



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**28 AUGUST 2024**

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**Wednesday, 28 August 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.

## **Petition**

*The following petition was lodged for presentation:*

### **Transport—Hawker College bus services—petition 38-24**

*By Mrs Kikkert, from 93 residents:*

#### **To the Speaker and Members of the Legislative Assembly**

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

- the only bus route that passes directly by Hawker College also services Hawker Primary School, Belconnen High School, Weetangera Primary School and the Hawker shops;
- during peak hours for school arrivals and departures, the bus is often at capacity and Hawker College students are unable to board, forcing them to wait another 30 mins for the next bus;
- because of unsynchronised timings, some students must leave class early to catch their bus which sacrifices valuable learning time; and
- the inconvenience caused by inadequate bus service to the school may lead to students viewing public transport unfavourably.

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

- provision the number 45 bus route with higher capacity buses during peak hours; and/or
- provide a school bus service to Hawker College.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.*

**Motion to take note of petition**

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

That the petition so lodged be noted.

**MRS KIKKERT** (Ginninderra) (10.01): I am pleased to present a petition signed by 81 Hawker College students—they did this in one day—and some teachers, who are asking the ACT government to improve the bus service to Hawker College. I seek leave to table the other 239 signatures contained in the out-of-order petition.

Leave granted.

**MRS KIKKERT:** I present the following paper:

Petition which does not conform with the standing orders—Hawker College—Improvement to bus services—Mrs Kikkert (239 signatures).

Those who have signed this petition request that Hawker College be assigned a dedicated school bus that runs in alignment with the college's timetable and/or higher capacity buses during peak hours, with the No 45 bus route to be provided with increased capacity by using articulated buses. Students have identified at least two main reasons why the current bus service does not meet their needs. Their request is supported by detailed research and consultation via a survey. They demonstrate that what they want aligns closely with government priorities.

The first problem is that the arrival and departure times of the No 45 bus at the college are not synchronised with when most students finish their classes. For example, on Tuesdays, most students finish classes at 2.30 pm. The outbound bus closest to that time departs at 2.26 pm, and the inbound bus closest to that time departs at 2.19 pm. This creates a situation where many students must leave class and cut their learning time short in order to make it to their next destination. I have heard from students' experiences that they have in fact had to leave their class five or 10 minutes early to catch their bus. What happens on Tuesdays is not much different from what happens on most days of the week. The misalignment between class times and public transport is a glaring oversight in the current timetable. Synchronising bus arrival and departure times with class beginning and finishing times should be a top and urgent priority.

Another problem is that the No 45 bus picks up passengers from Weetangera primary, Hawker shops, Belconnen High School and Hawker primary before it reaches Hawker College, where it is often already at capacity. This means Hawker College students are unable to board and must wait for the next bus, hoping that there will be space for them.

The feelings of the students towards the underservicing of their school are made very clear in a survey. I will be sending this survey to the Minister for Transport, but I would like to take this opportunity to highlight some important points that it reveals. Eighty-four students answered the following question: "If you take the bus, do their departure or arrival times cause any inconvenience for you?" Only one of 84 respondents said no. Over 65 per cent of students indicated that the bus schedule caused them moderate or major problems. Eighty-six students answered the following

question: “How often have you been stuck waiting for a later bus?” More than 80 per cent of them stated that they are stuck waiting for a later bus on a more than incidental basis, and over 55 per cent of students said that it happened often to always.

The request from these students for a dedicated school bus is not unreasonable. It may actually be the college with the best case for a dedicated school bus. According to the Transport Canberra website, Hawker College has the least bus services out of all colleges in the ACT, whether public or private.

The students at Hawker College present a strong case for their requested changes. They have done much of the government’s job by identifying a problem, proactively consulting stakeholders and seeking solutions. As the government formulates its response, I urge it to engage with the Hawker College community, and especially its student body and leaders, in good faith. This should include GAIA, which is the environment and sustainability student group at the college.

I would like to thank Freya and those who supported her for the incredible work that they have done in gathering the signatures and doing the survey. Thank you, Freya and Amy, for meeting with me. On behalf of these students, I commend this petition to the Assembly.

Question resolved in the affirmative.

## **Disability—Disability Justice Strategy Ministerial statement**

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.06 am): I present the following papers:

Disability Justice Strategy: Second Action Plan (2024-2028), dated August 2024.

Ministerial statement, 28 August 2024.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Health—eating disorders support services—annual update Ministerial statement**

**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) (10.07): I rise to present the 2024 update to the ACT Eating Disorders Position Statement.

I would first like to acknowledge and thank those with a lived experience of an eating disorder and their families and carers who have bravely shared their experience with us

to support the ongoing work of the ACT government and health services to improve the awareness of and services available for eating disorders in the ACT.

The ACT government is committed to continuing to improve eating disorder services in the ACT across the full spectrum of care so that we can provide the best treatment and care for people with eating disorders when they need it, where they need it. Eating disorders are serious illnesses that can have significant impacts on the physical, psychological and social-emotional wellbeing of the individuals and families affected.

A person with an eating disorder has increased risks of developing long-term mental and physical illnesses, an increased risk of premature death due to medical complications and an increased risk of suicide. Although the incidence peaks nationally between the ages of 12 and 25, eating disorders can occur at any stage of life.

A 2012 report by the Butterfly Foundation titled *Paying the price* estimated that around four per cent of the Australian population is affected by eating disorders at a clinical level. The report summarised the personal costs of eating disorders to individuals, their families and support networks. In addition to the large personal costs, the report also highlights significant loss of productivity incurred through premature death and an impaired ability to work. An updated *Paying the price* report published in 2024 showed that the economic and social cost of eating disorders grew to \$67 billion in 2023, an increase of more than 36 per cent since 2012. The use of high-intensity healthcare supports and the prevalence and intensity of eating disorders grew in Australia during the COVID-19 pandemic period.

In 2018, the ACT government published its ACT Eating Disorders Position Statement to demonstrate its commitment to strengthening the eating disorders services system in the ACT. This position statement communicated the guiding principles that outline the government's approach to the development of eating disorder services in the ACT. It is grounded on the premise that the most effective eating disorder service system enables seamless treatment and transitions across the continuum of health services. This is supported by evidence from eating disorder research and clinical guidelines.

The position statement proposed the development of a broader range of system-wide eating disorder services that could focus more on health promotion, early intervention and outpatient services rather than emphasising a solution focused solely on acute services. This focus on prevention, early intervention and care delivered in the community rather than inpatient hospital care aligns with Australia's National Eating Disorders Strategy 2023-33. The 2024 *Paying the price* report reaffirms that we should continue to focus on prevention and on delivering holistic and affordable care.

People with eating disorders often present with symptoms that can vary in severity, acuity, complexity and risk. As a result, managing eating disorders can be extremely complex. There is a need for a system-wide integrated eating disorder service spectrum that is developmentally appropriate and flexible across the entire continuum of care, from early engagement to ongoing treatment, and addressing fluctuations in risk and condition.

This approach is presented in the 2018 position statement as a stepped care model, which emphasises four key pillars that should work together to allow for patients to flexibly step up and step down into appropriate services according to their needs. These

are generalist mental health services, including primary care and community programs, specialist eating disorder interventions, including day programs and outpatient clinics, local hospital interventions, including management of cases in general medicine and paediatric wards, and intensive tertiary supports, including multidisciplinary teams and models of care to support evidence-based treatment in emergency departments and hospital wards.

In 2020, an update was provided on the position statement in response to recommendation 48 of the inquiry into youth mental health in the ACT. Following this update, in 2021, the ACT government agreed to recommendation 22 of the health and community wellbeing committee report 1, *Annual and financial reports 2019-2020*, which committed the ACT government to continue to provide an annual update to the Legislative Assembly on the position statement.

In 2022, an update was provided on the position statement in response to Dr Marisa Paterson's tabling of the petition "Starving for Services—Lack of Eating Disorder Services in the ACT" in the Legislative Assembly in November 2021. In 2023, the ACT government developed and published a territory-wide model of care for eating disorders, established the Early Intervention Service for Eating Disorders, commenced construction of the eating disorders residential treatment centre, and announced that Canberra Health Services would be the service provider for this residential centre.

I would now like to provide the Legislative Assembly with the 2024 update on the ACT Eating Disorders Position Statement. Since the 2023 update, the ACT government has progressed the construction of the eating disorders residential treatment centre in Coombs to completion in July 2024. The centre is now operational. I was delighted to attend the official opening of the eating disorders residential centre last week. The event was attended by the Australian government Assistant Minister for Mental Health and Suicide Prevention, the Hon Emma McBride MP. I also attended another event earlier this week with key stakeholder and consumer groups, including Eating Disorders Families Australia and the Butterfly Foundation.

The establishment of the centre was supported by an Australian government commitment of \$13.5 million over three years. The first funding instalment for this was provided to the ACT in the 2021-22 financial year. Prior to commencement of construction, the ACT government worked closely with IQon to develop final sketch plans for the centre and continued engagement with a range of stakeholders on the design. This engagement was undertaken with clinicians, non-government organisations, people with lived experience of eating disorders and the wider Canberra community.

The 24/7 specialist residential centre is a new service for the ACT. The centre will complement other eating disorder services in the Canberra region, including the Eating Disorders Clinical Hub. The centre will offer a home-like environment where people with eating disorders can live while they receive the support they need to recover. It will offer a therapeutic service that includes specialist, intensive, nutritional and psychological treatment.

Canberra Health Services has developed the model of care that has been widely consulted upon with internal and external stakeholders for the eating disorders residential care service. A menu has been specifically developed for the residential



treatment centre to meet the dietary requirements of the people who use the centre. A patient and carers guide to the eating disorders residential treatment centre has also been developed. The guide is to welcome people to the facility and provide information about their stay at the centre.

The residential treatment centre is staffed by a multidisciplinary team of medical, health professional and support staff, consisting of consultant psychiatrist, general practitioner, nurse practitioner, nurses, allied health staff including dietitians, and health services officers. The workforce has been provided with a comprehensive, five-week orientation and training program consisting of evidence-based interventions such as enhanced cognitive behaviour therapy, introduction to eating disorder assessment, diagnosis and treatment, trauma-informed care, motivational interviewing, meal support, and scenario-based training. Risk assessment, care and safety planning and occupational violence training will also be provided.

The centre itself has been designed and constructed to feel more like a home than a clinical setting. People receiving care will be in a suburban setting, surrounded by children going to school, people walking their dogs, ducks on the pond overlooked by the centre's gardens, and with views towards the arboretum and mountains. This is an important aspect of the therapeutic care.

One of the most important aspects of our eating disorders residential treatment centre that is unique to the ACT's service is that this is the first time this specific model of care has been offered within a public health service with no out-of-pocket cost and no need for health insurance or other subsidies to pay for an individual's treatment. This is how universal public health care should be, and it has been made possible by the ACT government and commonwealth government working together to resource a model of care developed alongside clinical, academic and non-government experts, as well as people who are experts by experience of having lived with eating disorders.

It has been an affirming experience for ACT Health and Canberra Health Services to enable visits and sharing of experiences in constructing and opening our residential centre with eating disorder services from other parts of Australia. In developing new models of care and facilities, it has been helpful for each of us to have learned from each other.

The achievements I have presented today would not have been possible without the passionate commitment shown by Canberra Health Services, ACT Health and key members of our community, including non-government organisations and people with lived experience. I would like to extend my sincere thanks to the people that have progressed this work and express my gratitude for all that they do to support our community. In particular, I thank the members of the Expanding Public Health Services for Eating Disorders Reference Group, which included representatives of non-government organisations such as Butterfly Foundation and Women's Health Matters, Capital Health Network, Australian National University, Canberra Health Services, the former Calvary Public Hospital Bruce, ACT Health, and other community members with lived experience.

In closing, I am grateful for the chance to update the Legislative Assembly and the ACT community on the work being done and the achievements made since 2023 for the

improvement of services and raising the awareness of eating disorders in the ACT. To have reached this point in the development of the territory-wide model of care for eating disorders and the opening of the residential treatment centre is a milestone. But our journey is not yet complete, and we will continue to work to provide for the needs of those who are living with eating disorders, wherever they are in their personal journey. I present the following paper:

ACT Government Position Statement on Eating Disorders—Annual update—  
Ministerial statement, 28 August 2024.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Planning—final Territory Plan**

Debate resumed from 27 August, on motion by **Mr Steel**:

That this Assembly:

- (1) notes that:
  - (a) the interim Territory Plan was made by the then Minister for Planning and Land Management on 5 September 2023, and presented to the Legislative Assembly on 12 September 2023. The commencement date for the interim Territory Plan was 27 November 2023;
  - (b) on 11 September 2023, before being presented to the Legislative Assembly, the interim Territory Plan was referred to the Standing Committee on Planning, Transport and City Services (the Committee). On 12 September 2023, the Committee resolved to undertake an inquiry into the Territory Plan;
  - (c) the Committee finalised Report 16: *Inquiry into the Territory Plan and other associated documents* (the report) on 8 March 2024 and formally tabled the report in the Legislative Assembly on 13 March 2024;
  - (d) an amended Territory Plan has been prepared in response to the Committee's report, as well as in response to internal and external feedback received. This plan includes clarification and editorial changes to make clearer the policy intent of provisions, address translational issues from previous versions and improve readability. The changes made are consistent with the overall policy intent of the Territory Plan and other associated documents;
  - (e) the amended Territory Plan is being provided to the Assembly for approval as the Territory Plan under section 610(1) of the *Planning Act 2023*; and
  - (f) if the amended Territory Plan is approved by the Assembly, in accordance with section 610(3) of the *Planning Act 2023*, it will commence on a day fixed by the Minister for Planning by written notice; and
- (2) approves the amended Territory Plan as the Territory Plan under section 610(3) of the *Planning Act 2023*.

**MS CLAY** (Ginninderra) (10.17): The Greens support the commencement of the final Territory Plan today. This comes after a pretty significant piece of work. We are at the end of the five-year planning review, which started in 2019. It has run through the development of a new Planning Act, a new Territory Plan and district strategies. I was pleased that I could contribute to this in a small way. I chaired two hearings into this matter. During the process we heard from a lot of witnesses, we got a lot of submissions and went through thousands of pages of documents, and it was a really good learning opportunity.

It became clear to me during this process that, with our new outcomes-focused planning system, Canberra has a real appetite for change, and I feel that we have missed some opportunities here. We know we need 100,000 more homes by 2050. We know that we are in a housing crisis. We heard a lot of concern about homelessness and housing during all of those inquiries and from many of the witnesses who spoke to us.

We heard a real yearning to preserve what people love most about Canberra—the character of the Bush Capital and green spaces around their homes, particularly as our climate heats up. We also heard real concern for our urban areas, our constant urban sprawl and expansion, and some of the competing crises that we are dealing with—the extinction crisis and the climate crisis.

There is a lot going on in Canberra at the moment. Most cities around the world are facing exactly the same challenges—the challenges of where you put your people, how you move people around your city in a way that makes the city livable and people's lives livable and enjoyable, and how you look after your environment while you are doing that.

I have to say that we did miss a few opportunities here. The Greens put up on our policy platform some strong, missing-middle urban zoning policy last year. I also put up a motion to run an inquiry into missing-middle development last year, because it was clear to me that Canberrans were really keen to have a conversation about exactly how we should up-zone in Canberra, exactly where we should put our homes and how we should do that in a way that makes sure we are getting really good design and really good lifestyles for people as our city grows and changes.

Unfortunately, that motion was voted down by all of the other members here. The Greens supported it, but it did not manage to get up. Shortly after that, we saw a bit of movement. The Labor Party may have come to similar conclusions and put up some similar policy. I am pleased to say that we now have a planning minister who is looking at this issue. He is now looking at a missing-middle design guide. I welcome that. I wish that work had taken place during the five years that we were looking at these issues. The fact that it is now starting means we are still a long way off having those design guide elements that will get us more missing-middle development, and it is a shame that we did not do that work during the planning review that was being run.

I am also noticing more and more commentary coming out in this area. The Property Council came out in the last couple of days, calling similarly for more missing middle and more guidance on how we design these homes. Since the planning review finished, we heard the commissioner for the environment calling for the government to set an urban growth boundary, as most mature cities have now done. There is an increasing appetite for us to get the ingredients right.

I am pleased to see the final Territory Plan landing today. I think this is good news, but there are so many missing opportunities that we have not taken during this time that would have given us much better development much sooner. The Greens are happy to support this today.

**MR CAIN** (Ginninderra) (10.21): I rise to speak on behalf of the Canberra Liberals on this executive motion tabling the final Territory Plan. This final version replaces the interim Territory Plan, which has been in place since November 2023, when the new outcomes-focused planning system commenced. The final Territory Plan includes clarifications and editorial changes to the interim Territory Plan. These changes complement the various minor amendments that have already been made to the interim Territory Plan since its commencement. This marks a significant chapter in the Planning System Review and Reform Project which has been underway since 2019.

This project has seen considerable financial and personal investment by the government and EPSDD over the course of five years. Of course, the question remains: has it been worth it? My position, and that of the Canberra Liberals, is that the answer to that question is: no. As I have said time and again in this place, this planning system review has been flawed from the very beginning. It was, and remains, anti-community, anti-environment and anti-transparency. The entire review has been characterised by “box-ticking” consultations. The fact that the minister claims that the changes being tabled today come from genuine community feedback is highly unlikely, considering their poor track record.

How have the planning system review, the new Planning Act and the new final Territory Plan affected industry? Madam Speaker, if you ask any industry professional in the building, planning and construction sector, they will tell you the same thing. The review has been extremely disruptive to the ACT planning sector. The redirection of EPSDD staff resources to the planning system review has resulted in DA assessment times skyrocketing well beyond the statutory timeframes.

DA assessment delays mean money down the drain for industry professionals. The new Planning Act is confusing to industry. Industry professionals do not know what they can and cannot submit. They do not know what will or will not be approved in their drafting of DA applications. So much for the innovative, outcomes-focused approach that was promised.

The new Planning Act has been a mess and industry are the ones left to pick up the pieces. The Territory Plan, as evidenced by the numerous amendments that have been made to the interim version, and now the finalised version, was poorly drafted. It is not good enough, when people’s livelihoods are at stake, to simply draft one of the most important statutory documents and say, “We’ll see how we go.” That is exactly what appears to have happened in this instance.

Minister Gentleman and now Minister Steel have a lot to answer for with this expensive, timely, confusing and utterly wasteful endeavour. As always, this untrustworthy Labor-Greens government is planning for profit and not for people. They would not even allow the planning minister who oversaw the review to remain in place for the duration of this term; such is their own lack of confidence in the planning review

implemented under that minister. Labor and the Greens cannot be trusted on planning, as evidenced by this farcical planning system review. The Canberra Liberals will remain ever-vigilant on behalf of Canberrans regarding how the final Territory Plan functions and how it is implemented.

I want to thank Minister Steel's office for providing my office with a letter and fact sheet but note that it would have been considerate to receive a copy of this executive motion a little bit earlier than we have received it. The Canberra Liberals opposed the Planning Bill 2022 because it was poorly drafted, poorly consulted on and poorly managed. The Canberra Liberals will oppose this motion for the same reason.

The entire planning system review has been a waste of time and money, and it has left our industry in confusion. The Canberra Liberals will always oppose Labor-Greens government waste, industry disruption and disingenuous community consultations. Canberrans deserve better than this government's brand of disruptive and lazy governance that does not listen to the community. Canberrans deserve a fresh opportunity to have a government that will work for them, work with them and be accountable to them. We will not be supporting this final version of the Territory Plan, and we urge members to consider making their own statements about the disappointing pathway that has led us to this point.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 16

Andrew Barr	Suzanne Orr
Yvette Berry	Marisa Paterson
Andrew Braddock	Michael Pettersson
Joy Burch	Shane Rattenbury
Tara Cheyne	Chris Steel
Jo Clay	Rachel Stephen-Smith
Emma Davidson	Rebecca Vassarotti
Mick Gentleman	
Laura Nuttall	

Noes 9

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

Question resolved in the affirmative.

## Education Amendment Bill 2024

Debate resumed from 9 April 2024, on motion by **Ms Berry**:

That this bill be agreed to in principle.

**MS LEE** (Kurrajong—Leader of the Opposition) (10.32): I rise today to speak on the Education Amendment Bill 2024. This bill seeks to make a number of changes in relation to participation and attendance requirements for students which will enable

different methods of delivery of education and attendance at educational programs. The bill also seeks to strengthen provisions to minimise the risk of children and young people disappearing from the education system. In addition, the bill outlines the requirements to provide distance education and makes a series of minor and technical amendments to improve clarity in the act and reduce administrative burden.

One of the important aspects of the bill is the provisions that relate to ensuring that the appropriate systems are in place so that our young people are safe and supported, which, of course, is a fundamental responsibility of government. These amendments relate to the recommendations from the coroner's report into the tragic death of Bradyn Dillon. I recognise that the government has, in part, delivered particular recommendations via a previous bill in this place. The Canberra Liberals welcome the strengthening of any provisions that provide additional protection for our children, especially vulnerable children. We will support the bill.

**MISS NUTTALL (Brindabella) (10.33):** We would like to thank Minister Berry and her office for their openness and willingness to engage with us on this bill. The ACT Greens will be supporting this bill today. We often hear that there are no silver bullets in the education system, which is all the more reason that perhaps less immediately glamorous but ultimately helpful changes are ones we should make while we can.

Although this bill does not fundamentally change the ACT education system, and nor should it, it does make some important changes that are likely to impact the lives of students for the better. We support the introduction of a list of reasonable excuses that students or their parents or carers can make to explain their absences. The previous system was too rigid and allowed little flexibility in how student absences could be explained.

Many young people will have unique circumstances, and it is important that schools work with young people to support their engagement with education without those administrative deterrents. The list of reasonable excuses also means a coherent, shared set of expectations across schools. I think that consistency is good. The amendments in this bill should improve this system and, hopefully, reduce the administrative burden placed on schools regarding student absences.

This leads to, in our opinion, one of the most important things the bill achieves, which is ensuring that we can keep track of where students are enrolled and can try and make sure that as few students as possible fall through the cracks. Keeping track of where a student is enrolled can help us to ensure that they are successfully engaged with the education system and that we can target assistance to those students as needed. If students do fall off the radar, it is much harder for us to provide them with the help that they need. We hope this new system, where parents and guardians tell the directorate itself about any change in a child's enrolment within 28 days, will be efficient and clear.

The expanded options for schools to provide distance education are a really promising step. Canberrans need more options in how they engage with the school system. Allowing students to access the ACT system when there could be any number of issues stopping them from attending in person could be a really positive step to increase that

accessibility and to engage with students who would otherwise be at risk of leaving education altogether.

Although, yes, these changes are mostly small, administrative shifts, they are shifts that are making education more accessible to students, ensuring that students are accounted for and supported, and allowing a degree of more flexibility when students need to be absent from the classroom for any reason. More and more students are feeling disengaged from the education system, which has, despite best intentions, at times proven to be quite inflexible.

Since many students have become used to attending classes by Zoom meetings, rather than in person, it is really important that we make these small changes to accommodate as many students as possible. If we have students who need to move to distance education or change schools or be absent from class, the very least we can do is make sure that the process of transitioning from one education environment to another is as easy as possible.

The less that parents, carers and students, in particular, need to deal with policies that fail to account for their circumstances the better. We need to ensure that students feel supported and included in the policies that shape their educational experiences. After all, they are the next generation who will participate in democratic processes. They will vote. They will, hopefully, get elected and they will shape the future of Canberra. We do not want students to grow up feeling that legislation is a thing that happens around them or to them; we want them to feel that it is something that accounts for them and includes them. Thank you.

**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) (10.36), in reply: I am pleased to take the opportunity today to debate the Education Amendment Bill 2024 that I presented in April 2024, which amends the Education Act 2004 and the Education Regulation 2005.

The amendments presented in this bill 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 were developed in consultation with key stakeholder groups, including the Association of Independent Schools of the ACT, Catholic Education and the Archdiocese of Canberra and Goulburn, education unions, parents and citizens associations and relevant statutory authorities. These stakeholders are key partners in delivering the reforms proposed by the bill and they, like this government, are committed to ensuring that children have access to high-quality education and that students stay connected to the education system.

The delivery of education in the ACT has evolved since the provisions in the act related to school attendance were first developed. The requirement for a child to attend school every day the school is open for attendance and during all the times of the day the school is open does not reflect the circumstances where attendance looks different for some students or when attendance at a physical school is not required—for example, on camps and excursions.

The bill introduces more flexibility in relation to attendance and participation requirements and proposes updates to the act to reflect the broader range of attendance options available in a contemporary learning environment. It also makes amendments to exemption certificates, which will allow these certificates to be issued through consideration of physical or mental health or wellbeing or educational needs to allow for reduced attendance requirements where that is in the best interests of the student.

This bill also introduces our commitment to strengthening provisions to minimise the risk of children and young people disappearing from the education system. The amendments proposed build upon changes made in 2022 to the student movement register, which keeps students connected to the education system after they are unenrolled from the school. This bill now requires parents to provide information to the Education Directorate regarding the student's next enrolment destination when unenrolling a child from an ACT school or ceasing registration from home education, as well as commencing or unenrolling from distance education. This was a recommendation of the 2021 coroner's report.

The bill also introduces a new chapter in the act, which outlines the requirements to provide distance education in the ACT. Previously, there has been no requirement for the delivery of distance education in the ACT. For government schools, the bill outlines that the director-general may determine whether a government school may provide distance education. The Education Directorate has no intention of offering distance education directly through ACT government schools at this time, instead continuing the existing arrangement with the Finigan School of Distance Education, located in Queanbeyan.

For non-government schools, the bill introduces provisions that require a non-government school to be registered and provide distance education prior to delivering this mode of education. This means meeting the conditions required for registration as a non-government school, including complying with registration standards, as well as demonstrating that they have policies and procedures in place relating to distance education.

Finally, this bill includes a series of minor and technical amendments to improve clarity in the act and reduce administrative burden. Importantly, these amendments include enshrining in law the existing government school policy to ensure that all children and young people have the right to enrol in their local school.

The Standing Committee on Justice and Community Safety, in *Scrutiny report No 41* of May 2024, requested further information from me, as minister, on why a Henry VIII clause is considered necessary in the context of this bill. They also asked what limits,



if any, are placed on the scope, subject matter and duration of the Henry VIII clause so as to restrict the potential impact of any regulations, and what alternatives to the Henry VIII clause were considered and why those alternatives were not accepted.

Chapter 11, to which this amendment relates, includes necessary transitional arrangements to ensure that any student currently accessing distance education through an unregistered distance education provider does not have their education disrupted during the transition period. While due diligence has been taken to consider all necessary transitional arrangements, the significance of the amendments to protecting the right to education for children and young people requires that any unforeseen matters can be addressed appropriately and in a timely manner.

The regulation-making powers referred to by the committee are specifically limited to chapter 11, which only deals with transitional matters. They do not allow for changes to other chapters of the bill and will not be modified by regulation or broaden this scope. These powers expire after 24 months from the commencement of the amendments, further limiting the use of these powers beyond the transitional period.

The committee also recommended that consideration be given to amending the explanatory statement accompanying the bill, to provide further detail in outlining the clauses in the bill to assist the reader in identifying the nature and purpose of the proposed amendments. A revised explanatory statement has been developed, providing additional details regarding the intent and limitations of this transitional arrangement and more detail to the clause notes, as requested by the committee. I thank the committee for their consideration of the bill.

The amendments in the Education Amendment Bill 2024 are important steps to ensuring that children and young people have access to high-quality education and that the appropriate systems are in place to ensure that our children and young people are safe. I present the Education Amendment Bill 2024 revised explanatory statement, and 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.

## **Sexual, Family and Personal Violence Legislation Amendment Bill 2023**

Debate resumed from 2 November 2023, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (10.44): This bill is an omnibus bill, which means it amends various pieces of legislation relating to sexual, family and personal violence. The amendments proposed by the bill seek to promote safety and access to justice and to make proceedings more flexible for victim-survivors of personal, family and sexual

violence. The bill sets out to improve how ACT laws respond to these acts, with an aim of improving victim-survivors' access to justice and enhancing their safety. The bill proposes amendments to the Crimes Act 1900, the Bail Act 1992, the Crimes (Forensic Procedures) Act 2000, the Family Violence Act 2016 and the Personal Violence Act 2016.

One of the primary purposes of the bill is to legislate for the neutral presumption of bail for certain sexual offences. These offences are, in summary: section 53 of the Crimes Act, sexual assault in the third degree; section 62, crimes relating to incest and other similar offences; section 64, using a child for the purposes of producing child sexual exploitation material; and section 66, grooming or otherwise depraving a young person. I make the comment that, while the Canberra Liberals will be supporting these changes in this bill, it is disappointing to see that such offences have simply been moved to the neutral presumption of bail.

I do have the approval of my colleagues, as this has been discussed in shadow cabinet, to say that, if elected, the Canberra Liberals will move such serious and gross offences to presumption against bail in a schedule in the Bail Act. It is disappointing that the government has not taken the opportunity, in a situation where bail is such an important topic of conversation, and where we have reached a three-year high of breaches of bail in the ACT, to make the bail reform proposed in this bill stronger. That, in my opinion, would be more in line with community expectations.

I note as well other changes in the bill to abolish the offence of aiding and abetting family violence order breaches to ensure that responsibility for complying with a family violence order rests with the respondent, rather than the victim-survivor. This protects the victim-survivor, because there are occasions where the victim-survivor may feel that things could go better or where they may be manipulated by the accused into breaching the family violence order. This change is an important one because it puts the onus and the responsibility solely on the person to whom the order applies.

The bill will also assist in streamlining family protection order proceedings and better supporting families to applications by allowing the decisions of a registrar to be reviewed by a magistrate, in the first instance, in respect of orders made pursuant to the Family Violence Act 2016 and the Personal Violence Act 2016. It will allow the court to hear and determine temporary amendments to interim and final family violence orders and, if required, on an *ex parte* basis, where special or exceptional circumstances apply, with a view that the matter returns before the courts once service has been effected on the other party. The bill will remove the obligation that the court must have a preliminary conference on an application in respect of family violence or personal violence orders. It will also clarify how long general interim family violence orders may be enforced, allowing a family violence order of a protected person to continue to apply for the life of the original order, even after the protected person turns 18. There are other, similar minor and consequential, though important, changes.

The justice and community safety committee commenced an inquiry on this bill late last year, with the report published on 14 March this year. The committee issued six recommendations. I note that the government has implemented some of the recommendations from the Standing Committee on Justice and Community Safety. Obviously, it would be open to a subsequent government to reflect on the committee's recommendations to see if further action is warranted. As I said, it is disappointing that

in one part of this bill there is not a stronger move by this government to list certain gross offences as offences that should not be given the presumption of bail. Applicants should be given the presumption against bail, rather than a neutral position on bail. Otherwise, the Canberra Liberals will be supporting this bill.

**DR PATERSON** (Murrumbidgee) (10.49): I rise to speak in support of the Sexual, Family and Personal Violence Legislation Amendment Bill, on behalf of ACT Labor. Sexual and family violence is one of the most significant issues facing our community across Australia. I would like to thank the Attorney-General for bringing this legislation to the Assembly. This bill amends several pieces of legislation, including the Bail Act, the Crimes Act, the Family Violence Act and the Personal Violence Act. Additionally, there are technical amendments to the Bail Act and the Crimes Act as well, under the Crimes (Forensic Procedures) Act.

The amendments to the Bail Act add offences under sections 65(1), 56(1), 62, 64 and 66 of the Crimes Act relating to sex offences and move these offences to a neutral presumption for bail. This is appropriate, as it reflects the serious nature of these offences and is in line with the government's approach to addressing sexual violence in this community.

This bill also amends section 374 of the Crimes Act for a magistrate to determine whether a criminal matter can be disposed of in the Magistrates Court. This corrects an unintended consequence of previous amendments under the Family Violence Legislation Amendment Bill 2022. This will allow for consistency in the treatment of other aggravated family violence offences.

This bill removes aiding and abetting family violence order breaches as an offence for those who are listed as protected persons. The purpose of this is to ensure that the responsibility for complying with the order rests with the respondent, not the victim-survivor. This makes it clear that a protected person cannot aid in the breach of an order designed to protect themselves.

This bill also inserts a new section 44A into the Family Violence Act 2016. This amendment makes it clear that a family violence order remains in effect even when a person attains the age of 18 years. The order will remain in effect until the end of the stated time. It is then withdrawn and an extension is made to the court or a new order is made by the court. The same provision is included in the amendments to section 38A in the Personal Violence Act 2016 for personal violence orders made under the act.

