



**DEBATES**  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

**DAILY HANSARD**

Edited proof transcript

16 May 2024

This is an **EDITED PROOF TRANSCRIPT** of proceedings that is subject to further checking. Members' suggested corrections for the official *Weekly Hansard* should be lodged in writing with the Hansard office no later than **Wednesday, 13 June 2013**.

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**Thursday, 16 May 2024**

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

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

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

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

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

## **Petitions**

*The following petitions were lodged for presentation:*

### **Maribyrnong Primary School—travel links—petition 8-24**

*By Mr Braddock, from 142 residents:*

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

The following residents of the ACT draw the attention of the Assembly that the active travel network is incomplete around Maribyrnong Primary School between Alberga Street (up to Maribyrnong Avenue) and Shannon Circuit in Kaleen. This intersection also forms part of the connection to the local Kaleen shops.

In 2023, there were 557 school students enrolled at Maribyrnong Primary School and improving the safety and walkability to the school and local shopping centre is of crucial importance to them and local residents using the local shops.

There is major traffic congestion around the school drop off and pick up times at Maribyrnong Primary School. Issues include the lack of insufficient lanes for queueing traffic into schools and insufficient parking facilities. These issues have led to frustrated motorists choosing dangerous driving behaviour, which is resulting in a concerning number of near misses. We are concerned that, if these traffic safety issues are not addressed immediately, future incidents could result in serious injury or death.

Completing the active travel network around the school will encourage more parents/students and residents to pursue active travel to and from the school and local shops and reduce the build-up of traffic around the drop off and pick up times at Maribyrnong Primary School. Pedestrian and cyclist access in the precinct is dangerous due to the incomplete nature of paths around the school and needs to be improved dramatically, as this is a deterrent for citizens to utilise these active

transport modes.

Your petitioners, therefore, request the Assembly to call upon the Government to: improve the active travel network around Maribyrnong Primary School by completing the construction of footpaths on Alberga Street (from Maribyrnong Avenue) and Shannon Circuit, Kaleen and the introduction of other traffic calming measures around the entrance of Maribyrnong Primary School such as a raised pedestrian crossing (wombat crossing) near the entrance of Maribyrnong Primary School and a dedicated school crossing supervisor at drop off and pick-up times.

### **Florey shops—parking—petition 21-24**

*By Mrs Kikkert, from 610 residents:*

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

- more than 20 local businesses now trade at the Florey Shops;
- an increase in use of the shops is putting strain on existing car parking;
- to succeed, businesses at the Florey Shops require sufficient parking options for their customers as well as their staff;
- one-quarter of Florey residents are age 60 or above, and many of these older residents rely on the Florey Shops.

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

- assess and implement options to improve car parking at the Florey Shops, including extending existing car parks, optimising parking options for both customers and staff, and improving parking choices and shop access for older shoppers and those with disability.

*Pursuant to standing order 99A, the petition, having at least 500 signatories, was referred to the Standing Committee on Planning, Transport and City Services.*

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

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

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

That the petitions so lodged be noted.

### **Maribyrnong Primary School—travel links—petition 8-24**

**MR BRADDOCK (Yerrabi) (10.03):** It is a great pleasure to speak to the petition to improve active travel around Maribyrnong Primary School in Kaleen. The Maribyrnong Primary School primary enrolment area covers not just the southern section of Kaleen but also the suburbs of Bruce and Lawson—a catchment area seeing significant population growth and that is separated from the school by busy roads, in the form of

Ginninderra Drive and Baldwin Drive.

In 2023 there were 557 students enrolled at Maribyrnong Primary School. Improving the safety and walkability to the school and the local shopping centre next door are of crucial importance to the community and the local residents using the local shops. The parents and citizens association approached me with their concerns about children being able to safely walk, ride and scoot their way to and from school. They identified missing links in the active transport infrastructure and unsafe crossings, particularly given the heavy traffic on Alberga Street and Shannon Circuit. It was a sentiment repeatedly echoed as I doorknocked the southern Kaleen area in support of this petition. Residents are experts in their lived experience, and they can see that the current arrangements are unsafe and ineffective.

I wholeheartedly support their calls to, firstly, improve the active travel network around Maribyrnong Primary School by completing the construction of footpaths on Alberga Street and Shannon Circuit, Kaleen. They have also called for the introduction of other traffic-calming measures around the entrance to Maribyrnong Primary School, such as a raised pedestrian crossing, and a dedicated school crossing supervisor at drop-off and pick-up times.

Completing the active travel network around the school will encourage more parents, students and residents to pursue active travel to and from the school and their local shops, reducing the build-up of traffic around the drop-off and pick-up times at Maribyrnong Primary School. The children know this, the parents know this, and now it is time for the government to also recognise this and do something about it.

**MS CLAY** (Ginninderra) (10.05): I want to add a few words to my colleague Mr Braddock's words on this petition. I was really happy to see this petition come forward. This is an issue that has been raised by quite a lot of my constituents in Belconnen over the last few years. I was pleased to join with Mr Braddock, and Mark and the P&C, in helping to advocate for this issue and doorknocking in the area.

There is a pretty big catchment for this school; it straddles Belconnen and Gungahlin. There are a lot of parents who would like to feel that they can send their kids safely to school by active travel and an awful lot of kids who would much prefer to get to school that way. We are very much looking forward to an enthusiastic response on this one and hoping we can take the issue forward.

### **Florey shops—parking—petition 21-24**

**MRS KIKKERT** (Ginninderra) (10.06): I seek leave to table an out-of-order petition along the same lines as the one just tabled.

Leave granted.

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

Petition which does not conform with the standing orders—Florey Shops—Car parking improvement—Mrs Kikkert (70 signatures).

I have presented a petition calling on the ACT government to improve car parking at the Florey shops. This petition was open for just under four weeks, but during that time 610 people signed the paper version and another 70 supported an online version with identical wording. I have no doubt that the petition would have attracted many more signatures over time, easily exceeding 1,000, but this is an important matter that the ACT government needs to address quickly, so I am presenting it today.

More than 20 businesses operate at the Florey shops, making it one of Canberra's more vibrant local shopping centres. It serves thousands of residents in Florey and thousands more from neighbouring suburbs. I join residents and shopkeepers in wanting local businesses to thrive. To succeed, however, these businesses require parking for customers who cannot walk to the shops. Their staff also require parking. There needs to be more parking at Florey shops, with additional disability parking, and quick parking options of 15 or 30 minutes for those who want to drop in, get their items and leave. This was a very popular request.

Finding a convenient place to park at the Florey shops has been difficult for some time. Lately, however, the issue is changing to whether shoppers can find anywhere to park. There are now times when every parking bay is filled, including those behind the medical centre. Day and night, one can see vehicles endlessly looping the car parks, hoping that someone will eventually leave. This is frustrating for those who wish to park and for those who get stuck behind them. Shopkeepers have let me know that trade has been impacted. Shoppers have let me know the same thing. One person wrote:

I no longer go to Florey shops as I am sick of fighting for a car park.

A second resident told me:

More often than not I drive to the shops and leave because I can't park. I want to support local businesses, but I am now looking at delivery from one of the big supermarket chains.

Another expressed her frustration in this way:

I now go to Hawker Shops or to Kippax Centre, which is sad as I love our local bakery, butcher and SupaExpress.

Older shoppers and those with disability have been disproportionately impacted because even when there is a free space in the rear car park this is still too hard for them. One resident told me:

I have disability and do not get parking in Florey shops anymore.

Another resident said:

I live nearby in the aged units. I am in my 80s and finding it hard to walk to shops ... no use driving as it's impossible to park any time of day.

I remind the minister that 24.4 per cent of Florey residents are aged 60 or over, and this is a serious concern for many of them. I also note that, of the 680 people who supported this petition, 524 wrote down Florey as their suburb. This means that fully 11 per cent

of all Florey residents care enough about this issue to put their names to this petition. As I said earlier, I am certain many more would have, too, if given the opportunity.

Shopkeepers, along with dozens of local residents, have given me very specific suggestions on how the existing parking could be optimised for both customers and staff. Some have provided suggestions for how car parking could be extended. I also have community recommendations for ways to improve access for older shoppers and those with disability. I have already shared some of these recommendations with the minister, but I will follow up by providing a more complete list, to kickstart the government's response.

On behalf of 680 Florey residents and their neighbours, I commend this petition to the Assembly and look forward to action.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (10.10): I thank Mrs Kikkert for bringing forward this petition and for seeking for the government to kickstart our response. I am pleased to say—and I think Mrs Kikkert may well be aware—that we have already been working on this for some time.

Roads ACT is consulting with business owners at the Florey shops regarding the timing of parking spaces in the main car park—currently two hours timed parking, from 7.30 am to 6 pm Monday to Friday—to investigate if some shorter term parking options should be suitable to improve the coming and going of traffic in that space.

TCCS has also recently engaged a consultant to investigate improvements in proximity to the Florey shops, including detailed design for a pedestrian crossing near the medical centre, as well as a review of the extent of the 40-kilometre-an-hour zone, and other signage and traffic flow improvements. The pedestrian crossing remains on track for construction in the coming financial year.

As part of this work, the consultant has also been asked to investigate wayfinding signage for the parking behind the medical centre, which I know plenty of people are surprised to realise exists, especially knowing just how many car parks are available there. I am also advised that a new parking wayfinding sign near the car park entrance on the western side of the medical centre has been included in the early designs. I am very keen to understand how traffic flow in that centre could be improved, which I have been talking about with community leaders in Florey for a little while now, including Greg Blood and Gay Robertson.

Regarding queries about accessible parking spaces, I certainly take the point Mrs Kikkert raised about the demographics of the suburb. The parking access code stipulates that a minimum of three per cent of car parking spaces need to be for people with disabilities. The existing Florey car park provides for four per cent. I will see whether further analysis can be undertaken on the usage there, and whether Access Canberra's parking enforcement crews have witnessed a large number of persons with disability permits having to park in regular parking spaces, to inform any further consideration about this.



While I value the effort Mrs Kikkert has put into this petition, this is something that I have been alive to and working on for some time. Certainly, I will reflect on and appreciate any further suggestions or feedback that come through in this process, and I look forward to receiving Mrs Kikkert's updated correspondence.

**MR COCKS** (Murrumbidgee) (10.13): I want to take a moment to commend Mrs Kikkert on bringing forward this petition. Mrs Kikkert is a hardworking local member in her area and has long been aware of the problems that people face in parking at their local shopping centres. It is a problem that we face across the ACT, including in my electorate of Murrumbidgee. In my area, shopping centres like Garran, Mawson and Cooleman Court all face similar problems. I would absolutely like to commend her work here.

It is very clear from what Mrs Kikkert has just outlined that the response that the government has begun will not be sufficient. Band-aids will not be sufficient to address the deep problems of parking at our local centres. I encourage the government to pay attention to this petition, which has very strong community support, and ensure that it is not just band-aids that they come back to the Assembly with. We need real solutions.

Question resolved in the affirmative.

## **Government—procurement—update Ministerial statement**

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (10.14): I rise today to provide an annual progress update on the ACT government's Procurement Reform Program, in line with the Assembly resolution of 30 November 2023, and detail the steps being taken to strengthen our procurement framework.

Since June 2022 the ACT government has been delivering a comprehensive program of reform to ensure that the procurement framework continues to support government business, our economy and our community. The Procurement Reform Program is the piece of work being undertaken by government to make procurement processes more transparent, easier for business and better supported in delivering the best outcome for our community. It is being delivered in stages and will conclude in 2025.

