



QUESTION TIME
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

Edited proof transcript

Thursday, 11 April 2024

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Ministerial arrangements

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (2.01): It is the same as yesterday; Minister Steel is away for personal reasons this week, and the Chief Minister is absent from the Assembly today due to ministerial council responsibilities. For question time, again, I will endeavour to respond to questions for the Chief Minister in the Treasury portfolio, and in the skills and training portfolio. Minister Cheyne will take questions on tourism, trade, investment and economic development and transport portfolios. Minister Stephen-Smith will take questions on the planning and Special Minister of State portfolios. Minister Rattenbury will take climate action questions.

Legislative Assembly—Parliamentary and Governing Agreement

MS LEE: My question is to the Attorney-General. Attorney-General, the 2020 Parliamentary and Governing Agreement that you signed with Labor, under the heading “Stable Government”, states:

Support the Government’s economic and fiscal strategy, as set out in the August 2020 Economic and Fiscal Update, of strengthening the ACT economy to protect Canberrans’ jobs and the community as we emerge from a global economic crisis, protecting the ACT’s strong Credit Rating and ensuring sound public finances and balance sheet over the medium term.

Since the PAGA was signed, the Treasurer, your coalition partner and the Chief Minister, has failed to deliver even one surplus, lost the AAA credit rating, driven up borrowings to over \$13 billion, with an interest bill of over \$400 million, and is on track to deliver a deficit of over \$1 billion. Attorney-General, was this the “ensuring sound public finances and balance sheet” that you signed up for?

Mr Gentleman: A point of order, Madam Speaker. I seek your guidance to understand whether or not the address of this particular question is in the attorney’s portfolio.

MADAM SPEAKER: I will have another word with the Clerk, but my understanding is that Mr Rattenbury signed the PAGA as leader of the Greens, not as Attorney-General. I will talk to the Clerk and give the attorney a moment to clarify his signature to that. Ms Lee, unfortunately, I will be ruling that out of order because Mr Rattenbury signed that as the Greens leader.

Mr Hanson: Madam Speaker, could I ask a question? My understanding, under standing orders, is that you can be asked a question on something that is before the Assembly, regardless of whether you are a minister or not. Obviously, the Parliamentary and Governing Agreement is extant for the duration of this term and sits before the Assembly as guidance for the government, as a matter in the Assembly. I understand that it has been tabled in the Assembly. Therefore why wouldn’t the

minister be able to answer a question? My understanding also is that answers have been given in this place previously on matters relating to the Parliamentary and Governing Agreement, so there is a precedent where members and ministers, regardless of their capacity, have actually answered questions about that document.

MADAM SPEAKER: I refer to 114:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

Can I seek clarification from a member who has signed the PAGA? Has that been tabled or has it found its way into the Assembly?

Mr Rattenbury: Madam Speaker, the Deputy Chief Minister and I are just conferring. I imagine it has been at some point; nonetheless it is an agreement between two parties. It is not a matter of parliamentary business.

Ms Lee: Madam Speaker, I seek your guidance. I have heard what you have just stated in response to Mr Hanson's point. The other point that I would add to that is that Mr Rattenbury is a member of the cabinet's expenditure review committee and clearly has responsibility in his role as a minister in making decisions based on the budget. I would say on that basis that it would be right for him to answer these questions.

MADAM SPEAKER: I think you have a point in that, so I will give you the opportunity to rephrase your question so that you can go directly to that, and not to Mr Rattenbury as the Greens leader.

MS LEE: Madam Speaker, I will not repeat the quote; I am sure Mr Rattenbury is well aware of what is written in the PAGA. Mr Rattenbury, in your capacity as a member of the ERC, was this the "ensuring sound public finances and balance sheet" that you signed up for?

MR RATTENBURY: I can assure the Assembly that the entire cabinet work extremely hard to ensure that the ACT is in a sound financial position. There are tensions there; as we have seen through the pandemic, there are times when the government needs to spend to invest in our community. There are times when the government needs to seek to make savings.

This government is very focused on recognising that we live in a rapidly growing city that needs significant infrastructure investment. We live in a city where much of our infrastructure is ageing, so there is a need for investment in those areas. With our population growth, there is significant demand on services, such as health and education. These are all of the factors that both the ERC and the cabinet is taking into account in order to produce the budgets that are tabled in this place.

MS LEE: Mr Rattenbury, are you concerned or do you believe that Mr Barr is in breach of the PAGA given his appalling record on the ACT budget?

MR RATTENBURY: As I have outlined, the cabinet is working together to deal with the many pressures that are being placed on the ACT government. We are mindful of the need to balance that desire. To ensure that we have a sustainable budget, we are making sure that we invest in the things we need to. That is a constant piece of work, and the ACT continues to have extremely positive economic performance in many regards. That is something that I think our community recognises.

MR CAIN: Mr Rattenbury, did you sell out Canberrans just to get some ministerial positions?

MR RATTENBURY: No.

