



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**9 APRIL 2024**

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**Tuesday, 9 April 2024**

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

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

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

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

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

## **Petitions**

*The following petitions were lodged for presentation:*

### **Watson—crime—petitions 6-24 and 12-24**

*By Ms Lee, from 500 residents and 51 residents, respectively:*

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

The following residents of the ACT draw the attention of, and requests that the Assembly, recognise that:

- The residents of Watson and Downer have been experiencing increasing rates of crime, including graffiti, theft, break and entering, drug trafficking, harassment, and assault;
- Residents regularly report incidents to the police; however, the police are not adequately resourced to protect the community which has left many residents living in fear as they are not confident that they will receive the protection they need when they need it; and
- Many repeat offenders are known to the residents and the ACT government, and the ACT government refuses or is unwilling to take any action.

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

- Provide adequate resourcing for policing and make police presence in this community visible and regular;
- Ensure ACT Housing upholds its responsibilities and obligations to the community and those in the community living (i.e. strata) to prevent and address anti-social behaviour in accordance with relevant legislation; and
- Ensure that repeat offenders are held to account to protect the community.

*Pursuant to standing order 99A, the petitions, having a combined total of at least 500 signatories, were referred to the Standing Committee on Justice and Community Safety.*

### **Calwell shops—maintenance—petition 7-24**

*By Ms Lawder, from 59 residents:*

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

The following residents of the ACT draw the attention of the Assembly that concerned residents of ACT, building owners, and other retailers on the premises several issues related to public areas around Calwell Shopping Centre as mentioned below-

- Stump removal and paving around the building where the roots are infiltrating the structure and lifting the paving with trip hazards caused by roots spreading under the pavements and twigs from trees.
- Blocked drains due to foliage, leaves, and debris.
- Insufficient lighting on the footpath from the aged care village and existing lights blocked by trees.
- Safety concerns due to trees and branches obstructing surveillance cameras.
- Improvements are needed for the local playground and cleaning or replacement of dirty old chairs.
- The potholes at the loading dock in the backyard have been left unattended for an extended period, posing a trip hazard.

Your petitioners, therefore, request the Assembly to call on the ACT Government to, in relation to the Calwell Shopping Centre, address the issues of lifted paving and trip hazards, blocked drains, lighting, safety and security and general maintenance and ensure that the shopping Centre receives prompt attention and regular maintenance. This will enhance the experience for residents using the shops and improve outcomes for small business owners in the area.

### **Calwell shops—maintenance—petition 13-24**

*By Ms Lawder, from 249 residents:*

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

The following residents of the ACT draw the attention of the Assembly-Concerned residents of ACT, build owners, and other retailers on the premises are drawing attention to the Assembly regarding several issues related to public areas around Calwell Shopping Centre as mentioned below-

- Stump removal and paving around the building where the roots are infiltrating the structure and lifting the paving with trip hazards caused by roots spreading under the pavements and twigs from trees.
- Blocked drains due to foliage, leaves, and debris.

- Insufficient lighting on the footpath from the aged care village and existing lights blocked by trees.
- Safety concerns due to trees and branches obstructing surveillance cameras.
- Improvements are needed for the local playground and cleaning or replacement of dirty old chairs.
- The potholes at the loading dock in the backyard have been left unattended for an extended period, posing a trip hazard.

We, the undersigned, the residents of Calwell and the Petitioner request that the issues above are addressed and ensure that the shopping Centre receives prompt attention and regular maintenance. This will enhance the experience for residents using the shops and improve outcomes for small business owners in the area.

*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.*

### **Motion to take note of petitions**

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

That the petitions so lodged be noted.

### **Watson—crime—petitions 6-24 and 12-24**

**MS LEE** (Kurrajong—Leader of the Opposition) (10.03): I wish to speak to the petitions regarding concern about community safety raised by Watson residents. There are several petitions on this matter—an e-petition with 500 signatures and paper petitions in the same terms. I seek leave to table an out-of-order petition along the same lines as the ones just tabled.

Leave granted.

**MS LEE:** I present the following paper:

Petition which does not conform with the standing orders—Watson—Community safety—Ms Lee (87 signatures).

The petitions call on the ACT Labor-Greens government to provide adequate police resources to keep our community safe. They also call on the government to ensure that offenders are held accountable for their actions, and that the antisocial behaviour on Housing ACT property be appropriately addressed.

Over the past few months, I have heard from many locals about community safety concerns in Watson—how it is affecting them, their families and their livelihoods. They are fed up with both the number of incidents and the lack of government action. I have previously written to the minister for policing about this issue, only to receive, of course, the generic response that the ACT government is committed to tackling criminal behaviour and encouraging the community to report it. But their actions indicate otherwise.

Over the past decade, this government has neglected and failed our police on the front line. Locals have told me that they are reluctant to report behaviour because they know that the police, despite their best efforts, are no longer in a position to be able to respond or attend to many of their calls.

I recently met with many residents and some of the stories they told me were actually quite horrific. We are talking about older Canberra locals who have had milk crates thrown at them at the Watson local shops and been chased to their cars. Individuals are wandering the suburbs late at night, breaking into homes, and specifically targeting vulnerable Canberrans, including single mothers with very young children. Cars are being broken into and tools and equipment are being stolen from tradies who then cannot go on to work. There is evidence and paraphernalia of substance abuse very close to childcare centres and the very-close-by local primary school.

Many locals have spoken about their decision to stay away from the local shops because they have faced the antisocial behaviour and they are scared. This, of course, has a devastating impact on the local shopkeepers at those shops. One local resident wrote to me and said:

In the last four years, we have been broken into three times, including having a motor vehicle stolen. We have also been visited by trespassers multiple times. On one occasion our front door was pulled open by a trespasser, who demanded money from us on our doorstep. On another occasion I was trapped inside my home for hours while a group of men under the influence of drugs had a physical altercation on my driveway.

No-one should feel trapped or unsafe in their own homes. The local community recently pushed for action, with Labor and the Greens forced to respond, and the locals have acknowledged the increased police presence and some improvements in the maintenance and management of public housing. But the community is right to be wary about the government providing long-term solutions to the concerns that were, at best, dismissed by this government when they were first raised.

We need more police resources to respond to calls and reports, and to hold offenders accountable. They need the support on the front line. In addition, consistent, adequate management of ACT Housing is required to reduce antisocial behaviour and keep tenants and the wider community safe.

Of course, this issue is not isolated to Watson. The lack of police resourcing affects the whole of the ACT, and the Canberra Liberals have advocated on this issue strongly for a number of years.

I thank the residents of Watson, Downer and the inner north who banded together to fight for government action on this issue. I particularly acknowledge the Watson Community Association for providing locals with a means to discuss and address the levels of crime and concerns about community safety with community organisations, public officials, police and local members.

I thank everyone who signed this petition, especially the local residents, local businesses and community organisations within the inner north who banded together to

get those signatures. As the local member for this area, I will always work hard to ensure that my constituents' voices are heard.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.09): I wish to speak briefly to these petitions and reflect on the work that we have been doing with community members, particularly the Watson Community Association, in responding to some of the issues that have been raised by community members.

These issues were concerning, and it was not a matter of government dismissing these issues at all. In fact, I was really pleased to be the only MLA that attended a community meeting a few months ago; I took on the concerns, came back to government and worked with a number of colleagues in terms of responding to some of the key issues.

As Ms Lee noted, some significant work has been undertaken over the last few months. I would particularly note and thank the work of Housing staff, who have been working with residents within the housing estate areas. I note that many of the issues that were being faced did not involve housing tenants, and that they were being impacted as well. I think we need to be very careful, in pointing the finger in relation to antisocial behaviour, that we are really clear about the ongoing community impact for all residents, including public housing tenants, who also have a right to live in a way that is full of quiet enjoyment.

I know that Housing, TCCS, other government agencies, and non-government agencies, such as Street to Home, have been engaging in the area to respond to issues that have been raised by community members.

I was pleased to participate in, and I know Housing provided some support for, a community day that was held this weekend. It was a really positive event, and many community members actually reported that a real change has been experienced with the work that has been done. People are feeling very positive, and positive about coming to the Watson shops area. That has been driven, in large part, by the work of community members that have taken on activities to build community, as well as government agencies that are responding to some of the issues.

It was fantastic to see police participate on that day and really build relationships with community organisations. This engagement will continue. I will continue to engage with the community residents association. I will ensure that we have ongoing dialogue, and that the activity is sustained. We will continue to build good community connection, and really celebrate the fantastic community of Watson and the inner north.

### **Calwell shops—maintenance—petitions 7-24 and 13-24**

**MS LAWDER** (Brindabella) (10.12): I would like to speak on behalf of many of my constituents, especially in Calwell, about their concerns around the Calwell shopping centre. With respect to the state of the public areas surrounding the centre, they could absolutely do with a bit of tidying up. There is a call for action as part of this petition because there are a number of safety concerns as well as concerns about the visual amenity of the area.



Some of the specifics outlined in the petition include concerns about some of the trees. Of course, we all know that trees add to the aesthetic appeal of an area and provide shade, but the roots infiltrate the paving area and go into and underneath buildings. They lift concrete. In fact, two trees were removed the best part of a decade ago; the stumps and the uneven paving were left there, for the best part of a decade.

This tree removal was advocated for by my former colleague Andrew Wall. That is how long ago these trees were removed. I do not understand why the stumps were not removed, as a follow-up to that, and the paving remediated. I can say that I recently wrote to the minister about the stumps and the paving, and I am pleased to say that they were fixed up, as a result of my correspondence. The point remains: why did it take the best part of 10 years and a follow-up letter to make that happen?

There are other trees in the area that are lifting paving and making it unsafe. We would like to eliminate the trip hazards there. There are also a number of trees that perhaps may be unsuitable. They are the ones that drop those little balls, and they create a real trip hazard for people. There is a recently built aged-care centre nearby, and people slip and slide on those little balls all the time. When it rains, they help to block the drains, and that creates some flooding in the car park as well. If there were more regular sweeping in the car park, this safety hazard would be mitigated, especially near the entrances to the shopping centre.

There is also a lot of demand for upgrading the playground at Calwell shops. There are dirty and broken chairs and unkempt areas. This can compromise the overall experience of people visiting the shopping centre, and it would be nice to see them improve.

There is also inadequate lighting, which exacerbates safety concerns, especially, as I mentioned, for the more recently built aged-care centre. There is a pathway from the aged-care place through to the Calwell shops, but there is no lighting along that pathway. I think that those local older residents would really benefit from better lighting along there.

There have been some incidents of theft outside the building, and that is hindered by obstructed surveillance cameras, because of these trees. If those trees could be trimmed, there would be better use of the surveillance cameras which have been installed by the centre management. There are also a number of potholes, especially out the back, near the loading dock. This is a safety hazard for pedestrians and vehicles alike.

I would like to thank local residents for signing this petition, and Mr Sandi Mitra for putting the petition up. These are not insurmountable obstacles. These are basic, local maintenance issues that could be done as a matter of course, without the need for a petition to the Assembly. As stewards of our community, and as we want to make sure we have a safe and pleasant experience for all, it would be nice to see improvements at Calwell shops. I know many shoppers that I have spoken to would like to see the outdoor area improved and kept up in a local maintenance way. Thanks, once again, to all of those local residents who have signed the petition.

**MR PARTON** (Brindabella) (10.16): I want to thank Ms Lawder for sponsoring these petitions to the Assembly regarding the Calwell shops. I want to thank her for the ongoing work that she has done in the community regarding grassroots problems like

these, because they are extremely important, as you well know, Madam Speaker, to people in our electorate of Brindabella.

I also want to commend my friend Sandi Mitra for putting this petition together, because I think it is a very clear indication of his sense of community. The very first conversation that I had with Sandi was actually at the Calwell centre some years ago when he was working with the Bendigo Bank. I can recall him raising some of these issues contained in the petition. Ms Lawder referred to ongoing conversations that have happened in this place through Mr Wall, and ongoing attempts that she has made to try and get it resolved.

The petition calls on the government to do the basic maintenance that you would expect the government to do at a centre like Calwell, and I applaud all of those who have signed the petition for stepping up to have their voices heard. I look forward to the government response, and I look forward to better facilities at Calwell.

### **Watson—crime—petitions 6-24 and 12-24**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (10.17): I rise, like Ms Vassarotti, to respond to the petitions tabled by Ms Lee. Like Minister Vassarotti, I absolutely refute Ms Lee’s claim that these issues have not been taken seriously; indeed I think the word she used was that residents’ concerns were “dismissed”.

It is quite to the contrary. As Minister Vassarotti indicated, she met with residents on Tuesday, 13 February; and, on the morning of 14 February, the Chief Minister met with the minister for police, the Minister for Mental Health, the minister for community services, the minister for housing, the Minister for Homelessness and Housing Services, and the Minister for City Services to discuss the concerns raised by residents.

We took these concerns very seriously. They were discussed by cabinet ministers, as well as by the Chief Minister. The Chief Minister wrote to the Watson Community Association on 14 February to outline the actions that were being taken and the fact that these meetings were occurring. The Chief Minister advised the Watson Community Association that ministers had been briefed on the concerns, that directorates and service providers had been asked to provide additional support services to the community, and that the minister for policing had raised the concerns with ACT Policing for their awareness and response.

Even at that time, ACT Policing advised that, in the previous fortnight, there had been proactive search warrants undertaken in the Knox Street area. This operational activity was undertaken directly in response to the ACT Policing intelligence and information received from the community regarding illicit drug dealing in that community.

The Chief Minister’s letter indicated that there would be an ongoing response to this and encouraged all members of the community to report antisocial behaviour to police. We continue to encourage members of the community to do that.

I also want to echo Minister Vassarotti’s comments on the Watson neighbourhood event on Sunday. It was a fantastic event. I want to recognise the effort that the Watson

Community Association has made to turn what was and has been a very difficult situation for the community, and one that we have taken very seriously, into an opportunity for the community to come together and look at how they can continue to build a really positive community spirit in Watson.

This reflects the nuanced understanding of our constituents about the complexity of some of these issues—that simply taking a tough-on-crime approach is not sufficient, that we need to have strong communities if we are going to undertake effective crime prevention, and that we also need to understand that people who engage in this level of antisocial behaviour are often themselves facing very complex challenges in their lives. They often have an experience of complex trauma. As a society, we need to understand that. While we respond to the antisocial behaviour and the criminal behaviour, and police are doing that, we are also working on a crime prevention strategy that is about building a positive community.

I heard from residents at Watson on Sunday, for example, that they were very keen to ensure that the Majura Primary School remains an open community asset and is not locked away from the community. Unfortunately, we also heard that, even on that day, a syringe was found on the ground not very far away from the event. We recognise that this is an ongoing issue.

In relation to sharps or needles in public places, I can advise the Assembly that syringe disposal units are in the public housing blocks close to the Watson shops and there is a 20-litre disposal bin at the front of the block. This has already resulted in fewer syringes around the properties.

In addition, TCCS cleanse the Watson shops daily, as part of their cleaning program. TCCS are responsible for sharps disposal on public land, and staff are trained in the safe handling of sharps and infectious waste. Vehicles are equipped with sharps containers. Any reports of sharps via Access Canberra are responded to immediately, and I encourage community members to make those calls. Out-of-hours calls are responded to by on-call staff as a priority.

While it has been past practice to deploy collection containers only in public toilets, TCCS staff have visited the Watson shops precinct and identified six possible locations for a sharps container. That will be the subject of future consultation with shop owners and the community.

### **Calwell shops—maintenance—petition 7-24 and 13-24**

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (10.23): I rise briefly to answer at least one of the questions that Ms Lawder asked about how trees are removed. We have put out quite a bit of public commentary about this recently, so that the community is aware of it. For the benefit of the chamber, Ms Lawder and the broader community, I am happy to put it on record in the *Hansard* as well.

Tree removal is a three-stage process. I very much appreciate that, for the community, when a tree is identified for removal, they would like it to be gone immediately. Initially,

the canopy and the limbs are removed; then, within four to eight weeks, a separate team removes the trunk, leaving a stump usually about 100 millimetres or less above the ground. Finally, a grinding contractor is engaged to remove the remaining stump, four to eight weeks after that.

In short, once the canopy, which is posing the most danger to the community, has been removed, it can then take two to four months before the trees are completely gone. Again I appreciate that that might be unsightly, but when we are responding to a safety concern, that is what we are talking about.

I appreciate that, in the example that Ms Lawder has given, the time was longer. It may well have been in relation to having enough works for us to engage a grinding contractor for the final removal of the stump. That is generally the way that it works—not always, and things can be missed. I certainly appreciate that.

On that, I do want to acknowledge the extraordinary achievements of some teams in TCCS over the past few months—not only the teams and their efforts regarding the enormous storm clean-up and the wild weather conditions that we have been experiencing since November, but also the teams that have been tasked with improving Fix My Street and the improvements that they have applied there. We are already seeing a huge improvement in responsiveness, in closing cases and in giving our crews on the ground the information they need so that they are able to respond to requests much more efficiently.

I very much look forward to providing a comprehensive update on all that has been achieved in the first half of this year.

Question resolved in the affirmative.

## **National Multicultural Festival 2024 Ministerial statement**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations and Workplace Safety, Minister for Multicultural Affairs and Minister for Police and Crime Prevention) (10.26): I am pleased to rise today to share my appreciation for all those involved in helping to bring the 2024 National Multicultural Festival to life.

From 16 to 18 February the festival unfolded right here in our city centre, with hundreds of thousands of people enjoying a jam-packed program of local, national and international performing artists, including dancers, singers, entertainers, bands and other culturally diverse creative contributions. Over its three-day duration in mid-February, the city came together to share the cultures and enjoy a wonderful array of cuisines from across the globe. From the juicy German sausage sandwiches and flavourful bowls of Persian rice to the delicate Italian cannoli and platefuls of sugar-dusted Dutch pancakes, attendees munched their way through thousands of kilograms of delicious international fare.

Each year the festival extravaganza is one of the most loved events in the capital's annual cultural and events calendar. Similar in popularity to 2023, when the festival

marked its 25th anniversary celebrations with the largest crowds in its history, again in 2024 there were record numbers of attendees. Additionally, this year many attendees left their cars at home and arrived at the festival by ACT government buses and light rail, for which fares were waived to ensure easy and free access for all Canberrans.

This very special festival continues to grow and evolve each year due to the collective dedication and efforts of many hundreds of volunteers, vendors, stallholders, coordinators, performers, contractors and staff each playing a part. In 2024 the festival again expanded further into the green surrounds of Glebe Park to provide plenty of shade for attendees to relax on the grass or enjoy a picnic spread while taking in the entertainment.

Across our stages—there were eight in total—the festival featured 24 cultural showcases and acts by professional artists and expert community-based performers. Festival attendees were able to explore 270 stalls dotted across the footprint, with more than 170 cultures represented. The festival parade in 2024 was deemed the largest in the event’s history, even surpassing the 2023 parade. This year included four-legged friends for the first time.

It has certainly come a long way since its humble beginnings back in 1996, when our vibrant city formalised its love affair with our cultural diversity when the National Multicultural Festival officially came into being. The festival, which began as a nod to the capital’s expanding cityscape, populated by young families with links across the globe, blossomed throughout the 1990s and early 2000s to become an event reflecting the incredible cultural diversity represented in the capital. In the space of a decade, the festival grew to incorporate key showcases and elements that we still love today, including the Greek Glendi, the Latin Carnivale, the Chinese New Year, the Pacific Islander Showcase and the European Village.

The continued strong engagement of Canberra’s multicultural community over the past 26 years has made our annual festival a true celebration of diversity in a friendly and welcoming atmosphere. Each year the annual festival provides a platform for our diverse multicultural communities to proudly, and loudly, stake their claim to a share of the Australian story.

The core community value of the festival aims to bring together multicultural communities, audiences and stakeholders to share our cultures, celebrate diversity and create a more inclusive and harmonious community. I understand that for some communities it may be difficult to celebrate culture when their homelands are experiencing serious conflict and their loved ones are experiencing the horrors and traumas of war.

This year a Palestinian community performance, *Tales of a Homeland*, was accepted by the festival. However, the performers chose to withdraw from the festival. As with all performances and stalls, the festival team seeks to ensure that they meet the aims and objectives of the festival. While the Palestinian performers remained welcome to participate in the festival, the ACT government respects the decision of the organisers of the performance to withdraw from the festival this year.

It has been truly an honour to oversee the 2024 National Multicultural Festival, as the Minister for Multicultural Affairs. The festival remains a visible statement of the

multicultural community's importance to our city's identity and remains an important part of Canberra's collective history—and indeed will be an important part of Canberra's future. It is our way of saying thank you, as well as sharing all of the incredible cultural diversity upon which our city was built.

In the four months since assuming responsibility for the multicultural affairs portfolio, I have been so deeply impressed by the commitment and passion within our culturally and linguistically diverse communities. From advice and contributions through the Ministerial Advisory Council for Multiculturalism to celebrations of traditional days and occasions by myriad local multicultural organisations and the sharing of mother languages in homes and schools, to the welcoming of new migrants and support for refugees, cultural and linguistic diversity is thriving in the capital.

Each year, our way of celebrating our incredible multicultural way of life is through our annual National Multicultural Festival. On behalf of the ACT government, our thanks and appreciation go to all of our National Multicultural Festival volunteers, stallholders, performers, musicians, dancers, diplomatic corps members, contractors, government staff and festival attendees for a successful event again in 2024.

It was an amazing turnout. Following the efforts to deliver the 25th anniversary festival event in 2023, post COVID-19, many wondered how we could possibly match its success again. Yet, in 2024, here we are, proudly reflecting on an event which has once again surpassed our very high expectations. All eyes are now focused on 2025 and how we may continue to evolve, improve and deliver next year's festival for our community. I am very proud to state that I am already very much looking forward to it.

I present the following paper:

National Multicultural Festival 2024—Ministerial statement, 9 April 2024.

I move:

That the Assembly take note of the paper.

**DR PATERSON** (Murrumbidgee) (10.34): I want to briefly speak in support of the National Multicultural Festival that is held each year in our city. It is one of the biggest events in the territory. It is a reminder of how our city, although small in comparison to others, has a thriving and growing multicultural community. Multiculturalism makes our community stronger. We all get to enjoy the benefits of sharing cultures from all over the world. Australia has a long history of multiculturalism, and now more than 50 per cent of Australians have at least one parent born overseas. I was very proud to see how this was reflected in the 174 cultures represented at the National Multicultural Festival in February this year.

I would like to congratulate Minister Cheyne on getting the festival back up and running after the uncertainty during COVID. I thank Minister Gentleman for supporting the community and festival organisers to see the strongest year yet, and one of the most popular events on the territory calendar. Thank you to the hundreds of volunteers, stallholders, performers and visitors to the festival. The festival delivers great economic benefit to the territory. Last year the festival delivered more than \$20 million in

economic benefit. With it growing each and every year, this benefit will continue to grow into the future.

More than 380,000 people celebrated, from cultures from nearly every country around the world. Attending this event is certainly a highlight of my year and I look forward to the festival growing in future years. Congratulations to everyone involved, once again, in putting together such a flawless event. Events like this showcase the strength of our diverse Canberra community and continue to demonstrate that we are the most inclusive city in the country. Thank you.

**MR BRADDOCK** (Yerrabi) (10.36): In my adjournment speech last week I spoke of the difficulties faced by the performers of *Tales of a Homeland* in dealing with the Multicultural Festival organisers. It felt to them that their play *Gaza Press* was effectively being subjected to censorship. It was good to hear Minister Gentleman reflecting on these events; however, in doing so he seemed to suggest that the performers withdrew purely for their own reasons, not due to poor communication between the festival organisers and a vulnerable community group. This serves to remind us that celebrations of multiculturalism are just one part of supporting and encouraging diversity. The other part is the hard conversations about anti-racism; it is about challenging our past behaviours and endeavouring to become better people. We are getting there.

The Multicultural Festival remains one of the most important events in Canberra's calendar. I want to offer my thanks to every single person who helped organise, perform, cook and clean up after the incredible crowds that came out to celebrate our diverse cultures here in Canberra. Through the sharing of culture, language and food, we improve understanding and awareness of the value of diversity in the Canberra community. This is extremely powerful in promoting a safe and inclusive community and actively fighting racism. We all make this city the wonderful place that it is. Let's keep working to make it even better.

**MR CAIN** (Ginninderra) (10.37): I want to endorse so much of what has been said this morning. I am very proud to be connected to our wonderful multicultural community in my role as shadow minister for multicultural affairs. The Canberra Liberals, if in government from October next year, will be seeking to encourage even wider participation from our multicultural community.

This festival is certainly a wonderful opportunity to deal with ignorance about other cultures and to encourage all Canberrans to enjoy what is offered by other cultures through their dance, music and food and to gain a better understanding of the different perspectives of our multicultural community. I do look forward, as the shadow minister for multicultural affairs, to advancing some policies, leading up to this election, that most certainly will encourage our multicultural community to feel that they can trust their agenda and their priorities in the hands of the Canberra Liberals, under Chief Minister Elizabeth Lee.

I want to commend the many, many volunteers who participated in that weekend, and also the public servants, who no doubt spend much of their own time organising and making sure that everything ran smoothly. The Ministerial Advisory Council for

Multiculturalism plays such an important role, and I will ensure that its voice is heard in a Canberra Liberals government, not just for the purpose of this festival but for the purpose of advancing the agenda of our multicultural communities.

I want to particularly acknowledge the diplomatic community and express appreciation to many of the high commissioners and ambassadors who call Canberra home for their attendance and encouragement to highlight and showcase their own countries and cultures. It was a delight, on my part, to spend most of the three days in attendance at the festival. If anyone wants to see what I got up to, feel free to go to my social media and like, follow and share.

**Mr Barr:** I am onto it!

**MR CAIN:** Just get straight onto it! It was a very successful weekend. The Canberra Liberals are committed to making this a highlight in the Canberra calendar; to attracting even more interstate and overseas visitors; to ensuring that our multicultural community have many opportunities, even apart from the festival, to display their culture; and to embracing the other cultures within our community and helping all Canberrans enjoy the diversity of what this city has to offer.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (10.40): I, too, rise to congratulate Minister Gentleman and the festival team, and indeed all of the multicultural community's diplomatic corps, the volunteers and the ACT government staff who made the festival such a success. I especially note that the record numbers of 2023 have been smashed again with these festival numbers. Long may it continue to grow and continue to receive the fabulous recognition that it has, particularly over the last 18 months, being a finalist in the national major tourism awards, as well as winning the best community event in Australia.

It is the best community event in Australia because it is community led. I think we can credit that so strongly in the last few years to the establishment of the Community Panel Reference Group. I really want to acknowledge CSD, who brought the idea to me some time ago about the value that it would bring to the festival team to have a reference group of experienced showcase leaders and volunteers from the festival who would be able to support them and who they would be able to test decisions and ideas with. That began with Chin Wong, Toa Takiari and Malcolm Buchanan, as well as Gio Alvarez-Cano. They continued from the 25th anniversary, which was so successful, as members of the CPRG into this year, and the group was expanded, to be joined by Ambreen Atif, Kofi Bonsu, Ruchika Goel and Luka Musicki.

As a result, I think it is why the festival goes from strength to strength, not least because of the connections that the CPRG members have with their beautiful communities but also because they are logistical experts. They know what it means to make a dollar go an extra mile when putting on an event. They know how to coordinate a whole lot of different communities and groups to run a showcase. They know what it means in terms of disability and sensory responsiveness and access, and they also know how to put on a party.



They have been backed up by such an incredible effort from right across the community in making sure that this event happens but also that the values that we hold dear—the values that are within our multiculturalism charter—are expressed throughout those three days and indeed throughout the entire year. I particularly want to acknowledge the effort across government, in addition to all of the community volunteers and the many people who come to enjoy the festival, to linger, and who come back because there is so much to see and do and it changes every day.

We have unsung heroes, in many ways, behind the scenes. There is our terrific festival team, led by the inimitable Jayne Simon and supported by a whole host of experienced events managers and others who have come in over time to provide support, including, where needed, some last-minute support. Also, it is our teams who are doing the road closures. It is our teams who are making sure that the city is swept and clean, and that on the Monday following the festival the streets are beautiful and tidy. Particular thanks go to our crews at the Civic depot.

It is thanks to our bus drivers, who do have to contend with some changed circumstances in how the interchange operates. Also, this year they supported the free public transport right across the city that enabled people to leave their cars at home. It was so terrific to see the uptake that we got with that. Indeed, as a result, very few people, compared to last year, received an infringement for parking. If they did, it was due to safety and line of sight issues. We were very pleased to see the patronage across our bus network and light rail network.

Madam Speaker, you may recall that a hot topic last year was just shy of a dozen noise complaints, the majority of which occurred before the festival began, when there was sound testing going on. There were no noise complaints this year, which, again, I think is testament to the community. It is also testament to the very hardworking teams who engaged with the EPA, who engaged with the body corporates and those executive committees and made sure that the festival aspects and the direction of its sound were working in a way that meant everyone was able to enjoy it.

There were some challenges due to rain. It did bucket down from about 9 pm on the Saturday night, but people stayed out. It was amazing to see. I really do congratulate Gio, especially, at the Latin Carnivale, for his flexibility in dealing with a stage that was sopping wet, as well as a whole lot of dancers who were in very, very high stilettos, and how they were able to make sure that the party continued. There was rain again on the Sunday afternoon, following a very warm day, but, as you have heard, Madam Speaker, the data shows that people continued to turn up in droves, smashing through the record of last year, even though we had no rain last year.

The parade, for the very first time, had animals. It had Scottie dogs with our Celtic contingent. I know that they are looking forward to being involved next year. I think it was such a success.

It has been a privilege to have been the multicultural affairs minister—certainly in not the period when we were not able to proceed with the festival, but to have been able to bring it back with such a bang in 2023 with the 25th anniversary and then to see its success continue under Minister Gentleman. We see what that means for our community and what that means for our values, especially at such a difficult time

worldwide, when many in our community are hurting and are being harmed, whether directly or indirectly, by the tragedies that are occurring worldwide.

I would like to finish by noting that probably the highlight of the festival, for me, was waiting for the parade to begin. I was sitting just across the way in Ainslie Place, in the shade, getting a good view. As we waited for it to start, there was a couple sitting next to us with an American accent. It turned out they were from Anchorage in Alaska. They are in Australia for three months, escaping the very, very cold temperatures of Alaska—fair enough, I might add. They had made their way to Sydney and were using that as their base, and they figured, “You know what? Canberra is not too far away. We will get the train and come to Canberra just for the Friday night, have a bit of a sticky beak and see what is on.”

They had not looked at the events calendar. They had no idea what to expect. They got here, they went to their hotel on Northbourne Avenue and then said, “What is that party?” and they came and enjoyed it. They had such a terrific time. They could not believe the melting pot of cultures, that the events were free and the variety of things that they could experience—so much so that they were supposed to leave on Saturday morning but they stayed. They were supposed to then leave on Sunday morning and they decided, “You know what? We are going to stay the entire festival and really get to understand Canberra and the values of this city.” The fact that they said they had never experienced anything quite like it speaks volumes about our community. It speaks volumes about our multicultural values as a community. It speaks volumes about what it means in practical terms to be a welcoming city—which we are, and we have been independently accredited as such for some time. I think it really does underline exactly why this is such an extraordinary expression of our city’s identity. Long may the ACT government continue to enable it to exist. Thank you.