Each year the ACT government spends close to \$1.5 billion on procurements that support the delivery of quality public services, infrastructure, economic growth and community wellbeing. Engaged in this process are officers from across the ACT public service, as well as the Government Procurement Board. Since the update I provided to the Assembly last year, significant progress has been made on the implementation of the reform program.

I am pleased to inform the Assembly of significant progress made on the goods and services accreditation program. The program will ensure that territory entities have the capability and capacity to undertake their procurements and will deliver a robust evaluation process that is supported by an independent governance body to determine the right levels of accreditation for an agency. The program is supported by the tiered services delivery model, which is aligned with the scale, scope and risk of the

procurement to ensure that high-risk and high-value procurements are provided with strengthened and targeted fit-for-purpose supports.

I have now issued a direction, made under the Government Procurement Act 2001, which will establish the Government Procurement Board as the body to consider and determine the appropriate levels of accreditation, as part of the new accreditation program. The board will review applications, with all territory entities and relevant business units to be accredited from 1 July this year. Territory entities have already commenced submitting their accreditation applications. Procurement ACT, through its role in implementing the Procurement Reform Program and as secretariat to the board, will support the board's consideration of these assessments.

The reform program requires a project to map procurement processes, as well as the process for providing support. A pilot was undertaken for the tiered services model that identified roles, responsibilities and milestone points in the procurement life cycle against each of the tiers of service. This pilot also identified elements where improvements can be made to business processes. Work is underway to finalise the implementation of the tiered services model, expected to launch alongside the new accreditation at the commencement of the Government Procurement Amendment Act 2024 on 1 July.

The government continues to implement other key priorities under the reform program, such as the development and delivery of procurement training, including the delivery of accredited training for our procurement professionals in Procurement ACT. As part of its broader enabling services offering and its work in helping to maintain community and industry confidence in our procurement activities, Procurement ACT has commenced delivering two new advisory and support services, respectively relating to probity and contracting.

Earlier in 2024 Procurement ACT started its dedicated probity advisory services. The services support territory entities in identifying and managing probity risks in procurement at each stage of procurement. The services also support the procurement of external probity advisory and auditing services, where appropriate, based on probity risks. More recently, Procurement ACT commenced offering a dedicated contract advisory service through the ACT Government Solicitor. The provision of accurate, timely, practical and customer-focused services throughout the procurement life cycle supports evidence-based procurement decisions which are conducted with probity and can withstand scrutiny.

A significant step in the Procurement Reform Program was delivered earlier this year. The passage of the Government Procurement Amendment Act 2024 on 7 February represented a significant step in delivering important reform to the act, our procurement framework and the Government Procurement Board. The amendment act ensures that the ACT government's procurement legislation is contemporary, draws upon best practice and is fit for purpose. The amendment act and related activities also give effect to the ACT government's adoption of the recommendations from a range of reports of the Auditor-General, including the Auditor-General's 2023 performance audit of the activities of the Government Procurement Board in their entirety.

The pursuit of value for money remains enshrined in our legislative framework. The

amendment act strengthens this concept by ensuring that value for money is the best outcome that maximises the overall benefit to the territory. The amendment act will formally commence from 1 July 2024. A comprehensive package of training and guidance material is being developed and will be delivered ahead of commencement to support procurement professionals across the ACT public service to embed the new requirements into their procurements.

The amendment act prescribes the introduction of government procurement rules. These rules will be delivered as a disallowable instrument and will support the operation and intent of the amendment act through the delivery of best practice rules to ensure the efficient and effective delivery of all phases of the procurement life cycle. The rules will also provide guidance on strategic elements such as identifying and applying the right insurance levels for procurements, the establishment and management of the ACT government panels, embedding cybersecurity into procurement and ensuring consistent and effective management of our contracts.

The amendment act establishes the enhanced function and operation of the Government Procurement Board, as supported by the board's new terms of reference. The terms of reference will be delivered as a disallowable instrument, made under the amendment act, and will outline the elements required to support the board's operation and set the board's strategic direction. The annual setting of the strategic direction will allow the government to determine any areas of focus for the board. The government procurement rules and the Government Procurement Board's terms of reference are currently being finalised and will be presented to the Assembly in the coming months.

The Procurement Reform Program provides an opportunity to strengthen our procurement services, building assurance for the community that the ACT government's program of procurement delivers value for money and efficiently and effectively utilises public resources. Members of this place, or the public, can stay up to date with the work of the Procurement Reform Program on Procurement ACT's website. I present the following paper:

Update on the delivery of the Procurement Reform Program—Assembly resolution of 30 November 2023—Government response—Ministerial statement, 16 May 2024.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

**Halligan, Ms Marion AM—tribute**  
**Armstrong, Mr Bruce—tribute**  
**Ministerial statement**

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (10.21): The Canberra community is poorer for the loss of two artists who each have made an outstanding contribution to

the artistic and cultural landscape of our city—Marion Halligan AM and Bruce Armstrong.

I turn first to Marion, and I acknowledge many of Marion's friends and family who are here today. Marion Halligan AM made nothing short of a remarkable contribution to Canberra through her writing, a legacy of stories that have reached, engaged and impassioned readers for decades and will continue to do so for countless future generations.

Marion was born in 1940 and passed away earlier this year. She was 83 years old. Her early life was spent in Newcastle, and she worked as a schoolteacher and journalist. In the 1960s she moved to Canberra, where she lived and wrote for most of her life, as well as having a family and teaching. It was approaching her 40th birthday that she began to get serious about writing and, as I understand it, when Marion got serious about something, she really got serious.

She wrote more than 20 books, across genres including novels, short story collections, non-fiction, biography, children's books and poems. She won the ACT Book of the Year three times—for *Lovers' Knots: A Hundred-Year Novel* in 1993, for *The Point* in 2004 and for *Valley of Grace* in 2010. Only one other Canberra author has achieved this same feat, but Marion was the first.

In 2023 her book *Words for Lucy* was highly commended in the ACT Book of the Year awards, and it was on this occasion that Marion and I met. While frail, Marion was generous and lively. I recall vividly the twinkle in her eyes and her joy at being part of an awards ceremony that acknowledged the breadth and depth of talent in Canberra writing.

She won the *Age* Book of the Year and the Nita B Kibble Award, and was shortlisted for what feels like countless awards, and I am sure this is not a full list: the Commonwealth Writers' Prize, the Miles Franklin Award, the Steele Rudd Award, the Braille Book of the Year, the 3M Talking Book of the Year and the Geraldine Pascall prize for critical writing.

Many of Marion's stories and novels are set in Canberra, and she has left an indelible impression on this city and its creativity. Her poem *This Place*, from 2001, marks the lively comings and goings of Garema Place. It is etched into the plinth of Matthew Harding's artwork *The Cushion and the Wedge*. The poem lies on scattered pages on the granite plinth below the cushion, offering Canberrans another way to reflect on the sights, sounds and smells of this iconic Canberra meeting place—those there and those who have been. As part of the future upgrades to Garema Place, this poem will continue to have a prominent position.

In 2006 Marion was appointed a Member of the Order of Australia for services to literature as an author, for the promotion of Australian writers and for support for literary events and professional organisations. She served as Chair of the Literature Board at the former Australia Council, and she was patron of the ACT Writers Centre, which in 2022 was renamed MARION Inc, in part drawing its inspiration from this author, whose name is and will remain synonymous with Canberra writing. More than that, it was a reflection of her contribution to literary craft across this city, being so

much more than most people would ever know, so generously sharing her ambition, her insights and her craft with other writers, building the whole community up.

Her own life was punctuated with heartache, due to loss, and Marion drew on this in her books. Alice Pung described her as “a writer of unfathomable grace and stoicism”. She is remembered with warmth and sheer admiration for her impressive writing career, evocative without being laborious—a feat in and of itself—and, as Jane Sullivan describes it in her obituary, voluptuous.

On her passing, so many people reflected to me on how Marion had touched them, and I will quote some of these comments:

Her prose was like warm honey: rich and tasty.

Another said:

She was an honest and insightful but kind portrayer of her times.

Another wrote:

That incredible imagery you created around eating oysters with black bread is something I will never forget.

Another said, along the same lines:

I was honoured to meet her at a writers’ workshop at Guerilla Bay. I have never looked at food in the same way since.

Perhaps what sums it up the most is the many people who said, “She was my very favourite author of all time.” We will miss Marion, but we are so indebted to her and her legacy, that we are able to continue to access her writing, her imagination, and that so many Canberrans have been able to benefit from her craft and her generosity. Rest in peace, Marion.

I would also like to acknowledge the passing of Bruce Armstrong, a Melbourne sculptor whose contribution can be seen throughout Australia in his iconic animal sculptures. He was also a painter, a printer and a charcoal artist. Bruce was born in 1957 and he passed away earlier this year, aged 67.

Bruce inherently appreciated how sacred animals are, and this was reflected throughout his work. His powerful imagination created totemic sculptures, static storytellers. Canberra is fortunate to have several of Bruce’s works, with eight works held at the National Gallery of Australia, including the monumental *Head*, a huge animal head carved in wood which has sat on the outdoor staircase of the National Gallery for many years.

However, what most Canberrans would be familiar with is Bruce’s striking *Owl*, located in Belconnen, on the corner Belconnen and Benjamin ways, and depicted in so many ways, from stickers, such as the one on my laptop, to the pin that I am wearing, as well as on T-shirts and as bookends. The owl is synonymous with Canberra in so many ways, and we have been able to depict the owl in many announcements. I particularly recall

when this first started to become a thing, in 2020, when Queensland opened its border back up to the ACT and the owl was depicted as taking a flight to Queensland, dressed in some summer wear.

The Belco *Owl*, in its original form, is an eight-metre-tall sculpture that honours the powerful owl, *Ninox strenua*, the largest owl species in Australia. The owl is classified as an occasional resident in the ACT, and it has been sighted in the Australian National Botanic Gardens, Canberra Nature Park and Namadgi National Park.

Bruce portrayed the owl as a guardian spirit or totem overlooking its domain. The ACT government commissioned the owl in 2011. As I said, it has become synonymous with Belconnen and Canberra. For some visitors to Canberra, Bruce's *Owl* is considered a must-see. For many Canberrans it is a talking point about what they like or feel about the sculpture and how it fits into the landscape. It has its own webpage on Atlas Obscura, encouraging people to visit Canberra and come out into the wilds of Belconnen to see this remarkable sculpture that overlooks the Belconnen town centre. It continues to create its own dialogue and to inspire social connections—one of the roles of art.

The sculpture and Bruce's contribution to Canberra's cultural fabric and the nation are reminders that creative expression lives on beyond the life of the artist. It adds vibrancy and meaning to our city and landscape, as well as opportunities for connection for Canberrans and visitors to our city as they continue to respond to and talk about the owl and talk about Bruce Armstrong well into the future.

My own interaction with Bruce came when, in 2019, as a fundraiser, I thought there might be some interest in some "I heart Belco" T-shirts that had the owl depicted within the heart. We sold out, and I had to discontinue because I could not be a shopkeeper and a politician. Bruce not only accepted but received so warmly a shirt himself and shared a photo of it on social media, with him standing next to the *Owl* maquette in his studio. Belconnen Arts Centre has the *Owl* maquette in its holdings.

In watching the so very beautiful memorial to Bruce last month, I noted that the *Owl* maquette was standing very proudly next to the lectern where so many people spoke about Bruce's contribution, his generosity and his kindness as a partner, as a carer, as a teacher, as an artist and as a contributor to the whole arts community.

Something that will never leave me is a comment made during his memorial that he taught sculptors how to use a chainsaw. Perhaps at one point in time those two things would have never gone together, but I think Bruce well and truly made that mainstream.

