the national average between 2014-15 and 2018-19;

(b) this resulted in a reduction in the number of people on the elective surgery waiting list between 2014-15 and 2018-19 and an improvement in 'seen on time' performance for Category 1 and 2 surgeries;

(c) the ACT Government's investment delivered a record 14 015 elective surgeries in 2018-19;

(d) ACT hospitals were on track to deliver 14 250 public elective surgeries in 2019-20, prior to the suspension of non-urgent elective surgery due to the COVID-19 emergency; and

(e) more than 16 000 elective surgeries are planned for 2020-21 following the allocation of an additional $20 million to address the impacts of the COVID-19 elective surgery suspension; and

(3) calls on the ACT Government to continue investing to deliver growth in elective surgeries and improvement in performance against clinically recommended timeframes.".

I thank Mrs Dunne for bringing forward this motion. Elective surgery, as she said, is very important. It is a very important part of our health system, and that is why we have been so committed to delivering record numbers of elective surgeries. That is why last year the public elective surgery list delivered more than 14,000 elective surgeries; and this year, prior to COVID-19, we were on track to deliver 14,250 elective surgeries.

Indeed, even at the end of quarter 3 in 2019-20, for category 1 surgeries we were 1.2 per cent ahead of where we were in the same quarter in 2018-19, and for category 2 we were 2.6 per cent ahead of where we were in the same quarter in 2018-19. Mrs Dunne made the point that quarter 3 was only somewhat affected by COVID-19, but it was affected by COVID-19. Many elective surgeries are performed every week across our public health system, so the impact of COVID-19 was real, and it has been real for quarter 4, obviously, and we have not achieved the target for elective surgeries that we set ourselves for 2019-20.

If Mrs Dunne kept more up to date with numbers, she would know that in fact the shortfall was closer to 1,750 elective surgeries than the 2,250 we had originally estimated would be the case. We have now committed an additional $30 million to deliver additional elective surgeries, outpatient appointments and a range of other things, to catch up; and, as Mrs Dunne indicated, more than $20 million to deliver an extra 2,000 elective surgeries in 2019-20. We will deliver more than 16,000 elective surgeries in 2019-20, all things being equal, assuming that we do not have to pull back again as a result of a resurgence of COVID-19.

Mrs Dunne also criticised the strategy of using our private hospitals to deliver some of our elective surgeries, as if it is not a deliberate thing. In fact, I know a number of

people who have had joint replacements at Calvary John James in the public system. It is an excellent service at Calvary John James, providing orthopaedic surgery, and it is a deliberate part of our elective surgery strategy. It is not an accident; it is not a mistake—and the same is the case with moving more elective surgery over to Calvary, opening two new theatres at Calvary to deliver more elective surgery so that we can meet our targets and we can meet our record numbers of elective surgeries.

Mrs Dunne likes to draw on Mr Stanhope's analysis, but what we have seen is a significant improvement in performance in elective surgery from 2009-10 to 2018-19—a four percentage point increase in category 1 seen on time, and a 26 percentage point increase in category 2 seen on time over the last 10 years. There have been more elective surgeries and more category 1 and 2 elective surgeries seen on time, and there has been a significant improvement in that performance.

Is it everything we would want it to be? No. Does any health system ever entirely meet demand for elective surgery? Probably not, because the demand for elective surgery actually increases, the better you do. But we have more beds per 1,000 people than the average for Australia. We have kept that up. We have kept up our investment in elective surgery, and we have kept up our investment in infrastructure.

Mrs Dunne claimed that the ACT government has failed to deliver on anything under the capital asset development plan that was developed under the—

Mrs Dunne: I didn't say that.

MS STEPHEN-SMITH: Actually, you did, Mrs Dunne. You said that I have not delivered anything. Many of those projects have, of course, been completed. I refer to the Centenary Hospital for Women and Children, the Canberra Region Cancer Centre, the southern car park, the adult mental health unit—and the list goes on.

We have also invested in some infrastructure that was not envisaged in that plan, some of which was planned by the former excellent health minister and now senator, Katy Gallagher—the University of Canberra Hospital, a specialist rehabilitation hospital that was not in the CADP and that was not envisaged in 2008. What this says is that time moves on, and our planning needs to move on with it.

We are currently doing a Canberra Hospital master plan, but I have said to people that if everything we say in the Canberra Hospital master plan is exactly what Canberra Hospital looks like in 2040 I will fall off my chair, because things change. New opportunities arise, including opportunities to move services out of our hospitals, as we have done with building the incredibly popular and successful network of nurse-led walk-in centres. That has been part of our investment in health services for Canberrans.

Of course, we are still working to expand on the Canberra Hospital campus, not only with the largest investment in health infrastructure since self-government, in the Canberra Hospital expansion and the SPIRE building, but also with new buildings to support that, as things get moved out and areas get refurbished. I refer also to the

expansion of Centenary Hospital for Women and Children and the refurbishment of the maternity ward at Calvary hospital.

We invest in infrastructure consistently and continually across the health system, including in mental health. I have talked about the adult mental health unit. The adolescent mental health unit is in train. We have built Dhulwa, and we have almost finished a step-up, step-down facility for mental health as well.

There is a constant process of investment and renewal in health infrastructure to deliver these outcomes. There also needs to be a constant process of looking at how efficient we can be. It is not feasible, as some people suggest, to keep growing the health budget by eight to 10 per cent every single year. It is already one-third of the ACT government's spending—one-third of the ACT government's budget. We just cannot grow it by eight to 10 per cent a year, every year.

An incoming government particularly could not do that if they decided to abolish payroll tax completely, abolish a tax on big banks and the largest developers in the ACT and strip $500 million from the ACT government's revenue base. I believe that someone has put in writing that they intend to do that. Someone in this place, possibly the Leader of the Opposition, is planning to strip $500 million from our revenue base, providing a tax cut to the largest businesses, the multinational and national businesses that operate in the ACT.

I am not sure what their plan is. Mrs Dunne again spoke for a long time without putting forward a single policy, without giving any indication of what an incoming Liberal government might do in the health space—none whatsoever.

As well as investing, as well as continuing to invest in new beds, in new capability, in new opportunities in the community for care closer to home, we are also continuing to improve the efficiency of our health system. That has seen the average cost per separation between 2014-15 and 2017-18 decrease by almost 10 per cent—almost 10 per cent per separation. We have done even better in subacute separations.

You have to do everything, Mr Assistant Speaker. There is no single answer. There is no point in time when your plan can just be implemented for 10 years without any change, without identifying new opportunities and without responding to the circumstances that we find ourselves in. Of course, with the circumstances that we find ourselves in at the moment, there is quite likely to be a reduction in population growth over time, over the next few years, as a result of a reduction in international migration. We will need to redo our modelling on that basis. But we do not know; we live in an uncertain world.

To return to the issue at hand, the performance of elective surgery, I have more good news for you, Mr Assistant Speaker. Nationally, there has been a 1.2 per cent increase in elective surgery performance between 2014-15 and 2018-19. Over the same period the ACT recorded 2.4 per cent growth in elective surgery, compared to 1.2 per cent nationally. In real terms, as I said, this means over 2,000 additional elective surgeries performed in 2018-19, compared to 2014-15.

Mrs Dunne talked about the quarterly performance reports. Of course, what she did not say was that the performance was improving. The quarter 1 report for 2019-20 showed performance was improving. I was quite surprised that I was not asked about elective surgery in relation to the quarter 2 report. It was probably the most disappointing figure that I saw—the increase in the number of people who were overdue for elective surgery in that report. The interesting thing about that is that the number is counted, as I understand it, when people have their surgery. When more people who are overdue have surgery, the number of people who are overdue in the report, in the data point, increases. It is a strange thing. I do not understand why that is the way it is, but it is an interesting piece of data.

The only other point I would make in relation to our investment in elective surgery over this period—again, comparing the number of people on the ACT public hospital elective surgery waiting lists prior to the impact of COVID-19—is that it was lower in 2018-19 than it was in 2014-15 or, indeed, compared to 2009-10.

Our investment in surgical activity in the 2018-19 budget—again, where we delivered in 2018-19 more than 14,000 elective surgeries—reduced the waitlist from about 5,500 to around 5,100. Yes, we have some catching up to do, but in 2018-19 the ACT was first when it came to timeliness in cardiothoracic surgery, second for vascular surgery, third for neurosurgery and equal with the national average for neurological, plastic and reconstructive surgery.

Are there challenges in some areas? Absolutely, there are challenges in some areas. We are working really hard, and Canberra Health Services is working really hard, under the excellent leadership of Bernadette McDonald, to address those challenges. To say that we are not keeping up, that we are going backwards or that our investment—this investment of $30 million to catch up on elective surgery and outpatients—somehow is not real money or is not going to catch up is just not true. It is a misrepresentation of the data.

We can always do better, and we will continue to do better. But the fact is that we have been doing better over the last five years and the last 10 years, and that is what we will continue to do. We will continue to invest. We will continue to improve. Canberrans know that only an ACT Labor government will continue to deliver the investments that we need to see better health care for our community—better care, closer to home.

MR RATTENBURY (Kurrajong) (4.53): I rise today to respond to the motion put forward by Mrs Dunne regarding the importance of elective surgery. I think it is fair to say that all of us here in the Assembly want to ensure that Canberrans receive high quality health care. Access to quality and timely health care matters to everyone and, whilst there are indeed complexities and difficulties to achieve this for every individual in the hospital system, on the whole our view is that the ACT healthcare system does demonstrate improving data.

Elective surgery, as the motion references, is one of those areas where the ACT has continued to improve year on year. Of course, as has been canvassed in the debate, the

pandemic has had an impact during 2019-20 and it has seen a disruption of that improvement pattern. This is obviously not unique to the ACT and it is being experienced nationwide. The decision to suspend elective surgeries was not taken lightly but was obviously necessary, given the uncertainty about the impact of the pandemic and what it would mean for the capacity of our hospital system, the numbers of staff available and those sorts of matters.