This bill makes other amendments to interim orders and how they are issued in both the Family Violence Act and the Personal Violence Act. This provides for the discretion to not hold a preliminary conference, either on application or at the court's own initiative if satisfied of certain grounds where holding a preliminary conference would create an unacceptable risk to a person's safety or would be unlikely to achieve its objects. This results in courts being able to afford adequate protection to the protected person at risk of family violence. I am proud to support this bill and thank the Attorney-General for bringing it to the Assembly.

**MS CASTLEY** (Yerrabi) (10.52): I wish to briefly speak on this omnibus bill. We have heard from everybody that what it seeks to do is promote safety and access to justice

for victim-survivors of personal, family and sexual violence. It also aims to make legal proceedings more flexible and streamlined. Mr Cain and others have covered the five pieces of legislation that the bill will amend. I, like many others, welcome measures designed to protect victim-survivors of personal, family and sexual violence. I note that this bill has been supported by several key stakeholders, including the ACT Law Society, the Australian Federal Police Association, the ACT Women's Legal Centre, and the ACT Domestic Violence Crisis Centre.

Clearly, the provisions laid out in the bill are a step in the right direction towards achieving equitable justice and protection for victim-survivors. Unfortunately, the government takes one step forward and takes another backward. I express my dismay at the failed passage of our coercive control bill yesterday. What could have been a powerful piece of legislation, preventing the very crimes that this bill is trying to protect against, was voted against by the government yesterday.

As members know, the Canberra Liberals will do everything we can to advocate for change and to battle the scourge of domestic violence. This includes sexual violence and all forms of personal and family violence. Mr Cain covered the areas where we do have some concerns about specific behaviours that need to be treated in a very serious manner. Given that next week is the final sitting period, it is with pride that the Canberra Liberals pledge to support this bill and continue to fight on behalf of the community. We know that changing the law is just one part of the solution. Laws must be implemented, adequate resourcing must be given and all key players, from the minister down, must be marching in the same direction.

We have seen time and again the government fail to adequately manage and oversee government activities, properly resource and support frontline workers and respond to the concerns of the community. It appears to me that, when it comes to doing this crucial and usually unseen work, the government does struggle at times. Despite its promises, it has presided over a 20 per cent increase in family violence incidents since 2022, as reported by the ABC in January. Statistics such as these speak volumes about the government's lack of competence and commitment to addressing issues such as family violence. I will say this clearly: the Canberra Liberals, while we vote for this legislation today because it is the right thing to do, also trust that the government will pull their weight in the implementation of these very important changes.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.55), in reply: I thank members for their support for the Sexual, Family and Personal Violence Legislation Amendment Bill 2023. This bill is an important piece of legislation that will improve access to justice and protection for victim-survivors of sexual, domestic, family and personal violence here in the territory. It will continue the ACT government's commitment to ensure that people impacted by such violence are supported to stay safe and to heal.

We have heard, both in the Legislative Assembly and in other forums, about the alarming statistics of sexual, domestic, family and personal violence in this country. It is important that these are reiterated so that we are reminded that the work still needs to be progressed and so that we are proactive in reducing these numbers. Broadly, one in four women in the ACT have experienced some form of sexual violence and one in

three have experienced physical violence since the age of 15. Our community is, rightly, distressed and outraged at the death of women at the hands of their intimate partners.

We know the devastating and enduring impact that sexual, domestic and family violence can have on a victim-survivor—on their sense of self, their autonomy, their identity, their general wellbeing and their safety. Physical violence can, similarly, have lifelong impacts on a person. The bill aims to enhance protection for victim-survivors—protection which is essential, timely and effective and is aimed at improving those highly distressing statistics.

Sexual, domestic, family and personal violence are some of the most serious and prevalent crimes to come through our justice system. However, there are still barriers that make it difficult for victim-survivors to access justice in court. A recurring theme in the bill is the breaking down of barriers to accessing justice at various stages of the legal process. The bill introduces an amendment so that a protected person under a family violence order cannot be charged with an offence for breaching the order if they aided or abetted the respondent in committing the breach. Whether such circumstances arise from necessity or a simple mistake, the bill makes it clear that the laws stand to benefit victim-survivors, rather than to harm them.

Under the current laws, a victim-survivor may inadvertently be punished by the laws that are in place to protect them. The threat of being charged with breaching one's own intervention order is a technique used by perpetrators of family violence to stop a protected person from reporting a breach of the order and is an element of coercive control. The amendment makes it clear that that is not the case.

The amendment also recognises that the nature of family violence is dynamic and cyclical, and family members or partners whose relationship is characterised by family violence often reconcile. Applicants or protected persons may not fully understand that they are also bound by the family violence order. They may not know how to discontinue proceedings or have an order revoked upon reconciliation. This is particularly the case where victim-survivors are self-represented, as many are. The amendment ensures that the victim-survivor is protected, rather than punished.

Protection orders are fundamental in upholding a victim-survivor's protection against their perpetrator in our community. It is important that the entire process relating to the application for and granting of a protection order is easy, well understood and quick. Delays and difficulty in navigating the system can leave victim-survivors vulnerable to further acts of violence against them. Eight of the 11 amendments in the bill assist in streamlining the application process for protection orders and contribute to protecting victim-survivors from further violence. For example, the bill removes a mandatory obligation for the court to hold a preliminary conference in relation to applications for an interim protection order, an amendment of a protection order or a review of a protection order.

The amendments provide that a preliminary conference does not need to be held if the court is satisfied that holding a conference would create an unacceptable risk to a person's safety or if a preliminary conference would be unlikely to achieve its objects. It is anticipated that preliminary conferences will continue to be held for the majority of family violence order and personal protection order applications. In circumstances

where the preliminary conference is bypassed, the application will be listed for the next available return date. This expedites matters. It allows the court to make directions about the proceedings and the parties to make arrangements for a final hearing.

At a preliminary conference, both the applicant and the respondent of a protection order attend court to negotiate the application. It is an opportunity for the parties to determine whether a settlement can be achieved via a court registrar, without proceeding to a final hearing. The court will determine if a conference is unlikely to achieve its objects on the basis of the information before it.

The presence of a safety concern will also not automatically result in a preliminary conference being dispensed with. Dispensing with a preliminary conference due to unacceptable risk to a person's safety will be a relatively high threshold to meet and will be assessed on a case-by-case basis. The ACT government acknowledges that the nature of family violence or personal violence order applications means that there are always some safety concerns present. The amendment will minimise any trauma that both victim-survivors and court staff may feel during a confrontation with a respondent and provide protection from unnecessary emotional stress and expedite proceedings.

The bill further enhances the protection of a victim-survivor by allowing a protection order to continue after a person turns 18 years old. Currently, these orders do not roll over into adulthood, not even to fulfil the time of the original order. This amendment will ensure that victim-survivors do not need to go through what can be a very daunting and challenging process to seek a new protection order. It ensures that there are no risks to safety due to gaps in protection orders. It will provide certainty to children and young people that they will continue to receive protection for the life of the protection order, as intended.

The bill does introduce neutral bail presumptions for certain sexual offences, including sexual assault to the third degree, incest, the production of child exploitation material and grooming and depraving young people. The amendment brings these four offences into line with the approach orientated for similar offences and creates legislative consistency. The inclusion of these offences also reflects that sexual offences are some of the most impactful and serious crimes that can be committed, and that the effect of these crimes on victim-survivors can be profound. The offences will sit alongside other exceptionally serious offences for which the court must carefully balance decisions about bail.

The amendments will ensure that the court continues to retain discretion in assessing a person's suitability for bail, while allowing a court to hear each case on its merits without any intervening statutory basis—that is, there will be no presumption that the accused will be entitled to bail and equally no presumption that the accused must be refused bail. At their core, these changes aim to enhance the protection of victim-survivors. The amendment upholds the delicate balancing act between protecting the safety of the victim-survivor and the wider community and safeguarding the rights of the accused, while promoting the message that sexual violence is unacceptable.

The bill strives to make our criminal justice system more trauma informed. It is hoped that the passage of this bill will significantly improve the experience of victim-survivors

within the justice system and support Canberrans to feel safe about participating in the justice system. Crucially, these amendments recognise that victim-survivors may experience time critical, life-and-death situations and seek to protect some of the most vulnerable members of our community from further harm as soon as possible. The bill does this by minimising gaps in risks of harm that may arise, both physical and mental.

The bill implements a range of reforms recommended by key justice stakeholders, who I wish to thank for lending their voices and expertise to help us address these issues. It is through such collaboration that we are able to introduce these measures to enhance our criminal justice system so that it is accessible and effective at providing victim-survivors with essential protection. I commend the bill to the Assembly. I also table a revised explanatory statement for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.05), by leave: I move amendments Nos 1 to 14 circulated in my name together [*see schedule 1 at page 2186*] and table a supplementary explanatory statement to the amendments. I will speak very briefly. These amendments are largely technical amendments designed to address drafting issues identified since the introduction of the bill, including feedback from the committee.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Monitoring of Places of Detention Legislation Amendment Bill 2024**

Debate resumed from 16 May 2024, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.06): This bill is designed to address the ACT's international human rights obligations under part IV of the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, OPCAT. The bill aims to amend both the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018 and the Inspector of Correctional Services Act 2017 to expand the ACT's response and fulfilment of the terms agreed under the OPCAT. The OPCAT is designed to ensure

that people in places of detention are afforded the full suite of United Nations provided human rights, while mandating monitoring and reporting obligations for detained persons exposed to torture and other cruel, inhuman or degrading treatment or punishment.

The Commonwealth signed the OPCAT on 19 May 2009 and ratified it on 21 December 2017. The Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill passed in the ACT in August 2017, introducing a tight scheme for how places of detention would be subject to visitation from UN subcommittee members. The Commonwealth has also ratified the National Preventive Mechanism as part of OPCAT, which provides a domestic response to the treatment of human rights in places of detention. The NPM also was effective in the ACT at the commencement of the act in 2018, with the ACT Attorney-General since exercising his role to uphold the terms of this schedule by subordinate legislation.

As the ACAT is a party to the OPCAT, the UN subcommittee on prevention of torture has rights to conduct visits at places of detention and inspect for the observation of human rights. The ACT has an obligation to provide unfettered access to UN delegates as part of these inspections, as well as to act cooperatively in providing information where requested.

With prescriptions made in 2022, the NPM is active in the ACT through three statutory bodies: the Office of the Inspector of Correctional Services, the ACT Human Rights Commission, and the ACT Ombudsman. These entities are designated bodies to safeguard, protect and continually enforce human rights in the ACT. Since its ratification, there has only been one visit to Australia, occurring in 2023. It was cut short as the ACT was the only jurisdiction where an OPCAT scheme had been legislated.

The definition of a place of detention is shaped by OPCAT's working definition, which has loosely come to mean "a place where people are involuntarily deprived of their liberty under the control of the state, such as the prison, youth justice centre, Dhulwa, mental health wards, aged-care facilities, and disability facilities, where people are not able to leave and are kept". It is a broad mandate.

The bill aims to provide a clear legislative framework to enshrine the functions of the NPM in legislation and to provide a clear mandate for its role in meeting the terms of the OPCAT. At its core, the bill aims to address the NPM as the domestic function of the OPCAT.

The amendments include many consequential amendments to other pieces of legislation. I will not address those in detail. The Canberra Liberals will support this bill.

**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) (11.10): I thank Mr Rattenbury for his work and the work of the Justice and Community Safety Directorate to develop this bill and to bring it to the Assembly today. As Minister Rattenbury has noted, the bill will enshrine the functions, powers, privileges and immunities of the National Preventive Mechanism, or the NPM, for domestic oversight of places of detention to fully implement in the ACT the legislative requirements for part IV of the Optional Protocol



to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or OPCAT.

The Office of the ACT Inspector of Correctional Services, the ACT Human Rights Commission and the ACT Ombudsman are the three bodies in the ACT designated as the NPM under the OPCAT. As Minister Rattenbury noted in his remarks, these bodies have been undertaking this work under their existing powers since 2022. Prior to that, in 2019 the OICS had its jurisdiction expanded to include youth detention places. Following this decision, the OICS undertook its first healthy centre review of Bimberi, which was tabled in the Legislative Assembly in June 2021. The second healthy centre review of the Bimberi Youth Justice Centre is currently underway.

In addition to the healthy centre reviews, the OICS was able to use the recent 2023 thematic review of Bimberi as a pilot NPM visit, undertaking an unannounced visit of Bimberi between 1 and 6 June 2023. During the unannounced visit and extended review period, the OICS was given unfettered access to Bimberi and all young people in detention. The OICS met with management and staff from Bimberi, the Murrumbidgee Education and Training Centre, and Justice Health Services in Canberra Health Services, and reviewed Bimberi and Justice Health Services' records. As requested by the OICS, an extensive number of young people's records in Bimberi and Justice Health Services' documents were provided to the inspector. Pleasingly, and as expected, the OICS did not find any contraventions of the OPCAT at Bimberi.

The expanded jurisdiction of the OICS and the additional powers granted to it and other NPMs provided by this bill are welcome changes. They will enhance the oversight of the Bimberi Youth Justice Centre and increase the government's understanding of and accountability for the human rights of young people detained in Bimberi. These changes complement the existing oversight mechanisms that are already in place for youth detention in the ACT. One of those is the Official Visitors Scheme, and Bimberi is subject to the oversight of Official Visitors. Official Visitors attend Bimberi regularly and speak with the young people, hear their concerns and help them to resolve any complaints. Official Visitors report quarterly to the minister. The ACT Public Advocate also visits Bimberi regularly, and young people at Bimberi can contact them at any time. The ACT Public Advocate is required to inspect Bimberi's registers, including searches, use of force and segregation at Bimberi.

The bill also includes amendments to the Inspector of Correctional Services Act 2017, arising from consultation conducted for the statutory review into the ICS Act. Among these changes, the bill will replace the title of Inspector of Correctional Services with Custodial Inspector. This change in language reflects the fact that youth detention is not referred to as "correctional".

I am pleased to support Mr Rattenbury's bill today. Our government has demonstrated a commitment to enhancing the human rights and protections available to people engaged with the justice system. I also want to recognise Minister Rattenbury's statement this morning on the release of the Disability Justice Strategy Second Action Plan. The Disability Justice Strategy is something I am very proud to have originally delivered in partnership with Minister Rattenbury and our former colleague Mr Ramsay. It is good to see that second action plan seeing the light of day.

Preventing torture and cruel, inhuman or degrading treatment or punishment in our justice system should be the goal of any government, but, as we have seen in other Australian jurisdictions—most notably the example of Don Dale in the Northern Territory—the nation’s status as a wealthy, stable and democratic society is not a guarantee that harmful practices will not find their way into our youth detention facilities. I can assure the Canberra community that spit hoods are not used and have never been used at the Bimberi Youth Justice Centre and restraint chairs are not used and have never been used at the Bimberi Youth Justice Centre. This is a good thing and we need to keep it this way.

I welcome this additional layer of protection for young people in the justice system and for all justice system participants. Thank you very much for the time. I commend the bill to the Assembly.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.15), in reply: I thank members for their support for the Monitoring of Places of Detention Legislation Amendment Bill 2024. This bill demonstrates the commitment of the ACT government to improving human rights safeguards and protections for people in detention. The bill will fully implement the ACT’s obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—as has been noted, it is known as OPCAT—by providing for the establishment, functions, privileges and immunities of the ACT’s National Preventative Mechanism.

The bill was introduced in the Legislative Assembly on 16 May this year and referred to the Standing Committee on Justice and Community Safety. I responded to the comments made in *Scrutiny report No 42* and I tabled and updated the explanatory statement for the bill, which includes additional analysis of human rights and information about provisions to respond to some of these comments.

I will first address the amendments to the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018 which will provide for the powers and functions of the NPM. The NPM is an oversight body that works in conjunction with the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, or the SPT. The mandate of the NPM is to visit places of detention with a view to strengthening protections against torture or other cruel, degrading or inhuman treatment or punishment.

The NPM has a preventative and proactive mandate. The NPM will visit places of detention, inspect documents and interview people who are detained, to develop an understanding of systemic issues that may affect people in all places where they are held involuntarily or deprived of their liberty, not just criminal justice detention locations. The NPM may then provide reports and recommendations to government to enhance and improve the conditions and treatment of people in these places of detention.

In 2022, I designated the ACT Human Rights Commission, the Office of the Inspector of Correctional Service, and the ACT Ombudsman as the multibody ACT NPM. Since

that time, the NPM has been utilising existing powers to carry out the NPM's mandate. However, legislation that properly provides for the unique role of the NPM is necessary to effectively implement the ACT's obligations under OPCAT.

People in detention are amongst one of the most vulnerable cohorts in the ACT community and these individuals may experience intersecting forms of disadvantage, may be subject to restrictive practices in certain situations and may be isolated from the supports and services they would usually be able to access in the community. It is widely recognised that torture and ill-treatment are more likely to occur in places closed to external access and scrutiny. As a human rights jurisdiction, it is essential that the NPM is properly empowered to ensure the ACT meets international standards for human rights protections in relation to people in detention.

There are a number of key features of the bill to highlight. The bill provides for the functional independence and impartiality of the NPM and its staff, as is required by the OPCAT. The primary function of an NPM is to carry out visits to places of detention. Under this function, an NPM is required to regularly examine the treatment of persons deprived of their liberty, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment in accordance with article 19 of OPCAT.

The bill requires the NPM to develop and publish guidelines about how it will operate and perform its functions. This includes how it will conduct visits, how it will ensure that visits will respect the sensitivity or care required when carrying out an examination of the treatment of detainees or in a particular place of detention, and how the NPM bodies will work together and with other bodies.

To effectively exercise its mandate consistent with the OPCAT, the bill ensures that the NPM can be granted access to all information concerning the number of persons deprived of their liberty in places of detention, as well as the number of places and their location; access to all information referring to the treatment of those persons as well as their conditions of detention; unrestricted access to all places of detention and their installations and facilities; the opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as any other person who the NPM believes may supply relevant information; and the liberty to choose the places they want to visit and the persons they want to interview. However, a person in detention or any other person has a right to refuse to speak to or be privately interviewed by the NPM.

The bill provides that the NPM may conduct a visit to a place of detention at any time to inspect the place of detention and need not give notice to the detaining authority for the place of detention. The ability to conduct visits without notice is an important feature to ensure that the treatment of detainees is consistent and in accordance with the OPCAT and the ACT's human rights obligations at all times.

Responsible entities may refuse a visit but only where there are urgent and compelling circumstances that temporarily prevent access by the NPM relating to national security, a risk to public safety, natural disaster or a serious disorder in the place of detention. This is consistent with the requirements of OPCAT.

The amendments also empower any entity that has information relevant to the NPM's function to provide that information of its own initiative at any time to assist in the NPM's oversight of places of detention. The NPM will also be able to refer a matter to an investigative entity or official visitor if the NPM believes that it can be more appropriately dealt with by that body.

Following a visit, the NPM can provide recommendations, observations or reports to government and agencies, with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and ill-treatment. This process is intended to be constructive so that the NPM develops a dialogue with government and detaining authorities to improve the treatment of people deprived of their liberty over the long term.

The bill contains a number of safeguards to ensure the protection of confidential and sensitive information it may receive, whilst also enabling it to share information with detaining authorities, responsible ministers, other NPMs, the NPM coordinator and the SPT to raise issues about the treatment of people in detention or the conditions of detention.

The bill contains offence provisions for the improper handling, use and disclosure of protected information. The bill also makes it an offence to publish protected information about a person that identifies the person or allows their identity to be worked out, except with the person's consent. NPM bodies must also not disclose identifying information to third parties without the person's consent unless satisfied that this is necessary and reasonable in the public interest.

Amendments are also made to section 13(4) of the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act to allow the SPT unrestricted access to personal information about detainees. This will allow the ACT to fully comply with Australia's international human rights obligations under OPCAT. The bill also contains a number of protections to ensure the NPM can effectively carry out its functions and people can disclose information to the NPM without fear of reprisal.

I will now move on to the second part of the bill: the amendments to the Inspector of Correctional Services Act 2017. The Inspector of Correctional Services plays a vital oversight role for the ACT's adult correctional and youth detention systems. Introduced in 2017, the inspector's role is to examine and review correctional centres and services in the ACT and review critical incidents which may arise in these contexts.

A statutory review of the ICS Act was built into the ICS Act when it was introduced. The review commenced in 2023 by the Justice and Community Safety Directorate and captured reflections on the operation of the ICS Act following its first five years of operation. It was informed by consultation with key stakeholders, including government agencies, community organisations and the inspector's office. The review carefully considered the feedback from these stakeholders in reaching its recommendations. These recommendations have directly informed the amendments in this bill. The statutory review report of the ICS Act was tabled on 16 May 2024 by the Minister for Corrections and Justice Health. The bill implements eight out of the 13 recommendations from the review.

The amendments in the bill will improve the operation of the ICS Act into the future and better support the inspector to do their work. The amendments provide operational efficiencies as well as flexibility and discretion for the inspector, supporting the independence of the position. The amendments include expanding the inspector's ability to delegate their functions under any ACT law to allow the appropriate delegation of responsibility throughout their office; providing discretion, rather than mandating, thematic review of a correctional service, at the inspector's own initiative—exercise of this function is limited to not more than once every two years; providing greater discretion regarding the content of the inspector's reports by replacing the current prescriptive criteria with a general requirement that any recommendations included in the report must further the objects of the act; giving the inspector discretion on when to table a critical incident report, having regard to the circumstances of the incident; and providing a mechanism for the inspector to provide their reports to the Legislative Assembly outside of sitting periods.

The amendments also update the inspector's title to Custodial Inspector to reflect the full breadth of the role encompassing oversight of both adult correctional facilities and services and places of youth detention. The amendments in this bill will support a collaborative dialogue between the inspector's office and the government by amending the time frame for the government to comment on the inspector's draft reports to allow greater flexibility where agreed between the relative director-general and the inspector or, in the absence of agreement, a period of six weeks.

The bill expands protections in the act for those who engage with the inspector against reprisals or "detrimental action", as it is referred to in the act. The ICS Act review identified that the existing definition of detrimental action should be expanded to encompass a broader range of retaliatory behaviours—in particular, actions which would more likely affect detained persons or organisations working within the centres who disclose information to the inspector. As a result, the bill will expand the definition of detrimental action to ensure that it protects all people who may make disclosures to the inspector.

With these amendments, we continue our dedication to a strong oversight framework for the ACT's correctional services and ensure greater protections for people who are incarcerated in the territory. The government is also continuing work on the outstanding recommendations from the ICS Act review to ensure ongoing improvements in this area.

In conclusion, this bill is an important milestone towards effectively implementing OPCAT in the ACT. I believe it has the potential to significantly enhance the oversight and accountability mechanisms available to prevent ill-treatment or potential breaches of human rights. The NPM will not only provide oversight but will also contribute to education, advice and public awareness of human rights. The bill will also facilitate stronger dialogue and coordination between the plurality of organisations and authorities responsible for and providing services to places of detention. The preventative approach of OPCAT and the NPM is so important, as it goes beyond investigating complaints or concerns and seeks to proactively prevent harm by ensuring human rights standards are upheld in places of detention.

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

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Health Legislation Amendment Bill 2024**

Debate resumed from 6 June 2024, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MS CASTLEY** (Yerrabi) (11.28): I rise to speak today on the Health Legislation Amendment Bill 2024. The purpose of this omnibus bill, which the Canberra Liberals will support, is to make a multitude of technical and minor amendments to various acts and fix issues that have arisen and have been identified by the ACT Health Directorate. The bill before us seeks amendments to five pieces of legislation: the Assisted Reproductive Technology Act 2024; Health Practitioner Regulation National Law (ACT) Act 2010; Health Records (Privacy and Access) Act 1997; Medicines, Poisons and Therapeutic Goods Act 2008; and the Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023.

I first received a briefing on the bill on 12 June. I put on the record my thanks to the minister and her office for the briefing and the opportunity to discuss this bill and the various changes that are being sought. Likewise, I note the comments of the scrutiny report, which outlines the fact that the Health Practitioner Regulation National Law Act is reflective of the national approach, and, as it is based on the Queensland law, it does not fall within the ACT's human rights framework. The minister has responded to the concerns raised in the scrutiny committee report, and I am confident that, in the circumstances of a nationally consistent approach and reflecting an intergovernmental agreement signed back in 2008, even though the host law is in Queensland, the ACT law is nevertheless robust and does not unduly impinge upon the human rights of Canberrans.

I draw the Assembly's attention as well to the minister's comment in her response that the ministerial council has met regularly since the enactment of the national law and comprises ministers of the governments of participating jurisdictions, including the ACT, and the commonwealth minister with portfolio responsibilities for health. This represents an additional safeguard to ensure state and territory input, and, in this way, the Queensland amendment act was agreed to by the ministerial council in February 2022. It is also noted that the impacts of the Health Practitioner Registration Bill have been through extensive consultation, and this was mentioned to me in the briefing and in the minister's response to the scrutiny report.

This process and the documented evidence lead me to the view that the changes being sought have been considered, consulted and scrutinised—all in all, a good approach. This is likewise true for most of the other changes where there is clear articulation as to

why the changes are needed and the process by which they have come before us. Again, I thank the minister and her office for the briefing and reiterate our support for the bill.

Unfortunately, the same level of effort and rigour that has gone into the response for the Health Practitioner Regulation National Law does not seem to have occurred for the Assisted Reproductive Technology Act 2024. Our job here as legislators is to scrutinise bills—we have talked about that quite a bit this week—to ensure that they are robust, that they promote and not unduly deny human rights, and that they do what they are meant to do, ideally with no unintended consequences. Inevitably, legislation can be a result of compromise, and we often see scenarios where people's freedoms and rights are curtailed to promote other societal benefits or outcomes. These are weighty decisions that we need to make. I accept that we do not always get it right, and the fact that we have these various amendment bills before us is a testament to that. However, we must try our best.

I am saddened to note that it does not seem to have occurred here with the ART legislation. There have been unintended consequences around the implementation of this law. I can accept one mistake, but they have piled up a little and it has become apparent that there are issues. It begins to look as though there is a culture of indifference and a lack of care. I note the minister's contribution in her summing-up speech where the ART bill was originally passed. She noted that the Greens did not take a briefing. She said:

It is a little disappointing that Ms Clay chose to raise her concerns about the bill at this late stage and without having sought a briefing.

I would go a step further: it is beyond a little disappointing.

As it turns out, the bill had flaws and did not consider all scenarios, but the Greens member could not be bothered to take a briefing to help understand and scrutinise the bill. Imagine that you have been told that the bill does not include transitional provisions covering your circumstances and it needed to be urgently amended, only to find out that legislators had not sought a briefing on it. Canberrans deserve better.

I wish to add my apology to the women who have been inadvertently impacted by the role of this Assisted Reproductive Technology Act. Even though I undertook a briefing and went through the legislation, I did not consider all the circumstances which have resulted in this bill and the urgent government amendments being required today. It is good to be able to admit that.

Unfortunately, there is even more failure to go around today. You would imagine that, for a bill that was to regulate only three providers in Canberra, it would be relatively easy to roll it out and implement it, ensuring that the clinics impacted were heavily across how the bill would work and be operationalised. I would like to think that the minister's office would ensure that all three clinics would be 100 per cent on top of the new legislation so that no adverse outcomes could occur. It was wishful thinking. Imagine my shock when I started receiving multiple contacts through the Office for Women regarding huge distress and anxiety as women had been told that their IVF treatment would not be able to be continued under the new legislation. Imagine the thought of going through fertility treatment and then having your provider saying that they cannot legally continue. To say that this is an appalling outcome is to understate

it. For the women going through the emotional journey towards parenthood, it is as though their whole world has come crashing down around them. Their hopes and their dreams of becoming a mother come to a screeching halt due to a law change implemented in this place. This was an implementation failure of the highest order.

As it turns out, the provider had understood the transitional arrangements incorrectly, but it does show that despite—

**Ms Stephen-Smith:** Yes.

**MS CASTLEY:** I thank the minister for her interjection—three providers in the ACT—that despite—

**Ms Stephen-Smith:** One of which raised concerns.

**MADAM SPEAKER:** Members!

**MS CASTLEY:** our best intentions in this place, we need to be vigilant in making sure that the laws we pass are understood and implemented correctly in the real world. Our work as legislators is to not only ensure that the laws we pass are scrutinised and well considered but also that, when the laws are implemented, those impacted are provided with every resource to ensure they understand and can apply the laws to their practice. We expect this of the minister.

I believe the minister has failed these women. We in the Assembly have entrusted the minister to implement this bill properly, but it has failed, and it comes back before us with multiple amendments and needs to have its implementation reviewed as those impacted did not understand the bill properly. This is yet another example of failed governance and oversight by this government. I hope we never have to see people put in such a state of distress unnecessarily again.

**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) (11.36): I will keep my comments as the Greens spokesperson on health very brief. Turning to the Health Records (Privacy and Access) Act 1997 amendments, it is appropriate to have surveillance footage, such as through security cameras, in the area external to the building for the same 30-day period as is the case for similar kinds of footage, not seven years for adults and 25 years for children, as applies to health records. Security footage is not of the same nature as health records and should be treated appropriately for its content.

Turning to the Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023, this amendment will protect a person seeking treatment from the risk of unreasonable delays or the inability to have a decision reviewed should there be any difficulty with the assessment committee being able to reach consensus or a unanimous decision on whether a treatment plan should be approved.

The Greens support all the amendments in this Health Legislation Amendment Bill. I appreciate the time taken by Minister Stephen-Smith to talk to me about these amendments.



**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) (11.37), in reply: I am pleased that we have reached the next stage of consideration of the Health Legislation Amendment Bill 2024. The government introduced the Health Legislation Amendment Bill in June, and the bill makes a number of changes to legislation in the health portfolio, all of which serve to improve the efficiency and effectiveness of the territory's laws.

The bill is part of the regular program of reform for the health portfolio as part of our approach of continuous improvement. These omnibus bills offer a timely vehicle for resolving legislative issues as they arise and for delivering improvements that are important but may not require or justify a stand-alone bill. Today's amendments will improve the administration and operation of health-related laws and will ensure that our statute book better reflects our community's values.

The need for the amendments has been identified through direct consultation with government directorates and agencies, and community stakeholders where relevant. Improvements made to health laws by the amendments being debated today will promote the rights of individuals and clarify the intended operation of the regulation of health services.

In the detail stage, I will move an additional amendment to the Assisted Reproductive Technology Act, as Ms Castley has foreshadowed, as a government amendment to this bill in order to address a technical issue in the transitional arrangements of the legislation. The general intention of those transitional arrangements is to ensure that individuals and couples who become pregnant prior to the commencement of the legislation are able to complete their families without being subject to many of the obligations introduced by the ART Act 2024.

As currently drafted, the transitional provision at section 131 applies to "a person who gave birth to the child". During implementation of the legislation, it was identified that this wording may result in an unintended exclusion of individuals who became pregnant as a result of ART but who did not give birth to a child, such as in the situation of stillbirth or miscarriage. The government amendment seeks to resolve this issue for potentially affected families by updating the wording to "a person who became pregnant".

Supporting this amendment will ensure the issue is swiftly corrected and achieve the original policy intent, and I thank members in advance for supporting leave to introduce the amendment and for the amendment itself. I also want to thank the officials who have worked swiftly to develop this amendment, when the issue was drawn to attention, and who continue to work on the implementation of the ART Act.

In response to Ms Castley's comments on the ART Act, I can assure her, as we have done already, that there was significant consultation prior to and during the drafting of the ART Bill. The bill sat before the Assembly for some time. The relevant committee chose not to undertake an inquiry into the bill, as Ms Castley has recognised. She also did not pick up this one wording issue that has led to this unintended consequence. One ART provider has expressed concern.

I, also, was very distressed to receive that correspondence from individuals who are undertaking ART, which we know is already an extremely stressful process. The messages that they received from that provider who had, as Ms Castley said, incorrectly understood the transition provisions, provided their patients with absolutely incorrect information. People were writing to me with incredibly inflammatory language because of the level of distress that this matter had caused. Of course it was not intentional. All of us in this place have a responsibility to read legislation, and then to correct it if an error has been made inadvertently.

Ms Castley's language in this debate has been quite astonishing. She is the shadow health minister. She got a briefing. She read the legislation. The committee chose not to inquire into the legislation. No-one here understood that this unintended consequence would occur and, as soon as we were aware of it, we delayed debate on this bill so that we could fix it as quickly as possible. And the Health Directorate staff have been working very closely with the particular provider who has raised these concerns to ensure that their concerns were addressed as quickly as possible, and we responded to those individuals whose distress was apparent to assure them that these transitional provisions were in place, which clearly, as Ms Castley has indicated, the provider had not understood.