Question resolved in the affirmative.

## **Planning, Transport and City Services—Standing Committee Report 17**

**MS CLAY** (Ginninderra) (10.50): I present the following report:

Planning, Transport and City Services—Standing Committee—Report 17—*Inquiry into Property Developers Bill 2023*, dated 5 April 2024, including additional comments (*Mr Parton*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The bill was tabled in the Assembly on 30 November 2023 and referred to the committee according to the resolution of establishment. The committee decided, on 14 December, that it would undertake an inquiry into the bill. The bill seeks to bring residential property developers into the chain of accountability for building quality issues. It establishes a licensing regime and regulatory framework intended to improve the quality of residential development in Canberra and, in doing so, protect the public from the costs of rectifying defects.

Following referral by the Assembly, the committee called for submissions and received 29, and then held a public hearing during which the committee heard from industry stakeholders, peak bodies, community organisations, the public and the Minister for Sustainable Building and Construction.

The committee's report makes seven recommendations. These cover the scope of the definition of "property developer", perceived retrospectivity of the scheme, administrative arrangements, and processes for the review of decisions. The committee considers it was important to conduct this inquiry given community concern about the incidence and impacts of building defects in Canberra and the significant regulatory reforms proposed in the bill. The committee has recommended that the relevant Legislative Assembly committee should be given the opportunity to decide whether a further inquiry is warranted during the fifth year of the act's operation to assess how these reforms are working.

On behalf of the committee, I would like to thank everyone who participated in this inquiry or assisted with this inquiry. We heard from many witnesses who have assisted the Assembly on these issues of building quality in the past. I thank them for their patience, their evidence and continued preparedness to show up. I would like to thank my colleagues, Deputy Chair Orr and Mr Parton, for their collegiate contributions, and, once again, our very hardworking secretariat, James, Adam, Nicola, Lydia and Justice, who have done a great job on this report.

I commend the report to the Assembly.

**MR PARTON** (Brindabella) (10.53): In the first instance, I want to thank the other committee members and the secretariat for making this happen. When we examine bills in this way, we obviously always do it because there is a genuine need to scrutinise, but it always involves a whirlwind process, and you could be forgiven for believing that it is structured in such a way as to avoid proper scrutiny.

The community has called for some change in this space, and the government has responded. There have been too many cases of defective builds, particularly in apartment structures, and too many cases of developers avoiding their responsibilities, and so it is easy to see why this bill has been formulated. We are a small jurisdiction, but on many occasions the powers that be take it upon themselves to blaze a trail in many legislative spaces—to be the first; to be, in some instances, the most progressive; to try things that nobody else has tried. Many say that is commendable, but it does come with risk, and I think that there is risk in this legislation.

The legislation is extremely well-intentioned, but it is impossible to ignore the many potential unintended consequences. I do fear that many of these unintended consequences have been downplayed by the minister and the government at a time when building companies are falling by the wayside, when the industry is finding it almost impossible to deliver the dwellings that are required for a growing Canberra, and when there are so many pressures that are resulting in some extreme outcomes in ACT construction.

It is a pretty interesting time to introduce Australian-first legislation which will, whichever way you look at it, make it more difficult to build things in the ACT and, as was suggested by the minister in her evidence, will increase the cost of dwellings in the ACT.

The committee was able to agree on quite a number of findings and recommendations, and I will mention several that I think are of great importance. Finding 1 in the report states:

The Committee finds that in developing the regulations, the ACT Government should give consideration to exemptions from property developer licencing and the personal liability provisions of the Property Developers Bill 2023 to not-for-profit developing organisations—

and not-for-profit retirement villages and clubs—

that will own and rent the development for a period no less than 10 years—

consistent with other provisions in the bill. It is a pretty important finding.

Recommendation 2 states:

The Committee recommends that the ACT Government introduce amendments to this Bill that amend Part 6 as appropriate to accurately reflect the stated policy position that rectification orders will not be retrospective in application.

I will just mention that the committee report also states:

The Committee recommends that the ACT Government clearly establish the administrative arrangements for running the scheme prior to commencement of the Property Developers Bill 2023.

There were certainly concerns raised about this government's history in this space and frameworks not being in place in time.

I provided a number of additional comments. I will refer to just a couple of lines. I said:

It must be said that the vast majority of work completed by our construction sector is done so without the hint of building defects and additionally that previous inquiries in this space have pointed towards our building certification regime as being problematic as well as an inability for the ACT Government to enforce its own rules.

I went on to say:

The Bill sets out to provide significant public benefits, but, in its current form could have several unintended consequences, the biggest being reduced investment by property developers in the ACT, which will result in less homes being built at a time when they are desperately needed.

Moving on, I suggested:

There are other potential unintended consequences around retrospectivity, but one of the things that became clear during the hearings is that those retrospectivity clauses remain unclear and it's up to the government to definitively state its position on these matters.

In further additional comments, I said:

By far and away, the biggest unintended consequence of this Bill is likely to be reduced investment by developers in Canberra ... Additionally, as we see a national construction labour shortage and with a number of building firms becoming insolvent in and around our jurisdiction, it's likely that the imposition of these laws will further slow housing construction at a time when it's desperately needed.

With regard to the non-appearance of the ACT government as a developer, as per this bill, I said:

The ACT Government is one of the largest property developers in the territory and as such it's baffling that it's left itself out of this Bill. Surely if these important law changes apply to all property developers, they should apply to the ACT Government. The government should explain why the provisions in this Bill don't also apply to senior bureaucrats or indeed with Ministers themselves. If the government doesn't wish to itself drink from this chalice, does it suggest that the drink is poisoned somewhat

I would note that there was a recommendation agreed to by the tripartisan committee—that the committee recommend that, in the five-year review of the legislation, “the ACT government consider whether the code of conduct and regulatory system should immediately apply to all property developers, including government agencies that undertake property development”. I am of the view that that change should be made earlier than that.

In my additional comments, I also said:

Concerns were raised during the hearings about the reverse onus of proof provision on building defects in the first two years. I have major concerns with the procedural fairness of a clause which creates a presumption that any defect identified by the affected party within the first two years post completion, are automatically the builders liability unless proven otherwise.

I finished my comments by saying:

... I have some concerns with the core element of this Bill, that is the direct personal liability component. Although there are many in the community who are quite pleased with the prospect of ‘piercing the corporate veil,’ I think genuine modelling needs to be conducted to determine what impact this major change to the law will likely have on the construction landscape in the ACT.

I offered four recommendations. They are available in the report. I close by saying that I fall just short of recommending that this bill not pass. Until such time as these recommendations and the recommendations and findings made by the committee as a whole are given genuine consideration and acted upon by the government, it would be extremely difficult for me to support it.

**MS ORR (Yerrabi) (11.00):** I rise today to address the additional comments I made to the report of the Standing Committee on Planning, Transport, and City Services inquiry into the Property Developer Bill 2023. The Property Developer Bill 2023, which I will refer to as the bill from now on, is an important step towards realising proper accountability in the property development sector. Property developers have an

important role in the delivery of our built environment and, in turn, a large level of social responsibility, and with this responsibility should come accountability. Property developers are uniquely placed in the building and construction sector with an oversight and decision-making responsibility over a building from its inception, design and delivery. The construction phase is, however, one aspect of the full spectrum of activity undertaken by a property developer, and it is disappointing the bill does not address other aspects of the important role developers have in delivering the planning vision of this city.

As a community, we rely on private development to provide a range of built forms that are crucial to the make-up of our city and the opportunities that our built environment provides. From housing to workplaces and public facilities such as libraries, we as a community rely on property developers to deliver not only the physical building but also the public interest inherent in its intention.

In my capacity as a local member, a longstanding member of the Standing Committee of Planning, Transport, and City Services and its counterpart in the Ninth Assembly, the Standing Committee on Planning and Urban Renewal, and as a member of the Ninth Assembly's Standing Committee on Economic Development and Tourism, which undertook the building-quality inquiry, I have heard consistently that what is promised in a development proposal is often not always delivered. This is perhaps best evidenced through mixed-use developments which propose a commercial development component, only to have the proposal amended after the approval of the development application and prior to completion of the building, sometimes entirely removing the commercial aspect or, at other times, substituting commercial activity which achieves a very different outcome.

Other examples include amending the number of one-, two- or three-bedroom apartments in a building, leading to an abundance of some and a scarcity of others. These changes can have a significant impact on the urban environment that is delivered. Places that should be vibrant commercial areas have those aspirations built out. Housing that should be provided and options for a range of needs become focused on typologies that suit some but not others, leading to less choice for people who may wish to move through the housing ladder while staying in place. In short, these changes can fundamentally change the options available to our community in the areas we live, work and play.

However, the inception of the design of the building and how well these are delivered by the completed development feature less prominently in the coverage of this bill. To fully realise the benefit to the community of property developer licensing, consideration should be given to the delivery of the final project against the urban outcomes originally sought—for example, an audit of past works completed by a developer to ensure that what was originally proposed as far as urban outcomes are concerned was actually delivered, with the potential for penalties for consistent or unjustifiable non-compliance provisioned under the scheme.

It needs to be acknowledged that there are further areas of improvement which, if implemented, will complement the property developer licensing scheme that the bill puts forward and will further improve the quality of buildings in the ACT. The 2020 commitment from the ACT government to establish a team of building certifiers within

the ACT public service needs to be delivered. The commitment came after years of concerns being raised regarding the conflict of interest inherent in a private system where the certifier is appointed by the developer of the building. This is particularly pertinent to multi-unit developments, where the intended owners do not take ownership until construction is completed and have no say over who is appointed as the certifier during construction. Removing this inherent conflict of interest will provide greater confidence in the certification process. It is disappointing that, after almost four years from when the commitment was made, the ACT government has not yet appointed a single publicly employed building certifier. This needs to change.

Once these two reform commitments are completed, attention should turn to other areas of improvement where greater accountability can be introduced across all parts of the sector, with the benefit of improved built environment outcomes. Without addressing these additional areas of potential reform, the gains made by the current reforms will be limited.

In conclusion, the establishment of a property developer licensing scheme is an important accountability measure within the building and construction sector. However, it should not be viewed as the last step. The commitment for a team of publicly employed building certifiers needs to be delivered, and future areas of reform across other parts of the sector need to be identified. It is only through addressing all areas in the development and construction process that we will achieve a system Canberrans can truly have confidence in.

Question resolved in the affirmative.

## **Education and Community Inclusion—Standing Committee Report 10**

**MR PETTERSSON** (Yerrabi) (11.05): I present the following report:

Education and Community Inclusion—Standing Committee—Report 10—*Inquiry into Annual and Financial Reports 2022-2023*, dated 2 April 2024, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

In my role as chair of the Standing Committee on Education and Community Inclusion, I am pleased to speak to the report of the inquiry into the annual and financial reports for 2022-23. This is the 10th report of the Standing Committee on Education and Community Inclusion for the 10th Assembly. The report was tabled out of session on 4 April 2024.

During November 2023, the committee conducted eight days of hearings. Throughout the course of these hearings, 32 questions were taken on notice, while 18 questions were provided on notice by members following the hearings. The committee makes 12 recommendations relating to: disability inclusion coaches in ACT public schools; the Future of Education Equity Fund; ACT public school infrastructure projects; support

for Canberra's multicultural communities; data metrics for women's safety and Aboriginal and Torres Strait Islander reporting; the ACT Seniors Card program; future commemorations of War Widows Day in the ACT; funding for the Integrated Service Response Program; and ongoing support for Fee-Free TAFE in the ACT.

On behalf of the committee, I would like to thank all ACT government ministers and directorate and agency officials who appeared at the public hearings and participated in the inquiry. I would also like to thank my fellow committee members, Miss Nuttall and Ms Lawder, for their contributions to the inquiry process and report, and, as always, thank the committee secretariat for their wonderful work. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Environment, Climate Change and Biodiversity—Standing Committee Report 10**

**DR PATERSON** (Murrumbidgee) (11.08): I present the following report:

Environment, Climate Change and Biodiversity—Standing Committee—  
Report 10—*Inquiry into Annual and Financial Reports 2022-23*, dated 4 April  
2024, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Today, I rise to speak to the report by the Standing Committee on Environment, Climate Change and Biodiversity on its inquiry into annual and financial reports. The committee held public hearings on 13, 14, 17 and 22 November and 12 December 2023. The committee was required to examine all or part of the 2022-23 annual and financial reports for the Environment, Planning, and Sustainable Development Directorate; the Chief Minister, Treasury and Economic Development Directorate; and the Office of the Commissioner for Sustainability and the Environment.

The committee's report made 14 recommendations. Some of the recommendations include recommending that the ACT government mandate, in developer contracts once the burrowing animal guidelines are complete, pre-development inspections for burrowing animals. The committee recommended that the ACT government cease classifying dingoes as a pest species and cease classifying them as wild dogs. The committee recommended that the ACT government urgently review current licensing arrangements and identify a framework for snake handlers suitably qualified to register ownership of venomous snakes for educational and training purposes in the ACT. The committee also recommended that ACT government agencies should provide reports to the Office of the Commissioner for Sustainability and the Environment within deadlines. Finally, the committee recommended that the ACT government increase resourcing for the Environmental Protection Authority to ensure it is able to conduct sufficient inspections to protect Canberra's environment.



On behalf of my colleagues on the Standing Committee on Environment, Climate Change and Biodiversity, I would like to thank everyone who participated and assisted in the inquiry. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Health and Community Wellbeing—Standing Committee Report 12**

**MS CLAY** (Ginninderra) (11.10): I present the following report:

Health and Community Wellbeing—Standing Committee—Report 12—*Inquiry into Annual and Financial Reports 2022-23*, dated 3 April 2024, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

As chair of the Standing Committee on Health and Community Wellbeing, I am pleased to speak to the report of the *Inquiry into Annual and Financial Reports 2022-23*. This is the 12th report of the Standing Committee on Health and Community Wellbeing for the 10th Assembly. During November 2023, the committee conducted four days of hearings. Throughout the course of those hearings 50 questions were taken on notice, and 56 questions were provided on notice by members following the hearings. The committee makes five recommendations, concerning enabling midwives to prescribe home-birth medications; the number of emergency room presentations resulting from dental issues; funding for safe havens and peer workers; better integration of community organisations into consultation on the circular economy; and ensuring sufficient public housing for former East Lake residents.

On behalf of the committee, I would like to thank all ACT government ministers and directorate and agency officials who appeared at the public hearings and participated in the inquiry. I would also like to thank my fellow committee members—the deputy chair, Mr Milligan, and Mr Pettersson—for their contribution to the inquiry process and report; and I commend the work of our secretariat, who, once again have put together a really good report and worked hard on it. Thank you, Anna and Catherine. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Report 27**

**MR CAIN** (Ginninderra) (11.12): I present the following report:

Justice and Community Safety—Standing Committee—Report 27—*Inquiry into Annual and Financial Reports 2022-23*, dated 8 April 2024, including additional comments (*Mr Braddock*) and a dissenting report (*Mr Braddock*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 27th report of the Standing Committee on Justice and Community Safety, tabled on 9 April 2024. The committee held public hearings on 13, 14, 17, 21, 22, 23 and 24 November last year. At the hearings, the committee heard from ACT government ministers and their accompanying directorate officials, statutory officers and members of governing boards. The committee has made 23 recommendations. A dissenting report in respect of one recommendation and additional comments on another has been made by committee member Mr Braddock.

On behalf of the committee, I would like to thank everyone who contributed to the inquiry; our secretariat for their professional support; and the deputy chair, Dr Paterson, and Mr Braddock for their cooperation and discussions. I commend the report to the Assembly.

**MR BRADDOCK (Yerrabi) (11.14):** The comments I make today on this JACS report need to be taken in the context of an ongoing inquiry into cashless gaming that is being undertaken by the committee. Given that one of the recommendations to the annual reports paper is dangerously unqualified and the other one is incredibly backwards, I was left with no choice but to make additional comments in a dissenting report.

Facial recognition technology for use in gaming venues might offer some limited benefits to support self-exclusion. However, there are significant human rights implications associated with facial recognition technology—a technology that has been misused in gambling operations to help keep patrons on machines. In an operating environment that is highly dangerous to people with gambling additions and in which commonwealth regulations are not keeping up, we need to be incredibly careful about how far we allow this technology to be used. I would actually argue that it is not needed at all. We have better tools to achieve the same harm minimisation objectives, and this is where we come to the backwards recommendation.

Cashless gaming is a tool. Without harm minimisation baked into its design, it could make things even worse for problem gambling. In fact, any tool that removes the friction of cash transactions on its own is known to keep people on machines longer. That is why the clubs want it. It supports their primary business objective, and that is why it is liable to exacerbate the harms of problem gambling if we do not have other guardrails in place to counteract those problems.

Those guardrails can be applied to cashless gaming, but they are most effective when facilitated by a central monitoring system. As the Attorney-General has pointed out, a central monitoring system is a backbone upon which the best and most reliable forms of harm minimisation can be built; in particular, jurisdiction-wide loss limits that guard against venue hopping and prevent people from completely falling off the cliff. This will also help prevent criminals from laundering any meaningful amount of money in the ACT.

A central monitoring system does not require cashless gaming to be effective. Harm minimisation tools can be built onto it either way. By contrast, cashless gaming stands to exacerbate harm via reduced friction and requires harm minimisation tools to be integrated in its design, the most effective of which are facilitated by a central monitoring system.

The committee's recommendation should have been that the government should not commit to cashless gaming before fully exploring a central monitoring system, not the other way around. That recommendation would already be dated because it is precisely what the Minister for Gaming has already done. This is exactly what the academics are telling us is needed to address gambling harm; it is what the community sector—those who have to pick up the pieces from problem gambling—is trying to tell us is required.

The gambling lobby must love what Dr Paterson is naively proposing, because her proposals will see a continuation of business as usual, with minimal impact on their operations or bottom line. I also question whether Dr Paterson is really talking for the Labor Party. Is it ACT Labor policy that poker machine numbers in the ACT be limited to 1,000 machines? The ACT Labor platform contains no general policy on clubs, gaming or gambling other than the historic resolution about the Canberra Casino.

The Labor Party has been compromised on the topic of poker machines for decades. ACT Labor has effective ownership and control of the Labor Club Group, a collection of four venues built on pokies revenue. The 1973 Foundation investment vehicle was seeded from the gambling losses from those venues. No amount of revenue diversification efforts or change to investment policies escapes the fact that the Labor Party controls a substantial asset base that was built on the bones of problem gamblers and continues to benefit from gambling addiction to this day. As long as the Labor Party continues to control these gambling assets, the gambling lobby will continue to have their captive attention, and it remains as no surprise to anyone that the ACT Labor policy platform remains completely silent on anything related to poker machines and the clubs that own them.

What Dr Paterson needs to understand is that she has been pushed into arguments of prohibition and venue self-exclusion because the clubs know they do not actually work and, in fact, such arguments support the status quo in the long run. We cannot afford to be tools of the foxes in the henhouse. We need to, instead, listen to the experts and the advocates for harm minimisation reforms.

Question resolved in the affirmative.

## **Planning, Transport and City Services—Standing Committee Report 18**

**MS CLAY** (Ginninderra) (11.19): I present the following report:

Planning, Transport and City Services—Standing Committee—Report 18—*Inquiry into Annual and Financial Reports 2022-2023*, dated 4 April 2024, including additional comments (*Ms Clay*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The committee held public hearings between 14 and 24 November 2023. The committee was required to examine all or part of the 2022-23 annual and financial reports for the Environment, Planning and Sustainable Development Directorate and

the Transport Canberra and City Services Directorate. The committee's report makes 12 recommendations on a range of topics, including demonstration housing in Kingston; the National Capital Design Review Panel; textile recycling; affordable housing; transport and waste emissions reduction; and weekend bus services.

On behalf of the committee I would like to thank everyone who participated in or assisted with the inquiry, particularly my colleagues, Deputy Chair Orr and Mr Parton, and our secretariat, who have had an enormous workload with that committee. I commend the report to the Assembly.

I would like to, in a different capacity, now make a few comments as an MLA rather than as the chair of the committee, because I did lodge some additional comments on that report. I want to take a few minutes to address those additional comments.

We are in a climate emergency. We are reducing emissions in some areas, like electricity and fossil fuel gas; but in other areas our emissions are increasing, like in transport and waste, so what we are doing is not working. We need a different approach. At the time of the annual report hearings, emissions from waste and wastewater sat at about 9.3 per cent of Canberra's tracked climate emissions, or around 153 kilotonnes. The latest inventory shows that these have risen; they are now up to 11.1 per cent, or around 180 kilotonnes. Similarly, at the time of the hearings, transport emissions sat at around 63.6 per cent, or around 1,047 kilotonnes, and again they have since risen to 1,170 kilotonnes, or around 68.8 per cent. Almost 70 per cent of our emissions now come from transport.

Meanwhile, other emissions have dropped in recent years. For instance, a decade ago ACT emissions from fossil fuel gas, stationary energy and electricity were 2,734 kilotonnes, or around 68 per cent of our emissions. Our electricity and energy used to be about where our transport was as a proportion, but now that has dropped: it is only 30 per cent of our emissions and only 374 kilotonnes. We have taken really effective action there.

We have only recently announced policy and programs to phase out fossil fuel gas. Emissions from fossil fuel gas dropped over the past year, and again we saw some effective action; but the climate action we are taking for transport and for waste is not working. Our transport and waste emissions are going up, not down.

Our emissions from waste and landfill primarily come from organic material like food and wood waste. The ACT government committed to reducing food waste and emissions by delivering a Canberra-wide food waste service by 2023. This was going to be delivered via a large composting facility. That facility has now been delayed to 2026 at the earliest. Because of those delays, we will still be sending food waste to landfill in 2026. That food waste will still be generating emissions in 2046. I still cannot see how this matches up with our goals of net zero emissions by 2045. There is a really long tail end to these decisions.

Why are we comfortable in delaying action on something that affects over 10 per cent of our climate emissions? How is that an appropriate response to a declared emergency? We have got a thriving local compost sector. We have got solid results from the ACT government's collection and processing food waste pilot in Belconnen. We could reduce food waste going to landfill earlier if we looked at interim options that do not

rely just on building a large composter in an environment where capital works are constantly being delayed.

The city of Sydney is exploring innovative solutions to preventing FOGO from going to landfill, via insect farming; but here in the ACT we are just procuring contracts and looking at capital works and looking at pushing them to later in the decade. We could take climate action now by extending the Belconnen pilot, or we could use our existing composting and insect farm sector, or we could find new services that could deal with our food waste, and we could do all of those things now, before 2026, whilst we are building that big facility. That would mean less food waste going to landfill and fewer emissions locked in for the next two decades. It would create more jobs. We might even find that we do not need that big industrial composter. We might even save Canberrans the cost of it, but we are not taking those steps.

Similarly, the ACT government has not taken effective steps in our overall transport policy to reduce transport emissions. Light rail stage 1 is great public transport. It has got really high uptake; people like using it. But we are not seeing other stages of light rail delivered quickly enough in the face of a climate emergency, and we are not seeing enough action to improve buses, footpaths and cyclepaths. If what we were doing was working, our emissions would be going down; but our transport emissions are rising, and they are rising really, really fast.

One of the issues that I have noticed with the current approach is that we do not have any KPI for the ministers who are in charge of the emissions. Our city services minister and our transport minister are not held responsible for overall waste emissions and overall transport emissions, despite the fact that they are responsible for delivering the policy and programs and services that deliver those. They report against internal directorate emissions, but they are not reporting or being held responsible for ACT-wide emissions on waste and transport.

Our committee did make some recommendations in these areas, and they made some comments in these areas; I am really pleased to see that in the report. But in the face of the climate emergency, I do not think those recommendations go far enough, so I made some additional recommendations in my additional comments. The first is that the ACT government should model the emissions impact of delaying the rollout of Canberra-wide FOGO and should report on this by the end of the Assembly. The second is that the ACT government should consider ways to deliver food waste services to Canberra ahead of 2026, and there are lots of different ways we might be able to do that. The third is that the ACT government should reduce emissions from the waste and transport sectors and do so with the urgency that matches the declared climate emergency.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Scrutiny report 40**

**MR CAIN** (Ginninderra) (11.26): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 40, dated 2 April 2024, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR CAIN:** Scrutiny report 40 contains the committee's comments on eight bills, 20 pieces of subordinate legislation, and three government responses. The report was circulated to members when the Assembly was not sitting.

I want to thank again our very professional secretariat for their support in compiling this report, and in particular our legal advisors Mr Daniel Stewart and Mr Stephen Argument. I thank committee members, Deputy Chair Dr Paterson and Mr Braddock, for working together to produce this report.

I commend the report to the Assembly.

## **Economy and Gender and Economic Equality—Standing Committee**

### **Statement by chair**

**MR MILLIGAN** (Yerrabi) (11.27): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economy and Gender and Economic Equality. Pursuant to standing order 216, the committee has resolved to inquire into unpaid work. The terms of reference for the committee's inquiry are:

The Standing Committee on Economy and Gender and Economic Equality will inquire into and report on matters relating to the economic and wellbeing-related impact of unpaid work in the Australian Capital Territory (ACT), with particular reference to:

1. the economic contribution of unpaid work including but not limited to:
  - a. parental and familial work;
  - b. unpaid caring work;
  - c. unpaid placements and traineeships; and
  - d. volunteering;
2. how non-paid work is captured under the ACT Government's wellbeing framework;
3. the dynamic between unpaid and paid work, including:
  - a. how participation in one affects the other;
  - b. whether opportunities for both are equitable; and
  - c. demographic differences between participants in unpaid and paid work;
4. opportunities to support and recognise unpaid work in the ACT, including through the ACT Government's:
  - a. enterprise arrangements;
  - b. economic development; and
  - c. economic policies;

5. challenges faced by unpaid workers in the ACT, including those faced by individuals and communities as they relate to:
  - a. people from a culturally and linguistically diverse background;
  - b. people with a disability;
  - c. trans- and gender diverse people;
  - d. women;
  - e. Aboriginal and Torres Strait Islander people; and
  - f. people living on a low income; and
6. any other related matters.

## **Justice and Community Safety—Standing Committee Statement by chair**

**MR CAIN** (Ginninderra) (11.29): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety regarding its establishment of the inquiry into cashless gaming in the ACT and an update.

At a private meeting on 3 July 2023, the committee resolved to conduct an inquiry into cashless gaming in the ACT. The committee called for public submissions on 5 July 2023, with a closing date of 1 September 2023, and the committee received 15 submissions. A public hearing was held on Wednesday 27 March this year with nine groups of witnesses.

The committee wishes to acknowledge recent media regarding gambling harm and offers condolences to families that have suffered as a result of gambling. The committee will be looking at the potential impacts on reducing gambling harm from electronic gaming machines in the ACT, which is included in the terms of reference for this inquiry.

### **Correction to the record**

**MS LAWDER** (Brindabella) (11.30): I rise briefly to correct the record. This morning I was talking about the petition of Calwell, and I referred to the removal of the trees the best part of 10 years ago. It was something that was advocated for by my former colleague Mr Wall. I was relying on my memory that it was about 10 years ago—clearly, unreliable memory. I found the *Hansard*, and it was actually in the Ninth Assembly not the Eighth Assembly, so it was perhaps five years ago, according to the *Hansard*, that the trees were removed.

## **Independent Competition and Regulatory Commission Amendment Bill 2024**

**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 Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (11.31): Together with Mr Rattenbury, I move:

That this bill be agreed to in principle.

I am pleased to present the ICRC Amendment Bill 2024. The bill will establish a civil enforcement framework that will modernise the regulatory options available to the Independent Competition and Regulatory Commission, to ensure it has comparable civil enforcement powers to those of other economic regulators of utilities and energy retailers across Australia.

The commission is the economic regulator of utility providers operating in the territory and is responsible for issuing utility licences, monitoring compliance with licence conditions and approving industry codes. It also enforces compliance of utility providers with their obligations under the existing industry codes made under the Utilities Act 2000: primarily, the Consumer Protection Code 2020 and the ACT Retail Electricity (Transparency and Comparability) Code 2021, which contain detailed guidance for the provision of utility services, including guaranteed service levels and price advertising rules.

Failure to meet those obligations by the utility providers, such as the guaranteed service levels, can result in severe outcomes for consumers. For example, delays in providing new electricity connections can cause significant discomfort and interruption to the life of consumers, such as the inability to source heating in our city's cold winter.

In December 2022, the senior commissioner of the commission wrote to the Minister for Water, Energy and Emissions Reduction and me outlining the limitations of the regulatory powers currently available to the commission in ensuring compliance by utility providers with industry codes and utility licence conditions. Most Australian jurisdictions provide scope for utility providers' obligations to be enforced through civil enforcement powers. For example, the Australian Energy Regulator, or AER, has a broad range of regulatory powers that encompass enforceable undertakings, civil remedies and infringement notices to address utility and energy retailer compliance issues.

In contrast, the regulatory powers in the territory's Utilities Act only enable the commission to encourage voluntary compliance by a utility provider, or to consider the viability of a criminal prosecution by the DPP. Without civil enforcement options, the ICRC has less capacity to secure compliance with obligations by utility providers than their interstate counterparts or the Australian Energy Regulator, who has a modern suite of powers to allow a graduated approach to tackling non-compliance of various severity and then, of course, securing compliance.

This gap in the commission's regulatory toolkit is further evidenced by the fact that Icon Water, the ACT's water and sewerage utility provider, can issue infringement notices when its customers fail to comply with water conservation measures; however, the commission cannot issue an infringement notice to utility providers should they fail to meet guaranteed service-level requirements.



This bill will establish a new civil regime to close the regulatory gap by providing the commission with additional enforcement powers in the form of court enforceable undertakings, civil penalty notices and civil pecuniary penalties. These provisions will enable the commission to have the same capacity as the AER to apply civil enforcement capabilities to corporate conduct obligations in existing acts and industry codes in the territory.

The bill provides the commission with the power to accept court enforceable undertakings from a regulated entity to the same extent provided by ACT laws for the AER. Enforceable undertakings are legally binding agreements which could include commitments from regulated entities to carry out specific activities outlined in the undertaking such as an audit to identify the root cause of a breach and to mitigate the risk of future non-compliance with the Utilities Act and industry codes.

The bill will also provide the commission with the power to seek remedies from a court of the territory for civil breaches of conduct obligations by companies, consistent with the AER's capacity. This will include the capacity to seek court-based orders for injunctions and civil penalties. The bill adopts the level of corporate civil penalty amounts currently supported under ACT law, consistent with the approach in the national energy laws and regulations.

In addition, to help ensure a company subject to proceedings by the AER or the commission will face the same maximum penalties for contravening similar conduct obligations, the bill maps similar conduct obligations in the ACT laws to the same civil penalty tier under the national energy laws and regulations. The bill also contains a civil penalty notice regime which will allow the commission to issue a civil penalty notice to companies to the same extent as that of the AER.

Once an entity pays the civil penalty notice, the ICRC would be prevented from bringing proceedings against that entity in relation to the issue which was subject to that notice. However, should the entity not pay the civil penalty notice, the ICRC would need to consider whether to institute civil proceedings against the entity to prove the matters before a court. The financial penalty available under the civil penalty notice is considerably less than what a court can impose if a contravention is proven through litigation and would provide an additional and final non-court based escalation point for the commission.