He was generous and loving, kind and gentle, with a wicked wit. We offer our deepest and sincerest condolences to his family, to his friends, to all his connections across the galleries, agents and representatives, and to all those who knew him and have been touched by his works.

I thought I might conclude my acknowledgement of these two remarkable people by reading Marion's poem *This Place*. As I mentioned, it is about Garema Place; it was written in 2001 and you can view it in Garema Place:

Smell  
It is desire that you can smell  
Coffee, food  
Love, sex

look  
at the noisy skill of the skateboarder, going nowhere, but arriving  
where he wants to be  
at the centre of attention and height of his craft

And underneath, listen  
you can hear the quiet footsteps of the Ngun(n)awal crossing the grass  
from this their camp  
to the fish-full creek  
meeting, breaking spears.

Now it's pavement underfoot, but it's still a good place to hang out.  
The pigeons think so.  
The chess players.  
The sippers of coffee, and wine.  
The protesters, the soapboxes.  
The actors and the transactors.  
It's a stage.  
Everybody's a performer.  
Everybody the audience.  
Playing out their lives,  
their desires.

Smell the desire  
and the desire's denial,  
despair  
in the sharpness of needles, no homes, rage,  
jealousy and broken hearts.

Garema Place  
living room of the homeless  
haunt of the prosperous  
stage

where lovers sit searching for kisses in coffee cups

and babies in prams remind you that life is always  
beginning again.

Shoppers buy  
health they hope  
Promises  
dreams of the person they might be  
salty yummy food  
not fresh meat and veggies any more  
books and bibles and stuff mended  
shoes  
sunshine  
spectacle  
glasses of wine

beside old memories of Young's  
taking the weight of their feet  
moments of respite

But the music is free  
unless you take pity on the busker  
his living.

Look, and reflect...

It's a dark mirror that lights this place  
and yours is only the latest  
of generations of faces  
laying their images over the lie of the land

Vale, Bruce and Marion.

I present the following paper:

Celebrating the lives of Marion Halligan AM and Bruce Armstrong—Ministerial statement, 16 May 2024.

I move:

That the Assembly take note of the paper.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (10.36): I also want to extend my condolences to the friends and family of Marion Mildred Halligan, nee Crothall, and acknowledge family and friends who join us in the gallery. I note my potential conflict of interest, as I am a distant relative. Marion Halligan was my first cousin, though twice removed. My grandmother, Helen Steel, was Marion's first cousin. Their mothers, with the maiden name Cogan, were sisters.

Whilst Marion is most well known as an acclaimed novelist, short story writer, reviewer and essayist, I understand that she was also a food writer and well-regarded cook in her family, possibly passed down by her grandfather on her mother's side, who was a baker and biscuit maker with Arnott's in Newcastle.

Her female cousins had heard her say that she wrote from experience. They were always eager to get their hands on her latest book to see if they could identify the people and places in her stories. For Marion, a significant life experience reflected in her work was multiple experiences of personal tragedy, after she lost her husband of 35 years to cancer, both of her sisters died before her, and her daughter, Lucy, died at the age of 38. She became the namesake of Marion's memoir, *Words for Lucy*. More recently her son, James, passed away, in 2022. I understand that Jenny Sawyer, Marion's daughter-in-law, and some of Marion's grandchildren are here with us.

While I do not remember ever having had the privilege of meeting Marion, her literary prowess was always known to me as a child. She was known as the writer in the family and one of the few members of my extended family who had moved from Newcastle to Canberra, where she made her home for more than 60 years.



Her work was celebrated in Canberra. I remember coming across some of her work when studying English at high school. A short story of hers was being studied. The piece started as a “happy ponies in pony land” story, but it tricked the reader into a false sense of security, as, subtly, by the end it became clear that the happy scene set in a beautiful landscape was being viewed down the sight of a sniper rifle. Such was Marion’s well-known wit, commented on by many on reflection of her life and at her funeral on 1 March this year.

From what I hear, she was great company, and she had a famous group of friends, including some esteemed Canberrans as part of that friendship group. I understand that they engaged in quite wide-ranging intellectual discussions. To be a fly on the wall in those discussions would have been fantastic. I look forward to meeting some of the friends and family after this and making some new connections to my own family. It will be interesting as well to hear more about Marion’s life.

Marion’s is a great loss to our Canberra community and to her friends who knew her so well. As Sue Hines, Allen & Unwin’s group publishing director, said:

Let her books be her legacy, and our memories of her form a eulogy to a literary life well lived.

**MS CLAY** (Ginninderra) (10.40): I want to say a few words on behalf of the Greens in acknowledgement and celebration of the lives of two very notable Australians with strong Canberra connections—Marion Halligan and Bruce Armstrong. Marion and Bruce were both artists in their different fields. I do not think we talk enough about artists and their importance, about the way their work makes it into the lives of the people who do not even know their names.

As a writer, Marion put Canberra on the literary map through her exploration of, in her own words, “how best to live”. She did set some of her novels, stories and non-fiction pieces in places other than Canberra, but to have Canberra appear in the same company as the famous European cities and landscapes more traditionally beloved by writers is, I think, a really important part of our city’s coming of age.

Marion was heavily involved in Canberra’s writing scene. She was a wise mentor, a longstanding *Canberra Times* columnist and a huge supporter of writing. She fell in love with Canberra and Canberra loved her back. In her later years, Marion experienced considerable personal tragedy, losing not only her husband of 35 years but both her sisters and both her children, Lucy and James. My heart goes out to her beloved grandchildren, Bianca and Edgar, who must be missing their grandmother tremendously, with the loss of their father still so fresh, and to James’s partner, Jenny, who in her own grief had to travel Marion’s decline and death as well.

Bruce Armstrong’s art took the form of sculpture and painting. Someone who created large, public artworks that hundreds or even thousands of people go past every day, his perspective made its way into the public consciousness in the most subtle of ways. His sculpture of a powerful owl, perched on high, holds iconic status for any resident of Belconnen and for most non-Belco Canberrans as well.

Bruce said that he found that birds say more about people than people and that birds represent all things. As an artist, Bruce Armstrong was well aware of the importance of environmental responsibility in his art. He used discarded wood shavings from his sculptures as mulch, and he used larger chunks for heating. Our thoughts go out to all those who cared about him.

We have lost two great artists here in Canberra. We are so grateful for their work, for their presence in Canberra and for making our lives richer.

**MADAM SPEAKER:** I acknowledge the family members in the gallery. The contributions by both artists are well regarded.

Question resolved in the affirmative.

### **Planning—Age-Friendly City Plan—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) (10.43): I rise to provide an update on work progressed under the Age-Friendly City Plan. The Age-Friendly City Plan was launched in 2020 following community engagement to determine and outline priorities for action. The Age-Friendly City Plan is a shared vision and ambition of the Canberra community and ACT government. It is founded in and charts our continuing progress on the ACT government's longstanding commitment to older Canberrans, which includes having been accepted as a member of the World Health Organisation's Global Network for Age-friendly Cities and Communities in 2011.

As part of the ACT government's commitment to older people set out in this plan, I welcome the opportunity to table the fourth and penultimate annual progress report in the Assembly today and make this annual ministerial statement. This reporting covers the period from January to December 2023.

I begin by updating the Assembly on progress against each of the four focus areas. A full action status report update against each action will be made available on the Community Services Directorate website. Of the plan's 33 actions, I can report that 22 actions are complete, 10 actions are in progress, and one action has not yet commenced. Altogether, we have seen five actions move status from "in progress" to "complete" since the last progress report.

This work continues apace as we now find ourselves in the fifth and final year of the plan. The first of the four focus areas of the plan, "Involved, Connected, and Valued", centres on fostering the active involvement and participation of older Canberrans, recognising the experience, wisdom and resources older Canberrans bring to our community.

In relation to actions identified in the plan, I am pleased to report the following. The ACT government has committed to a pilot intergenerational support program, known as the Gold Soul program, to build meaningful intergenerational connections between university students and older people living in aged-care homes. In addition to fostering

connection, the program may be the crucial prompt for students entertaining a career in people's health, wellbeing and care. Through the power of genuine and meaningful connection, Gold Soul forms part of broader efforts to grow the aged-care workforce.

Older Canberrans reign as some of the top volunteers for Transport Canberra and City Services. The number of over-55s supporting Libraries ACT as volunteers continues to grow, and volunteers aged over 60 years regularly log the highest numbers of hours for Domestic Animal Services. If dogs are man's best friend, it might also be that older Canberrans are rescue dogs' best friends. Throughout 2023, older Canberrans remained well represented on the Your Say panel. Panel members aged 55-plus make up more than one-third, or 36 per cent, of the entire panel. The proportion of panel members aged 75-plus has remained steady at six per cent.

The second focus area, "Safe, Secure and Free from Abuse", ensures older Canberrans can live free from discrimination, abuse and violence, and exploitation. The following actions under focus area 2 are progressing. On International Day of Older Persons 2023, the ACT government launched materials for the ACT public service on ageism and age-friendly practice. A video featuring well-known older Canberrans was circulated to all ACT public servants and continues to be promoted as part of training and development. The video featured the 2023 Senior Australian of the Year, Tom Calma AO; the Chair of the Ministerial Advisory Council on Ageing, Prue Power, and members, Louise Bannister, Philip Piggin and Jenny Mobbs, who is also, of course, the CEO of COTA ACT; Dementia Australia advocate Cam Stewart; and Canberra's indefatigable advocate for the health and wellbeing of Canberra's older multicultural populations, Chin Wong. The ACT government is committed to ensuring all staff can work effectively with, for and alongside older Canberrans.

Significant interjurisdictional work is underway focusing on law reform to achieve greater consistency in state and territory enduring power of attorney laws. Part and parcel of this are combined state and territory efforts to improve education and awareness to reduce abuse of older people occurring through EPOAs.

The ACT government is carefully tracking what matters to older Canberrans through the annual Community Priorities Survey. In 2023, older Canberrans were well represented in this survey, as well as surveys relating to heritage and voluntary assisted dying.

The Human Rights Commission is increasing awareness of the rights of older people, particularly in relation to abuse, with a targeted advertising campaign which includes public service announcements on community radio in a number of community languages.

The third focus area of the plan, "Information, Service and Supports which Embrace Diversity", sees efforts to ensure older Canberrans have access to information and supports to promote wellbeing, active participation and independence. This also recognises the need for supports to be responsive to individual circumstances and affirming of older Canberrans' equal right to choice and control over their lives. Achievements in this focus area include the ACT government continuing to ramp up efforts to embed dementia-friendly principles and practices in our government and community life. The government has designated land in Curtin for the purposes of a

dementia village—an innovative and person-centred approach to growing dementia care needs in our community.

The ACT government has also thrown its support behind dementia-friendly film screening events with a nation-leading program of events about to get underway which will run over the next four years. Research points to a shrinking world for people with dementia. Of course, it does not need to be this way. By adopting dementia-friendly approaches and supporting dementia-friendly initiatives, people with dementia can fulfil their rights to a full social, community and economic life.

Libraries ACT partnered with Curtin University to deliver Geri-Fit, a strength-based training program tailored for individuals aged 60 years and over which aims to combat inactivity among older Australians. The popularity of this program will see four library branches deliver Geri-fit this year. The availability and accessibility of evidence-based exercise programs for older people is the cornerstone of a society that celebrates and values healthy and dignified ageing.

The Capital of Equality Grants program has funded two projects that support intergenerational connections between younger and older LGBTIQ+ people.

The Human Rights Commission Amendment Bill 2023—the National Code of Conduct for Healthcare Workers—was introduced and passed in the Legislative Assembly. The attendant code of conduct, which came into effect this year, will boost the confidence of older Canberrans receiving health services from healthcare workers not registered under the Health Practitioner Regulation National Law.