**Ms Castley:** There were only three of them. How hard is it to get it right?

**MS STEPHEN-SMITH:** Yes, and with two of them there was no problem. I thank members for their support of this bill. I also wish to thank, in particular, the Standing Committee on Justice and Community Safety, in exercising its legislative scrutiny role, for its very helpful comments in relation to the bill. For members awareness, I provided a detailed response to the committee on 13 August on the government's and Assembly's long-held approach to the management of the Health Practitioner Regulation National Law, which Ms Castley referred to.

Today's bill makes a number of technical but nonetheless important changes to our health laws. It continues a series of health-related bills that improve our statute book, and its passage will deliver sensible and timely benefits for Canberrans. I am very pleased to have been able to delay this legislation in order to include the amendment that I will move during the detail stage. I again thank members in advance for their leave and support of that very important amendment that seeks to address a technical issue in the ART Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 4, by leave, taken together and agreed to.

Proposed new clause 4A.

**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) (11.43): Pursuant to standing order 182A(b), I seek leave to move an amendment to this bill as it is minor and technical in nature.

Leave granted.

**MS STEPHEN-SMITH:** I move amendment No 1 circulated in my name, which inserts a new clause 4A [*see schedule 2 at page 2189*] and table a supplementary explanatory statement to the amendment.

Amendment agreed to.

Proposed new clause 4A agreed to.

Remainder of the bill, by leave, taken together and agreed to.

Bill, as amended, agreed to.

## **Human Rights (Healthy Environment) Amendment Bill 2023**

Debate resumed from 26 October 2023, on motion by **Ms Cheyne**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.44): I rise to speak to the Human Rights (Healthy Environment) Amendment Bill 2023, and I speak in support of the amendments circulated in my name. This is a significant bill which seeks to amend the Human Rights Act 2004 to introduce the right to a healthy environment—the right to a healthy environment being that everyone, without discrimination, is entitled to a clean, healthy and sustainable environment. The Canberra Liberals will be supporting this nation-leading initiative, though we will be seeking to make amendments, which will make the ACT the first jurisdiction to institute the right to a healthy environment to its human rights legislation.

The bill proposes to insert this new right as the new section 27C to the Human Rights Act. The right encompasses several elements, according to the Justice and Community Safety Directorate, including clean air; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; healthy biodiversity and eco-systems; and a safe climate.

I note that in recent years, discussions about the right to a healthy environment have been recognised by a number of United Nations bodies—namely, the UNHCR in 2021 and the UN General Assembly in 2022. In fact, the UN General Assembly passed a resolution in 2022 recognising the human right to a clean, healthy and sustainable environment. It is my understanding that more than 150 nations have recognised the right to a healthy environment in various forms, including through their constitutions, national and sub-national laws and court decisions.

The bill also seeks to insert two new subsections, (5A) and (5B), into section 40C. Section 40C states that individuals may take action against public authorities in the Supreme Court if the rights outlined in the Human Rights Act have been contravened. However, proposed subsection (5A) states that the remedies listed in section 40C will not initially apply to this right. This means a person cannot take action in the Supreme Court in relation to the right to a healthy environment. The proposed subsection (5B) clarifies that in instances where a complaint overlaps the right to a healthy environment and another right or rights, action may still be taken in the Supreme Court in relation to those other right or rights but, as I have said, not if the action is in relation to the right to a healthy environment. The explanatory statement indicates that the intent of this limitation is to allow public authorities sufficient time to develop processes that support the realisation of the right to a healthy environment.

The bill also features a mandatory statutory review. Proposed section 43 requires the minister to conduct a review of the new provisions and present the review to the Assembly as soon as possible after the act has been in force for five years. The explanatory statement justifies this time period by claiming that this will provide greater clarity on the obligations owed before this right becomes justiciable or reviewable by the Supreme Court.

I note that the bill was considered by the Scrutiny Committee in *Scrutiny report No 37* with no comments. I want to thank the numerous stakeholders who consulted with me and my office on this bill, and I appreciate the feedback they provided both on the bill itself and on my amendments, which I will speak to shortly. Of course, I thank the minister, her staff and directorate officials for the briefing they provided to me and my office on 16 November 2023.

I will now, as opposed to later, speak to the amendments circulated in my name, which will improve access to justice and enhance the human rights of Canberrans. As per my supplementary explanatory statement, which will be tabled shortly, the purpose of these amendments is very simple. They will amend the bill to improve access to justice and promote the role of the judiciary in administering the right to a healthy environment.

Clause 1 of my amendments will omit the proposed subsections 7(5A) and (5B) to remove the restriction—to raise a breach of an obligation to provide a right to a healthy environment by a public authority—to take action in the Supreme Court. So, just to be clear, my amendments will actually allow this human right to be treated like every other human right in the Human Rights Act, with appeal rights available in the Supreme Court. This measure means that this right will be unlike, as proposed by the government, any other human rights included in the Human Rights Act.

As it currently stands, this bill introduces a half-hearted human right. If allegations of breaches of the new right are excluded from being considered by the Supreme Court then individuals with a complaint under this new human right will not be afforded the same provisions as a complaint under any other right in the Human Rights Act. This is nothing more than a half-measure, if my amendments are not supported. I cannot understand the minister's justification for this measure. I will quote from the minister's explanatory memorandum, for the reason for the limitation based on this restriction of review rights:

... to allow public authorities time to fully understand, implement and institutionalise the right to a healthy environment in decision-making policies and legislation ....

That is on page 8 of the explanatory statement.

Why should the directorates need more “time to fully understand, implement and institutionalise the right” when they themselves are the ones who have developed this policy, brought this proposal to the minister and said, “This is a good idea but we cannot do all of it”? So why are they not ready to do all of it? That really is a question the minister has not properly answered. How could it possibly take five years for the directorates to get across the obligations to comply with this new right? I do not like the precedent that appears to set, whereby the executive seems to be excusing itself from drawing the potential ire of the judiciary. The crux of my amendment set out in clause 1 is simple: if you are going to introduce a new human right, introduce it properly. This is a half-hearted human right if it remains unamended and is a really disappointing reflection on this minister.

My amendment set out in clause 2 is also a simple one. It seeks to reduce the timeframe for the mandatory statutory review of this new right. I would like to see the minister review the operation of this new section after the end of its third year of operation rather than the original five years after commencement. I will be speaking, of course, about the proposed government amendments, but this is the bill as it stands. The new section also institutes a three-year timeframe on the minister’s presentation of the report of the review and reduces the expiration of this section from six years after the day it commences to four years. This will ensure that the review will be conducted within the term of the next Assembly rather than the one after that. This will improve accountability and integrity—two things that this government so often lacks.

I note that the government is intending on moving amendments to this bill and acknowledge that originally Mr Braddock had intended to do so. It is rather interesting that these government amendments are very similar to the ones I am proposing, especially clause 8, but they are not the same. The proposed new clause 7A, to provide for a sunset clause for the non-review provisions, is a step in the right direction but does not go far enough.

Until 1 October 2028, the right to a healthy environment will remain a half-hearted measure in comparison to all other human rights in the ACT if the government amendments are accepted and mine are rejected. There is little benefit in walking towards a new right in such a half-hearted manner. These government amendments are close but they do not warrant the full support of this Assembly; whereas my amendments do. The non-review provisions must be removed to ensure the right to a healthy environment is adequately and appropriately enforced as all other rights in the Human Rights Act. What is the government afraid of? Nonetheless, we will be supporting this right to a healthy environment and the benefit that it will ensure for Canberrans.

**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) (11.54): I rise to speak in

support of the Human Rights (Healthy Environment) Amendment Bill 2023, a bill to establish a right to a healthy environment for all people in the ACT. This is a landmark bill that will continue the ACT's track record as a leading human rights jurisdiction in Australia, including as the first Australian jurisdiction to implement the right to a healthy environment. This right is something that the ACT Greens have been campaigning for for decades. I recognise a wide range of people who have worked to make this happen. It is incredibly exciting to be at the point where we will be realising this right.

As Minister for the Environment, I would like to use my time in this debate to talk about the importance of human connection to our environment. We are fortunate here in the ACT to have an abundant and precious environment both in and around our city. Our nature reserves and urban green spaces are filled with habitat that is home to unique flora and fauna, including a growing number of threatened species. They provide Canberrans with the invaluable opportunity to connect with nature and experience all the benefits of environmental connection.

Environmental policy and decision-making continues to confront challenges of how to meet our human needs and desires without destructive consequences for our natural environment. It is easy to forget that a healthy environment supports healthy people and communities. It provides us with clean air, clean water, resilience against biosecurity threats and a warming climate, and important environmental services such as pollination for our urban and rural farmers. We need it.

Last night I had the pleasure of facilitating connections between the ACT's rural farmers and Parks and Conservation down in Namadgi National Park. I saw firsthand the value of building community understanding of how our environment functions, the challenges it faces, and how we can continue striving towards a sustainable and thriving coexistence for humans and nature. For example, one of the things that we discussed was the impact of the summer bushfires and subsequent high rainfall on our city's water supply. Increased sedimentation and erosion temporarily degraded the water quality and the catchments that we rely on. Connecting people to our environment is critical for improving our understanding of the wonderful world we get to live in. Connection to a healthy environment benefits our physical and our mental health. And, of course, future generations have a right to inherit and benefit from a healthy environment and climate.

In all of this, we must not forget that First Nations people all around Australia have cared for country for millennia. This bill will enshrine the right to a healthy environment for everyone in the ACT, but it is important to acknowledge that Ngunnawal and other local First Nations people hold a deep spiritual and cultural connection to this environment. As I reflected yesterday, the name Namadgi is an Aboriginal word meaning mountains to the south-west of Canberra. We have all benefited greatly from the care provided to this beautiful place by our traditional owners. We will continue to learn more. By working with local First Nations communities, we can better understand how to care for country, particularly with the threats that it currently faces. While our reconciliation journey is still in its early stages, I am deeply committed to working towards a future of true partnership with local families to jointly manage Namadgi National Park. As we walk this journey, I am excited to support practical expressions of what this could look like through initiatives such as our Gula—koala—project, First Nations water management and other initiatives like Ngunnawal Ranger programs.

The UN Special Rapporteur on human rights and the environment, when articulating what a right to a healthy environment means, described the importance of access to environmental information, public participation in environmental decision-making and access to justice if the right to a healthy environment is being violated or threatened. As Minister for the Environment, I have had the pleasure of facilitating the connection between people and nature through a range of government programs. We have been able to deliver projects that support the movement of species across landscapes, enrich and build the resilience of urban biodiversity, enhance the community's connection to nature and help cool our city in a changing climate.

Programs such as Connecting Nature, Connecting People are being delivered in partnership with a variety of local groups—in particular, working closely with the Ngunnawal community to embrace opportunities to celebrate and preserve Ngunnawal culture and values across projects, policies and interpretive material. We have delivered a wide range of projects, including planning and data sharing tools, and on-ground restoration projects.

Affirming that our communities have a right to a healthy environment reflects community sentiment of the value of nature. Even without this right officially enshrined in law, I have endless respect and admiration for the lengths that many people in our community will go to to protect the environment. I have seen the power of community connection to our landscape. I have spent time with the many environmental volunteers that we are so lucky to have in our city, who have collectively put thousands of hours of work into protecting and restoring local habitats. We would not have our beautiful bush capital without them.

Just as any right should include access to information and decision-making, the right to protest is a critical mechanism for people to speak truth to power, demand change and demonstrate the depth of their concerns. Unfortunately, a suite of anti-protest laws have been enacted in many other jurisdictions across the country, with huge consequences for environmental and climate activists and non-government organisations. This week, Canberra will see people coming together from across the country to rally for better protections for one of our most iconic and beloved species, the koala. That a species like the koala can reach the status of an endangered species as a result of human activities is deeply devastating. From native forest logging, runaway climate change, destructive bushfires and a growing list of critically endangered species, threats to our environment are coming from every direction. Fortunately, there are people all around the world who refuse to accept that reality and will do everything within their ability to stop it.

This bill is one important step towards delivering a thriving environment for the benefit of all Canberrans. It will require actions on the part of government and the public service to ensure that this right is delivered on. This will be a journey of cultural change, and we need to support our public authorities to embed this into their policy and practice. This is an approach we have taken with other rights, such as the right to education.

This bill demonstrates to the ACT community our commitment to environmental protection and a positive culture of human rights within government. As the environment minister and as a member of the Greens, I am deeply committed to

environmental protection for nature and for the benefit of our community. This bill delivers on this commitment not only for us today but also, importantly, for future generations and will ensure intergenerational environmental justice. I commend the bill to the Assembly.

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

**Sitting suspended from 12.03 to 2 pm.**

## **Questions without notice**

### **Sport and recreation—proposed stadium**

**MS LEE:** My question is to the Chief Minister. Chief Minister, earlier this year, in the *Canberra Times*, you said:

We are not going down the folly of a billion-dollar plus stadium. We will not be spending that sort of money on a football stadium, I can make that clear.

I refer to the Deputy Chief Minister's response to a question on notice, where she claimed that building a new stadium in Bruce, which is your preferred location, would cost between \$1.34 billion and \$1.87 billion. Chief Minister, can you confirm that the Deputy Chief Minister's costings mean that your government will never build a new stadium in Canberra, at Bruce or otherwise?

**MR BARR:** We certainly have some value management to do in relation to the preferred stadium option. I think there are ways to reduce the costs by way of a very tight scope, doing a great deal of early design work and looking at whether in fact there is a need to undertake some of the elements of the precinct work. Particularly, more than \$100 million of intersection improvements were provisioned within that costing. The government's approach from here will be to endeavour to work down the scope of the project to the point that it does come in below that billion-dollar mark.

**MS LEE:** Chief Minister, what aspects of the Bruce stadium plan are going to be cut to make those savings?

**MR BARR:** Certainly, there will not be a retractable roof. We will go with the cheaper, 100 per cent drip-line option; that is, the seating would be under cover but not the playing field. We will need to look at the fit-out of the stadium. If I could use an airline analogy, it would be more in the economy or premium economy context rather than business or first-class.

**MR PARTON:** Chief Minister, what other projects in your infrastructure pipeline will be either wound back or chopped completely, now that your Deputy Chief Minister has calculated construction costs have increased by 400 per cent?

**MR BARR:** There are a number of factual errors in that question. The Deputy Chief Minister has not undertaken those calculations. They have been provided by a consultant, who has provided estimates, including a 30 per cent provision and a range of other provisions associated with potential expenditure but not confirmed. There is an



escalation factor in terms of construction cost increases of around 4½ per cent, on average, which would appear to be reasonably consistent with construction industry trends at this point in time. We will need to look very carefully at the scope of the project to ensure that it can come in at an affordable level.

### **Government—infrastructure—costs**

**MS LEE:** My question is to the Chief Minister. Chief Minister, your government has now released to the community an approximate cost of \$1 billion—if it stays that way, I suppose—for the north-side hospital and costings for a new stadium, which, on your preferred site, are between \$1.3 and \$1.9 billion. Both projects have not gone through procurement and market testing, which has been the excuse you have used to avoid questions on the costings for light rail stage 2B. Chief Minister, now that other ministers have demonstrated that you can release cost estimates before final approval, will you provide the cost estimate for light rail stage 2B to the Assembly before the election?

**MR BARR:** I think we have addressed this matter several times already.

**MS LEE:** Chief Minister, how is it possible that indicative costs for some projects can be released and for other projects you continue to suppress the true costs that Canberra taxpayers will have to pay?

**MR BARR:** Different projects at different stages of development will have different costings or cost estimates. We have been clear, in relation to each of the infrastructure projects, on an indicative cost, but we will not be signalling a final cost to the market ahead of procurement.

**MR PARTON:** Chief Minister, are you concerned that, if you release the indicative costs of light rail stage 2B, S&P will hand you another credit rating downgrade, due to your terrible budget management?

**MR BARR:** I reject the premise of the question, and the answer is no.

### **Sport and recreation—proposed stadium**

**MS LEE:** My question is to the Chief Minister. Chief Minister, in August 2022, you ruled out the Civic pool site for a new Canberra stadium, saying that the cost of moving Parkes Way was a barrier too big to surmount. In June 2023, you affirmed this position by describing the Civic site as a billion-dollar folly which had been thoroughly explored and was unworkable. Then, in September 2023, you commissioned a \$30,000 report which looked at the cost of building a stadium in Civic at the pool site. Chief Minister, why did your government commission yet another study of an option which had already been costed, already been “thoroughly explored”, in your words, and already been ruled out?

**MR BARR:** The government commissioned work on a range of different options. I note that the Leader of the Opposition was still asking questions about the city site as recently as the last estimates—

**Ms Lee:** I note that you weren't up-front about that either.

**MR BARR:** asking for further information—

**Ms Lee:** Yes, and you weren't up-front about that either.

**MADAM SPEAKER:** Ms Lee!

**Ms Lawder:** That's what asking questions is for.

**MADAM SPEAKER:** Members! You ask the question and you allow the answer.

**MR BARR:** The government has continued to seek information in relation to project costs. I have made that—

**Mr Parton:** Just because we asked questions.

**MADAM SPEAKER:** Mr Parton! Mr Barr.

**MR BARR:** Thank you, Madam Speaker.

**MS LEE:** Chief Minister, why did this report look exclusively at the costs of different options and exclude any consideration of the different benefits? How on earth does this possibly provide value for money?

**MR BARR:** The government has committed to proceeding with the project and undertaking the work necessary in order to appropriately scope the project and have an understanding of the relative costs associated with the particular scope of the project, and, indeed, an assessment of different precinct locations.

**MR CAIN:** Chief Minister, given that in the last day there has been widespread criticism—even ridicule—

**Mr Gentleman:** Madam Speaker: the preamble in the supplementary question—

**MADAM SPEAKER:** Yes. To the question.

**MR CAIN:** Chief Minister, will you be asking WT Partnership for a refund, given that their costings seem to be as unreliable as all of your other infrastructure project estimates?

**MR BARR:** Look, I would take their advice over anything the Canberra Liberals have to say about infrastructure.

### **Transport Canberra—ticketing**

**MS ORR:** My question is to the Minister for Transport. Minister, can you provide the Assembly with an update on the delivery of the new public transport ticketing system, MyWay+?

**MR STEEL:** I thank Ms Orr for her question. Significant progress has occurred in the design, development and testing of the new MyWay+ system, and the project remains on track for operations to commence from November.

The four new electric MyWay+ demo buses have been operating services now for over three months and have been critical to testing the system. They have been learning the bus network and getting our bus drivers and passengers familiar with the new system, and they have also been providing free rides for passengers who have one pull up at their stop.

Earlier this month, we started to call on the community to take action to prepare for the transition to MyWay+ by registering their MyWay cards, either online or by calling 131710. This will enable Transport Canberra to seamlessly transfer the balances over to MyWay+ or provide a refund.

We are now looking towards the next phase, starting next month, where the old MyWay system will be switched off and the new hardware and validators will be installed on our bus fleet and at major stops. We are now calling for around 200 people from across the community—including students, older people or people living with a disability—to perform user acceptance testing during the next phase, to help inform any final tweaks before MyWay+ goes live later this year.

**MS ORR:** Minister, when will the fare-free period for public transport occur?

**MR STEEL:** The fare-free period will align with the accelerated installation phase, which is expected to commence next month and will run for approximately six weeks until MyWay+ becomes operational from November. During this time, no fares will be collected from passengers on Transport Canberra bus and light rail services. This is due to the government making the decision to perform a hard switch to avoid potential confusion from operating both the old MyWay and the new MyWay+ systems concurrently.

This period will also allow people to become familiar with MyWay+, including the additional journey planning features, which will be available through the new MyWay+ app. I also encourage any Canberrans who have been considering using public transport to take the opportunity for a free try out. The government will be confirming dates closer to the commencement of the fare-free period.

**MR PETTERSSON:** Minister, will MyWay+ still allow passengers to access reduced or concession fares?

**MR STEEL:** I thank Mr Pettersson for his supplementary question. Yes, in short, they will. MyWay+ will provide passengers with a simpler way to plan and pay across Canberra's transport network, including accessing reduced or concession fares.

Passengers will soon be able to tap on and off public transport using their debit cards and credit cards as well as devices such as mobile phones and smart watches, with MyWay+ automatically applying the lowest fare for their journey. Concession card holders will still be able to use a physical MyWay+ travel card—a concession card—if they prefer, and these will be available for purchase from a greater number of retailers

across the territory by flashing their eligible concession card, such as their student ID or their ACT seniors card.

Seniors will not have to pay for a new MyWay+ card. I would like to thank Transport Canberra and COTA ACT for their ongoing work to support older Canberrans throughout the transition to the new system.

There will be the option to register for a MyWay+ account, validate their concession through the account and link a debit or credit card to it, allowing people to access concession fares or free travel when tapping on and off in the future. This will make it easier for families, in particular, with student accounts and cards able to be managed through the one place and the one account.

### **ACT public service—staff conduct**

**MS LEE:** My question is to the Chief Minister. Chief Minister, yesterday on ABC Radio you were asked multiple times whether you can understand why Canberrans are asking if you and your government are up to the job, given the numerous multi-million dollar failures your cabinet have been responsible for. Eventually you said, “The public servants are expected to operate within the law and consistent with the Financial Management Act of the territory and, where they haven’t, there are consequences, and those consequences are playing out now.” Chief Minister, what are these consequences, aside from a two-year holiday on full pay and a half a million dollar payout?

**MR BARR:** End of employment.

**MS LEE:** Two years of full pay!

Chief Minister, do you disagree with the 2020 Ministerial Code of Conduct, which states that ministers “are accountable, within accepted Westminster conventions, for their portfolio and directorates/agencies”?

**MR BARR:** Within accepted Westminster conventions, yes.

**Ms Lee:** So how many millions does Steel need to lose?

**MR CAIN:** Chief Minister, isn’t the case that you as Treasurer are in breach of the Financial Management Act as you have failed to uphold the legislated principles of responsible financial management throughout all your bogus budgets?

**MR BARR:** The assertion is legally incorrect, it is factually incorrect and I think it breaches the standing orders. In particular, the use of the word “bogus” in the question is very much an insinuation. I reject the premise of the question—and thank you very much for your political view, Mr Cain.

*Mr Cain interjecting—*

**MADAM SPEAKER:** Mr Cain, there was not a point of order on that language, but I remind people to at least be respectful, particularly when in this place you are asking a formal question in question time.

**ACT Health—staff conduct**

**MS CASTLEY:** My question is to the Minister for Health. In January 2023, the results for the Digital Solutions Division staff survey were released. As you will recall, I attempted to FOI this survey and received a heavily redacted copy, which the ACT Ombudsman overturned. Staff responses to this survey, which I am sure you would have seen, included comments such as: “There is a rotted culture of bullying and those guilty of [redacted] remain unpunished. All senior leadership should be investigated.” And, “The whole place should be thoroughly investigated for this and for executing projects well outside PMA standards.” And, finally, “Take your findings to the DG of ACT Health as well as the Ombudsman, as appropriate. Trigger an internal investigation into recruitment and the leadership of [name withheld] and [name withheld].”

Minister, did you or your staff read any of these comments and if so, what, if anything, did you do about these very serious allegations?

**MS STEPHEN-SMITH:** Of course we did. As Ms Castley is well aware—because we talked about it just yesterday—the ACT Health Directorate commissioned the first KPMG review in February 2023. Ms Castley is talking about a staff survey that made some very serious findings in relation to the Digital Solutions Division. We talked about the fact that there is a business improvement program underway in relation to the Digital Solutions Division and financial management in particular. There were two reports specifically in relation to this matter as well as the NTT invoices audit that were commissioned by the ACT Health Directorate. And, in relation to culture, there has been a significant amount of work in relation to culture in the Digital Solutions Division, which we have spoken about before numerous times in this place. So the idea that we have not been taking these issues seriously is, to use the opposition’s favourite word, “bogus”.

**MS CASTLEY:** Minister, do you think it is acceptable that these comments were provided to ACT Health more than a year and a half ago and nothing was actioned until this issue was made public?

**MS STEPHEN-SMITH:** I refer Ms Castley not only to my previous answer to her first question but also to all of the numerous times that we have discussed this matter in this place. Her perception is clearly untrue.

**MS LAWDER:** Minister, will you finally face up to the fact that you have been presiding over a ministry of secrecy and cover-ups?

**MS STEPHEN-SMITH:** I refer Ms Lawder to all the previous responses that have been made in this place in relation to the Digital Solutions Division, which absolutely demonstrate that we have been talking about this issue for some time. I would note, in relation to the FOI response that Ms Castley referred to in her first question, that I agreed with her at the time. I am not a decision-maker in relation to freedom of information, and I agreed with her at the time that this should be referred to the Ombudsman because I was concerned about the decision that the Health Directorate had made, but I am not an FOI decision-maker.

**Ms Castley:** But what about your staff—your staff that made serious allegations?

**MS STEPHEN-SMITH:** My staff are not FOI decision-makers.

**Ms Lee:** It is the culture.

**MS STEPHEN-SMITH:** It is the law that we are not allowed to make decisions in relation to FOI, and if Ms Lee would like me to break the law that is fine!

**Ms Lee:** Talk about gaslighting!

**MADAM SPEAKER:** Members, I know we get excited in question time, but there is a point where I cannot hear the answer.

*Mr Milligan interjecting—*

**MADAM SPEAKER:** Do not start, Mr Milligan.

**Mr Barr:** Madam Speaker, the Leader of the Opposition has just accused the Minister for Health of gaslighting. I think we have already dealt with this matter in this place by way of that being unparliamentary, and I would ask that the Leader of the Opposition withdraw.

**Ms Lee:** Madam Speaker, again I ask for your ruling. There are some times that we are going to talk to each other. The fact that Mr Barr is insistent on over-listening to conversations that are private is his problem.

**MADAM SPEAKER:** This has been one of those quiet yet noisy question times, where there have been lots of barbs put across the room. I would ask that we all just settle down. I did not hear the word “gaslighting”, but if Ms Lee used it, it is ruled offensive and disorderly and I would ask her to withdraw.

**Ms Lee:** I withdraw.

### **Digital Health Record system—ACT Integrity Commission**

**MS CASTLEY:** My question is to the Minister for Health. Minister, yesterday during question time you confirmed that you had received advice from your directorate as to whether they have failed in their mandatory reporting obligations to the Integrity Commission. Will you table the advice you received from senior executives and the Director-General of the ACT Health Directorate and confirm whether they have complied with their mandatory reporting obligations?

**MS STEPHEN-SMITH:** The advice I received was verbal, and I am in the process of checking what I can say further about that, as I took a question on notice yesterday.

**MS CASTLEY:** Minister, have you discussed with the Director-General of ACT Health why she never briefed you on these serious issues in the DHR project which are now being investigated for potential corruption?

**MS STEPHEN-SMITH:** As we went through yesterday in quite a lot of detail, I was briefed about the serious issues in relation to the Digital Solutions Division's financial management and financial situation, and in relation to the Digital Health Record. The ministerial statement that I provided yesterday provided significant detail about the timeline in relation to this matter. As I said yesterday, in October 2022, I was regularly briefed. Ms Castley is aware of this, because she has lots of these documents already available from freedom of information requests in relation to briefs and Digital Health Record status updates. Tellingly, until this point she had not asked previously about financial issues in relation to the Digital Health Record because the risk statements that she has previously received under FOI did not identify that there were significant financial risks associated with the implementation of the Digital Health Record.

Nevertheless, despite being told in October 2022 that there was an underspend in operational expenditure, I questioned the presentation of financial implications in that particular brief, noting the need to better understand annual expenditure and actual expenditure, to know if the project was really on track financially.

The opposition can keep making this assertion, but they have no evidence to back up that this matter was not being taken seriously, and plenty of evidence to support that in fact it was being taken very seriously.

**MR COCKS:** Minister, when did you first become aware that there were concerns about potential corruption in the DHR project?

**MS STEPHEN-SMITH:** We have been talking during this period about financial management in the Digital Solutions Division. Mr Cocks has made an assertion of corruption. I would encourage Mr Cocks to take note of the explicit request of the Integrity Commissioner not to cast aspersions or make assumptions about adverse—

**Ms Lee:** He hasn't made an assertion at all.

**MADAM SPEAKER:** Members.

**MS STEPHEN-SMITH:** An explicit request—

**Ms Lee:** A point of order. Madam Speaker, Mr Cocks's question was very specific, about when the minister first became aware there were concerns about potential corruption in this project. She has wilfully stated and tried to assert that Mr Cocks is making the assertion.

**MADAM SPEAKER:** There is no debate, Ms Lee. I think there was a step over the line with that. Ms Lee, there is no point of order.

### **Night-time economy—noise standards**

**MR PETTERSSON:** My question is to the Minister for Government Services and Regulatory Reform. Minister, what do the new noise standards in the city centre entertainment precinct mean for Canberra's night-time economy?

**MS CHEYNE:** I thank Mr Pettersson for the question. The ACT government has a vision for Canberra as a city where the night brings exciting opportunity for all

Canberrans and visitors to connect, explore culture, work and have fun. Fun is not silent. Following substantial consultation with the community, industry and businesses, we have implemented fit-for-purpose noise standards in the city centre entertainment precinct.

We have increased the standards for entertainment noise to 75 decibels in the core and 65 decibels in the frame, from 10 am to 11 pm every day of the week, and until 1 am on Thursdays, Fridays and Saturdays. We are retaining more stringent settings for other noise, such as construction and residential noise, in the precinct. These new standards will give aspiring and existing venues and artists the confidence to operate and perform. I especially thank Minister Vassarotti and her office for being on a real unity ticket about increasing these noise standards.

**MR PETTERSSON:** Minister, what regulatory reforms has the ACT government already implemented to complement these new noise standards?

**MS CHEYNE:** I thank Mr Pettersson for the question. We have been delivering a substantial reform package over 2024 to support existing businesses, to stimulate growth and to bolster a thriving night-time economy. In January reforms commenced to support smaller venues to start up and stay open longer, to encourage new business models at night and to reduce the administrative burden.

From April more businesses have been able to supply complementary liquor without a licence. We also have the ACT government's commitment to live music, entertainment and tourism enshrined in legislation. Since July we have significantly reduced licence fees for venues that can demonstrate their active support for arts and live music. We have created more flexibility for businesses around their trading hours, and for those businesses who wish to take advantage of events like NightFest.

**DR PATERSON:** Minister, can you explain the loading zone permits trial for musicians?

**MS CHEYNE:** I thank Dr Paterson for the question. In a further boost for musicians and the night-time economy, free loading zone permits will soon be available for musicians. They will be able to access loading zones for up to 30 minutes to load and unload musical equipment and instruments. We have heard from musicians and venues that being able to find a safe and convenient place to stop to unload their gear can be among the most stressful parts of playing a gig. This 12-month trial is a simple, practical change that we are making to help musicians. It has come about from representations to us. We are happy to deliver it. Musicians will soon be able to apply for that permit via the Access Canberra website.

### **Government—human resources and information management system**

**MR CAIN:** My question is to the Special Minister of State. Minister, in a question taken on notice in estimates regarding the human resource information management system, you advised that the expected total decommissioning cost of HRIMS will be \$4 million. On 30 November last year, you advised that HRIMS had cost \$77.9 million to date, with only \$236,000 in decommissioning costs. Minister, what is the most up-to-date total amount HRIMS has cost taxpayers? Is it more than \$80 million?



**MR STEEL:** I thank the member for his question. I will take it on notice.

**MR CAIN:** Minister, how have decommissioning costs blown out from \$236,000 to, as you have already announced, almost \$4 million since November, given the HRIMS program ceased in July last year?

**MR STEEL:** I will provide some further information on notice.

**MR PARTON:** Minister, how can the taxpayer have confidence in your leadership in this space, given you are still bleeding public money on a program that you abandoned more than 13 months ago?

**MR STEEL:** Because we made the decision some time ago, in a previous budget, to discontinue the program in order to pursue a lower cost and lower risk program, which is underway—and which I intend to provide an update to the Assembly on—in accordance with the resolution previously supported by the Assembly.

### **Transport—bus fleet**

**MS CLAY:** My question is to the Minister for Transport. Minister, earlier this month it was announced that BusTech had entered voluntary administration. In April this year, Minister Cheyne updated the Assembly that just 10 of the 26 leased Scania BusTech buses had arrived, and you have previously told us about serious delays from Scania in delivering these leased diesel buses. Can you update the Assembly on what impact the administration of BusTech will have on the already delayed leased diesel buses?

**MR STEEL:** I thank the member for her question. Our contract is actually with Scania Australia. BusTech is a subcontractor of Scania, which has been assisting them to deliver some of the diesel busses that we leased through Scania Australia. Thirteen of those have been delivered to date. There have been some delays, which I have previously updated the Assembly on, including through Minister Cheyne when I was on leave.