Since the resumption of elective surgeries on 28 April, the government has committed $22 million in funding to prioritise delayed elective surgeries. This is a clear example of how seriously the government takes the ACT's elective surgery pressures and is continually working to improve waitlists. Waiting for elective surgery can be a burden for individuals and we take seriously that these surgeries, for many, can be life changing. Whilst they are not considered emergency surgeries, they are surgeries a medical professional has deemed clinically necessary and, therefore, we want to ensure that every person can get access to the care that they need.

As we know, in every hospital we use a triage system to sort patients according to urgency and clinical need. Each triage category has a desirable day target attached to it. I am sure members know these figures: category 1 is referred to as urgent and admission is desirable within 30 days; category 2 is referred to as semi-urgent and admission is desirable within 90 days; and category 3 or non-urgent is desirable within 12 months.

The ACT's performance in regard to elective surgery patients who are admitted within clinically recommended time frames for all categories for the 2018-19 financial year was 83 per cent. This was an increase on the previous year's result of 79 per cent. This demonstrates improvement and progress and this has occurred due to the government's dedication to the hospital and healthcare system and also to the dedication of our staff, who are working to ensure that we offer the best health care we can here in the territory.

Even with the disruption of COVID and consequential suspension of elective surgeries, the ACT's performance for category 1 elective surgeries rose in 2019-20 to 97 per cent, from 96 per cent the previous year, and this means that the vast majority of urgent patients for elective surgery have been seen on time. It is clear that the COVID restrictions on elective surgery have adversely impacted on the performance of category 2 surgeries. In the 2019-20 year 64 per cent were seen within the clinically recommended time and in the previous year it was 75 per cent. Category 3 has maintained a similar performance from the year prior.

I think the government has been quite transparent regarding this data. It is of course publicly reported and the additional investment has been prioritised to catch up on delayed surgeries. I think the minister has been also quite upfront about the issues that have arisen there.

Canberra Health Services will establish a catch-up plan to meet the challenges presented by the backlog which has arisen from the month's suspension. I think it is accurate that there is growing demand for elective surgery. I do not think anybody disputes that. That can be seen quite clearly in the numbers. Each year the number of

patients requiring elective surgery is increasing, just the same as it is in other jurisdictions.

The government has committed to expanding services, with more than $90 million in additional funding since the 2016-17 budget to meet the surgical need and provide quality care. We can see, as the minister has outlined, the target for 2020-21 will be 16,000 elective surgeries delivered, which is a significant increase on the target of 14,250 the previous year. This obviously indicates how Canberra Health Services not only intends to meet increasing demand but also endeavours to catch up on the backlog that has arisen from the postponement of elective surgeries this year.

I simply conclude by noting that we do need to pay close attention to the elective surgery demand in the ACT and ensure that the government is responding appropriately so that those who enter our hospital system can get the quality and timely care that they need. We will not be supporting the text put forward by Mrs Dunne and will be supporting the amendment moved by Minister Stephen-Smith.

MRS DUNNE (Ginninderra) (4.58): I do not think anyone else is speaking, so I will close. The Canberra Liberals are not supporting the government amendment. The government amendment, as you would expect, is a gloss, in the run-up to an election, to try and show just how good they are. But we have to remember that this is an ongoing failure of government.

Let us just think about this. For the $22 million that the government is providing for catch-up for COVID-delayed elective surgery, in accordance with the briefings that I have received, it is expected that it will take a year to catch up on the surgeries that were delayed during the six-week close down as a result of COVID-19. People who were expecting to go to hospital in April before COVID now will have to wait some period—and it may take a year—to be seen. This is not a great achievement.

The minister made great store of the fact that of course we had to put new money into it because we were still paying the staff even though they were not doing elective surgery during that period. That is a reasonable enough point. But not all the cost of elective surgery goes into staff. There is the cost of running the theatres, there is the cost of the sterilisation, and there is the cost, for instance, in orthopaedic surgery, of the prosthetics, which are extraordinarily expensive, which is why orthopaedic surgery is so expensive. There are a lot of costs that were not consumed because they were not staff costs. The minister has not been able to account to the Assembly where that money has gone and how much of the $22 million is just staff costs and where are the savings for sterilisation and prosthetics and the like.

It is interesting that the minister stood up and said, "We have done a whole lot of things that Katy Gallagher suggested we do." Then she rattled off a list of things. She rattled off a list of, I think, about four things. I did not write them all down at the time. But she mentioned the Centenary Hospital for Women and Children. The Centenary Hospital for Women and Children was opened when Katy Gallagher was the Minister for Health. The adult mental health unit was opened when Katy Gallagher was the Minister for Health.

The things that Minister Stephen-Smith rattled off by saying, "We are still doing the things that Katy Gallagher planned"—no they are not, because she had already done those things. The only thing that they have done is something that was not on the plan, which was the University of Canberra rehabilitation hospital. The Canberra Liberals supported the rehabilitation hospital because we recognised that if they were not going to build new hospital beds at the Canberra Hospital it was important to free up those rehabilitation beds to create more flexibility. There were many things about the rehabilitation hospital that we supported. We also do note that what was delivered was less than was originally announced.

I want to go back to the real people, the people who are affected by delays in elective surgery. One of the elements of the government saying, "We are doing better than we did," is that one of the things that we are not constantly measuring—and despite constant calls for it to be measured more effectively, it is starting to be measured—are the wait times for people to get that first appointment. It was interesting and fortuitous that today there landed in my inbox an answer to a question on notice in relation to paediatric services under COVID-19, which includes a very revealing table. I refer members to the answer to question on notice 2996, which took a long time to answer, by the way, but it is quite revealing.

Mr Rattenbury rattled off the urgency categories: 30 days, 90 days, 365 days, For children under the age of 16, up to 30 June this year, in ear, nose and throat specialisation, we are doing quite well for category 1. They got their first appointment within the approved time of 12 days, on average. The median wait time for initial appointment for a category 2 paediatric ear, nose and throat patient is 383 days. They are supposed to be operated on in 90 days. But it took more than 383 days to get to the front door, to get on the list that says that you are supposed to be operated on in 90 days.

For plastic surgery for children, it is 321 days for category 2 patients to get to the front door. And for category 3 patients it is 720 days, nearly two years, to wait for plastic surgery for a paediatric patient. This could be cleft palate; it could be harelip. Think about it: a child with harelip waiting 720 days to see the doctor to get on the list.

This is what this minister and her predecessors have delivered to the people of the ACT, the children of the ACT. We are not talking about one or two kids. For ear, nose and throat patients, 435 children in the ACT are waiting for category 2 surgery and 568 are waiting for category 3. For plastic surgery, there are 308 children in category 2, 16 in category 3, and 24 in category 1. The category 1s in plastic surgery seem to be working okay.

The trouble is that there are huge numbers of children—there are thousands of children—on this list waiting for appointments. For the most part, we cannot tell how long it is because the information is not available. But the information that is available is terrifying. Because this is a motion about elective surgery, I am not looking at social work, dermatology or endocrinology. I am just talking about the surgical categories here, and they are terrifying.

This minister spends her time saying, "I suppose it is pretty bad, but we are doing as well as we can." They are traducing the people of the ACT. They are abandoning the people of the ACT, the children of the ACT and their families. They do not care, and all they can say is, "We are throwing money at the problem." There is more to it than throwing money at the problem. First of all, you have to care. Secondly, you have to do more than say, "It could be better. Sometimes they are not great figures." But that is all they do. They are just hoping against hope that they fall across the line and they can spend another four years abandoning and traducing the people and the children of the ACT with these appalling figures.

The people of the ACT deserve better and they can have better. Quite frankly, the Labor government has been terrible at running the health system, utterly and completely terrible for the best part of 10 years. Quite frankly, anyone could do better. I know that my colleagues on this side of the floor will do a damn sight better after the election because they are, first and foremost, committed to the people, not to their factions and to sucking up to people who will give them preferment and keep them in government.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Births, Deaths and Marriages Registration Amendment Bill 2020

Debate resumed from 23 July 2020, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (5.09): We are supportive of many of the changes made in this bill and we understand the complexities and challenges of these issues. We are compassionate to those facing those challenges. We support the principle that every individual should live their life to the fullest capacity.

We support the right of those with legal capacity to be able to make changes relevant to them, which is why we support those over 16 years being able to change their own birth records. We commend families who face challenges together, which is why we support allowing people younger than 16 to make changes with the care and guidance of their parents. We recognise the value of knowing your own history, which is why we support the change to allow birth parents to be part of a person's official record under the Adoption Act amendments.

But areas of the bill that the Canberra Liberals believe are particularly complex and raise concerns are the sections which allow a person under 16 years to change their details on a birth certificate without the consent of their parents. The age when a person becomes fully responsible is a difficult one—there are many competing factors and no easy answers.

Under the bill as drafted there is a category for people who are at least 12 but not yet 16. In this instance, we believe 12 is too young to take these steps without a parent's or guardian's support. We believe 14 years to be a more appropriate age. I indicate that I will seek leave to move amendments later to raise the age to 14. Apart from that issue relating to age, we are not opposing this bill today.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (5.11): The ACT government and ACT Labor are resolute in our support for the rights of transgender, intersex and gender diverse young people in the ACT. Being able to live openly as your true self has a fundamental impact on health and wellbeing. Young people who are able to live openly here have better educational outcomes, better employment outcomes and are more secure with family and friends and in our community.

For young people who are transgender, intersex or gender diverse, the barriers put up by certain elements of our society can be challenging, but this government will always stand in solidarity with them and will act to remove those unnecessary barriers to achieving their true identity and self.