Older Canberrans are one of the key demographics taking up the Libraries ACT Book Club Service, which, as at 31 December 2023, had provided 373 book sets to 210 registered book clubs. I should add that you do not actually have to be an older person to appreciate the Libraries ACT Book Club Service. And I apologise to my book club friends that I have been so absent since I changed jobs.

Work against the action to undertake targeted promotion of the Nature Prescriptions Program is on hold due to competing environmental priorities and demands. EPSDD is reconsidering this initiative.

The fourth and final focus area of the plan, “A City for all Ages”, centres on our city’s infrastructure, such as transport, pathways and open spaces, enabling older Canberrans to be active and involved. This also considers access to appropriate and affordable housing for older Canberrans. Within this focus area, the Growing and Renewing Public Housing Program continues to produce sound outcomes, having delivered 456 new dwellings. New 10-year homelessness service contracts for support services for older women have recently commenced.

The review of the ACT Seniors Card program engaged over 3,000 cardholders to have their say on future design and delivery of the program. In immediate response to calls for enhanced awareness of the program, the ACT government has worked with our partner, the Council on the Ageing ACT, to expand publication of the program. All findings of the review will shape future program reform.

Transport Canberra has worked in partnership with their Accessibility Reference Group to better understand the community's flexible transport needs. The Accessibility Reference Group is actively involved in a range of urban design and transport matters, including light rail stage 2A.

Efforts are underway to improve flexible and on-demand transport bookings to deliver a more effective service. Demand-responsive transport options are, of course, critical to enhancing mobility and connection among older people. City Services continues to upgrade bus stops to improve accessibility. Upgrades include connection to nearby footpaths, improved waiting areas, and surface tactiles to assist vision-impaired customers. A total of 75 bus stops were upgraded in the 2023 calendar year as part of the Disability Discrimination Act 1992 bus stop upgrade program. Research and experience consistently point to the importance of bus stop infrastructure for older people's use of public transport.

In 2022-23 over 910 public suggestions for tree-planting locations were received through the YourSay interactive map, and 1,704 trees were planted in response to YourSay tree-planting requests. The shade offered by trees is critical to building our city's heat resilience and ensuring an accessible, walkable city for older people, who are more vulnerable to heat stress and the effects of extreme heat.

The Age-Friendly City Plan is more than the sum of its 33 actions. This plan is a critical statement of commitment by the ACT government to older people in our community. To this end, broader work of the ACT government that has supported older people in 2023 includes the dedicated cost-of-living information hub which is available online. It includes specific and tailored information for older Canberrans, detailing over 10 discounts available and concessions across energy, health, rates, transport and, of course, the seniors card program.

Access Canberra has expanded bookable appointments across all service centres. This follows a successful partnership between the Council on the Ageing ACT and Access Canberra to trial bookable appointments at the Dickson service centre, which had a high uptake by older Canberrans.

Canberra Health Services is working closely with the ACT provider of the Specialist Dementia Care Program to provide tailored residential support for people exhibiting severe behavioural and psychological symptoms of dementia. Canberra Health Services provides geriatrician in-reach consulting for the program in the ACT, reducing the need to remain in hospital longer than is medically necessary. The Community Assistance and Temporary Support Program has expanded its criteria to effectively support older Canberrans with temporary and low-intensity assistance, including support for safe and timely discharge from hospital.

The Home Energy Support Program launched in March 2023, with rebates for eligible home owners to install rooftop solar. Additional products, including electric heating and cooling, hot water heat pumps and electric cooktops, were made available in September 2023. Older Canberrans are a focus of this program, with pensioner concession card holders eligible for the rebate. Research points to an inexorable link between the cost of household energy and the ability of Australians to age comfortably in their own homes. Addressing energy sustainability, affordability and accessibility for

older Canberrans is key to ageing well.

Residents of Campbell, Duffy and Kaleen have benefited from accessibility upgrades and amenity improvements to their local shopping centres, including enhanced accessible parking. Previous research by Monash University has pointed to the important role that local and smaller shopping centres play as vital social hubs, supporting older people to remain independent and in control of their lives.

New minimum accessibility provision for residential housing and apartments, mandated through the National Construction Code, commenced earlier this year. This means more housing with wider doorways and hallways to accommodate wheelchairs and reinforcement for possible future adaptations, such as the addition of grab rails. Housing that works for older people and people with disability works for everyone.

The ACT Health Directorate has undertaken a review of end-of-life care services in the ACT to identify areas of unmet need and barriers to care. This work will inform future service provision to ensure person-centred, holistic and integrated care.

I am grateful for the advice and feedback from key stakeholders, such as the Council on the Ageing ACT, local seniors centres, ADACAS, Meridian, the Health Care Consumers' Association and Carers ACT, to name just a few, who ensure that the voices and views of older Canberrans are front and centre.

I would also like to extend my gratitude to the Ministerial Advisory Council on Ageing for their considered, active and engaged representation and advice on a broad range of matters. Their follow-up and engagement on the Age-Friendly City Plan is commendable.

I mentioned earlier that the fourth progress report is the penultimate. A final report next year, reporting on activities over the 2024 calendar year, will close the current Age-Friendly City Plan, but it will not signal the end of Canberra's progress towards being an age-friendly city. Far from it. This chapter in our journey to be one of the best cities to grow older in has been marked by cooperation and collaboration between community and government. This indeed provides a launching pad for the next Age-Friendly City Plan—one instilled with valuable lessons learnt, one which continues to grow the seeds planted over the last four years, and one which shouts louder and with more vigour that the principle of age-friendliness is a cornerstone of an inclusive and decent society and a kind and connected community.

I am buoyed by the enthusiastic and energetic engagement of Canberrans in the development of the next Age-Friendly City Plan. It is this work, these views, these experiences and this collective vision which will serve to chart the next 10 years of building and shaping an age-friendly Canberra.

A number of drivers influence population, not least of which is increasing life expectancy—so much so that centenarians are often referred to as one of the fastest growing demographics in Australia. Indeed, at the time of their birth, today's centenarian was expected to live to only 62 years of age. These figures continue to put into stark relief the injustices that cut short the lives of too many. The right to grow old is not equally experienced in Australia. While a nearly 10-year life expectancy gap for

Aboriginal and Torres Strait Islander people persists, there will be no real progress on longevity.

At the commencement of the next Age-Friendly City Plan in 2025, four generations will fall into the seniors cohort, spanning the Greatest Generation, the Silent Generation, Baby Boomers and Generation X. By 2035, the projected end date of the next Age-Friendly City Plan, the ACT will be well on its way to the demographic shift that will see over-65s increase to a total 14.6 per cent share of the population by 2060. Not everyone is aware that the Age-Friendly City Plan is about them, but it is, because it is about all of us. Just think: in 17 years, Millennials will be coming online as a generation in the Age-Friendly City Plan.

A truly age-friendly city is grounded in generativity, social solidarity and acknowledgement of interdependence across different age groups. Genuine connections and understanding across age groups with an expanding life span provide a true picture of people's diversity, chipping away at reductive and misleading stereotypes of people based purely on their age. "Othering" older people is a prevalent form of ageism that violates the fundamental truth that growing older is a life stage we all hope to have the great fortune of experiencing.

I am cognisant of the work that remains ahead of us and am energised by what we have achieved so far. The ACT government's ironclad commitment to older Canberrans through the Age-Friendly City Plan is making an impact in our community, and these efforts will ramp up as we develop the next, longer term strategy.

I present the following papers:

Age-Friendly City Plan 2020-2024—

Status of Actions (Fourth Progress Report)—Reporting Period: January to December 2023, dated May 2024.

Fourth Annual Report—May 2024 (in response to Dementia-friendly infrastructure—Assembly Resolution of 21 April 2021)—Ministerial statement, 16 May 2024.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Standing Committees**

### **Reference**

**MR MILLIGAN** (Yerrabi) (11.00): I move:

That this Assembly:

(1) notes that:

- (a) the Productivity Commission's Report on Government Services (ROGS) shows that the ACT has the lowest real recurrent police services expenditure per person in the population, a 22 percent difference with the Australian average, and this has decreased in real terms since

- 2013-2014;
- (b) the ROGS also shows that the ACT has the lowest number of operational staff across Australia per head of population;
  - (c) ACT Policing police officers are the lowest base paid police officers in Australia;
  - (d) the lack of AFP, federal government and ACT government support to ACT Policing members by providing an improved enterprise agreement that recognises the hard and dangerous work police officers undertake to keep the community safe;
  - (e) the ongoing closure of the Gungahlin Joint Emergency Services Centre (JESC) despite promises in 2021-22 to expend \$8.4 million on its refurbishment;
  - (f) the ongoing closures at the City Police Station due to water ingress and other issues;
  - (g) the lack of a medical report on the potential exposure suffered by ACT Policing members to hazardous materials found at the Gungahlin JESC;
  - (h) and that according to former chief of the ACT Police, Neil Gaughan, there was an ongoing issue with the large percentage of probationary and junior constables with less than five years experience in the force, causing internal health and welfare stress issues; and
  - (i) the physical and psychological welfare of ACT Policing members is being impacted by the low wages, and the lack of policing resources, funding and investment by the ACT government;
- (2) further notes the:
- (a) relationship with the federal government over concerns regarding ACT Policing wage matters, including the lack of new EA;
  - (b) levels of actual investment by this government into ACT Policing;
  - (c) cost of clean up and rectification of the Gungahlin JESC and City Police Station and impact on existing budgets;
  - (d) closures due to lack of maintenance and hazardous materials within ACT Policing accommodation and ongoing impact on ACT Policing;
  - (e) exposure of ACT Policing members to hazardous materials and government response; and
  - (f) recruitment practices and experience levels within ACT Policing and impact on service delivery; and
- (3) calls on the Assembly to:
- (a) refer this motion to the appropriate standing committee to consider inquiring into the wages, resourcing, funding, and ongoing investment by the ACT Government of ACT Policing, and any other matter the Committee considers relevant; and
  - (b) report back to the Assembly on the last sitting day of this Assembly, Thursday 5 September 2024.

Today I am calling on all members of the Assembly to support our police by referring the matters contained in my motion to the appropriate standing committee to consider a new inquiry. I raise the matters in my motion out of concern for the safety of Canberrans. The Minister for Police and Crime Prevention likes to get up in this Assembly and, when speaking on police matters, say that Canberra is a safe place and that we have low crime rates. I would like to draw the minister's attention to retired Chief Police Officer Neil Gaughan's comments in the paper recently. He said that Canberra was no longer a sleepy hollow and was experiencing crime in all areas. Mr Gaughan went on to say that the minister's focus on crime rates was not the whole picture of policing in the ACT. The era when police only attended crime was long over. In fact, he said falling crime rates were never the entire picture.



Policing in the 21st century is a complex environment, with an increase in suicides, domestic violence and mental health issues that is taking its toll on our officers. It was noted by Neil Gaughan recently in the media that police were the only 24/7 response agency in the territory, meaning that police attended nearly 4½ thousand mental health incidents in 2023, many of which were aggravated because of the presence of police instead of mental health professionals. Almost as many, over 4,300, family violence incidents were attended during the same time.

The data from the Australian Bureau of Statistics released in February this year showed an increase of 8.5 per cent over the previous 12 months. Increases were noted across most areas of recorded crimes, yet, due to the lack of police resources, neither priority 1 nor priority 2 target response times to the territory's most serious incidents have been achieved. This is a serious matter as it means the crimes are not being cleared.