Mr Hanson: On a point of order, Madam Speaker, because there has been some confusion about this, with the Parliamentary and Governing Agreement, there are actually press releases put out by the ACT government on their website titled “Parliamentary and Governing Agreement annual update”. It refers to the Chief Minister, as in Mr Barr, in his capacity as Chief Minister. It has quotes attributable to the Minister for Water, Energy and Emissions Reduction, Shane Rattenbury. If you have the government, on its own website, putting out statements about the Parliamentary and Governing Agreement and quoting the ministers as ministers, we should be able ask questions on it.

MADAM SPEAKER: Thank you, Mr Hanson. The questions were asked and answered.

Mr Hanson: They were, but with some confusion.

Attorney-General—conduct

MS LEE: Madam Speaker, my question is to the Attorney-General. Attorney-General, during question time yesterday, when asked about who raised concerns with you that led to you calling the Acting Director of Public Prosecutions in for a meeting, you refused to answer. You also said you would check to see whether you have any notes that you took in your meeting with the Acting Director of Public Prosecutions, held on 30 January 2024. Attorney-General, who raised those concerns that led you to call that meeting with the Acting Director of Public Prosecutions?

MR RATTENBURY: With this line of questioning, the Liberal Party are trying to step into a space where community members are intimidated away from raising concerns to the responsible ministers for fear of being named in a highly politicised way in a public environment.

Mr Cain: So who was it?

MADAM SPEAKER: Mr Cain, I have come to you every day this sitting week. If I come to you again, you will be warned. Mr Rattenbury, sorry for interrupting.

MR RATTENBURY: I think it is quite important that people who have concerns are able to raise them. Then it is my job to consider the credibility of those concerns,

think about the motivation for them and decide what to do with those concerns. In this case, I received concerns from a number of quarters, and that was the basis on which I felt that it was important to act—both the nature of those concerns and the places from which I received them.

MS LEE: Attorney-General, what were the quarters that you received those concerns from?

MR RATTENBURY: People who had knowledge of the circumstances.

MR CAIN: Attorney, have you checked to see whether you have any notes from your meeting with the Acting DPP and, if so, will you table them?

MR RATTENBURY: I do not have any notes from that meeting. My staff do.

Development—Thoroughbred Park

MS CLAY: My question is to the Minister for Planning. The ACT racing industry has indicated they want to build a \$2 billion property development on the racecourse. The original lease for the racecourse was granted under a land rent agreement and it was a concessional lease. That lease contained provisions for government to resume the site at any time and for any reason, because the government of the time recognised that they might want the site back for community benefit. Minister, is the ACT government now intending to let the horseracing industry make an unearned windfall worth hundreds of millions of dollars when that land is developed?

MS STEPHEN-SMITH: I feel that Ms Clay is skirting on the edge of requesting an announcement of government policy. I will, nevertheless, remind her that any decision of government will be made in accordance with the ACT's planning laws and frameworks when considering the future use of this site. She will be aware that the site has been identified in the Inner North district strategy as being an opportunity for future development that would enable the development of housing and other facilities close to light rail and close to other inner-city opportunities. As Ms Clay is aware, that work has many stages yet to go through. It is absolutely pre-emptive to ask what process the government might undertake to work with the Racing Club on this matter.

It is a matter of public record that the Canberra Racing Club has indicated that it would like to diversify its sources of revenue so that it can move away from some reliance on ACT government funding—which Ms Clay has previously explicitly moved to remove from the Racing Club—and that conversation with the Racing Club is continuing. But it would be pre-emptive and, indeed, impossible for me to make any announcement about how that might pan out.

MS CLAY: If development goes ahead, does the government have any intention to recoup the full value of the site and development from the horseracing industry so that financial and social benefits go to back to the community and not to the horseracing industry?

MS STEPHEN-SMITH: Again, there is a long way to go in this process, but I can assure Ms Clay that, from the Labor Party and the government's perspective, there

would be no intention of allowing a development that did not ensure that ACT taxpayers benefited. That is why we have, for example, a lease variation scheme in place, and that is why there are costs associated for proponents to deconcessionalise a lease if they choose to do that. There are a number of strategies that the government consistently has in place to ensure that taxpayers, in fact, do get a benefit when people seek to uplift the value of the land that they hold to undertake development. Of course, one of the things that we also have when releasing land or working with people who are intending to release land for development is requirements around the development of affordable public and community housing. All those things would undoubtedly be matters for consideration, in line with the Inner North district strategy and the planning laws that were passed last year.

MISS NUTTALL: Minister, would rezoning the site represent the largest-ever handout from ACT to the horseracing industry?

MS STEPHEN-SMITH: Again, it is absolutely impossible to respond in any concrete way to the Greens' speculation. We are at a very early stage of consultations with the Canberra Racing Club. They have said what they have said on the public record. That is open for the Greens or anybody else to look at. The government has substantial processes to go through before any decisions are made in relation to this matter.

Light rail—stage 2B

MR PARTON: My question is to the Acting Minister for Transport. Minister, earlier this week we learnt of major cost blowouts to the next stage of the Gold Coast tram project. According to the Queensland government, this 13-kilometre stretch of tram track could now cost as much as \$7.6 billion. The Queensland Labor transport minister has flagged the possibility that the project may not proceed. He said: "We really do have to consider the viability of projects where they have very large cost estimates versus benefit."