The amendments create additional pathways for the change of gender identity for a young person under 18 years. Importantly, consideration has been given to ensure that these changes are accessible and easy to navigate for young people who can often already be handling additional pressures in life. The changes that can be made through the additional pathways relate only to written information recorded on a register maintained by the Registrar-General and on birth certificates. It is important to note that the amendments do not enable young people to make decisions about medical treatment, as that is a separate matter.

The eligibility for a young person who is trans, intersex, or gender diverse to apply for a change of registered details under the new pathways varies depending on the age of a young person and whether they have the support of a person with parental responsibility. When a young person reaches 16 years of age, they will have the capacity to apply for a change of gender identity as if they were an adult.

This may seem like a small change to those of us who are not directly affected, but the impact of these amendments for young people who are trans, intersex or gender diverse is very real. A 2017 Telethon Kids Institute study on trans youth showed that up to 79 per cent of respondents had self-harmed and 48 per cent have attempted suicide. We cannot remove all of the barriers imposed by certain elements of society on young people who just want to live as their true selves, but these changes will make the process just a little bit easier and just a little bit less stressful.

I was recently reminded of the importance of this at the Young Canberra Citizen of the Year awards when Calwell high's sexuality and gender alliance, also known as SAGA, won the group achievement award. The pride in the room was palpable. SAGA is a space for students to be their true and authentic selves. Members are recognised as leaders, with their special hoodies making it easy for people in need of support or advice to identify them in the school community.

I am also pleased to speak in support of the changes to introduce integrated birth certificates. These amendments fulfil the government's commitment to implement recommendation 6 of the Domestic Adoptions Taskforce, which we spoke about earlier today. Along with the Adoption Amendment Bill, these changes complete all recommendations that were agreed by the government in 2017.

These amendments will enable birth certificates of people who have been adopted to reflect, again, a person's true life story. Currently, when an individual is adopted the birth certificate will recognise the adoptive parents only. This is no longer best practice and is a hangover from a time when adoptions were often undertaken with hushed tones. Under these changes, which reflect contemporary practice, birth certificates will state birth parents, where known, and adoptive parents. Having an official record of an individual's true story will be hugely important to the adopted person but also to birth and adoptive parents.

This work has taken longer than we all would have liked, but I want to acknowledge Bernadette Blenkiron, who has been advocating on the importance of integrated birth certificates for some time. I know these amendments will bring her and her children comfort, along with other people in the community. I commend the bill.

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) (5.15), in reply: The government is committed to making Canberra the most inclusive city in Australia, a place where everyone is valued and respected and diversity is celebrated. The bill represents another step by this government to support individuals to live authentic lives and to recognise their true identity and history. The bill does this in two ways: it creates additional pathways for young people who do not have the benefit of the support of both parents to change their registered sex and given name, where they have sufficient maturity and understanding to make this significant decision. The bill also provides for integrated birth certificates for people who have been adopted, allowing them to request a certificate that shows the details of their birth parents as well as their adoptive parents.

Let me focus first on the change of registered sex and given name. These measures are being introduced to support and recognise the needs of transgender and gender diverse young people in our community and to promote their mental wellbeing. We need to acknowledge the real risks of depression, self-harm and suicide amongst transgender and gender diverse young people, especially when they do not have the family support to express their gender identity.

A study involving 859 transgender young people carried out by the Telethon Kids Institute in Perth showed that as high as 74.6 per cent of transgender young participants had at some time been diagnosed with depression. Almost 80 per cent of the participants admitted to having self-harmed and about half of them had attempted suicide at some point in their life.

Being transgender, intersex or gender diverse itself is not a mental health issue. Instead, the Telethon Kids Institute found that the suicidal thoughts and behaviour and other mental health issues faced by trans young people were due to the distress caused by the culmination of experiences of transphobia, discrimination, abuse and other actions of exclusion or prejudice. These findings are supported by other studies. Importantly, research has shown that where young people experiencing these difficulties are supported to express their gender identity and to socially transition, this is of great benefit and reduces mental health risks significantly.

Having access to a birth certificate that accurately reflects gender identity can make a huge difference. A birth certificate is a primary identity document that can also serve as evidence for obtaining other documents to support a young person to socially transition. Being able to obtain a birth certificate that affirms the young person's identity can really assist in their lives. With accurate identification documents, young people can have the confidence of showing their IDs, knowing that the documents will not out them as transgender or gender diverse.

A key principle enshrined in this bill is the recognition of the evolving capacity of children and young people. It is a principle which exists in the Convention on the Rights of the Child, which recognises that even before children reach 18 years of age they may exercise rights and that they develop capacities to make decisions and to anticipate and bear responsibility for the consequences of their decisions.

It is important to emphasise that, unlike decisions about medical treatment, the decision we are talking about today is simply to change recorded sex or name in a register. While of course this is legally significant, in reality this is an administrative process that is completely reversible. The pathways created have been carefully considered to ensure appropriate safeguards around this decision.

For young people under 16 the bill will give the ACT Civil and Administrative Tribunal, or ACAT, the function of assessing whether a young person has the sufficient maturity and intelligence to seek to change their names and recorded sex. In making the assessment, ACAT will have the opportunity to hear the opinions of all relevant parties, including the parents and guardians of the young person, before deciding.

A child under 12 cannot bring an application to ACAT unless they have the support of one parent and can demonstrate exceptional circumstances. Another significant change brought about by this bill is that young people who are 16 will be able to change their given names or recorded sex by applying directly to the Registrar-General as if they were 18.

As I noted when introducing this bill, at 16 young people can already consent to sexual intercourse and medical treatment in most Australian jurisdictions. At that age they can also be in full-time employment. This bill will not allow any young person to change their given names and recorded sex directly. To make a valid application to the Births, Deaths and Marriages Register applicants of all ages must satisfy existing requirements which include producing evidence from a doctor or psychologist

certifying that they have received appropriate clinical treatment for gender affirmation. This is true of any person wishing to change their registered sex.

With the new and existing safeguards in place, the additional pathways represent a considered approach to improve the wellbeing of transgender, intersex or gender diverse young people. We do not expect that this reform will affect many young people. However, we know that for a small number of young people it will be life changing and for others it will be an important step in demonstrating our support for them and for inclusion and equality in the ACT.

The bill also contains amendments that enable the issue of integrated birth certificates, on request, to people who have been adopted. This will apply to people born in the ACT or, in certain situations, people born overseas but adopted in the ACT. Currently the birth certificate issued on adoption removes all evidence of the birth parents and replaces them with the names of adoptive parents.

As Minister Stephen-Smith mentioned, a tireless advocate for this reform, adoptive mother Bernadette Blenkiron has spoken about her feelings on receiving birth certificates for her two adopted children. The certificate stated that she gave birth to her adopted children in hospital on their birth dates, which is clearly untrue.

She said she had been warned but it was confronting for her to see it presented in this way. Wiping out reference to their biological parents felt completely inappropriate to her and factually incorrect. No-one was pretending she had given birth to these kids. She said that this is not the 1950s, with the stigma and shame of hidden adoption. This bill changes that situation, allowing both sets of parents to be recognised within the one document. For many adopted families and people this ability to have their full history acknowledged will be of great importance.

We also understand that there are adopted individuals who, for various reasons, would prefer not to have their birth parents' names recorded. That is why the bill provides integrated birth certificates on request instead of issuing them as a matter of course.

During the next 12 months my directorate will work closely with Access Canberra and community organisations that we have consulted to develop a user-friendly application process. They will also design a certificate that is both sensitive to its holders and accessible for organisations that use it as proof of identification.

I take this opportunity to welcome the changes New South Wales is making in this space. New South Wales has recently followed suit by introducing legislative amendments to issue true integrated birth certificates. If the amendments are passed it will mean that a person who is born in New South Wales but adopted in the ACT may also obtain an integrated birth certificate. As is the case in the ACT and South Australia, I understand that the future New South Wales integrated birth certificate will also be recognised as a valid proof of identification. This is certainly great news for the adoption community.

I thank Minister Stephen-Smith and her directorate for the assistance my directorate has received in producing this bill. I also thank A Gender Agenda, Barnardos

Australia and the Australian Red Cross, as well as advocates for integrated birth certificates and many other parties who have provided valuable input into the bill. This bill is one of many initiatives by the government to make Canberra the most inclusive and livable city in Australia, and we are committed to achieving that end. I commend the bill to the Assembly.

MS CHEYNE (Ginninderra) (5.24), by leave: In May the Assembly passed my bill amending the Births, Deaths and Marriages Registration Act to enable recognition of organ and tissue donation on an individual's death certificate. This change may have seemed like a small one but for many families of Canberrans who gave the gift of life in death it did mean the world.

This bill today also amends the Births, Deaths and Marriages Registration Act. In this instance it is to enable two opportunities for the recognition of an individual's true identity on their birth certificate. Again, these are straightforward and small changes but I expect that, just like with the bill earlier this year, they will be of great importance and, for some, life changing.

The first opportunity allows a young trans, intersex or gender diverse Canberran to change their birth registration details and birth certificate to better reflect their gender identity. This seemingly small change could be life changing for a young person who just wants to be recognised, including on formal documentation, for who they are—life changing in formally recognising their true self and life changing in how they go about their lives.

A simple task like applying for a job can be incredibly fraught for a young trans, intersex or gender diverse person. I cannot begin to imagine what it must be like to apply for a study or work opportunity only to have to present documentation that does not reflect your gender identity. As Minister Rattenbury has outlined, we know that there is a higher prevalence of mental health issues among transgender, intersex and gender diverse young people. This amendment goes some way to better supporting these young Canberrans.