In September last year, the government undertook targeted consultation with key stakeholders, including utility providers, national energy retail law retailers and consumer peak bodies, on the merits of updating existing laws to provide the commission with comparable powers to other economic regulators in Australia. The feedback received during this targeted consultation communicated to us that while the current enforcement powers have been efficient and effective in managing non-compliance in the ACT, stakeholders also acknowledged that the modernisation of the commission's enforcement powers would fill the current regulatory gap and result in better outcomes for consumers.

The bill will also provide a six-month transition period to allow industry to be consulted on a policy document that sets out the commission's compliance strategy, and ensure industry has sufficient time to understand and comply with the additional enforcement

capabilities. In addition, noting that these additional enforcement powers may increase the likelihood of the commission and the AER taking compliance action in relation to broadly the same matters, the ICRC would also use the transition period to refresh its MOU with the AER prior to implementation. This will ensure that a coordinated approach is undertaken in areas where their responsibilities overlap.

To summarise, the bill will modernise the enforcement capabilities of the commission, promote greater compliance of the utilities industry with its obligations and better protect the interests of consumers in the ACT. We will continue to work with key stakeholders in the implementation of these additional enforcement powers so as to ensure that necessary arrangements and clear expectations are put in place to ensure industry has sufficient time to both understand and comply with the additional enforcement capabilities. I commend the bill to the Assembly.

Debate (on motion by **Ms Lee**) adjourned to the next sitting.

## **Education Amendment Bill 2024**

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

Title read by Clerk.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for 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) (11.41): I move:

That this bill be agreed to in principle.

Mr Assistant Speaker, the Education Amendment Bill 2024 I present today amends the Education Act 2004 and the Education Regulation 2005. This bill will continue the government's work to ensure that all ACT schools provide a high quality education, with systems and supports in place to ensure the safety and wellbeing of our children and young people. The ACT Future of Education strategy, released in 2018, outlines the ACT government's 10-year vision for education. This bill is the fifth phase of amendments to the act under this strategy.

These amendments will modernise participation and attendance requirements to enable different methods of delivery of education and attendance at educational programs; strengthen provisions to minimise the risk of children and young people disappearing from the education system; outline the requirements to provide distance education; and make a series of minor and technical amendments to improve clarity in the act and reduce administrative burden.

The amendments proposed in the bill have been developed in consultation with key stakeholder groups, including the Association of Independent Schools of the ACT; Catholic Education, Archdiocese of Canberra and Goulburn; education unions; parent and citizen associations; and relevant statutory authorities. These stakeholders are key partners in delivering the reforms proposed by the bill. They, like this government, are

committed to ensuring that children stay connected to the education system and access a high quality education.

School attendance requirements currently outlined in the act are inflexible and do not reflect a modern learning environment. The act currently states that a child is required to attend school every day the school is open during all the times of the day the school is open; however, we know that there are circumstances where attendance looks different and does not require attendance at a physical school. This can include camps or excursions, but it can also capture the difference in attendance requirements for students attending college in years 11 and 12. The bill recognises this need to introduce more flexibility in the act to capture the broader range of attendance options available in a contemporary learning environment.

Under the proposed amendments, students will be required to meet attendance requirements of the educational course they are enrolled in. This could also allow for specialised subjects to be offered online, where appropriate, so that students can access a wider range of electives than may be available at their local school. Flexible attendance like this at public schools would occur through a system decision, not at a school-level decision, which will clearly be outlined in the policy.

Another key aspect of this bill is the introduction of a support based approach for managing attendance, away from compliance-based mechanisms. School attendance is important for both a student's learning outcomes and for their wellbeing. Poor school attendance often reflects that a student or their family is experiencing difficulty and may require additional support. This bill will remove the requirement to refer a family to an authorised officer when a student is not attending school regularly, and to instead encourage schools to consider what supports could help to improve the student's attendance pattern.

This bill continues our commitment to strengthen provisions to minimise risk of children and young people disappearing from the education system. It expands on amendments made in 2022 that seek to keep students connected to the education system after they are unenrolled from a school. These provisions are enacted in response to recommendations of the 2021 coroner's report into the tragic death of Bradyn Dillon.

The amendments in the bill will require parents to provide information to the Education Directorate regarding the student's next enrolment destination when unenrolling their child from an ACT school or deregistering them from home education. The requirement will also apply if they are starting or stopping distance education. The Education Directorate will take a proactive approach to communicating this requirement to families. Following consultation, the bill allows for circumstances where this requirement would not apply—for example, in a scenario where a family may be urgently fleeing domestic violence.

Another significant aspect of this bill is the creation of a new chapter in the act which outlines the requirements to provide distance education in the ACT. Introducing requirements that schools must meet if they are seeking to deliver distance education will ensure a standard of teaching and learning is upheld, as well as protecting student safety and wellbeing.

For non-government schools, the bill introduces provisions that require a school seeking to provide distance education in the ACT to be registered to do so. This means that distance education providers in the territory will be required to meet the conditions for registration as a non-government school, including complying with registration standards, and must additionally be able to demonstrate that they have policies and procedures in place in relation to distance education.

For the government sector, the Education Directorate does not intend to offer distance education directly through ACT government schools at this time. Instead, the existing arrangement with the Finigan School of Distance Education in Queanbeyan will continue. The Director-General will also have the power to determine if any government schools are to provide distance education in the future, subject to them also meeting the requirements under the act and to them having policies and procedures in place relating to distance education.

Finally, the bill also makes a series of minor and technical amendments to improve clarity in the act and reduce administrative burden. For all schooling sectors, this includes updating the definitions of “student” and “enrolment”; outlining attendance record requirements for approved providers; and clarifying what it means by a “reasonable excuse” as it relates to failing to meet attendance and participation requirements.

For government schools only, there are also minor amendments to the definition of “local government school” and “priority enrolment area” to elevate the existing policy position to law, and an amendment that requires the directorate to have policies that encourage attendance, including through taking steps to support a student’s attendance. Combined with amendments to the general principles of the act to make clear that families have the right to enrol their child at a government school they are eligible to enrol in, these amendments enshrine the right of children and young people to enrol in their local school. This amendment, while technical in nature, is significant, in that it addresses a disability royal commission recommendation to ensure students with disability—by being able to enrol in their local school with their siblings, neighbours, and peers—are not discriminated against.

The amendments in the Education Amendment Bill 2024 take important steps to ensuring children and young people have access to a high quality education, with the appropriate systems in place to ensure our children and young people are safe, supported and included. We will continue to work in partnership with key stakeholders to implement these amendments across the education system and continue our commitment to ensuring the protection of children and young people in our schools. I commend the bill to the Assembly.

Debate (on motion by **Ms Lee**) adjourned to the next sitting.

## **Housing and Consumer Affairs Legislation Amendment Bill 2024**

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

Title read by Clerk.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.50):  
I move:

That this bill be agreed to in principle.

I am pleased to introduce the Housing and Consumer Affairs Legislation Amendment Bill 2024. It is an omnibus bill, which makes amendments to a range of legislation relating to housing and consumer affairs. It covers a number of important reforms for our community, as well as some minor and technical amendments, some of which I will outline here today.

Charities play an essential role in our communities by delivering vital support services to those in need and championing causes across areas of society and the environment. On 16 February 2023, the Council on Federal Financial Relations announced its agreement to the National Fundraising Principles. These principles were developed in response to issues faced by charitable organisations who operate across jurisdictions in complying with differing rules and reporting requirements. The lack of consistent rules causes charities to spend precious time and money meeting the requirements of differing compliance frameworks of the various jurisdictions in which they operate. The bill will amend the Charitable Collections Act 2003 to implement the National Fundraising Principles. This will ensure the ACT can play its part in harmonising fundraising conduct requirements across Australia.

The bill also deregulates employment agents, also known as recruitment agents. Employment agents provide a service to employers by connecting them with job seekers. In 2022, the government released the Better Regulation Agenda to examine and implement change to the ways business and government interact. Stream 1 of this agenda sought to review the policy and legislation surrounding regulated industry to improve existing regulatory arrangements. This included releasing a public consultation paper outlining the regulatory framework for employment agents in the ACT.

The consultation paper compared the territory's licensing regime with arrangements in other jurisdictions and sought stakeholder submissions on opportunities to enhance the framework, while still ensuring job seekers receive adequate protection. The government's analysis and submissions through the public consultation and analysis found the existing licensing regime and associated fee to create an unjustifiable regulatory burden.

Accordingly, the bill will amend the Agents Act 2003 to remove the requirement for employment agents to be licenced. This delivers a Better Regulation Agenda commitment to reduce unnecessary regulatory burden and costs for the industry. However, I note that in the interests of consumer protection, offence provisions will be retained to prevent employment agents from accepting fees from job seekers. This retains an important protection for job seekers and minimises the risks of exploitation.

Turning now to another area of reform, the bill I present today also includes amendments to residential tenancy legislation. The amendments deliver on several

commitments made by national cabinet in August 2023 under the Better Deal for Renters reform package. Better Deal for Renters commitments delivered through this bill include introducing a mandatory break lease fee and ensuring that rent increase can only occur every 12 months, even where a new tenancy agreement is entered into over the same property with a continuing tenant.

However, the most significant Better Deal for Renters reform that this bill introduces is new protections for victim-survivors of domestic violence. It supports victim-survivors to leave a violent relationship by allowing them to end their tenancy agreement by way of notice, effective immediately and without penalty.

While anyone can experience violence, women are overwhelmingly more likely to experience domestic and family violence. Indeed, one in four women report experiencing violence from an intimate partner or family member since the age of 15. Devastatingly, in Australia, on average, one woman is killed every nine days by a current or former partner. Domestic and family violence has profound and far-reaching impacts on individuals, families and communities. We know that the point at which a woman decides to leave a violent relationship can be the most dangerous time, as this is when violent and controlling behaviour may escalate. We also know there are many barriers to escape. This bill takes an important step to removing a barrier, by ensuring victim-survivors can end their legal obligations under a tenancy agreement quickly and without penalty.

In our consultations on these reforms, we have also been told that many victim-survivors do not want to obtain protection orders. This may be for a range of reasons, including cultural or religious reasons, because navigating an unknown legal system feels too overwhelming, or simply because the person fears that obtaining a protection order will only lead to an escalation of violence. For this reason, the reforms proposed in this bill support those needing to leave to do so, without requiring them to first obtain a protection order. Instead, it will allow them to obtain a declaration from a trusted professional, such as a general practitioner or social worker, which indicates that they have experienced domestic violence. This is another way in which we will make it easier for people to leave violent relationships.

Turning to the mechanics of the amendments: to end a tenancy a victim-survivor will be required to give notice to their landlord and provide one of the specified forms of supporting documentation. Supporting documents include family violence protection orders and family law orders. However, as I have just mentioned, it could also include a declaration from a recognised professional, referred to in this bill as a “competent person”. We will prescribe by regulation who can be a competent person, which may include health care practitioners, social workers, or care and protection workers. These changes mean that a person experiencing domestic and family violence will be able to obtain the evidence they need to leave a tenancy by consulting with a trusted professional rather than by facing an unknown and possibly daunting legal process to obtain protection orders or family law orders. To minimise any risk of misuse of the provisions, the amendments include offence provisions for providing false or misleading information to a competent person, or for forging a competent person declaration.

Noting the significant distress to victim-survivors during these difficult periods, new protections have been put in place to assist victims and survivors to leave rental

accommodation. These include: preventing landlords from asking the tenant for further information to prove their experience of family violence after they have already provided one of the specified forms of supporting documentation; preventing victim-survivors from having to pay break lease fees when they end a fixed-term tenancy early under this provision; requiring the landlord to notify any remaining cotenants, to prevent the victim-survivor from having to do so; and making it an offence to disclose any information in a family violence termination notice, subject to appropriate exceptions. I am proud these amendments take a further step towards protecting vulnerable members of our community.

While the amendments to residential tenancies legislation have a clear focus on supporting victim-survivors of domestic and family violence, the bill does also deliver other tenancy reforms. These include amendments to support share housing arrangements by making procedural requirements around starting and ending a tenancy more flexible, where consecutive tenancy agreements are entered into and there is at least one tenant continuing from the previous tenancy. Under these changes the condition report from an initial tenancy agreement can still be used as evidence of the condition of the property when subsequent agreements are entered into over the same property. This will mean that there will be no need to do an end of lease inspection and condition reports, or new incoming condition reports, when a tenancy agreement is entered into over the same property and where there is at least one continuing tenant.

This bill delivers on our commitment to implement the National Fundraising Principles, delivers on several reforms from the Better Deal for Renters package and it delivers on commitments from our Better Regulation Agenda. It supports charities and businesses by reducing red tape, and it supports tenants and landlords by reducing procedural requirements around starting and ending tenancies over the same property, and it provides important avenues to support victim-survivors to escape family violence. On that basis, I commend the bill to the Assembly.

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

## **University of Canberra Amendment Bill 2024**

Debate resumed from 20 March 2024, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MS LEE** (Kurrajong—Leader of the Opposition) (12.00): I understand that these amendments are a result of an independent review of the University of Canberra Act from 2021, and the bill will amend the act to allow for sub-delegation of authorities delegated by the UC Council, and change the ministerial appointments to the UC Council from being the responsibility of the Chief Minister to being the responsibility of the minister for the UC act, which at the current time is one and the same. In any event, a sensible change, and the Canberra Liberals will support the bill.

**MISS NUTTALL** (Brindabella) (12.01): Thank you for the opportunity to speak on the University of Canberra Amendment Bill 2024. The ACT is a proud champion of high quality vocational and tertiary education. Canberra's higher education institutions play a key role in building citizens through their high-quality teaching, attracting the

best minds from all over the world, exposing students to the best opportunities and practices, and more importantly, anticipating and responding to the community's needs. Universities are like cities within themselves. The good governance of universities is foundational if we want to be responsive to students, teachers, professors and the community.

The ACT Greens want a vibrant higher education system which attains world class standards of excellence. In the context of a growing population and student base, as well as the expanded roles for the University of Canberra, the power to delegate and sub-delegate essential functions is critical. This bill furthers this objective, providing sub-delegation authority to the UC Council. This implements the recommendation of the earlier review report of the UC act tabled in June 2021.

While I support this bill, I would also invite the government to explore other ways in which Canberra's higher education institutions can respond to the community's needs. The ACT Greens want to further develop the knowledge economy by encouraging universities to establish and expand their presence, and we welcome enabling measures to support that objective. I welcome this bill. The ACT Greens will be supporting its passage.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (12.02), in reply: I thank members for their support of the legislation. As we have heard it does encompass a number of minor and technical amendments to improve the administration of the university and the University of Canberra Act 1989. So I thank members for their support and encourage everyone to vote for this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Biosecurity Legislation Amendment Bill 2024**

Debate resumed from 7 February 2024, on motion by **Ms Vassarotti**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (12.03): I am pleased to rise today to speak on the Biosecurity Legislation Amendment Bill 2024. This amendment bill is aimed at safeguarding the health, economy and environment of our community against the ever-growing threats posed by biosecurity risks. As we all know, biosecurity encompasses a wide range of challenges from invasive species to infectious diseases. These threats not only endanger our environment and agriculture but can also pose significant risks to human health and economic stability. It is imperative we take proactive measures to address these challenges and ensure the resilience of our communities.



The amendments proposed in this amendment bill are intended to enhance the ability to detect, prevent and respond to biosecurity threats effectively. One of the amendments is the extension of the prosecution period for certain biosecurity offences. By extending the prosecution period from 12 months to 24 months for offences such as failure to comply with duty to notify biosecurity events and engaging in prohibited dealing, this amendment bill aims to provide authorities with the necessary time to apply resources to investigate and prosecute these offences thoroughly.

These amendments are not made in isolation but are part of a broader effort to strengthen the biosecurity framework. By aligning various pieces of legislation with the Biosecurity Act and implementing technical amendments to improve the clarity and effectiveness of the laws, the groundwork is being laid for a more robust and resilient biosecurity system.

However, there are minor concerns reported as part of the scrutiny committee report about the Human Rights Act and the usage of the Henry VIII clause in the bill. The Canberra Liberals are supporting this bill today, because by enacting these amendments we expect it to provide proactive steps to safeguard our health, economy and environment for generations to come.

I would like to express my gratitude for the briefing provided through Minister Vassarotti's office and the staff of the environment directorate. I appreciate their time and their willingness to answer questions.

To conclude, the Biosecurity Legislation Amendment Bill 2024 reflects ongoing efforts to protect our community from biosecurity risks, and the Canberra Liberals are pleased to support this amendment bill today.

**MS ORR (Yerrabi) (12.06):** I rise today to speak briefly in support of the Biosecurity Legislation Amendment Bill 2024.

ACT Labor supports enhancing biosecurity protections, which is only a good thing to keep our environment strong. The bill ensures that relevant territory legislation will align with the Biosecurity Act and that transitional provisions are in place to ensure the smooth transition to the new biosecurity framework.

Controlling biosecurity risks needs to be of the utmost importance. The Australian ecosystem—particularly that of the ACT—is one of the most unique in the world, and we must do everything we can to better control pests to keep our ecosystems strong.

The bill makes amendments to enable information-sharing for the purposes of managing biosecurity risk for information collected under a range of acts, such as the Animal Welfare Act, Fisheries Act, Nature Conservation Act, Domestic Animals Act, Environment Protection Act, Stock Act and the Urban Forest Act. This creates a streamlined framework for managing biosecurity risks.

The transitional provisions allow the continued registration of beekeepers as well as appointments under the Animal Diseases Act, Pest Plants and Animals Act and the Plants Diseases Act. The bill also modernises the Stock Act in light of the development and implementation of the national livestock identification system. The NLIS is

Australia's system for identifying and tracking the movements of certain animals for disease control, food safety and market access purposes, and includes mandatory requirements for recording movements of certain animals.

We are pleased to support this bill and always keen to see our biosecurity efforts improved.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (12.07), in reply: I am pleased to close the debate on the Biosecurity Legislation Bill 2024 and thank members for their contributions to the debate on the bill.

At this point I would like to table a revised explanatory statement to the bill.

As noted in the debate, Australia is facing an unprecedented level of biosecurity risk through the increased movement of people, increased global trade and the impacts of climate change altering the way pests and diseases behave. Examples of this heightened risk include the spread of foot and mouth disease and avian influenza in our near neighbouring countries of Indonesia and Timor-Leste.

Whilst Australia has been afforded a level of protection due to commonwealth controls at our national border, exotic pests and diseases still do evade these controls and are doing so more often. A significant example that will be familiar to us all is the current national biosecurity response, which has been going on for more than 20 years, attempting to eradicate red imported fire ants, RIFA, in south-east Queensland, at the cost of hundreds of millions of dollars to the commonwealth and jurisdictions. Another topical example is the eradication response for varroa mite in New South Wales. Sadly this was a battle Australia needed to concede late last year as the destruction of hives to eradicate the mite was causing too much damage to the bee industry that it was intended to protect.

Whilst the ACT is afforded an additional barrier of protection from the controls that New South Wales has on biosecurity risk material from other jurisdictions, the arrival of varroa in New South Wales and the spread of RIFA to the state, has reinforced that the ACT cannot solely rely on external biosecurity regulations.

We need to understand and manage the residual risk to the ACT. The Environment, Planning and Sustainable Development Directorate has commissioned separate reports to understand the high-risk pests and diseases that could arrive in the ACT, as well as those established pests and diseases that are causing the most significant impacts. Next financial year, this risk information will be considered against the capacity and the capability of the ACT's biosecurity responders to manage this risk, and the ACT's Biosecurity Strategy 2016-2026 will be reviewed to ensure we have a strategic approach to this critical work.

The Biosecurity Act 2023 and this bill will ensure that the ACT government has the necessary powers to implement a modern and responsive biosecurity system that is fit for purpose. It will ensure that we are ready to meet the new and emerging biosecurity

challenges. These important reforms are streamlining our complex suite of legislation into a single act.

The Biosecurity Legislation Amendment Bill 2024, which is being debated today, will support the Biosecurity Act. This bill makes amendments to several pieces of ACT legislation following the passage of the Biosecurity Act and its associated regulations to make sure that all ACT laws align with reformed biosecurity systems. The amendments contained in the bill are separated into three schedules: minor amendments to the Biosecurity Act and the Stock Act of 2005, consequential amendments, and technical amendments. I will address each schedule in turn.

Schedule 1 comprises minor amendments and changes to the Biosecurity Act 2023, and these extend the prosecution period for offences. The bill amends the Biosecurity Act to extend the prosecution period for certain offences under the Biosecurity Act from 12 months to two years. These offences include failure to comply with a duty to notify a biosecurity act; failure to comply with a duty to notify the presence of a notifiable biosecurity matter; dealing with a prohibited biosecurity matter; and engaging in prohibited dealing. Currently, these offences have a prosecution period of 12 months, which is not workable in the biosecurity context. Biosecurity noncompliance is often not discovered until 12 months after the offence has taken place when a pest or disease population increases to the level in which they are detected, triggering investigations on how the incident occurred. As an example, varroa mite and RIFA in New South Wales were thought to have been detected 12 months after the original incursion. If the prosecution were not extended as proposed in the bill, this would mean that only the most severe offences in the Biosecurity Act, those punishable by a maximum period of two years imprisonment, would be available 12 months after the offence occurred. The government believes that this change is reasonable and proportionate to protect the ACT's economy, environment and community from biosecurity risks by providing the broader suite of compliance tools in responding to a biosecurity situation.

I will now discuss the information-sharing provisions. The bill makes amendments to the Biosecurity Act to enable information-sharing for the purposes of managing biosecurity risks for information collected under a suite of laws. This aims to ensure government works in an integrated manner in protecting the ACT's economy, environment and community from biosecurity risks. These provisions will limit the need to duplicate registrations for other actions under the Biosecurity Act. Safeguards ensure that information sharing entities must be satisfied on reasonable grounds that the information is necessary for the exercise of a person's functions.

Schedule 1 of the bill also modernises several aspects of the Stock Act, particularly in relation to stock marking, with the development and implementation of the National Livestock Identification System (NLIS), Australia's system for identifying and tracking the movement of certain animals for disease control, food safety and market access purposes. Section 234 of the Biosecurity Act allows for regulations to be developed for the marking, branding, tagging or attaching of a device, or other identifier to any biosecurity matter or carrier. Regulations being drafted under this provision will implement the NLIS provisions in the ACT.

The bill updates the Stock Act, replacing "alpacas" with the species of the family camillidae. This family includes camels, llamas and alpacas. This will make the Stock

Act more consistent with other regulations involving livestock. The bill will also remove compulsory requirements in the Stock Act for the earmarking of small stock, such as sheep and goats. This recognises the mandatory implementation of electronic identification for sheep and goats nationwide by 1 January 2025, as agreed by Australia's agriculture ministers in September 2022, and improves animal welfare outcomes. The bill also updates the travelling stock permit requirements in part 4 of the Stock Act to reduce red tape for farming businesses, increase consistency across similar species and allow for more flexibility into the future.

Schedule 2 deals with consequential amendments. Amendments in schedule 2 are technical in nature and update references. This includes replacing references to repealed acts with the Biosecurity Act and aligning the definition of the term pest with the definition in the Biosecurity Act. These straightforward, consequential amendments in schedule 2 apply to a number of laws, including the Administrative Decisions (Judicial Review) Act, the Animal Welfare Act, the Environment Protection Act, the Fisheries Act and the Urban Forest Act.

The bill inserts a 10-business-day limitation period on the application period for the review of biosecurity emergency declarations and biosecurity control declarations. Judicial review processes may unduly delay the control or the eradication of biosecurity threats, therefore increasing the cost to the ACT community and decreasing the effectiveness of these efforts. However, I believe these are reasonable and proportionate changes that get the balance right to protect the ACT's economy, environment and community from biosecurity risks. Schedule 2 of the bill creates transitional provisions in the Biosecurity Act to ensure the effective and the efficient transition from repealed regulatory regimes to the modernised biosecurity framework.

Schedule 2 of the bill also amends the Firearms Act 1996 and the Firearms Regulation 2008 to ensure that authorised persons under the Biosecurity Act can obtain a firearms licence if required in their duties, and enables cross-border recognitions of licences of those assisting in responding to biosecurity incidents in the ACT. Section 230 of the Biosecurity Act explicitly provides that it does not authorise a contravention of the Animal Welfare Act. Finally, schedule 3 of the bill makes several technical amendments on the advice of parliamentary counsel.

In conclusion, there has never been a more challenging time than now in the biosecurity risk environment. The biosecurity system interacts with many other laws, policies and processes related to plants and animals. This bill ensures that the Biosecurity Act 2023 will be able to be implemented in its entirety with complementary ACT legislation.

I would like to thank members of the community, industry and members of the Assembly for their input during the development of the biosecurity legislation system and the work of the team in EPSDD who have brought this work to a conclusion. 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.

**Sitting suspended from 12.19 to 2 pm**

## **Ministerial arrangements**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (2.00): As members would be aware, Minister Steel is absent from the Assembly this week for personal reasons. In question time, Minister Berry will assist on skills and training, Minister Stephen-Smith will assist on questions relating to Special Minister of State and planning, and Minister Cheyne will assist on transport matters.

## **Questions without notice**

### **Chief Minister—conduct**

**MS LEE:** My question is to the Treasurer. Treasurer, during the hearing of the public accounts committee into the appropriation bills back in February this year, you were asked by the chair of the committee if you had ever delivered a surplus in line with the standard UPF net operating balance approach. Your response to that question was:

No-one has, Mr Cocks; no-one in the history of self-government.

You went on to repeat this assertion, saying:

I, like every other Treasurer, have not delivered a UPF surplus. No Treasurer has.

Recent reports in the media have the former Liberal Treasurer, Mr Gary Humphries, confirming that he indeed delivered a surplus under the equivalent of a UPF back in 1999-2000. Further, the consolidated annual financial statements show that in fact there have been several surpluses delivered under UPF, including by your predecessor, now Senator Katy Gallagher. Treasurer, do you admit that you were wrong, and will you correct the record now?

**MR BARR:** There have been a number of changes to the presentation of ACT budgets, the most substantive being the shift in 2006-07 to a pure GFS, with a headline net operating balance adjustment. In relation to former Treasurer and Chief Minister Humphries' assertions of running a surplus, he did, under Australian accounting standards, but not under the GFS statistics. Why? Because he was able to attribute more than \$100 million of land sales as operating revenue rather than an asset sale in his budget. His budget surplus was \$4 million, budgeted. He then projected a further surplus using the same land sales as in asset sales. In that era, 25 years ago, gains and losses on superannuation investment assets were also included as a measure of revenue. He projected surpluses under the former accounting standards, he may have achieved one under AAS, but he certainly did not under the accounting standards that now apply. He did so—

**Ms Lee:** Since when? 2007?

**MR BARR:** Since 2006-07. It is in the budget papers in the 2006-07 budget. In relation to the period during the global financial crisis, there were a number of significant emergency payments made to states and territories by the commonwealth that led to what were projected budget deficits ultimately being surpluses. So, yes, now Senator Gallagher did not budget for a surplus, but, as a result of the stimulus payments provided by the commonwealth at the end of the financial year, there were a couple of years that were in surplus. (*Time expired.*)

**MS LEE:** Treasurer, do you still stand by your comment that no Treasurer in ACT self-government history has posted a surplus, given what you have just said in answer to my first question, and Senator Gallagher, whilst ACT Treasurer, delivering a surplus of \$43 million in the 2011-12 budget? Again, will you correct the record?

**MR BARR:** Again, the accounting systems were different, and there is a difference, obviously, between budgeting for a surplus and then, at the end of the year, under an audit, finding extra revenue. Indeed, I would owe an apology to Senator Gallagher, but I was around at that time and I have looked at the budget papers, and it was not a budgeted surplus. Certainly, because of the additional commonwealth stimulus payments that flowed through the state and territory budgets at that time, at the end of the fiscal year, once all of the consolidation and auditing was done there was indeed an operating surplus in that regard. But it was not budgeted and it did occur in the emergency circumstance where the commonwealth provided significant additional revenue to the states and territories. To the extent that I was incorrect in the estimates hearing, I correct the record in that regard. But, obviously, the line of questioning was about who had budgeted for surpluses.

**MR CAIN:** Treasurer, you have just corrected the record. Why have you not done so sooner?

**MR BARR:** The nature of the questioning in estimates was about budgeting for surpluses, not end-of-financial-year results. There was an argument about under which accounting system; indeed, under the accounting system that we currently use, I have delivered a budget surplus as well. But you contest that, Mr Cain. You are allowed to contest that; that is fair enough. You are allowed to contest that.

*Mr Cain interjecting—*

**MADAM SPEAKER:** Mr Cain, I would be very quiet if I were you.

**MR BARR:** In relation to the line of questioning in estimates, there was a long discussion about different accounting systems, as we have obviously just had in question time. To be absolutely clear, what a Treasurer budgets for and then what the final result is can often be different, and accounting systems have also changed. Subsequent to Senator Gallagher being Treasurer, there has been a further change in Australian accounting standards as they relate to the treatment of financial leases. It is also important, when making historical comparisons, to understand the changes in accounting standards over that time.

**Ms Lee:** Madam Speaker, I do not know whether it should be done by way of a point of order, but I ask that perhaps the Treasurer is given the opportunity to correct the record again. He has mentioned a number of times now that the line of questioning in the PAC hearing was about budgeting for it.

**MADAM SPEAKER:** Ms Lee, there is no point of order. The minister has been responding to the question put. If you want to seek clarification of his answer, I do not know that this is the time.

### **Development—CSIRO Ginninderra site**

**MS CLAY:** My question is to the Minister for Planning. The CSIRO Ginninderra site is a large site, with around a third of it identified by CSIRO for conservation due to environmental values. If the ACT were to acquire the site it would be our expectation that full environmental assessments and community consultation processes would be undertaken before development decisions were made. Minister, what processes will be undertaken by the ACT government before any development occurs on the CSIRO site?

**MS STEPHEN-SMITH:** I thank Ms Clay for the question, which highlights how long it takes to bring this kind of land to market and how difficult it would be to deliver 10,000 public houses as part of a salt and pepper approach to delivering housing in the ACT. Indeed, Ms Clay is absolutely correct, Madam Speaker, that in looking at a site like this of 701 hectares, you would need to undertake significant environmental studies, as well as further work in relation to traffic planning, estate development planning, et cetera, et cetera, et cetera, before the land could be brought to market.

In relation to Ms Clay's specific question, I can advise that early environmental studies have been undertaken and publicised on the CSIRO's project development website, and I would encourage any interested in this work to visit that website. The studies have identified threatened box gum grassy woodland and derived native grasslands and species such as the Golden Sun Moth and striped legless lizard, and as such, a referral application will need to be submitted to the commonwealth Department of Climate Change, Energy, the Environment and Water, and also most likely an environmental impact statement, which will need to avoid, mitigate and or offset any impacts identified.