The work that Transport Canberra has been doing through our other contracts with bus suppliers like Yutong has meant that there has not been a significant impact, in relation to the network, of the delayed order coming through. We are, of course, continuing to work with Scania Australia to explore options around the delivery of the remaining busses under that order. But, because we have brought forward 10 Yutongs under our contract with VDI Australia, that has not impacted significantly on either the network or indeed on the continued replacement of buses.

**MS CLAY:** Minister, why have TCCS had so much trouble procuring new buses in recent years, despite over 100 responses to the EV bus market sounding?

**MR STEEL:** We have not; we have actually had a very successful procurement. In fact, it has actually been delivered earlier than expected through Yutong and VDI Australia. We have also procured buses through Custom Denning that are being used on the Transport Canberra network and have been very successful thus far. The only issue that we have had is with one particular supplier of diesel conventional buses, but that has been offset by the very successful contracts that we have in place with other suppliers.

We will continue to work with some of our partners, like the New South Wales government, who have their own procurement and panel arrangements for the supply of electric buses across their fleet of over 8,000 vehicles, to see what other opportunities there are in the future as we continue to replace buses and also grow the Transport Canberra fleet, as part of our transition plan to zero emissions.

**MR BRADDOCK:** Minister, when will all 26 buses arrive?

**MR STEEL:** That is exactly the conversation that Transport Canberra is having now with Scania Australia. That delay is disappointing, but the voluntary administration of BusTech just underlines the serious challenges that the Australian bus industry and the bus manufacturing industry are facing at the moment.

I know some people have committed to actually setting up their own bus manufacturer here in the ACT. They may also face some of the same challenges that other manufacturers are facing in the country. I do not think they were aware of those risks.

*Ms Lawder interjecting—*

**Mr Parton:** We're for workers; we're not decommissioning unions here! Did you hear them on the bullhorns!

**MADAM SPEAKER:** I hear you often enough, Mr Parton.

### **Government—human resources and information management system**

**MR CAIN:** My question is to the Special Minister of State. Minister, it was revealed during budget estimates that your government wasted \$626,000 on an unused contract to Spinifex IT. That is \$626,000 flushed down the toilet that could have been allocated for health care, education or city infrastructure. Minister, you revealed during estimates that Ms Orr was not renewed as a cabinet minister due to the HRIMS catastrophe.

**Ms Cheyne:** What?

**MR CAIN:** Minister, why doesn't the same outcome that befell Ms Orr also apply to you, given your egregious wastage of taxpayer money?

**MR STEEL:** I reject thoroughly the accusation in Mr Cain's question. I did not say that. He should check the *Hansard*. In fact, Madam Speaker, he should withdraw that accusation—

**Ms Cheyne:** Yes!

**MR STEEL:** because it is patently false.

**Ms Cheyne:** Say that outside the chamber, Principal!

**MR STEEL:** I think it is unparliamentary to provide false accusations to this place.

**Ms Lee:** Similar to—

**MR STEEL:** What I would say is that we have been very clear and transparent through the budget process that we were closing down the HRIMS program—very clear about that—and that the contracts that were underway as part of that project would therefore be closed down. We have made it very clear that all of the contracts were going to be closed down as a result of HRIMS so that we could move on to a new program, which we are now delivering at a lower cost and a lower risk to the territory, which is known as the Payroll Capability and HRM project.

**Ms Lawder:** It's still additional money to the taxpayer, isn't it?

**MADAM SPEAKER:** To the question, there were a couple of points. You made an allegation that has been refuted and you made an allegation that should be made through a substantive motion. So there are two things: you either put a substantive motion and do not use question time with allegations and innuendo to smear someone's reputation; and, if you have evidence that that is what Minister Steel said, I would be interested in seeing that by COB today. With that, a supplementary, Mr Cain?

**MR CAIN:** Yes, thank you, Madam Speaker. Minister, what message are you sending to ACT taxpayers when, in a cost-of-living crisis, your government is wasting \$626,000 on unused software?

**MR STEEL:** I refer the member to my previous answer, where I have been clear that we had made the decision to pursue a lower-cost and lower-risk solution for the territory. That is why we closed that particular contract as well as the others associated with the program that we made announcement on in the budget some time ago and that Mr Cain continues to think is new news.

**MR COCKS:** Minister, how much money will the so-called Payroll Capability and Human Resource Management system—or, essentially, as we know it, HRIMS 2.0—cost the ACT taxpayer?

**MR STEEL:** I thank the member for his question. Of course, there are still activities being undertaken to close out the program. I will continue to update the Assembly on that.

### **Ngunnawal Bush Healing Farm**

**MISS NUTTALL:** My question is to the Minister for Aboriginal and Torres Strait Islander Affairs. Minister, I have been reached out to by a number of constituents who have been eagerly following the Ngunnawal Bush Healing Farm project. My understanding is that the Ngunnawal Bush Healing Farm is currently not operating as Elders intended. Minister, could you please provide us an update on the Ngunnawal Bush Healing Farm and efforts being made to engage with Aboriginal community-controlled organisations and representative bodies?

**MS STEPHEN-SMITH:** For clarity, I am taking this question in my capacity as Minister for Health, not Minister for Aboriginal and Torres Strait Islander Affairs, as this matter sits within the health portfolio.

Of course, the government does recognise the invaluable service that the Ngunnawal Bush Healing Farm provides for the community, and we are committed to realising the community's vision for the facility, including its transition to a residential service under community control. Indeed, in the 2022-23 budget, funding was allocated to transition to a residential program, as well as for some upgrades to nurse-call and duress alarms at the facility.

Unfortunately, that transition is taking a lot longer than any of us would have hoped. As members may be aware, the transition to community control must be done in partnership with the community and in accordance with the principle of self-determination, and there is currently no Aboriginal community-controlled organisation in the ACT with the capacity and desire to take over the running of the Ngunnawal Bush Healing Farm in its healing role.

We have been working, though, with community in relation to this. In the meantime, while we continue that work in relation to transition to residential, day programs continue to run and to be improved in partnership with a range of Aboriginal and Torres Strait Islander and mainstream community partners, and with expert advice from other services such as The Glen in New South Wales, as well as feedback from staff and clients.

It is important to note that the day programs currently running are making a significant difference already in people's lives. Indeed, I recently visited the farm and sat down with a group of past and current participants in the day program, who told me about the difference that it had made. A number of them told me that they did not think that they would be here today without the Bush Healing Farm.

**MISS NUTTALL:** Minister, do you know if there are any zoning issues with the land that prevents it from accommodating people staying overnight or in residential care?

**MS STEPHEN-SMITH:** As many members here would be aware, there were some issues in relation to the zoning of the land that prevent it from being used as a clinical facility, which was part of the previous challenge in relation to the proposal that Winnunga Nimmityjah put forward for the management of the facility, and that was a very unfortunate miscommunication, or lack of appropriate communication, between then ACT Health and Winnunga Nimmityjah. It has since been absolutely clear for a number of years that the facility can be used as a residential facility for healing programs that are non-clinical, and that is what we are working towards.

In the meantime, the women and men who are accessing the day programs, have done incredible work to turn their lives around, to embark on journeys of healing that were really inspirational to hear about. And they credited that to the staff who currently work for the ACT Health Directorate and the community partners who work with them in delivering those day programs.

The group was absolutely unanimous that the day programs should continue, even after the establishment of residential services. I am not suggesting that Miss Nuttall was in any way wanting to criticise the current programs that are running there. We know that the staff are incredibly dedicated and hardworking, but we also know that they and the clients are really hoping that we can transition to a residential program. From a government perspective, we and the Health Directorate will continue to work with

community partners to do that. A procurement process is currently underway to secure expert advice to ensure that the day programs, policies, procedures and facilities are as close to ready as possible for transition to community control and establishment of residential services.

**MS CLAY:** Minister, what more can the community do to advocate for the Ngunnawal Bush Healing Farm to meet the needs of community and run it the way it was intended?

**MS STEPHEN-SMITH:** To answer Ms Clay's question directly, maybe what some of these advocates could do is find out what is happening at the Bush Healing Farm right now. I know that some people have had a visit to the Bush Healing Farm, and I really welcome the opportunity that they have had to understand more about how the day programs are running. There is a really unfortunate narrative in the community generally that the Bush Healing Farm is not delivering services for people, so I am pleased that some of these advocates have had the opportunity to sit down with staff at the Ngunnawal Bush Healing Farm, and potentially with clients as well, to understand the incredible difference it is already making in people's lives.

I would also encourage people to understand the principles around community-controlled organisations. An Aboriginal community-controlled organisation is not something that a government can establish. That is an oxymoron. There is absolutely no way that government can establish a community-controlled organisation. What we can do is continue to support the community to establish the healing framework, which has been finalised, and work in relation to how the community wants to transition the farm and the service to community control.

### **Cultural Facilities Corporation—staff conduct**

**MS LAWDER:** My question is to the Minister for the Arts, Culture and the Creative Economy. I refer to the 30 June 2024 consolidated financial report that was circulated this month, on 13 August. On page 50 of this document, it states that the Chief Minister signed off on a capital injection of half a million dollars to the Cultural Facilities Corporation. The reason for the capital injection was: "These employee entitlements relate to special executive termination payments and leave liabilities paid out at termination." Minister, what role did this "special executive" hold before they were terminated?

**MS CHEYNE:** I will take that on notice.

**MS LAWDER:** Minister, what were the circumstances around this termination? If you cannot answer, can you at least rule out that this termination was because of fraud or corruption?

**MS CHEYNE:** I will take the question on notice and see what information we can provide which is within legal bounds and the Privacy Act.

**MS CASTLEY:** Minister, possibly on notice as well, when were you first made aware of this termination?

**MS CHEYNE:** I will take it on notice.

## **Racism and Islamophobia**

**MR BRADDOCK:** My question is to the Minister for Police and Crime Prevention. Minister, we have heard from members of the Palestinian and Muslim communities here in Canberra that they have been experiencing increased instances of anti-Palestinian racism and Islamophobia. After the terror threat level changed, we also received correspondence blaming activism in solidarity with Palestine as the reason driving that change. What advice, policies or procedures do the police currently have in place to help protect these communities from racism or Islamophobia in the ACT?

**MR GENTLEMAN:** I thank Mr Braddock for the question. The police undertake a range of community outreach activities to foster social cohesion and safety. ACT Policing has regular contact with groups that represent both Israel and Palestine. Officers in charge in the five police stations across the ACT regularly meet with community leaders to understand and discuss any safety concerns. Of course, should any member of the public receive specific threats or be concerned for their immediate safety, they should contact police on 131 444 or, in an emergency, 000.

**MR BRADDOCK:** Minister, have you or the police received any increase in reporting of racist or other such incidents in the ACT?

**MR GENTLEMAN:** I have not received any reports to my office, but I understand that the police have received some reports in this regard. We do, as a government, support the opportunity for people to peacefully protest in the ACT. If we work together, the safety of both the protesters and the wider public can be achieved. The police have an emergency management planning team that prepares for and manages these sorts of activities. I simply suggest to some of the groups that they engage with the police to ensure their safety.

**MISS NUTTALL:** Minister, what culturally sensitive services or safeguards are there to ensure that these communities are not further victimised by the police in these circumstances?

**MR GENTLEMAN:** ACT Policing have a strong planning regime of training officers in cultural and linguistic support services to ensure that they can engage with the ACT community in the most appropriate way. They do an amazing job; I think Mr Braddock would agree. The recent meeting of the Forum on Multicultural Affairs that we had here in the Legislative Assembly was well attended by the police, and they were well received by the multicultural community. In fact, there were comments made in the forum about the active work that police do in our multicultural society.

## **Economy—business**

**DR PATERSON:** My question is to the Chief Minister. Chief Minister, yesterday the ABS released the latest count of Australian businesses. What did it reveal for the ACT?

**MR BARR:** I thank Dr Paterson for the question. I am pleased to advise the Assembly that it revealed that the total number of businesses in the territory has risen above 36,000, which represents an increase of over 3½ per cent for the 2023-24 financial year.

This is the equal highest rate of growth of businesses in the country. What it means is that, over the past four years, we have had the strongest rate of business growth in the country. We have seen an increase of more than 22 per cent. The next best result is Victoria, at 17 per cent. The national average is 15 per cent. What it means is that there are now more than 6½ thousand additional businesses operating in Canberra in 2024 than there were in 2020.

**DR PATERSON:** Chief Minister, what does this demonstrate about the state of the economy in the ACT?

**MR BARR:** It shows our economy is strong, despite a challenging environment. We are now in our 34th year of continuous economic growth. We have seen strong growth in a range of sectors. Tourism and higher education have been key drivers, as have professional services such as space, cyber and IT. The government has pursued a strategy of economic diversification to ensure that we can weather future economic shocks and continue this trend of strong business growth.

**MS CASTLEY:** Chief Minister, will you now increase your woeful financial investment to date in the business sector since we have the highest rate of growth?

**MR BARR:** We are optimistic. We are ambitious for Canberra's future. We have a growing population, increased life expectancy, improved wellbeing, ongoing economic growth, and more new businesses. Canberra is a great—

**MADAM SPEAKER:** Mr Barr, hold that thought. Is there a point of order?

**Mr Parton:** It is a point of order on relevance. Mr Barr is not going anywhere near—

**MADAM SPEAKER:** Sit down, Mr Parton, please. There is no point of order. The question was around business support.

**Ms Castley:** Financial investment.

**MADAM SPEAKER:** That is support and he is replying. Mr Barr.

**MR BARR:** Thank you, Madam Speaker. We are ambitious for Canberra's future. We have a growing population, increased life expectancy, improved wellbeing, ongoing economic growth and more new businesses. Canberra is a great place to live, and it continues to get better.

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

### **Supplementary answers to questions without notice Government—human resources and information management system**

**MR STEEL:** Earlier in question time, an accusation was made about what I had said during estimates in relation to Ms Orr. I have taken the opportunity to review the proof *Hansard* from estimates, and on page 609 of the proof *Hansard* it identifies that I said, "I believe so", but in fact I said, "I don't believe so". So I will be making that correction.

It is a reminder, I think, to everyone in this place not to rely on the proof *Hansard* and to check the audio and video recordings.

*Members interjecting—*

**MADAM SPEAKER:** Members! Just for clarification: you have approached *Hansard* to make that correction?

**MR STEEL:** I am making that now, yes.

**Mr Cain:** In relation to what the minister has just commented on, I seek leave to table the proof of the *Hansard*.

**Mr Rattenbury:** Madam Speaker, there is no standing order for debate at this point in time—

**MADAM SPEAKER:** There is no debate.

**Mr Cain:** I seek leave to table the *Hansard*.

*Members interjecting—*

**MADAM SPEAKER:** Is leave granted? Leave is not granted. Is that what I have heard?

**Ms Lee:** No; I said yes.

**MADAM SPEAKER:** Leave is not granted.

### **Digital Health Record system—ACT Integrity Commission**

**MS STEPHEN-SMITH:** In response to a question on the matters surrounding referrals in relation to the Digital Health Record matter, I indicated that I had received advice that was verbal advice. I have been reminded that that advice was subsequently confirmed in writing. In relation to provision of this advice, I have also been advised that, as this matter is currently subject to an investigation by the Integrity Commission, it would not be appropriate for me to make any further comment, being conscious of the confidentiality requirements under both the Integrity Commission Act 2018 and the Integrity Commission (Mandatory Corruption Notification) Directions 2019 (No 2). Pre-empting the opposition, no, that advice will not be able to be tabled or provided to the Assembly.

**Ms Lawder:** On a related but different matter: on the *Hansard* that Mr Cain referred to, Mr Cain asked a genuine question based on the *Hansard* and, in response, apart from Mr Steel's answer, Minister Cheyne said—

**MADAM SPEAKER:** If there is—



**Ms Lawder:** I am talking about Minister Cheyne. Minister Cheyne said that he was trying to smear Mr Steel, and I am asking you to ask Minister Cheyne to withdraw and apologise. He was basing it on the *Hansard*, which is quite legitimate.

**Ms Cheyne:** I didn't say that.

**MADAM SPEAKER:** And the *Hansard* potentially—

**Ms Lawder:** The fact that the *Hansard* was not corrected is not Mr Cain's problem.

**MADAM SPEAKER:** Ms Lawder, please resume your seat. I am not asking anyone to withdraw. What I think would be useful—

**Ms Lawder:** She has accused him of smearing.

**Ms Cheyne:** I didn't say that.

**MADAM SPEAKER:** Ms Lawder! There has been a notification of a potential error in the *Hansard*. As I understand, Mr Steel is requesting for that to be corrected. So, until we have advice through the *Hansard* process—because they are the ones responsible for doing this by checking *Hansard*, by looking at the recordings and making a determination—we will just leave that as is at the moment. But I will remind folk that, if there are matters that you want to criticise a member on, then you do that through a substantive motion.

## **Dissent from ruling**

**MS LAWDER (Brindabella) (2.54):** I move:

That I dissent with the Chair's ruling, as per standing order 73A, regarding the matter of *Hansard* reference of Mr Steel's evidence.

During question time, Mr Cain asked a legitimate question based on the *Hansard*, not the proof *Hansard* or the draft *Hansard*, but the approved *Hansard* of proceedings during estimates where, according to the *Hansard*, Mr Steel had provided an answer. Mr Cain's question referenced that *Hansard*. We heard during question time that Mr Steel refuted what he said. He did not check the *Hansard*. His staff did not check the *Hansard*. No-one else checked the *Hansard*. That does not place Mr Cain at fault in any way, shape or form. He has asked a legitimate question based on the *Hansard*.

Not only did we have Mr Steel responding, giving a bit of stick to Mr Cain about his question and denying that he said that; we also had Minister Cheyne interrupting and interjecting, accusing Mr Cain of smearing Mr Steel. There was no smear whatsoever; Mr Cain had based it on the *Hansard*. Your ruling—

**Ms Cheyne:** I didn't say that. I did not say that.

**MS LAWDER:** Once again, Minister Cheyne cannot control herself and she is interjecting while I am trying to make a point—

**MS LAWDER:** And now Mr Rattenbury is interjecting. We just have no self-control here whatsoever. I think it is very unfortunate. Perhaps this misunderstanding arose because of a mistake in *Hansard*, but that is in no way Mr Cain's problem, and that does not mean he should be smeared by Minister Cheyne by accusing him of smearing and he should not be smeared by Minister Steel for asking the question based on the *Hansard* that was printed and distributed.

Your ruling, with respect, Madam Speaker, seems to place the blame on Mr Cain. It is entirely unfair and unwarranted, and I would ask that you reconsider, based on the facts—based on the fact that no-one bothered to check the *Hansard*, so it was entirely reasonable and fair that Mr Cain used that transcript while he was preparing his question, as is common practice by everyone in this place. He was not trying to make something up. He was not misrepresenting anyone. He was using the *Hansard*, and surely, Madam Speaker, that is what the *Hansard* is there for.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (2.57): I simply make the point that both Mr Cain and, I believe, Ms Lawder were in the room during estimates when I said clearly, “I don't believe so”, and not “I believe so”. I have made a request for correction to the proof *Hansard*, both to yourself, Madam Speaker, and to *Hansard*. I look forward to receiving a response.

**MS LEE** (Kurrajong—Leader of the Opposition) (2.57): We are talking about a genuine question that Mr Cain has put relying on the proof *Hansard*. In fact, when he put that question—and Mr Steel was aghast that that question was put—I am pretty sure that at that time Minister Cheyne even interjected and said, “Yes, check the *Hansard*.”

**Ms Cheyne:** No, I didn't.

**MS LEE:** The fact is that your ruling is—

*Members interjecting—*

**Ms Cheyne:** I didn't. I know what I said.

**MADAM SPEAKER:** Members, please!

**MS LEE:** With respect, Madam Speaker, the fact is that you have not asked Minister Cheyne to withdraw a very clear interjection which has made a very serious imputation that the purpose of Mr Cain asking this question was to smear—

*Members interjecting—*

**MS LEE:** and you are allowing that to stand, despite the fact that, when you stated, Madam Speaker, “If you have proof of this, I would be very interested to see it,” Mr Cain's office very diligently brought this down, even before question time, so that we could have this resolved. The fact that now we have remain standing ministers who have thrown serious imputations and allegations that Mr Cain's question was so smear someone, with all due respect, should not be allowed to stand.

*Mr Rattenbury interjecting—*

**MR CAIN** (Ginninderra) (2.59): I would like to read from the proof *Hansard*, page 609, estimates 29 July, and I might just comment that Mr Steel was in the room as well. The proof *Hansard* has been available and yet it is now that he says, “No, that is not what I said.”. Obviously we will rely on our Hansard colleagues to go and check the actual audio of the *Hansard*, but I thought it might be useful, since I was denied the ability to table a copy of that page—the most ridiculous opposition from the floor—to read the question and Mr Steel’s response, subject to it being checked and verified by the Hansard team, of course. My question was:

Thank you. Minister, was the HRIMS catastrophe the reason that the former Minister for Government Services and Procurement, Ms Orr, was not renewed as a cabinet minister in 2020?

Mr Steel’s next three words:

I believe so.

It is obviously open to any member to go back to Hansard and put in an application or request for that to be checked or changed, but that was the basis for my question.

I want to thank my colleagues on this side of the room for their support of the basis for my question being this very document I hold in my hand now. Again, I seek leave to table a copy of that particular page with that question and that answer. I seek leave to table that document.

Leave granted.

**MR CAIN:** I table:

Estimates 2024-2025—Select Committee—Copy of Proof Committee Hansard, 29 July 2024, page 609.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.01): Madam Speaker, we seem to be in an unfortunate situation where probably somebody needs to have time to go and listen to the Hansard tape. I think the most appropriate way to proceed on this dissent motion is an adjournment of the debate. This will allow time for checking the record and to give Madam Speaker an opportunity to make a ruling on how we proceed on this matter. I believe that would be the best way forward for the chamber.

**MR BRADDOCK** (Yerrabi) (3.01): I move:

That the debate be adjourned.

*A division being called and the bells being rung—*

*Ms Berry interjecting—*

**Ms Lee:** Madam Speaker, I call a point of order. The Deputy Chief Minister just literally said, “You’re not interested in the truth”, and I say that that is a pretty bad accusation as well. Given that we are currently discussing some of the assertions that we are making against each other, I would ask that you rule that unparliamentary too and ask her to withdraw.

**MADAM SPEAKER:** It is getting testy. Deputy Chief Minister, can you withdraw the statement? I did not hear that but, if you were unparliamentary to the Leader of the Opposition, I ask that you withdraw. Ms Berry?

**Ms Berry:** I will withdraw, Madam Speaker.

**MADAM SPEAKER:** Thank you. Ms Lawder.

**Ms Lawder:** On a point of order, thank you, Madam Speaker. I have no problem whatsoever with adjourning and checking the *Hansard*. The point is more about the smearing that was done by members on the other side, not about the truth of the *Hansard* right at this point. The point is about what was said by members on the other side.

**MADAM SPEAKER:** Can I—probably inappropriate, but with your indulgence—seek to call for an adjournment, and I will see if I can pick up any of the interjections? I did not. I did not hear that, but it is not the first time I have not heard things that have flown across the table. So I would be very comfortable in seeking an adjournment of debate so that we can go back to the *Hansard* original material from the estimates and also from this afternoon’s dialogue across the chamber. If people are happy with me proceeding under those circumstances, I put the question that the debate be adjourned and we come back to this tomorrow.

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

## Papers

**Madam Speaker** presented the following papers:

Estimates 2024-2025—Select Committee, pursuant to standing order 253A—

Answers to Question on Notice—

No 224, dated 26 August 2024.

Answers to Question Taken on Notice—

No 005, dated 19 August 2024.

No 222, dated 26 August 2024.

Schedule of questions answered after the dissolution of the Select Committee on Estimates 2024-2025, dated 28 August 2024.

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—A Serious Assault of a Detained Person Resulting in Admission to Hospital at the Alexander Maconochie Centre 13 December 2023, dated September 2024.

## **Evidence (Miscellaneous Provisions) Amendment Bill 2024**

**Dr Paterson**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**DR PATERSON** (Murrumbidgee) (3.05): I move:

That this bill be agreed to in principle.

I rise today to introduce the Evidence (Miscellaneous Provisions) Amendment Bill 2024. Since June last year, sexual assault incidents have been notifiable incidents under the Work Health and Safety Act 2011. However, when WorkSafe investigates and moves to a prosecution, the victim will have their identity disclosed in court. This represents a major barrier to victims reporting such offences in the workplace. As a result of this, WorkSafe has reported several cases not proceeding to prosecution because victims are concerned about their identity being released. This bill changes that.

I know from my own experience of sexual harassment in the workplace how traumatising it is when your name is made public. Unfortunately, I did not have the benefit of laws that we now have in the ACT, thanks to Minister Gentleman and ACT Labor, that saw sexual assault and harassment become a notifiable incident under the Work Health and Safety Act last year. In my experience of sexual harassment, I ended up having to go to the media in New Zealand to expose the individual and the workplace, not only to see that the behaviour would stop, but also to see that this never happened again to other victims. Having my name and situation become public and the reporting being completely out of my control was one of the most traumatising and distressing things I have experienced.

The purpose of this bill is to ensure that victims of sexual offences in workplaces here in the ACT have their identities protected in subsequent criminal proceedings. The relevant proceedings will include those offences committed against sections 31, 32 and 33 of the Work Health and Safety Act, and disputes of liability for an infringement notice issued under the Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011 for an offence against section 38(1) of the Work Health and Safety Act.

Similar clauses are present in this legislation. For example, section 74 of the Evidence (Miscellaneous Provisions) Act already prohibits publication of a complainant's identity for sexual offence proceedings. However, section 41 only includes offences against the Crimes Act, the Family Violence Act and the Personal Violence Act in the definition of a sexual offence proceeding.

These amendments will include two new subsections in section 41 to expand the definition of "sexual offence proceedings" to include offences against the Work Health and Safety Act and the Magistrates Court regulation for an offence involving sexual assault. This bill also inserts a new section 41(2), which defines a sexual assault incident based on the Work Health and Safety Act. For this purpose, a definition "means an incident (including a suspected incident) in relation to a workplace that exposes a worker or any other person at the workplace to sexual assault".

An updated definition of “complainant” will also be included in section 42 to include sexual assault, or acts of a sexually aggressive, humiliating or intimidating nature. This aligns with the wording of the commonwealth Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act. The Respect at Work act introduced a positive duty for persons conducting a business or undertaking—a PCBU—to, as far as practicable, prevent sexual harassment and sex-based discrimination in the workplace.

This legislation was preceded by a review by the Australian Human Rights Commission into sexual harassment in the workplace. Led by Kate Jenkins, the Sex Discrimination Commissioner of the Australian Human Rights Commission, the report found that 33 per cent of all people in the workplace had been victims of sexual harassment in the preceding five years. Women were more likely to be a victim than men, as were young people aged between 18 and 29.

Figures from the Australian Bureau of Statistics paint an even more devastating picture. Two in every five people over the age of 18 will experience sexual harassment in their lifetime. For women, more than half, 53 per cent, will experience sexual harassment.

A 2012 review of the Australian Defence Force showed that 25 per cent of women and 10 per cent of men in the ADF had been sexually harassed in the last five years. A 2019 survey of retail workers showed that 39 per cent had experienced sexual harassment in the workplace. The 2021 National Survey of Students found that one in six students had experienced sexual harassment since starting university, and one in 20 had experienced sexual assault. In each situation, the perpetrator was known to the victim in more than 50 per cent of these instances.

All of these figures are completely unacceptable. As a parliament and as a society, we should not tolerate any figure above zero. No-one should go to work and fear violence of any kind. Sexual harassment, assault and any sex-based discrimination are completely unacceptable, no matter where it occurs. At work, no-one should be subjected to this behaviour. I will continue to strongly advocate in the Assembly for victim-survivors. I commend this bill to the Assembly.

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

## **Tuggeranong—skatepark**

**MISS NUTTALL** (Brindabella) (3.11): I move:

That this Assembly:

(1) notes:

- (a) the Tuggeranong skatepark, constructed in 1997, is now well over 26 years old. The design, once cutting-edge, now significantly lags behind modern standards; 2118 No 127—27 August 2024
- (b) while the community has welcomed upgrades to the park, playgrounds, and parking facilities in Tuggeranong Town Park over the past 15 years, the skatepark has been overlooked;
- (c) skateparks serve as important social and recreational venues, supporting community inclusion;

- (d) a new, vibrant skatepark in Tuggeranong could create a positive hub for community activity;
  - (e) research suggests that good skateparks activate the local area, help lower neighbourhood crime, and provide a safe, supervised space for children and young people;
  - (f) a petition lodged on 2 June received 776 signatures, calling on the ACT Government to redevelop the Tuggeranong skatepark. The Minister for Sport and Recreation responded to this and indicated that the ACT Government would “consider opportunities for Tuggeranong skatepark in future stages of [the Government’s] suburban infrastructure program”; and
  - (g) while recent resurfacing of the Tuggeranong skatepark was welcomed by the skating community as a much-needed safety upgrade, the community has been asking for a comprehensive upgrade and redevelopment of the Tuggeranong skatepark for a number of years; and
- (2) calls on the ACT Government to:
- (a) commit to a comprehensive upgrade and redevelopment of the Tuggeranong skatepark, including expansion and modernisation, and begin work no later than the 2026-2027 financial year;
  - (b) co-design the new Tuggeranong skatepark with local skateboarding and BMX organisations and other skatepark user groups;
  - (c) work with local skating and BMX organisations and other skatepark user groups to develop an ACT Government skatepark strategy;
  - (d) ensure that the comprehensive upgrade and redevelopment of the Tuggeranong skatepark is included as part of this skatepark strategy;
  - (e) revisit the proposal of a skate plaza extension into the carpark area of Tuggeranong skatepark;
  - (f) ensure that the Tuggeranong skatepark upgrades improve utility for all potential users, and specifically people with a disability; and
  - (g) ensure equitable skatepark development across the ACT.

The people want what they want, and what they want is a comprehensive upgrade and redevelopment of the Tuggeranong Skatepark. It came up consistently in submissions during the recent inquiry into skateboarding and skateparks in the ACT. It has come up consistently when I am out in the community. It has come up at the Tuggeranong Community Council. It came up in Labor’s election policy, which I was delighted to observe. It is a fair reflection to say that community pressure works, and everyone is starting to recognise that Tuggeranong needs its moment in the sun.

People love skateboarding, and we have a thriving skate community and culture here in the ACT. It is a brilliant sport. Functionally, skateboarding has a really low barrier to entry. You are able to pick up a workable skateboard and safety gear locally for a pretty decent price. Devoted skateboarders are really generous in sharing their skills, wisdom and tips. It seems that, wherever you go to skate in the ACT, eager starters are never far from someone to show them the ropes. Those hardcore skateboarders have also been working overtime to make Canberra the place to be for skate tourism. The Belco Bowl Jam has drawn national attention and has been growing, dare I say, near exponentially.

Members might be aware that Canberra has some other pretty iconic skating locations, like the Erindale Brick Banks, where I am proud to say I have stacked it with a scooter run; the Kambah U-pipe, which is rare because it does not have a flat bit at the bottom; and the Charnwood Bowl, which is one of Australia's earliest skateparks.

People are starting to realise that skateboarding is a sport that requires some serious athleticism, creativity, artistry and, at times, unbelievable feats of human skill. I think the Olympics have helped a lot with showing the broader community why skateboarding is such a cool sport. Absolute units like Arisa Trew and Keegan Palmer have shown us just how much skill, training and guts it takes to skate hard. I am sure members of this place are well aware that Arisa Trew was actually crowned Queen of the Bowl at the Belco Bowl, which means we are only two degrees of separation away from a celebrity, which I think is pretty cool.

Close to my heart, it is also an incredible sport for young people. It happens in free local spaces, it is social, it is athletic, and it is supported by an active and generous community that are ready to share their wisdom and celebrate improvements. We are running out of free spaces, and we are starting to mourn the loss of community spirit and social connectedness, so we have to protect it where we can and embrace and encourage the sports that keep us connected, like skateboarding.

Skateboarding is a really positive physical and social outlet for young people in particular. It is a great opportunity to take controlled risks in a safe environment. Our society still is not great sometimes at recognising the needs behind risky behaviours. Quite often we do not realise the world that we have set up for young people. Given that some young people will need an outlet, I would much rather see us invest in skatepark infrastructure, where they can channel their energy in a really positive and constructive way.

As we have become more conscious of concepts like preventive health, skateboarding, BMXing and other skatepark sports have played a really important role in keeping people in our city healthy. When people get involved in any physical activity that they really like, they stay healthier for longer. Actually, not only are skateboarders and BMXers keeping themselves healthy and enjoying what they can do on the board and the bike, but they are alleviating pressure on our health system long term just by continuing to skateboard and BMX and stay active at our skateparks.