This bill also provides an opportunity for people born and adopted in the ACT to obtain an integrated birth certificate that formally recognises both their birth parents and their adoptive parents. In some instances a person born overseas and adopted in the ACT may also be issued an integrated birth certificate. Again, this seemingly simple change could be an incredibly significant one for Canberrans who feel that their family history, their identity, is not otherwise properly reflected on their birth certificate.

In the past, adoption was often shrouded in stigma and secrecy. Thankfully, today this is much less likely to be the case. A shift to open adoptions means that many children grow up with an understanding of their adoption and, where possible, have information about or even a relationship with their birth parents. A birth certificate is one of the most significant documents there is, particularly in terms of its being a formal document reflecting your life, and one that is often crucial to telling a family's history and a person's place in it. So it is understandable that an individual who was

adopted may wish to include their birth parents as well as their adoptive parents on an integrated birth certificate.

I believe that the Births, Deaths and Marriages Registration Amendment Bill 2020 strikes the right balance between a range of important considerations. The bill allows a transgender, intersex or gender diverse person who is at least 16 years old to apply to the Registrar-General for changes to their given name and recorded sex without the need for parental consent. There is already, obviously, a precedent for entrusting 16-year-olds with significant decisions such as sexual consent. Therefore, it seems appropriate to allow 16 and 17-year-olds to have greater agency over their identity.

As Minister Rattenbury outlined, applicants will need to satisfy the usual requirements for seeking a change of registered sex, including a certificate from a doctor or psychologist. This bill also provides young people aged between 12 and 15 years of age with an opportunity to make an application to the Registrar-General via the ACT Civil and Administrative Tribunal without parental consent. In exceptional circumstances a person under the age of 12 may also apply to the tribunal, but in those cases it is only with the consent of a parent or guardian.

In both instances the young person's parents or guardians will be informed of the application so that they have an opportunity to voice their views on the child's capacity to request this change, unless the tribunal determines that notifying the parents or guardians poses a risk to the child. This process recognises the importance of involving a child's family as much as possible in what is a significant decision—a decision made by a young person who might benefit from having that extra support.

This bill also allows someone born and adopted in the ACT, and in some instances someone born overseas and adopted in the ACT, to apply to the Registrar-General for an integrated birth certificate formally recognising both their parents and their adoptive parents. Understandably, there are some conditions regarding privacy, but that is in line with the Adoption Act. Importantly, this process will not be time sensitive. An application can be made for a historical adoption or a future adoption.

For the people that the opportunities presented in the Births, Deaths and Marriages Registration Amendment Bill 2020 affect, the ability to have agency in this space will be significant. It is about choice and it is about respect: the choice to formally acknowledge a person's identity, that person's story, on their birth certificate. A decision to change a birth certificate is a deeply personal one. The two options this bill proposes are exactly that: they are options. It is entirely up to the individual to decide whether the relevant option is something that they wish to pursue. It is also about respect for an individual's story, respect for an individual's identity and respect for people, period. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS LAWDER (Brindabella) (5.32): I seek leave to move amendments to this bill that have not been circulated in accordance with standing order 178A and have not been considered by the scrutiny committee.

Leave granted.

MS LAWDER: I move amendments Nos 1 to 4 circulated in my name together *[see schedule 2 at page 2027]*. As I have previously stated, the age when a person becomes fully responsible is a difficult matter and one which is currently being debated around the country in relation to the age of criminal responsibility. The most recent meeting of the Council of Attorneys-General acknowledged that more research needed to be done, and they are not expecting that report for consideration until next year.

As we have acknowledged, these are difficult challenges. In this instance we believe that 12 is too young to take these steps without a parent's or guardian's support. After all, we are talking about someone still at primary school. Given all the complexities, we believe 14 years of age to be a more appropriate age. I commend my amendments to the Assembly.

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) (5.33): The government will not be supporting these amendments. It is surprising to have received them today.

This bill was tabled in the Assembly on 23 July. The Canberra Liberals have not sought a briefing on this bill in this period. We had to defer the debate this morning to enable these amendments to be finished by the Parliamentary Counsel's Office today so that they could then be circulated during the middle of the day. So it does feel a little rushed, that this is a last-minute thought. The amendments that have been proposed literally almost do not have the ink dry on them from the Parliamentary Counsel's Office.

But it is the substance of the issue that is really the important matter here. As the explanatory statement clearly sets out, Equality Australia conducted an independent and comprehensive legal audit of ACT legislation and regulations for laws which could discriminate against or cause harm to LGBTIQ+ people. The amendments in the government bill are modelled on the recommendations made by Equality Australia in its report entitled *ACT LGBTIQ+ Legal Audit: Reforms for an Inclusive ACT.*

The report identified areas for law reform to remove discrimination and help to make the ACT a safe, respectful and inclusive jurisdiction for all. In refining the policies for the change of gender identity, the government consulted A Gender Agenda; the ACT Civil and Administrative Tribunal; the ACT Human Rights Commission; the births, deaths and marriages registration section within Access Canberra; the ACT Office for LGBTIQ+ Affairs; and the Youth Law Centre, which is a division of Legal Aid here in the ACT. As the Chief Minister said in his foreword to the capital of equality strategy:

> The ACT Government supports the realisation of LGBTIQ+ equality as part of our broader commitment to social inclusion and equality …
>
> While our jurisdiction has seen some significant gains, there is more work to do—particularly in addressing the needs and priorities of trans and intersex Canberrans.

In terms of the substance of Ms Lawder's amendments and why we do not support them, the age of 12, for the purposes of creating further pathways for application to the Registrar-General, was chosen after extensive consultation with a range of advocates and experts in the field. It accords with the age at which many young people enter high school in the ACT, and we know that this is a critical transition point for the small number of young people who this legislation will support.

While 12 corresponds with the social transition to high school, it also corresponds for many young people with the onset of puberty. Literature on gender diverse young people indicates that the onset of puberty and adolescence is often a critical time when transgender young people may experience increased feelings of gender dysphoria and may be prompted to seek counselling and treatment.

The age of 12 is also particularly important as it is the age when young people are more likely to be travelling independently on public transport and will need to produce student identification. If students are not able to change their name on their photo identification, this may out them and risk exposing them to discrimination and bullying.

Another point worth adding is that the age of 12 in the bill is simply the age at which a young person may make an independent application to ACAT, not the age at which they may make this decision for themselves. It will be up to the ACAT to assess on an individual basis whether the young person has sufficient maturity and understanding to make the decision to change their registered sex or given name. We have built that into the ACAT process because, while all children and young people have evolving capacities, they do mature at different rates. We believe that the ACAT is well placed to determine the capacity of the child or young person and to consider all the circumstances.

It is also important to remember that the existing criteria for changing sex registration will continue to apply, so it will be necessary to have the support of a treating practitioner, working with the child or young person, who will need to provide evidence to the registrar. Not being able to obtain identification documents that accurately reflect their gender identity can create a range of difficulties and increase the chance of the young people being subjected to discrimination, prejudice or bullying.

This is a particular concern as, as I noted in my earlier remarks, transgender, intersex and gender diverse young people do face higher risks of depression, anxiety and other mental health issues than other young people do, and they also face greater risk of self-harm and suicide. We believe that these changes support an increased opportunity for better mental health.

I appreciate the remarks Ms Lawder made in the earlier debate about the sensitivity of this issue and the overall support for the bill, but the government will not be supporting the proposed amendment to increase that age to 14 in a number of parts of the legislation. We believe that the evidence we have looked at in reaching the position that is proposed in the bill is strong. In the absence of counter-evidence presented by Ms Lawder, who simply said, "The Liberal Party believes that 14 is the more appropriate age," we intend to continue with the proposal in the bill, which we believe has a good grounding in both research and consultation.

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020

Debate resumed from 7 May 2020, on motion by **Mr Ramsay**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (5.40): I rise today to speak on the Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020. As the shadow minister for seniors, I recognise that elder abuse is a serious issue that both the federal government and the media have shone a light on in recent years. To take advantage and abuse our society's most vulnerable is despicable. Elder abuse in any form is never okay. The community sector, just as one sector, has long been fighting for action on tackling elder abuse. That is just one of the reasons why we will be supporting this amendment bill today.

This legislation has not been without some criticism along the way. I reiterate that I am supportive of the legislation's intentions, but there were some concerns surrounding it when it was first presented. Perhaps it was rushed and maybe some processes were skipped in trying to get it passed during this term of the Assembly. I heard from some community organisations about the lack of consultation with stakeholders prior to introducing this legislation into the chamber. I would like to mention to the Attorney-General that community consultation is vital in improving legislation. And, to put it frankly, it is also very good manners to talk with our community organisations. Having worked in the community sector myself, I can strongly recommend that.

We heard concerns raised by the ACT Law Society and the Bar Association, which both came out strongly against this legislation. Their concerns about the legislation included that it duplicates existing offences in the ACT and may add confusion to the current legal definition of "vulnerable person" as outlined in the Disability Services Act 1991. They also expressed concern at the phrase "for any other reason is socially isolated or unable to participate in the life of the person's community". Sometimes

that wording can be quite confusing and clunky and may not add to the application of the legislation.

The scrutiny committee raised some concerns with the legislation. They noted that by drawing a distinction based on age and other attributes of a person, the offences in question may limit the right to equality before law protected by section 8 of the Human Rights Act.

While I recognise the concerns surrounding the limit on the age of a vulnerable person, I am supportive of the age threshold of 60. Sixty is the age at which most Canberrans are characterised as a senior, although in some cases it is even 55 or 55-plus. We know—and this is exactly what this legislation is getting at—that as a senior you may be more susceptible to abuse, whether by a carer, a friend or a family member.