Madam Speaker, as I am sure you are aware, CSIRO Ginninderra is currently national land. I was pleased to read recently that in March, the Chief Minister and Deputy Chief Minister wrote to the commonwealth government to the finance minister, Senator Gallagher, encouraging the commonwealth to help to resolve the outstanding issues in the negotiation to transfer the land to the ACT in a timely way, but that will only be one step in what will be a lengthy process.

**MS CLAY:** Will environmental assessments and community consultation occur before or after the purchase?

**MS STEPHEN-SMITH:** As I indicated in my response to the first question, CSIRO has already undertaken and publicised a range of environmental assessments and considered the land under its own work, and that is publicly available. Further environmental assessments would need to be undertaken. I understand that would also

occur subsequent to, and in fact is probably irrelevant of, the land ownership. It is a question of where we are in the process of developing this potential land.

As Ms Clay would be aware, the territory plan would need to be amended no matter who owned the land to change the zoning of the site from non-urban NUZ3—hills, ridges and buffer zones. This process may also apply a future urban area overlay to the site, indicating that the area will be developed in future, but the final planning requirements are still to be resolved following detailed studies.

However, the Belconnen District Strategy does identify the CSIRO site as a key site and a change area, and therefore no amendment to the district strategy would be required to enable the site to be rezoned and developed, but the strategy does note that a full investigation of planning, environmental and infrastructure issues would be undertaken.

The commonwealth, of course, has previously—in order to facilitate the development—rezoned the site to urban under the National Capital Plan, so it is now identified as an urban area.

**MR CAIN:** Minister, why in response to question on notice 1628 is the government “not in a position to respond” to questions about the cost of relocating powerlines on the CSIRO Ginninderra land?

**MS BERRY:** Madam Speaker, I will take that question. It was my response to the question asked by Mr Cain, and the answer remains the same. The government is not in a position to provide that information at this point in time.

## **Chief Minister**

### **Motion of censure**

**MS LEE** (Kurrajong—Leader of the Opposition) (2.12): Madam Speaker, before I go to the next question, given that you denied me the opportunity to get the Treasurer to correct the record, I feel that I have no other option but to seek leave to move a motion to censure the Treasurer for misleading the Assembly.

Leave not granted.

## **Standing orders—suspension**

**MS LEE** (Kurrajong—Leader of the Opposition) (2.13): I move:

That so much of the standing orders be suspended as would prevent Ms Lee from moving a motion of censure in the Treasurer.

Madam Speaker, the Treasurer—we have been more than fair in giving him the opportunity, and as he has half-heartedly tried to indicate, yes, he did not actually come through and be upfront when he was giving evidence during that PAC hearing. He was adamant on a number of occasions that no treasurer in the history of ACT government had delivered a surplus according to the UPF measures. I took that opportunity to ask



of the Under Treasurer how UPF is worked out. That, of course, is based on revenue minus expenses.

Mr Barr can use all of the tricky accounting phrases and data to try to justify what he thinks is happening, but the fact remains that he has posted no surplus under the UPF, which of course is the agreed standard by all treasurers across the country, and he has no option but to try to hide that behind misleading statements such as, “No treasurer in ACT self-government history has posted one.”

Even today—and this is the crux of it—today, when he was given the opportunity and directly asked to correct the record where he is so blatantly wrong, he has stated that the line of questioning that was asked of him during the PAC hearings was about a surplus being budgeted. He could not be further from the truth. I quote directly from the *Hansard*—the transcript of those proceedings—and this is from the Chair’s line of questioning:

If you had used the UPF net operating balance for all previous budgets the Chief Minister and Treasurer has handed down, how many surpluses would have been delivered in that time?

It is absolutely clear from the transcript, from the official record of what was said during that PAC hearing, that the question was very clearly about whether Mr Barr had handed down—not budgeted for but handed down—a surplus according to the UPF presentation framework.

That is what it is, and for Mr Barr to sit here scoffing, laughing, and then to try to rewrite history is an absolute disservice to the people of the ACT that he has let down. Not even giving leave for this to be debated, after he was given ample opportunity to explain why he got it so wrong, indicates one of two things: he is continuing to pull the wool over the community’s eyes and saying, “Nothing to see here; nothing to see here,” or, despite being Treasurer for over a decade, he is so incompetent that he could not even remember that there had been surpluses under treasurers across Liberal and Labor in the time that he has been in this place!

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (2.16): I think the Leader of the Opposition has condemned her own motion by the quote she used from the *Hansard*. The topic of conversation was about budgets. The question that Mr Cocks as chair asked, following the debate about what measure you would use, was:

If you had used the UPF net operating balance for all previous budgets—  
“budgets”—  
the Chief Minister and Treasurer has handed down—  
as in when you deliver the budget—that is, handing down the budget—  
how many surpluses would have been delivered in that time?

Then the follow-up questions continued to refer to “hand down”. I think any common understanding of what is meant by “handing down a budget” is indeed that: what is in the budget. What is in the final outcome as audited by the ACT Auditor-General that is prepared and tabled about 15 months after the budget is handed down is obviously a different matter and a different conversation.

I have responded to the questions from the Leader of the Opposition, and indeed the supplementary from Mr Cain. I have explained the differences in the accounting treatments over the journey of self-government, as was explained in the estimates hearing, so there is no need to suspend standing orders. It is a massive overreach from the Leader of the Opposition.

Very clearly, even in the quote she used that I have repeated—it is there in the *Hansard*—the questions were about budgets handed down, not about final consolidated outcomes. My response was that there had not been a budgeted surplus, and there had not been, but certainly, under other accounting treatments and at a consolidated end of year, there have been a few—three or four out of 30-odd years—and I said that. There were the circumstances that led to Treasurer Humphries’ budgeted surplus, but ultimately an audit determined it was not at the end, after the year. That was a point of some contention in 2001, but there is one thing before it is budgeted and then the final outcome.

It is clear, that there are no grounds for a suspension of standing orders and no grounds for a censure. I accept this is quite an obscure debate about Australian accounting standards that interests those who follow these matters closely, but I imagine that, if this is the most critical point that the Leader of the Opposition seeks to make, she has fallen quite short today.

**MS LAWDER** (Brindabella) (2.20): I would like to thank the Chief Minister for quoting from the *Hansard* of the Committee on Public Accounts. What he has failed to do, which is why we are seeking to suspend standing orders, is admit—here, in the line of questioning—that he provided misleading information in response to the question. If you continue on through the pages of the *Hansard*, you will see that, on 29 February, the chair of the Committee on Public Accounts brought Mr Barr back to the original question, saying:

Mr Barr, I would appreciate it if we could stay on the question, which was about whether you, as Treasurer, had managed to hand down any surplus in line with the standard UPF net operating balance approach.

Mr Barr has selectively quoted from the *Hansard* to back up his argument, but there is more. Mr Barr then said:

No-one has, Mr Cocks; no-one in the history of self-government.

We have seen Mr Barr, in answer to the PAC questions, say no, and he repeated it again in the PAC hearing. He has doubled down on that today. He is continuing to mislead the public. I seek leave to table some consolidated annual financial reports from other years which show a surplus handed down: 2008-09 and 2010-11, for example.

Leave granted.

**MS LAWDER:** I table:

Australian Capital Territory Government—Consolidated Annual Financial Statements—Operating statements for the year ended—

30 June 2009.

30 June 2011.

30 June 2012

Mr Barr is doubling down on his statement. The question was not about whether a surplus was budgeted for. Mr Barr tried to twist the question to it being budgeted for. That was not the question, and the chair of PAC brought Mr Barr back to the original question, which was about whether a surplus had been achieved.

He is again failing to answer the question and trying to obfuscate and deny and muddy the waters here by saying that he did answer the question and that it was about a budget. It is clearly not about a budget. That is why this censure motion has been brought forward today, and that is why we are seeking leave to suspend standing orders, because we gave Mr Barr every opportunity in those questions to answer and to correct the record, which he has failed to do. It brings to mind that old saying, which I will adapt slightly to suit this particular occasion: “We can have lies, damned lies, and Mr Barr’s statistics.” He has used his—

**Ms Berry:** Madam Speaker, on a point of order—

**Ms Lawder:** Can we stop the clock, Madam Speaker?

**Ms Berry:** The clock is stopped. I just want to bring to the attention of you, Madam Speaker, Ms Lawder’s allegations and the language that she used, and I suggest that they are unparliamentary.

**MADAM SPEAKER:** I ask you to withdraw, Ms Lawder.

**MS LAWDER:** I withdraw, Madam Speaker. What we have seen here is that Mr Barr has, firstly, tried to avoid the question in the PAC hearing. Secondly, when brought back to the question, he has given a response which is clearly incorrect. Ms Lee, in her question today, has brought that to his attention again, and he has once again pivoted to saying “a budgeted surplus”. It is what we have heard from him over and over again. Once again, he is trying to pretend it was a different question that was asked. That was not the question that was asked; the question was about a surplus. That is why we should be able to have leave to debate this censure motion today, not once again push this to the background, obfuscate and make sure that people are not hearing the true facts of the matter—that Mr Barr is trying to pull the wool over your eyes. He is trying to say that no-one has ever delivered a budget surplus, and this is clearly incorrect. Mr Barr should be ashamed of himself for doubling down on his assertion and continuing to say that—

**Ms Berry:** A point of order, please, Madam Speaker: I just want to ask your advice on the references to pulling the wool over people’s eyes in the way that Ms Lawder has made that comment, which implies that the minister is being dishonest.

**MADAM SPEAKER:** Ms Berry, I will let it stand, but I will just caution members in the use of their language. There is an extensive list of unparliamentary language and I will be paying attention to it.

**MS LAWDER:** I will finish. Thank you, Madam Speaker. Mr Barr has been in this Assembly since 2006. He has been in the Assembly when some of these surpluses have been delivered and signed off, such as the 2011-12 consolidated annual financial statements that his predecessor, Ms Gallagher, delivered in 2011-12. *(Time expired.)*

**MR BRADDOCK (Yerrabi) (2.26):** Madam Speaker, the Greens will not be supporting the motion to suspend standing orders. We are in the middle of question time. I and other members are waiting to be able to ask our questions of the executive as this is the scheduled time for us to do so. If there is a wish to have a debate about accounting standards and treatments and about what the Treasurer said, there are appropriate means to have that debate within the order of the sitting.

Question put:

That so much of the standing orders be suspended as would prevent Ms Lee from moving a motion of censure in the Treasurer.

The Assembly voted—

Ayes 8

Noes 15

Peter Cain  
Leanne Castley  
Ed Cocks  
Jeremy Hanson  
Elizabeth Kikkert  
Nicole Lawder  
Elizabeth Lee  
Mark Parton

Andrew Barr  
Yvette Berry  
Andrew Braddock  
Joy Burch  
Tara Cheyne  
Jo Clay  
Emma Davidson  
Mick Gentleman

Laura Nuttall  
Suzanne Orr  
Marisa Paterson  
Michael Pettersson  
Shane Rattenbury  
Rachel Stephen-Smith  
Rebecca Vassarotti

Question resolved in the negative.

### **Questions without notice** **Public housing—asset stock**

**MS LEE:** My question is to the Leader of the Greens. Mr Rattenbury, since you were the Minister for Housing, the ACT's public housing stock has declined and the Labor-Greens government owns—

**Mr Barr:** Madam Speaker, on a point of order: questions can only be to a minister by their portfolio.

**MADAM SPEAKER:** Whilst there is history of the leader having portfolio responsibility—

**Ms Lee:** This is just background. It is not actually on—

**Mr Barr:** The opening line needs to be a question to a minister.

**MS LEE:** So this is to the Minister for Consumer Affairs.

**MADAM SPEAKER:** All right. Ms Lee, continue.

**MS LEE:** Thank you. Since you were the Minister for Housing, the ACT's public housing stock has declined and the Labor-Greens government owns fewer public housing dwellings than it did in 2012. Cabinet documents reveal that Housing ACT and the Community Services Directorate raised significant concerns during the process that you, as housing minister, began to sell the Northbourne flats for \$82.7 million and there was an agreement that there should be "no reduction in public housing numbers on a long-term basis through the redevelopment". Recently, in announcing your \$6 billion housing policy, you said "the government needed to prioritise people over profit". Mr Rattenbury, why was prioritising people over profits not important to you when you had carriage of the housing portfolio?

**MR RATTENBURY:** As much as I would love to entertain this discussion, I think it is well outside the standing orders.

**MADAM SPEAKER:** Members, the question is out of order. Mr Rattenbury is not currently responsible for housing policy and the policy referenced in the question is a Greens' policy. The Clerk and I agree that it is out of order.

### **Economy—performance**

**MR PETTERSSON:** My question is to the Treasurer. Treasurer, how is the retail economy faring in the ACT?

**MR BARR:** I thank Mr Pettersson for the question. Data from February was released last week, which showed our retail economy is faring well, in spite of some challenging headwinds. Retail trade increased during the month of February by 0.2 of a per cent. It is up over the course of the year by about 0.7 per cent. We have experienced, through the year, growth in retail trade since the 2021 COVID lockdowns ended.

The ABS household spending data shows spending on goods has increased by 6.4 per cent over the last 12 months, and spending on services has increased by 8.5 per cent. Non-discretionary spending is up by 8.3 per cent, but discretionary spending is up by 6.7 per cent, so whilst it has been a more challenging 12 months than the 12 months prior, it is pleasing to see that the ACT's retail economy is holding up off the back of both discretionary and non-discretionary spend increases.

**MR PETTERSSON:** Treasurer, which retail sectors have seen the strongest growth in the territory?

**MR BARR:** The latest data shows the highest growth was in department stores and other retailing. The household spending survey data from the ABS showed that recreation and culture spending had increased 9.9 per cent in the territory over the past 12 months. We also saw a modest increase in food retailing, but one area that clearly has been impacted by the increase in interest rates has been household spending on cafes, restaurants and takeaway food services. This is consistent with the general

trends that we are seeing around the nation, as the Reserve Bank's interventions flow through the economy.

As I mentioned in the first answer, growth in non-discretionary spending is outpacing increases in discretionary spending, although both are growing. As this continues, we expect to see consumer price index pressures will ease further in the coming year.

**DR PATERSON:** Treasurer, what is the forecast for CPI in the year ahead?

**MR BARR:** We expect the rate of CPI growth to continue to slow from 5.7 per cent in fiscal year 2022-23 to around 3.75 per cent in the current fiscal year. The impacts of tighter monetary policy are continuing to moderate inflation, and based on the current RBA settings, CPI growth is expected to slow to 3.5 per cent in 2024-25 and then head back into the RBA's preferred band of between two and three per cent, with 2.75 per cent forecast for fiscal year 2025-26 and 2½ per cent forecast for 2026-27.

Our retail economy continues to grow whilst inflation is reducing, and that I think is a desirable policy outcome to ensure the jobs that the retail sector supports are continuing to be supported whilst inflation comes down, easing pressure on households.

### **Building—construction industry**

**MR CAIN:** My question is to the Acting Planning Minister. Minister, the cost of building a new home in Canberra increased by 13.3 per cent in 2023, more than three times the national average increase of 4.1 per cent. Meanwhile construction time frames in the ACT are experiencing similar increases. While I acknowledge skills shortages and supply chain issues are national issues that impact our jurisdiction, the local planning and development industry attributes the effects of the new planning system as a significant additional burden. Minister, why has your new planning system had such a significant, and negative, impact on the cost of building a new home in the ACT?

**MS STEPHEN-SMITH:** I reject the premise of Mr Cain's question. The new planning system has been established to deliver an outcomes based framework and establish a strong platform to facilitate the National Planning Reform Blueprint, which is designed to deliver more housing and more housing choice for Australians and for Canberrans.

**MR CAIN:** So Minister, how much of your slated \$50 million injection to accelerate land release will go towards engaging with local planning, building and construction businesses to provide them with the support they need?

**MS STEPHEN-SMITH:** I will take the detail of Mr Cain's question on notice, but as part of the affordable dwelling commitment under the accord, the ACT will deliver 350 affordable rental dwellings. Of these, 175 will be funded and delivered by the ACT government and 175 will be funded by the commonwealth government and delivered by the community housing sector. The ACT government is on track to meet its share of the affordable housing dwelling commitment and, of course, this work is led by the Coordinator-General for Housing, through CMTEDD.

In order for the ACT to achieve its population share of the broader \$1.2 million new dwelling target in the accord, approximately 4,300 dwellings per year will need to be

delivered between 2024 and 2029. The government is closely monitoring how we deliver on the ACT's capacity target through the ACT government's residential land releases and private sector delivery. The District Strategies and the changes under the new planning system, which Mr Cain referred to in his first question, also indicate where and how growth and new housing can be accommodated into the future. The Chief Minister met recently with the Master Builders to discuss how this commitment will be delivered, and we are absolutely reassured that this is indeed deliverable.

**MR PARTON:** Minister, how could you possibly expect the building and construction industry here to continue with business as usual when your government introduced 125 new pieces of legislation or rules impacting them in 2023?

**MS STEPHEN-SMITH:** I am not going to accept the premise of Mr Parton's question. I have not had the opportunity to count up those 125, but of course when you do introduce new rules they work in both directions. Some of these will be enabling those businesses that do the right thing, including those businesses that do the right thing by consumers and by their workers, to actually compete on a level playing field. Much of the approach we have taken to legislation and regulation on this side of the chamber has been to ensure that those businesses that are doing the right thing, doing the right thing by consumers and doing the right thing by workers, are not undercut by those businesses that are not doing so.

### **Planning—Gungahlin town centre**

**MR BRADDOCK:** My question is to the Minister for Housing and Suburban Development. The government undertook consultation on the draft Gungahlin Town Centre East ambition report in August last year. Can you please provide an update on the project and when the final design and place framework will be released?

**MS BERRY:** I thank Mr Braddock for the question. He is right: there has been significant consultation with the community on the Gungahlin Town Centre East development, including the final section of the town centre to be developed. We are currently finishing the design and place framework, which was developed with a great deal of community support, as Mr Braddock would be aware. It is expected that that framework will be released on YourSay in the coming months. Land release for that piece of land is expected to start in 2025-26 financial year.

**MR BRADDOCK:** How will the final design and place framework encourage space in Gungahlin Town Centre East for employment and not just residential apartment towers?

**MS BERRY:** As I said, the government has consulted with the community in great detail to understand what the community expects from redevelopment of that site and if that will be included in the place and design framework for community consultation going forward for the land to be released.

**MS CLAY:** Minister, how is the government using the new outcomes-based planning system to obtain better outcomes in the Gungahlin Town Centre?

**MS BERRY:** I might take that one on notice; thank you.

## **Health—endoscopy services**

**MS CASTLEY:** My question is to the Minister for Health. Minister, today in the *Canberra Times* it is reported that you finally admitted that your election commitment to expand and upgrade endoscopy services will not be delivered. In an ABC radio interview last week, the Deputy Chief Minister said that the Labor Party “don’t make promises we can’t deliver”. It is now clear that your government will also fail to deliver your election commitments for a new south side hydrotherapy pool on time and the north side elective surgery centre. Do you disagree with the Deputy Chief Minister’s comments given that you are aware of your significant failure to deliver promises that you made to Canberrans at the last election?

**MS STEPHEN-SMITH:** I think the Deputy Chief Minister was very clear in that interview that sometimes things happen that will delay the delivery of commitments. What we have said to Canberrans is that we will deliver expanded endoscopy services, and I was very pleased to visit North Canberra Hospital yesterday—

*Opposition members interjecting—*

**Ms Berry:** Madam Speaker, I can hardly hear the minister, and she is right behind me.

**MADAM SPEAKER:** Members, if you ask the question, how about allowing the chamber to hear the answer?

**MS STEPHEN-SMITH:** I was very pleased to visit North Canberra Hospital yesterday to formally open the new procedure room at North Canberra Hospital, which will deliver—

**Ms Castley:** A point of order on relevance, Madam Speaker.

**MADAM SPEAKER:** Yes?

**Ms Castley:** I asked the minister whether she agreed with the Deputy Chief Minister’s comments. I did not ask for remarks on the north side hospital.

**MADAM SPEAKER:** There is no point of order. She has started talking about commitments.

**MS STEPHEN-SMITH:** In that case I have answered the question, Madam Speaker.

**MADAM SPEAKER:** You have concluded?

**MS STEPHEN-SMITH:** Yes.

**MS CASTLEY:** Minister, are there any other election commitments that you would like to admit that you have failed to meet, such as your commitment to deliver 60,400 elective surgeries in this term of government?

**MS STEPHEN-SMITH:** As Ms Castley is well aware, in the first couple of years of this term of parliament, we were dealing with the impact of a global pandemic, and we



did not fully understand its impact in 2020 at the election. However, despite that, we have got on with delivering our election commitments. We have delivered free, point-of-service abortion services for Canberrans. We will open the Canberra Hospital expansion in August this year. We have just delivered and opened, as I was saying earlier, the new endoscopy procedure room at North Canberra Hospital, and work is progressing to deliver that infrastructure commitment at Canberra Hospital to enhance endoscopy procedures. There has been a change in the plan around that because of some of the constraints on the North Canberra Hospital site.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, please. You have time; do you want to continue?

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. I could go on and on, as I do regularly in this place, about all of the commitments that we have delivered and that we will continue to deliver as we progress through this year.

**MS LAWDER:** Minister, why should Canberrans believe that an ACT Labor government will deliver any of their election promises, such as the north side hospital, when you consistently fail to deliver your major commitments each term?

**MS STEPHEN-SMITH:** Ms Lawder is completely wrong. We do not fail to deliver our commitments. We have delivered many, many commitments in this term. We will continue to do so between now and the caretaker period. Canberrans can trust us to deliver. Madam Speaker, if you talk to any Canberrans about delivering on health, I do not think—

*Opposition members interjecting—*

**MADAM SPEAKER:** Resume your seat. Members, collectively, the noise coming from my left is far too much.

**MS STEPHEN-SMITH:** If you talk to Canberrans about who can be trusted to deliver on health, Labor will come out far ahead of the Canberra Liberals.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, the next one I have to pay attention to will be warned.

### **Public housing—asset sales**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, I refer to the article in the *Canberra Times*, I think from Lucy Bladen, on 2 April discussing how much money your Government has made from selling public housing. Figures reveal you have received \$1.1 billion from sales since 2011-12 and that you have spent \$900-odd million on the purchase of new properties. What I am interested in is how much of that \$900 million did not come from the sale of properties, but rather from the commonwealth government. Now, rather than have you just take it on notice, I have gone through the budget papers for the relevant years and tallied up the federal injections in this space for those relevant years, and the total is \$465 million.

Are you able to confirm that during the decade in question, your government used \$465 million in commonwealth funding to assist with the purchase of new housing properties?

**MS BERRY:** I thank Mr Parton for the question and for the great detail he went into to explain the answer that he was asking of me today. I will have to take part of that question on notice. Despite his best efforts, I will take some of that question on notice! But I will say that the ACT government will have delivered well over \$1 billion in new housing in the ACT and renewing, as part of our growth and renewal program. That will continue to apply. We will have increased public housing supply across this city by—

**Mr Parton:** A point of order on relevance: the question was very clearly about the \$465 million—

**MADAM SPEAKER:** She started by saying that she will take some of that detail on notice. Then, she has time to answer the question relevant to policy area.

**MS BERRY:** When we started the growth and renewal program, we had 11,704 public housing properties. In 2026-27 when the program is realised and we complete the construction of all those properties, we will have grown public housing to 12,104. We will also have renewed 20 per cent of aging, unsustainable unsuitable stock, building better, modern, sustainable homes all across our city for people who need them.

**MR PARTON:** Minister, where did the extra money go? Given the \$465 million federal injection, you have profited, or this government has profited nearly half a billion dollars from the buying and selling of public housing. Where did the money go?

**MS BERRY:** I thank again Mr Parton for his question and trying to sort of do that whole gotcha moment in the Assembly today. What I will do is take it on question and provide Mr Parton with a detailed response on the funding that he is suggesting that the ACT government has used for public housing, and how much the ACT government has spent to renew and grow public housing in the ACT.

**MR CAIN:** A supplementary. Minister, how much of the half a billion-dollar profit from public housing sales was spent on the tram?

**MS BERRY:** It is not a profit, because it is reinvested into our community, but I thank Mr Cain for the question and refer him to my second answer.

### **Australian Capital Territory—population**

**DR PATERSON:** My question is to the Treasurer. Treasurer, can you please update the Assembly on the latest population growth data for the ACT?

**MR BARR:** I thank Dr Paterson for the question. The most recent ABS data shows that our population has again grown in the September quarter, by 0.6 per cent. That brings Canberra's population to just shy of 470,000. We have had the highest population growth across all Australian states and territories in the decade to June 2023, when the territory

grew at two per cent per annum compared to national population growth of 1.4 per cent. There are a couple of states that have jumped ahead of us in the past 12 months, but, overall, the territory's rate of growth has been nation-leading over the decade.

This rate of growth, of course, does bring some challenges, particularly in relation to infrastructure and housing—population growth does require infrastructure—but these are good challenges to have. When I look to a couple of other jurisdictions—particularly the one closest to us in population size, Tasmania—I would much rather have our challenges of robust growth, a younger demographic and more people moving here year on year than the challenges that Tasmania faces, with an aging demographic and people leaving their jurisdiction, particularly younger people. Population growth is an important driver of Canberra's future. We will soon cross over half a million people, and that requires more investment in infrastructure and housing.

**DR PATERSON:** Treasurer, what have been the factors driving the population increase?

**MR BARR:** There are factors of natural increase, international migration and, when accurately measured, internal migration within Australia to Canberra. There are, of course, low barriers to internal movement within Australia. A significant driver of our population is the increased size and diversity of the territory's labour market. In the simplest form, people vote with their feet. They come here to work, study or raise a family. Typically, people come here in their greatest numbers in their late teens and early 20s. We have always been able to attract people in that demographic. What we have not been so great at is retaining them once they finish their course of study. We are also an increasingly popular destination for international students. Student arrivals have increased 166 per cent from a decade ago, and each year our tertiary education institutions enrol over 60,000 students. Sixty thousand in a population of 470,000 absolutely demonstrates that Canberra is Australia's education capital.

**MS ORR:** Treasurer, what are the infrastructure priorities of the government to support the growing population?

**MR BARR:** I thank Ms Orr for the supplementary. Infrastructure certainly matters. We should not lose sight of why we spend so much time talking about it. Over the next five years, our budgeted infrastructure program includes investment in public transport, our road network, education and skills infrastructure, digital and physical health infrastructure, climate action, emergency services, and event infrastructure. We will continue to have a strong focus on infrastructure investment. It cannot, of course, all be delivered at once. There are workforce constraints and there are supply and material constraints, but it does need to be delivered over time.

We have a big and ambitious infrastructure plan. It stretches out as we have been asked by industry and the community to give a long-term view of not just what is happening in the next four years but also what will be happening over the next decade and the decade beyond that. It will shape our city into the future. Our capacity to impact housing affordability, economic opportunity, wellbeing and social outcomes is very much linked to an ambitious infrastructure program that includes investment in housing as our population grows.

## **Sport and recreation—Canberra United FC**

**MISS NUTTALL:** My question is to the Minister for Sport and Recreation. Canberra United is currently at risk of folding. Capital Football has stated that the only way the team can continue operating is through improved investment. Aside from the \$250,000 in-advance payment, what other options are being considered to secure financial stability for the Canberra United team?

**MS BERRY:** I thank Ms Nuttall for her question and for her interest in the future of Canberra United in the ACT. The ACT government has been working over the past couple of weeks having meetings with Capital Football, with the A-League proponents, with investors and with the Save Canberra United support group to bring people together for a solution that will support Canberra United going forward. Even today, I spoke with both Capital Football and the supporters' group lead just to see where things were up to and to catch up with where things are going as far as getting support for the team.

The ACT government's support for women's football in the ACT has been continuing since 2016, for some time now, and we will continue that support. We have offered Capital Football \$250,000 cash right now, up-front, for them to use to support the Canberra United team. We will continue to work with all of the stakeholders involved, and anybody interested in being part of this to work towards making sure that Canberra United can be funded in the short to medium term. I remain hopeful that there will be an A-League men's team in the ACT and that that will also take on the women's team. I have always said that I would support a men's league team and for the women's team to be included in that kind of approach.

In my meetings with the A-League and the A-League proponents, I feel more hopeful than ever that there is an opportunity here for an investor to come on board; however, it is not in time, at the moment, to save Canberra United, so bringing everybody together who has an interest in this is what I have been doing as part of my work over the last couple of weeks, knowing that Capital Football have had these financial difficulties.

**MISS NUTTALL:** What plans does the ACT government have to continue providing pathways for aspiring soccer players, given the success of the Matildas?

**MS BERRY:** We will continue to support women's sport in the ACT, as we always have. We have supported women's sport, as I said, since 2016, in a range of different ways by providing direct funding to women's sport in the ACT, particularly to Canberra United but to Capital Football and the Meteors as well. We have also provided grants funding to improve facilities to ensure they are gender neutral and more inclusive. We have provided \$400,000 in grants under previous governments to support women and girls continuing to play football, basketball, rugby league—any sport that they like. We would also support the Canberra Raiders and the Canberra Brumbies to support the women's teams in those codes as well.

We know that, right now, there is a wave and momentum for football in the ACT, particularly because of the success of the Matildas and we saw that during the Socceroos game at our GIO stadium where 25,000 people attended that match and, of them, 90 per cent of the spectators were from here in the ACT, and almost half of those spectators

were women and girls. We need to make sure we provide more of those opportunities for Canberrans to enjoy international sport, particularly for women and girls to see what they could be by having that international sport played in the ACT.

**MR BRADDOCK:** Are there any reasons for the disparities in funding provided to the GWS versus what was on offer for Canberra United?

**MR BARR:** The funding for national league teams does sit within Economic Development. The GWS funding arrangement includes both men's and women's teams and a significant component, approaching 45 per cent, is, in fact, a tourism partnership between the ACT government through VisitCanberra, the AFL and the Giants, whereby there is an active promotion of Canberra in our largest domestic tourism market, Sydney. I know there is a common misperception in relation to that particular arrangement, where there is a comparison drawn between the totality of the funding but not necessarily its purpose.

Obviously, all of our national league teams have a requirement to use the CBR branding but the different teams in different competitions have different television and marketing exposure. There are different costs associated with operating teams in national leagues; that can reflect the number of games, the number of players and the amount of travel that is required. But what we do seek to do is to ensure that Canberra has access to the widest range of sports and, as a broad rule of thumb, the ACT government contribution to the total cost of running a team will, as much as possible, be consistent, noting that in the case of the AFL it would be probably less than 10 per cent of the total cost of running AFL men's and women's teams, given the number of players and the national nature of the competition. Other sports have fewer players, do less travel, play fewer games and have lower costs to actually run a team, but of course the important point to make on the Giants' arrangement is that a significant proportion of that funding is, in fact, a tourism marketing promotion campaign in Sydney.

### **Housing—Affordable Home Purchase Scheme**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, regarding the botched affordable house and land program, it has been revealed that there is a four year grace period for the completion of dwellings that was not communicated to buyers at any point in the process. One buyer was forced to FOI the deed between the ACT government and their builder to finally find out about the four-year grace period. Minister, why did your government promise these low income buyers that their homes would be built in two years, knowing full well that the builders had four years in which to deliver?