As a government, when we see something that provides such an insane cross-sectional benefit in our community, the way skateboarding, BMXing and other skatepark-related sports do, we should invest in them. And we know this stuff. Government has been working to improve and enrich the Belco Skatepark with a new vert ramp, and that is huge. It is what the community needs, and I am really glad to see that it is happening. We need to bring that same energy to Tuggeranong.

I will go full local member here. There is a common thread that I think a lot of Tuggeranong folk are feeling; it is the thing that I hear from people most often when I am out in the community, or when they take the time to reach out directly to me. Tuggeranong is feeling left behind. It is not like we are not promised things; we are. There are things like the hydrotherapy pool, the ice sports facility, the Lanyon dog park and the Kambah shop upgrades.



Consistently, it feels like these things are delayed, reviewed, blown out, and occasionally re-promised. I do not want to be uncharitable. I get why some things have to be delayed. We have had COVID. We have had ballooning construction costs, and unpredictable and unprecedented weather, thanks to global warming. But I am struggling to think of big projects that actually get promised and then delivered on time here in Tuggeranong.

We do not want to be that one kid that complains because all of their siblings got something and they did not. We do not want to be given consolation prizes and have just enough promised to keep us placated. We do not want to be made to feel like a backwater. We actually want to be seen as a vibrant part of Canberra that people want to visit. Redeveloping the skatepark after 27 years would be an excellent way for this government to demonstrate to the community that we hear them. Let us talk about how to fulfil what the community wants from us and how to do it well.

First, the community wants a proper redevelopment and modernisation, not just resurfacing. Skateboarding, in particular, has progressed so far in 27 years that a facility that used to draw people from across Canberra is now a facility that is almost past its useful life. Creating the kind of space that gives people modern skateboarding challenges to tackle will make a massive difference for the local community.

Novelty is hugely important here. I come from an indoor climbing background—I am not very good, just to be clear—and people get restless if routes and problems are not changed every three months, let alone 27 years. Skateboarders, BMXers and other folk with great hand-eye coordination are endlessly creative, but there is a reason that people travel to skate when they are getting into it. Because of brilliant, elite skateboarders breaking ground in their new craft, and massive international events like the Olympics bringing a whole lot of interest, we need to have a pathway from the grassroots through to our elite-level skateboarding. We have a whole generation getting into skateboarding because they see how awesome it looks, and they need somewhere to train.

A proper, modern, fit-for-purpose Tuggeranong Skatepark would set up a new generation of skateboarders to hit and actually exceed the peaks of the sport. What do we want out of a new skatepark apart from exciting, new, modern features that challenge anyone who uses the park? I have heard that the community is really keen to see us use the physical space better. Right now, we have quite a big area, but a lot of it is grass, and in the skatepark itself there is a lot of white and beige concrete.

**Mr Parton:** But you guys like grass.

**MISS NUTTALL:** We do like grass, Mr Parton! With such a generous footprint, there is a real opportunity for us to get creative and play with the landscape. I know that we have been tossing up the opportunity of having the park flow into the Tuggeranong Skatepark car park—that is a bit of a mouthful—and I would like the government to consider this proposal as part of the upgrades.

One of the really cool things about sports like skateboarding and BMX is that they challenge us to think about how much of our built environment can be an excellent skating and biking facility. I think we should lean on the creativity of our skatepark users for this.

I would also like to see us focus on enlivening the area with things like proper lighting, space for food trucks and picnic tables. The more you have that draws people to the skatepark and the surrounding area, the safer it actually is for the people using the park. This idea of passive surveillance is a really cool one. Essentially, you are supporting the safety of everyone using the park by just encouraging bystanders and enlivening the space.

I am just spitballing here. What is really important—and I want to emphasise this point—is that the new Tuggeranong Skatepark needs to meet the needs of all users, which is why I am calling on the government to co-design the redevelopment with the community—skateboarders, BMXers and other users. They are the experts in their craft, they know what they would like to see, and our job will be to make sure that this Tuggeranong Skatepark becomes what the community wants it to be.

It is also important that we show skateboarders a particular vision for our skateparks across the ACT and that we do that in the first instance by developing an ACT-wide skatepark strategy. This was one of the first committee recommendations from the recent inquiry into skateboarding and skateparks. With so many iconic locations, and current and upcoming talent, a cohesive approach to our skateparks here in the ACT would be huge. We could take the opportunity to highlight those social, emotional and physical benefits that I talked about earlier, to properly acknowledge and enhance the great impact of skate tourism here in the ACT, and to let the skateboarding and BMX community know that we are interested in seeing them thrive. If we need an example, I hear that Skate Melbourne is an excellent plan, just in case anyone is listening.

All in all, the community has told us that Tuggeranong is long overdue for a redevelopment of the skatepark. It is our responsibility now to listen to them and to deliver something great.

**MR MILLIGAN** (Yerrabi) (3.20): I thank Miss Nuttall for bringing this important motion to the Assembly. The ACT was, at one point, the leader in Australia in providing public skateparks, with a history that dates back over 40 years. It has been recognised that skateparks serve as important social and recreational venues, supporting particularly the youth as well as others in our community.

The Tuggeranong Skatepark, as we have heard from Miss Nuttall, is well over 26 or 27 years old. Although recently resurfaced, the community of Tuggeranong has been calling on the minister to implement a complete redevelopment of the skatepark.

Referring to my own electorate of Yerrabi, and Gungahlin particularly, in Gungahlin there is a skatepark that is well occupied by those of all age groups and demographics. I was disappointed to see that, after a petition with 612 signatures calling on the government to have the Gungahlin Skatepark fixed and upgraded over two years ago—I think that motion was brought forward by Mr Braddock a few years back—there has been very little work done on that skatepark. TCCS has been active in the area, providing more upgrades of the toilets at Yerrabi Pond. But there is an election coming soon, so we all know what the motivation is for that. Upgrading the actual Gungahlin Skatepark is not part of the agenda. It continues to be neglected. Just as Tuggeranong has been neglected so far, and overlooked, in the same way, Gungahlin has been as well.

The recent inquiry into skateboarding and skateparks in the ACT highlighted that neglect of the skateparks was a major issue in the ACT. The ageing and out-of-date infrastructure is letting the community down. New designs and installations are being built elsewhere in Australia, yet Canberra is missing out. More than that, it is missing out on an opportunity to host national skateboarding events. Upgrades to lighting, signage, weather protection and appropriate landscaping are all issues that have been identified by the skateboarding community in the ACT, certainly as lacking in Tuggeranong and Gungahlin.

I support the motion for upgrades to Tuggeranong Skatepark and a co-design with local skateboarding and BMX organisations, ensuring that skateparks provide good utility for all users, including people with a disability. The final “calls on” gains my full support; that is, that the government ensure equitable skatepark development across the ACT. It is not just Tuggeranong that needs upgrades. As I have already mentioned, Gungahlin certainly needs upgrades, and right across the ACT as well. The Canberra Liberals will be supporting this motion.

**MS DAVIDSON** (Murrumbidgee) (3.24): I thank Miss Nuttall for bringing this motion to the Assembly today. A lot of us south-siders have good memories of hanging around the Erindale Brick Banks. So it was good to hear them get a shout-out.

Research by the University of Western Australia Centre for the Built Environment and Health shows that skateparks are places to learn cooperation, negotiation and compromise in informal ways, in contrast to the structured roles in team sports. The result is that park skating is more likely to generate pro-social behaviours like social connection, respecting others and cooperation than antisocial behaviours, and physical fitness and resilience are a big part of it, too.

I have been a bit busy this winter and I have not been down to the park as much as I would like, but every time I have been there, I have seen people trying something new or perfecting an old favourite. I get to talk to people about the different features across our different parks and which ones we like, when is the best time to hit certain street skate spots, how to fit grind blocks to your quad skates or build the best Frankenskates.

I once had someone come over and offer to spot me when I bailed halfway up a ramp, thinking that I was having difficulty pumping up to the top, which is actually a fair assumption, given how out of form I am. But on that occasion, I actually bailed to take a call from my party leader, so it serves me right for thinking I could sneak in a quick session before work. It goes to show how important it is to have community recreation facilities that you can just drop into in your local neighbourhood when you get even a moment of free time to look after your own wellbeing.

If Canberra is going to be the inclusive and creative city that we all want it to be, we are going need skaters’ ability to adapt their environment so that it is a fun place to be to progress through practice and to have the discipline to stick at a trick until the trick sticks.

I have skated with people from three years old to over 60 years old, with people of all genders, with people who skate on Australia’s national roller derby teams, with people lacing up for the first time ever and with people of all abilities. That includes people

with hearing or vision impairments, people with chronic conditions that affect muscle recovery and people with cerebral palsy.

You definitely do not want to watch me at a skatepark. Everything I do is sketchy. My most reliable trick is face planting into concrete, and generally not so much flying as falling with style. The great thing about doing that at the Tuggeranong Skatepark, though, is that you get beautiful lake views while you are doing it. That makes it worth travelling to from the other side of town, so I can highly recommend going and checking it out.

Someone I highly recommend that people do watch in competition is Arisa Trew. In addition to being the youngest ever Australian gold medallist, after her performance in the Olympics this year, Arisa was also the first woman in the world to land a 900, also at just 14 years old, in May this year. This comes on top of being the youngest ever X Games double gold medallist at 13 years old, with the women's skateboard vert gold and the women's skatepark gold in California in 2023. Her win at the Olympics is only made more impressive when you know that she fell on her first turn, yet still came back to win the gold with a McTwist 540, which is a variation that she did for the first time ever, and, in fact, she was the first woman in the world to land a McTwist, just three months ago. She is someone who we have seen in Canberra, when she won the Queen of the Bowl at the Belco Bowl Jam earlier this year.

I absolutely back Miss Nuttall's calls for greater investment in the skatepark infrastructure in Canberra that is co-designed with skaters and BMX organisations, and is inclusive for all skatepark users, including people with disability. Great infrastructure helps us to attract the best comp skaters. Most importantly, though, with a plan for long-term investment in skatepark infrastructure and making that plan public so that the community knows what and where upgrades or repairs will happen, we can continue to see more young people try out new things, build their skills, create social connection, activate our public spaces and go on their own skate journey, wherever it may take them.

**MR PARTON (Brindabella) (3.28):** I spent a fair bit of time watching the Olympics—too much time—and I managed to see a number of golden moments live. How about Arisa Trew and Keegan Palmer, and the fact that Australia rules the world in skateboarding? As I watched those gold-medal performances, I could not help but think about the good old Tuggeranong Skatepark.

I do not skate—I would give it a crack; do not worry about that—but I spend a lot of time around Lake Tuggeranong for the parkrun, dog walks and community events. It is rare to go past the Tuggeranong Skatepark without seeing someone utilising that facility, and that is pretty cool. I missed the front end of the speech, so I do not know whether this was mentioned, but it is a fact of life that the Tuggeranong Skatepark is actually older than Miss Nuttall! I support the gist of this motion from Miss Nuttall, as does Mr Milligan, but I must again note that the Greens have been part of government here in the territory since 2012, and so, although Miss Nuttall seeks to imply a sort of negative spin on the government for not undertaking this work, she does need to take some ownership of that neglect.

We appreciate Miss Nuttall turning up here bright-eyed, bushy-tailed, full of enthusiasm and saying, “I am the change,” but it is a fact of life that those wearing the same uniform have had their hands on the steering wheel. The Greens have three ministers in the cabinet, one of whom is a skater, and have been in government with Labor since 2012. So let’s all stand together—sure; let’s do that—and call for this sort of action, but let’s also accept how we got here. Tuggeranong has been sadly neglected by this Labor-Greens government for a long period of time, and, based on the ACT Labor announcement a couple of weeks ago, I do not reckon that is going to change.

We will support this motion, and we will also support a change of government in October.

**MS LAWDER** (Brindabella) (3.30): I was on the Standing Committee on Education and Community Inclusion during the inquiry into skateboarding and skate parks in the ACT, but I am speaking as an MLA with regard to this motion, and most specifically a Tuggeranong or Brindabella MLA. I can point out that some of the points made by Miss Nuttall in her motion are recommendations from the inquiry—for example, recommendation 2, “that the ACT government establish a skate park strategy for Canberra”, and recommendation 8, “that the ACT government update ageing skating infrastructure to ensure it is fit for purpose and aligns to modern skate park designs”.

Consultation and co-designing skating infrastructure with skate park users and including skate park users in the development of an ACT skate park strategy are, of course, no-brainers. The Canberra Skateboarding Association highlighted in their submission to the inquiry—which was, I add, extremely well run by the chair of the committee—that Tuggeranong Skatepark and also Gungahlin Skatepark were most in need of modernisation. And, as Mr Parton has already said, it is typical of the neglect of Tuggeranong—all of Tuggeranong, and now we hear about our skate park as well.

Recommendation 9 of the inquiry was that “the ACT government ensure Canberra skating facilities are designed for all disciplines and, where necessary, update infrastructure that has become worn and is no longer suitable for skaters”. Recommendation 22 was that “the ACT government implement a monitoring system for skate park infrastructure that frequently and proactively assesses damage and defects”. When skating infrastructure is allowed to age or become damaged or deteriorates, it may become unsuitable for some disciplines. Riding on rough surfaces, as we have all heard, increases the risk of injury to skateboarders and other users of the park.

I often hear that the Tuggeranong community feels left behind and that infrastructure maintenance is too little and usually too late. Tuggeranong Skatepark is just one more example of a community facility in Tuggeranong that has become outdated under the Labor-Greens government—a government Miss Nuttall is part of and that the Greens have been part of for 12 years. But, not to split the point, this is still an important motion, and it arose partly from the petition in the inquiry. It was a petition undertaken in 2022-23 by a former Greens member—he who must not be named—about Tuggeranong Skatepark.

The upgrades to the Tuggeranong Skatepark are clearly needed, but we only hear about something like this close to an election. The Labor government have made this commitment now. They have been in government for a long time and the Greens have

been in government for a long time, yet now, a couple of months out from an election, we hear about this. Tuggeranong Skatepark can be a great facility, and it has been for the best part of 30 years. It has two large vert ramps, large ramps with spine, and a three-foot mini ramp, and it is in the beautiful surroundings just near Lake Tuggeranong. It has the foreshore and a park. I would like to make a special shout-out to a local small business, the food truck Hoodie and Foodie, which is next to the skate park.

I thank Miss Nuttall for bringing the need for a comprehensive upgrade and redevelopment of Tuggeranong Skatepark before the Assembly today and remind her that this is something that should be done in government, not just be a promise which has the ability to become yet another broken promise by this government.

**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) (3.34): I thank Miss Nuttall for bringing this motion to the Assembly today. Everybody has spoken with great enthusiasm about skating being such a popular sport and pastime for Canberrans. There has been a lot of investment in the ACT in both big and small skate parks, and we have seen the success of our local skaters in the ACT representing us around the country, and skaters from across the country have participated in skating activities here in the ACT and smashed it.

We have a total of 19 skate parks in the ACT which are great for not only skaters but also rollerbladers, roller scooters, scooters and BMX riders. Seven of the 19 skate parks are large: in the Belconnen town centre, the city, Eddison District Park, Weston Creek, Yerrabi Pond and, of course, Tuggeranong. The other 12 are smaller suburban skate parks which are spread across the city. The latest major upgrade to one of the big skate parks was, as everybody knows, the construction of the new competition-standard vert ramp at the Belconnen skate park. Minister Cheyne and I opened this new vert ramp in July, and it is pretty amazing to see skaters and bikers utilising that facility.

Both the skating and the BMX riding communities were consulted through the design and construction process, and of course we are happy for that to continue. We are not the experts. We want to listen to the users of skate parks to make sure that we get it right. As part of the redevelopment of the Kippax Fair shopping centre in West Belconnen, the government will also be delivering a new skate park for the community. Again, it was the skateboarding community that advocated for this to occur, and I congratulate them on the success of their advocacy in this space. This will replace the mini vert ramp and will be a great addition to the redevelopment of Kippax that the owners are planning. This new skate park is one step closer, as the government finalised the direct sale of land needed to allow the owners of Kippax Fair to get on with their redevelopment. Not only will residents of West Belconnen benefit from this new mixed-use development but urban amenity and skating will also benefit.

There is a large skateboarding and skate park user group on the south side as well. Upgrades were undertaken to both Erindale and Tuggeranong skate parks. The entire concrete surface of the skate park at Tuggeranong was ground down and then covered by a skateable sealant to give it an excellent surface for users. As south-siders love skating just as much as north-siders, I was stoked to be able to announce, when our

Tuggeranong regional plan was released on Monday this week, that ACT Labor's commitment to upgrade and expand the Tuggeranong skate park included a commitment to build a pump track. I know that the BMX community were super excited to hear about an asphalt pump track being included in those works. I am pleased that the ACT Greens were able to get behind this initiative and support the skate park in Tuggeranong, on the south side.

As Ms Lawder will recall from the committee hearings, and rightly so, I did say that I would be interested in developing a skate park strategy for all skate parks across the ACT and engaging all users and skate park groups. Labor will definitely commit to that if we form government after election in seven weeks. I am really pleased that Miss Nuttall agreed with my office to include that point in her motion today.

Finally, I welcome this motion and that Miss Nuttall has brought it to the Assembly today for discussion, and I am pleased to see the shared ambition for the Tuggeranong skate park community and the commitment to skating and skating infrastructure in the ACT. ACT Labor will support this motion today.

**MISS NUTTALL** (Brindabella) (3.39), in reply: I thank Minister Berry, Mr Milligan, Mr Parton, Ms Lawder and my wonderful colleague Minister Davidson for their thoughtful contributions to the debate today. It is great when we can come together like this and agree that Tuggeranong and its people deserve to be seen, heard, listened to and invested in.

Tuggeranong Skatepark is not the be all and end of all of Tuggeranong yet, but it is an opportunity to challenge the narrative that Tuggeranong gets left behind. The real challenge is from here on, and that challenge is, as Ms Lawder adeptly put it, making sure that every member who supports this motion today continues to support the redevelopment and modernisation of Tuggeranong Skatepark well into the future and, dare I say, past October—no take-backsies. I hope the community watches us carefully and I hope that we in this chamber hold ourselves, and each other, accountable to redevelop the skate park and do it right.

This motion is the result of sustained community advocacy. I want to be so clear about that. The community systematically raised awareness, petitioned us, gave us clear evidence in inquiries and continued to engage really sincerely with local members. I would particularly like to thank the Canberra Skateboarding Association for being willing to answer many of our newb questions about the needs and aspirations of the Tuggeranong skateboarding community and the Canberra skateboarding community more broadly. The skateboarding and BMX community in particular has been really engaged and proactive. The community has been generous with its time and ideas. With members' indulgence, I would like to get a few of those ideas on the record now. Obviously, our expectation is that the government will run a proper co-design process with the community, but I hope this may whet members' appetite for what a new skate park might look like.

There was strong support for a full redevelopment rather than just a face lift. After 27 years, it is fairly unsurprising that people want a little bit of novelty. A lot of people, especially BMXers, really liked the hip and spine at the skate park. In fact, just last

week a few young people walking past seemed genuinely disinterested in their local politician until they heard that the skate park was in question, at which point they very strongly emphasised to me their appreciation for the hip and spine. They thought it was a pretty iconic part of the park, and I heard strong support for keeping these elements in whatever form the skate park might take. There was support for more beginner-friendly elements and facilities for a really broad range of skill levels. Someone made the excellent point that quality facilities would go quite a way towards making sure that the skate park was beginner-friendly and would produce great athletes.

Lighting was also crucial and came up a bunch. To draw most out of the park, we want people to actually be able to skate and ride safely outside of daylight hours. There was support for more space to teach and facilities for families to watch and cheer on their kids. People were keen to offer more for different types of skateboarding, including street-skating elements like stair sets, rails and ledges. People talked about different ramps: a mini ramp, a half-pipe section and bowls. Someone was keen to see two open bowls with a spine between them. I looked up what that might look like and it looks scary. I actually ended up going down a rabbit hole last night by Googling some of these terms. I am not a skateboarder, but a cradle looks absolutely sick. Here is the thing I am quite excited about: we might well come up with a world-class design and then some keen athlete will come up with a way of using the skate park and the surrounding area that none of us would have thought of. Skate park users are a creative bunch.

The point is that there is such enthusiasm in the community to pour some love into the skate park, and I encourage the ACT government to really honour the co-design part of the commitment. As a note for when we actually build the skate park—and, yes, I am manifesting, so bear with me—I have heard a lot of strong support from the community about working with trusted skate park builders, who are people who know and love the craft. Sorry, future government: there is a bit of a shopping list here.

Before I conclude, I would like to briefly address a point made during the debate. I do appreciate Labor's newfound support for properly redeveloping Tuggeranong Skatepark. I note that in April last year, in response to the community petition to redevelop the Tuggeranong Skatepark, which garnered well over 700 signatures, the minister said that the ACT government was not going to build a new skate park in Tuggeranong. She said:

At this stage, there are no plans to construct a new skatepark in Tuggeranong. The ACT Government is working to deliver our current program of improvements and upgrades to recreational spaces across the Territory.

I want to reiterate that the community has been driving this process. In my opinion, it is about government—and I include myself in that—catching up with a long-overdue upgrade. I am really proud to be a part of a party that has backed the community consistently on this.

Ultimately, the ACT government have huge opportunity here if they commit to properly redevelop the skate park. They have the opportunity to show that they care and that they can deliver promises to the Tuggeranong community at a time when the people of Tuggeranong are genuinely feeling a bit overlooked—I heard this from many



members—as a bit of an afterthought when it comes to government priorities. We can show the community that we are listening when they ask us for things and actually be responsive at getting a good thing done.

We also have the opportunity to restore Tuggeranong Skatepark to a world-class facility that people will travel to skate at and that locals will be able to spend hours at to hone their craft, including, I hope, Minister Davidson. At the point where people are starting to realise just how much is going on in the skateboarding world, we can embrace Canberra’s rich skateboarding history and build up our steep as the place to be for keen skateboarders.

Through you, Mr Assistant Speaker Mr Pettersson, and with your indulgence, I will make one final pitch and address the icon, the 14-year-old Olympic gold medallist, Arisa Trew. Ms Trew, you are unbelievably cool and accomplished, and I want to be like you one day. I know you like ducks, and I hope that maybe in a couple of years you could take your new pet duck down to the new redeveloped Tuggeranong Skatepark, right next to Lake Tuggeranong, and say hi to all our local ducks, between hitting the backside tailslides and landing 720s. I would be very grateful if you could consider this humble request.

To summarise: investing in Tuggeranong Skatepark is investing in community health, sportsmanship, wellbeing, safety and vibrancy. The community wants it, and, after about 27 years, it is about heckin’ time to redevelop Tuggeranong Skatepark. Nothing less for Tuggeranong.

I commend this motion to the Assembly.

Question resolved in the affirmative.

## **Government—expenditure**

**MS LEE** (Kurrajong—Leader of the Opposition) (3.45): I move:

That this Assembly:

(1) notes:

- (a) in this term of government, Labor-Green ministers are responsible for wasting hundreds of millions of taxpayers’ dollars, including:
  - (i) more than \$80 million on an abandoned Human Resources Information Management System which includes \$636,000 for Spinifex IT that was never deployed by the ACT Government; and
  - (ii) overspend through the Digital Health Record, which includes:
    - (A) the overpayment of invoices to NTT who received more than \$110 million across 300 invoices. This issue is currently under investigation by the ACT Integrity Commission; and
    - (B) two internal audits for which the waste total has not been revealed, these looked at “travel and work hour invoices submitted by Epic” and “Credit card expenditure and sign off in the Digital Solutions Division”;

- (b) more than \$900,000 that was paid to Lendlease above the preferred tenderer for the Campbell Primary School Modernisation Project, which is also currently being investigated by the ACT Integrity Commission for potential corrupt conduct by the Construction, Forestry and Maritime Employees Union and the Deputy Chief Minister's office;
    - (i) in addition, the ACT Government is funding both the Director-General of the Education Directorate and the Integrity Commission's legal fees in the Director-General's unprecedented legal action against the Commissioner related to this investigation; and
    - (ii) to date, Mr Rattenbury MLA has refused to provide the cost of these fees for the Director-General, however, the Integrity Commissioner advised the Select Committee on Estimates 2024-2025 that the invoices total more than \$95,000 in relation to legal actions taken against the Commissioner related to Operation Kingfisher and Operation Luna; and
  - (c) more than \$8.5 million in contracts awarded to a "systems and complexity thinker" that were referred to the ACT Integrity Commission, which recently made a finding of "serious corrupt conduct" against the former Canberra Institute of Technology Chief Executive Officer (CEO), and the ACT Government continued to pay the former CEO while stood down, which included two pay rises and totalled more than \$1.1 million;
- (2) further notes the:
- (a) 2023-24 estimated Uniform Presentation Framework Net Operating Balance reported a deficit of more than \$1 billion;
  - (b) ACT Government has forecasted that the ACT's total borrowings will be more than \$19.3 billion by 2027-28; and
  - (c) interest expenses on the total Territory borrowings are forecasted to be more than \$855 million in 2027-28; and
- (3) calls on the ACT Government to apologise and take responsibility for having no respect for ACT taxpayers' money.

In a time when Canberra households are pinching every single penny and struggling to keep up with the increasing prices of groceries, fuel, transport, seeing a GP, childcare and of course ACT government-imposed taxes and charges, Labor-Greens cabinet ministers are responsible for wasting hundreds of millions of taxpayer dollars. Wasted on projects that have never eventuated; wasted on projects that have been found or are currently being investigated by the Integrity Commission for corruption; and wasted on projects that have been mismanaged from the start. If I were to list all of the government waste uncovered in this term alone, let alone the time that they have been here, it obviously would not fit our 500-word limit for motions, so I have had to select just a few.

The few examples of government waste that I have listed are not just about one-off examples of poor project management, and indeed, at least on one occasion, a corrupt decision. It is symbolic of this government's disrespect and disdain for Canberrans and their hard-earned money. It represents a complete lack of ministerial oversight and responsibility where, in most other jurisdictions, ministers would have had the decency to step down for these kinds of failures, and if they refused to do so, the Chief Minister would have sacked them.

Let us take HRIMS. Each of the minister's responses when these failures came to light is telling. Mr Steel went on ABC radio, following the shocking revelation that the HRIMS project was to be abandoned after it had accumulated a total spend of \$78 million of taxpayer money. His immediate reaction was to emphasise the point that he was not the minister responsible for the delivery of this project. Now keep in mind that was 29 June 2023. It was not until February 2024 that Canberrans finally saw a headline, "ACT government apologises for 'failed' HR upgrade that wasted \$78m," more than seven months after it was made public, and after more than seven months of denying any responsibility. But now we have seen, of course, that it proved to be nothing more than lip-service, given since that one utterance all this minister has done is lay blame elsewhere.

Let us take the Minister for Health, who has never been one to take any accountability for her countless failures and mismanagement of Canberra's health system. When pressed to explain how her directorate has managed to waste millions of dollars on the failed DHR system and the contract with NTT, of course the response is straight out of the ACT Labor playbook of deflect, deny and lay blame elsewhere. This is despite the minister having access to staff survey comments from the digital team in charge of this project as early as January 2023. One of those comments from this survey says, "Take your findings to the DG of ACT Health as well as the ombudsman as appropriate. Trigger an internal investigation into recruitment and the leadership of [name withheld] and [name withheld]." Despite this, millions—millions—of taxpayer money wasted, and we now have a referral to the Integrity Commission to investigate potential corruption related to this project.

This is not dissimilar to the education minister's comments throughout the serious issues surrounding the Campbell Primary School Modernisation Project. She said during annual reports hearings after the Auditor-General's report and before the Integrity Commission had decided to investigate, on 25 February 2022:

As far as I am aware, there was nothing wrong that was done, and the procurement processes were followed.

Of course, what has been revealed throughout the public hearings of the Integrity Commission is that the directorate ignored two separate tender evaluations where the preferred tenderer on both valuations was Manteena, and instead awarded the contract to Lendlease.

ACT taxpayers have been slugged with almost a further million dollars as a result, and most concerningly—most concerningly—we also heard through public hearings that there was a direction that came straight from the minister's office that Manteena was not to get the job because it was out of favour with the CFMEU. This is a shocking allegation! At best, the education minister is utterly incompetent and does not know what is happening within her own office about what directions or information is being delivered to officials in her own directorate. I am sure that all Canberrans look forward to the Integrity Commission's report which, of course, we may never see due to the Director-General of Education's, Ms Katy Haire's, unprecedented legal action against the Integrity Commissioner, seeking to shut this investigation down.

The Attorney-General has refused to come clean to the public about how much money ACT taxpayers have already spent supporting Ms Haire's legal action. Even though Mr Rattenbury refuses to be upfront with the use of taxpayer money funding a legal action seeking to shut down a corruption investigation, the Integrity Commissioner did tell us during estimates that so far, he has spent almost \$100,000 defending himself and the commission against lawsuits related to this investigation. This money comes out of the commission's general funding so that means less funding for the operation of the commission and its investigations. Given that this legal proceeding is still on foot, and, in fact, not due back for a further hearing until one month after the election—make of that what you will—who knows how much more legal costs ACT taxpayers will be up for.

Again, there has been no apology, let alone any satisfactory explanation as to the logic of funding a legal action that is seeking to shut down a serious corruption investigation. No answer from the Chief Minister, the education minister or the Attorney-General. This is despite the fact that we are talking about ACT taxpayers' money. You have to ask the question: what are they trying to hide?

Perhaps one of the most well-known recent examples that this government does not care about taxpayers' money and using it responsibly is the \$8.5 million that CIT spent on a systems and complexity thinker. Again, this is another issue that was referred to the Integrity Commission and a finding of serious corrupt conduct was made on the part of the former CEO of CIT, Leanne Cover.

The responsible minister was Mr Steel. His defence this time was that he raised concerns about the contract with CIT through a letter! He said that he had:

... flagged concerns that these contracts may not represent an efficient use of public funds in line with community expectations.

It certainly seems like Mr Steel had the taxpayers' back! However, let's be honest. This was the bare minimum that he could have done. Because of his weak approach, we know that the former CEO ignored that letter and secured even more contracts—even more contracts! In fact, the majority of the \$8.5 million in contracts to Mr Hollingworth's companies came after Mr Steel apparently came down on the board and pulled them up for it. When the Canberra Liberals exposed this, there was understandably a lot of outrage from the community on how this could have happened.

If that was not bad enough, the way this government handled those shocking revelations that were made public was even worse: by doing nothing to stem the avalanche of taxpayer dollars continuing to prop up the disgraced former CEO to the tune of at least \$1.2 million. Throughout this entire fiasco, Mr Assistant Speaker, you will be very aware, I have constantly asked the Chief Minister and the relevant minister to use the levers that they have available so that the former CEO does not receive further pay rises or a payout after findings are made.

In fact, to a question that I asked in question time, Mr Barr circulated an amendment that will change whether a senior executive member will be eligible for a payout at the

end of their engagement. This was directly in response to questions that I asked about Ms Cover. He said:

It is a simple amendment that has been made to reflect contemporary approaches that make it clear that senior executives and statutory office holders who are the subject of findings of serious misconduct, serious corrupt conduct or systemic corrupt conduct do not receive this payment.

Despite this, what we found out through estimates, from the CIT Acting Chair of the Board, was that Ms Cover received an additional \$465,000 in payout, and when asked what the payout would have been if she had not had the finding of serious corrupt conduct made against her: the same. So what Mr Barr did in question time was circulate an amendment that did nothing. Despite questioning on community expectations, we have a situation where a disgraced statutory office holder and the CEO received her annual salary of more than \$360,000 for two years whilst stood down, and despite Mr Barr's assurances, she then received a payout of almost half a million dollars. This is for someone who was found to have engaged in serious corrupt conduct.

When the Integrity Commission report was released, Mr Steel talked a big game. He said, "Let this be a lesson and a big signal to all public servants that you cannot engage in conduct like this and get away with it." What is this big signal that this Labor-Greens government has sent to all public servants? That you engage in serious conduct, and you will get a letter from the relevant minister, and you will be stood down on full pay for two years and then receive a half million dollar payout? How can he, with any credibility, think he can expect any public servant who works to him to take responsibility when he himself steadfastly refuses to take responsibility for anything?

What is unacceptable is that this does not even come close to all of the areas of waste that we have identified just this term alone. I could also talk about the emergency services new \$2 million hybrid electric fire truck that the Auditor-General has raised a number of significant concerns about. This included the fact that there was a rushed sign-off so the ESA could elevate its reputational status by being the first in Australia to buy one. In the past few months, the United Firefighters Union have called for a fresh investigation into this procurement process claiming that it was poorly handled and beset with conflicts of interest.