Turning the focus to low resources, they appear to be an ongoing problem in the ACT. The Productivity Commissioner's *Report on Government Services* shows that, once again, the ACT has the lowest number of operational staff across Australia, per head of population. According to former Chief Police Officer Neil Gaughan:

In the last 10 years, the population of the ACT has grown 19 per cent. Police numbers in raw data have gone down by 0.7 per cent. So we've actually gone backwards with small numbers.

Also, the *RoGS* shows that the ACT has the lowest real recurrent police services expenditure per person in the population. There is a 22 per cent difference from the Australian average, and this has decreased in real terms since 2013-14. Being under-resourced and having low numbers, it is no wonder the police are struggling to meet key targets.

It also transpires that our ACT Policing officers are the lowest base-paid police officers in Australia, earning just over \$59,000 a year at entry level. The comparison figures across Australia for full-time officers, with shift and penalty rates, are startling. An officer in WA will earn \$103,000 a year, while the same officer in Canberra will earn only \$75,000 a year. That is \$28,000 a year less. There is considerable inequity here. No wonder we are seeing this message plastered over our police vehicles in the ACT: "Undervalued and Overworked." There is a real lack of federal government and ACT government support for ACT Policing members by not providing an improved enterprise agreement that recognises the hard and dangerous work police officers undertake to keep our community safe.

According to Neil Gaughan, the ACT has been somewhat seen as a training ground for the national AFP. Across any year, the force loses almost four per cent per annum to natural attrition, topped with a whopping 12 per cent to the national side of the AFP. That is not unnatural and no blame is attached to the police officers who are trying to improve their own circumstances, but it does have the effect of leaving ACT Policing considerably under-resourced, with no end in sight. Why would you come to work here in the ACT when you can literally do the same thing and be paid more anywhere else in Australia?

Under-resourcing also extends to the accommodation of services. The retired Chief of Police is on the record stating that 40 per cent of the police stations in the ACT were “not fully functioning”. We have certainly seen evidence of that in the last 12 months with the ongoing closure of the Gungahlin Joint Emergency Services Centre, despite promises in 2021 and 2022 to spend \$8.4 million on its refurbishment—a refurbishment the people of Gungahlin are still waiting on. The Gungahlin JESC has been overcrowded and not fit-for-purpose for at least the last eight years. There have been ongoing issues, starting with the closing down of most services at the Civic police station due to water ingress and other issues; the lack of appropriate air conditioning at Woden police station; and the closure, as I have mentioned, of the Gungahlin JESC due to lead dust and diesel particulates.

When is this government going to prioritise the needs of policing members—not just react to issues and situations but actually prioritise their needs? There are pay issues, accommodation issues and health concerns. It strikes me as almost irresponsible that a medical report was not called for on the potential exposure suffered by ACT Policing members to the hazardous materials found at the Gungahlin JESC. The minister must explain why a medical report was not conducted.

Let’s now address the concerns of recruitment again. According to the former Chief of Police, there is an ongoing issue with a large percentage of probationary and junior constables with less than five years of experience in our force. He said:

At our police stations ... over 48 per cent of our uniform police are probationary constables.

This is with most constables having less than five years of experience. This is a concern, especially in the fight against an explosion of family violence and mental health call-outs. But more concerning is that senior constables are overworked, as they are not only doing their own job but are also mentoring and teaching junior members. Sergeants are effectively spending a large amount of their time double and triple-checking the work of junior members. Many do not have the time to take care of their own workloads as well as mentor and check team members’ welfare, and also complete the extra administration duties that come with being a sergeant.

To compound the problem, it is often the case that senior constables are utilised as acting sergeants when the sergeant is absent from duty. This places even more pressure on the senior constables. They take on the responsibility of the sergeant and carry their own workload, plus they must mentor and double and triple-check the work of probationary constables on their team. Most squads in the ACT would be lucky to have one senior constable on their team.

The lack of resources is having an impact on the delivery of services in the ACT. Recently, the force was scrambling resources to deal with the increase in Rebels, Comancheros, Finks and, for the first time ever, Hells Angels. These motorcycle gangs know that the territory does not have any anti-consorting laws. A response to a question on notice confirmed that significant police resources were required to deal with the bikie gang meeting held here in Canberra in March this year, at a cost to taxpayers of \$47,304.47. Moreover, attending officers at the two-day event were drawn from across all functions of ACT Policing, increasing the likelihood of an incident occurring

elsewhere.

These incidents, low wages, and the lack of resources, funding and investment by the ACT government have significantly impacted the physical and psychological welfare of ACT Policing officers. I hope that all members here can agree to this motion for the appropriate standing committee to consider inquiring into the wages, resourcing, funding and ongoing investment by ACT government for ACT Policing.

Specific regard should be given to the following matters: the relationship with the federal government over concerns relating to ACT Policing wage matters, including the lack of a new enterprise agreement; the levels of actual investment in policing by this government; the cost of the clean-up of the Gungahlin JESC and the Canberra city police station, and the impact on existing budgets; the closure due to the lack of maintenance and hazardous materials within ACT Policing accommodation and the ongoing impact on ACT Policing; the exposure of ACT Policing members to hazardous materials, and the government response; recruitment practices and experience levels within ACT Policing, and the impact on service delivery; and, of course, any other matter that the committee finds relevant.

I hope that we get the support of all members in the Assembly for this important motion. I commend the motion to the Assembly.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations and Workplace Safety, Minister for Multicultural Affairs and Minister for Police and Crime Prevention) (11.11): I would like to take this opportunity to respond to Mr Milligan’s motion and set the record straight on a number of the issues raised in the motion.

I will start by expressing my thanks to and the government’s appreciation of those who work in ACT Policing for their continued efforts in keeping the ACT community safe. I would also like to take this opportunity to acknowledge the families and friends of ACT Policing staff, who regularly make sacrifices for the community by supporting their loved ones and giving up time with them as they deal with the pressures that police work involves.

In terms of ACT Policing resources, the ACT government has made a record commitment in the 2023-24 budget to enhance community safety by investing over \$107 million over five years to enable the recruitment of an additional 126 ACT police personnel. This represents the largest single investment made in ACT Policing. The investment will see an increase in numbers across all areas of ACT police. This funding will also enable the additional dedicated ACT Policing recruit class to be run annually for the next five years.

I note that ACT Policing’s average full-time equivalent staffing numbers have increased by around 20 per cent over the last five years. This increase was prior to our announcement of the additional 126 officers to be recruited.

Nonetheless there is an important qualification to note: prior to 2015-16, some enabling capabilities, such as the specialist response group, were counted in ACT Policing

numbers. These capabilities were transferred to AFP national and, as such, those numbers are now counted under AFP national figures, even though the ACT continues to benefit from these capabilities. The government will continue to monitor ACT Policing resourcing as the territory grows and will continue to ensure that we maintain police capability fit for purpose for the ACT.

In terms of funding, the government has increased funding for ACT Policing from \$169.5 million in 2019-20 to \$221 million in 2023-24, which represents a \$51.6 million increase over four years. That is a 30.5 per cent increase.

Unfortunately, Mr Milligan's motion fails to fully take into account the unique nature of the ACT community. In particular, I note that the *Report on Government Services* data referred to in the motion fails to account for local factors which are pertinent to each jurisdiction. The ACT is a unique city jurisdiction, and parts of the territory are policed by the Australian Federal Police for the commonwealth and enforcement of commonwealth law, including the protection of foreign dignitaries, foreign missions and commonwealth places of interest.

In terms of geography, despite a large portion of the ACT being national park, we have a sworn police officer for every 3.1 square kilometres. This is the highest number of police per square kilometre in the country. When compared with other jurisdictions, the next closest is Victoria, which has one sworn police officer for every 14.4 square kilometres, through to the Northern Territory, which has only one sworn police officer for every 1,066.3 square kilometres. For the sake of comparison, that would be 2.2 sworn police officers to cover the whole land area of the ACT.

The operational environment within the ACT has a concentrated population in a single city area. This enables effective and efficient use of resourcing that allows the achievement of great policing outcomes, as well as other priorities that this government is resourcing ACT police to achieve.

In terms of crime statistics, in February this year the Australian Bureau of Statistics released the *2022-23 Recorded Crime—Offenders* publication, which provides an overview of offenders during 2022-23. This report provides the ACT government and ACT Policing with an overview of offenders in the ACT, in comparison to previous years and other jurisdictions. It provides a useful tool in understanding the criminal landscape in the ACT and monitoring long-term trends.

Pleasingly, the *2022-23 Recorded Crime—Offenders* publication shows that there is a long-term downward trend in the ACT total offender rate, falling from 1,131.8 per 100,000 people in 2008-09 to 635.8 per 100,000 people in 2022-23. The ACT has recorded the lowest offender rate across all states and territories annually since 2008-09. The ACT recorded the lowest offender rate of any state and territory in 2022-23, and it has recorded that rate since 2008-09.

The ACT recorded the lowest offender rate of any state and territory, with 635.8 offenders per 100,000 persons aged 10 years and over. The ACT had the second lowest proportion of repeat offenders, slightly behind South Australia, excluding WA, in 2022-23. In fact, in the ACT 21.8 per cent of offenders were proceeded against on two or more separate occasions within the year. The number of offenders proceeded against

by police in the ACT during 2022-23 increased by 10.9 per cent, or 253 offenders, from 2,328 offenders in 2021-22 to 2,581 offenders in 2022-23, thanks to the work of ACT Policing.

Further, the ABS release of the *Crime Victimization, Australia 2022-23* report in March this year shows that victimisation rates for personal crime in terms of physical and face-to-face threatened assault declined between 2008-10 and 2021-23. Victimization rates for household crime like break-ins, theft from motor vehicle, malicious property damage and other theft have declined. These statistics point to the strength of the arrangements and services provided by ACT Policing on behalf of the Canberra community.

The ACT public service and ACT Policing have worked dynamically through the challenges of the last couple of years to ensure the continued safety of the ACT community. This has been evident in all areas, including health, community services, road safety, emergency services and security. Through the collaboration between the ACT government, ACT public service and ACT Policing, we will continue to enhance the overall community safety and wellbeing of all Canberrans.

Let us turn to the enterprise agreement. The claims in the motion that the ACT government provides a lack of support to ACT Policing members with reference to the provision of an improved enterprise agreement are, quite simply, wrong. Mr Milligan's motion also exposes his lack of understanding of the workings of the policing arrangements and purchase agreement between the AFP and the ACT government and its associated service provision, which is at the core of ACT Policing in the territory.

The commonwealth is responsible for the terms and conditions of employment of AFP employees involved in the provision of policing services to the ACT under the policing agreement. The ACT government does not set these conditions; rather, we simply purchase policing services from AFP. While the ACT government has no formal role in the AFP's industrial negotiations, as this is a commonwealth matter, this government is supportive of ACT Policing members' wellbeing. The ACT government has always paid the increase in wages and supported all changes and recognition that have come out of industrial negotiations agreed with the commonwealth. As minister, I have also expressed my support publicly for ACT Policing members receiving a fair pay rise.

Let us turn to the Gungahlin police station. The government allocated more than \$8 million in the 2021-22 budget process to increase operational capability, as well as providing more efficient accommodation spaces for ACT Policing at the Gungahlin Joint Emergency Services Centre. In February this year the building contractors working on the Gungahlin project advised that their hazmat consultant had confirmed the presence of hazardous materials while undertaking a routine hazmat inspection. This initial information led to a more detailed investigation that confirmed the presence of lead-containing dust at the top of ceiling tiles in the roof cavity of one section of the building. The investigation also confirmed the presence of carbon elements, also known as diesel particulates, found on surfaces in the engine bay store area of the building.