**MS BERRY:** I have provided this information to Mr Parton previously around how the affordable housing program works, and the role that the ACT government and the Suburban Land Agency has as far as setting up the purchaser with the contractor or the builder developer. Once that land is sold at the affordable price, the relationship then moves to the contractor and to the owner of the land.

It is unfortunate that there are individuals who were not aware of the four year period. There was advice provided by the SLA to the purchasers that those individuals, or any individual as part of the affordable housing program, have legal advice. It appears as

though that legal advice also did not include the information around the four year period. Again I sympathise greatly with the, at least, two people that I am aware of that have been impacted by that time frame. I have sought advice from the Suburban Land Agency about how we can make that information clearer going forward and what our affordable land purchase would look like. In this circumstance, unfortunately, the information has not been made available to the two individuals that I am aware of. As I have said previously, I do sympathise with them for that and will make amends to ensure that information is provided going forward.

**MR PARTON:** Minister, why is there a hidden four year grace period between the SLA and builders, when this scheme is for those who cannot afford a private builder under normal market circumstances?

**MS BERRY:** It is not hidden.

**Mr Parton:** It is!

**MS BERRY:** It is not hidden. It is not hidden. Building contracts, purchasing homes and land, and dealing with developers can be quite complicated, and that is why the advice is provided for individuals to seek legal advice. I understand that has happened in this circumstance, however, that legal advice did not include the four year time frame.

**MR CAIN:** Minister, when will you be upfront about the failures of this scheme and the reasons it is no longer available?

**MS BERRY:** I do not know what the context of that question has to do with any of the previous questions, which were a direct inquiry as to why there was this four year period, to which I have responded. I refer Mr Cain to those previous answers.

### **Housing—Affordable Home Purchase Scheme**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, last month in this chamber I asked why you had not responded to buyers who emailed you due to their lengthy delay of construction commencing with the Affordable Home Purchase Scheme. You stated: “I will respond to people who get in touch with my office. It might not be immediately, on the same day, or even the same week that a person emails my office, but I do respond to any emails that come to my office with the appropriate advice.” We are aware of at least five constituents who have contacted your office regarding these delays and either waited months for a response or simply have not heard back at all. Minister, why have these people on low incomes, who naively trusted your government’s promises, waited months for a response from you?

**MS BERRY:** I thank Mr Parton for bringing this to my attention and the attention of the Assembly that there are at least five. If they have contacted my office—and I understand that Mr Parton has said that they have—they will receive a response from my office. It does take some time—around a four-week period—to provide a response once we receive advice on the individual circumstances of individuals from various directorates—the Suburban Land Agency in this circumstance. People always get a response from my office as quickly as we possibly can, but it is usually around four

weeks. I will follow up with my office, following today, and chase down any that have not been responded to, as per Mr Parton's suggestion, and I will provide him with advice on that.

**MR PARTON:** Minister, why have some buyers' emails been totally ignored for much longer than four weeks when it comes to correspondence regarding this scheme?

**MS BERRY:** I would have to check that that is the case. I do not believe that that is the case, but I will investigate with my office to ensure that people who have emailed my office are getting the attention that they deserve, and that is that they are responded to within as reasonable a period as possible and as soon as we possibly can, given that the investigations that need to take place are on individual circumstances and that can vary across the board. But I will take this on notice for Mr Parton. I do not know that I would need to come back to the Assembly with that information; I might just provide that to Mr Parton's office.

**MR CAIN:** Minister, did you only respond to these individuals once the Liberals and the buyers made this information public?

**MS BERRY:** That is the most ridiculous suggestion. I respond to all stakeholders—constituents and otherwise—who contact my office, and I always will, regardless of the sometimes difficult circumstances that arise or that they bring to my attention. I completely refute the suggestion from Mr Cain.

### **Housing—Affordable Home Purchase Scheme**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, last month in the chamber I asked a series of questions regarding the Affordable Home Purchase Scheme and its apparent failures that have left low-income Canberrans in severe financial and mental stress. Indeed one is about to become homeless this month. You suggested that, despite the original government promises to these constituents, these delays were beyond the ACT government's control. Of course, there are many ways that the ACT government could have and should have provided some relief. It has come to our attention that some of the smaller builders who were offered this work had very limited capacity and, as such, did not have the scale to cope with the significant rise in build costs. What due diligence did the SLA do on the ability of the chosen builders to actually deliver the product?

**MS BERRY:** I thank Mr Parton for the question. Whilst I am not aware of the individual builders that he is referring to, I am obviously confident that the Suburban Land Agency does do its due diligence to ensure that a builder and developer contractor can provide the building work that is required. Of course, there are circumstances that might arise that may not be initially identified. We have seen that through a couple of construction companies that have experienced financial difficulty and in a very short period of time have had to put their businesses into administration. I can assure members that that due diligence does occur. However, given Mr Parton's interest in this matter, I will seek some further advice from the Suburban Land Agency and provide the process of that due diligence and the work that the Suburban Land Agency does, for Mr Parton's information.

**MR PARTON:** Minister, what message do you have for the individual who, together with his partner, is going to become homeless at the end of this month, regarding the failure of the Affordable Home Purchase Scheme?

**MS BERRY:** I have, on a number of occasions now, expressed my sympathy to the individual that Mr Parton is referring to, and anybody who has been impacted by this time frame. However, I will say again that the ACT government's relationship in these circumstances ends when the purchaser of the land has their agreement with the developer. That is when the relationship with the ACT government ends. It then becomes the responsibility of the purchaser and the developer. In this circumstance, unfortunately, information that should have been known to the purchaser was not made available to them, and I am sorry that that has occurred. We have encouraged everybody to get legal advice. Unfortunately, it looks like, in this circumstance, that advice has not covered off all of the detail within the building contracts or time frames. Those are not things that the ACT government can control. Those relationships are legal ones and contractual ones between builders and purchasers of land. What I can do, as I said previously, is ensure that that information is clear and up-front, so that there is further clarity for the purchaser and for the developer as well.

**MR CAIN:** Minister, can the builders who have been granted the builds under the scheme actually build and deliver the affordable homes at the price sold?

**MS BERRY:** That is a question that I could not possibly answer. It is a hypothetical. It would depend on the individual circumstances.

### **Transport Canberra—bus fleet**

**MR PARTON:** Madam Speaker, my question is to the Acting Transport Minister. Minister, as per the article in the Canberra Times last week, the Custom Denning buses that were delivered to Transport Canberra in October 2023 have yet to enter passenger service.

In a June 2023 media release, there was an indication that the buses would be in service by November of last year. Given it has now been nearly six months since the first Custom Denning bus was unveiled with great fanfare to the public at the Belconnen Depot, are you able to explain this lengthy delay?

**MS CHEYNE:** I appreciate that this is the subject of further discussion tomorrow afternoon with Mr Parton. I would note that as we continue to receive these buses from Custom Denning that they have been and will continue to be progressively added to the fleet, post satisfactory acceptance testing procedures and commissioning activity.

I would suggest that Mr Parton reflects back on previous answers that Mr Steel has given on this matter, notwithstanding that he has given a lengthy ministerial statement about the status of these important procurements.

**MR PARTON:** Minister, are you able to tell us exactly when the four Custom Denning buses will join the fleet and go into service, and are you planning another glittering ceremony to announce this?



**MS CHEYNE:** I am not planning a ceremony. I think I have got enough to do. I will probably have to take it on notice and I will at least answer it tomorrow, if not through an amendment that I anticipate I will be bringing to Mr Parton's motion.

**MR CAIN:** Minister, will any additional Custom Denning buses to be ordered by Transport Canberra experience similar delays?

**MS CHEYNE:** What I can share is that along with the delivered 12 battery electric buses that the 26 Scania and Bus Tech vehicles are part of facilitating the retirement of the noncompliant Renault buses as they are received. The original contract for the lease of 26 low-emission buses was awarded to Scania, with Bus Tech as their contracted body manufacturer, on 28 March 2022, and it did have an original delivery time frame of between July and November 2022. Again, this has been canvassed many times in this place by Minister Steel. There has been, not surprisingly—and particularly noting Ms Lee's own motion that is coming on imminently—supply chain issues. They are affecting industries across the world and—

**Mr Parton:** Are you supporting the motion?

**MS CHEYNE:** I support things that are sensible. The remaining 16 Scania Bus Tech vehicles are now expected to be received progressively through the first half of this year, hopefully, taking into consideration that there is still potential for the schedule to change due to the ongoing supply chain issues that are being encountered. We continue to manage the current contract parameters with the supplier and to ensure that any further issues, potential delays or areas of concerns are articulated at the earliest opportunity so that we can manage this between our contracting parties.

### **Economy—tourism**

**MS ORR:** My question is to the Minister for Tourism. Chief Minister, Tourism Research Australia recently released data for 2023. What did the data reveal?

**MR BARR:** I thank Ms Orr for the question. The data revealed that Canberra tourism continues to break records. The latest figures show record growth in visitor numbers and record expenditure in calendar year 2023. During the year, the ACT welcomed 5.8 million visitors who spent \$3.8 billion in the territory's economy, making this the highest ever visitor expenditure in a 12-month period, surpassing 2022's expenditure by \$770 million. When we compare it to the last four years, pre-COVID, back in 2019, visitor numbers have nearly recovered to what was then a record year in 2019 and expenditure has grown significantly to be up by 35 per cent. We welcomed 5.63 million domestic visitors who spent \$3.33 billion in 2023. We had the highest number of visitor nights, highest-ever expenditure and the third-highest number of domestic visitors in the ACT in a 12-month period.

**MS ORR:** Chief Minister, how does this performance compare with other states and territories?

**MR BARR:** I am pleased to say we led all states and territories in domestic overnight visitor growth and we had the second-highest total expenditure growth, which was

driven by a very strong domestic market. As I mentioned in answer to an earlier question, New South Wales remains the main source of domestic visitors for the ACT, unsurprisingly, accounting for two-thirds of our overnight visitors and three-quarters of our day-trip visitors.

Beyond the domestic market, international visitors more than doubled year on year to 2023 as the post-COVID recovery continues. In the last few years, we have seen very strong growth in our international markets, particularly the ones we have been prioritising. Visitors from India are back and above pre-COVID levels and our top-four markets—the United States, the United Kingdom, China and India—are responsible for around 40 per cent of all our international visitors.

**MR PETTERSSON:** Chief Minister, what is needed to ensure this strong growth continues in the future?

**MR BARR:** I thank Mr Pettersson. There are three key elements. Firstly, we need to continue to enhance our offering for visitors—new tourist attractions, new hotels and improved public transport in our busiest tourist district, the National Triangle. Secondly, we need to make it cheaper and easier to get to Canberra. Air and rail connections are a priority. And, thirdly, we will need to continue marketing and promoting Canberra in our domestic and international priority markets, and that includes partnerships with airlines, hotel groups, sporting organisations, cultural organisations, and the national cultural institutions—all of the partnerships that we have been implementing over the last 10 years that are delivering record levels of tourism expenditure in our economy. Why is this important? It translates into tens of thousands of jobs for Canberrans. That is why we have smashed our 250,000 jobs target for the total number of jobs in our economy and have done so early, and we are on track now for 300,000 jobs in the ACT economy by 2030.

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

## Papers

**Madam Speaker** presented the following papers:

Bills, referred to Committees, pursuant to standing order 174—Correspondence—

Bills—Not inquired into—

Cemeteries and Crematoria Amendment Bill 2024—Copy of letter to the Speaker from the Chair, Standing Committee on Planning, Transport and City Services, dated 28 March 2024.

Children and Young People Amendment Bill 2024 (No 2)—Copy of letter to the Speaker from the Chair, Standing Committee on Health and Community Wellbeing, dated 26 March 2024.

Crimes (Sentencing) Amendment Bill 2024—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 2 April 2024.

Gaming Machine (Compulsory Surrender) Amendment Bill 2024—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 27 March 2024.

Human Right Commission (Child Safe Standards) Amendment Bill 2024—  
Copy of letter to the Speaker from the Chair, Standing Committee on Justice  
and Community Safety, dated 27 March 2024.

Liquor (Night-Time Economy) Amendment Bill 2024—Copy of letter to the  
Speaker from the Chair, Standing Committee on Economy and Gender and  
Economic Equality, dated 27 March 2024.

Remuneration Tribunal Amendment Bill 2024—Copy of letter to the Speaker  
from the Chair, Standing Committee on Economy and Gender and Economic  
Equality, dated 27 March 2024.

University of Canberra Amendment Bill 2024—Copy of letter to the Speaker  
from the Chair, Standing Committee on Education and Community Inclusion,  
dated 26 March 2024.

Standing orders—

99B—Petitions—Referral advice—Correspondence—e-Pet 024-23—GP  
payroll tax—Objection—Copy of letter to the Speaker from the Chair, Standing  
Committee on Public Accounts, dated 3 April 2024.

191—Amendments to—

Assisted Reproductive Technology Bill 2023, dated 26 March 2024.

Births, Deaths and Marriages Registration Amendment Bill 2023, dated  
26 March 2024.

Liquor Amendment Bill 2023, dated 26 March 2024.

**Mr Gentleman** presented the following papers:

Justice and Community Safety—Standing Committee—Report 23—*Inquiry into  
the Crimes Legislation Amendment Bill 2023*—Government response, dated  
24 March 2024.

Public housing stock—Assembly resolution of 30 August 2023—

Copy of letter to the Speaker from the Minister for Housing and Suburban  
Development, dated 28 February 2024, advising of the delay in government  
response.

Government response, dated April 2024.

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

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act and Financial Management Act—ACT  
Teacher Quality Institute Board Appointment 2024 (No 1)—Disallowable  
Instrument DI2024-54 (LR, 28 March 2024).

Animal Welfare Act—Animal Welfare Code of Practice Revocation 2024  
(No 1)—Disallowable Instrument DI2024-22 (LR, 19 February 2024).

Children and Young People Act—

Children and Young People (Death Review Committee) Appointment 2024  
(No 1)—Disallowable Instrument DI2024-38 (LR, 18 March 2024).

Children and Young People (Death Review Committee) Appointment 2024  
(No 2)—Disallowable Instrument DI2024-39 (LR, 18 March 2024).

Children and Young People (Therapeutic Support Panel Chair) Appointment  
2024 (No 1)—Disallowable Instrument DI2024-31 (LR, 1 March 2024).

Children and Young People (Therapeutic Support Panel) Appointment 2024 (No 2)—Disallowable Instrument DI2024-45 (LR, 26 March 2024).

Children and Young People (Therapeutic Support Panel) Appointment 2024 (No 3)—Disallowable Instrument DI2024-46 (LR, 26 March 2024).

Children and Young People (Therapeutic Support Panel) Appointment 2024 (No 5)—Disallowable Instrument DI2024-47 (LR, 26 March 2024).

Children and Young People (Therapeutic Support Panel) Appointment 2024 (No 6)—Disallowable Instrument DI2024-48 (LR, 26 March 2024).

Children and Young People (Therapeutic Support Panel) Appointment 2024 (No 7)—Disallowable Instrument DI2024-49 (LR, 26 March 2024).

Children and Young People (Therapeutic Support Panel) Appointment 2024 (No 8)—Disallowable Instrument DI2024-50 (LR, 26 March 2024).

Children and Young People (Therapeutic Support Panel) Appointment 2024 (No 9)—Disallowable Instrument DI2024-51 (LR, 26 March 2024).

Children and Young People (Therapeutic Support Panel) Appointment 2024 (No 10)—Disallowable Instrument DI2024-52 (LR, 26 March 2024).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) (Fees) Determination 2024 (No 1)—Disallowable Instrument DI2024-36 (LR, 8 March 2024).

Construction Occupations (Licensing) Regulation—

Construction Occupations (Licensing) (Distributed Energy Resource) Declaration 2024—Disallowable Instrument DI2024-34 (LR, 8 March 2024).

Construction Occupations (Licensing) (Qualifications) Declaration 2024—Disallowable Instrument DI2024-35 (LR, 8 March 2024).

Construction Occupations (Licensing) (Qualifications) Declaration 2024 (No 2)—Disallowable Instrument DI2024-41 (LR, 21 March 2024).

Education Act—Education Amendment Regulation 2024 (No 1)—Subordinate Law SL2024-4 (LR, 28 March 2024).

Electronic Conveyancing National Law (ACT)—

Electronic Conveyancing National Law (ACT) Operating Requirements 2024—Disallowable Instrument DI2024-28 (LR, 28 February 2024).

Electronic Conveyancing National Law (ACT) Participation Rules 2024—Disallowable Instrument DI2024-29 (LR, 28 February 2024).

Gaming Machine Act—Gaming Machine (Fees—Authorisation Surrender Waiver) Determination 2024 (No 1)—Disallowable Instrument DI2024-43 (LR, 25 March 2024).

Human Rights Commission Act—Human Rights Commission (Public Servant) Process 2024 (No 1)—Disallowable Instrument DI2024-24 (LR, 19 February 2024).

Integrity Commission Act—Integrity Commission (Acting Commissioner) Appointment 2024 (No 1)—Disallowable Instrument DI2024-23 (LR, 26 February 2024).

Litter Act—Litter (Fees) Determination 2024—Disallowable Instrument DI2024-53 (LR, 28 March 2024).

Long Service Leave (Portable Schemes) Act and Financial Management Act—Long Service Leave (Portable Schemes) Governing Board Appointment 2024 (No 1)—Disallowable Instrument DI2024-42 (LR, 21 March 2024).

Magistrates Court Act—Magistrates Court (Building Infringement Notices) Amendment Regulation 2024 (No 1)—Subordinate Law SL2024-2 (LR, 29 February 2024).

Major Events Act—Major Events (Winter Sports Season Events) Notice 2024—Disallowable Instrument DI2024-37 (LR, 14 March 2024).

Plant Diseases Act—Plant Diseases (Red Imported Fire Ant Importation Restrictions) Declaration 2024—Disallowable Instrument DI2024-21 (LR, 15 February 2024).

Professional Engineers Act—

Professional Engineers (Fees) Determination 2024—Disallowable Instrument DI2024-33 (LR, 4 March 2024).

Professional Engineers (Qualifications, Experience and Competencies) Determination 2024—Disallowable Instrument DI2024-32 (LR, 5 March 2024).

Professional Engineers Regulation 2024—Subordinate Law SL2024-3 (LR, 4 March 2024).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (IEG Rally) Declaration 2024 (No 1)—Disallowable Instrument DI2024-26 (LR, 22 February 2024).

Road Transport (General) Application of Road Transport Legislation (IEG Rally) Declaration 2024 (No 2)—Disallowable Instrument DI2024-27 (LR, 22 February 2024).

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2024 (No 1)—Disallowable Instrument DI2024-30 (LR, 28 February 2024).

Road Transport (General) Application of Road Transport Legislation (White Wolf Test) Declaration 2024 (No 1)—Disallowable Instrument DI2024-40 (LR, 15 March 2024).

Taxation Administration Act—Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 2024—Disallowable Instrument DI2024-44 (LR, 25 March 2024).

University of Canberra Act—University of Canberra Council Appointment 2024 (No 1)—Disallowable Instrument DI2024-25 (LR, 22 February 2024).

## **Building industry—regulatory impact**

**MS LEE** (Kurrajong—Leader of the Opposition) (3.19): I move:

That this Assembly:

(1) notes:

- (a) since September 2023, the ACT has seen at least five building companies enter administration which has impacted around 50 projects, left millions

- of dollars owed to creditors in the ACT and left thousands of Canberrans uncertain whether their homes will be built; and
- (b) local subcontractors and suppliers have been particularly affected by these insolvencies, with the ACT Branch Secretary of the Construction, Forestry and Maritime Employees Union saying that some “are owed up to half-a-million dollars”;
- (2) further notes recent comments from the Master Builders Association that:
- (a) “the cost of house construction in the ACT increased 13.3% throughout 2023, more than three times the national average increase of 4.1%”;
  - (b) “in 2023 the ACT Government introduced around 125 new pieces of legislation or rules which impact the building industry”;
  - (c) “residential building approvals are on track to be at least 25% below the ACT’s 5-year average”;
  - (d) “without more land we cannot build more dwellings and without an increase in housing supply the ACT’s housing affordability crisis will persist”; and
  - (e) “with the ACT provided the lowest apprenticeship training subsidies for carpenters and plumbers compared with any other Australian State or Territory, it is vitally important that the ACT Government respond to the need for more construction workers”; and
- (3) calls on the ACT Government to:
- (a) implement comprehensive regulatory impact statements for all new legislation which involves compliance costs for businesses;
  - (b) refer all current legislation to the Better Regulation Taskforce to assess the current compliance costs and regulatory burden on small businesses particularly in the construction industry and report to the Assembly by the last sitting day in June 2024;
  - (c) to set an example by ensuring that the ACT Government meet its obligations to pay contractors within the contracts stipulated timeframes; and
  - (d) increase funding for skills and training in the 2024-25 Budget to address skill shortages.

Since September last year at least five building companies in the ACT have entered into administration. The impact of these insolvencies is severe. It has significant flow-on effects that are likely to have a dire impact on tens of thousands of Canberrans. Millions of dollars are owed to creditors in the ACT, local subcontractors and suppliers have been severely impacted, and the dream of home ownership for thousands of Canberrans is now in tatters.

We have all seen the news stories showing hardworking small businesses, some of which are owed hundreds of thousands of dollars as a result of these companies collapsing. Many of these small businesses will not be able to wear these losses. Many will have no choice but to close down themselves. The effects of the collapse of these construction businesses will have a flow-on effect to other contractors throughout the ACT. Those small businesses who may not be direct creditors but who rely on the business of those creditors who are owed substantial money will be worried about when or if they will be getting paid. But this is not and should not be a surprise to the ACT

Labor-Greens government, because this is a government that has been in power for over two decades and, during that time, has deliberately put in place policy settings that have been stifling the construction industry for years.

The construction industry makes a significant economic contribution to the ACT. Modelling by the Master Builders Association shows that, for every dollar invested in the construction industry, it generates a \$3 multiplier throughout the broader economy. This is an industry that employs over 20,000 Canberrans and supports over 6,500 local businesses. But, instead of supporting this important industry, instead of recognising the contribution that it makes to the ACT economy and instead of valuing their role in our community, Mr Barr and his government have instead chosen to strangle the industry with even more burdensome regulation.

After experiencing an unprecedented disruption of activity during the pandemic, a once-in-a-generation disruption in the supply chain of products, cost of building products skyrocketing, 13 interest rate rises and significant skills shortages, this government had the opportunity to back the industry, to back these businesses and to make things easier to recover and get tradies back doing what they do best, and to build the homes that Canberra needs. Instead, this government chose not to make things easier, chose not to give the industry a break; instead, this government decided to thrust about 125 new pieces of legislation or rules on the industry, choking up the Canberrans behind these businesses with a regulatory burden that is taking them away from their tools. Over the two and a half years since we ended COVID lockdowns, this Labor-Greens government has continued on with its policy of stifling business with red tape and regulation and now we, as a community, are experiencing the devastating fallout of those decisions.

It is not like this has come as a surprise to the government. The industry warned the government about the cumulative effect of the ongoing regulatory burden that this government has placed on the sector. This warning has been sounded for many years. These were not just speculative thought bubbles; we are talking about serious warnings from industry about the devastating consequences if Labor and the Greens continue to strangle the sector with more and more regulatory burden. The CEO of Master Builders ACT, Michael Hopkins, recently said:

Our industry is currently experiencing an unprecedented economic and regulatory environment, which is adding considerable stress to small local building and construction businesses.

Mr Hopkins cited the new ACT security of payment laws that started last month as just one example of laws that were introduced without genuine consultation with industry and, in the words of the Master Builders, are “unworkable and out of step with other jurisdictions”. Mr Hopkins went on to say:

Every new regulation adds cost, impacts productivity and adds to the stress that small local businesses are currently feeling.

But he is not alone. The Housing Industry Association ACT and Southern New South Wales said:

While the focus is often on the ‘laws’ that create red tape and complexity, the reality is that red tape lives in the business processes and administration

requirements across multiple government departments and agencies at the national, state and local level.

The HIA went on to say:

Time adds cost—every day that can be saved helps someone move into a new home sooner.

We have seen that in figures which show that regulation has driven up the cost of construction here in the ACT. It increased 13.3 per cent throughout last year. That is more than three times the national average increase of 4.1 per cent—13.3 per cent in the ACT compared to the national average of 4.1 per cent.

Let us not forget that these are laws and regulations that this ACT Labor-Greens government has deliberately imposed on an industry facing unprecedented challenges following the pandemic, despite the peak body warning the government that these changes could and would lead to exactly what we are experiencing. This Labor-Greens government has also failed to support the construction industry to develop the skilled workforce it desperately needs. It has failed to find trade apprenticeships over many years. In fact, carpentry and plumbing apprenticeships received the lowest level of government subsidy in the ACT compared to all other jurisdictions in Australia.

Canberra is in the midst of a housing affordability crisis. We have a government who fails year after year to meet its own land release targets, restricting the supply of residential land and, in turn, pushing up the prices to unaffordable levels. We have a government that fails to support the construction industry, fails to genuinely consult them and fails to support the development of the workforce they need.

Of course, it is not just the construction industry that is facing challenges imposed by this government. When I am at mobile offices or meeting with local small business owners, stakeholders or industry groups, I hear the same thing over and over again. I hear about the struggles that these Canberrans are having trying to comply with unworkable laws, struggling to overcome the heavy burden of regulation and struggling with the cost-of-living crisis that has been made worse by this Labor-Greens government.

Sadly, the figures are showing how hard it is to do business here in the ACT. Recent ASIC figures show that insolvencies in the ACT are up 35 per cent from last year—a 35 per cent increase in insolvencies in the ACT from last year. In the 12 months to March, 146 ACT companies entered administration and, if that were not bad enough, compare that to the 108 during the same period last year—146 companies.

Of course, as we know, behind every one of these insolvencies is a Canberran who is now struggling—and struggling badly. Business confidence is falling. Earlier this year the CEO of the Canberra Business Chamber, Greg Harford, said, in response to falling confidence:

A number of factors are impacting this, but the biggest issues this quarter were the increased costs of doing business and the challenges in attracting and retaining skilled staff.



Mr Harford went on to say that “regulations remain an issue, with workforce relations and compliance a specific concern”. We saw earlier this year, in response to a survey by the Canberra Business Chamber, that one-third of respondents said it was more difficult to operate in the ACT and some businesses were considering moving their business elsewhere. That is something that we hear on the doorsteps each and every day. Key issues from the survey were red tape, lack of customer focus and urgency from the ACT government, higher payroll taxes, workers compensation costs and significant delays in planning and development approvals. These are factors that are squarely within the control of Mr Barr and his Labor-Greens government. These are all factors that Mr Barr and his Labor-Greens colleagues could commit to addressing today.

The fact is that the deteriorating economic conditions in the ACT, created by Mr Barr, are hurting Canberra businesses. In the decades-long reign that he has had the Treasury portfolio, Mr Barr has failed Canberra businesses. He has lost our AAA credit rating; he has failed to deliver a single surplus; and, under the UPF reporting, he has overseen skyrocketing debt, which is forecast to reach over \$18.5 billion, with an interest bill of almost \$2 million a day; and Canberrans and Canberra businesses are being taxed to the hilt with rates, land tax, payroll tax, high registration costs and other taxes and charges, all increasing at eye-watering levels, to prop up the balance sheet of this failed government—a government who, after being in power for over two decades, has no-one else it can blame for the current state of the ACT economy, for the current conditions impacting businesses and certainly not for the regulations that it and its Greens partners have foisted on Canberra businesses, many within the construction industry and some, unfortunately, to the point of collapse.

What the Canberra Liberals are calling for today with this motion is to listen to business. It is to ensure that any piece of legislation and any regulation considers the impact on business in Canberra, considers the impact on their viability and their ability to operate here before it is passed, before it becomes law. This motion calls for urgent action in the interests of business and in the interests of the industry that employs tens of thousands of Canberrans and significantly contributes to the ACT economy. It is about engaging with industry and business and not shutting them out. It is about acknowledging that times are tough, that business and industry is suffering, and it is about working together to get a better outcome for all Canberrans. I commend my motion to the Assembly.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (3.32): I rise to speak in support of the proposed amendment to Ms Lee’s motion, circulated by Minister Cheyne.

Firstly, I would like to acknowledge the importance of the construction sector in our community. Building our schools, our infrastructure and our housing, the industry is fundamental to delivering wellbeing and opportunity to our citizens. As the Minister for Sustainable Building and Construction, I am keen to support action to strengthen this industry and, in doing so, improve the outcomes for all people in the territory. There is a need to work in partnership and ensure that the buildings and infrastructure we roll out across the territory is high quality, meets current and future needs of our community, is sustainable and ensures that our city remains liveable in a changing climate.

It is a tough time for the construction sector. Over recent years, we have seen a global pandemic, lockdowns, restrictions, global events, supply chain issues and the spiking of costs. Here in the ACT, we have seen several building and construction companies recently entering voluntary administration. Some of these businesses have had a long history in the ACT, and I really acknowledge the serious impact and uncertainty for owners of these businesses, for their customers, for employees and for subcontractors. These actions have real-life impacts for many local people.

In the many conversations that I have with industry, I am hearing that there are a combination of factors that are pushing some in the industry into administration. Supply chain issues are something that has been discussed over the last few years. Some in the industry have been struggling to find the construction materials that had previously been readily available. When they are able to find these materials, they now have very long lead times and are significantly increased in price. This means that some in the industry are struggling to meet both project budgets and deadlines.

Labour shortages and the scarcity of skilled labour have been significant obstacles for all construction firms following on from the pandemic. With fewer qualified construction workers available, projects are falling behind schedule and wage costs in the industry are rising. Rising interest rates have impacted on the borrowing capacity of the industry at the same time as changing the demand for new homes. Some customers may have had to amend or cancel building work due to reduced borrowing power and smaller construction companies that rely on single projects have been particularly impacted. Finally, fixed-price contracts signed in recent years mean that some builders have been locked into contracts and are sustaining losses. This is because they have been unable to pass on the increased project costs of material and labour to their clients, meaning that these projects offer either losses or drastically reduced profit margins.

While this is not an ACT-specific issue, the ACT government will continue to work with local industry and consider the broader, cumulative impact that ACT government regulations may have had. As widely reported, the Chief Minister met with the MBA to commence discussions on the key issues and what the role of government is in responding. I also met with the MBA late last week and will continue conversations and discussions over the next few weeks.

I want to address the suggestion that unnecessary regulation is driving costs and creating pressures. This is a term in which we have seen regulation in the area of building quality. This reform has been focused on accountability, on quality and on consumer protection. This reform has been focused on ensuring standards meet community expectations and ensure that the buildings and homes we are building today remain fit for purpose, are climate resilient and are sustainable. I am a bit astonished that the Canberra Liberals are arguing that we should not undertake reform that improves quality and protects consumers. Only this morning, we had a discussion from Mr Parton acknowledging that regulation of property development should be passed.

This reform has been worked on in partnership with the sector and has been informed by experts, including the co-author of Australia's *Building confidence* report, Bronwyn Weir. This reform has been absolutely necessary and is expected from our community. It has been underpinned by regulatory impact analysis, as all our regulatory reform is.