Another concern raised was that in a case where a carer at an institution was charged with one of these offences, the defendant may not be able to prove that they were complying with the institution's procedures and practices or at the direction of a person in authority. I acknowledge that the Attorney-General has now provided further information explaining that, in circumstances where an institution and an individual employed as a carer are charged with an offence, several defences relating to the employee acting in accordance with the employer's directions or procedures will be available solely to the individual and not the institution. There are also concerns about how a defendant may be able to prove that they were in compliance with an institution's procedures.

Having outlined those concerns as raised by others, I reiterate that, as shadow minister for seniors, protecting senior Canberrans is my main priority. That is why we are supporting this bill today.

The scrutiny committee also raised concerns regarding the ambiguity and point of difference between terms such as "person in authority in an institution" and "person associated with the institution". The term "in authority" was not defined in the legislation. I understand that certain considerations are likely to be made, given an individual's circumstances, to define whether they were in authority and to what degree. However, this is another example of somewhat confusing language in the legislation.

Similarly, the scrutiny committee was unclear about whether it is sufficient that a carer is required to provide a necessity of life as part of the arrangements under which they provide care or whether it is even possible for a carer to provide the necessity due to their ability to control that aspect of the care provided. The Attorney-General has provided a response to this, saying that section 36C(2) is not intended to render a person liable for providing only some of the necessities of life. I hope that this poor wording will not lead to unintended consequences.

Madam Speaker, I welcome the amendments put forward by the government—in particular, moving forward the review process to 12 months after commencement, as opposed to two years. This is important legislation. There is some confusing language and some clunky wording and phrases. I hope that the review will identify whether

any changes are required once we have got this further down the track. It is important legislation for seniors in the Canberra community. That is why the Canberra Liberals are supporting this legislation today.

MS LE COUTEUR (Murrumbidgee) (5.46): The Greens will be supporting this bill and the government amendments. When this was first tabled in the Assembly in May, it gathered a lot of concern from the community members and organisations who had not been consulted in the lead-up, particularly the disability sector. This is largely because, I assume, the consultation process undertaken to explore strengthening responses to elder abuse resulted in a large quantity of submissions, including from me, asking the government to extend any increased protections to all vulnerable adults, not just elderly people. Sadly, the submissions in that consultation process have not been made public. That is a step the ACT government should have taken to ensure transparency and to maintain a level of trust with the community.

I was pleased to learn that considerable consultation took place with the disability sector after the tabling of the bill and that the amendments the government has tabled today are indicative of the feedback provided.

Today is another opportunity to recognise and be thankful for the strong advocacy provided by Sue Salthouse, who I believe was working on this in her final days. On Tuesday at her state memorial, which I had the privilege of attending, the notion of the ripple effect of her work was described. This is a perfect example of that. People that she never knew will benefit from her work well into the future because of her rigour.

Because this legislation engages a number of human rights, it is right that we do whatever we can to ensure that there are no unintended consequences and that it achieves the increased protections that are desired for vulnerable people in the ACT. That is why I welcome the government amendments to delay the enactment of this legislation for eight months. This interim period is a crucial time that must be used effectively to ensure that vulnerable people, those who care for them and the relevant organisations, institutions and corporations who are stakeholders in this space are informed and educated about the legislation and its impacts. In this way, once the act commences, appropriate action can be taken because people will understand how it works and will know what to do. This includes ensuring that information is provided in accessible ways and reaches Aboriginal and Torres Strait Islander and multicultural communities as well as people with disability and our seniors.

Equally important is the amendment to bring forward the review date to as soon as practicable after the end of the first 12 months of operation, as opposed to two years. That first 12 months should provide sufficient time to identify at least the most significant deficiencies in the legislation. I am not suggesting that I know what they are; I am just saying that if they do exist, 12 months should be a reasonable time to look at it, rather than waiting for two years, which might be too late if there is something that really needs acting on.

What is important but is not legislated is that proper transparent and broad consultation should occur with all stakeholders when undertaking that statutory

review, and public submissions should be invited. This should include individuals affected and protected, organisations and corporations providing care, carers themselves, and the NGOs who represent or work with vulnerable adults. A full feedback mechanism should be considered to demonstrate what information was provided to government and what efforts are being made to address any concerns that are raised.

With respect to the specific offences, I am pleased to see that section 36A covers abuse that causes harm or significant harm to a vulnerable person and includes whether someone responsible for providing care has received a financial benefit from the abuse. It is important that all forms of abuse are included.

We know that by far the greatest form of abuse against our elderly is financial abuse; and, sadly, often that is perpetrated by family members. The problem with this is that very often the person being abused financially has no interest whatsoever in—actively does not want—a criminal justice response. All they want is the issue resolved. That is why I was very pleased to see that the Human Rights Commission was given the power to investigate and conciliate in such matters, offering an alternative civil remedy. I am told that since May referrals have steadily increased and abuse against vulnerable adult matters have been appropriately addressed by the Health Discrimination Commissioner. This alternative pathway to resolution is vitally important and sits alongside this legislation.

I am pleased to see that the new offences of holding institutions responsible for the abuse or neglect of vulnerable people in their care, including failing to protect a person and providing the necessities of life, are included in this legislation at sections 36B and 36C. This holds decision-makers and those in authority in institutions and residential care facilities to account in matters of abuse and neglect of vulnerable adults, just as has been done through improvements informed by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Particularly at this time of COVID-19, when people in residential care facilities, including aged-care homes, are facing increased isolation, it is important that this legislation is passed. Residential care facilities will have to ensure that they have adequate plans in place in the event of increased infections. And they now have legislative obligations over and above those under the Aged Care Quality and Safety Commission or the NDIA Quality and Safeguards Commission to ensure appropriate and safe care, with the knowledge that failure to meet them may, in the last resort, result in imprisonment.

I support the amendment that means that the vulnerability of the victim needs to be taken into account when sentencing, particularly if the offender knew and was aware that their victim was vulnerable.

I am aware that the scrutiny committee raised concerns about specifying the age as 60. However, I recognise that stipulating this age sends a clear message that the elderly in our community are afforded these protections. I note that, should offending occur to someone who is under 60 or does not have a disability or vulnerability, existing provisions for offences will capture them.

Similarly, where a defendant has a legal burden to show that their conduct was reasonable or beyond their control in circumstances where they are associated with an institution, the issue of the right to a fair trial is engaged. However, I agree with the minister's response to the scrutiny committee and acknowledge that, in the main, the presumption of innocence still applies.

This legislation is complex and engages a number of human rights. As I said earlier, most importantly, it aligns with the United Nations Declaration on the Rights of Persons with Disabilities and is aimed at increasing protections for vulnerable members of our community. Its intent is certainly good. Its application and any unintended consequences remain to be seen. That is why I reiterate that I am pleased that the review date has been brought forward.

Much needs to be done before enactment, including ensuring adequate and appropriate resourcing of the agencies funded to provide supports and advocacy or resolve complaints. The ACT Human Rights Commission, the Public Advocate, the Disability and Community Services Commissioner and the Health Services Commissioner must be adequately resourced to exercise their investigative powers in relation to allegations of abuse against older people. As well, organisations must be given additional funding to provide advocacy for individuals, particularly to provide assistance with supported decision-making and promoting awareness of rights and pathways to remedy.

If—or, more likely, when—systemic problems are found, as seems to be the case right now in aged care, and that is why we are having the royal commission, it is very important that, as well as a potential criminal justice solution, the underlying causes of the systemic abuse are addressed. It will be very interesting to see the results of the royal commission. This legislation will only have the desired positive effect if it is accompanied by a clear commitment to investigation, advocacy and problem-solving. Problem-solving definitely needs to be part of the commitment as part of this legislation.

As I mentioned earlier, as far as the protections go for our elderly, there is still a way to go. Much of the work will be national, given the commonwealth funding arrangements. I hope that the next ACT government continues to work collaboratively on the national plan and development of the national online register of enduring powers of attorney. If this cannot be done across all jurisdictions, and I personally think it can, at the very least we can do it here in the ACT while we wait for others to catch up. This would be an area we could easily lead in.

Madam Speaker, I support this bill and the amendments I anticipate being brought forward by the government.

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) (5.57), in reply: At the start I thank Ms Lawder and Ms Le Couteur for their comments and for their support for this important bill. I also thank the scrutiny committee for its comments.

This is another important part of the ACT government's commitment to making Canberra an age-friendly city and an inclusive city. It will be the first time in Australia that elder abuse and the abuse of a vulnerable adult is specifically recognised as a criminal offense.

This legislation has arisen from substantial community consultation, well over 12 months of community consultation, before the drafting of this bill. It arose out of the work that led to the age-friendly city vision and then the age-friendly city plan that was led by the Ministerial Advisory Council on the Ageing, the broader consultations that led to the development of those important pieces of documentation. This commitment to the age-friendly city plan is an important part of this legislation.

I also thank and acknowledge the many people who have spoken in relation to this bill since its introduction and prior to its introduction as well. I thank and acknowledge Kay Patterson, the national Age Discrimination Commissioner, who as recently as earlier this week spoke in support of the importance of this bill and the leading role that the ACT is taking in relation to reducing the impact of elder abuse. I thank Legal Aid and the OPAL Service for the work that they provide in education and support and the services that are there. I thank COTA and National Seniors, who fed into this legislation originally. COTA was with me earlier today in support of this.

I place on record my appreciation to the Disability Reference Group, who have been extremely helpful and extremely strong, as well as Women with Disabilities ACT and to people who have worked across the community as well, not only in Canberra but also across Australia and indeed people who have been in contact with the ACT government and been in contact with me personally from different parts of the world in support of this important piece of legislation.