Given the \$7.6 billion upper estimate for a 13-kilometre tramline that does not have to straddle Lake Burley Griffin and does not have to navigate its way through the parliamentary triangle, are you able to finally confirm today that Stage 2B of the tram to Woden will come in well over \$4 billion?

MS CHEYNE: No, I cannot confirm any figure.

MR PARTON: Minister, why is it that the Queensland government are able to openly communicate these cost estimates publicly, when all of this information is hidden by your government?

MS CHEYNE: I reject the premise of the question. Minister Steel has answered this innumerable times.

MR COCKS: Minister, how expensive does stage 2B of the tram have to get before your government starts to question the viability? Is it \$5 billion? Is it \$6 billion?

MS CHEYNE: That is a hypothetical question.

Schools—meals for students

MISS NUTTALL: My question is to the Minister for Education. Minister, I was delighted to see the ACT government support free meals in our public schools. So far, what have been the results from the free meals pilot for the five schools in the trial?

MS BERRY: The pilot does not begin until term three. We have five schools that will be part of that pilot, which will be Narrabundah Early Childhood School, Gilmore Primary School, Richardson Primary School, Gold Creek School years 7 to 10 as well the Melba Copland College years 10 to 12.

MISS NUTTALL: Is it the intention of the ACT government to provide free meals in all public schools in the ACT pending the results of the trial?

MS BERRY: I thank Miss Nuttall for her interest in this pilot. It is a pilot so that we can understand how the program can be rolled out. That is why it is called a pilot. Certainly we know that nobody operates very well on an empty stomach and certainly students and young people do not learn well on an empty stomach. They do best on a full stomach. So the facts are there, and we will take that into account as we roll out our pilot.

MR BRADDOCK: Does the ACT government plan on running these services directly, or will they be relying on external vendors and P&C associations to run school canteens?

MS BERRY: It is a pilot, so that will be considered as part of the pilot. We will initially be rolling out directly from a meal delivery service and then we will investigate and consider that program as it is rolled out.

Development—CSIRO Ginninderra site

MR CAIN: My question is to the Acting Minister for Planning. Minister, has the government ever been offered the entire former Ginninderry station land by CSIRO?

MS STEPHEN-SMITH: I think Mr Cain is referring to the Ginninderra Research Station site. Ginninderry would be the joint venture between the ACT government and Riverview. It is well on record, Mr Cain, that there have been ongoing conversations between the ACT government and the commonwealth government about the future of the former Ginninderra Research Station site. I would refer Mr Cain to all of those things that are already on the public record in relation to that matter.

MR CAIN: Minister, will the government accept an offer for the entire swathe of land if it were offered by CSIRO?

MS STEPHEN-SMITH: This is a matter of ongoing negotiation between the ACT government and the commonwealth government, and it would be inappropriate to speculate at this point.

MR PARTON: Minister, for the benefit of this chamber, are you able to detail what stage negotiations are up to with the CSIRO to attain this land?

MS STEPHEN-SMITH: I understand that there are negotiations ongoing between officials in relation to this matter. I note that this is a matter that actually sits with the Chief Minister. It is a matter of public record that the Chief Minister and Deputy Chief Minister wrote to Senator Gallagher in her role as the Minister for Finance to ask the commonwealth government that officials expedite some of these negotiations and unstick some of the issues that are currently going backwards and forwards between officials. But it would be inappropriate to provide any further level of detail than that.

Gambling—harm minimisation

DR PATERSON: My question is to the Minister for Gaming. Minister, the 2022 ACT government YourSay listening report on bet limits suggests timelines for CMS market sounding at the beginning of 2023, with a CMS deployed by mid-2024. Why was market sounding for the CMS only started four weeks ago, six months out from an election?

MR RATTENBURY: Yes, there has been extensive ongoing work and there has been some delay. Off the back of that public consultation process, the Justice and Community Safety Directorate needed to analyse the material that was provided, and through the Ministerial Advisory Council that Minister Cheyne and I have engagement with, we established an ongoing technical working group. What became clear was that there was a high level of technical information to work through.

As Dr Paterson will know from her work on the cashless gaming inquiry, this is a broad field in which definitions are moving around and technology is evolving, and so additional time was allocated in order to enable further research by the Justice and Community Safety Directorate, and of course there were cabinet processes to be gone through as well, and we are now in a position to have that market sounding get underway.

DR PATERSON: Minister, why has there been no significant poker machine harm reduction measures implemented in the three and a half years that you have been the Minister for Gaming?

MR RATTENBURY: I reject the premise of the question, Madam Speaker. There has been a reduction in poker machine numbers, and I know that is an area of particular interest to Dr Paterson that we reduce the numbers, and that work has been taking place. There has been a range of interactions with other jurisdictions, and the work has been progressing with great vigour. The Justice and Community Safety Directorate, the officials who work on these matters, have been undertaking detailed research on behalf of the government in order to work through the various policy questions that are out there.

Dr Paterson interjecting—

MR RATTENBURY: You have to do the research work to identify—you have to

identify the policy options before stepping forward, and that is the work that is now being done.