In some instances, it has included changes to the National Construction Code. This work has been undertaken at a national level. There has been the need in this work to recognise the significant positive community impact the changes will have, particularly around improving energy efficiency and accessibility for individuals and households. Others, such as developer licensing, will include additional regulatory impact assessment that will underpin our regulatory response. Pressure on the construction industry is not a justification for moving away from reform that delivers on quality and consumer protection. What we have done and what we continue to do is do this in a way that engages with industry concerns and with good consultation.

We have also been undertaking reform that strengthens the principles of ensuring that people get paid on time for the work they do. After delivering initial reform around security of payment in the previous term, we have continued that work and there are reforms that have taken effect this month. We are continuing to work with industry about these changes, and an ongoing review to improve security of payment work continues. This is an issue that has been raised at the Building Ministers' Meeting and a piece of work we are progressing with industry. This type of reform is even more important in the context of industry uncertainty and instability.

The government will continue to engage with the building and construction industry to ensure that we are able to respond to our community's needs and their expectations. We have been and will listen. We will consider the impact and we will do our job in ensuring that building activity is done in a way that meets a high quality and our community's expectations. I thank the industry for their constructive and positive engagement and look forward to the ongoing discussion about what our respective roles are in ensuring the sector is strong, sustainable, of high-quality and meeting the needs of our community.

**MR PARTON** (Brindabella) (3.40): I want to start by saying that the response from the minister responsible for sustainable building was indicative of a minister who is absolutely out of her depth and who does not have the confidence of the sector. I have a lot of conversations with people in our construction industry. I talk to those in the peak bodies; I talk to those who own and run construction firms; I talk to people in the union—

**Mr Pettersson:** Names?

**MR PARTON:** and I talk to a lot of hi-vis-wearing coalface workers.

**Ms Vassarotti:** So do I.

**MR PARTON:** Even without the disasters that have been highlighted in the media cycle in the first quarter of this year—even if we did not have that red flag—it is certainly clear to me that there are some serious problems in this space.

These are problems which threaten the future direction and the future growth of this city. I know that is a big statement, but it is absolutely the truth of the matter. If your city lacks the ability to build things, if your city does not have the ability to provide dwellings for newly-arrived residents then you have got some problems. These ongoing problems in the construction sphere have garnered much public interest. There is a

sprinkling of comments attached to the *Canberra Times* story, and I want to mention Robert—and I would note that Robert’s comments do not specifically pertain to things under the control of Minister Vassarotti. He said, “At least one major Canberra builder came within an inch of bankruptcy waiting for a simple certificate of occupancy for several months after having completed a large project. There were no issues with the buildings—just typical ACT bureaucratic indifference.” They are the words of Robert.

I would also like to refer to a weekend editorial in the *Canberra Times* in this space that comes from economist Dan Carton. Mr Carton said:

The number of builders in the ACT going into administration and liquidation is putting at risk getting the dwellings built to alleviate the housing shortage in the ACT.

Mr Carton then refers to the many factors which can lead to a builder becoming insolvent. He speaks of the growing level of regulation in this space here in Canberra, and he refers in the first instance to the Urban Forest Bill, which came into effect on 1 January this year. Mr Carton explains why this bill could easily add at least three months of holding time to many developments.

It was interesting to hear Mr Smith from the CFMEU talking on the radio recently about the building insolvencies. He was doing a breakfast radio interview, and on three occasions in that interview he actually referred to the very low profit margins. When you have Zach Smith from the CFMEU out there talking about the very low profit margins in this space, it means there are very low profit margins!

Mr Carton speaks of the growing level of regulation in the space. He points out that, in the last 12 months, builders have had added to their regulatory load the silica laws, the liveable housing requirements, moving from six- to seven-star energy ratings, the New Territory Plan and DA assessment processes. There is a lot going on, and most of it involves either delays in projects and/or significant additional cost. We are not, for a single moment, suggesting that some of the issues that have been dealt with that new legislation and the new regulations should not have been dealt with. But, in most cases, they have been dealt with in a—I do not know if “harsher” is the word—more onerous way by this jurisdiction than by any other.

Of course, cash flow is also a major problem when it comes to insolvencies. The feedback that comes back to us is that, if you are a subbie in the ACT, the ACT government is one of the worst payers. So they are the worst landlords and one of the worst payers. That is far from surprising, but it is absolutely unacceptable. It is a bit of a mess out there. This government is failing the construction sector, and the sector has completely lost confidence in this government to deliver solutions. I would suggest that serious consideration be given by those opposite to supporting this motion—which I certainly will be doing.

**MR PETTERSSON (Yerrabi) (3.45):** In advance, I thank Ms Cheyne for the proposed amendment that she has circulated. I think it is a good one. It is no secret that the nation’s and the ACT’s construction industry has been under significant pressure in recent years. In no particular order, COVID-19, supply chain issues, rapidly rising interest rates, land and planning constraints and major skill shortages have clearly

meant that construction companies have struggled. Clearly, some companies have found these conditions more difficult than others to navigate and, in recent times, a number of local builders and developers—sometimes both—have entered administration.

Companies entering and leaving industry are a natural component of a market system. Regardless, it is filled with tremendous pain and cost to all involved when the administrators are called in. Subbies are left up the metaphorical creek without a paddle and first home buyers are left with a shattered dream. There are not any winners. In saying this, I do not necessarily agree with the cynical doom-and-gloom picture of our construction industry that Ms Lee has painted in her motion and which I think Ms Vassarotti has painted.

Yes, there are issues in the construction industry. Canberrans know this. But it is not as bad as I think some people would have you believe. According to the Australian Bureau of Statistics, in the third quarter of 2023, 1,199 dwelling units were commenced and completed in the ACT. We are seeing an increase in commencements from the previous year but, yes, it is below the five-year trend, which is not ideal. However, nationally, we are seeing a decrease in commencements by 10 per cent from the previous year, and they are also below their five-year trend.

I will not send us down the rabbit hole of Major Projects in this city, but there are a lot of projects in the pipeline, including the Northside Hospital, light rail, the Woden CIT, the Canberra Theatre, a stadium and a civic live music venue. The infrastructure pipeline of the ACT is strong—but, if you ask the Canberra Liberals, it is too much and too expensive. So I do not necessarily agree that the ACT's infrastructure and construction industry is all doom-and-gloom, but I think that puts me in a different position to some people.

I was listening with some interest to Ms Vassarotti's contributions about some of the constraints within the industry, which to me is very puzzling if we are intending to deliver 10,000 homes. That would make it very challenging indeed. I do, however, agree within Ms Lee's original motion that we do need to more to support apprentices here in the ACT and grow the workforce. It is for this reason that I expect clearly that the Canberra Liberals must be big fans of apprentice ratios on ACT government jobs, and for things like trade licensing reform. As described in the ACT Labor Party platform, simply providing more funding for skills and training will not address this problem. These are structural issues. We need to give people a reason to complete their apprenticeship, like for a licence and good wages. We need to provide them stable workplaces and employers that will take on apprentices and also make sure that they are paid enough to make it through.

So, on the whole, I am somewhat confused by Ms Lee's motion. Whenever I have come into this place and raised issues about the state of the construction industry and issues with property developers, the Canberra Liberals often come into this place and speak in favour of them. I appreciated the Canberra Liberals' enthusiastic support of my motion last year which called for the establishment of an Australia-first licensing scheme for property developers that requires developers to meet a fit-and-proper person test and the inclusion of a stringent and rigorously enforced penalty scheme up to and including barring developers from working in the ACT. Given their support for the motion, I had

assumed the Canberra Liberals would, at some point, support the passage of a property developer licensing scheme.

When I called for improvements to security of payment laws last year, the Canberra Liberals supported the motion. These were urgently needed reforms to protect some contractors from unfair payment terms. These reforms were needed and had come to light in the wake of a local company collapsing. Our laws allowed builders to set payment terms in unfavourable ways to subbies and there was no recourse. Thankfully, all of us here in the chamber, all political parties, saw the need for a change, which is why the motion was supported.

That is why I am so confused here today. Why are the Canberra Liberals wanting vital reforms, like the ones I have just mentioned, being referred off and assessed to address the so-called burden they are creating. It never fails to amuse me how the Canberra Liberals are so quick to complain about so-called government red tape but, when good-quality regulations and laws are proposed by Labor in this chamber—things like property developer licensing to security of payment reforms—the Liberals support them. For me it is clear that the Canberra Liberals are often too scared in this place to say what they really mean. But, if we put aside all of the existing legislation and forget about the upcoming legislative program, and if we took Ms Lee's motion at face value, she is basically saying that less regulation is going to be a thing that makes Canberra a better place. Less regulation—really?

I think the Canberra Liberals need to very clear here about what laws the Canberra Liberals want to get rid of. You are saying that you want to review and refer everything. Okay; which ones do you want to get rid of? They can try to hide behind reviews and boards of inquiries all they like. I have taken great pleasure in recent times to read the election paraphernalia that the Canberra Liberals have started to distribute and looking through the list of election commitments. The count of reviews and inquiries is impressive. They do not really count as policy, but it is good to fill up some paper with them.

So what is it exactly that the Canberra Liberals want to get rid of? Is it the secure local jobs code? Is that it? If that is the case, why don't they come out and say it? What about portable long service leave? Do you want to get rid of that? It is all right if you do. I do not agree with you, but it is all right if you do. But I would respect it more if you had the conviction to come out and say it. What about a future property developer licensing scheme? Are you going to tear that one up? If so, please just come out and say it. I think the voters of Canberra would be thankful that you could be so honest.

I urge all colleagues in this place to support Ms Cheyne's amendment when she moves it. It is fantastic.

**MR MILLIGAN (Yerrabi) (3.52):** I would like to thank Ms Lee for bringing forward this motion today. I want to specifically support Ms Lee's motion in calling for the government to increase the funding for skills and training in the 2024-25 budget, to address skill shortages. Recent years have seen the support for apprenticeships and training subsidies for a range of construction industry trades decreasing. The ACT has hit an all-time low for apprentices currently undertaking training across all industry sectors, but the trades have been particularly hard hit.

According to the National Centre for Vocational Education Research, apprenticeships in the construction trade in the ACT have declined sharply over the last five years, with a downward slide of 11 per cent, yet the rest of Australia has seen significant growth, over 22 per cent. That is a 33 per cent difference between the ACT and the rest of Australia. It is no small wonder that construction companies in the ACT are struggling to find employees.

In 2023 only 160 trade apprentices completed their training. When you realise that when these people started their apprenticeships there were 765 students, that is a 20 per cent completion rate across all the trades. The lack of support to students is making it difficult for many students to complete their studies. The ACT has the worst record in the country in both commencement and completions. You might expect this government to be doing something about it, to support people going in and completing their apprenticeships. Instead, their investment has been declining.

I want to highlight just two programs that deserve to be continued, as they make a difference in supporting the industry. Instead, neither of these two programs, Women in Trades and the Ginninderry SPARK program, received direct funding in the last ACT budget. The Women in Trades program was absorbed into the more general Skilled to Succeed Innovation Grants program, with only two companies able to successfully gain grants, to a total of \$120,000. The Women in Trades program objective was to increase the employment of women and girls in the construction industry. Previously gaining their own grants, they now compete across a range of other grants for the same small pool of money.

The Ginninderry SPARK program, a popular and successful program established to support the growth in trade education for disadvantaged youth, was cancelled in the 2023-24 budget. The program was specifically aimed at supporting the trade and vocational education of those living in the Canberra area who were disconnected from the labour market and who needed additional support as a pathway to secure future funding. These are just two examples of programs and initiatives that have been cut by this government that were specifically there to support construction industry apprenticeships and businesses. Instead, there is a vacuum, and the trades, specifically carpenters and plumbers, are struggling for people.

As the Master Builders Association recently said—and Ms Lee has already mentioned this in her opening statement—the ACT provided the lowest apprenticeship training subsidies for carpenters and plumbers, compared with any other Australian state or territory. I would have to agree with the MBA that it is vitally important that the ACT government spend more to meet the need for more construction workers across all the trades. I call on the government to increase the funding for skills and training in the ACT in the upcoming budget and to reconsider funding the two programs, Women in Trades and the Ginninderry SPARK program.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (3.57): I rise to speak about my amendment, but I will move it at the end of my speech, if that is all right. We have more businesses in the ACT than ever before, and two-thirds of Canberrans are employed in the private sector.

However central our nature and status as a public service town is, we are not only a public service town. We have not been for some time.

Our government works hard to ensure that we have the policy settings right that contribute to a successful business environment without compromising on our reform agenda for our workers and their conditions, ensuring that industries like our construction sector meet a standard that is synonymous with build quality and livability. The government works hard to ensure that business has the appropriate settings to be productive and efficient and to meet societal obligations, including as that relates to climate change.

With that in mind, we do follow business growth and performance actively, and that includes business insolvencies. It is important to zoom out of recent reporting, which is largely focused on short-term data. Yes, absolutely, the figures in and of themselves in the past few months are concerning. You can never, ever gloss over the human and community impact, let alone the economic one. But what we are actually seeing is insolvency levels returning to levels akin to what was being experienced in pre-COVID times.

Throughout the pandemic, insolvencies were very subdued, largely thanks to the government support that was offered, from substantial business grants to a different posture taken by the tax office, and rightly so. Now that we are living with the pandemic, stimulus measures have been reduced. Admittedly, there have been a variety of challenging external conditions, supply chain and workforce issues that compound cashflow concerns. Depending on what we are talking about, the Liberals are either using it as a weapon or using it as a defence.

There has been a shift in debt collection policy by the ATO and by our major banks. As we trend towards pre-COVID insolvency levels, so too does the nation. Looking at the most recent ASIC data shows that year-to-date business insolvencies have increased by 49 per cent from June 2023. The impacts are largely felt in the construction, accommodation and food services sectors. By comparison, national business insolvencies, however, have increased almost 70 per cent over the same period. In a situation not unique to the ACT, it follows that our legislation processes are not uniquely contributing to the situation that our businesses are facing either. We will continue to work with industry and to consider the broader cumulative impact of regulatory and compliance requirements, our reform agenda and the timing of changes that we implement, and how we can improve the efficiency and productivity of our own processes.

Ms Lee focused, in her motion, on millions of dollars left owing to creditors, and local subcontractors and suppliers also similarly affected thanks to these insolvencies. She is not wrong to do so and she is not wrong to draw attention to where there might be productivity or regulatory gains within government and in how we engage with industry. We do that already, and we will continue to do that. We will continue to hear industry and to respond accordingly, but regulatory impact statements are already prepared. If the shadow Attorney-General and the shadow Treasurer are not aware of that, raises some questions for me, so 3(a) is entirely redundant.



I turn to 3(b). Sending them through to the Better Regulation Taskforce is not only not the answer but it fundamentally misunderstands the taskforce's role. The Canberra Liberals, throughout this term, have described the taskforce as something that it is not. They have been corrected over and over and over and over, and yet they persist. It is wilful ignorance now at best, if not dog-whistling. To be perfectly honest, we will call it for what it is—lazy. I am not going to waste the chamber's time by explaining for the umpteenth time what its role is, but it ain't this. I really try to restrain myself in not homing in on 3(b) but, having heard the speech and the questions in question time, I just cannot help myself. Paragraph 3(b) calls on the ACT government to:

- (b) refer all current legislation to the Better Regulation Taskforce to assess the current compliance costs and regulatory burden on small businesses particularly in the construction industry and report to the Assembly by the last sitting day in June 2024 ...

Let's just unpack this for a second. Not just all current acts, not just all current and future bills but all current acts and all current statutory instruments—because I appreciate that, based on this motion, Ms Lee probably does not know that this is where you are going to find those regulatory impact statements—need to be referred to the taskforce, and it needs to consider the impact on small businesses in the ACT, and particularly through a construction sector lens.

It sounds okay until we see that we have 360 acts currently, 213 regulations, 1,508 disallowable instruments and 4,519 notifiable instruments. You get the picture, Mr Deputy Speaker. Let's get this straight: 3(b) calls on the government to send all legislation that is current, whether it is relevant or not, whether it is an appointment, whether it is related to animal welfare standards, to the taskforce to have its compliance costs and regulatory burdens, especially how they impact on the construction industry, assessed. That is more than 7,000 acts and instruments by 30 June.

Putting aside the absurdity, let's imagine we did take this seriously, because this is fun too and it is worth its own scrutiny. Even if it was taken seriously, you do not need a Bachelor of Mathematics with honours to see that the shadow Treasurer's and shadow Attorney-General's suggested fix to the insolvency issue that they blame on the ACT government's statute book is to create a pointless regulatory exercise which will result in a mammoth diversion of resources across government. She asks for it to be achieved in the time frame suggested, and you know what that would do, Mr Deputy Speaker; I think you do. It would slow significant parts of government down. Imagine what would happen then: an extraordinarily perverse impact and not just on the construction industry. May I present to you the Canberra Liberals, the walking, talking embodiment of the Ralph Wiggum "I'm helping" meme.

What we will do is take practical measures that actually assist the industry, not thought bubbles—thoughtless bubbles. We will continue to improve on the settings on the basis of what we have heard and what we have reflected back in our Better Regulation Agenda. We will undertake regulatory impact statements for regulatory proposals, and we will publish them. You can read them. We will continue to build our building and construction industry action plan that supports the skills and workforce needs, and we

will consult with industry on that too. We will, as flagged repeatedly, convene a sector-wide roundtable, with all relevant ministers present, so that we can understand more about the challenges but also what is under the ACT government's control and influence.

Perhaps the most jarring aspect of the motion is that, while there is a lot made about all of the millions of dollars owed to creditors and suppliers and subcontractors and Canberra's dreams being genuinely shattered, what is missing is that this has happened because those businesses, regrettably, have not been able to service their debts. All employers, no matter their size, have obligations to pay their employees and levels of government in respect of tax. Unpaid liabilities are a significant concern. At best, they provide businesses with a significant competitive advantage compared to businesses which are servicing their debts.

Most of all, it concerns me that businesses have got to this point. If you cannot pay on time, there are so many support options available for you through the tax office—managing payment plans and tax debt deferred repayments—and they have that in easy to read information. There is the Australian Financial Security Authority, the Small Business Debt Helpline, the National Debt Helpline, and all of them say, “If you cannot pay your debts, act now.” That is what we will continue to promote so that these businesses do have a chance of survival before it is too late and the ripple effects are felt too far.

I move:

Omit all text after “This Assembly”, substitute:

“(1) notes:

- (a) the ACT business sector is highly valued and contributes significantly to the ACT and Australian economies, as well as employing hundreds of thousands of Canberrans;
- (b) employers of all sizes have obligations to their employees and to levels of Government in respect to tax payments;
- (c) unpaid tax liabilities can provide a business with a significant competitive advantage, while disadvantaging employees and the broader community;
- (d) businesses trading insolvent can create situations where all creditors lose out;
- (e) insolvency levels across Australia:
  - (i) since the onset of the pandemic have been subdued; and
  - (ii) in 2022-23 were short of insolvencies experienced in 2019;
- (f) since September 2023, a number of ACT construction companies have entered administration due to insolvencies, reflecting a wider trend of rising insolvencies across the Australian economy;
- (g) a number of factors are impacting the construction sector including:
  - (i) supply chain and labour shortage issues arising from the impact of the global COVID pandemic, which have seen construction supplies costs rise and longer lead-in times for delivery;

- (ii) rising interest rates that have impacted the borrowing capacity for the construction industry at the same time as changing demand for new homes; and
  - (iii) fixed-price contracts signed in recent years mean that some builders are locked into contracts and are sustaining losses; and
  - (h) this situation is not unique to the ACT and the ACT Government continues to work with industry and consider the broader cumulative impact of regulatory and compliance requirements; and
- (2) calls on the ACT Government to:
- (a) continue to promote the Canberra Business Advice and Support Service, which provides four hours of free tailored business advice, including about finances and restructuring;
  - (b) further promote the supports the Australian Tax Office, the Australian Financial Security Authority, the Small Business Debt Helpline, and the National Debt Helpline provide;
  - (c) continue undertaking regulatory impact statements for regulatory proposals, in compliance with the *Legislation Act 2001*;
  - (d) continue the work of the Better Regulation Taskforce to make it easier to do business in the ACT by improving current policy settings and legislative frameworks, implementing best practice regulatory settings, and improving interactions between government and business;
  - (e) meet its obligations to pay contractors within the contract's stipulated timeframes;
  - (f) continue developing a building and construction industry action plan that builds on *Skilled to Succeed: a skills and workforce agenda for the ACT*; and
  - (g) convene a sector-wide roundtable, attended by relevant portfolio ministers, industry groups, union representatives and construction companies, to identify the causes of financial stress in the sector and what opportunities exist to support a thriving construction industry in the immediate situation and over the longer term.”.

**MS CASTLEY (Yerrabi) (4.07):** I add my voice in support of this important motion that has been brought forward by Ms Lee today. The question that I ask is simply that the government take a good hard look at themselves and quickly respond to the calls, because these construction industry failures unfortunately impact more than just the companies involved. We see the subcontractors, often independent small businesses, effectively wiped out, with months worth of work and outstanding bills, finding themselves as an unsecured creditor.

Imagine having worked on a project and expecting an invoice to be paid, only to find that your chance of recovery is cents in the dollar, if you are lucky, and even then it is after a lengthy delay. You wake up wondering how you are going to pay your employees, how you afford the next mortgage payment on your house. Then, of course, you need to find new work to replace the old project, and each day that you are not on the tools is another day of lost income. The hurt, pressure and pain these businesses face is real, and the damage is extraordinary.

For the purchasers, the damage is likewise immense. Imagine that you have been diligently saving your money for a deposit on your first property. You scrimp and save. You defer some of life's luxuries and deliberately choose not to go on holidays. Maybe you miss out on some of those family weddings due to cost. You still might be driving an old rust bucket, but you can see the light at the end of the tunnel. All your sacrifice will be worth it when you get the keys. But then you find out that the property you thought was getting built has gone under, and your deposit alongside it. Imagine the trauma that this leaves behind, the lives that are ruined, people's self-esteem in tatters and the stress on relationships. This truly is a crisis and one that is all too real for many Canberrans.

This is not just the Canberra Liberals calling for action. Just yesterday I received an email from the Canberra Business Chamber. It is their regular subscriber update on activity. It is no surprise that the subject line was "Surge in business collapses". The story they wrote was titled "Building industry feeling the pain", and I think it is worth reading this last section to give members a sense of what the industry is telling us:

Despite the pandemic-related leniency from authorities, insolvencies have been steadily rising, with construction firms bearing a disproportionate brunt. Analysis shows a significant uptick in administrations compared to previous years, with factors such as fixed price contracts, rising costs and construction delays exacerbating the sector's vulnerabilities. This underscores the urgent need for reform to address systemic issues and mitigate future collapses.

That last line is what the members should note: "This underscores the urgent need for reform to address systemic issues." Reform is what is needed, and that is what we are calling on—and sensible measures.

This motion highlights the important actions that the government can commit to, not at election time but now. It also highlights some important reflections. We need to ask ourselves: do we really need to put in place the 125 new pieces of legislations or rules which impact the building industry? That is a lot. What is the impact that all of these are having on the sector, and what is the cost-benefit ratio? I ask the government to be more careful, more thoughtful. Your actions have consequences. For too long, red tape and regulation have been piled on business, with no thought to their costs. I will acknowledge the victim blaming that has just gone on in this place. Unfortunately, I fear the anti-business attitude of this government is coming home to roost. Only the other day I met with a business owner who said they are treated almost with contempt: "You are welcome to do business in Canberra. It is like you have been touched with the golden sceptre and then treated poorly." We are seeing more and more failures, with all the financial, social and emotional damage that they inflict. I support Ms Lee's motion.

**MR CAIN** (Ginninderra) (4.12): I stand to speak in support of Ms Lee's motion and commend her for bringing this to the Assembly's attention. I will have a few things to say about Ms Cheyne's amendment. At least five building companies have entered administration or gone into liquidation in the last six months. This includes PBS Building Group, Rork Projects, Cubitt's Granny Flats and Home Extensions, Project Coordination and Voyager Projects. Unfortunately, the Chief Minister and this government have wrapped ACT businesses in red tape to the point of strangulation.

There have been 125 new pieces of legislation or rules on the building and construction industry, according to the Master Builders Association, just within the past 12 months.

The cost of construction in the ACT has increased 30.3 per cent in one year, which is almost three times the national average of 12.1 per cent. Building approvals in the ACT decreased by 22 per cent between January and February this year, according to the latest ABS data. The national average is a three per cent decrease.

Is it the case, perhaps, that the government does not know how to administer its own new planning system? Decreasing building approvals means fewer dwellings being built, fewer jobs for workers, fewer homes for families and young people, and less money going into the ACT economy. The fact that Cubitt's Granny Flats and Home Extensions is going under, despite the introduction of dual occupancy on RZ1 blocks, shows that the government's policy on dual occupancies is a dud.

Tens of millions of dollars worth of debt is accruing because this Labor-Greens government roadblocks business with unnecessary, counterintuitive and superfluous regulations. I commend Ms Lee's calls for urgent action in the interests of business, putting first the interest of an industry that employs tens of thousands of Canberrans and significantly contributes to the ACT economy. The building, construction and planning industry in the ACT is one of our most important sectors, employing 20,000 people and supporting over 6,500 businesses in the ACT.

I make reference to an article that Mr Parton referred to in the *Canberra Times* yesterday, titled "With excessive regulation, is it any wonder building businesses die?" from the former chair of Havelock Housing and a former chief economist at Defence Housing Australia. Mr Carton, the author, says the following:

The abundance of commonwealth government jobs and procurement in Canberra means the ACT has less of an incentive to make the ACT a great place to do business. Businesses and businesspeople should not be seen as bad guys—they are people who take significant economic risks and who employ many people.

Is it the case that the government are so complacent about the private sector because they are so comfortable with so much commonwealth activity? They do not need to try as hard as they ought to. A few private businesses going under—well, that does not matter much, because the commonwealth is here in Canberra. Look at all the money they have got. Look at all the procurement they can do. Why should we care that much about the private sector?

Maybe the private sector is full of lots of sensible people who might actually vote differently to the way the government would like them to. That might be the case. There are lots of reasons that one could hypothesise about why so many of our wonderful private businesses are going under, but certainly what Ms Lee touches on is some things that are definitely there in front of us and in front of the industry right now that need to be addressed.

Elizabeth Lee and the Canberra Liberals will always stand with our small and medium businesses and the families that rely upon them. As for Labor and the Greens, who cares

if they cannot handle our regulations? Who cares? Elizabeth Lee and the Canberra Liberals will stand with the building, construction and planning industry in the ACT and the thousands of Canberrans who are helping to design and build our city's future.

Before I close, I will look to Ms Cheyne's amendment. It is rather interesting that Ms Cheyne, circulating this amendment at the beginning of this debate, was one of the last to stand to speak in support of her own amendment. I wonder why that is.

**Ms Cheyne:** What is wrong with you?

**MR CAIN:** Why would she not stand up, as is normal practice, Mr Deputy Speaker, to be the first speaker on her feet, after the motion is presented, in support of her amendment?

**Mr Cocks:** On a point of order: Ms Cheyne has just called out, "What is wrong with you?" across the room. I would ask you to consider: is that unparliamentary?

**MR DEPUTY SPEAKER:** I do not believe it is unparliamentary, Mr Cocks. There is no point of order. Mr Cain, continue.

**MR CAIN:** As I was saying, Mr Deputy Speaker, normally someone who moves an amendment to a motion is there to speak to it immediately. Ms Cheyne seemed to want to stay in the background, which of course gives fewer speakers the opportunity to respond to her speech in support of her own amendment.

**Ms Cheyne:** Actually, it doesn't. You can all speak again.

**MR DEPUTY SPEAKER:** Ms Cheyne!

**MR CAIN:** She was sitting in the background while others spoke—all of the Greens, her own Labor colleagues and a handful of us Canberra Liberals. She is just sitting, waiting, because she does not want her words examined by other speakers. That is a really interesting observation I put before this Assembly. Why would she not just follow immediately and say, "I cannot wait to get up and speak to my amendment"? She holds back. She holds back because she does not want her words in support of her own amendment to be scrutinised. She wants it to be scrutinised by as few responders as possible. Why else do it?

*Ms Cheyne interjecting—*

**MR DEPUTY SPEAKER:** Ms Cheyne!

**MR CAIN:** Let us look at the amendment that Ms Cheyne has moved. It has seven "calls on". Four of them are to continue. How inspirational is that: "Let's continue"? One of them says, "The government should pay its contractors." What a revelation. I am glad she has thought of it. I am glad she has thought to call on the government—

**Ms Lee:** She didn't. I called for it.

**Ms Cheyne:** Did you read the original motion?

**MR CAIN:** Why would she say, “Yes; they had better pay their contractors,” and then further promote commonwealth schemes?

**Ms Cheyne:** Maybe because it is in the motion. Are you illiterate?

**MR CAIN:** “Let’s promote commonwealth schemes,” and then, finally, “Let’s have a roundtable.”

**Ms Lee:** Mr Deputy Speaker, a point of order. Obviously, there are going to be barbs thrown about. I know that you have made a ruling in relation to Mr Cocks’s point of order about whether “What is wrong with you?” as interjected by Ms Cheyne, in the context in which it was used, is unparliamentary. But, clearly, Ms Cheyne has now thrown across the table: “Are you illiterate?” I ask that you reflect on whether those words are unparliamentary.

**MR DEPUTY SPEAKER:** Thank you, Ms Lee. I believe it is unparliamentary and I would ask you to withdraw it.

**Ms Cheyne:** I withdraw.

**MR CAIN:** Thank you, Mr Deputy Speaker. So we have an amendment that really just says, “Let’s continue to watch the private sector suffer.” That is really what the amendment says: “Let’s just leave them alone. If they can’t cope with our regulations, don’t worry. We have got plenty of other things that are going on, thanks to the commonwealth.” I certainly stand in support of Ms Lee’s motion. This reprehensible amendment from Ms Cheyne, which she was reluctant to get on her feet to defend, I would have to say should be defeated.

**MR COCKS (Murrumbidgee) (4.21):** I would like to start by reflecting that, when you spoke earlier, in your contribution you mentioned that you speak with the unions—as many of us do, as good representatives seeking to make sure that we represent a diversity of views. A Labor member sitting opposite indicated that they wanted names, the implication being that there would be repercussions for those people who dared commit the sin of speaking to the Canberra Liberals.

Those opposite laughed when that was put forward, but that seems to show the attitude that underlies the amendment from Ms Cheyne as well. The government seem to think that the greatest sin is pointing out the problems rather than trying to fix the problems that their policy settings have caused.

This amendment neglects to understand the true importance of taking preventive action to stop the ridiculous amounts of red tape, and the cost impacts and the burden of that red tape being applied to our construction industry. This is critical. We intend to take preventive action. We intend to stop the problem before it happens—before, as Ms Cheyne pointed out, we end up with 7,000 or more acts and instruments, the reviewing of which Ms Cheyne thinks would be far too great a job for the government to undertake. However, it is perfectly okay, as far as the government is concerned, to expect every business owner, every subbie and every contractor to be able to get across the information that the government does not think it can do. It is far too great an imposition for the government to review that.