We know that older people and people with a disability experience abuse at higher rates than other adults and that this abuse is most likely to be perpetrated by someone that they know. Sadly, too often that occurs within institutional care settings. We all agree in this place that this is not acceptable. Our laws must adapt to recognise modern understandings of vulnerability and to ensure that every person can realise their right to live free from abuse, violence and exploitation. People who are vulnerable because of their individual circumstances often rely on others for care—and they do so in a variety of ways—and that can make them susceptible to abuse and neglect. It is unacceptable that institutions or individuals who are in positions of authority have failed to provide the necessities of life, leading to the appalling outcomes that we have seen too often for vulnerable adults. This bill holds those institutions liable at a corporate criminal responsibility level.

To quote the late Sue Salthouse OAM, the ACT Senior Australian of the Year and advocate for people with disabilities, with whom I was honoured to work on this bill, "This bill is a game changer. This is especially the case for women with a disability who are subjected to deliberate forms of abuse." I am proud to be part of the government taking meaningful action to change the way in which the criminal law is able to understand and to respond to our most vulnerable people and to hold accountable those who exploit them.

This bill criminalises abusive conduct towards a vulnerable adult by someone who is responsible for their care. We know that abuse against vulnerable people is complex and it can take many forms. It can be insidious. It can develop over time, not dissimilar from the dynamics of grooming or domestic violence. And that is why this bill recognises that a wide range of behaviours, including acts that are violent, can be abusive. It includes conduct that is designed to create dependency on the abuser or to isolate a vulnerable person or to limit access to services or to deprive or restrict a vulnerable person's freedom of action or frighten, humiliate, degrade or punish a vulnerable person. This bill progresses the criminal law so that it can more appropriately recognise and respond to such behaviours.

We recognise that there are many people who are providing care to vulnerable adults who are doing so to the best of their ability and who are acting in good faith. The new offences in this bill are focused on protecting vulnerable people against gross neglect, deliberately abusive behaviour, not minor lapses in care. The definition of the offence and the targeted offence attest to this vital difference. To be captured by the new offence, the abusive conduct must result in harm to the vulnerable person or a financial benefit for the individual who is responsible for their care or someone that that person is associated with.

We have seen many situations where people who have the position and the responsibility to care have not done so. Turning a blind eye to abuse or neglect is not acceptable here. Institutions have a responsibility to protect residents in their care from harm. This was fundamental in the findings of the Royal Commission into Institutional Reponses to Child Sexual Abuse and it should be no different for vulnerable adults.

While most institutions that provide care for vulnerable people have policies and procedures in place to provide appropriate care, we have already seen in the testimony to both the aged-care and the disability royal commissions that there are still too many cases where the level of protection for vulnerable adults falls short. This bill will hold people responsible when they are in positions of authority in institutions and they fail to intervene when a vulnerable person is at risk.

The final criminal offence that is introduced in this bill is a neglect defence, bringing the ACT into line with other Australian jurisdictions. Under this new offence a person or institution responsible for providing care to a vulnerable person must ensure that the necessities of life they are responsible for providing to the person are being provided to that person. These necessities include such items as food, medicine, clothing, water and access to essential services. These are things to which we are all entitled.

Finally, the bill introduces a new sentencing consideration for the court to take into account when the victim is a vulnerable person. This new sentencing consideration is about ensuring that sentences reflect the seriousness of offending against vulnerable people. These changes mean that, when sentencing an offender, the court can consider whether the offender knew or ought to have known that the victim was a vulnerable person, the extent of that vulnerability and the loss or harm that is caused to the vulnerable person, and sentence accordingly.

The ACT government knows it will take more than laws to prevent abuse of the most vulnerable in our community. These legislative changes complement existing legislative and non-legislative measures that are in place to protect vulnerable adults in the ACT.

In 2019 the ACT government invited public submissions on the potential for legislative reform to address elder abuse, in the proposed response to elder abuse in the ACT discussion paper. There was much community feedback across a number of conversations and that highlighted the need for a range of legislative protections not only for older people but also adults who have a vulnerability arising not only from their age.

The ACT government listened to this feedback and that is why the protections in this bill apply to both adults with a disability and vulnerable adults over the age of 60. In fact, during this year I have personally engaged in consultations with advocates for and within the disability sector to ensure that I have heard those voices directly, and again I thank them for that. I thank everyone who has been part of these consultations.

It was Sue Salthouse who put forward the recommendations that form the government amendments that I will be moving shortly. The government amendments to this bill include a formal review mechanism which will enable consideration of any unintended consequences that may arise and an eight-month delay in the commencement to allow time for implementation and training for staff in the relevant sectors.

Before I finish, I take time again to acknowledge the contribution to the development of this bill by Sue Salthouse. Sue spent her life in the service of the community, working tirelessly to make our city a more inclusive place to live. Sue demonstrated an unwavering commitment to promoting an inclusive Canberra community that supports people with a disability. Sue was instrumental in the work that underpins this bill and, as always, Sue was a solutions-focused person, achieving important outcomes for the community. We owe her a world of gratitude for her tireless work. I present a revised explanatory statement to the bill. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle

Detail stage

Bill, by leave, taken as a whole.

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) (6.08): I seek leave to move together amendments Nos 1 to 3 circulated in my name.

Leave granted.

MR RAMSAY: I move amendments Nos 1 to 3 circulated in my name and table a supplementary explanatory statement to the amendments *[see schedule 3 at page 2028]*. I have outlined, and other speakers have already outlined, the intent of the amendments. I commend them to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

Justice Legislation Amendment Bill 2020

Debate resumed from 10 June 2020, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (6.10): The Canberra Liberals will not be opposing this bill. It covers a large range of changes across a broad range of portfolio areas. Some of these changes appear to be technical but others are more substantive policy changes. I will not go into each technical change, but I will speak briefly on a couple of matters that touch on more substantive areas, particularly within my portfolio. I note that, across a range of portfolios, other members of the Liberal Party have looked at this and, other than comments from Ms Lawder, have nothing further to add to the debate.

I will refer to a couple of areas. Firstly, the changes to the Discrimination Act 1991 and the Criminal Code 2002 appear to be definition changes. However, they are worth noting. Under the new changes "sex characteristics" will mean a person's physical features relating to sex, and include genitalia and other sexual and reproductive parts of the person's anatomy, and the person's chromosomes, hormones and secondary physical features emerging as a result of puberty. "Gender identity" will be defined as the gender expression or gender-related identity, appearance or mannerisms or other gender-related characteristics of a person, with or without regard to the person's designated sex at birth. Although it is a definitional change, it may in effect be more substantive than that in terms of delineating between sex and gender.

There are changes to the Fair Trading Act 1992 and the ACT Civil and Administrative Tribunal Act 2008 which create a change in the real-world application of those pieces of legislation. The changes will allow the Commissioner for Fair Trading to make binding conciliations for matters up to $5,000. This includes giving the commissioner the ability both to call for conciliations and to enforce any agreement reached. The commissioner is intended to act as an impartial third party to resolve matters raised. The parties themselves then decide the outcome of the conciliation, usually with advice from the commissioner.

Changes to the ACAT Act mean that the commissioner may apply to the ACAT for enforcement orders if a party fails to comply with an agreed outcome. This is stated as being a better way for consumer complaints to be dealt with and to be enforced, and we support those changes.

Other areas of substantive policy changes are those made to the Spent Convictions Act 2000 and the Court Procedures Act 2004. The changes will allow a person to apply for a youth sexual offence conviction to be spent in limited circumstances. Historically, sex offences cannot be spent, and in most cases that is for very good reasons. There are, however, some very limited circumstances where justice may be better served with more flexibility.

Under the proposed changes, this new option will only apply if the offence occurred when the offender themselves was a minor, and there must have been either no sentence of imprisonment or one for less than six months. Upon application, the court must notify the victim, other affected parties, the Chief Police Officer and the DPP, who are all entitled to make submissions. The court must also take into consideration the nature and circumstances of the offence, the original sentence, the views of the victim and affected parties, any risks involved and the interests of justice.

In short, this change is to deal with what is sometimes described as "Romeo and Juliet" circumstances, where two young people have had a sexual relationship and the offence is essentially made out because of age alone. In those circumstances there may be cases where justice does not mean a life sentence. With the conditions and safeguards contained in this proposal, we support this change.

As I mentioned earlier, I have received comments from my colleague Ms Lawder about the amendments to the Domestic Animals Act 2000. The Canberra Liberals, for many years now, have called for stronger domestic animal legislation. We firmly believe that this act needs to be further strengthened to better protect individuals and animals from dog attacks.

Updating the definition of "serious injury" in relation to dog bites to align with Dr Ian Dunbar's dog bite scale is a step in the right direction. However, it does not go far enough. Canberrans and their pets deserve to be better protected than they currently are if they are attacked by a dangerous dog. The Canberra Liberals are committed to delivering stronger dangerous dog legislation in the future.

The Canberra Liberals are supportive of the introduction of the requirement for those selling or giving away a cat or dog to include an ACT breeding licence number or the person's rehoming identifier and the unique microchip of the animal in question. We believe that these amendments better align the legislation with the New South Wales domestic animal legislation and create more cohesion between the two jurisdictions. However, we do have concerns about how these new requirements will be enforced if they are passed, as they will be today.

The process of conducting random ID checks on puppies for sale on Gumtree in Canberra seems arbitrary and irregular. It would seem that this government has

developed a dangerous habit of pushing through legislation without proper analysis of how it will be effectively implemented. Nevertheless these amendments are a step in the right direction to better protect domestic animals and the Canberra Liberals will be supporting them today.

I note that there are a couple of amendments that will be moved. We have looked at them, and I indicate that we will be supporting those amendments at the detail stage.

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel, Minister for Tertiary Education and Minister for Transport) (6.16): I rise today to speak briefly on the Justice Legislation Amendment Bill 2020, particularly on two amendments included under the Domestic Animals Act 2000. One of the amendments relates to the definition of a serious injury in relation to dog bites and the other relates to strengthening laws to tackle illegal online sales of cats and dogs.