MS ORR: Minister, have you asked for or received any advice on whether a CMS may stymie the reduction of overall machine numbers in the territory by locking in machine costs with a provider?

MR RATTENBURY: Madam Speaker, that is one of the issues that will be addressed as part of the market sounding. The very point of going to the market sounding, having now identified the preferred policy pathways, is to approach industry and understand what their response is to that policy agenda.

Mental health facilities—security

MR COCKS: Madam Speaker, my question is to the Minister for Mental Health. Minister, in the aftermath of the tragic attack on innocent students at the ANU on 18 September last year, the then chief psychiatrist provided you with a report that, while not addressing the specific incident, recommended a range of reforms in the acute mental health system. Recommendation 32 of that report was that the government develop a risk rating, in consultation with police and ambulance services, to make explicit the level of risk a person presents to others in the community. This was in reference to when patients were permitted to leave the facility. Were risks to the community not considered and communicated to police and ambulance services before? Was that not standard practice before the incident?

MS DAVIDSON: Thank you for the question. On 1 February this year the chief psychiatrist's review report was released to the public. There were 35 recommendations in that report, but you have gone to a very specific one that addresses community safety and communication.

The ACT government has announced that it will create a cross-government task force that consists of representatives of the ACT Health Directorate, Canberra Health Services, the Justice and Community Safety Directorate and the ACT Civil and Administrative Tribunal. That task force will consider what was in the report and undertake extensive stakeholder consultation to provide some advice on and monitor the implementation of those recommendations.

It is very important that we are able to ensure that our justice system meets the needs and ensures the safety of individuals who are receiving therapeutic care, as well as addressing broader community safety issues. All of those considerations need to be taken into account in how we implement the recommendations of that review.

MR COCKS: Minister, were you aware of whether risks to the community were being considered in these processes, and were you comfortable with releasing people from the acute mental health units without explicit risk ratings that were communicated to the police and Ambulance Service?

MS DAVIDSON: Thank you for the supplementary question. Whenever we are talking about someone's application for leave as part of their therapeutic care, there are a range of considerations that need to be taken into account and communicated to

the right people involved in that decision-making process. It is normal process for those things to happen. The chief psychiatrist's review and their recommendations provide us with some very helpful and useful information about how processes could be improved.

MADAM SPEAKER: Minister, resume your seat.

Mr Cocks: Point of order, Madam Speaker. The supplementary question was in relation to the minister's awareness and understanding, ahead of the report that she is now discussing. I ask that she be directly relevant to the question.

MADAM SPEAKER: I cannot direct the minister to answer. It would be useful to come to that point, Ms Davidson.

MS DAVIDSON: Thank you for that clarification. We have discussed this on a number of occasions, and my office did provide your office with a briefing around the time that all of this was occurring. We have provided you with some information about—

Ms Lee: That's not the point.

MADAM SPEAKER: Ms Davidson, this chamber is not privy to communication you have had with one member, so answer the question about your awareness.

MS DAVIDSON: About how those decisions are made and our awareness level of the processes involved in that?

Mr Cocks: Yes.

MS DAVIDSON: We do not look at individual decisions one by one, but we do look at processes and we do have awareness of how they should be working.

Mr Cocks: Point of order, Madam Speaker.

MADAM SPEAKER: Mr Cocks.

Mr Cocks: The minister is now way off topic. The question was regarding her awareness of the risk ratings and whether she was comfortable. I ask that you direct her to be more direct.

MADAM SPEAKER: I think you have managed to run out of time. Supplementary?

MS CASTLEY: Minister, have you, since the ANU attack, fixed the problems related to communication between the mental health units and emergency services?

MS DAVIDSON: As was discussed in my answer to the very first question, what we have done is establish a task force with all of the expertise required to work out how to both implement those recommendations and oversee the implementation of those recommendations, working with stakeholders in the community as well, to ensure that we get the balance right.

Mental health facilities—security

MR COCKS: My question is to the Minister for Mental Health. Minister, the Chief Psychiatrist's report, which was delivered in the shadow of the 18 September attack on ANU students, recommended that every person under the care of a mental health service has a comprehensive forensic mental health assessment, risk assessment and treatment or management plan that must be documented, and that this is updated regularly. Minister, why wasn't this mental health assessment being routinely provided before the disastrous events of 18 September last year?

MS DAVIDSON: Thank you for the question. There were processes in place at the time that this incident occurred that were intended to ensure that the right people making decisions had information about the kinds of therapeutic health care and community safety risks that needed to be considered in making decisions about granting leave. I am very appreciative of the work that has gone into the Chief Psychiatrist's report that helps us to understand how those processes could be improved. I am very much looking forward to seeing the outcome of the work by the taskforce on how those recommendations can be implemented and ensuring that they are implemented well through their oversight.

MR COCKS: Minister, when considering leave requests from patients admitted through the justice system, does your system prioritise the leave privileges of those individuals over the safety of the individual and the broader community?

MS DAVIDSON: Thank you for the question. The aim of leave is to provide support to someone undergoing therapeutic care. Leave is a normal part of a process in which people are preparing to return home and continue on their mental health journey. It is very important that safety, both for the person receiving care and for the broader community, is considered as part of the decision about whether to grant leave and how that will work. It is a normal part of considering how that fits into their therapeutic care that those risks would be considered.