We could also talk about the Acton waterfront project, which was originally estimated in 2014 to cost \$28 million and be completed by 2016. Instead, the final cost was \$46.6 million, and it was finished in 2020 with only two-thirds of the work outlined in the original tender completed. What about the Chief Minister's Intelligent Regulator project, which was written off in 2022-23 for a cost of more than \$2.3 million? And who could forget the \$1.6 million to rebrand Canberra Health Service, a brand which was only set up in 2018?

There is also, of course, the Chief Minister's \$25 million contract with Universal McCann, which is no doubt working overtime as we enter the election campaign. The list goes on, but I think you get to see the picture of the culture that has permeated through this Labor-Greens government and their disdain for taxpayer dollars.

Throughout all these projects, there is a constant theme of hundreds of millions of dollars squandered, opportunities wasted, trust betrayed and no ministerial accountability, or transparency, or oversight. In any other jurisdiction, the Chief Minister and ministers would have the decency to step down after showing such contempt for taxpayers' money; not this Labor-Greens government.

In just 52 days, the people of Canberra will have a choice to let this rotten government know that this cannot and must not continue. The Canberra Liberals will always respect Canberrans' hard-earned money. We will always respect the privilege of government and we will always put the community at the centre of our decision-making. The Canberra Liberals will provide a fresh opportunity for Canberrans, and we will restore transparency, accountability and integrity to the ACT government. I commend my motion to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (4.00): I move the following amendment that has been circulated in my name:

Omit all text after “That this Assembly”, substitute:

“(1) notes:

- (a) the Government takes seriously any financial discrepancies, overspends or suspected misappropriation on projects and programs across the ACT Public Service (ACTPS);
- (b) ministers and senior public servants have acted to refer matters where appropriate to bodies for investigation and report, including:
  - (i) the Human Resources Information Management System;
  - (ii) the Digital Health Record;
  - (iii) the Campbell Primary School Modernisation Project; and
  - (iv) the handling of procurement at the Canberra Institute of Technology (CIT); and
- (c) that both the ACT Government Executive and senior officials in the ACTPS are committed to learning from mistakes, and referring matters for investigation to the Public Sector Standards Commissioner, ACT Integrity Commission, or other oversight bodies as appropriate;

(2) further notes:

- (a) several matters have been confirmed as being investigated or inquired into by the ACT Integrity Commission and the Auditor-General; and
- (b) in addition to referrals, the Government has undertaken a range of measures to ensure appropriate use of public funds, including:
  - (i) for the financial management issues related to the Digital Solutions Division and the Digital Health Record project, commissioning management-initiated reviews and audits, implementing internal administrative controls, and addressing review recommendations to ensure ongoing improvement in governance and management in the ACT Health Directorate;

- (ii) for the Human Resource Information Management System Program, implementing the findings of the Auditor-General and the Leeper review to completely transform the way ICT projects are managed and delivered;
  - (iii) prior to the Integrity Commission's report on the CIT, the Government strengthened procurement practices across government by introducing new legislation, the *Government Procurement Amendment Act 2024*, which enhances the role of the Government Procurement Board in providing oversight of high-risk procurements; and
  - (iv) mandating enhanced procurement training for ministers, senior public servants and key roles in ministerial offices increasing awareness and skills;
- (3) further notes that the Government:
- (a) has introduced legislation to improve the efficiency and effectiveness of the Integrity Commission Act;
  - (b) is committed to a full review of the Financial Management Act and Public Sector Management Act to resolve any public service governance gaps that have been identified through this term;
  - (c) continues to foster and promote vigilance within the public service to identify, report and respond to projects which are failing to deliver on their stated aims within budget, or any suspected poor governance practices; and
  - (d) is ensuring ACTPS senior leadership are accountable for ensuring governance arrangements they are responsible for are working effectively; and
- (4) calls on the Government to further promote vigilance within the public service and ensure governance arrangements are fit for purpose, updated and effective.”.

My amendment sets out the overall reforms that we have undertaken, or have committed to, to address governance gaps within the ACT public sector. A review of the Financial Management Act and the Public Sector Management Act will improve processes and sharpen the public service's focus on delivering for our community within their approved budgets. These reforms will have a particular focus on ensuring early identification of problems to address slippages or poor practices as soon as possible and to get any projects that are not on track back on track.

Members would be aware that I have introduced legislation to improve the efficiency and effectiveness of the Integrity Commission, following an initial review of the act by Ian Govey and undertaken in consultation with the Integrity Commissioner.

In relation to the particular projects that Ms Lee referred to in her motion, ministers have provided a clear explanation to the Assembly of government action underway to rectify public sector errors or overspends. For example, the government has conducted an urgent assessment of arrangements for delivery of digital health services and made recommendations to support future decision-making. The review was undertaken from January 2024 by senior officials across the Health Directorate; Canberra Health Services; Treasury; and Digital, Data and Technology Solutions; as well as the project team from the CMTEDD Strategy and Transformation Office. Cabinet tasked that review team with undertaking a comprehensive review of DSD governance

arrangements and key decisions taken to date; existing versus required staffing numbers and skillsets over time; DSD's performance against key performance indicators; and contract and project management.

Consistent with the earlier KPMG report, the review found that there was no single cause of the cost pressures associated with digital health services. The interim report notes that there are several interrelated contributing factors, from the broader operating environment and decisions taken during the Digital Health Record implementation.

In relation to the audits and reviews of the Digital Health Record program in the digital services division, the directorate has established an ongoing work program to address the issues raised in the various reports and to improve systems controls. This includes implementing additional financial controls and assurance functions, training for staff, and establishing the DSD business improvement plan and the DSD oversight committee to oversee the implementation of the plan. The improvement plan outlines the critical priorities for DSD in response to the recommendations from the two reports. It identifies key deliverables and the accountability framework to clarify ownership and responsibilities across key priority areas.

With regard to the CIT, members are aware that the Integrity Commission found that the former CEO acted dishonestly and, through a pattern of concealment, failed to meet her obligations to both the board and the minister. Following the release of the Integrity Commissioner's report, Minister Steel asked the CIT board in writing to consider any and all options for recovering public money related to this matter. The board is continuing to engage with the Government Solicitor's office to pursue all options, noting that the Integrity Commission is still investigating and that a lawsuit remains before the courts.

Prior to the release of the report, the government has been working to strengthen transparency and accountability in procurements across government. The Procurement Reform Program, which began in June 2022, has delivered a range of improvements. These include important amendments to the Government Procurement Act 2001, and the Government Procurement Regulation 2007, which was passed in the Legislative Assembly earlier this year.

Relevantly, new legislative provisions which commenced on 1 July this year clarified key concepts, with clear lines of decision-making and accountability. The role of the Government Procurement Board in providing oversight of agencies has been clarified and strengthened. This change provides better oversight and a clear pathway for escalating issues that arise in procurements across government.

As the minister has detailed, the government is committed to learning from the HRIMS program and applying these lessons to make systemic changes to the way future projects of this kind would be managed. The complex issues that led to the program being cancelled have been identified and presented to the public in quite some detail. The government has done the work necessary to ensure that what went wrong with this project would not be repeated in the future.

In the interests of transparency and public scrutiny, the Deloitte, SAP and Leeper reviews into the matter have been published. All of these reviews have been provided



to the Auditor-General, and they were carefully considered in the auditor's report. The lessons learned are clearly reflected in the government's new program to address human resources ICT.

The PCHRM program is being planned and implemented with strengthened governance to ensure the success of the program and to deliver the contemporary HR and payroll function that the territory needs to support a diverse workforce operating across 18 different enterprise agreements.

I note that the government is cooperating fully with the Integrity Commission inquiry into the Campbell primary modernisation procurement and will rapidly implement any recommendations arising from the commissioner's findings once they are released.

To conclude my remarks, I would draw members' attention to parts (3) and (4) of the amendment that I moved, which note that we have introduced legislation to improve the efficiency and effectiveness of the Integrity Commission Act, and that this place will deal with that legislation in this sitting period. We have committed to a full review of the Financial Management Act and the Public Sector Management Act to resolve any public service governance gaps that have been identified. We will continue to foster and promote vigilance within the public service itself to identify, report and respond to any projects which are failing to deliver on their stated aims within budget or any suspected poor governance practices. And the government is ensuring that ACT public service senior leadership are accountable for ensuring governance arrangements that they are responsible for are working effectively.

The motion calls for a further promotion of vigilance within the public service to ensure governance arrangements are fit for purpose, updated and effective. The result of that work will be in the review and legislative changes, which will need, necessarily, to come in the next term of this place, to the Financial Management Act and the Public Sector Management Act. I would foreshadow as well, given the range of issues that have emerged in relation to the Integrity Commission Act, as I have already stated, beyond what will be dealt with in the bill currently before the Assembly, there will also be a need for further examination of other issues associated with the operation of the Integrity Commission.

Those three major pieces of legislation—the FMA, the PSM Act and the Integrity Commission Act—will all have further review and work undertaken early in the next term of this Assembly. With that, I commend the amendment to the Assembly.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.09): Let me start my remarks today by underscoring how seriously the ACT Greens take the way that public money is spent. We have a particular responsibility in our role as leaders of this community to make sure that the revenue generated and paid to the ACT government is spent in a way that is responsible and reflects value for money for our community. We need to be very diligent in that process to make sure that where money has been wasted or misappropriated, ministers and the public service look at what went wrong and make the changes necessary to avoid the same mistakes being made in the future.

That is an accepted and understood responsibility. And that collection of upfront diligence, and making sure that, where things do not work as they are expected to, steps are taken, will be the two sides of the discussion we are having this afternoon.

The recent loss of close to \$80 million on the Human Resources Information Management System, and other matters that Ms Lee has identified in her motion, are deeply concerning, especially at a time when public funds are needed to address pressing issues like health care, housing, climate action and the many other pressures that we all in this Assembly know are being placed on the resources of the ACT.

It highlights the necessity of transparency, accountability and scrutiny over how ACT public money is spent. It is important that the government is taking lessons from this. I welcome the ongoing implementation of the Integrity Commission Act reforms arising from the recent review, and the commitments to review the Public Sector Management Act and Financial Management Act.

Such lessons need to be taken through the development of other projects—most notably the ongoing implementation of My Digital Health Record, but also all other projects across government. There are obviously detailed procurement processes in place—detailed governance arrangements and the like—but some of the examples we are discussing today have highlighted that further work is needed, and we are certainly committed to supporting those changes, and, where we have responsibility, driving those changes.

More broadly, a culture of accountability, where public servants at all levels can quickly identify when things are going wrong, and raise issues safely, is essential. We need to learn from good practice, both within the ACT public service and outside of it so that that culture can be supported and enhanced. Good governance is the underpinning, but a culture of making it safe to fail fast—if something is not working to have the confidence and the enabling environment to identify that, and to support people in fixing things—is essential if we are to avoid incidents like the ones we are discussing today, in the future.

Doing this will not only deliver better results for Canberrans but make the ACT public service a more reflective and rewarding place to work. Our public servants come into these roles to do the best for our community. The very title that they have as public servants reflects the commitment people have when they come to work in these roles, and I do not think anybody sets out to see resources poorly spent or mistakes made, but they do happen, and we want to have a culture where people have the confidence to come forward to identify and to draw them to senior leadership's attention early, and for senior leadership to act on that—both themselves and in partnership with their ministers.

As Greens, we stand for responsible governance and investment in projects that deliver real outcomes for the community, not wasteful expenditures that detract from the services people rely on. We must ensure that lessons continue to be taken and that future investments reflect the values of efficiency, sustainability and the public good.

On that basis, we will be supporting the amendment moved by the Chief Minister. I think it certainly reflects the way that the Greens look at these matters, which is that we take seriously financial discrepancies, overspends or suspected misappropriation on

projects and programs across the public service, and that matters should be referred for investigation where warranted or where there is evidence to suggest they need to be. The amendment goes on to note, of course, that several matters have been referred, and it goes into some of the details on that.

The Chief Minister particularly spoke, in point 3, about the government's introduction of legislation to improve the efficiency and effectiveness of the Integrity Commission Act—that is a fact—and that it is committed to the review of the Financial Management Act and Public Sector Management Act, as I touched on earlier, and we note the call for the government to further promote the vigilance within the public service and ensure that the government's arrangements are fit for purpose, updated and effective.

I think this Assembly, making this statement today, sends that signal to our public service, and I think it is for the ministers now to continue to amplify that message into the public service so that lessons are learnt from these experiences, that there is a clear sense that people do not want things swept under the carpet—that we need to deal with these matters and that we need to deal with them in a timely manner. On that basis, the Greens will be supporting the Chief Minister's amendment today.

**MS CASTLEY (Yerrabi) (4.15):** I have a few remarks to make in support of Ms Lee's motion. There are a few things that get the electorate revved up, and one of them is certainly when we talk about money that has been wasted or spent in an area that appears to the public to be wasteful. I have a couple that I would like to raise. We have all talked here a lot this week about the DHR blowout.

I raised the expense in the beginning, when the DHR was being discussed a couple of years ago. Now we find that our fears have been realised, because we are talking about more than \$160 million. It was expected to be \$378 million, including maintenance, then we heard of the \$213 million. Then we heard that there was an extra \$80 million. The minister talks about audit after audit telling us about the same things—things that we knew were going on with this digital health record because we were seeing it through those FOIs.

Canberrans heard about the \$110 million and that many invoices in one month were being signed off, and then heard the minister say, "I was verbally briefed." Then today she said, "No, I was actually briefed." Canberrans heard that there were no contingency plans in the budget. The government went and forced through with the big-bang approach. We are talking about these invoices and that in this one-month period of June they were for \$7.9 million. That is a lot of money.

We also read that in relation to the financial management, the government and the Health Directorate are "taking the findings of the audit and reviews very seriously", and "are committed to improving governance systems and processes, including progressing the work of the DSD Business Improvement Program"!

As I said yesterday, these are disgraceful admissions. Even the Chief Minister just said, "We are doing the best we can; we are fixing processes," or whatever the words were. Do our officials have the help that they need to manage this level of money?—because I can tell you that in my electorate people are cranky. They are cranky about all of the waste, because it could mean that we could have afforded to have the lights at Yerrabi

Pond go all the way around the lake. Maybe we could have afforded more lighting at Kaleen, which one of my very passionate constituents has written to one of the ministers about multiple times.

I am not going to go on about NTT—I think we have covered a lot—and the DHR is disgraceful. I hear from medical people as well as non-medical people their concern that the cost has gone on for that. Another one that is a biggie for people, out of this building, is the rebrand. Do you remember the discussions about the rebrand? This cost \$1.6 million. I have some statistics here, or some information, about what the rebrand was supposed to do. It was supposed to address systemic culture issues within the Canberra Hospital. When you have staff shortages and poor culture, you fix the conditions. You address those staff issues; you do not do a rebrand. If you need to attract staff, you become an employer of choice; you do not do a rebrand. The government's rationale was just so off the radar on this one. I have here a quote from the previous ANMF President, Matthew Daniel. He said that the concern with regard to this rebrand is that it is not actually going to fix anything. He said:

I just do not understand what they're trying to achieve. ... It's a lot of money to spend on spin ... when we have to fight tooth and nail to get safe staffing levels and they can throw \$800,000 around for spin.

According to the communications experts, they needed a new corporate identity, a tone of voice that articulates how CHS expresses itself, a brand book, an employee proposition. Then they talked about needing signs, which is basically a communications package, but yet they rebranded. Imagine my surprise when I turned up to Charnwood shops one day and saw the exact rebrand was for the Charnwood laundromat. It was just tilted on the side. There was no need to spend \$1.6 million on this. That \$1.6 million could have paid for 60 hip replacements or 400 cataract operations and 600 MRIs.

**Ms Lee:** Puts it in context, doesn't it?

**MS CASTLEY:** It does put it in context; that is correct. We have talked about culture a lot. What this has meant is that we have seen our hardworking frontline staff leave the employment of Canberra Health Services in droves, which means they have had to spend a lot of money on agency staff—costs going up all over the place.

We could then talk about Calvary. We still do not know the cost to the ACT government for forcibly acquiring Calvary Hospital.

**Mr Cocks:** How long?

**MS CASTLEY:** That is right; it has been a while, Mr Cocks. I am wondering whether there has there been a survey to see if it is running any better and if the cost to the ACT has actually been worth it.

**Ms Stephen-Smith:** Yes, staff survey and accreditation. You should be aware of that, but no.

**MS CASTLEY:** I am aware. Have you done a specific Calvary survey? Let's talk about the surge centre. This is something else that raises people's hackles. It gets them cranky. It was a \$14 million building that was meant to help with a surge in COVID cases, in

case the healthcare system could not handle it. The ACT government spokesperson said that, in the nearly three years of operation, the Garran Surge Centre provided its worth, conducting more than 240,000 PCR tests, countless free rapid antigen tests, more than 158,000 COVID-19 vaccinations and handling about 2,500 presentations to the COVID walk-in centre. This is very good. But what we also then found out was that the Garran Surge Centre was going to cost \$8 million to pull down.

There is a quote in the *Canberra Times* that said that, by the end, when they were pulling it down, two years later, we found out, through a report, that the surge centre was not fit for purpose as a surge centre. So, although it handled all of these things—PCR tests et cetera and all of that was excellent—we were told that it was built to handle a surge. That is what we all bought. We believed the government when they told us, “We are going to handle it.” Then we found out that it was not fit for purpose. If only they had spent just another \$60,000 to \$75,000, that would have brought it up to scratch to enable that building to be the surge centre that we thought. Of course I am talking about more money here, but we are only talking \$60,000 to \$75,000 to ensure that that building was able to be used and fit for purpose.

We get told things and they go in another direction, and all we get are lessons learnt, and I think that is a despicable response—lessons learnt, when we are talking about hundreds of millions of dollars. I am glad you have learnt those lessons. It is an expected response, I suppose. But Canberrans are sick of it. They are sick of this government mismanaging their money, and that is really all I have to say about that.

**MR BRADDOCK (Yerrabi) (4.23):** I have spoken multiple times in this chamber about what changes I think are required within the ACT government and in particular the ACT public service. This motion gives me an opportunity to further expand on this. Please do not get me wrong: I fully support the measures, as mentioned in the Chief Minister’s amendments, that the government has brought forward over this term. These have included reform to the Procurement Act, improving governance arrangements for ICT projects and some immediate changes to the Integrity Commission Act. But, ultimately, more is required.

In terms of the HRIMS and MyDHR, we have repeatedly seen that governance arrangements were found to be not fit for the purpose they were intended for. I have repeatedly called for more accountability of senior ACT public servants, who are responsible for setting, reviewing and monitoring the governance arrangements and systems to ensure that they are fit for purpose. Therefore, I have formed the view that the ACT public service must reform to build a public service which is best able to respond to the needs of our diverse community and to deliver for the multi-party government that we have here, to improve accountability and transparency by supporting a more open culture where it is safe to challenge the way things are done. This will also have a positive spillover in supporting a high-performance culture. I look forward to announcing during the campaign the Greens initiatives to reform the ACTPS to achieve this.

With respect to the CIT, as the Integrity Commissioner found, due to the serious corrupt conduct of a former CIT CEO, that waste is on the head of that former CEO. In terms of paying for the CEO during the Integrity Commission process, I note that the estimates committee recommended, and I quote:

The committee recommends that the ACT Government develop a protocol for public servants who are subject to Integrity Commission inquiries so as to ensure the protection of the public good, not prejudice any proceedings, and fair and due process.

This recommendation was made following evidence from the Integrity Commission that such a protocol was a necessary and beneficial step, helping the ACTPS navigate future instances where public servants are referred to the Integrity Commission. It may also enable employment agencies to take necessary employment action at an appropriate time. I was disappointed to see the government response to this particular recommendation was as noted, stating it was existing government policy. I view this as a missed opportunity, as such a protocol could help prevent a repeat occurrence in the future.

Ms Lee has called on the ACT government to apologise and take responsibility for having no respect for ACT taxpayers' money. However, it is not a viable solution. It does not provide any substance as to what reforms and changes are required or how they would be implemented—a significant lack of contribution, particularly for an opposition presenting itself as an alternative government. Do not get me wrong: the ACT government must do better. There are real challenges that must be addressed, and the electorate expect parties to provide concrete plans to do that during the election.

**MR CAIN** (Ginninderra) (4.26): I rise today to speak in support of my colleague and the Canberra Liberals leader Ms Elizabeth Lee's motion on the notice paper that pertains to government waste. Oh, what a wasteful government this Labor-Greens mob has become. The way these ministers waste money is absolutely unbelievable. As Ms Lee has pointed out, in any other government in this country, many of these ministers would have been sacked and taken out of their cabinet. Labor and Greens lack economic responsibility but, even worse, they lack integrity and transparency.

The figures of waste contained in Ms Lee's motion have been revealed not because of this government but despite it. And who knows what else lies beneath that we are not yet aware of. Despite their best efforts to conceal and obscure the truth, Canberrans have discovered hundreds of millions of lost public moneys. I can tell you that when—not if, but when—the Canberra Liberals get into government, it will be a truly enlightening experience to discover how deep this rot goes.

The analogy of an iceberg has often been cited in describing the Labor-Greens government wastage of taxpayer money. In two consecutive Auditor-General reports, we have gained insight into how this government records and documents its expenditure for the duration of a program. The Auditor-General's report into the \$80 million-plus wasted on the abandoned HRIMS program found:

Actual expenditure on the HRIMS Program does not include all costs associated with the time and effort of directorates and their input into the HRIMS Program.

This resulted in:

... no reliable mechanism for the High Rents program or the directorates to account for the costs.

So says the Auditor-General, which means that almost certainly significantly more has been wasted than the figure that we believe. We will never know how much HRIMS has cost us until we get behind the scenes and see what really went on with such a program and many other government wasted programs. Now we have HRIMS 2.0 underway. How much will this replacement project end up costing Canberrans? If the same minister is in charge—one can speculate—how much will need to be wasted before he says, “Oh, we have to stop this one as well?” How much more will be wasted before he says, “Oh, I didn’t quite learn enough the last time, so we had better stop now, because I need to go back to school and learn a bit more about how to deal with public money”?

Another recent example includes the Public Trustee and Guardian for the ACT and their use of a customer relationship management system and its ICT renewal activities. The Public Trustee and Guardian ICT renewal activities cost taxpayers \$1.46 million between 2017 to 2023 with no discernible outcome. Where is the action against the responsible minister? As the Auditor-General said in his report on this issue:

At no point in time did the PTG make a reasonable estimate of actual costs associated with the CRM, nor has the PTG sought to retrospectively estimate costs.

That is a failure of governance, and the buck stops with the minister. It is not good enough; it is completely and utterly wasteful. The culture of waste within this government is driven by incapable ministers who do not take responsibility. Labor are terrible economic managers and the Greens are almost detached from reality on these things. At the end of the day, it is Canberrans who pay the price.

The Treasurer often stands up in this place and projects his own insecurities of his poor economic management onto the Canberra Liberals. The Treasurer is so insecure about his own awful economic credentials that he has only one defence available to him: to blame the Canberra Liberals and for what they might do if they were in government. He does not take responsibility himself. How often have we heard the Treasurer parrot his question of what will we cut to rebalance the budget. Mr Deputy Speaker, I can tell you what we will not do, and that is waste hundreds of millions of dollars of taxpayer money. That is what we will not do. That is a saving just waiting to be made.

Mr Barr cannot wrap his mind around the fact that governments do not need to spend at least \$80 million before they realise that a project is not going to succeed. He cannot wrap his mind around the fact that governments do not need to spend \$8.5 million on a systems and complexity thinker. He cannot wrap his mind around the fact that governments do not need to spend more than a procurement process says they should because of their links with the CFMEU.

Mr Barr does not get responsible spending, because he is not a responsible treasurer. He does not get good economic management, and we have seen this through a succession of Barr’s bogus budgets handed down by this Treasurer and under this government. Same old Labor and their proven wasteful Treasurer; same old Labor and their impractical Special Minister of State, who should be called the “Minister for Failures”, because there is a succession of such failures; same old Labor and their progressively wasteful economic management.

Canberrans deserve a fresh opportunity for a government that is not so explicitly wasteful of their money. The Canberra Liberals will put Canberrans at the centre of our government and we will be careful with their money. We will be careful with their money that they give in trust through the tax system and other means to provide quality services. We will not waste their money. We will make our city safer to ensure that every Canberran feels safe in the community, in their home. We will deliver a strong and ambitious plan for people-focused public transport. We will put Canberrans first and fix the problems in our suburbs.

The Labor-Greens government cannot be trusted with good government spending, and they should not be trusted for another term of government. The Canberra Liberals, under Elizabeth Lee, are the only party that can be trusted to rein in government waste and oversee responsible economic management. A fresh opportunity awaits for the voters of this city, and it is my hope and in fact my belief that they will take up that fresh opportunity for a Canberra Liberal government that will look after their interests and very, very importantly, make sure their money is wisely and well spent.

**MS LEE** (Kurrajong—Leader of the Opposition) (4.34): I thank my colleagues Ms Castley and Mr Cain for their contributions. They have done the heavy lifting in relation to identifying the various projects and government waste streams in their portfolios, which, of course, we have brought to light time and again. It is because of the growing list of failures, it is because of the growing debt, and it is because of the sheer waste, either through incompetence or otherwise of this Labor-Greens government, that I have brought this motion today.

There is no doubt that we hear and see a lot of anger in the community, especially during this cost-of-living crisis, when many Canberrans are having to pull in their belts even tighter, and they see headlines about \$78 million being wasted on an abandoned HR system, \$110 million being wasted on a contract in Health because they did not even know what services they were paying for by way of invoices, or \$8½ million paid to a systems and complexity thinker, whose only qualification that I could make out was that he once climbed Mount Everest. So there you go!

Mr Barr, in his contribution, talked about how the ministers have all provided clear explanations of the work underway by this government in an attempt to fix some of these catastrophic failures. Again, having listened very carefully to Mr Barr's contribution, it is without doubt clear as to where this rotten culture, where no-one takes responsibility for anything, has stemmed from and been fostered. You cannot expect your ministers to take responsibility if you do not. From the contribution by Mr Barr to the debate today, it was utterly clear, because not once did he acknowledge or take any responsibility; he tried to explain it away by saying, "Yes, we've done some explanations and there've been some learnings."

In question time today, when I specifically asked Mr Barr about the ministerial code of conduct, which, of course, says that ministers will take responsibility, in the tradition of the Westminster principles, Mr Barr said, "To that extent, yes." The question then becomes: what does it take for Mr Barr to say, "Actually, it is now time, Minister, for you to take responsibility"? How many more millions of taxpayer dollars does Mr Steel need to lose before Mr Barr will say, "Enough is enough, and no more learnings"?



Do we actually have a standard? Do we have a bar here? The fact is that there does not seem to be one, and many Canberrans are now starting to see that very clearly.

The Greens always love to talk a big game when it comes to integrity, accountability and transparency. In his contribution to this debate, Mr Rattenbury said that the Greens take seriously the waste of taxpayer dollars. He spoke at length about how there needs to be a culture of confidence to act early, and that it is about responsible governance. All of the buzzwords were there, but actions speak louder than words. Let us not forget that every member of the ACT Greens in this chamber voted in lockstep with ACT Labor on every attempt that the Canberra Liberals made to put an end to the farcical and outrageous situation of the former CEO of CIT remaining on full pay for two years.

It is very typical; it is less than two months until the election, and we have seen this before. A few months before an election, the Greens suddenly forget that they have been in government, despite the fact that they have spruiked, all term, #GreensInGovernment. Again, it is basically about saying “No, we’re the Greens here; we’ll take the credit when we want to, but when it comes to the blame game, it’s not us, because we’re the Greens.” Somehow they manage, with a straight face, to talk about how it is not their responsibility.

The fact is that you cannot trust Labor and the Greens. You cannot trust Labor and the Greens with taxpayers’ money and you cannot trust Labor and the Greens when it comes to making decisions in the best interests of the community.

Only yesterday, Mr Barr talked a big game on ABC Radio about consequences for public servants who do not comply with the Financial Management Act. Of course, Mr Barr cannot take any action on this, because he has literally zero credibility in this space. We are talking about a Treasurer that has delivered literally zero surpluses in the 13 budgets that he has handed down. Of course, now we are looking down the barrel of total borrowings of \$19.4 billion over the forward estimates, which comes with an interest payment bill of \$855 million a year—that is more than \$2 million a day just on interest. That is despite the fact that the Financial Management Act specifically states that territory budgets must be prepared taking into account the principles of responsible fiscal management, which, of course, include ensuring that total liabilities are at prudent levels.

In question time today, when I asked what the consequences were for public servants who breached the Financial Management Act, he specifically said that their employment would be terminated. Why on earth would or should any ACT public servant believe or accept that as the consequence for them when Mr Barr and his ministers have breached the Financial Management Act time and again, and when Mr Barr has stood by and indeed promoted ministers who have lost millions of taxpayer dollars? This is a government that has completely and utterly lost its way.

I will take you to the final paragraph of the amendment, Mr Deputy Speaker, which contains the “calls on”. It states:

... calls on the Government to further promote vigilance within the public service and ensure governance arrangements are fit for purpose, updated and effective.

That must be the concrete action that Mr Braddock is so excited to vote for. It is a pattern that we see; Mr Braddock will rely on any pathetic excuse, anything, other than to vote for a motion brought by the Canberra Liberals, because he knows that out in the electorate this is a massive concern within the community. He knows that there are Canberrans out there who are struggling, and they are reading headlines about millions of their taxpayer dollars being thrown down the toilet by this government, and he is now desperate to distance himself from it.

It is abundantly clear that the only party that will respect and make sure that we are responsible when it comes to Canberrans and their hard-earned taxpayer dollars is the Canberra Liberals. We will not be supporting Mr Barr's amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 16

Noes 9

Andrew Barr	Suzanne Orr	Peter Cain
Yvette Berry	Marisa Paterson	Leanne Castley
Andrew Braddock	Michael Pettersson	Ed Cocks
Joy Burch	Shane Rattenbury	Jeremy Hanson
Tara Cheyne	Chris Steel	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Elizabeth Lee
Mick Gentleman		James Milligan
Laura Nuttall		Mark Parton

Question resolved in the affirmative.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## Papers

### Motion to take note of papers

Motion (by **Mr Deputy Speaker**) agreed to:

That the papers presented under standing order 211 during the presentation of papers in the routine of business today be noted.

## Human Rights (Healthy Environment) Amendment Bill 2023

Debate resumed.

**MS CLAY** (Ginninderra) (4.48): I am pleased to say that, when this bill passes—and it looks like it will today—every Canberran will have the right to a healthy environment.

This is a good day: clean air, clean water, a safe climate. Our environment is everything. It literally gives us the air we breathe, the water we drink and the food we eat. It is where we live, play, connect and unwind. It is not just about our survival; it is about our home, our beauty and our peace.

Some things are so basic that we do not actually notice them until they are gone. I think we have all had moments in life when this happens. It happens sometimes emotionally, it happens sometimes physically and it happens sometimes when we get sick. In 2019-20, the Black Summer fires were a time when our planet and our city got sick, and we all suddenly noticed that we could not breathe. We could not get around. There were hailstones. We could not walk without fear of hail. We could not put our kids to bed and know that they would be breathing and not have asthma during the night. It was a really frightening time. Most of us have had quite a few moments like that in recent years, and we understand now why a healthy environment matters so much.

The right to a healthy environment on this basis is not simply one more right that we need to recognise. It is actually the foundation for all of our rights. We cannot have healthy lives unless our environment is healthy. None of our rights mean anything at all if we do not have this. Our First Nations peoples understand this. They have been caring for country from time immemorial. They have a huge body of knowledge and a deep understanding of this place, and the rest of us need to catch up.

We are in a climate emergency. This has a huge impact on people, and I know my colleague Minister Davidson is about to set out some of the impacts that this has. Recently, the Mental Health Community Coalition ACT told us in a parliamentary committee hearing that heatwaves are contributing to one in 50 Australian deaths. One in 50 Australian deaths are associated with heatwaves. Heatwaves are associated with heart issues, asthma, psychoses, depression, schizophrenia and obsessive-compulsive disorder. That is just one impact from one aspect of an unhealthy environment.

We are also living through an extinction crisis. Urban development is putting pressure on our wild places. Waste and pollution are outstripping our ability to recycle and recover it. We are using more resources than our planet creates. We are blessed with a very deeply creative planet, but we are going too fast. Every day, we make choices about what we need and what we should protect, and we need to recognise that a healthy environment is not simply one more choice; it is the basis for every good choice.

Quite apart from our own human needs, the environment itself is precious. The plants, the animals and the habitat all exist; they have beauty and worth in their own right. I take huge comfort from the fact that, after I am gone, the earth will still be here. I want to preserve it for me and for my daughter, and for hers after that, but I also want it to continue despite people, regardless of people—just for itself.