Firstly, updating the definition of a serious injury is a small but important change. The bill updates the definition so that a serious injury occurring from a serious dog bite is in line with the Dunbar bite assessment scale. The Dunbar scale provides a consistent approach to interpreting the severity of a dog bite and will provide greater clarity about when a serious dog bite has occurred. A rating of four or above on the scale will be considered a serious bite. Recommendation 29 of the independent expert review into dog management made reference to the Dunbar scale as a consistent approach to clarify incidents and to assist in decision-making. This amendment will help to meet that recommendation.

The other key amendment in this bill relates to new requirements when advertising to sell or give away a cat or a dog. We know that illegal breeding remains an issue in the ACT and across the country. While the government has employed more Domestic Animal Services rangers, it can be difficult to track down online sellers who are doing the wrong thing. At present it is an offence under the Domestic Animals Act 2000 for a person to breed a dog or a cat and then sell that animal without a breeding licence. It is also currently a requirement for a person who holds a breeding licence to display the breeding licence number on any advertisement to sell a dog or cat. There are some people selling dogs and cats online who are not currently providing this information, making it difficult to differentiate between valid breeders and those who are illegally selling puppies or kittens online.

So this change in the act—I am just responding to Mr Hanson's comments—is directly about making it easier to enforce the legislation that we currently have and about harmonising with New South Wales legislation. The amendment will introduce a new requirement that any person advertising, selling or giving away a cat or dog must include an ACT breeding licence number or a unique identifier from a microchip, regardless of whether the person bred the animal or not. This harmonises our laws with recent changes in New South Wales to ensure consistency across the border, particularly noting that many animals for sale online in the ACT may be from the surrounding region. These new requirements will make it easier to trace these animals and reduce instances of illegal breeding, to further promote animal welfare in the territory. I commend both of these amendments and the bill to the Assembly.

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) (6.19), in reply: The omnibus bill that we are discussing today, the Justice Legislation Amendment Bill 2020, makes minor, technical and substantive amendments to 28 acts and regulations across nine ACT government ministerial portfolios. The government is committed to delivering a safe community and a fair and accessible justice system for Canberrans, and the amendments in the bill demonstrate this commitment in three ways.

Firstly, the bill strengthens protections for ACT consumers and promotes equal rights and opportunities for all Canberrans. Secondly, the amendments streamline the ACT Human Rights Commission's complaints processes so that complaints can be more easily resolved by the commission and referred to the ACT Civil and Administrative Tribunal, ACAT. Thirdly, the amendments simplify legislation and provide for greater legislative certainty. The bill also creates a new offence under the Domestic Animals Act, as has been discussed, and expands on an existing offence under the Road Transport (Alcohol and Drugs) Act 1977.

The bill amends several acts in order to strengthen protections for ACT consumers. The bill inserts a new division 5.1A in the Fair Trading (Australian Consumer Law) Act 1992 to empower the Commissioner for Fair Trading to conduct binding conciliation of consumer disputes up to the value of $5,000. This is the matter I referenced in question time earlier today. As such, consumers with low value claims of $5,000 or less will be provided with an alternative option to taking their matters to ACAT, and this will improve access to justice.

As part of the conciliation process the commissioner will act as an impartial third party to assist the consumer and the business to resolve the consumer complaint by binding agreement. The business must attend a conciliation if requested to do so by the commissioner. If a business does not have a reasonable excuse for failing to attend a conciliation it may be subject to a civil penalty. This substantive policy change will strengthen the enforcement remedies available to consumers under fair trading laws.

The bill amends the Agents Act 2003 to ensure that only suitable people are licensed as real estate agents or registered as salespersons in the ACT. The bill sets out a range of suitability matters that the Commissioner for Fair Trading must consider when deciding whether to disqualify a person who has been convicted of a relevant offence from being so licensed or registered. This change will strengthen trust and confidence in the profession. The bill also amends the Fuels Rationing Act 2019 and the Fair Trading (Fuel Prices) Act 1993 so that the fair trading protections available under the Fair Trading (Fuel Prices) Act are available to consumers of hydrogen fuel and electricity.

The bill makes amendments to the Discrimination Act 1991 and the Spent Convictions Act to further promote equal rights and opportunities for members of our community. By updating language, amendments to the Discrimination Act 1991 clarify the ability of Canberrans who experience discrimination based on the protected attributes of gender identity, sexuality and sex characteristics to bring a complaint.

The bill makes amendments to the territory's spent convictions scheme by inserting a new division 2.2 in the Spent Convictions Act 2000 in relation to youth sexual offence conviction. The youth sexual offence conviction is where a person is not dealt with by the court as an adult, and where the court imposes either no term of imprisonment or the sentence of imprisonment imposed is not more than six months.

These amendments will allow a person with a youth sexual offence conviction to make an application to the relevant court for the conviction to be spent after that person has completed a five-year crime-free period. The court must consider a range of factors in deciding whether it is in the public interest to make an order that a youth sexual offence conviction be spent. These factors include the nature, circumstances and seriousness of the offence for which the person was convicted and the views of the victim of the offence. I think the observation Mr Hanson made about that proposal and the sorts of circumstances that are envisaged summed up the discussion quite well.

The bill amends the Human Rights Commission Act 2005 to make the ACT Human Rights Commission's complaints processes more efficient and effective. The bill inserts a new section 53BA in the act to allow the commission to refer commission-initiated discrimination matters to ACAT for determination. Currently, the commission can only refer unresolved complaints about alleged discrimination and vilification matters to ACAT upon a complainant's request. This amendment will allow the commission to address systemic discrimination in the ACT.

The bill makes amendments to allow a complainant to verbally withdraw their complaint to the commission. Currently, the commission is only able to close a complaint if a complainant withdraws their complaint in writing. The bill also removes the requirement that the commission must be satisfied that a complaint matter is likely to be successfully conciliated. As such, the commission will be able to refer more matters for consideration because it will only need to be satisfied that a matter is appropriate for conciliation. Finally, the bill introduces an amendment to the act to allow a case officer working at the commission to conciliate and consider the same complaint.

The bill also makes amendments to several other acts and regulations to simplify legislation and provide more legislative certainty. These amendments include removing the reference to the Australian Standard for Adaptable Housing in the Civil Law (Sale of Residential Property) Act 2003 and relocating it to the Civil Law (Sale of Residential Property) Regulation 2004 to allow for timely amendments in the future, should the standard change. It amends the Classification (Publications, Films and Computer Games) Enforcement Act 1995 to simplify the licensing scheme for the distribution of X18+ films so that the ACT offers a single licence to deal in X18+ films.

It amends the Victims of Crime Act 1994 to remove the requirement that the amount of the victim's services levy must be stated on a defendant's fine order or penalty notice.

It amends the Unit Titles (Management) Act to provide that where a form is approved for proxy votes it must be used. An amendment is also made to clarify that the owners' corporation may have more than one bank account.

It amends the Liquor Act 2010 and the Liquor Regulation 2010 to complete the implementation of the perpetual liquor licence scheme introduced by the Liquor Amendment Act 2017.

It amends the Domestic Animals Act 2000 to expand the definition of serious injury to include a serious dog bite and insert a new definition of serious dog bite. This was discussed earlier in the debate.

It amends the Crimes (Sentence Administration) Act 2005 to clarify that victims may provide both oral and written submissions to the Sentence Administration Board in parole application hearings. Victims are now able to request that their submissions be kept confidential by the board. The amendments also extend the period that the board may adjourn a parole, from seven to eight days, and empower the board to issue an arrest warrant for an offender who is appearing otherwise than in custody when the matter is adjourned and the board decides to remand the offender in custody. It amends the Crimes (Sentence Administration) Act 2005 to clarify that the time a warrant of arrest is outstanding does not count towards the time an offender is serving a sentence of imprisonment by intensive correction order.

The bill also creates a new offence under the Domestic Animals Act 2000 and expands on an existing offence under the Road Transport (Alcohol and Drugs) Act 1977. A new strict liability offence is included in the Domestic Animals Act 2020 to reduce unethical breeding in the ACT. The amendments require a person advertising, selling, or giving away a cat or a dog to include either an ACT breeding licence number or the person's rehoming identifier and the unique identifier from the dog or cat's microchip.

Finally, the bill amends the Road Transport (Alcohol and Drugs) Act 1997 to expand the existing offence of driving or riding a vehicle while under the influence of alcohol to also include driving or riding a vehicle under the influence of a drug. A technical amendment is also made to the Road Transport (Offences) Regulation 2005 so that the regulation refers to the expanded offences under the act.

The government is also proposing a minor amendment to the bill to include an amendment to the Employment and Workplace Safety Legislation Amendment Act 2020. This amendment will allow for sections 105 to 108 of the act to commence by written notice of the Minister for Employment and Workplace Safety. That amendment will be moved in the detail stage, along with other potential government amendments.

In closing, the bill improves the operation of the territory's laws and delivers a safe community and a fair and accessible justice system for Canberrans. I thank members for their support for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

At 6.30 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

Detail stage

Bill, by leave, taken as a whole.

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

Adjournment

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

> That the Assembly do now adjourn.

Mr Alexander Arnel—tribute

MRS KIKKERT (Ginninderra) (6.31): I rise today to congratulate Alexander Arnel of Page on reaching a very significant milestone. On 2 April this year he concluded a century of living. I greatly enjoyed meeting Alex and his daughter and learning more about his life's journey. It is often said that fact can be more exciting than fiction, and Alex's 100 years have certainly been filled with a good deal of excitement.