MS CASTLEY: Minister, how can the community have confidence that the system is properly considering safety, given the track record of problems on your watch?

MS DAVIDSON: I understand that the community is very much wanting to ensure that everyone stays safe at all times in the community. There are risks that need to be managed. I am very appreciative of the work that has gone into the Chief Psychiatrist's review to help us understand how processes for decision-making and communication can be improved. I am very appreciative of the submissions that were made by a number of community stakeholders with lived experience and with experience as carers and family members of people receiving therapeutic care, as well those from experts in forensic mental health care and community safety. All those considerations have gone into some important recommendations—35 recommendations—for which a taskforce has been set up to ensure that we are implementing those recommendations well. That is the level of seriousness with which we take providing good therapeutic care to people in our community, as well as ensuring community safety.

Mental health facilities—security

MR COCKS: My question is to the Minister for Mental Health. Minister, the Chief Psychiatrist's report which you released as a response to the attack on students by a patient on leave from your mental health unit showed that the decision-making processes to allow a patient to seek leave involves a consensus decision by the Dhulwa Mental Health Unit and the Gawanggal Mental Health Unit leave panel. I understand that the panel includes clinical directors, nurses and educators.

However, the report does not shed any light on how, despite these measures, an individual who was admitted through the justice system, and who had previously committed a violent act on the ANU campus in 2017, was allowed to return to the same environment. Now, multiple ANU students will carry lifelong injuries and trauma.

Minister, what went wrong in your mental health system that allowed this attack to occur, when it should have been predictable?

Ms DAVIDSON: As the member would know, to discuss the circumstances of an individual's therapeutic care, particularly when there are criminal charges that are before the courts—

Mr Cocks: I have a point of order, Madam Speaker. The question was very deliberately phrased around issues in the system, rather than the precise circumstances of those events.

MADAM SPEAKER: Thank you. Ms Davidson.

Ms DAVIDSON: In terms of understanding systemic issues that might have contributed to risks in the system—not only for this particular circumstance but for wider circumstances in general for people who are receiving forensic mental health care or therapeutic mental health care and have leave provisions—this is why we had the Chief Psychiatrist's review conducted, and it is why we have a taskforce looking at how we implement the recommendations.

MR COCKS: Minister, how often have patients with a history of significant violence and assault been approved for unsupervised leave without comprehensive safeguards?

Ms DAVIDSON: I could provide on notice how many times individuals have been approved for leave, but the appropriate safeguards part of that question makes an implication that I think is inappropriate and disrespectful to the extensive work that is done by forensic mental healthcare professionals and by the ACAT in considering leave—

Mr Cocks: I have a point of order, Madam Speaker. The minister is seeking to debate the question, at this stage. I would ask that she respond or take it on notice.

MADAM SPEAKER: She has taken part of that question on notice, and she has made comment on the appropriateness of providing information on the second part. So there is no point of order.

Ms CASTLEY: Minister, are the problems in your mental health system occurring because you insist on putting your ideology ahead of safety and recovery?

Mr Gentleman: I have a point of order, Madam Speaker—a preamble in the question.

MADAM SPEAKER: Can you just go to the question, please? Can you repeat the question, please?

Ms CASTLEY: Minister, are the problems in your mental health system occurring because you insist on putting your ideology ahead of safety and recovery?

Ms DAVIDSON: No.

Disability—Disability Strategy and First Action Plan

MS ORR: My question is to the Minister for Disability. Minister, the ACT Disability Strategy was released just this morning. It sets out the ACT government's commitment to a community that welcomes and values all people with disability, supporting their right to full and equal participation in all aspects of community life. What focus areas are in the Disability Strategy and First Action Plan?

MS STEPHEN-SMITH: I thank Ms Orr for the question and for her ongoing commitment to disability inclusion, including through the bill that she has before the Assembly at the moment. The ACT government is committed to building a community that welcomes and values all people with disability. This commitment has been highlighted today with the release of the ten year ACT Disability Strategy and the First Action Plan.

This is a strategy for the one-in-five Canberrans who live with disability in the ACT: that is 80,000 people. It is also a strategy for their families, carers, service providers, and allies, but it is also a strategy for all Canberrans because we know that creating a more inclusive Canberra benefits everyone. The ACT Disability Strategy consultation heard from almost 1,000 Canberrans. The principles and actions in the strategy and the First Action Plan have been developed through extensive consultation with people with disability, families, carers, community organisations and ACT government agencies.

The strategy aims to address the systemic issues, with a focus in the action plans on actions that address each of the 12 areas of wellbeing in the ACT Wellbeing Framework. People with disability told us they want to be part of, and have much to contribute to, the ACT community. To do this, they need a voice and the ability to have control over things that affect their lives; to be able to engage in meaningful paid employment; to have access to mainstream education, housing and healthcare that meets their needs; and to feel safe and secure.

MS ORR: Minister, how will implementation of the commitments in the First Action Plan proceed?