Mr Pettersson spoke earlier about apprentices. He spoke about how the issues facing apprentices are greater than just the amount of funding dedicated to training and making sure they have the skills that they need, and that there are more barriers than that. Absolutely; he is dead right. I will tell you what the number one barrier to that is. The number one barrier to getting apprentices here is the cost of living. This government's cost-of-living crisis is the barrier that stops low-paid workers, apprentices, coming to this town and delivering the services that we depend on.

This government do not understand the world of private industry. As far as this government is concerned, the private industry—contractors, the subbies, those people—are just the enemies that they need to contend with and tear down.

Earlier this month I participated in a public meeting with a group of almost 50 people impacted by the big construction collapses. Former employees, subcontractors, businesses supporting the construction industry and industry groups were all there. No-one from either of the government parties turned up. It was a public meeting. It was publicised. Everyone knew that it was on. None of them turned up.

Mr Deputy Speaker, let me tell you how the people at that meeting were feeling. The sense of frustration and hurt in that space was tangible. These people understand that some of the problems they are facing have been caused by bad actors and bad faith, but the policies of this government are exacerbating the problems.

Under this government's policies, subcontractors have been left feeling like they carry all of the bureaucratic burden, that they carry all of the responsibility, and that they carry all of the risk. The so-called security of payments reforms have not fixed the problems. Subcontractors have been squeezed. They have suffered some of the worst impacts of these collapses. I met owners of small family businesses who are out of pocket by hundreds of thousands of dollars because of these collapses, and they are really worried that there could be more to come.

The government's bad behaviour is clearly adding insult to injury and, indeed, it is adding to the injuries. At that meeting, I heard stories of delayed payments from the ACT government projects. There were stories like that of a completed ACT government project remaining unpaid 18 months after completion—a year and a half. How is a subbie supposed to continue providing services and continue paying their employees when the ACT government cannot pay for a year and a half?

Ms Cheyne spoke to the importance of making sure that employers can pay their debts. It is really important for the ACT government to get on top of this and pay their debts soon, pay them on time, and make sure that the subbies, contractors and every worker out there can actually depend on the money coming through; because, without it, they end up out of a job.

The impact on business is not just a financial, bottom-line number to be dismissed, as it seems like the government intends to do. It is no good sitting on your hands and saying, "We can't do anything. The job is too big." If you listen to the people who were at that meeting I attended, you will learn that the uncertainty and fear impact them far deeper than just numbers on a ledger. The real impact is felt in the impact on individual lives. The toll that these collapses take on the mental health of employers and



employees is real and painful. These are real people who feel a deep sense of responsibility to the customer, to their colleagues, to their employees and to the job.

These are real people who comprise the face of private industry—the people who build our homes and our office buildings. These are the people building our city. And these are the people who will be impacted by this motion today. These people are absolutely dedicated to making our city better, and it is about time that the government showed some dedication to backing them.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights): I seek to speak under standing order 47.

**MR ASSISTANT SPEAKER** (Mr Cain): Ms Cheyne?

**MS CHEYNE**: Mr Cocks, whether he meant to or not, misunderstood some of the things that I said. Under this standing order, I believe that I can correct it, and I think that is important for the purposes of the *Hansard*. Mr Cocks seemed to think I was saying that the 7,000 pieces would not be able to be reviewed by government but had to be imposed.

**Ms Lee**: A point of order.

**MR ASSISTANT SPEAKER**: Ms Cheyne, resume your seat. Ms Lee?

**Ms Lee**: Mr Assistant Speaker, I do not think what Ms Cheyne is raising under standing order 47 is in the spirit of what standing order 47 is meant to be for. It is clear that it is about explaining whether there has been a misquote or a misunderstanding. It is not an opportunity to continue a debate, and that is clearly where Ms Cheyne is going. I ask that you rule her out of order and make sure that she does not get—

**Ms Cheyne**: It was misunderstood and misquoted.

**MR ASSISTANT SPEAKER**: Thank you, Ms Lee. I will take some advice.

**Ms Lee**: Otherwise, we would all be doing that, every single time.

**MR ASSISTANT SPEAKER**: Ms Cheyne, you may continue, but you are to confine your comments to correcting—and succinctly, please—what you think Mr Cocks misrepresented.

**MS CHEYNE**: Thank you, Mr Assistant Speaker. Mr Cocks was suggesting, I believe, in his speech that we could not review all 7,000 current pieces in the statute book. That is not what I was saying. I was saying that it would be a pointless exercise. He was saying that if there are 7,000 that we are enforcing on people, we should tar ourselves with the same brush.

That is not how the statute book works, and I would encourage him to look at the disallowable instruments and notifiable instruments, and the breadth of those. When we

talk about 7,000 current pieces of statutory instruments and legislation, that is a very small portion compared to what has been repealed over the term of this Assembly.

**MR ASSISTANT SPEAKER:** I think that is enough on that.

**MS LEE** (Kurrajong—Leader of the Opposition) (4.32): I thank all members for their contributions. It made for a pretty lively debate. It even woke up Mr Pettersson and brought him back into the chamber, so obviously it was a very robust debate! It feels like it was a lifetime ago, but let me go back to the contributions that were made in this debate.

Minister Vassarotti kicked us off with her fake astonishment and, of course, twisting of words, so perhaps next time I should use standing order 47 to respond to what she has said! She spoke about how the pressures that the building industry is facing were no reason to remove the regulation because it is all about, as she said, quality and consumer protection. How insulting! How condescending! What a slap in the face to the Canberra businesses who put their life savings into their business and who worry about whether they will be able to pay their mortgage. Most of them, a lot of them, tell us that they go without drawing an income when things get tough, and worry 24/7 about their business.

The Minister for Homelessness and Housing Services is saying that every company does not care about quality or consumer protection and need the overbearing ACT Labor-Greens government to police it. How insulting is that? But then again, why should we be surprised that a minister of this government says this? We saw this earlier today from Ms Stephen-Smith, when she was asked about it in question time, as the acting planning minister, and she said that basically the regulations are there to protect the companies doing the right thing. What about the companies that have gone under? She has basically said that they have all done the wrong thing. If they had all just done the right things, they would not have gone under. It is all their fault. How insulting is that, Mr Assistant Speaker?

Where do I even start with Mr Pettersson's contribution? It was just utter garbage that he served up. The only thing I will say, in response to Mr Pettersson's utter garbage of a contribution, is that it is clear he has not left his student political days behind; it is all about making up stuff and having scare campaigns. That is what it is about.

Let us talk about the amendment, and what happened when Ms Cheyne got up. Let us not forget that she is the former minister for business. She said something along the lines of, "We've got the policy settings right to contribute to our thriving business environment." Let us think about that—a thriving business environment. Are we forgetting that the ACT was the only jurisdiction that went backwards in business investment? Are we saying that we have the worst rates in the country when it comes to businesses going under?

This is atrocious and shows an utter lack of empathy and understanding from the former minister for business. But we have now come to realise what the pattern of response is from Ms Cheyne: let us try and be as condescending as possible; let us try and be as insulting as possible; let us try and be as sarcastic as possible; let us pay lip service to the significant and serious concerns that are being raised by industry and then let us blame someone else.

We now know exactly how she responds. In fact, someone in the industry messaged me while this debate was happening, in response to seeing this amendment from Ms Cheyne. That person said, “We see that it doesn’t show any empathy or understanding of what business owners are going through.” These are the heartbreaking words of a local Canberra businessperson who is dismayed at the dismissive, sarcastic nature of the response they are hearing from the former minister for business.

For these Canberra businesses who have put their livelihoods on the line, this is so insulting. For Canberra businesses to be lectured to by the former minister for business, who oversaw the disastrous ChooseCBR scheme and who had so much disdain for the business community and the portfolio that she begged off it from Mr Barr, who had to thrust it upon Mr Gentleman, is about as low as it gets.

If the Canberra business community had any doubts about the utter lack of empathy, understanding and value that this government may place on Canberra businesses and what they contribute not only to our economy but to our community, they will have no doubts now, after this debate.

The scariest thing is that I think the Labor and Greens members genuinely believe their own spin. They genuinely believe their own spin and they are never to blame. The MBA literally said today that “regulatory burden must be lifted if ACT housing targets are to be achieved”. They went on to talk about the constraints on the supply side, like workforce shortages, the high regulatory burden on builders and slow planning approvals. These are, of course, policies that are within the control of the ACT government. The MBA expressed concern that “productivity in the industry has fallen 18 per cent”. It said that “the ACT government’s priority should be growing the local building and construction workforce”.

The contributions from the Labor and Greens members have demonstrated exactly and perfectly that they are utterly out of their depth and out of touch. We talk about business owners; we talk to business owners. Business owners come and seek us out each and every day. What we hear time and again—and it is the consistent message from every business owner that I run into—is that Labor and the Greens do not care about them. Every single day, the message we get is, “This government does not care about us. It does not care about what happens to us. It does not care about what we do for our community, and it does not value us.”

Having one line thrown into an amendment, as lip service, will do nothing to quell those concerns, and the Canberra business community will see through it. We will always back our building industry, and we will always back our business community. After today’s debate, it is abundantly clear that the Canberra Liberals are the only party that will do that. We do not support Ms Cheyne’s amendment, and we will say loud and clear that the business community will always have our backing and our support.

**Ms Cheyne:** A point of order.

**MR ASSISTANT SPEAKER (Mr Cain):** A point of order, Ms Cheyne?

**Ms Cheyne:** It is under standing order 55. Ms Lee spoke about me and impugned that I had begged the Chief Minister to take the business portfolio off me. That is absolutely

false. That she would say that I have lectured and put people down in this place, and then to come out with that, is disgusting. I ask that she withdraw.

**Ms Lee:** Mr Assistant Speaker, on a point of order, once again Ms Cheyne is engaging in a further debate. This is a further debating point.

*Members interjecting—*

**MR ASSISTANT SPEAKER:** Members, I will warn someone. I am getting some advice. On Ms Cheyne's point of order, there is nothing requiring Ms Lee to withdraw her comment, so I will put the question.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 15

Noes 8

Andrew Barr

Yvette Berry

Andrew Braddock

Joy Burch

Tara Cheyne

Jo Clay

Emma Davidson

Mick Gentleman

Laura Nuttall

Suzanne Orr

Marisa Paterson

Michael Pettersson

Shane Rattenbury

Rachel Stephen-Smith

Rebecca Vassarotti

Peter Cain

Leanne Castley

Ed Cocks

Jeremy Hanson

Elizabeth Kikkert

Nicole Lawder

Elizabeth Lee

Mark Parton

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

## **Residential Tenancies Amendment Bill 2024**

Debate resumed from 8 February 2024, on motion by **Ms Clay**:

That this bill be agreed to in principle.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (4.46): I thank Ms Clay for bringing the bill forward for debate in private members' business this afternoon. The heart of the issue we are debating is the best way to put downward pressure on rents. Labor's focus is on further increasing the supply of rental housing in the territory. Between 2012-13 and 2022-23, the number of rental properties in the ACT increased from around 37,300 to 56,600. Recent trends have shown that rents have been falling in the ACT, both in real and in nominal terms, and that the rental vacancy rate has been increasing.

There are seasonal variations. We have just gone through a period of what is traditionally peak demand in the ACT rental market, when new students arrive and new

graduates are starting in the public service. What we have seen is that the ACT has the equal-highest rental vacancy rate, so our market absorbed those new entrants in January and February and the vacancy rate is higher here than in other cities.

There is no doubt that there is more to do on the supply side. We cannot support rash interventions in the market that would stymie the increase in rental supply, drive away investment that we are trying to attract, and potentially leave tenants in a more vulnerable position, both in the short- and the long-term.

Researchers at the Reserve Bank of Australia have developed the most comprehensive evidence based model available to date on how the Australian housing market operates. This model and other recent analysis by respected thinktanks, such as the Centre for Independent Studies, demonstrate that the best way to ensure affordable rentals is to increase the supply of housing. That is why Labor wants more properties available for people to rent, not fewer properties. We need practical and deliverable solutions and we cannot ignore that, as popular as some ideas might be, they will not have adverse consequences.

Maintaining and growing rental supply is critical to reducing rents, increasing choice and ensuring a higher standard of rental accommodation, so we are seeking to increase supply to balance the market and to drive the rental vacancy rate higher, towards three per cent. We seek to do this through a range of initiatives, including the reforms to the planning system, our Affordable Housing Fund, our Affordable Community Housing Land Tax Exemption scheme, and delivering on the objectives set out in the National Housing Accord and agreed through national cabinet.

We are working to increase supply, and we are not supportive of rent freezes or further rent caps, as proposed in the legislation. Appropriate prescribed rent caps combined with no-cause eviction protections, as currently formulated in the ACT, strike the right balance of ensuring property maintenance, encouraging further investment and avoiding excessive rent increases. The data for the ACT supports that. These regulations must, of course, be accompanied by an increase in supply. Rent freezes, which were first called for at the top of the rental market, would have meant that the rent falls that we have seen over the last couple of years, in real and sometimes in nominal terms, would not have occurred.

I recognise there is a national campaign being run by the Greens party and I respect that they will bring that campaign into this place, but the flaws in policy terms and in economic terms, and in the local experience, are clear with the nationwide approach that the Greens party are pursuing and trying to shoehorn into the ACT's circumstances. I think that national campaign does not reflect the work that has been done locally and preceded all that national campaigning, and, indeed, the Better Deal for Renters agreement that the national cabinet reached last year. In fact, the position the ACT adopted and put in place over a number of years was held up as the standard bearer for national tenancy protection laws.

Poorly designed regulations, such as the rent freeze proposed in the bill, would have the effect of reducing the supply of rental properties and exacerbating challenges for lower income households by redirecting existing stock to owner-occupiers. Let's be frank, they are more likely to come from middle-income quintiles. I do not think this

would be a good outcome for the more vulnerable members of our community. These factors are even more important when considering regulations that constrain the ability of prices to help allocate scarce resources such as housing.

We have listened to experts and reviewed the evidence to inform our party's policy position. Our position is consistent with the position of housing providers across the country, as well as housing policy experts. With regard to rent freezes, the Grattan Institute stated:

It's a superficially attractive idea, but it would probably increase homelessness because people would 'freeze' into the place they are in, and so vacancy rates would stay ultra-low. And the evidence shows that rent freezes lead to dilapidated rental properties.

Dr Fotheringham, from the Australian Housing and Urban Research Institute, said:

We need to move beyond that sort of politicking to actually create solutions that will work.

He said:

... rent freezes can scare landlords into selling, creating "turmoil for the tenant who's likely to risk eviction" and "a lot of upheaval in an already disturbed market".

Dr Fotheringham went on to say:

Just using that language immediately puts it into a more alarmist category ...

And:

... it's actually unhelpful and it scares landlords ... [who] are looking at cost of living and interests and thinking, well, this isn't going to work ...

Dr Fotheringham then went on to say:

What we need to do as a housing system is move away from the 'us versus them' thinking of landlords versus tenants, and actually realise that a good outcome for managing a property long term sustainably is good for both.

Dr Fotheringham instead advocated for caps on the size and frequency of rent increases, such as we have in place already in the ACT, where landlords cannot raise rent by more than 10 per cent above the consumer price index. This is an example of sound tenancy protections that are in place and balance the need to continue to attract new investment in rental tenancies with the need to ensure tenants can secure greater certainty in both the cost and the tenure of their rental accommodation. We need to acknowledge, in having this debate here in Canberra, that our rental market and regulations are not like that of Sydney, Melbourne, Brisbane or Hobart.

Research internationally also indicates that rent controls have consequences—unintended ones. In San Francisco, researchers found they drove a long-term trend to

convert rental housing into owner-occupied apartments, usually for the higher end of the market. This produced a large reduction over time in the number of renters living in rent-controlled units. This example shows how markets can and these sorts of ill-considered regulations will often result in unintended outcomes from the original policy objective.

I reiterate: Labor has a clear policy position to increase housing supply. That is why we continue to pursue planning reforms, why we will partner with the community housing sector to provide more affordable rentals, and why we have been actively pursuing large-scale build-to-rent projects to deliver increased rental supply for one of the fastest-growing cities in the country.

We look forward to continuing to work with the federal government and with the broader industry to implement what is a shared policy ambition through the Housing Australia Future Fund and the national cabinet agreed reforms. Although there will be areas of disagreement in this chamber, we hope there is agreement across all parties to support the goal of increasing housing supply. I largely believe there is, but today would be a good opportunity to put that on the record.

I move on to some of the other elements contained within the bill, particularly with regard to applying rent-increase rules to successive fixed-term tenancies. I thank Ms Clay for bringing this element forward and I want to publicly state that we will continue further discussions in the cabinet with her ministerial colleagues on that component separately, once further analysis has been undertaken, so that we can avoid any adverse or unintended long-term consequences on the market were we to pursue that particular element of this legislation.

In closing, Labor will not be supporting the legislation this afternoon. We will focus on increasing housing supply across the spectrum of the housing market. We will continue to focus on delivering more long-term affordable rentals for our city through a variety of different models. What we are doing is actively chasing the investment and capital that is clearly there to support the community housing sector to grow, to support more long-term affordable built-to-rent projects, and to ensure that we continue to invest in the growth and renewal of our city's public housing stock, and that we continue to focus, through the planning system reforms and in investment attraction and facilitation, on supporting new housing developments as part of new urban precincts.

We have an opportunity to further a direction that we have been pursuing for some time to increase density in our major employment centres and along our major transport corridors, and to include within that new housing a diversity of housing types. It is about supply. Sensible regulation accompanied by supply has delivered rent reductions in the ACT in recent years. I think we are on the right path, but of course there is more to do, and that "more to do" is to provide more housing supply. We cannot support this legislation this afternoon.

**MS VASSAROTTI (Kurrajong) (5.00):** I rise today in support of Ms Clay's bill. Right now, more Canberrans than ever are struggling to put a roof over their head. Rents here are amongst the highest in the country and house prices are, frankly, out of control. The average income for a person in Canberra is \$80,000, but, even if you earn this much, you are, by definition, in rental stress under Canberra's current market conditions. For

decades, we have seen successive federal government use tax breaks to rig the housing market. They have turned it into a way to build wealth rather than a way to provide a safe and secure place to live. There is no other way to put it: this is plain wrong.

As a society, we have forgotten the purpose of building homes in the first place: to provide a safe place to sleep at night. The commodification of housing and the rental market has turned the promise of a safe and secure home into an improbability for many people doing it tough at the moment. Over the last three years, we have seen an escalation of the housing crisis. Frankly, it has become clear to me that the private housing market has failed. That is why we need politicians to step up, show courage and propose meaningful change that will positively affect renters across the ACT.

I have been knocking on doors over the last couple of months, as many of us here have, hearing stories from renters about their anxiety and stress about the current cost-of-living crisis. People are afraid of being evicted from their rental property, of the next rent increase or of doing something to inconvenience their landlord or property manager, even if it is just asking for simple repairs. People have told me that, even if they are evicted for a valid reason, it would mean they would have to compete for rental properties at much higher prices. People can only stretch their budget so far before they have to start cutting back on meals or trips to the doctor.

Last year's Rental Affordability Snapshot found a single-income household receiving the disability support pension would have to use 119 per cent of their income to cover the median rent in the ACT. How is this a situation we can continue to endorse? The security of a home has the potential to open or close so many opportunities for people doing it tough. The ACT Greens know there is not one answer to solving the housing crisis. Obviously, we think public housing is a huge piece of the puzzle, and that is why I was excited to launch our election initiative to build and buy 10,000 public homes over 10 years.

However, we know that there are other things that we can do, from rental reform to planning reform. There are things that we do control locally to improve housing affordability and return to a situation where the key purpose of housing is to provide homes for people. We know that we have the opportunity to look at other parts of the market. We have levers to support Canberrans in the private rental market and we should be using them.

I am proud to be part of the only party that has consistently delivered on improved renters' rights for Canberrans. I am also proud that I have been able to secure the highest level of funding for homelessness services in the ACT. This has been essential in a market that is failing and where we are seeing more and more people placed into housing stress. The unfortunate reality is that we are seeing more demand in homelessness services year on year. This demand is not coming out of nowhere; it is being driven by a cooked rental market and a desperate need for more public housing.

The ACT Greens have done significant work this term to strengthen renters' rights. We have banned no-cause evictions, banned solicited rent bidding, introduced minimum insulation standards, imposed the ACT's first-ever rent caps and made it easier for renters to own a pet or make modifications in their home. But the reality is that we will continue to see the majority of people in the private rental market, and right now these



people are struggling. I am really proud to say that this bill goes one step further than our reforms to date.

The Greens bill will make sure renters get a two-year reprieve from rental increases. After these two years, our bill will then cap rent increases at two per cent to make sure that the rental market cannot surge in price like it has over the last few years. The Greens bill will close loopholes which allow landlords to jack up rents as much as they like between tenants and will make sure there are laws that stop rent bidding in its entirety. This bill stands up for the rights of renters. It stands up for the rights of people who are doing it tough. It has the potential to have a meaningful and direct impact on the cost-of-living crisis facing thousands of Canberrans. I encourage and implore all members to support it in its entirety.

I commend the bill to the Assembly.

**MR PARTON** (Brindabella) (5.06): The Canberra Liberals will not be supporting this bill. This bill is not designed to actually address rental affordability in the ACT; it is designed purely as an electoral tool for the Greens. Thank you, Mr Chandler-Mather, but we are not buying it and Labor is not buying it either. It is amazing that, at this stage of every term, we see the faux divorce between Labor and the Greens. It is quite the torrid break-up this time; it is a genuine barny, and it is only April I cannot imagine how messy it is going to get before October.

It is clear, based on the housing policy announced by the Greens last week—that is the one where the Greens-dominated government is going to buy most of the private rentals and turn them into public housing; the one where the Greens are going to nationalise a section of the building and construction industry—that things are going to get crazy. I find it quite disappointing because Mr Rattenbury, Ms Clay and Ms Vassarotti are actually intelligent and very sensible individuals whom I have a lot of time for. They must know that none of these policy ideas are actually going to achieve the stated objective.

We have taken a briefing from the Clay office, and I thank them for that, and we have also had discussions with the Chief Minister's office and have spoken to a number of academics in the housing space, and they all agree that this bill would likely achieve the opposite of what is intended to be achieved. Introducing the two-year rent freeze will send the vacancy rate lower, reduce the number of rentals and put off mum-and-dad investors.

I would also note that, at the moment, there are a stack of homes for sale. You have been driving around the suburbs. We all have. We have been out there letterboxing and doorknocking—or some of us have—and we have noticed all the for-sale signs around the place. February saw the highest number of property listings in years in our town. I know that the industry itself is trying to understand exactly why. Minimum standards might be playing a role, but I do not know what else is playing a role.

I note that, according to PropTrack, the median weekly rent for houses in Canberra was down 2.2 per cent compared to the year before. The ACT already has capped rent increases, as outlined by Mr Barr. I love it that Mr Barr and I have, on separate occasions, come into this chamber to poke holes in Greens' housing proposals and we

have both gone with exactly the same quote from Dr Michael Fotheringham, in its entirety. It is not often that I find myself on the same page as the Chief Minister, but I certainly did in that instance.

From the ABS data and CPI figures for 2024, I would note that Canberra rents increased 2.4 per cent since the corresponding quarter of the previous year. At a time when rents increased by 2.4 per cent, property taxes increased by 3.9 per cent. In that same period, Sydney rents increased by 8.5 per cent. This sounds like an Emma Davidson speech, doesn't it! In that same period, Sydney rents increased by 8.5 per cent, but the property taxes increased by only 4.4 per cent. Melbourne rents increased by six per cent, but the property taxes increased by only 2.9 per cent. So every other city has rents increasing faster than property taxes, except ours.

We gave consideration to all aspects of this bill, because that is what you need to do here. We considered it clause by clause, and the only component that we did not write off on the first day was the reverse rent bidding clause. We consulted on this widely. The feedback that we received from industry and academia was that any legislation around this would incentivise all landlords to certainly start new rentals at the highest possible level of rent, allowing for prospective tenants to make offers below the advertised rate if it were unlawful to accept rent above the advertised rate. It was certainly believed that this move would likely increase rents rather than bring them down. It would also be a disincentivisation for would-be investors in the market. I know you do not want investors in the market—I understand that—because the government is going to do it.

One piece of feedback that we got from a particular community housing provider—and they were so animated about this—was: “Why do you think that build-to-rent is not working in Canberra?” Mr Barr mentioned build-to-rent and it is being portrayed as the silver bullet. It is not quite delivering what it was supposed to. Why do you think it is not working? According to this CHP person, it is because the numbers do not stack up, but it is also because the laws keep on changing in this space and they would lock BTR providers into long-term agreements that potentially return a consistent loss if we keep on heading in the same direction, so of course they are gun-shy. You can understand that.

We will not be supporting this bill.

**MISS NUTTALL (Brindabella) (5.12):** When I sat down to write this speech, I realised something was sitting pretty uncomfortably with me. On one hand, I have an almost bone-deep frustration and resentment at the rental market right now. If you have missed the wealth bus, you might be feeling it too: this sort of underlying fury of never being able to afford the thing that a lot of people seem to take for granted, a thing that is also, curiously, a human right. On the other, I did not want to hurt anyone's feelings. I am a people-pleaser by nature and the idea of getting up and putting landlords on blast seemed like a mean thing to do. Of course, there is also the self-preservation aspect—in this merciless economy, I will probably be renting for a while and I do not want to end up on a blacklist. I do not want prospective landlords and property managers seeing my name, googling my name plus renting, and deciding that I am a huge liability and that they had better not risk having an antsy tenant with parliamentary privilege!

I do thank my current landlords for accepting me, even though I am a Greens politician. Seriously, thank you. Right now, I and my housemate—and all renters, really—are beholden to the kindness of their landlords. This will become a theme. Members permitting, I am going to get on my soapbox and talk about my experience as a renter, and that of friends and family and people who have reached out. I am going to talk about why we absolutely need the kinds of rental controls my colleague Jo Clay is proposing.

I remember listening to Alan Kohler on the radio, talking about his quarterly essay, and how he suggested that my generation might be the renting generation. We might be renting our entire lives. It was really sad, actually, listening in to the program as two very kind, very empathetic older men with regret creeping into their voices wondered whether young people really would just have to get used to renting their entire lives. That made me really sad and really angry, because we have been promised this formula for success: you get a good degree and you will find a well-paying job and a house.

The formula is not working, gang. And people will shoot back: “There are many people who choose to rent all their lives,” which is true, and they should be able to, should they choose to do so. The reasons I and a lot of people would never choose to rent if we could afford a darn house are as follows. Number one: unlike paying a mortgage, rent is never something you get to stop paying. Every fortnight for the rest of your life, a chunk of money that could be spent on groceries, medication or savings is gone.

Number two: when you rent, there is a hard ceiling to what you can do. You have to ask permission for anything beyond a minor alteration. I had to ask to get completely removable hooks to put anything on the walls, like a gift from my dad. You cannot join the ACT’s wonderful climate-friendly initiatives by switching to solar panels and you sure as heck cannot just replace your gas cooking with something that does not risk your lung health, even after reading a whole lot about air quality.

Number three: you can be kicked out. If your owner, fairly enough, decides they want to move back in, they can give you a stat dec and enough notice and you have to leave. Then you are back on the rental market without a guarantee that you will get a property, which is, can I remind you, a human right. You are in the rental market, where the landlord or property manager can currently hike up the price as much as they want between tenants.

Number four: the rent is just too damn high. Right now, we have successfully capped rent increases at 10 per cent more than the CPI. In our lovely price-gouging supermarket situation, your rent will only go up 10 per cent faster than your groceries and utilities and stuff. I do not think your real wage or salary would be increasing at quite the same rate. Please correct me if I am wrong.

A lot of us cannot afford a house. I, a politician making bucketloads of ratepayer money, do not think I will be able to afford a deposit on a house, according to the ABC’s estimate of needing a minimum salary of \$205,073. I walked upstairs as we were moving house last week and all my friends were talking about how they had been saving up as much as humanly possible on their salaries and may never afford a house. We were a bit depressed about it all.

A lot of us are therefore at the mercy of the rental market. Our economy, our private housing market, invites landlords to see our homes as assets, as investment properties. Nowhere in those descriptions does a human-adjacent word like “tenant” even come into play. When we talk about investments, we talk about maximising profits. Landlords are actively incentivised to charge the most they can on their investment and I think sometimes we forget that profit here refers to a renter’s income.

Some landlords are nice. They are. My grandparents were in this boat. They told me about the pressure they, as former landlords, were put under to raise the rent every year. They refused because, quite frankly, they were content with their jobs and their consistent passive income and they did not want to turn the heat up on their tenants, whom they quite liked. I would say they were nice landlords. As landlords, they saw the problem with their tenant being subject to their own desire for more money, with little to no recompense.

I had friends whose old landlords were nice. I remember them telling me something that stuck with them, which was when the property manager said to them on the phone, “Look, we are going to have to raise your rent, but we really like you guys, so we are only going to raise it by three per cent.” On the one hand, that is really nice. My friends prided themselves on being good tenants. Earning around the minimum wage, as two of them were at the time, it meant that they could continue to afford to live at the place with only a little less room in their budget.

On the other hand, think of what the inverse was. If my friends had not been good tenants, does that mean their property managers would regretfully have had to raise their rent as punishment? This may seem uncharitable, especially to the more economically conservative members of the chamber, but I do invite you to put yourself in the shoes of renters. Ask yourselves seriously why you are not currently renting and whether you would find it fair or livable in my friends’ position.

We need a rent freeze because right now rents are going up faster than people’s wages, and very few rental properties are affordable on the minimum wage already. We need rent caps because tenants, people like me and my friends, should not have to rely on kind landlords to afford the place that they want to call home. We need to tie these rent caps to the property because we need our rental housing stock to stay available to people looking for a home.

I spoke in my maiden speech about having to rent bid. I am not proud of rent bidding. I did it after my fifth or sixth rejected application because at that point I would have done almost anything to get a home. Rent bidding put me in rental distress, and that was an awful experience that I am still working through. The market does not care about affordable renting. The market would not care if every tenant was bidding beyond their means to live comfortably. We need to close that loophole so that we do not force people to bid beyond their means. We need to put hard lines in to protect people who just want a bloody home.

One last thing: I hate that I have to operate on this contingency that the bill might not get up. It is sensible, compassionate policy and I am so proud to stand with Ms Clay

and the rest of the ACT Greens in full support of better renters' rights. I would not be a good representative for young people or for anyone who is less well off if I did not try to get through to the members in this place right now.

To those of you who are here, I am here as a renter, pleading with this chamber whether or not the bill gets up: please be kind to your tenants. Please do not raise the rents on the properties you own faster than the people whose lives you affect can earn money. You could, under the current laws in the ACT. Please think about the fact that their human right is still sort of conditional on you, and that when we say "investment property" we actually mean "people". Please think about the kind of system we have created in the chamber, where a renter does have to beg you to be kind, and what you personally can do to change it. I commend this bill to the Assembly.

**MR BRADDOCK** (Yerrabi) (5.21): Home ownership is becoming less and less affordable. More and more people are becoming renters, with some eight million Australians now part of the rental sector. Thirty-one per cent of Canberrans are renters and, according to the 2021 census, one-quarter of those renters are in rental stress. Rents have been increasing at such a rate and scale that renters are finding it challenging to find affordable accommodation. Rents have increased by 14 per cent since 2019. This impacts on the ability of renters to afford other essentials, such as food and health care, or to remain with their communities. Unexpected rental increases mean renters do not feel secure and cannot plan for their future, such as saving money for a deposit on a home.