Born in Ballarat and raised in the small town of Stawell in the Grampians, Alex left home after his schooldays to pursue teacher training. Personally determined never to fight, he watched first his older brother and then his father, a veteran of World War I, enlist to serve in the armed forces. The former was sent to the Middle East and the latter was assigned to New Guinea. This made Alex reassess his earlier position. He said, "What's the difference between fighting the enemy over there or waiting until they come to the door?" He asked himself, "Would I fight them at my door?" "Yes," he concluded. So in January 1941 he enlisted in the Royal Australian Air Force.

What happened next could easily be the script for an adventure movie. Alex's aeroplane was hit by ground fire whilst he was engaged with enemy fighters over Italy in 1944. His only hope was to escape the doomed aircraft, but the side door simply would not open. Alex was forced to lock the airplane into a nosedive position and deploy his parachute. Thankfully, it worked.

Alex landed safely next to a group of German soldiers. Taken as a prisoner of war, he was incarcerated in a dark, hot room and repeatedly interrogated. After one interrogation, he listened as the prisoner in the neighbouring cell was taken out, followed by gunshot. Alex realised that he may well be next to die. "What kept me going during this time," he said, "was poetry and singing hymns."

For some reason, his life was spared and he spent the next 10 months in Stalag Luft III, arriving four months after the great escape that inspired the famous movie of the same name. Hunger and exposure haunted these months, but Alex was lifted by letters from Margery, his girlfriend and future wife, back in Victoria. Over 70 years later, he still has all her letters.

With the Russians closing in on the camp, Alex and his fellow POWs were marched out in midwinter, lacking adequate clothing and surviving on food rations that they had rolled into balls and kept for just such an occasion, as well as supplies that they obtained by bartering away cigarettes. Many of the men did not make it. They would simply fall asleep in the snow and never wake up.

Liberation came from the British Army, and Alex was taken to London in May 1945, arriving just after VE Day. The first thing he did was to write to Margery with a proposal of marriage.

Following the war, Alex studied psychology, taught, served as an education officer during the Korean War, and worked as a counselling psychologist at the University of Canberra. He is the last surviving member of the RAAF 451 Squadron.

I am personally grateful for good men and women like Alex. Our older Canberrans have built this nation and continue to build and strengthen this community. Alex's daughter made it very clear to me that in her eyes his greatest achievement was as a dad. Alex has always had a great sense of humour, she told me, and it was one of the things that she loved most about him. Growing up, she always looked forward to dinnertime because that would be when her dad would make everyone laugh.

Congratulations, Alex, on a wonderful life, and thank you for all the sacrifices you have made, for your life's work, and for raising up a wonderful family who adore you.

Mr and Mrs Darryl and Valma Cupitt—60th wedding anniversary

MS LAWDER (Brindabella) (6.36): I rise tonight to speak about an upcoming wedding anniversary of two of my constituents from Kambah, Darryl Cupitt and his wife, Valma. They were married on 15 October, but I wanted to take this opportunity to congratulate them on this momentous anniversary. They were married at St Barnabas Church, Fairfield, Sydney. It is difficult for them to be organising a 60th anniversary celebration during these interesting times that we are living in, but they will do their best to make arrangements over the coming weeks.

The family had three daughters and one son. Unfortunately, their son failed to survive open heart surgery aged eight, but all three of their daughters, five of their grandchildren and four of their six great-grandchildren live in Canberra.

I would like to congratulate Darryl Bryson Cupitt and Valma Anne Pickering on their 60th wedding anniversary and talk briefly about some of the things that may have been in the news at the time of their wedding in 1960.

For example, the front page of the *Canberra Times* on the day they were married talked about television coming to 13 country towns soon. It talked about Russian leader Nikita Khrushchev, who made a shouting, threatening farewell speech in the United Nations a few hours before he flew back to Moscow aboard a Soviet airliner. Page 2 of the *Canberra Times* on that day talked about new cracks in the apartheid, or racial segregation, war being reported in South Africa's "mother city", which, perhaps because of its more deep-rooted cultural ties with Europe, is "less colour conscious than any other city of the union".

The times have certainly changed in the 60 years since Darryl and Valma were married, but their enduring love for each other and for their family has not changed. I congratulate them on their 60th wedding anniversary and wish them many more happy years together.

Mr John Paynter—tribute

MS CHEYNE (Ginninderra) (6.39): I rise this evening to pay tribute to my friend John Paynter. John was born in Calgary in 1946 on a balmy summer's evening—about 17 degrees. John always used to say that Canada had two seasons: winter and a week of autumn. It is not surprising then that, after stints as a taxi driver, truck driver and acclaimed ski instructor, John was so attracted to Australia on a visit here that he decided not to leave.

It was while teaching psychology at the University of Sydney that he met his soulmate, Mary Ann, and her son, Beau. Together they had three children: Edward, or Teddy; William, or Billy; and Mary Ann, or Mary Lou. John often worked several jobs to support his family and to ensure that his children had the best possible upbringing.

John took risks and was insatiable in his desire to learn things and to create. Together he and Mary Ann developed one of the world's first computer-based learning systems, "Computer Tutor", in the mid-1980s. After working in computer programming and later banks, as well as running a family restaurant, John joined the Australian Public Service as a business architect.

John and Mary Ann were incredibly giving people. Their children speak warmly of how many of their friends John and Mary Ann hosted without a second thought, sometimes for months at a time, and especially if those friends were going through a difficult time. They unofficially adopted one friend, Shahang, or "Bang", and they loved watching his life unfold as much as their own children's.

Following a long battle with cancer, Mary Ann died in 2016. She had needlessly suffered, particularly at the end. John and Mary Ann had always been strong supporters of voluntary assisted dying, but this traumatic experience resulted in John devoting the rest of his life to fighting for this and for restoring territory rights.

Indeed, it was John's passion in this area that resulted in a mutual friend of ours introducing us. We became firm friends ourselves. John was there at Parliament House when—which happens to be two years ago tomorrow—we were pleading with

the federal Senate to find it within themselves to support the bill to restore territory rights. They did not. John was scathing in how disappointed he was, and especially that Senator Seselja was one of those who voted against this important change. Indeed, he made a sign that said Senator Seselja was not his senator and for several days stood outside Senator Seselja's office in response, until he regrettably took ill.

John also wrote an extraordinary poem called *Capital Punishment* in response. I quote from one of the stanzas, which illustrates what happened and how we as a community reeled from it:

> In the capital, the rules contrived
> By snakes, the morally deprived
> Who cling to visions we deride
> And cast the public's votes aside …

John was here in this gallery in November last year, showing his support for a territory rights motion I was moving. I think one of John's great regrets, and mine, is that he did not see the repeal of the law that restricts us here in the ACT. I promise not to lose sight of how important this is, for all Canberrans but as a part of John's legacy, too.

John was an activist in many other areas and believed very much in social justice and in narrowing the gap between rich and poor. As is evident, he was a talented writer, especially around these issues. His poetry has been published and read aloud in theatre productions and will be featured in a forthcoming publication too. He regularly volunteered with charities for Christmas Day lunch.

In 2019 John downsized from his home in Page, moving a few streets over to Weetangera. I believe that it was around this time that John also started regularly attending a gym. Like most things in life, he approached it with great gusto and became a gym junkie. *(Extension of time granted.)*

John remains very well known for having an incredible memory for jokes, including lengthy ones. He was passionate about learning the piano and he planned to start up a musical group, Gerry and the Atrics. John gathered many friends about him and he maintained those friendships. He genuinely cared about others. When COVID struck, he organised a COVID-safe bin-night party for his neighbours, dressing up in a tuxedo, with champagne in hand. The images still bring a big smile to my face.

While John was a humble man who never considered himself important, he was important, and to many. John died on 30 June, following a short illness. I want to express my condolences to his many family members and many dear friends, including his children and his grandchildren, all of whom he was so proud, by whom he was so loved, and through whom his generosity and spirit live on. Vale.

Question resolved in the affirmative.

The Assembly adjourned at 6.46 pm until Thursday, 20 August 2020, at 10 am.

Schedules of amendments

Schedule 1

Adoption Amendment Bill 2020

Amendment moved by Mrs Kikkert

1
Proposed new clause 8
Page 6, line 17—

insert

8 New section 122

insert

122 Review of certain amendments made by Adoption Amendment Act 2020

(1) The Minister must review the operation of the amendments made by the Adoption Amendment Act 2020 to the following sections of this Act:

(a) section 5 (Best interests of child or young person paramount consideration);

(b) section 35 (Dispensing with consent).

(2) The Minister must—

(a) start the review no later than 1 September 2022; and

(b) present a report of the review to the Legislative Assembly within 2 months after the day the review is started.

(3) This section expires 3 years after the day it commences.

Schedule 2

Births, Deaths and Marriages Registration Amendment Bill 2020

Amendments moved by Ms Lawder

1
Clause 5
Proposed new section 19A (b) (ii)
Page 3, line 16—

omit

12 years old

substitute

14 years old

2
Clause 6
Proposed new section 24 (1) (a) (ii)
Page 4, line 10—

omit

12 years old

substitute

14 years old

3
Clause 11
Proposed new section 29A (1) (a) (ii)
Page 5, line 17—

omit

12 years old

substitute

14 years old

4
Clause 14
Proposed new section 29E (3)
Page 7, line 17—

omit

not yet 12 years old

substitute

at least 14 years old

Schedule 3

Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020

Amendments moved by the Attorney-General

1
Clause 2
Page 2, line 5—

omit clause 2, substitute

2 Commencement

This Act commences 8 months after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2
Clause 5
Proposed new section 36A (5), definition of relevant institution, examples
Page 6, line 18—

omit

, out-of-home carers

3
Clause 6
Proposed new section 442C (1)
Page 11, line 12—

omit
no later than 2 years after the day they commence
substitute
as soon as practicable after the end of their first 12 months of operation

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