MS STEPHEN-SMITH: The strategy will be implemented through three action

plans over ten years. They focus on achieving outcomes, as I said, against each of the 12 wellbeing domains in the ACT Wellbeing Framework.

The First Action Plan has been developed as a two-year plan in recognition of the significant work that is currently occurring in disability reform. While it draws on key themes from the disability royal commission and the NDIS review, it does not form the ACT government's response, rather it is intended to build lasting foundations to support future work. For the First Action Plan our aim is to begin to address the priority issues identified in community consultation. We want to do that by supporting the community, government and businesses to drive positive change with a focus on building capacity across government and the community.

The government has allocated more than \$5.5 million over four years to address the priorities in the First Action Plan. Some of these initiatives include support for Aboriginal Community-Controlled Organisations to deliver culturally safe and inclusive services to Aboriginal and Torres Strait Islander peoples with a disability; setting employment targets for people with a disability in the ACT public service; working with the community sector to deliver a peer support program to improve the wellbeing of LGBTIQ+ people with a disability; creation of new disability liaison officer roles in Housing ACT and in Access Canberra; and strengthening the ACT government's capacity to consistently provide accessible communications and information.

Madam Speaker, these priorities in the First Action Plan were consulted through with the Disability Reference Group, and reflect very clearly what we heard through the community consultations from April to August 2022, reflected in the listening report that was released in late 2022. A lot of work has been done to bring all of these together, and I particularly want to thank the thousand people who participated in the consultations and all of those who put the strategy together.

MR PETTERSSON: Minister, what other work is the ACT government doing to improve outcomes for people with disability?

MS STEPHEN-SMITH: I thank Mr Pettersson also for his question and recognise that one of the actions in the First Action Plan is the development of an ACT neurodiversity strategy, which Mr Pettersson called for in a motion in this place in September last year.

More broadly, the ACT Disability Strategy and First Action Plan is part of a suite of interconnected strategies, including the ACT Inclusive Education Strategy 2024-2034 and the ACT Disability Health Strategy 2024-2033, both of which were released in December last year, and the ACT Disability Justice Strategy 2019-2029. Taken together these strategies aim for the ACT to be a more accessible and inclusive society where people with disability can fully participate in all aspects of community life. This means in the last six months the ACT government has committed more than \$19 million to disability programs, services and supports across the three strategies; the Disability Strategy, the Disability Health Strategy and the Inclusive Education Strategy.

My colleague, the Deputy Chief Minister, launched the Inclusive Education Strategy

and First Action Plan in December, which will invest \$9.9 million in ensuring all children and young people, regardless of their circumstances, have access to high quality education on the same basis as their peers. Also in December, as I said, I launched the ACT Disability Health Strategy and the First Action Plan to provide a platform for change to enable people with disability to attain the highest possible quality of healthcare, free from discrimination and on equal terms with all people in the ACT. During the 2023-24 budget review, the ACT government committed initial funding of \$4.1 million towards the implementation of the First Action Plan for the Disability Health Strategy.

Madam Speaker, the ACT government is committed to ensuring we embed a social model of disability in the ACT, recognising that it is society that creates barriers to inclusion, not people with disability themselves.

Gungahlin—Joint Emergency Services Centre

MR MILLIGAN: My question is to the Minister for Police and Emergency Services. Minister, I have been contacted by concerned ex-personnel from the Gungahlin JESC who are worried about exposure to the diesel and other toxic particulates over the time that they worked at the JESC. Minister, have you had medical advice that can be relayed to the people who are concerned about their exposure? What is the nature of that advice?

MR GENTLEMAN: I thank Mr Milligan for his question and his interest in the safety of our first responders at the Gungahlin station. We released a report just the other day in relation to those contaminants at the JESC in which experts have said that there is no risk to anybody who has previously worked at the JESC. There were minimum amounts of both lead particulate and diesel particulate which were in an area that was not accessed by staff. Staff will be returning to the JESC, as I mentioned, early in May or towards the end of May.

MR MILLIGAN: Minister, who has responsibility for the wellbeing of the staff who are concerned about this matter? Where can they go to get tested without incurring further costs?

MR GENTLEMAN: My advice is that nobody has been exposed to those particulates. So we do not see any reason for them to get tested. Of course, the person responsible would be me as the minister. I took the advice of those experts who were looking at the particulates in the area. As I mentioned, that advice has been released in a report. It is safe to return to the building.

MR CAIN: Minister, will you release to the community any medical—not just expert advice but medical advice—that you have received to allay any further concerns?

MR GENTLEMAN: There is no medical advice. The advice was from experts in contamination—hazmat experts—and that document has been released already.

Housing—rental affordability

MR BRADDOCK: My question is to the Attorney-General. Attorney-General, there

has been some discussion of rents in the ACT, with claims that rents are falling. Media reports are mixed about whether rents are rising or falling. What is the latest rental data, and have rents fallen in any quarter in the ACT in this term of government?

MADAM SPEAKER: I am just conferring, and I am just needing to understand what has that got to do with the Attorney-General. Just a moment.

MR RATTENBURY: In your assistance, Madam Speaker, I have responsibility for the Residential Tenancies Act in my portfolio.