More people are renting for longer and longer periods of time. The dominant frame previously around renting used to be how it is a transitory life stage for people in their 20s before they purchase a home. I want to help spread the message that this is not the case. As people are priced out of the housing market and rent for longer periods of time, more and more families are driven by economic circumstances to rent. Surely these families with young children deserve the security of roofs over their heads, a place to call home and stability in where their children grow up that is not subject to the wild swings and vagaries of the market.

In the past 20 years I personally have been a renter, a homeowner and landlord. Now, due to life circumstances, I am a renter again. In the past two years, my experience of competing for a place to call home has involved joining queues of people streaming through rental inspections and putting in application after application, all the while hoping that my children will have a place they can call home. I have experienced my family's home being sold out from underneath me and, again, that fear of securing a place to sleep not just for myself but also for my children. Having to pack up all their toys and belongings is a backbreaking and heartbreaking exercise.

The rental market is characterised by instability, insecurity and a lack of adequate protection for renters. Addressing the issue of strengthening renters' security of tenure and renters' rights is critical, because a rental property is actually a renter's home. I thank Ms Clay for bringing forward this bill, which will provide Canberra renters with assistance in meeting the cost-of-living and housing pressures they face. As ACTCOSS CEO Devin Bowles says, "Business as usual is not an option if one is serious about fixing the housing crisis." Ms Clay, with her bill, is challenging that business as usual.

In listening to Mr Barr's and Mr Parton's speeches, there was something missing that they did not mention, and that was the word "tenants". Perhaps they should spend more time talking about tenants and listening to tenants and their concerns about rent bidding and unaffordable increases in rents. I rent, and today I am proud to stand on the side of renters.

**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) (5.24): I am pleased to talk to the Residential Tenancies Amendment Bill 2024 today. I am also pleased to hear that Ms Clay does have concerns about housing affordability for our community, including for essential workers and people experiencing vulnerability or a disadvantage. It is something that ACT Labor has been working hard to address, understanding that it is more than just a catchy headline; it is a much more complex issue.

That is why the government has been making record investments in public housing. But we are also realistic. The Assembly just debated the challenges facing the construction industry. These pressures facing the construction industry are real and continuing. That is why the ACT Labor Party is building new public housing as fast as the construction industry will allow us. It has been a challenging few years, and I think everybody in here recognises that. Despite the heat of the debate, everybody agreed that there were these challenges within the construction industry, particularly with a pipeline of a workforce, with supplies, weather, in particular, and, of course, the impact COVID-19 had on all of us. It is starting to smooth out a bit, but the challenges still exist.

That is why we are working hard to come up with a range of different initiatives all across the housing spectrum. It is why we set up the \$60 million Affordable Housing Project Fund, which has committed funding to support more than 250 new rentals so far. It is why we set up the Affordable Housing Land Tax Exemption Scheme, which provides homes for almost 200 people at 75 per cent of the market rate. We have around 180 investor homes that are part of that program, and I again encourage anybody who has a spare property to use their social conscience and rent them at that affordable rate. It is why we are continuing to advocate with our federal colleagues to review negative gearing and other tax levers.

Locally, the ACT government is working hard on the supply side, releasing more land and implementing planning reforms to enable more homes to be built in our city. Canberrans can be proud of the progressive and practical protections we already have in place for renters, including appropriate rent caps combined with no-cause eviction protections. Nationally, we saw the delays that caused the Housing Australia Future Fund to be delayed, and now we are also seeing delays in the support for the Help to Buy scheme too. All of this helps the people that we are trying to get into homes of their own—in particular, those vulnerable Canberrans who are so desperately in need of these homes.

Meanwhile, with all of that happening in the federal sphere, in the ACT we are getting on with the job of building and enabling more homes for Canberrans all across the spectrum: for Canberrans to build, to buy and to rent. Every Canberran deserves a safe and secure place to live. That is what ACT Labor believes, and that is why we work

towards that each and every day. But we will not do this by passing legislation without evidence on extreme rent controls like the ones that the Greens political party are suggesting are appropriate for Australian circumstances.

The Chief Minister has already explained the complexity of regulating the housing market, and we need to listen to the experts and learn the lessons of failed interventions in other places. We are ambitious, but we are taking a sensible approach to delivering more homes for every Canberran. The Greens political party's legislation risks making things worse for people in need of quality housing here in the ACT, and ACT Labor will not risk roofs over Canberrans' heads for a headline. So we will not be supporting the bill today.

**MS DAVIDSON** (Murrumbidgee) (5.28): The housing market is failing people. It is breaking people. We have people sleeping rough, kids without a safe roof over their head and homeless people's life expectancy 17 and a half years shorter than the rest of the population. The Greens see a need for change. It is heartbreaking that the Greens are seemingly the only party who see this need for change, but I would love to be proven wrong and see this bill supported by the old parties, because rent controls work—maybe not for property investors. Rent controls work for renters; for people who need a roof over their head.

I would like to thank my Greens comrade Jo Clay for bringing this bill. A two-year emergency rent freeze and two per cent caps thereafter are required right now, because right now there are people just one rent increase away from homelessness. Yes, people are being pushed out of the private rental market straight into homelessness because the Labor Party has no interest in providing public housing at the rate that the public housing waiting list is growing.

Just last week the Greens announced our election policy to build 10,000 public homes over 10 years. Today we are bringing a solution that helps private renters stay in their home. In the midst of an economic inequality crisis, this is what a responsible government should be doing. If my Labor and Liberal colleagues in this chamber—the Colesworths of Australian politics—oppose rent controls, proclaiming they will disincentivise the private investment in housing supply and are flabbergasted at the idea of the government stepping into the housing market to build housing supply, then I have to ask: what is the point of them being in this place?

The Greens want the government to look after renters and increase housing supply. We are here as representatives of our community proposing solutions. Right now, property investors can outbid renters trying to get their first home because successive federal Labor and Liberal governments have given billions of dollars in tax breaks through negative gearing and capital gains discounts to property investors, and I am here today to say that that is not fair. I have talked to the single mums who live in their cars and give their kids cold cans of baked beans for dinner because the public barbeque at the camp ground that they are parked at is not working! I have talked to the older woman on a disability pension who can only afford to heat one room in the house, and I have talked to the early childhood educator who really wants to move out of her parent's house but, even after being promoted to team leader, she cannot afford it because the rent is too damn high.

The ACT is a progressive place. That is why I love living here, as do all of my Greens colleagues. The people of Canberra want their elected representatives to do the hard stuff, to have forward-thinking plans, to have long-term visions and to address inequality and the housing crisis. A two-year emergency rent freeze is not extreme; it is cost-of-living relief. This is an opportunity for the old parties to stop using “cost of living” as a buzzword and actually do something about it. Two per cent annual limits on rent increases are not extreme. It is a long-term vision where the one in three people who rent do not have to spend the majority of their income paying off someone else’s mortgage while also paying off uni student debt and with growing costs for basics like food.

This Assembly can vote for our bill now or you can sit on your hands in the midst of a housing and inequality crisis and wait for a fresh generation of renters to take your jobs and do it for you. I want to thank Jo Clay for bringing this bill to the Assembly. I look forward to joining our Greens volunteers in talking with people all over the ACT about how the people in this place vote when they are asked to help renters. I commend this bill.

**MR RATTENBURY** (Kurrajong) (5.31): I am pleased to rise in support of the Residential Tenancies Amendment Bill 2024, and I welcome the fact that Ms Clay has brought this bill to the Assembly. It has driven a very important discussion about the best way to look after renters in this city, how we do housing and the way that the housing system has evolved in this country, because it has become highly problematic. The Greens are certainly very supportive of advocating for renters’ rights. We have been working across our portfolios and over a number of terms now of the Assembly on innovative and effective ways to address improved housing affordability for Canberrans and particularly address inequality and the cost of living.

What we have seen is a widening gap between the haves and the have-nots, and it has become increasingly clear to us that this is a problem that needs to be tackled. Over a couple of decades now we have seen a series of policies that have widened that gap, that have meant those who—as someone described earlier—got on the wealth bus are doing fine but those who come later are increasingly missing out. This is something we all need to think about very carefully and take some responsibility for and think about how we do it differently going forward, because what we have been told for the last couple of decades needs to be corrected.

Certainly here in the Assembly we Greens have worked to bring forward a range of rental reforms and work with this Assembly to get it done. We have ended no-cause evictions. We have introduced minimum energy performance standards. Mr Parton took a shot at this in his remarks, but the reality is that just because you live in a rental property does not mean you should have to live without decent insulation. It makes an enormous difference. If you are a renter, why should you have to live in a freezing cold house in winter and a boiling hot house in summer that has bigger energy bills? That is why we think something like minimum energy performance standards are so essential. Otherwise, renters are caught in a classic market failure—the split incentive, where landlords have no interest and no motivation to do it and tenants miss out on the benefits.

We do have a cap on rent increases but, as this bill indicates, the Greens believe that can work even better. We think there is a better way to do it, and we think that we can



put a stronger set of protections into the legislation. We have banned solicited rent bidding and we have established the Rent Relief Fund, because we know the reality for some people's lives is that those things come along and just knock them off balance, whether it is an unexpected bill, the loss of a job or the loss of work hours. They are the sorts of things that just happen to people in life. The Rent Relief Fund sits there as a catch for those who find themselves in difficult short-term circumstances who can manage to keep afloat otherwise.

At various times, we have been told that various of these things are not possible. It is a common refrain: "You're dreaming," or "It's too hard," or "You'll upset the rental market", or "They'll see investors leave the market"—which is, of course, the most common refrain—and "Taking steps to make homes more habitable for renters would decrease supply." That has not happened. With every single one of these measures somebody has said, "This will drive investors out of the rental market." It has not happened. These reforms are essential to getting a decent deal for renters. Just because you rent does not mean you should have to live in a substandard property. That is the view we hold, and that is why we have been driving these sorts of reforms into the ACT's legislation and policy landscape—because we think it is essential.

We know that rental reform is not the only lever we need to pull to improve housing affordability. Housing affordability is a wicked problem. I do acknowledge that if it were easy, someone would have done it by now. What we have actually seen is a series of policy measures put in place over the last couple of decades that have increasingly made the problem worse. Now is the moment, when we understand some of these things, when we need to step up and actually drive a different direction. It is why we put such an ambitious policy on the table last week to say, "Actually, as the Greens, we believe this is the moment where you need to step in and put policies on the table."

People will struggle to accept the ambition of this. But, as I said in the media last week, we have brought forward plenty of things before and people have said, "You can't do it; it can't be done," and now it is the reality and people are going, "Gee, that's a great policy"—including people who say, "Actually, we were part of that. We passed it in the Assembly. We supported it." But they did not have to go through the process where we came out and put it on the table and others said it cannot be done. So we are used to that, and we accept that that is the way the debate has to be sometimes.

The inequality crisis is real. The cost-of-living pressures facing our community are real, and renters feel it most of all. We know that. These pressures out there for all sorts of people but, if you are renting, these pressures are particularly acute. The measures in this bill focus on rental reform: to make housing more affordable in the ACT and limiting rent increases through a freeze and/or a cap to make rent more affordable. Banning all forms of rent bidding makes the rental market fairer and makes rent more affordable. As Ms Clay spoke about in her introductory speech—and will probably touch on again today—the frustration of turning up when a house is marketed at a certain price and that is not really the price and you have to rent bid to get there. That is not fair. It is not a great use of people's time.

I will turn to some of the remarks that have been made in the debate today. I have touched a little bit on the straight-out dismissiveness of, "You can't do this; it will break the market for investors." That should not be our primary focus. This debate should be

about what we need for renters to make it fairer, to improve equality, to give people a decent chance. These are the questions we need to be thinking about.

I did note that Minister Berry brought out the old, “Well, the Greens delayed the HAF—the federal thing,” and had a crack at our federal colleagues. I do note that she talked about the delay in that process. First of all, we all know that with the way that was structured, because of the way the money was deferred until later, the fact that it took a couple of extra months to go to through the Senate did not delay by a single day the construction of any house or any rental property. Everybody knows that. It is a bit of a boring generalisation and a bit of mythmaking that we have seen punted around, particularly by people in the Labor Party. But it did not make a single day of difference for the construction of a single property. In fact, that extra discussion, bargaining and negotiation saw \$1 billion added to the supply of public housing—and the ACT got \$50 million. So the so-called delay caused by our federal colleagues that Minister Berry talked about, where they were actually pushing the debate and demanding more, saw \$50 million extra delivered for our community here in the ACT! I am pretty comfortable with that. I say good on my federal colleagues for pushing that debate even harder.

This bill today will make renting more sustainable by providing more certainty and more clarity about the rules, which benefits landlords as well as tenants, in our view, and everybody knows what the rules are. It is clear there is a degree of certainty there that just is beneficial. This bill will make rent more affordable. I thank Ms Clay and her team for the work they have done on this bill. It is an important issue. Whilst I am disappointed that we are not seeing support for this bill today in the Assembly, we will, as the Greens, continue to work on these issues, because we know that we cannot continue with the status quo. It is unfair and it is driving increasing inequality in our community, and we need to do more. We need to be creative, we need to be bold, and we need to be willing to step out of the status quo to ensure that we do not keep going in the direction we are going in. I commend this bill to the Assembly.

**MS CLAY** (Ginninderra) (5.41), in reply: I would like to thank members of the Assembly for their contributions today, but it has been a disappointing debate. The Greens have been unable to convince ACT Labor or the Canberra Liberals to act on the rental crisis, and I apologise to Canberra’s renters about this. We tried. I encourage all renters who are struggling right now to tune into the arguments that your elected representatives ran today. You can judge for yourselves what you think of it, if you have any time to spare, in between house-hunting and your shifts.

Why was it important that we needed to act today? It does not sound like we are taking action today, but why should we have done so? The ACT government has agreed to the Better Deal for Renters reforms, and some of the measures in this bill carry out that agreed deal. Some of the measures in this bill go further than that deal.

The Greens are putting up further reforms because the housing crisis is not getting better on its own. The ABS rental CPI index shows that, in 2020, there was a small and brief drop in rents at the start of COVID. Since then, Canberra rents have not fallen in any quarter. Rents between December 2020 and 2023 grew by 3.8 per cent each year. As anyone who is renting would know, this is a really large increase in a really short period of time. The rent is too damn high, and it is still rising.

Rents are rising faster than housing values. According to SQM Research, the combined weekly rent for houses and units is \$660. In 2020, it was \$549. Average weekly rent has gone up over \$100 in four years. It is out of control, and it does not represent ordinary cost-of-living increases. It outstrips reasonable cost increases for investors, and it far outstrips wage growth. This affects a lot of people. Renting is no longer temporary or short term, and we have heard a lot about that from some of our Greens speakers tonight. Thirty-one per cent of Canberrans are renting. Almost a third of our people have to put up with this, and a lot of them think they will be renting for the rest of their lives.

A rent cap was introduced in the ACT in 2019, and further changes were made in 2023. The Greens led a lot of this work, and I am really proud of being part of the team that recognised the crisis and acted on it. But that current rent cap, the one we already have, is based on CPI. That means renters cannot budget and plan long term. When CPI is higher than the target rate of two or three per cent—in the past few years that has happened pretty frequently—the rent rises far beyond wages, and it does that at the same time as all of your other costs rise. At the same time as your food and groceries go up, and your transport and petrol go up, your rent will also go up, and it will outstrip your wage growth. That is why Canberra is becoming unaffordable.

We have declared a housing crisis; we all know this. On any day of the week, you can read about it. Today's *Guardian* Essential poll showed that Australians think the housing system is failing. Forty-seven per cent of people polled said that the system was fundamentally broken. It is pretty obvious to a lot of people.

It is getting harder for people to find affordable rentals in Canberra. Essential workers are spending 76 per cent of their wages on rent. If you spend more than 30 per cent of your income on housing, you are in rental stress. Can you imagine what it is like to spend more than three-quarters of your wages on the roof over your head? It is working poverty, it is employed homelessness, and it is not the Canberra that I grew up in. We have allowed this to happen right here, in what used to be a generous, equitable, well-off city.

Maybe you are one of the lucky ones on a high salary, as we are here. Maybe you can afford your rent or your mortgage, or maybe you already paid it off in the golden years, probably like many of us did—those of us who got on the wealth bus that my colleague Laura Nuttall has missed out on by being born too late. I am really sorry about that. Maybe you do not have kids, family or friends who rent. Maybe everybody you know is on a high salary and you honestly do not care about anybody else. Maybe that is you. Think about what is going to happen when Canberra's essential workers cannot actually afford to live here anymore. Who do you imagine will work in our hospitals and our nursing homes? Who do you think will move to Canberra and build all of those homes that we so desperately need to drive supply if they cannot afford to rent here?

The measures in this bill would have given immediate relief to people struggling now. The measures would have meant that people could plan for their lives, that they could have met other life essentials, like food and school equipment for their kids. People would have known that, when rent is advertised, that is the rent they are expected to pay. They would not be asked to outbid other desperate people who are searching for a home. They could just pay the price.

We all understand that the housing market is complex. It is affected by federal tax settings, interest rates, planning controls, demographic change, employment rates and a lot of other factors, but it is not acceptable for people in power to blame everyone else and everything else for the problems. We do need to offer solutions that are within our control. The Greens are trying to do this. We are working at all levels. The Australian Greens are working on the federal tax settings, HAFF negotiations and a lot of other matters at the federal level. Here, the ACT Greens are working on local and state-based solutions.

We expect everyone to do whatever they can that is within their realm of control, because times have changed. The institutions and the values that supported home ownership in the past have shifted. Home ownership looks set to decline in future unless we do something about it. Are we prepared to accept a new housing system, a system where one half acquires wealth and the other half do not, where one half has to work for a living—actually, not even for a living; for a below-the-poverty-line wage that does not actually provide a roof over their heads—and the other half can earn income off the labour?

I will not go through a whole lot of myths today, but I do want to address supply. Supply in the market is important, and there has been some commentary that this bill will somehow affect supply—that it will somehow reduce how many homes will get built in Canberra. That is not how our market in the ACT has been working to date. Since we brought in stronger rent controls in the ACT in 2019, ACT rental supply has continued to grow. Our previous rental reforms did not lead to a decrease in the proportion or number of rental properties. Census data in 2011 showed we had 39,592 rentals, or 30.6 per cent of our market. In 2021, a couple of years after we started making rental reforms, we had 51,681 rentals, or 30.7 per cent of the housing stock. It went up.

We often hear that investors will leave the market and reduce supply if we make changes that protect renters. That is simply not how things have been working in the ACT. Investors tend to buy homes that are already built. Investors do not tend to build new homes. That shows up really clearly when you start looking at data like investor loans. The amount of investor money that was going into housing loans in the ACT essentially doubled between 2020 and 2021, but between 2020 and 2021 we did not see twice as many new homes being built. The investor loans came in and house prices went up. We did not get more homes as a result of that.

Housing in the ACT remains a great investment. A lot of people here know this. Gross rental yields here have remained at over four per cent since 2020. It is a really attractive place to invest. There are a lot of external factors that affect the cost of housing, but those factors are not necessarily affecting the amount of housing. They are not affecting supply; they are just affecting the cost that we pay for it.

The Greens are calling on a lot of other measures that will increase supply. We think supply is really important. That is why we are calling on upzoning, so that we can build more homes in Canberra. That is why we are calling for the building of a lot more public housing. These are really powerful measures that will affect supply.

In fact, successive governments in the ACT have stopped building public housing. We hear about this quite a lot. In 1990, 13 per cent of all housing in the ACT was owned by the government. My parents lived in one of those homes. That is what public servants did. They moved here in 1975 and the government gave them a home to live in. Right

now, the current figure for government housing is around six per cent. That is why the Greens are saying that we need to go back and have a lot more government-owned housing. That will have a much stronger effect on supply.

That is enough about what the bill will not do. I would like to talk a little bit about what the bill will do, because we have not had much discussion about the detail of this. The bill seeks to do three things. It seeks to freeze rent for two years, which is a bit of a change. Right now, we already have a rent freeze. You are only meant to put the rent up once every 12 months. This says we are going to pause that; you skip one rent rise, and you are going to keep the rent stable for two years.

The bill also seeks to cap rent rises at two per cent. That is instead of the current CPI-based cap that we have. We already have a rent cap. We think that a two per cent cap would be more certain and would provide a much better deal for renters. Also, the bill seeks to close some of the loopholes that protect renters.

On the rent freeze, I think we heard from the Chief Minister that a rent freeze would have kept rents high. This is very confusing. A rent freeze is about the maximum you can charge. You can charge less than that. If the market tells you to charge less, or if you choose to charge less, you have charged less. It does not mean that you have to charge the maximum. It says you cannot charge more than the maximum. This bill would freeze rents for two years.

Under the existing law, we already have this. Landlords and investors can only put it up once a year. We are saying: put it up once in two years and then let us go back to normal annual increases. That would give us a little bit of emergency cost-of-living relief right now. It would give renters a bit of a break from all of the increases they have had.

The bill also seeks to bring in a rent cap. That rent cap, after the rent freeze, would cap rises at two per cent instead of 110 per cent of CPI. I was interested to hear our Chief Minister talk about what sound tenancy protections are. I will try my best—I do not have the *Hansard*—to quote directly. I think I heard him say, “Sound tenancy protections are measures that regulate the size and frequency of rent increases.” I was happy to hear that. That is exactly what this bill does. It talks about the size of rent increases and it says when you can put them up. It is exactly what this bill is doing.

The bill also cracks down on a number of loopholes. We have made a lot of improvements to renters’ rights in recent years, but we have found that those reforms are not protecting renters. Here is how the bill would help. It would stop rent bidding. At the moment landlords and agents cannot solicit rent bidding. They cannot ask people to pay more than the advertised price. They can accept a higher offer. When 50 people show up for the same rental, of course, some of them will offer more money. We hear anecdotally that the industry is advising people to do this. We have heard from Miss Nuttall that she felt that she had to do this. If you were desperate for a home, wouldn’t you do it?

Let us enforce what we meant. Let us stop rent bidding. Let us charge the advertised price and let us not pit one desperate person against another and see how much money some people can make out of it.

The bill would tie rent increases to the property rather than to the renters. The current rules mean that, if the renters move out, the landlord can increase the rent by any amount they like, regardless of the rent caps that we already have in law. Other states are looking at those measures now. We could have looked at them today. We could have brought them in today. Instead it looks like ACT Labor and the Canberra Liberals would like to let landlords put the rent up by any amount they like, provided the house is empty at the time. I cannot understand how that will keep rent affordable.

The current rent caps we have do not apply to successive tenancies. When the lease ends, the landlord can put the rent up to anything they like. Renters can say no, but if they say no, they lose their fixed-term tenancy and they roll into a periodic tenancy. A lot of renters in Canberra feel very insecure. They do not want a periodic tenancy, but they are forced to choose. They can have unregulated rent increases with security, or they can have a rent cap with insecurity. It is a pretty unpleasant choice.

I was pleased to hear today that some of these elements of the bill might be under consideration in future. It would have been great if we could have debated them today. This bill has been out for nine months. It would have been really good if we could have had amendments or a debate on the detail today. We could have voted on those individual measures. But ACT Labor and the Canberra Liberals have said that they do not want a two-year rent freeze, they do not want a two per cent rent cap and they do not want any of the rental protections in here. It has been made pretty clear to me that we are not going to look at any of these individual measures. We are actually just going to vote it down.

The Greens are working hard for renters. We have improved renters' rights. We have ended no-cause evictions. We have brought in minimum standards for insulation. We are making houses more energy efficient and cheaper to heat and cool. We have brought in the Rent Relief Fund to give four weeks rent for people who need it. We have called on the federal government to abolish the historic public housing debt and to fund more public housing. But we also need to take immediate steps, and this bill was the next logical step.

It is quite clear that this bill will not pass. ACT Labor and the Canberra Liberals have decided to vote against it. ACT Labor and the Canberra Liberals will vote against a two-year rent freeze. ACT Labor and the Canberra Liberals will not support a two per cent rent cap. ACT Labor and the Canberra Liberals will vote against stronger renters' rights. ACT Labor and the Canberra Liberals will vote against closing loopholes and they will leave renters in insecure tenancies. ACT Labor and the Canberra Liberals will leave renters with unregulated rental prices on properties between tenants. ACT Labor and the Canberra Liberals will leave renters to bid against one another to see who is lucky enough to get a home.

We are in a housing and renting crisis. We have brought some big solutions to the table. If you do not want these big solutions, it is incumbent upon you to go away and come up with some other big solutions that will actually deal with this. Come up with something better. It is not okay simply to say no to every option offered and walk away.

I commend this bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 5	Noes 16	
Andrew Braddock	Andrew Barr	Jeremy Hanson
Jo Clay	Yvette Berry	Nicole Lawder
Emma Davidson	Joy Burch	Elizabeth Lee
Laura Nuttall	Peter Cain	Suzanne Orr
Shane Rattenbury	Leanne Castley	Mark Parton
	Tara Cheyne	Marisa Paterson
	Ed Cocks	Michael Pettersson
	Mick Gentleman	Rachel Stephen-Smith

Question resolved in the negative.

## Papers

### Motion to take note of papers

Motion (by **Madam Speaker**) agreed to:

That the papers presented under standing order 211 during the presentation of papers in the routine of business today be noted.

## Statements by members

### Municipal services—Charnwood shops

**MR CAIN** (Ginninderra) (6.01): I will speak briefly about the long-awaited maintenance of the public toilets at Charnwood shops. Unfortunately, this has been an ongoing and long-running issue raised with me by my constituents in west Belconnen. I want to particularly acknowledge Mr Mike Avis, whose continued correspondence on this issue has been much appreciated. Unfortunately, there have been broken toilet seats, broken locks, broken door hinges, broken tiles and broken taps at this public toilet. For too long, the good people of Charnwood and West Belconnen have had to put up with these broken public toilets and broken community amenities.

Fortunately, it seems it is an election year, so apparently they have been fixed. Apparently, the repairs have been completed. All it takes is, apparently, the calling of an election and that pending date. I am glad that Ginninderra's government members, Ms Berry, Ms Clay and Ms Cheyne, in her role as Minister for City Services, have finally remembered to take care of their electorate and such an obvious fundamental and much appreciated service. I hope Charnwood residents remember that for too long they have had this dilapidated utility. What prompted the repairs they should regard with cynicism, and they should remember in October.

### Israel—World Central Kitchen

**MR BRADDOCK** (Yerrabi) (6.02): Last week Australian aid worker Zomi Frankcom was killed while working with the World Central Kitchen charity inside the Gaza Strip.

She was killed by an Israeli air strike whilst working, delivering food and supplies to northern Gaza, in a vehicle marked with the World Central Kitchen logo. My heart goes out to her and her family, as it does to the over 30,000 victims of the State of Israel's invasion, each of whom has a name, a family and dreams that have been tragically cut short.

What I find both fascinating and frustrating is that it took an Australian aid worker being killed for the Australian government to finally be outraged and demand full accountability. These sorts of attacks have been going on for months. It is not an isolated incident. It is these sorts of attacks which disrupt the supply of aid and keep pushing the death toll higher and higher. It should not have taken one of our own to demand accountability, whatever that ends up looking like. Over 80 per cent of Australians support a ceasefire, but the Australian Labor Party still backs the invasion. Labor must oppose the invasion and Australia must stop arms exports to Israel and push for an end to the occupation.

### **Sport and recreation—Royals Juniors Rugby College**

**MS DAVIDSON** (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (6.04): At this very moment, the Royals Juniors Rugby College 2024 team are departing for their first ever tour to play against some truly impressive Fijian under-18s.

The benefits for their rugby pathway and their match fitness and skills development are obvious, but this is about a lot more than just the next generation of Brumbies. This is about club culture and about supporting the development of amazing young people in our community for great physical and mental health, and maintaining high standards and connection to their team, their club and their community. The Royals did all of this themselves, as a volunteer-run community club.

To the players who have trained so hard, and who I know are going to do a wonderful job as ambassadors for the Royals, and for Canberra; to the parents on the Hammerbarn sausage sizzle or carpooling to games; and to the volunteers who do all the organising to make Rugby College happen: congratulations, and thank you for making our community a more connected, active, fun place to be.

*Discussion concluded.*

### **Adjournment**

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

That the Assembly do now adjourn.

### **Schools—Kingsford Smith**

**MR CAIN** (Ginninderra) (6.05): I have a very sobering and not a happy story to tell here. I want to reflect and remind the Assembly that, in September last year, Mr Hanson addressed the Minister for Education and Youth Affairs about a special purpose review



into Kingsford Smith School. The report at that time showed that the school was understaffed for all of 2022, teachers had expressed concerns about their safety and students reported a recent change in threatening behaviours, with no known consequences. Staff also reported that student behaviour impacted learning expectations, and strategies to improve attendance and engagement did not have the desired results.

In response, in September last year the education minister said that this report on Kingsford Smith School was almost 12 months old and that there had been significant improvement at Kingsford Smith School to build on the “strong community and strong culture that the school has developed over a number of years”. I wish that was the case. I have permission to read some social media posts from some very, very concerned parents, as at last Thursday. I will read some of these posts. One very concerned parent says:

I have been given no other option but to post this on social media in hope that these bullies’ parents will see this video. My daughter is new to the superschool up the road, Kingsford Smith School. She started in year seven and a few days ago she was involved in an attack. There were 40 to 50 children in the school toilet, many recording on their phones her being beaten.

These are the words of this parent:

Nobody came to my daughter’s aid. The doors to the toilets, they must have gates on there, they were locked from the inside. So my daughter could not escape, and the teachers could not come to her aid. It took 15 minutes for someone to get to her. My daughter feared for her life. She was by herself with up to 40 to 50 students not helping her. She had 20 punches to the head. There were kids egging this girl on saying, “Hit her already.” There was a boy who was responsible for locking the doors.

This very brave and distressed parent put this story out on social media. It is encouraging to see some of the wonderful encouragement for this parent but also some of the feedback from this school that Ms Berry had said was back to running pretty well. It does not seem that that is the case, and that is on the education minister.

Another parent contributed to this conversation. They said:

My son is at Kingsford Smith School. He was being bashed every single day this term. Punched in the head, slammed into walls, king-hit by a girl and an LSA watched and did nothing. My son is terrified of going to school.

These are personal stories, so these are not my stories, not my commentary. These are the stories of parents with children at the school. Another parent claims:

The school will not take responsibility for their bullying policies. My child would not go to school due to the constant bullying.

The original parent said:

Thank you for all your support. I was really afraid last night that I might wake up and have one less child.

There is so much commentary provided from parents about this type of issue. I will close, because it is not pleasant reading. Here is one more quote:

I have a child at this school whose schoolwork is suffering due to her constantly being on her phone. KSS are not taking the phone ban seriously. The bullying and filming of fights, et cetera, happens. KSS are not cracking down on phone usage, and they need to.

Unfortunately, to add to the story, when the child was at home the online bullying from these students continued, to great distress. I call on the Minister for Education and Youth Affairs to take some action.

Question resolved in the affirmative.

**The Assembly adjourned at 6.10 pm.**