The right to a healthy environment is a well-established right. Most United Nations members have already recognised the right to a healthy environment. It is a right that has been discussed and recognised in various forms for around 50 years. In October 2021 the United Nations Human Rights Council passed a resolution recognising the human right to a healthy environment. The United Nations said that protecting our environment underpinned all other human rights for current and future generations.

Here in the ACT we take human rights seriously. We have a Human Rights Act. We were the first in Australia to have one and others have now followed our lead. We are a human rights jurisdiction; but, until today, we have not yet recognised a human right to a healthy environment.

A lot of people have been calling for this right. Formal calls have come from the Australian Lawyers for Human Rights, GreenLaw, the Environmental Defenders Office, the Conservation Council, the Commissioner for Sustainability and the Environment, the Australian Land Conservation Alliance, the Human Rights Law Centre, the ACT Human Rights Commission, ACTCOSS, Doctors for the Environment, and Advocacy for Inclusion. Many more have called for this right, as have many members of our community.

The Greens have been campaigning for this right for over a decade. We campaigned for the right to a healthy environment ahead of the 2020 election. We included it in our deal with Labor and, in February 2022, I called on the ACT Legislative Assembly to pick up on these calls and to entrench the right to a healthy environment in our Human Rights Act. I was really pleased when the Assembly backed those calls.

The government has run consultation and done research, and that has resulted in today's legislation and amendments. It is important that this right is enforceable and that it applies to everyone equally. I am really pleased that, after a transition, this human right will be enforceable and universal, like the rest of our human rights. I welcome today's recognition of the right to a healthy environment.

**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) (4.54): I speak in support of this bill today as the Minister for Population Health, with responsibility for climate change impacts on health and mental health.

Climate change and global warming permeate every facet of our lives, including our health and wellbeing. Within the last five years, we have lived the health impacts of climate change, affecting everything from the air that we breathe and the level of stress in our lives, to the food that we eat.

For months, at the end of 2019, spilling into 2020, Canberra lived in heavy smoke, under threat from bushfires. This was in the middle of almost a year of drought. The Black Summer of 2019-20 brought a smokepocalypse to Canberra that resulted in 31 deaths, 82 cardiovascular hospitalisations, 147 respiratory hospital admissions and 89 emergency department attendances for asthma. That is quite a lot for a city of 420,000 people. This is from a study that was published in the *Medical Journal of Australia* in March 2020.

It is not just smoke and fires that have health impacts. The ACT Climate Change Strategy 2019-25 tells us that more people die in Australia from heatwaves than from all other natural disasters combined. As documented by the Victorian Legislative Council Standing Committee on Finance and Public Administration, a report from the Department of Health on the January 2009 heatwave in Victoria stated that, in the week

before the 2009 Black Saturday bushfires in Victoria, a heatwave resulted in a 62 per cent increase in deaths, around 230 people, while another 180 people died as a direct result of the bushfires.

We also know that pre-term births are almost twice as likely in a heatwave. This comes from the 2015 CSIRO publication *Climate change adaptation for health and social services*. The 2008 Garnaut Climate Change Review projected an increase in days over 35 degrees in Canberra, from an average of five days per year in 2008 to eight days in 2030, 21 days in 2070 and 32 days in 2100. The 2014 report of the New South Wales and ACT Regional Climate Modelling Project titled *Australian Capital Territory: climate change snapshot* projected that Canberra would experience up to five additional days per year above 35 degrees by 2030 and up to an additional 20 days per year by 2070.

Climate change health impacts are here but they are not evenly distributed. People over 65 years of age and children under five years of age are at greater risk from the health impacts of a heat wave. Social determinants of health and wellbeing are important to consider in our health response to climate change. Where those older people or small children are living in a low-income household in an urban heat island, those impacts will be felt more intensely. We know that areas with the greatest concentration of households experiencing both urban heat island effects and low socioeconomic circumstances are in West Belconnen, Gungahlin, Molonglo Valley and Tuggeranong.

Climate change also impacts our ability to access locally grown food. Canberra is located within the Murray-Darling Basin, which is where 40 per cent of Australia's agricultural produce comes from. Scientists predict that, with climate change, the basin is likely to experience more instances of drought and more variability in weather. This means not only unpredictability in Australian grown food supply but also unpredictability in the future cost of produce to Canberrans. This will of course be yet another cost-of-living issue that impacts people's social and emotional wellbeing and will make it harder for people to eat well for their health.

The impact on mental health during weather and climate extremes is of significant concern. As documented in the CSIRO publication *Climate change adaptation for health and social services*, studies have found that violence against women increases after natural disasters. Domestic violence and sexual assault rates also increase during even a short heat wave.

We have seen an undeniable rise in worries about climate change in ACT young people in recent years. Young people are experiencing a layering up of existential crises, with climate anxiety on top of the cost-of-living crisis. Older people also talk about their experience of climate grief—that the world they are leaving to the next generation is not the same world that they loved when they were young, and that they have a sense of loss and sadness that others will not get to have the same experience that they did.

By establishing the right to a healthy environment, we reinforce the importance of climate action and protecting biodiversity in relation to our physical and mental health. We have been thinking about these issues for the whole of this term of government as part of the Wellbeing Indicators Framework that guides ACT government

decision-making, but it is helpful to have this right to a healthy environment explicitly spelled out in this way, with a roadmap to how we can enforce that right. This is why I, along with the rest of the Greens, support this bill.

**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) (4.59), in reply: I am pleased to close the debate. There is a growing body of national, regional and international law that recognises the close relationship between human rights and the environment. Climate change, environmental pollution and biodiversity loss are serious challenges that our community will face, and with these challenges come significant impacts on human rights, including the right to life and the right to equality, as well as the sheer wellbeing of our community.

The climate crisis is already impacting the rights of many people, particularly cohorts who face multiple and intersecting forms of discrimination or disadvantage. This bill provides us with an opportunity to address this inequality and this impact. This is a bill which demonstrates the commitment of the ACT government to ensure our environment is protected for present and future Canberrans and that humans in the ACT can enjoy the right to a healthy environment.

The right to a healthy environment contains both substantive and procedural elements. The substantive elements that comprise the right to a healthy environment include clean air, a safe climate, access to safe water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems. The procedural elements that comprise the right include access to information on environmental risks and harms, participation in environmental decision-making, requiring the prior assessment of possible environmental impacts of proposed projects and policies, including their potential effects on human rights, and access to justice.

The history to this landmark legislation is that the Parliamentary and Governing Agreement of this term included a confirmation and a commitment that this government would consider introducing the right to a healthy environment into the Human Rights Act. That work, including the plan for a discussion paper and consultation began in 2021. At the completion of the consultation and in recognition of the feedback and support it had received, I recommended and our government agreed that we would introduce this right, going further than what was required of us in the PAGA. In introducing this new right, the ACT is joining other governments internationally which have recognised this right in their laws and are contributing to the evolution of this right. The interpretation of the scope and content of the right will be informed by international human rights caselaw and commentary from the UN treaty bodies.

The specific obligation for public authorities to act consistently with human rights and properly consider relevant rights in decision-making, in section 40B of the Human Rights Act, will apply immediately to the new right on commencement. The right will affect government decision-making in the exercise of public authority functions, ensuring that environmental and climate impacts are properly considered in the development of legislation, policy and decision-making. This will lead to institutional

and systemic understanding of the right and environmental considerations across government, strengthening the ACT's human rights culture and the consideration of human rights at every level of government.

Due to the work that will be required by a wide variety of public authorities and directorates to plan and develop guidance, operational and instructional material, and to deliver training to those who will need to apply the new right when exercising their functions, the commencement will be up to six months after the bill has been notified. While public authorities will have obligations to comply with the new right to a healthy environment, to allow time for the right to be fully implemented and institutionalised in decision-making, policies and legislation, the direct right of action to the ACT Supreme Court for a breach of public authority obligations and the ability to raise public authority breaches as part of other litigation will not initially apply to this right under the bill. Following stakeholder feedback and further discussions in the committee inquiry, today I will move amendments to add a sunset clause so that this initial restriction on litigation will expire on 1 October 2028.

The amendments will also change the time frame for the statutory review, which must commence no later than 1 October 2027 and be tabled as soon as practicable after it is completed. That review will specifically consider the categorisation of the right as an economic, social and cultural right under the Human Rights Act, which was an issue raised in submissions to the inquiry. The review will also examine whether the limitation on the ability of individuals to litigate the right in the ACT Supreme Court remains appropriate. This will allow time for these issues to be considered and for risks to be identified before the restriction on litigation expires with the sunset clause. It is important to note that, unless the Assembly amends the Human Rights Act, the right to a healthy environment will be justiciable after 1 October 2028.

To support the success of the right to a healthy environment in other jurisdictions in Australia, it must have an enviable start to it first. The review period ensures that this reform can have its ambition supported with practicality. It ensures that the new right is implemented smoothly and with the support of the public servants who will be responsible for upholding it.

I thank all who have assisted with our deliberations about this, especially the engagement with Minister Vassarotti and her office as we worked through an agreed way forward.

I was absolutely baffled to hear Mr Cain conflate how we have approached the element of direct Supreme Court action by suggesting that the legislation itself is not going to be implemented properly or for years—

**Mr Cain:** Why deny the review right?

**MS CHEYNE:** or suggesting that it is half-hearted.

**Mr Cain:** Exactly.

**MS CHEYNE:** He is interjecting right now, Mr Deputy Speaker Mr Parton. I note that his claims earlier today and his claims across the chamber right now are inaccurate,

irresponsible and mendacious. It has become a theme whenever Mr Cain speaks, but I have to set the record straight, and here we are again.

Importantly, all other enforcement mechanisms in the Human Rights Act will apply to this new right immediately upon commencement. This includes the ability for individuals to bring complaints about breaches of the right by public authorities to the Human Rights Commission for conciliation, using the human rights complaints mechanism established through legislation passed recently and already in effect and operational. This will provide an accessible mechanism for concerns about breaches of the right to a healthy environment by public authorities to be raised and resolved.

The right will also be protected and enforced through obligations on public authorities, courts and decision-makers to interpret laws to be consistent with human rights, to give proper consideration to relevant human rights and decision-making, and to act consistently with human rights. There is the requirement for the Attorney-General to certify the compatibility of new government bills, the consideration of the right in scrutiny by the Legislative Assembly's scrutiny of bills committee, which Mr Cain chairs, and the ability of the Supreme Court to issue a declaration of incompatibility where a law cannot be interpreted to be compatible with the right to a healthy environment.

As with other rights in the Human Rights Act, the right to a healthy environment is not absolute. It may be subject only to the reasonable limits in law that can be demonstrably justified in a free and democratic society. One individual's rights may also need to be weighed against another individual's rights, and this is important to keep front of mind. Once the bill passes, the government will work with key stakeholders and experts impacted by the bill, including Aboriginal and Torres Strait Islander people and community organisations and individuals to inform implementation and realisation of the right.

This is an important moment for the protection of environmental rights in Australia. I thank all members of our community and the stakeholders who contributed to the design and development of this reform for the insight that they have provided to inform this bill. In particular, I would like to thank the ACT Human Rights Commission and the inimitable Karen Toohey; the Environmental Defenders Office; GreenLaw and Annika Reynolds; the Human Rights Law Centre; Australian Lawyers for Human Rights; the Conservation Council ACT Region; the Australian Land Conservation Alliance; the Office for the Commissioner for Sustainability and the Environment; ACTCOSS; Doctors for the Environment Australia; and Advocacy for Inclusion.

Since the introduction of the Human Rights Act in 2004, successive territory governments have continued to strengthen human rights protections in the ACT community and systematically integrate human rights protections into the way that government works. The addition of the right to a healthy environment is an essential next step in responding to the global environmental crises we are facing and ensure that we preserve and protect the natural environment and ecosystems that we are so fortunate to enjoy. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.



**Detail stage**

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7.

**MR CAIN** (Ginninderra) (5.10): For the reasons I stated earlier in my speech today, I oppose this clause.

**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) (5.10): We want this right to make immediate and meaningful change. Once this bill passes, public authorities will be required to comply with the right to a healthy environment. But we also need to ensure that agencies are properly prepared to fulfil their obligations. The litigation bar is an important aspect of the bill and has been included in recognition that this new right is broad, complex, multifaceted and evolving.

The ACT is the first Australian jurisdiction to provide statutory protection for the right to a healthy environment, subject to this bill passing today. In developing this bill we listened to the community, we listened to the public service and we ensured that the right was broadly defined so that it can evolve in line with international human rights law. But agencies will require time to fully assess the scope and impact of the right on their policies and practices and to implement the right before being subject to litigation. The amendment that I will move for clause 7A will introduce a sunset clause for this litigation bar. This represents a balanced approach that provides clarity and certainty about timing. It will also enable the statutory review to be conducted to assess the impact of the removal of the litigation bar before it sunsets.

Earlier today, Mr Cain said that I could not answer why we are doing this. I have answered it repeatedly and I have just done so again. I want to draw the chamber's attention to some pretty reprehensible remarks that Mr Cain made during the estimates hearings. He said—

**Mr Cain:** Point of order, Madam Speaker. "Reprehensible" is a slight on my character, and I ask the minister to withdraw it.

**MADAM SPEAKER:** Given the events of today, I am just going to be a tad cautious. You were referring to remarks made by Mr Cain during estimates. Would you choose another word for me, Ms Cheyne?

**MS CHEYNE:** Yes, Madam Speaker: "unfortunate".

**Mr Cain:** Point of order, Madam Speaker. Would the minister then withdraw the word?

**MADAM SPEAKER:** Would you withdraw and then use the substitute word?

**MS CHEYNE:** Yes, Madam Speaker, I withdraw.

**Mr Cain:** Thank you.

**MS CHEYNE:** Mr Cain made some unfortunate remarks, and they speak for themselves. But, of course, it is open to him—given I am quoting from the *Hansard*, if he needs to review it. I quote:

Noting that the government is not reluctant to pioneer new areas, Minister, is it your view that it is the incompetency of the justice system or of your own department regarding having full appeal rights on this human right?

**Mr Cain:** I meant “the minister”, really.

**MADAM SPEAKER:** That is not what the *Hansard* seems to be saying, but let’s not go back to *Hansard* just at the moment.

**MS CHEYNE:** Just for the record, Mr Cain just said, “Actually, I meant the minister.” For someone to be so glass-jawed about his own reflections on the justice system—

**Mr Hanson:** Madam Speaker, on a point of order of relevance: as fascinating as unpicking who said what and when during estimates and who meant something else, is this entirely relevant to this debate, Madam Speaker?

**MADAM SPEAKER:** I think the debate is just as relevant, but I ask people to be cautious in how they are describing one another, so we are not unparliamentary.

**MS CHEYNE:** Thank you, Madam Speaker. I would say that that sort of commentary—and it is commentary particularly related to this clause, Madam Speaker; so it is relevant. Thanks for paying attention, Mr Hanson. That sort of commentary is among the most—

**Ms Lawder:** Point of order, Madam Speaker. Is that kind of comment necessary—“Thanks for paying attention”?

**MADAM SPEAKER:** Members, can we all just—

**Ms Lawder:** Can we just get on with the debate?

**MADAM SPEAKER:** My sentiments exactly.

**Mr Hanson:** Madam Speaker, under standing order 42, the minister’s comments are required to be addressed through you. She did not do that; she addressed them to me. We are either following the rules or we are not.

**MADAM SPEAKER:** Well, if you want to go on that line, there will be not another utterance from those on my left.

**Mr Hanson:** Happy with that.

**MADAM SPEAKER:** Just that. So you are warned.

**MS CHEYNE:** Thank you, Madam Speaker. That sort of commentary about this clause is some of the most benighted I have heard in my time here. I think it is unbecoming, and it does show how unfit he is to be a shadow Attorney-General, let alone wanting to be the real thing. As I have noted—

**Ms Lawder:** Point of order, Madam Speaker. They are personal reflections upon the member here. Is this absolutely necessary to a debate?

**MADAM SPEAKER:** I think she is referring to the comments that are in the *Hansard* that he made that were—

**Ms Lawder:** Saying he is not fit to be a shadow minister—how is this her determination to make? She is making a personal reflection upon the character and the abilities of a member of this side of the chamber.

**MADAM SPEAKER:** I am not going to rule it out of order. But, again, I will go to people. We have another four days—let alone finishing today—and emotions will be high and people will be anxious about the things to come and will want to get things on record and debates be made, but can we do it with a respectful manner across the chamber?

**Mr Cain:** Point of order, Madam Speaker. Despite your urgings—and I think we are appreciative of those and sensitive to them—as to the quality and relevance of this debate, the minister continues, despite your warnings and urgings, to continue in the same vein. Surely that should prompt some action.

**MADAM SPEAKER:** Mr Cain, please—and you continue to interject, sometimes with not flattering commentary.

**MS CHEYNE:** As I have noted, litigation is not the only way for this right to be enforced. Individuals will be able to make complaints about breaches of the right to the Human Rights Commission; the courts will be able to consider the right in interpreting laws; and the Supreme Court will be able to make a declaration of incompatibility if it considers a law cannot be interpreted compatibly with the right. The right will also inform the Attorney-General's assessment of compatibility of all new government laws. These are important enforcement mechanisms—and they are an important enforcement mechanisms that seem to have gone over the heads of the opposition—and they will ensure that the impacts of the right are fully understood before the litigation bar sunsets. That is why I urge members in this place to support clause 7.

**MR BRADDOCK (Yerrabi) (5.17):** I am very glad to say the Greens will be supporting the government's amendments to this bill and not those proposed by Mr Cain. For simplicity, I will speak to both now. The amendments being proposed by the government as circulated to members represent the culmination of a fruitful negotiation between the parties of government. I would like to thank those in the offices of Ms Cheyne and Ms Vassarotti for making this a reality.

The Greens respect that the ACT public sector deserves our support in implementing a new right to a healthy environment. There are aspects of the government's operations where it would right now arguably not be acting in a manner consistent with the right to a healthy environment. We accept it would be more productive for the public sector

to have the time and space to focus on making itself so compliant rather than worrying about the threat of litigation, at least for now. Rights mean little without remedies. So it was critical for the Greens, informed as we were by numerous environmental stakeholders through the committee inquiry process, that the non-justiciability terms and clauses be scheduled to sunset within the term of the 11th Assembly. The government amendment achieves just that.

Keen observers will have noticed that I had sent to Scrutiny amendments which would have seen the sunset occur in the three years after the bill's commencement—meaning a year earlier than the government is proposing. I am not so wedded to that particular timeframe as I am to the underlying principle, and I am happy to see a compromise achieved that has the government's support in the spirit of stable government. Consistent with my own previously proposed amendments, the government amendments amend the timetable for the review of the legislation, so that it can occur prior to the scheduled sunset. It will be within the power of the government of the day to act on any advice concerning the non-justiciability clauses, including an extension if it is justified, and the 11th Assembly agrees.

It is for this reason, I am happy to support clause 7 and the government amendments to come, and I saw no reason to circulate to members those amendments that I have prepared myself and submitted to Scrutiny. I would like to give a quick word of thanks to Parliamentary Council. Their good work under constrained resources continue to impress, even when it does not always make it to the floor of the Assembly. You are truly an excellent team to work with.

Clause 7 agreed to.

Proposed new clause 7A.

**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) (5.20): I move amendment No 1, circulated in my name, which inserts a new clause 7A [*see schedule 3 at page 2190*] and table a supplementary explanatory statement to the amendments to the bill.

As Mr Braddock just alluded to, this clause inserts a new section 40C(8) into the bill to provide for a sunset clause for the litigation bar provisions. The new section 40C(8) provides that this subsection, as well as subsections (5A) and (5C), expire on 1 October 2028. This will mean that the litigation bar which prevents individuals from commencing proceedings in the ACT Supreme Court against public authorities alleging a breach of the right to a healthy environment will automatically expire on 1 October 2028.

Proposed new clause 7A agreed to.

Clause 8.

**MR CAIN** (Ginninderra) (5.21): I move amendment No 2 circulated in my name [*see schedule 4 at page 2191*], and table a supplementary explanatory statement to the amendments to this bill.

As I have touched on earlier in my speech and through some of this debate this afternoon, my reasons for opposing the clause are plain. The government has introduced a new human right and yet says we are not ready to fully implement it and give it the full rights available to other rights under the Human Rights Act, which is really a failure by the minister to appropriately resource and prepare her department for something that she is keen to produce.

**Dr Paterson:** Point of order: Mr Cain reflected on the minister in a negative light, and I would like him to withdraw it.

**MADAM SPEAKER:** Members, I think we will just let that one fly. But thank you; it just alerts everybody to my commentary that I think I will be using a number of times over the next couple days: be respectful across the floor.

**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) (5.22): Those remarks were bizarre, because we are talking about the review. But, anyway, Mr Cain’s amendment would provide for a roughly similar timeframe to commence the review as the government amendment that I will put forward shortly. But it would only allow for three months for the minister to present a report to the Legislative Assembly from the day the review is started. That timeframe is unrealistic. That timeframe would not be sufficient to allow a comprehensive and thoughtful review that takes into consideration all the available data and information on the impact of the right. Community and civil society stakeholders will want to be involved in the review and will need time to develop submissions. A three-month period to conduct the review, write up and present the report will not provide sufficient time for meaningful consultation.

Mr Cain’s amendment also fails to address the recommendations of the committee regarding the terms of reference for the review. The committee recommended the review consider the categorisation of the right to a healthy environment as an economic, social and cultural right. The government’s amendment, which I will move after we deal with this, to clause 8, will ensure this is considered in the review. For these reasons, the government will not be supporting Mr Cain’s amendment.

Question resolved in the negative.

**Mr Cain’s** amendment No 2 negatived.

**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) (5.24): I move amendment No 2 circulated in my name [*see schedule 3 at page 2190*].

As flagged, this amendment substitutes a new clause 8 of the bill to replace the requirements for the statutory review. The clause inserts a new section 43, which will require the review to consider the categorisation of the right to a healthy environment as an economic, social and cultural right to evaluate the restriction on litigation and to consider whether the restriction on litigation remains appropriate despite the sunset

clause in section 40C(8). Subsection 43(3) requires that the review begin no later than 1 October 2027, and it requires a report to be provided to the Legislative Assembly as soon as practicable after the report is completed. This statutory review will provide an opportunity to consider the operation of the new right. The review will assess the impact of the right and any refinement needed based on its implementation in the ACT and further development and crystallisation of the right at the international level.

This amendment ensures that, while the sunset clause will operate to end the litigation bar on 1 October 2028, unless the act is amended by the Assembly, the Assembly will be aware of the likely impacts before the litigation bar sunsets. I commend this amendment to the chamber.

Question resolved in the affirmative.

**Ms Cheyne's** amendment No 2 agreed.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

Title.

**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) (5.26): This is a landmark bill. This is a historic moment, not just for the ACT and this Legislative Assembly but for this country. I do not want to let this moment pass without expressing my thanks, particularly as this is, I believe, the last bill for which I will be responsible in this term of parliament.

I want to thank my extraordinary office and say how proud I am of my team, who work incredibly hard and offer the most amazing support. I am lucky every day to be supported by such stars, particularly Jemma Cavanagh, Jonah Morris and Michael Liu. I offer my sincere thanks to Minister Vassarotti and Imogen Ebsworth in her office. Imogen is an outstanding chief of staff, we all agree, and I hold enormous respect for her. She really is a superstar. If she would ever like to work in another office—

**Ms Vassarotti:** Not a chance!

**MS CHEYNE:** I thank Imogen for always being such a delight to work with, and in this case it was no different. We are also indebted to Alia Armistead, who acted in the role in Imogen's absence during a period of deep discussion.

Of course, many of us can claim credit for this legislation today. I acknowledge the many stakeholders who have driven this right, who have engaged so awesomely and who have challenged us to go further. It is, again, a delight to be the human rights minister in this term of parliament—to have held this portfolio throughout this term and to have seen such extraordinary reform progressed under our Human Rights Act and associated legislation.

The fact is that it just would not be possible without the team in the public service which has led this and so many other significant reforms in this term. With the consultation, analysis and recommendations, and the drafting by the Parliamentary Counsel's Office, it certainly underlines what Mr Braddock said: they are first rate. I appreciate that this has been tough.

I refer to the cross-government consultation, the support, the education that has occurred and the education that is to come. I would particularly like to single out Gabrielle McKinnon, who is in the chamber today. I have already talked about stars a lot, but Gabrielle is one of a kind and has been behind so much of the reform efforts. It has honestly been a pleasure and a privilege to work closely with Gabrielle to progress these reforms. I will reflect on these four years with humility—to have been supported by such intelligent and hardworking people like Gabrielle, as well as her team. Again, they are magnificent people: Erin Gillen, Caroline McGregor, Ashley Tilbrook, Hari Lodwick, Gemma Hallett, Olivia Pursey, Elizabeth Dickson, Alex Ingham, Samantha Lawford, Ana Rengel-Goncalves, Juanita Truong, and Daniel Ng.

Again, I could not ask for a better team to have supported such an enormous body of reform. I remind members that this has included the review of the Discrimination Act and the passage of major reforms to that act, the Aboriginal and Torres Strait Islander Children and Young People Commissioner Bill, which has established that role, the Human Rights (Complaints) Legislation Amendment Bill, the Births, Deaths and Marriages Registration Amendment Bill and the Parentage (Surrogacy) Amendment Bill. All of these together have advanced human rights in this jurisdiction. It is something that I am immensely proud of, but it simply would not have been possible without not only the amazing justice system that we have but also a very hardworking public service whom we are indebted to.

It takes a village in this place, Madam Speaker, and I offer my sincerest thanks to Gabrielle and her team. It has been a remarkable journey and one that I have been very proud to be on. I commend the right to a healthy environment bill to the chamber.

Title agreed to.

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

Bill, as amended, agreed to.

## **Statements by members**

### **Justice—community safety**

**MR CAIN** (Ginninderra) (5.31): I rise to talk about the Canberra Liberals “Make Our City Safer” campaign. I was very proud to join the Canberra Liberals leader, Elizabeth Lee, and the shadow police minister, James Milligan, on Thursday, 1 August in announcing this targeted and comprehensive policy package.

Every Canberran deserves to feel safe, whether they are out in the community or in their own home. It is a simple premise, but one that, sadly, has been ignored for too long. That is why the Canberra Liberals will recruit 200 extra police officers by 2028 and

modernise our police stations. We will bring the ACT judicial system in line with community expectations on issues like dangerous driving and bail laws. We will build a stronger justice system to make our city safer for all.

Canberrans will always be safer under an Elizabeth Lee led Canberra Liberals government, and I encourage all Canberrans who want to re-prioritise community safety to vote for the Canberra Liberals on 19 October.

## Epilepsy

**MS ORR** (Yerrabi) (5.32): I rise to talk about a book that I have recently had the pleasure of reading. It is a picture book called *Marvellous Miles*. It follows the adventures of a brave lion named Miles, who is learning to live with epilepsy. The book normalises the experiences of seizures, daily medicine routines, trips to the doctors and living with epilepsy. The author of *Marvellous Miles*, Sarah Watts, was inspired to write the book after her toddler was diagnosed with epilepsy. The book invites parents, carers and educators to converse with their children about epilepsy and what it means for them in a way that everyone can understand.

I had the pleasure of meeting Sarah in July, and it was great to be able to chat with her about her amazing efforts in developing her book. I have no doubt that *Marvellous Miles* will have a meaningful impact within our community. *Marvellous Miles* is available in stores and you can also purchase the book from Epilepsy ACT, with 100 per cent of those funds going to the development of the work of Epilepsy ACT. It is a great cause. It is a wonderful education raiser. Let us continue to normalise the experiences of those with epilepsy through imagination and the brave adventures of *Marvellous Miles*.

## Carmelite Sisters

**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) (5.34): I would like to take a moment to farewell the Canberra chapter of the Carmelite nuns who, after 50 years, are leaving their convent in Red Hill to return to Melbourne.

The nuns came to Canberra in 1974. As a cloistered community, they do not leave their home and rely on the support of local communities. Reports note that when the sisters arrived in Canberra they were warmly welcomed, with many individuals coming forward in generous support. This started a long tradition of close connections with many in the local community. I am sure many of you have had contact with this special group of women. Carmelites stay within the bounds of the monastery, with days dedicated to prayer and penance. In Canberra, however, without a sister who is an extern, there have been more intimate connections with local people than individual sisters would usually have in Melbourne.

Over the past 50 years, this special group of spiritual women have created a special place for many people in the community. I would like to extend my special thanks to Sister Bernadette and other sisters for the special role you have played in our family,



particularly following the death of my mother. You have prayed for us, tended to our grief and provided great solace and peace. Know that you will be missed and so fondly remembered. Safe travels, and I promise to knock on your door.

### **Recycling—Lids4Kids**

**MS LAWDER** (Brindabella) (5.35): Today I am pleased to be hosting Lids4Kids, one of Canberra's home-grown community-led success stories. Lids4Kids was founded as a 100 per cent volunteer project in 2019 by Tim Miller. When Tim asked where he could drop off his large collection of plastic bottle lids, the ACT government advised that pieces of plastic smaller than a credit card cannot be recycled and go to landfill. After discovering this, Tim found that plastic lids could be turned into mobility aids for children, so he created Lids4Kids to help collect more lids.

Due to the overwhelming success of Lids4Kids, many other recycled plastic products, such as park benches, kitchen splashbacks and cubby house roof tiles, are now being produced. Lids4Kids have a national community reach of over 42,000 people. They process a million lids per month. They have 300 monthly volunteers and they process 38 categories of recyclable items.

I would like to thank Tim, Emma and the entire Lids4Kids team, who have brought their equipment along today. I urge everyone to go out into the reception room and have a look at the great work they do and get involved with Lids4Kids. You can find out more at [www.Lids4Kids.org.au](http://www.Lids4Kids.org.au).

**MADAM SPEAKER:** Thank you, Ms Lawder. I thank Lids4Kids for the work that you do.

### **Census—LGBTIQ+ inclusion**

**MISS NUTTALL** (Brindabella) (5.37): I rise to speak briefly to the Australian Bureau of Statistics' decision not to include questions on sexual orientation, gender identity and variations in sex characteristics in the 2026 census. Decisions not to include those questions are, quite frankly, a betrayal of trust for queer folk. It came after a statement of regret and an explicit commitment by the ABS to establish an LGBTIQ expert advisory committee for the 2026 census; so you can see why we are, to put it respectfully, a bit miffed.

The census is by far the best way of knowing how many LGBTIQ+ people actually exist in Australia. It is used to capture data that shows governments how to provide services to the community. From Equality Australia, we know, for example, that queer folk on average experience significant health and wellbeing disparities compared to the rest of the community, with particularly poor mental health outcomes. We also know, shockingly, that young people from the LGBTIQ+ community are approximately five times more likely to have attempted suicide than the general population, and almost one in every two children who are trans have attempted suicide.

To know the scale of the work required to support LGBTIQ+ folk, we need the government to know where we are and how many of us are out there. It is also, honestly,

demeaning to have core parts of your identity rendered invisible. I hope all of us in the chamber would agree that queer folk deserve better. Please add your voices to ours, to those of thousands of queer folk across the country. Join the call to count us in, in the 2026 census.

*Discussion concluded.*

## **Adjournment**

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

That the Assembly do now adjourn.

**Ms Lawder:** Can I raise an issue before we adjourn, Madam Speaker?

**MADAM SPEAKER:** Yes, Ms Lawder.

**Ms Lawder:** Earlier today, Ms Cheyne made a comment which has been captured by Hansard—whether you agree with Hansard or not, it is in the *Hansard!*—where she said, “Say that outside the chamber, Principal.”

**MADAM SPEAKER:** Before you continue, is this not part of—

**Ms Lawder:** I am seeking your ruling, Madam Speaker. I have some other points to make with regard to our standing orders. For example, standing order 42 asks the member to address the Speaker rather than talk to someone across the chamber. If Ms Cheyne dissents from the Speaker’s ruling, she can move a substantive motion, as we did earlier today.

You have ruled on this before, Madam Speaker—asking the member not to refer to Mr Cain as “Principal”. She is wilfully and persistently disregarding the authority of the chair, as per standing order 202(e). Furthermore, in the *Companion to the Standing Orders*, paragraph 11.80 says that you should address members respectfully, using their name and title. There are a number of ways in which Ms Cheyne has failed to follow the standing orders. I would ask you to urge her very strongly to be more respectful and to follow your rulings.

**MADAM SPEAKER:** Thank you. I will ask Ms Cheyne to reflect on her behaviour. We agreed earlier today that the dissent from my ruling would be adjourned.