Mr Hanson interjecting—

MADAM SPEAKER: That will be it.

Opposition members interjecting—

MR RATTENBURY: The opposition playing the man, as always. To answer Mr Braddock's question, there is obviously a range of datasets, but what I can confirm is that if one looks at the ABS data, which looks at all the rents paid in Canberra within their consumer price index measure, we have not seen rents go down in any quarter in the ACT since 2020. From June 2020, the CPI index numbers for rents in Canberra have gone up every quarter since then from a baseline in June 2020 at 109 through to a figure now at 122.9, so that has been the increase. There was a slight dip from March 2020 to June 2020 from 109.3 to 109.1, but in every quarter since then, the ABS rental index has increased, so in terms of Mr Braddock's question, the answer is no, there has not been a quarter in which rents have fallen in the ACT.

MR BRADDOCK: Attorney-General, in the ACT has increasing renters' rights decreased the supply of rental properties?

MR RATTENBURY: No. According to the ABS, we have seen a growth in rental properties continually for over a decade in the ACT now, and new loans to investors for ACT residential property have increased dramatically since 2020, and borrowings by investors for ACT is still well above the pre-2020 levels.

We often hear it in this place where people—particularly the opposition—have opposed a range of measures that are about seeking to ensure that tenants live in fair and reasonable conditions, and mindful of the need to also respect the fact that investors have put a lot of their own money into these things, and it is an important asset for them. But the horror stories we hear where people say, "If you bring these changes in, investors will flee the market," is simply not borne out by the data that is available in a public forum.

MS CLAY: Attorney, are rents rising and by how much?

MR RATTENBURY: As I indicated in my first answer, yes, they have been. The Australian Bureau of Statistics rental CPI index has increased continually since June 2020, and according to that index, rents in Canberra have gone up by more than 12.6 per cent since September 2020, so that is an indication that it is a point of

pressure.

Of course, members will have seen the material out at press today. We did see the new data from Domain. Now, what we have seen in that is some variation where the new weekly asking rents for houses has dropped by 0.7 per cent between March 2023 and March 2024, but the asking rents for units have gone up in the same period by 3.6 per cent. That data from Domain does not capture changes in rent in leases that are being renewed by existing tenants. This is only new properties going on the market, and so certainly in the unit space there we are seeing a particular pressure.

Gordon—playing fields

MR PARTON: Madam Speaker, my question is to the Minister for Sport and Recreation. Minister, in 2022 the pavilion at the Gordon playing fields was subject to an arson attack, causing significant damage to the structure, with a subsequent arson attack in 2023 causing further damage. In response to the 2022 fire, the ACT government provided temporary facilities in the form of converted shipping containers. Minister, in response to a question asked by the former Greens member for Brindabella, in October, you stated:

... the government is still working through insurance issues with regard to the two incidents of vandalism on those structures.

Minister, it is now April 2024, new football seasons are commencing and still nothing has happened with the damaged pavilion. It now stands abandoned, as a monument to the government's neglect of the south side of Canberra. Minister, why is it taking so long to provide a time frame for the works required at the Gordon playing fields and what is the government intending to do with the Gordon playing fields pavilion?

MS BERRY: I answer this question for all members for Brindabella who have asked me for advice on this. I know it is something that has been of particular interest to you, Madam Speaker, as well. This has taken some time. The December 2022 fire and the subsequent fire in July 2023 meant that there were interruptions and we had to seek further advice from insurance to ensure that we were able to claim for the repairs of the facility, following the fire. That impacted our ability to put a procurement out for a contract to repair the facility.

One-third of the Gordon pavilion has been impacted and will need to be rebuilt. A tender for that will need to go out. In the meantime, as Mr Parton has said, tenders have been put out for the site. Sport and Recreation have been working with all users of that sportsground. There will be some disruption, in that the Tuggeranong Knights will be moved to Gordon 2, which is in fact at Conder. That has a canteen and toilets available during the day. It will also have additional facilities for the Knights to use for this season while the work to repair the Gordon facility occurs.

MR PARTON: Minister, will you be able to tell us when that situation regarding the pavilion at the Gordon playing fields will finally be fully rectified?

MS BERRY: I cannot at the moment, but I can commit to informing all members for Brindabella—and the Assembly, if everyone else is interested—of the time frames

once I am aware of them and once the tender contract is returned.

MS LAWDER: Minister, why does your government continue to ignore and neglect the south side of Canberra?

MS BERRY: I completely reject the premise of that question. The government has gone all out, particularly with conversations about that circumstance at the Gordon pavilion.

Mr Parton: Have you seen the pavilion?

MS BERRY: I have seen photos of the pavilion and I have been at that sportsground and the Conder sportsground a number of times. I know the impact that the destruction of that pavilion has had and will have on the community. We have ensured that there are plenty of other facilities available and have worked closely with all of the sportsground users to make sure that that is satisfactory and meets their needs.

I cannot control what insurance does or the advice or time frame that is given to government. I am sure that, if we just went ahead and ignored what the insurance company said with regard to the ability of the ACT government to recoup some of the losses that it might have when facilities of that type are destroyed by vandalism, we would be hauled over the coals.