The investigation report into the lead dust and diesel particulates at the Gungahlin JESC was prepared by Property Risk Australia Pty Ltd, on behalf of Complete Constructions (Australia) Pty Ltd. At the request of the JACS Directorate, an independent quality

assurance review of the investigation report was also undertaken by Robson Environmental to provide additional assurance on the occupational safety of the JESC as a workplace. Lead dust above the adopted criteria was only identified in the ceiling space and not at ground level where staff work, nor in the air samples tested throughout the space. Also, the testing did not find the presence of elemental carbon on any of the surfaces sampled, suggesting there was no presence of diesel particulates on the surfaces tested.

Based on these test results, no further action is required regarding the diesel particulates. It is most likely that the presence of particulates has come from carbon burning of the diesel used in our emergency services vehicles and it created small amounts of diesel particulates. The investigation and subsequent quality assurance review from Robson Environmental also confirmed that staff and volunteers have not been exposed to lead dust or diesel particulates. Based on the report findings, and the subsequent quality assurance review from Robson, we are confident that a medical report was not required and there was no exposure suffered by staff or volunteers of the JESC. Clearance certificates for the ceiling spaces and the plant room have now been received, allowing project refurbishment works to continue.

On the recommendation by the independent occupational hygienist, JACS subsequently widened the remediation areas to all areas with ceilings in the main part of the building. Remediation of these areas is taking place in parallel with the delivery of the refurbishment work and is expected to be concluded very shortly. Clearance certificates have also been received for the majority of the additional scope, with no concerns flagged for the remainder. The plant construction works at the Gungahlin JESC will now be completed under the accelerated delivery program. This will support the reoccupation of the building from the end of May 2024, instead of October 2024.

In terms of the city police station, as a result of recent storm events, water damage to the ground floor of the city police station required remediation to ensure the health and safety of building occupants. Consultation with ACT Heritage, building façade experts and contractors has been undertaken to ensure that remediation options for the external façade of the building have been considered and provide a permanent solution to the ongoing water penetration issues experienced at the city station.

The contractor onsite has completed internal and external removal work, with remediation and fit-out now well progressed. Scaffolding has been erected around the building to allow safe access for consultants and contractors to develop remediation options and works to mitigate the current water ingress issues. Due to the age of the building, additional due diligence and time were required to manage the hazardous material risks to ensure ongoing site safety during the remediation process. Urgent remediation works included ground-floor refurbishment. It is due for completion on 31 May this year. External scaffolding is now scheduled for removal, again on 31 May.

Replacement of the external waterproof membrane and flashing has been facilitated, with upgraded stormwater drainage infrastructure to increase surge capacity, which will be completed in the coming weeks. Ongoing flood testing during these works will ensure that any future rain events will not impact station operations, moving forward. Some minor external works may continue after 31 May but will not impact reoccupation.

Let me now touch on feasibility studies relating to the Winchester centre and city police stations, and the work on the future police facilities in Woden and Molonglo. Funding of \$3.823 million was provided in the 2023-24 budget to deliver user requirements, a functional design brief and proposed delivery model for a new ACT police headquarters in the city and the city police station in the CBD. JACS and ACT police have been working closely together and are now working through defining the user requirements and identifying the delivery model requirements.

Also, a study on the requirements for future police facilities in the Woden and Molonglo region is well underway. This study will identify the appropriate policing facilities for the growing Molonglo region, as well as meeting the needs of the Woden community. The government also made a funding commitment of \$345,000 in the 2023-24 budget to develop a strategic asset management plan. (*Time expired.*)

**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) (11.26): I thought it would be a good idea, since we are talking about the need for more police resources, to talk about the level of need for those resources that has been occurring over the last 10 years, and some particular areas on which we might need to focus.

In 2014 there were 44,255 offences reported to police. In 2015 the figure was 44,428, in 2016 it was 44,723 and in 2017 it was 48,579. Mr Cocks might be particularly interested to know that 4,015 of those were in Woden. In 2018 we were back down to 44,107; in 2019, 43,090; in 2020, 41,281; in 2021, 36,072; in 2022, 33,389; and in 2023 the figure was 33,068, with 2,469 of those offences being in Woden. In 2023 we had the lowest number of offences reported to police in the past decade—15,511 fewer than our peak in 2017.

The police tell us that the number one and number two reasons why they receive call-outs relate to mental health and to domestic and family violence. Certainly, our health services have seen an increase in the number of people experiencing mental health difficulties over that same period. I note also that our disability advocacy services like ADACAS and Advocacy for Inclusion, and the ISRP team that supports people with complex disability needs, including homelessness, drug and alcohol and family support needs in the Community Services Directorate, have also seen quite an increase in demand for support.

The Domestic Violence Crisis Service and the Canberra Rape Crisis Centre have seen quite a substantial increase in the need for support for people who have been experiencing violence, and our food pantries have been reporting an absolutely crushing level of increased need.

The 2021 ACT General Health Survey tells us that 27.6 per cent of Canberrans aged 18 years or older had a mental health diagnosis. I would note the cost-of-living impacts on mental stress levels, alcohol and drug use levels and experiences of violence, and these all then have a flow-on impact on community safety.

A very smart person once said to me that despair gives rise to awful things. That is why,

in the 2023-24 budget, we committed another \$241 million to mental health services in this city, most of them delivered in the community, rather than in acute care. We increased our spending on the food assistance program to support the work that our often community volunteer run food pantries are delivering.

Just last week I announced \$2 million in Healthy Canberra grants to reduce alcohol and vaping harms in our community. We all heard Minister Rattenbury talking yesterday about the \$115 million spent over the last five years on justice reinvestment, including intensive corrections orders, the Drug and Alcohol Sentencing List, an alternative service response for raising the minimum age of criminal responsibility, the Justice Housing Program, and a culturally safe bail support program.

The only way to be tough on crime is to be courageous about ending poverty, and it is not okay to look at police resources in isolation from the resources needed for health and social services. We need to be taking a holistic view of how we make our community safer. That means we need to look at how we address unmet needs that contribute to community safety issues.

**MR COCKS** (Murrumbidgee) (11.30): I thank Mr Milligan for moving this motion today because it is important that we address not only the causes of crime, as the Greens aptly like to talk about, but also what happens when there is crime in our community. We must be able to do both. We must be able to deal with the crime problems that have eventuated across our community, and the police are how we do that.

The need for this inquiry has been made only clearer by this minister's response to the motion today, and by the Greens' response as well. The focus on announceable spin and very unconvincing data from this minister in no way reflects the lived experience of law enforcement officers across my electorate and across the ACT, and it in no way reflects the lived experience of so many people in our community. Despite all of the extra money that the Greens have just told us that the government is investing across all sorts of areas, people feel less safe today than they have previously.

Despite all of the work that the minister says they are doing in terms of police, all of the extra numbers that they say they are committing to, police feel more stretched and less able to respond to need in the community today than they did previously. The things that are suffering are really important to our community, such as community policing. The ability for the police to be out there and connecting with the community, proactively making sure our community is safe, is the thing that is suffering. When all they can do is get out and respond to the most urgent cases, the proactive work, the good community work, is what suffers.

Sadly, the response of the minister is symptomatic of a government that have long stopped listening. Instead of taking the time to understand the problem and understand the experiences of the community, with this minister and this government, whenever anything does not fit with the narrative that they would rather share, they simply want to shut things down and tell the community there is nothing wrong; it is all in their heads and they are imagining things.

People are not simply imagining the problems that they are encountering, and the impact on people's lives when things do not go right is significant. The impact on young



people who wake up in the middle of the night and find a home invader in their house is significant. There is long-term trauma that those people then have to face. If, as seems to be the case, people are now giving up on reporting crime because they are not convinced that police have enough resources to turn up, we face a problem.

It is clear, as Mr Milligan points out, that we have problems in simply attracting police to do the vital work that we need in our community. Just this week I saw on Facebook that New South Wales was calling out to police, including police in the ACT, offering them a better deal than we can offer them. They want our police. They are willing to back them. New South Wales wants to take them. We need to have a look and make sure that we are backing our police, resourcing them adequately, paying them adequately, to do the vital job that our community needs.

Queensland wants them. New Zealand wants them. We want our police to see a future here in Canberra, and we have to understand what has gone wrong when they do not see that. Too many do not see a future in Canberra. Too many feel that they are too stretched. There is too much turnover. There are too many people out on mental health leave, stress leave. We must back our police officers because we must make sure that people across Canberra can feel safe.

**MR BRADDOCK (Yerrabi) (11.35):** I must admit that, as a member of the justice and community safety committee, to which it is sought to refer the terms of this motion for consideration and inquiry, the motion did attract my attention. In the normal course of business I would have expected, if the Canberra Liberals were truly interested in doing this work, that the Liberal member of that committee, Mr Cain, who also happens to be the chair of the committee, could have brought forward this proposal for the committee to consider. Mr Cain has not done so, and there is nothing stopping him doing that.

**Mr Cocks:** A point of order.

**MR ASSISTANT SPEAKER (Mr Cain):** Mr Braddock, take a seat. A point of order?

**Mr Cocks:** On personal reflections, it seems that Mr Braddock is implying that you, as chair of the committee, do not care enough about this issue.

**MR ASSISTANT SPEAKER:** Thank you. Mr Braddock, you may proceed.

**MR BRADDOCK:** Mr Assistant Speaker, the fact that this has not happened tells you a lot about what is happening today, with this matter being raised through the chamber and not the committee itself.

The JACS committee has been one of the busiest of all committees in this Assembly in this term. We have produced 27 reports so far. We are still receiving bills for potential inquiry. We are finishing off inquiries into immediate trauma support services and cashless gaming. The committee is also starting to consider evidence on a very broad-ranging inquiry into the administration of bail. I spoke on Tuesday about my views on the decision to commence that inquiry, but here we are, seeking to add to the workload.

New inquiries launched this late into the term are also unlikely to get a government

response in time. In that case, what is the point, other than perhaps serving as a political platform for one's own campaign?

**Mr Cocks:** A point of order.

**MR ASSISTANT SPEAKER:** Mr Braddock, take a seat. Mr Cocks?

**Mr Cocks:** Standing order 55, on personal reflections, states:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

This is the second time in his speech that Mr Braddock has implied that there is some sort of political motive beyond the issue at hand. It is clear from the speech that Mr Milligan delivered, from my presentation and from many other positions, that the issues here are not about a political campaign for re-election. I ask that Mr Braddock withdraw those comments and deal with the matter at hand.

**Mr Rattenbury:** On the point of order, Mr Assistant Speaker: Mr Cocks's remarks were laced with comments about the motives of members of the government. He cannot speak in one manner and then take a point of order on another. There is no point of order here.

**MR ASSISTANT SPEAKER:** Members, I will reflect on this, consult the *Hansard* and consult with the Speaker to see whether any further action is warranted. Otherwise, Mr Braddock, you may proceed.

**MR BRADDOCK:** From an industrial relations perspective, the suggested inquiry risks being prejudicial to the enterprise bargaining negotiations between the AFPA and the commonwealth government, who actually control the pay and conditions of the ACT police. My concern is that this suggested inquiry would be used to help the AFPA to build their case against the commonwealth, and I would be very uncomfortable if this Assembly or this committee were to interfere with that bargaining process.

The ACT's relationship with the AFP is a unique one and, based on my research, it attracted some significant debate in 1988, during the passage of the ACT self-government bill. At the risk of oversimplifying that debate, responsibility for the courts was staged to happen later, and police matters were only granted to the ACT government on the assumption that the status quo arrangement provided by the Federal Police would initially continue, via the striking of a policing agreement.