**Ms Lawder:** It was a completely separate matter.

**MADAM SPEAKER:** Yes, I understand that. We will come back to that tomorrow. On the matter of referring to Mr Cain as “Principal”, it has been raised before. I ask you, Ms Cheyne, to withdraw and to please cease those types of interjections.

**Ms Cheyne:** I withdraw.

**MADAM SPEAKER:** Thank you.

**Valedictory**

**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) (5.41): It is a great pleasure to make some brief-ish remarks at the end of this term of government. In preparing for this, my staff did an incredible job pulling together a list of achievements in my ministerial portfolios during this term. Unfortunately, even in short dot points, there was enough to fill about 13 minutes. Mr Parton has previously given me some sage advice about less being more, so perhaps I will table the full list next week, but for now I will take the opportunity to focus on the important recognitions and acknowledgements we traditionally make at the end of each year and term.

Let me start with the members who will definitely not be rejoining the Assembly next term: the Speaker, Joy Burch; and Ms Nicole Lawder. Although I have been here for eight years, having gone straight into the ministry and never having had Ms Lawder as a shadow, I have not worked closely with her on committees or in my portfolios. However, I have received regular correspondence from Ms Lawder on behalf of her constituents. Indeed, I would guess that I have received more representations from Ms Lawder than any other Canberra Liberals' member, especially in the health and disability portfolios.

It cannot always have been easy for Ms Lawder to be a moderate or even progressive voice in the Canberra Liberals' party room, but she has always been true to her own values and advocated for her community, and I commend her for that. I hope that whoever joins this place for the Canberra Liberals in the Brindabella electorate—for I am not optimistic enough to think they will not have at least two members—will also be a moderating voice for the most conservative Liberal Party in the country. Either way, I wish Ms Lawder all the very best with whatever comes next.

Madam Speaker, you have been in that chair for the entirety of my time in this place, and, with no future benefit to me beyond the next four sitting days, I want to recognise the excellent job you have done. Like Ms Lawder, you have been a strong and consistent advocate for your constituents in Brindabella. I have heard from those constituents how much they have valued your availability to them, including through your regular mobile offices. They have always known where they can find you when they need you and that you will represent their interests. In your time in this place, you have also served in the executive, in multiple portfolios, and you have much to reflect on and be proud of. It has always been a pleasure to hear the messages from your grandchildren at the end of each year, and I have no doubt that you are looking forward to spending more time with them. All the very best, Madam Speaker.

I thank the other members in this place, particularly my Labor colleagues and their staff. Andrew, Yvette, Mick, Chris, Tara, Suzanne, Michael and Marisa, I reckon we are a great team, and we will be even better when more Labor members are elected on 19 October. For now, thank you for your support and the incredible power of work you have all done to deliver Labor's progressive policies throughout this term. And I also thank our Greens colleagues. We do not always agree, but, in the end, we get a lot done working together.

I thank all our staff across the offices. We all know we could not do our jobs without them and we are incredibly lucky to have them. Political staff are often the subject of derisive commentary, but the reality is that most of our staff could be getting paid more, and with less stress, in another job. They are here because they are committed to making our city a better place. I thank the staff currently in my office. In alphabetic order, I thank Ben, Caitlin, Jonny, Kahlia, Meg, Martin, Mick and Sally. To my former staff during this term, Amy, Ash, Billie, Cath, James, Lily and Tim, I thank you also. My staff have contributed five babies to the Canberra community over this term of government, so we think they are contributing in more ways than just their work here! I thank those in our Labor Party office: Ash, Sandra, Toby, Lara, Sam and the rest of the ACT Labor Party team, I thank you very much for your support and your ongoing work and advocacy. I also thank Sue Ducker, the party president, and the rest of the elected party leadership.

I thank the many union colleagues and leaders we have worked with over this term across all my portfolios. I particularly thank the unions and industrial representatives who represent our health system workforce and have supported their members through a number of significant changes over this term: the CPSU, the ANMF, ASMOF, the AMA, the HSU, the UWU, the CFMEU, Professionals Australia and the VMOA.

Going to the directorates, who I will talk more about in the budget debate, I particularly thank the directorate liaison officers: from CSD, Andrew, Fiona, Ella, Kara, Tammi and Teone; from CHS, Angeline, Kerryn, Ryan and Christy; from the Health Directorate, Jenna, Cath and Tara; and, from MPC, Lauren and Andrea. Finally, I thank the Clerk and OLA staff, who support the functioning of this place with such professionalism. We will have more to say during the rest of the next week and a half, but thank you very much, everyone.

## **Valedictory**

**MS CASTLEY** (Yerrabi) (5.46): I would like to rise to make a few remarks, reflecting on the four years that I have been here. I took a quick look at my first speech. It is funny to see where you started and where you are at the end. There was a bit of fluff in that speech, but one thing that stuck out to me was why I wanted to be here and why I fought to get elected, and nothing has really changed.

To kick off, I want to thank my family, obviously. There was one point in the term—and I believe it was on almost the same day—when I got a text from my daughter, Beth, and a text from my partner, Shannon. Beth said, “Mum, am I ever going to see you again?” Shannon texted me the same. It was one of those times when there were events. They have really stuck by me when it has been busy. They have knuckled down to help me whenever I have needed help. I also thank Mum and my family up in Queensland, Barton, Aunty Lou, and Kirsten. They are always keeping a weather eye.

I also want to thank my friends. I have a couple of friends here in Canberra who have no interest in ACT politics whatsoever, but they do keep a weather eye as well and send a message, saying, “Hey, I heard this. Well done,” or “What were you thinking about that moment?” It is great to have good friends who keep their ear to the ground.

I thank all in the Yerrabi electorate who voted for me. A lot of people may have thought I was the dark horse, and here I am. It has been one of the greatest honours of my life to represent them—having the opportunity to be in this place and doing that.

I want to thank our division—they have been great throughout the term as well—and all of the volunteers who helped to get me here and have continued to work with me for the entire time I have been elected.

As I said in my first speech, while I am here I want to get involved and make a change. Over the term, I have moved multiple motions—too many to count—presented one bill, and attended hundreds of meetings with community groups, businesses and the health sector. The community groups have been amazing. It has blown my mind how much they reach out the moment you are elected and want to chat with you about things, and I have really appreciated that. There have been hundreds of constituent meetings and chats with people who have real concerns. I have spoken with school kids and at citizenship ceremonies—all of those wonderful things. It has been a pleasure. I have been on the environment committee and I have been on the EGEE committee. I have had the pleasure of a few portfolio changes, and, of course, the honour of being elected Deputy Leader of the Canberra Liberals.

I thank all Assembly staff. I am not even going to try to separate everybody, because I have done that once and missed people, so I want to thank everybody who is involved. My time here has been amazing and nothing has ever been too much. It has been a wonderful time.

Moving on to my staff, in no order at all: we have two Wills: Will Roche and Will Coats. I thank James Donnelly, who is off work today. Chris Fryar is no longer with my office but was a fabulous member of my team. Liam Samby is now with Elizabeth Lee's office and is always helping me. He remembers everything, and I am so grateful to him. I would like to thank all of the staff in Elizabeth Lee's office as well, all of my parliamentary colleagues, and all of the Assembly's staff. I know you are all listening, or not paying attention, but you have been amazing and we all work so well. Everyone is willing to dip in. It is just wonderful.

To things I have learnt: I have learned that, unfortunately, you cannot help everybody and, unfortunately, I have learnt that you cannot trust everybody. And, unfortunately, in opposition you rarely have a win, and that is difficult. I do find that tough. On that note, I hope to be here for the 11th Assembly and in government. I hope that I can make the changes that are so close to my heart and the hearts of constituents in my electorate. If I have forgotten anyone, I apologise. Come and see me later. Thank you.

### **Valedictory**

**MR PETTERSSON** (Yerrabi) (5.50): I begin by placing on the record my heartfelt thanks to the good people of Yerrabi for bestowing upon me the great honour to represent them in this place this term. It is an honour that I do not take lightly. It is bestowed upon very few, so I have always endeavoured to work as hard as I possibly can for each of my constituents. I would particularly like to thank the constituents who have shared with me their vision for a better Canberra. It has given me the opportunity

to represent those ideas in this place. There have been some absolute crackers this term, so I will go to some of the greatest hits of this term—ideas that I have been proud to champion on behalf of my constituents.

They wanted changes to embedded utility networks to ensure consumers get the best price on their utility bills; greater regulation of retirement villages to ensure that vulnerable residents do not require adversarial processes to stand up for their rights; better youth mental health services to make sure young people get the care they need where they want it; sick pay for casual workers to keep us all healthy and to make sure that insecure workers do not fall behind on their bills; action on the Gungahlin cinema so that local residents can see the latest blockbuster right in their community and not have a dirt patch in their town centre; a neurodiversity strategy for the ACT to ensure that government and society as a whole is inclusive for everyone; a licensing scheme for property developers to ensure that they are held to account and to improve standards in industry; a portable long service leave scheme for hospitality workers to ensure that every worker gets their entitlements; changes to our drug laws to better treat drug use as a health issue; and upgrades to Yerrabi Pond—it is the beating heart of our community and it should be beautiful.

They wanted an expanded e-scooter share scheme so that Gungahlin residents can use them to get around the district; for the AIS to stay right here in Canberra amidst efforts from interstate to have it moved; for the Assembly to stand up for trans and gender-diverse students in the face of very cruel attacks; better security of payment laws to ensure that subcontractors are paid properly and on time; references for landlords—that was a fun one—to make sure that tenants know the track record of people who are making decisions about their home; and a re-established public marriage registry to provide couples more choice in how they tie the knot. Just recently, there has been the licensing of debt collectors. Debt collectors deal with some of the most vulnerable members of our society in very stressful situations, and they should be held to a very high ethical standard.

I thank the people who work alongside me in my office. They have helped me in pursuing all these ideas for my constituents. I have always been very fortunate to have young, intelligent and hardworking people who want to be a part of the team. I would like to thank Jasmine, Harry, Georgia and Liam for being on this journey with me. I appreciate everything you do. They all have very bright futures ahead of them. I am hopeful that we will have more time together in the next Assembly, but I know that, regardless of election results, they will all have many exciting adventures ahead of them. I have had more staff throughout this term. Those who have been part of the team this term included Zoe, Abby, Flynn, Sam, Azraa, Aggi, and Connor. They have all moved on to bigger and better things, but I still enjoy following each of their journeys. I have so much faith that my current team are going to do big and exciting things, because everyone before them has done so.

I would like to thank the wonderful OLA staff. You truly represent our democracy. We, the members, come and go; the Assembly remains. To the wonderful attendants, the team in Hansard, the cleaners, the Education Office, Chamber Support, the committee secretariat and the Business Support Branch, without every one of you, our very special little democracy here in the Australian Capital Territory would not function, so thank you.

To all of my colleagues here in ACT Labor, thank you for your friendship, your solidarity, and all of your hard work. I am very proud to be a member of this team and to stand alongside each one of you.

To the members of the Canberra Liberals and the Greens, who have been wonderful sparring partners this term, I wish you all good luck in the upcoming election—of course, not too much luck but just the right amount.

Finally, to you, Madam Speaker, thank you for your dedication to this Assembly. Through constitutional crisis or not, you have been a constant in this place for me. It will not be the same without you, Madam Speaker. Best of luck with whatever comes next.

### **Suburban Land Agency—rural leaseholds**

**MR CAIN** (Ginninderra) (5.55): Today I stand before you to shed light on a pressing matter involving the Suburban Land Agency and the historic Elm Grove Homestead in Gungahlin. For the past 22 months, rural leaseholder Lee Carmody and his family have been locked in an unfortunate battle with Minister Berry and the SLA over several critical and unresolved issues. This situation has been ongoing for a considerable amount of time, and it is time for the government to properly address these concerns with the seriousness and urgency they deserve.

Firstly, the SLA did not consult Elm Grove prior to finalising its DA for Jacka stage 1. Because of this, the SLA failed to identify essential infrastructure for Elm Grove—namely, a compliant driveway apron, a formed driveway, a sewer tie and replacement of the southern boundary fence. Mr Carmody raised this essential infrastructure with the SLA in December 2022; however, it remains largely incomplete. Today we can tell you that a \$20,000 fence that is approved for replacement is stopping the opening of a brand-new road, and it is impacting the Canberra community.

Mr Carmody has appealed to all levels of the SLA and the government to resolve this matter, even offering to share the cost of the fence with the SLA, yet the SLA has refused. For nearly two years, Ms Berry has blatantly denied all responsibility for the fence, even though the fence does not meet ACT government standards. The fence is not safe for a public open space, and the existing fence fails to provide any protection to the historic Elm Grove. Now we find that the SLA had always intended to remove the southern boundary fence at Elm Grove, as evidenced by its own DA-approved fencing plans. However, for nearly two years, the SLA has presented one excuse after another to Mr Carmody as to why the SLA was not responsible in deciding to replace the fence. This issue is no longer just about delay; it is about not engaging appropriately with the leaseholders.

The SLA's failure to deliver on this promise is not only frustrating but a clear indication of mismanagement—something Ms Berry should look into more closely. There are significant security implications for Mr Carmody and his family, as well for the broader community. If the fence is not replaced by the SLA, Mr Carmody will need to pay the cost to replace the fence for no other reason than the SLA withdrew his farmland and rezoned it for public open space. The fence already meets Mr Carmody's obligations as a farmer; however, it does not meet the ACT government's obligations as a neighbour

to the historic Elm Grove. Why has this replacement not been completed yet? That is a question for Ms Berry.

Secondly, the power pole that was supposed to be relocated remains in place. This obstruction is not just a minor inconvenience; it is preventing community access to a newly developed road and represents a complete waste of time, money and resources. Investment in the new road development of Roden Cutler Drive is nullified as the road cannot be opened due to this unresolved issue. It is evident that the Elm Grove Homestead is not receiving the same level of support and infrastructure that other heritage-listed farms adjoining greenfield SLA estates have enjoyed. This disparity in treatment is both unfair and unacceptable. The situation is not only an embarrassment for the government, showcasing its incompetence, but also a waste of public resources.

The ongoing delays and inaction are detrimental to the community because of the SLA's refusal to accept responsibility for a fence that the SLA itself has always intended to remove. It has received approval to remove it in its own DA. The local residents of Gungahlin are now living with the inconvenience of the brand-new extension of Roden Cutler Drive remaining closed.

I call upon Minister Berry and the SLA to act swiftly to resolve this dispute and ensure that the Elm Grove Homestead receives the support and infrastructure it rightly deserves. It is crucial that Minister Berry addresses these issues urgently and appropriately. The community deserves better, as do the leaseholders of the Elm Grove Homestead. The government must demonstrate greater competence and greater commitment in resolving these ongoing matters without further delay.

### **Valedictory**

**MISS NUTTALL** (Brindabella) (6.00): I am not used to any of this. The prayer or reflection is still exciting, fronting up in front of the chamber or cameras is still terrifying and, during the MLA Q&As, I cannot believe how lucky I am to share what I have been learning with students who are learning how the government can work for them. Mum used to joke how they should get a normal person into the Olympics just to show how amazing athletes are at their craft. I did really feel like the normal person in this chamber's Olympics a little bit, Madam Speaker.

I fully underestimated the sheer brain power, social battery, nerve, empathy, personal organisation and understanding of parliamentary systems required to survive, let alone do well at this job. I guarantee that most members are here doing late nights, early mornings and weekends, and still I have been struck at how generous members have been with their time. I have had members from all parties look out for me across the chamber, checking with me during quiet moments, offering really helpful advice and even just a smile across the chamber. To all members: I hope more of the community sees the work that you are doing. You are doing so much, and you are doing it because you care.

I want to give a particular shoutout to my Greens colleagues for being absolute rocks throughout this process. It takes a village to raise a child, and my village has been my colleagues and the whole Assembly Greens team. I did not have a lot of confidence coming in, though I did try to bring a can-do attitude, and they have all consistently



helped me build that confidence. I thank Andrew, Emma, Jo, Rebecca and Shane for their kindness, their wisdom, their wit, their humour and for always having my back, no questions asked.

When the countback happened, I was—to be a bit vulgar—shit scared. There is a lot that goes through your head when you are asked to become an elected representative, especially at 24. What pushed me over the edge and gave me the courage to put my hand up was absolutely my trust in the ACT Greens Assembly team and, quite frankly, my strong desire to see my homies again. Since then, the Assembly Greens team have so unbelievably and unwaveringly supportive. They are such a clever and compassionate bunch of people, and their strong sense of justice is unrivalled. I hope each and every one of them knows that their work makes a meaningful difference. I could not have been more grateful to learn from them for the last four years.

I want to say a particular thank you to my team, the “Nutt office”. Jo, thank you for approaching our policy work with a fierce moral compass that reflects exactly the way I want our office to contribute. You are like a capybara of a human being. Cindy, thank you for your calm, warm and reassuring presence, formidable organising skills and absolutely banging socials. Sylvi, thank you for your boundless energy, fantastic organising and your ability to pick up everything ridiculously quickly.

To my former staff, who are smashing it out there in the community, thank you to Rajat for getting us established across so many new portfolios with your keen mind and gentle sense of humour. And thank you to the indomitable Danny, who has been an absolute rock for me and the office since day one—a brilliant allrounder who has driven so much of this office’s contributions to Tuggeranong and to the broader Canberra community. Thank you to the Brindabella Greens for trusting me and for being right or die, no questions asked. You were the change-bringers down south and I could not think of better people to hang out with while we make the south a little bit greener.

At times, the hardest part of the job has been getting up in front of the media and saying full complex sentences off the cuff. Others, it has been knowing that I cannot please everybody—and hopefully please some people—and knowing that I have the great responsibility to do the right thing by my people, my constituents. Sometimes it is a combination of anxiety and ADHD. Often the hardest part of this job—and this is going to be rough—is not having enough time with the people I love. I have missed my mum, even though we see each other a bunch at gym and she makes me laugh, think and brings me homemade meals all the time, even though I am independent. I miss my dad, finally back in Canberra and always down to get into the weeds of politics. I have missed my family and their birthdays.

I have missed my friends, their birthdays and gaming with them in the evenings, TV time with my housemates, my family away from family who were selfless enough to move back down with me to Tuggeranong for this job, despite one of them not being a Southsider—shame! I have missed spending time with my wonderful partner Kai, who has been ever patient and loving and always there when I needed him. We will finish painting that Warhammer set together eventually. That is a promise now on *Hansard*. But I feel like one of the most fortunate people on the planet. The worst thing

that happens post-October is more time with the people that I love, and that is a pretty nice place to be.

Most importantly, to my constituents, the people of Brindabella: thank you for trusting me with your issues. Thank you for trusting me to represent you. It is an immense and profound privilege, and you are all awesome. I said at the start of this that politicians are tools. I stand by that. I want us to be useful. I hope that no matter what else happened, no matter the epic highs and lows of this high school football, I was a useful tool for Tuggeranong.

### **Valedictory**

**DR PATERSON** (Murrumbidgee) (6.05): I cannot believe we have got to this point at the end of the term. I absolutely love this job, and the last four years have been a truly amazing experience. Working with my Labor colleagues has been a true pleasure—and thank you to you all. And, Madam Speaker, you will be very, very much missed, and I wish you well on your journey post the Assembly. Thank you to all the staff in the Labor offices who are always such a pleasure to work with. To all my Assembly colleagues here: it might be tense and tried at times, but we get through it, hopefully with a smile. I do love the lively debates and theatrics of the chamber.

To the Office of the Legislative Assembly staff: thank you so much for your commitment to supporting us. The critical work you do is the backbone of our democracy. To my staff: thank you so much for your tireless commitment to supporting me and the work we do. Thank you to Anna, Benton, Reese, Cathy and Adele, who have all left my office, and to Kashish, Kye and, most recently, Marina, who are currently in my office. It is a tough job you do, and I appreciate every moment of it and all the laughs along the way.

One of my proudest achievements this term was introducing and passing the affirmative sexual consent laws in the ACT. The continued advocacy work with a range of amazing ACT stakeholders committed to improving our justice response to sexual violence, paid off earlier this year when the Chief Justice of the Supreme Court announced a specialist sexual offences list. I am committed to advocating of victims of family domestic and sexual violence in the ACT and for systemic reforms to address the perpetration of violence, to reforming our justice system to ensure it does not cause significant trauma to victims and to see a significant reduction in recidivist offending.

The work on addressing gambling harm this term has dominated. I am very proud of the bill that ensures that there will never be poker machines in the Molonglo Valley or any other new development sites in the ACT.

Working with community groups to see our wombats and snakes protected and to see myna bird populations controlled has been an amazing experience. I am sorry I have not been able to achieve the outcomes that you all wanted, but we will keep going. Thank you to Urambi for the chats and the regular cuddles with baby wombats, and thank you to Gavin and the team for bringing snakes to the Assembly—one of the more interesting processes getting through OH&S protocols to do that.

I thank the families that I have worked with this term who are victims of dangerous driving for sharing their stories with me and for trusting me to advocate for you. I hear you loud and clear that there is more work to do to improve the criminal justice system and to address the serious issues associated with the Motor Accident Insurance Scheme.

I would like to thank the donor-conceived community of the ACT for sharing your stories with me about the serious impacts of a system that does not regulate assisted reproductive technology. I am very proud that we started this term with no legislation and have finished it with significant legislation passed regulating ART and the implementation of a donor register in the ACT. Being able to vote, representing the people of Murrumbidgee, to support the passing of our ACT voluntary assisted dying laws was a highlight of this term. I look forward to progressing the challenging conversations that I think the community wants us to have to progress the discussion around access to VAD and loss of capacity.

To the people of Murrumbidgee: it has been my greatest pleasure and privilege to represent you. I hope more than anything to be able to continue to do that in this Assembly, but only time will tell. Thank you for your ongoing support. To my kids and partner: thank you for supporting me to pursue my passion for this job, for riding the high highs and the low lows with me and, yes, for your patience. Thank you.

### **Valedictory**

**MR BRADDOCK (Yerrabi) (6.09):** It has been a great honour to serve the people of Yerrabi and the people of Canberra. To the people of Canberra and, in particular the residents of Yerrabi, I want to say thank you for your trust in me. Thank you for inviting me into your lives, your events and your problems. It is a great privilege to be able to come here and try to get things done for the community and to achieve outcomes. But with great privilege comes great challenges in the form of so many expectations from the community that come from just being here. I have focused my work on the inglorious and understated work that makes this Assembly a success and to achieve outcomes for my community no matter whether it achieved a profile or not.

I have lived the last four years of my life based on the assumption that I will not be re-elected, because I think it would be wrong to assume otherwise. I have had a crazy fantastic time in the role and am grateful that I had the opportunity that unfortunately not enough people in our community get to experience. That is why I put my hand up to go again. I do not take another term for granted and, if it is not to be, c'est la vie. If the voters of Yerrabi put their trust in me again for another term, then there is so much more I want to achieve, together with my Greens colleagues, the most committed progressive people I have been humbled to spend the last four years with. But, whatever happens, the last four years have been an absolute honour, and I am grateful for every single day. To my fellow MLAs: it has been a privilege to serve with you. But I do believe that, to a person, we all think this is a great city; we just have slightly different views about what is great about it and what its future should be.

I wish to take a moment to express my gratitude. To my staff here in the Assembly, Opia, Tim, Aileen and Harry: thank you for bearing with me, working with me,

explaining things to me when I just do not get it and doing it all in good humour, passion, and commitment. I thank you for your support, as I also thank the entire Greens Assembly staff team throughout the entire 10th term here in the Assembly.

To my truest volunteer, my mother: I thank you for your encouragement, support and, in particular, for keeping the home fires burning as I knock on just one more door. To the staff of OLA: thank you for your tireless work to assist us wet-behind-the-ears politicians get on with the business of legislating, representing and debating. The staff of OLA are the ones who maintain this place and make it work. We politicians just rent the place for a short period of time, hopefully to return it in better condition than when we received it.

Finally, most importantly and most personally, I would like to say a few words to Emily and Sophie. I apologise for the impact this role has had on you—too many evenings and weekends where I was absent attending events or working; too many times even when I was present, mentally I was elsewhere as I grappled with questions and issues. Politicians are volunteers and families are the conscripts, and I apologise from the bottom of my heart. I am sorry and I love you. I sat down and examined my first speech as I wrote this one and the tears welled up, as they do. I want to finish by saying that I hope you can forgive me and say that I did enough.

Question resolved in the affirmative.

**The Assembly adjourned at 6.13 pm.**

## Schedules of amendments

### Schedule 1

#### Sexual, Family and Personal Violence Legislation Amendment Bill 2023

##### Amendments moved by the Attorney-General

1

Clause 4

Proposed new schedule 1, part 1.1

Page 3, line 4—

*omit proposed new part 1.1, substitute*

#### **Part 1.1                      Offences against Crimes Act 1900**

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 description of offence</b>
1	15	manslaughter
2	19	intentionally inflicting grievous bodily harm
3	29	culpable driving of motor vehicle
4	29A	driving motor vehicle at police
5	51	sexual assault in the first degree
6	52	sexual assault in the second degree
7	53	sexual assault in the third degree
8	54	sexual intercourse without consent
9	55 (1)	sexual intercourse with young person under 10 years old
10	55 (3)	sexual intercourse with young person under 16 years old
11	55A (1)	sexual intercourse with young person under special care
12	56 (1)	persistent sexual abuse of child or young person under special care
13	62	incest and similar offences
14	64	using child for production of child exploitation material etc
15	66	grooming and depraving young people

2

Clause 15

Proposed new section 82B (2)

Page 13, line 18—

*omit*

hear and decide the provisional amendment at any time,

*substitute*

make the provisional amendment at any time before the application for the amendment is decided,

3

**Clause 16**

**Proposed new section 91B heading**

**Page 16, line 1—**

*omit the heading, substitute*

**91B Magistrate review of registrar decisions**

4

**Clause 16**

**Proposed new section 91B (1)**

**Page 16, lines 5, 9 and 12—**

*omit all mentions of*  
or a deputy registrar

5

**Clause 16**

**Proposed new section 91B (2)**

**Page 16, line 13—**

*omit*  
or deputy registrar

6

**Clause 16**

**Proposed new section 91B (3A)**

**Page 16, line 18—**

*insert*

(3A) The request may be made orally or in writing.

7

**Clause 16**

**Proposed new section 91B (4) and (5)**

**Page 16, lines 20 and 25—**

*omit all mentions of*  
or deputy registrar

8

**Clause 16**

**Proposed new section 91B (7)**

**Page 17, line 1—**

*omit proposed new section 91B (7), substitute*

(7) For this section, a decision of the registrar is a ***relevant decision*** if it is a decision to—

- (a) refuse to make an interim order; or
- (b) if section 54 (Respondent not present at return of application) applies—adjourn the proceeding; or
- (c) if the applicant for the protection order asks for a condition to be included in an interim order—refuse to include the condition in the interim order.

- (8) Despite subsection (7) (c), a decision of the registrar is not a relevant decision if the registrar includes a condition of a similar kind in the interim order.

**Example—condition of a similar kind**

The applicant for a protection order asks for the interim order to include a condition that the respondent is prohibited from being within 20m of the applicant. The registrar refuses to include the requested condition, but includes a condition that the respondent is prohibited from being within 50m of the applicant. The condition included in the interim order is a condition of a similar kind to the condition sought by the applicant.

9

**Clause 27**

**Proposed new section 83B heading**

Page 26, line 10—

*omit the heading, substitute*

**83B Magistrate review of registrar decisions**

10

**Clause 27**

**Proposed new section 83B (1)**

Page 26, lines 14, 18 and 21—

*omit all mentions of  
or a deputy registrar*

11

**Clause 27**

**Proposed new section 83B (2)**

Page 26, line 22—

*omit  
or deputy registrar*

12

**Clause 27**

**Proposed new section 83B (3A)**

Page 26, line 27—

*insert*

- (3A) The request may be made orally or in writing.

13

**Clause 27**

**Proposed new section 83B (4) and (5)**

Page 27, lines 2 and 7—

*omit all mentions of  
or deputy registrar*

14

**Clause 27**

**Proposed new section 83B (7)**

Page 27, line 10—

*omit proposed new section 83B (7), substitute*

- (7) For this section, a decision of the registrar is a **relevant decision** if it is a decision to—
- (a) refuse to make an interim order; or
  - (b) if section 49 (Respondent not present at return of application) applies—adjourn the proceeding; or

- (c) if the applicant for the protection order asks for a condition to be included in an interim order—refuse to include the condition in the interim order.
- (8) Despite subsection (7) (c), a decision of the registrar is not a relevant decision if the registrar includes a condition of a similar kind in the interim order.

**Example—condition of a similar kind**

The applicant for a protection order asks for the interim order to include a condition that the respondent is prohibited from being within 20m of the applicant. The registrar refuses to include the requested condition, but includes a condition that the respondent is prohibited from being within 50m of the applicant. The condition included in the interim order is a condition of a similar kind to the condition sought by the applicant.

## Schedule 2

### Health Legislation Amendment Bill 2024

#### Amendment moved by the Minister for Health

1

Proposed new clause 4A

Page 3, line 9—

*insert*

#### **4A Section 131**

*substitute*

#### **131 Completion of family—gametes donated before end of transitional period**

- (1) This section applies to a donated gamete if, before the end of the transitional period—
  - (a) the gamete is donated; and
  - (b) a person becomes pregnant as a result of ART treatment using another donated gamete of the donor.
- (2) An ART provider may use the gamete—
  - (a) in the provision of ART treatment to the person who became pregnant, or their domestic partner; or
  - (b) to create an embryo for use in the provision of ART treatment to the person who became pregnant, or their domestic partner.
- (3) For a gamete used in accordance with this section—
  - (a) the donor is taken to have consented to the use and may modify or withdraw consent in accordance with section 30; and
  - (b) if the person mentioned in subsection (1) (b) became pregnant before the transitional period—the following provisions do not apply to the ART provider in relation to the gamete, or an embryo created from the gamete:
    - (i) section 39 (Donated gametes or embryos—time limits on use);
    - (ii) section 40 (Donated gametes or embryos—limits on number of families);
    - (iii) section 46 (Requirement to collect information about gamete provider);



- (iv) section 47 (Requirement to collect information about person undergoing ART treatment);
- (v) section 48 (Requirement to keep records);
- (vi) section 53 (Mandatory information); and
- (c) if the person mentioned in subsection (1) (b) became pregnant during the transitional period—the following provisions do not apply to the ART provider in relation to the gamete, or an embryo created from the gamete:
  - (i) section 39 (Donated gametes or embryos—time limits on use);
  - (ii) section 40 (1) (Donated gametes or embryos—limits on number of families);
  - (iii) section 53 (Mandatory information).

### Schedule 3

#### Human Rights (Healthy Environment) Amendment Bill 2023

##### Amendments moved by the Minister for Human Rights

1

**Proposed new clause 7A**

**Page 4, line 9—**

*insert*

##### **7A New section 40C (8)**

*insert*

- (8) Subsections (5A), (5B) and this subsection expire on 1 October 2028.

2

**Clause 8**

**Page 4, line 10—**

*omit clause 8, substitute*

##### **8 New section 43**

*insert*

#### **43 Review of amendments made by Human Rights (Healthy Environment) Amendment Act 2023**

- (1) The Minister must review the operation of the amendments to this Act made by the *Human Rights (Healthy Environment) Amendment Act 2023*.
- (2) In undertaking the review, the Minister must—
  - (a) consider the categorisation of the human right set out in section 27C as an economic, social and cultural right; and
  - (b) evaluate the prohibition under section 40C (5A) on a person starting a proceeding or relying on their rights in relation to a claim that a public authority has acted in contravention of section 40B if the contravention claimed is—
    - (i) that the public authority acted in a way that is incompatible with the human right set out in section 27C; or
    - (ii) in making a decision, the public authority failed to give proper consideration to the human right set out in section 27C; and

- (c) despite section 40C (8)—consider whether the prohibition under section 40C (5A) remains appropriate.
  - (3) The Minister must—
    - (a) begin the review not later than 1 October 2027; and
    - (b) present a report of the review to the Legislative Assembly as soon as practicable after the report is completed.
  - (4) This section expires on 1 October 2028.
  - (5) In this section:
    - public authority*—see section 40C (7).
- 

## Schedule 4

### Human Rights (Healthy Environment) Amendment Bill 2023

#### Amendments moved by Mr Cain

1

Clause 7

Page 3, line 14—

*[oppose the clause]*

2

Clause 8

Page 4, line 10—

*omit clause 8, substitutes*

#### **8 New section 43**

*insert*

#### **43 Review of right to healthy environment**

- (1) The Minister must review the operation of section 27C (Right to a healthy environment) as soon as practicable after the end of its 3rd year of operation.
  - (2) The Minister must present a report of the review to the Legislative Assembly within 3 months after the day the review is started.
  - (3) This section expires 4 years after the day it commences.
-