I understand that it is frustrating that it has taken so long and those two fires did impact it. I will be keeping a close eye on its repair and upkeep over the next couple of months, especially during the winter sport season, to ensure that sportsground users are satisfied with the response that we have been able to provide. I know that everybody would prefer that this facility was not burned down, but it was. We will work towards its repair and make sure that all of the sportsground users have what they need to play winter sport.

Mr Parton: Before the tram gets to Tuggeranong or after?

MADAM SPEAKER: Mr Parton!

Vaping products—nicotine

MR PETTERSSON: My question is to the Minister for Population Health. Minister, how are you working alongside ministers in other jurisdictions to make it harder for young people to access vaping and tobacco products?

MS DAVIDSON: Thank you for the question. The ACT Greens support an evidence based harm-reduction approach to drug policy and a collaborative approach. We do not want a situation where, if you are caught in Canberra with an MDMA pill in your pocket, we take a health focused approach to what you are using, but, heaven forbid that you are caught with a little mango flavoured nicotine juice. We support harm reduction because we know that this approach is grounded in human rights—

Mr Cocks: Madam Speaker, on a point of order—

MADAM SPEAKER: Just a moment. I do apologise. I was conferring with the Clerk on something else.

Mr Cocks: A question has been asked of the minister in her capacity as a government minister. I seek your guidance. She is currently speaking from a Greens' policy perspective. I would like your advice as to whether she should be speaking to the government's position.

MADAM SPEAKER: I would say that is in order. You need to focus on your responsibilities as a minister. I am sorry I was distracted. Ms Davidson.

MS DAVIDSON: Applying an approach other than harm reduction to vaping would be contradictory to this government's demonstrated position on responding to the harms of drugs but would also be at odds with the evidence associated with supporting both smoking and vaping cessation. In line with what we have already done in the ACT, the ACT has supported the establishment of a fixed-site drug-checking service, which is currently—

Mr Pettersson: Madam Speaker, on a point of order going to relevance: the question was about young people's access to vaping and tobacco products. I would ask the minister to be relevant.

MADAM SPEAKER: To that point, Ms Davidson, in the time you have left.

MS DAVIDSON: I am terribly sorry. I was refocusing on the request to talk about the government position.

MADAM SPEAKER: I am sure you can do both.

MS DAVIDSON: I can. I can multitask. The progress of current legislative change means that, on 21 March, when the commonwealth Minister for Health introduced a bill to prohibit the— *(Time expired.)*

MR PETTERSSON: Minister, does the ACT government support the vaping reforms being introduced by the commonwealth government?

MS DAVIDSON: As I was saying, on 21 March, the commonwealth Minister for Health introduced a bill that prohibits the manufacture, supply and commercial possession of disposable single-use and non-therapeutic e-cigarettes. Subject to parliamentary approval, that could come into effect as early as 1 July this year. At the moment, section 36 of the Medicines, Poisons and Therapeutic Goods Act 2008 makes it an offence to possess schedule 4 medicines, including nicotine vapes, without appropriate authority. This is about protecting the public from the potential harms of dangerous substances. If convicted, the offence carries a maximum penalty of 200 penalty units, or \$32,000, or two years imprisonment, or both.

What we want to do is have a consistent policy approach around substance use, irrespective of the substance. That is very important in a harm reduction environment and it is what we have been doing in the ACT government for the last few years. I thank you for the part that you have played in ensuring that we are staying on that

harm reduction track.

Mr Hanson interjecting—

MS DAVIDSON: And thank you for your contribution, Mr Hanson. This is why I will be working with harm minimisation experts to find a way to not criminalise people who find themselves in the difficult situation of not being able to legally access a substance that they are dependent on and, instead, take a health focused approach to supporting better and safer outcomes for our community. The two things are not inconsistent. We can ensure that we are taking a harm reduction approach.

DR PATERSON: Minister, which stakeholders have you met with to shape these policy positions?

MS DAVIDSON: Thank you for the question. I do believe diary disclosure is in the process of happening again, so you will be able to check the names and dates of the meetings that we have had. I thank the community sector organisations that provide advocacy around the harm reduction approach that we need to take for the time that they have taken to do that. That includes ATODA, CAHMA and a number of others.

Dr Paterson: Madam Speaker, on a point of order: the question went to the stakeholders that the minister has met with. That was not answered.

MADAM SPEAKER: You have time left to be more expansive on your answer, Ms Davidson.

MS DAVIDSON: I could take on notice to provide you with a list of the names of every organisation and the date on which I met them, but you will see it all through the diary disclosure process that is happening anyway, which might actually provide you with that detail quicker.

MADAM SPEAKER: Are you taking it on notice, Ms Davidson?

MS DAVIDSON: I think that, actually, the quickest way for you to get the detail is to just check the results of the diary disclosure.

MADAM SPEAKER: That will be available within the next 30 days, Ms Davidson.

MS DAVIDSON: If that is not published within the next 30 days, yes, I will take it on notice.

MADAM SPEAKER: So you are taking it on notice. Thank you, Ms Davidson.

Ms Berry: Madam Speaker, all further questions can be placed on the notice paper.