Due to institutional inertia and economies of scale, the arrangements have endured. As benefits, the ACT gets access to advanced capabilities normally beyond a force of its size and the efficiencies of tapping into a national organisation, while the AFP gets an operational training ground for new recruits.

There has been some commentary about the majority of ACT Policing being made up of rookies. This is a design feature that was built into the structure of the AFP as far back as 1979, providing a training ground for new police officers before they go on to perform other roles. I am not saying this is ideal, but I note that it simply reflects the

context in which ACT Policing operates. It is also not all one way; some senior officers do come back, bringing with them a wealth of experience into our local policing function.

The design of this structure does have downsides, in that it means the government cannot direct the AFP, control their working conditions or demand the adoption of organisational policies. For example, we could not force them to ban the use of spit hoods, which I would have loved to have done. They have had to reach their own conclusion on that issue, and I am glad they eventually did.

Some of the issues that the Canberra Liberals are identifying could be solved by establishing an ACT police force that operates independently from the AFP. At the same time there may be other consequences from moving to such arrangements, not least of which is cost. I think it would be a fascinating thing to inquire into, but it certainly has not been among my highest priorities. Failing that—

*Mr Hanson interjecting—*

**MR ASSISTANT SPEAKER:** Mr Hanson!

**MR BRADDOCK:** perhaps the Canberra Liberals could take up their concerns with their commonwealth representatives.

*Mr Milligan interjecting—*

**Mr Rattenbury:** A point of order.

**MR ASSISTANT SPEAKER:** A point of order. Mr Braddock, take a seat. Mr Rattenbury?

**Mr Rattenbury:** Whilst Mr Milligan and Mr Cocks both made a range of points that I might not have agreed with, they were heard with a degree of respect and in a degree of silence. I would ask that members respect colleagues in the chamber by not constantly interjecting when they make a point that they might not find agreeable.

**MR ASSISTANT SPEAKER:** Thank you, Mr Rattenbury. I remind members that there are sanctions for interjecting. Mr Braddock, please proceed.

**MR BRADDOCK:** Mr Gentleman has responded on the errors and the cherry-picking of data contained in the motion. The Canberra Liberals are comparing apples with oranges, with the comparison of resourcing in both headcount and dollars for delivering a police force in a small city-state with lower levels of crime with states and territories that have widely dispersed populations, higher crime rates and that lack the ability to call on the AFP for assistance when required.

The motion also demonstrates a failure to understand what justice reinvestment is all about. As my colleague Ms Davidson has already made clear, mental health and domestic violence crises, which make up the majority of police call-outs, are more effectively addressed through a range of measures specifically designed to prevent, respond to and support individuals and families in those circumstances. In summary, I

confirm that the Greens will not be supporting this motion.

**MR MILLIGAN** (Yerrabi) (11.43), in reply: It is not surprising to hear from the Greens that they will not be supporting this motion. We have not heard from the government about whether they will be supporting the motion, but I would not be surprised if they also voted against this motion and committing to investigate the needs of our hardworking police.

It raises the question: what are they afraid will be discovered? Is it that no money has been invested in ACT Policing accommodation, that it is all smoke and mirrors? Will it be confirmed that the poor base pay and take-home pay of our officers is, in fact, the truth, that it is why we cannot attract more police officers to the ACT and why we are losing so many police officers to other states, territories and the national AFP every year?

Mr Braddock mentioned that we should raise our own police force, but within the Constitution the ACT is not able to raise its own police force. Mr Hanson raised the important point that the Greens have supported pay increases for teachers and people in other professions, but they are not advocating for pay increases for the AFP.

I understand how contracts work, and the ACT government has contracted the AFP to provide a service here in the ACT. But that suggests the ACT government has no influence over the Albanese government. They talk about how they are friends and how they can call on them for support when they need to. Obviously, it suggests that in this case they have no influence over the types of services that are on offer in the ACT, or their pay and conditions. I find it unbelievable that they would not even try and advocate for pay increases within their next enterprise agreement. We are seeing the AFP campaigning to federal parliament, calling for pay increases. I think that the ACT government should do what they can to help to advocate on their behalf.

What the Greens particularly are missing sight of regarding this motion is the fact that it is not just about pay increases; it is about the workplace and conditions. It is about the stations. It is about properly resourcing and equipping our police officers. It is about recruiting police officers to the ACT. I think it is crucially important for us to get to the truth of the matter and see what the government will do to help to rectify this problem. It has been a problem that has been going on for many years. The AFPA and the former Chief of Police have raised this numerous times and the government has chosen not to do anything about it.

I encourage those opposite to support this motion and to send the matter to an inquiry. It will give our frontline officers and other service providers an opportunity to express their concerns regarding the force here in the ACT. I commend my motion to the Assembly. We will see how it goes.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 8

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

Noes 15

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

Question resolved in the negative.

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

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

Title read by Clerk.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.52): I move:

That this bill be agreed to in principle.

I am pleased to present the Monitoring of Places of Detention Legislation Amendment Bill 2024 to the Assembly today. This bill marks an important milestone for the ACT in its journey to implement the requirements of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which is commonly known as OPCAT. The OPCAT aims to achieve its preventive objective by establishing mechanisms for proactive, independent oversight, recognising that torture and ill-treatment are more likely to occur in places closed to external scrutiny.

The bill will strengthen the effective management and oversight of places of detention in the ACT to ensure that the human rights, conditions and treatment of people in detention are protected and maintained to meet international human rights standards. This is a key element to complement the ACT's human rights framework. As a human rights jurisdiction, the ACT has been a strong and consistent supporter of the OPCAT, and introduced the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill in August 2017, in anticipation of Australia's ratification of the OPCAT, making provision for visits by the United Nations Subcommittee on the Prevention of Torture—the SPT.

The first set of amendments will fulfil the ACT's international human rights obligations under the OPCAT by amending the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018 to provide for the establishment, functions and powers of the ACT National Preventive Mechanism—the NPM.

NPMs are independent visiting bodies established at the domestic level and are intended to play a critical, complementary role in the prevention of torture and other cruel, inhuman or degrading treatment or punishment by being a permanent, regular presence within each state. The obligation to establish NPMs set out in the OPCAT fundamentally changes the international approach to torture and ill-treatment. The OPCAT is the only exclusively preventive international human rights instrument.

The current vice-chairperson for NPMs of the United Nations Subcommittee on the Prevention of Torture has said that “National Preventive Mechanisms represent the most significant single measure which states can take to prevent torture and ill-treatment occurring over time”. The bill, which provides for the NPM to visit and monitor places of detention, scrutinise documents and other material and conduct in-person interviews with people in detention, will allow the NPM to fulfil this overarching purpose of prevention.

The second set of amendments will reform the Inspector of Correctional Services Act 2017—which I will refer to as the ICS Act—to improve the operation of that act and ensure ongoing, effective management and oversight of places of detention in the ACT. These amendments follow a recent government review of the ICS Act and are informed by extensive consultation with stakeholders.

People in detention in the ACT are one of the most vulnerable groups in our community. Some people in detention will be those on remand or convicted of crimes; others may be in detention due to other reasons, such as the need to receive treatment in a secure mental health facility. When people are in detention, they are isolated from their family, friends and the broader community; some of their rights are necessarily limited; they are subject to the control of detaining authorities; and they may experience barriers to accessing services. It is vital that we ensure that the ACT has effective mechanisms to conduct oversight of these places of detention to ensure that practices in places of detention protect and uphold, rather than undermine, the human rights of those who are detained.

Under article 17 of OPCAT, a state party is required to set up, designate or maintain an NPM empowered to visit and independently monitor any place of detention under their jurisdiction and control. The NPM is proactive, rather than reactive, to individual events and is not an investigative body. The mandate of an NPM differs from other bodies working against torture in its preventive approach, by seeking to identify patterns and deter systemic risks of torture, rather than handling complaints.

In January 2022 I designated the Office of the Inspector of Correctional Services, the ACT Human Rights Commission and the ACT Ombudsman as the ACT’s NPM. In the establishment phase, the NPM has been utilising the existing oversight powers of the three agencies to undertake visits and provide oversight for places of detention in the ACT. The bill will amend the monitoring of places of detention act to give the NPM a clear mandate, expressly providing for its function and powers in centralised legislation, to support the ACT’s implementation of OPCAT.

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. This requires that it is structurally independent, operationally independent and

avoids conflicts of interest in its personnel.

The NPM has four key functions: visiting, advisory, education and cooperation. The way it exercises these functions 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 primary function of an NPM is the visiting function, 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 will include 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 will work together 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.

The amendments also empower any entity that has information relevant to the NPM's functions 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 more appropriately be 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.

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 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 made to section 13(4) of the monitoring of places of detention 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 that the NPM can effectively carry out its functions and people can disclose information to the NPM without fear of reprisal.

As I mentioned earlier, the bill contains a number of amendments that will improve the operation of the ICS Act. The Inspector of Correctional Services oversees and critically examines the operations of the adult and youth correctional systems with a preventive focus. To facilitate ongoing operation of this role, the Inspector of Correctional Services Act built in a statutory review to be conducted after the end of its fifth year of operation.

The review was commenced in 2023 and the Justice and Community Safety Directorate has worked closely with key stakeholders to identify ways in which the ICS Act can and should be improved. The statutory review report of the Inspector of Correctional Services Act 2017 is tabled this week, and this bill implements eight recommendations from that review. These amendments create operational efficiencies to support the inspector to undertake their work and facilitate participation from government in these processes. They also provide more flexibility and discretion for the inspector, which supports the independence of their position.

Firstly, the bill will replace the title of "Inspector of Correctional Services" with "Custodial Inspector" wherever it appears in the ICS Act and across the ACT statute book. The title of "Inspector of Correctional Services" was instituted with the commencement of the ICS Act and originally related to the inspector's oversight functions of adult correctional centres. In 2019 the inspector's jurisdiction was expanded to include oversight of youth detention places, which are not considered as correctional centres. It is therefore necessary to change the title of the position to reflect the inspector's updated functions.

The bill also contains a range of amendments designed to support the inspector to undertake their role efficiently and effectively. The amendments involve changing the requirement for the inspector to examine and review correctional services, known as a "thematic review", from mandatory to discretionary. This change allows the inspector to decide when thematic reviews are needed, but not more than once every two years.

The amendments also expand the inspector's ability to delegate their functions under any ACT law to allow the appropriate delegation of responsibility throughout their office. They remove the prescriptive criteria required for the content of the inspector's reports and replace these with a more general requirement, to the effect that any



recommendations included in the report must further the objects of the act. This approach is more functional for all types of reports and ensures that the inspector has sufficient flexibility and independence with respect to reporting.

The amendments give the inspector discretion on when to table a critical incident report, having regard to the circumstances of the incident, and provide a mechanism for the inspector to provide their reports to the Legislative Assembly outside sitting periods.

The bill amends section 29 of the ICS Act to change the time frame for the ministers and directors-general responsible for the Corrections Management Act 2007 and the Children and Young People Act 2008 to provide comments on the inspector's draft reports. The amendment will require the inspector to give the ministers and directors-general a reasonable opportunity to comment on the draft report—at least six weeks—unless otherwise agreed between the inspector and the ministers and directors-general. This amendment supports collaborative dialogue between the inspector and agencies in the feedback process.

The bill will also broaden the conduct that can be considered as “detrimental action” captured by section 26(4) of the ICS Act. Under this provision, it is an offence to take detrimental action against another person in retaliation because the person has made a disclosure to the inspector. The existing definition of “detrimental action” is too narrow, as it does not contemplate actions that could be taken against detainees or persons or entities visiting correctional centres.

This bill addresses these inadequacies by capturing a broader range of detrimental actions, including actions which impact living conditions, privileges or actions directed to treat a person or organisation unfavourably in relation to access to a correctional service or centre, or to a detainee. The new definition will ensure that there is equal protection for all people present in the custodial setting if they were to make a disclosure to the inspector. The changes will improve the ICS Act and facilitate the inspector undertaking their work efficiently and effectively into the future.

I am proud that the ACT is one of the first jurisdictions in Australia to introduce legislation to provide for the establishment, functions and powers of its NPM. Implemented effectively, the NPM has the potential to contribute significant value to the ACT's oversight landscape, exercising its functions across all places where people are deprived of their liberty. This extends beyond regular physical monitoring to include providing education and advice and cooperating with the entities responsible for places of detention and civil society to ensure that human rights are upheld and torture and ill-treatment are being prevented.

I commend the bill to the Assembly.

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

**Sitting suspended from 12.08 to 2.00 pm.**

## **Questions without notice**

### **Proposed new stadium and convention centre—federal funding**

**MS LEE:** Madam Speaker, my question is to the Chief Minister. Chief Minister, yesterday during question time you said:

We have never committed to building a stadium. We have committed to investigating the feasibility of that.

While no-one can doubt your commitment to feasibility studies, in 2013 a report in the *Canberra Times* said:

As part of the City to the Lake initiative, officials are planning a new rectangular stadium to be built on the site of the Civic pool. ACT Sports Minister Andrew Barr is aiming for completion by 2020.

It has now been revealed that the ACT has missed out yet again on hosting a major international tournament, with New South Wales, Queensland and Western Australia hosting the 2026 AFC Women's Asian Cup. Chief Minister, how many more major international events will Canberra miss out on because you constantly backtrack on your promises to build a new stadium?

**MR BARR:** What Ms Lee's question omits in its commentary is that when the Mr Fluffy crisis emerged, in 2014, we were clear that we would need to put major infrastructure projects, including city to the lake, on hold. The point I make, and the statement I made in question time yesterday, is that I have never gone to an election promising to build a stadium.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR BARR:** We have committed to investigating possible stadium sites. We have done that. The city site has proved not to be feasible. When you get a feasibility study back that says it is not feasible, you then need to look at other options. We have not committed to the construction of a stadium as part of an election commitment. We were very clear in 2014, when the Mr Fluffy crisis emerged and we needed to borrow a billion dollars to address the issue, that we were putting the city to the lake project on hold. I was very clear about that in 2014.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MS LEE:** Chief Minister, will you apologise to sports and music fans, businesses and the tourism sector for stringing them along for 15 years, when, in your own words, you "have never committed to building a stadium"?

**MR BARR:** In relation to the second part of Ms Lee's first question, the ACT was not approached to bid for that particular tournament because there were only going to be three host jurisdictions.

**Mr Parton:** Probably because we didn't have a stadium.

**MR BARR:** It was not related to that at all. We have made public comment in relation to that. We have of course participated in many national and international competitions. We have most recently hosted the Socceroos at GIO Stadium.

**Ms Lee:** On a point of order: the question that I just asked, which was my supplementary, was specifically asking the Chief Minister whether he will apologise to so many Canberrans for stringing them along when, in his own words, he never committed to building a stadium.

**MADAM SPEAKER:** Ms Lee, that was the subject matter Mr Barr was referring to. Mr Barr, you have time left, if you wish.

**MR BARR:** Thank you, Madam Speaker. I also observe that GIO Stadium has hosted live music events, most recently Matchbox Twenty and the Goo Goo Dolls. We will continue to host live music. We will continue to host rugby league, rugby union, soccer and other events. Canberrans are not missing out. What we are proposing, as part of our work with the commonwealth government on the rejuvenation of the AIS precinct, is, amongst other things, seeing the arena return, which will allow for more sport and live music in our city. We are working with the commonwealth to rejuvenate that precinct to make a great, new mixed-use precinct for Canberra.

**MR MILLIGAN:** Chief Minister, will you table your letter to the Prime Minister that requested a fifty-fifty partnership for the development of a new stadium and convention centre?

**MR BARR:** Correspondence between the Prime Minister and me will remain correspondence between the Prime Minister and me. The section that you refer to, Mr Milligan, I have publicly released. The content of that is already available.

### **Sport and recreation—swimming pools**

**MS LEE:** My question is to the Minister for Sport and Recreation. On 2 November 2023, a few weeks after announcing Belgravia Leisure was appointed as the new public pool manager in the ACT, a probity audit, which cost more than \$50,000, was conducted to provide assurance that this procurement met the government's own guidelines. FOI documents reveal that an unsuccessful tenderer alerted the procurement team to issues that were overlooked prior to awarding Belgravia the tender. A number of issues were exposed in the process, such as in delegate approvals and record-keeping. These documents also indicate that the audit concluded that there were no material breaches of legislation or evidence of unethical behaviour. However, despite this, you decided not to release the report. Minister, can you identify what records were missing when this procurement decision was being audited?

**MS BERRY:** It is routine to do an audit, I should say. I will have to get advice on the second part of the question. I will take that on notice.

**MS LEE:** Minister, are you concerned that records were missing in this and other procurements? And why should the public believe that there are no material breaches when records were missing?

**MS BERRY:** I will have to take that question on notice. I am just not aware of the detail that Ms Lee is going to.

**MR CAIN:** Minister, why are you refusing to release the probity audit report that was paid for by ACT taxpayers if you have nothing to hide?

**MS BERRY:** I am not sure whether it was a decision of mine. I will take it on notice and check that. Probity investigations happen as a matter of course in government, as is appropriate. I will take on notice, as I did with the other question, the advice I can provide the Assembly.

### **Canberra Hospital—Critical Services Building**

**MR PETTERSSON:** My question is directed to the Minister for Health. Minister, can you provide an update on the new intensive care unit in the Critical Services Building, and the benefit that this will have for the community.

**MS STEPHEN-SMITH:** I thank Minister Pettersson for the question. The new intensive care unit in our \$660 million Canberra Hospital expansion will open in August this year. Intensive care patients and health professionals will be in clinical and patient spaces that have been carefully designed, with their input, to enhance the experiences and support that loved ones receive during challenging times, as well as supporting patients and staff.

The ICU will have an initial larger bed capacity of 48, including four dedicated paediatric spaces, with the capacity to expand to 60 physical beds into the future. Modern state-of-the-art designs will enable teams to implement innovative models of care for their patients needing critical care.

Construction of the Critical Services Building is in the final stages, and currently preparing for operational commissioning with Canberra Health Services. Fit-out and final installation requirements are occurring in key areas that will connect with the new ICU. This is all nearing completion.

High-tech operating theatres have been completed, providing 22 new theatres at Canberra Hospital that will work closely with the ICU to support emergency surgery and high-risk elective operations. New medical imaging equipment such as X-ray, CT and MRI, has been installed, and our new hybrid theatre with medical imaging capabilities is being finalised. These will assist our critical care areas to access state-of-the-art technology to provide treatment and care.

In the ICU in particular, I was very excited to visit recently and to see the outdoor terrace spaces, where patients and their families will be able to go, with patients being able to be supported under cover, enjoying some outdoor weather when the weather is reasonably fine, and to see the physical therapy space that builds on the innovative work that our teams have done about the importance of physical therapy for patients in the ICU.

**MR PETTERSSON:** Minister, what features in the new intensive care unit will further

support high-quality treatment and care for patients and their families?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for his question. What I have been talking about is creating spaces where patients can spend quality time with loved ones safely and privately. Ensuring that the design of the new ICU creates a comfortable and inclusive environment has been a high priority for our teams, bringing together that more than \$660 million Canberra Hospital expansion.

New family zones and visitor lounges will ensure that loved ones have spaces that make it easier to spend time at the hospital in comfort. As I mentioned earlier, two outdoor terraces designed for ICU patients will support all patients, including those who are ventilator-dependent, to have access to those spaces. The northern terrace will also have a dedicated staff courtyard which flows from one of two ICU staff rooms, and the other terrace will have a dedicated family courtyard as well.

Children who need a high level of medical care will be able to be cared for in one of the four paediatric beds. These beds will be able to support care for adult patients, if necessary, when they are not being used for paediatric patients. The new ICU will also feature a multipurpose therapy space, as I talked about, to support early integrated rehabilitation; a pod of 12 beds that can be isolated in the event of infectious diseases; bariatric rooms, with weight-rated equipment; a procedure room to carry out minor procedures not requiring general anaesthesia; and, as I mentioned earlier, the ability to expand ICU to 60 beds as demand grows into the future.

Level 5 of the Critical Services Building will also have a clinical training facility that will provide Canberra Health Services teams with a dedicated clinical environment to practise simulations and training. Canberra Health Services will host community tours of the new Critical Services Building in the coming months, and I encourage those interested to jump onto the web site and take a look.

*Mr Parton interjecting—*

**MADAM SPEAKER:** Mr Parton, silence is golden, I am told.

**DR PATERSON:** Minister, can you please provide an update on the work you are doing to recruit and retain important health professionals who will be working in the new intensive care unit?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the supplementary question. While we continue to grow our health system, we are, of course, working to ensure that our health workforce grows with it. The ICU at Canberra Hospital currently has around 2,500 admissions every year and is staffed by a dedicated team of specially trained medical, nursing and allied health staff. Ensuring we are recruiting and retaining this skill group has been a priority, and continues to be a priority, for the ACT government. We are investing more in our health workforce to attract and retain staff from across the public health system. This includes more support for nursing, midwifery and allied health students, an international recruitment campaign, and 18 dedicated hiring specialists.

I was pleased to see further investment from the federal Labor government in paid

placement support for nursing, midwifery and some allied health students to further bolster workforce supports for our future health workforce. Additional nursing staff have been recruited to supplement the existing workforce that will transfer across into the new ICU. There is a dedicated focus by workforce teams to find the right people to care for our community, and our recruitment campaigns have delivered really promising results already. The ACT government has invested heavily in initiatives that will improve pay and conditions through enterprise agreement negotiations and that will support our health workforce with their wellbeing and professional development. And we have made targeted investments in specific workforce groups, including junior medical officers and radiation therapists and medical imaging staff, to support their training and their wellbeing and competitive wages into the future.

As I mentioned earlier, the Critical Services Building will also have the clinical training facility and that will further support development and ensure that the state-of-the-art facility is an even more attractive place to work and study. We know how important our health workforce is to delivering quality outcomes for the Canberra community, and we are delivering for them.

Again, I encourage everyone here to take the opportunity to go and see the Critical Services Building when it is open to visit.

### **Schools—literacy and numeracy**

**MS LEE:** My question is to the Minister for Education. Minister, I refer to the final report of the Literacy and Numeracy Education Expert Panel. Many of the issues identified in the report have been raised previously in other reports over the last two decades including, but not limited to: the 2005 *National inquiry into the teaching of literacy (Australia)* report; the 2016 *Government school performance in the ACT, analysis paper*; the 2017 Auditor-General's report on *Performance information in ACT public schools*; and the 2018 ANU report, *Academic underperformance in ACT schools: an analysis of ACT school performance in NAPLAN over the period 2012 to 2016*. And the list goes on!

Minister your government has consistently failed to implement the recommendations from these reports. During this time, the ACT education system has been consistently underperforming, especially when it comes to literacy outcomes. Minister, why have you let Canberran families down so badly by ignoring recommendations from numerous expert reports over the last two decades?

**MS BERRY:** I would say our schools are not amongst the most under-performing schools in the country. Our public schools do very well on PISA and PIRLS and other international reviews into school literacy, numeracy and science. So I think you need to take the performance of the school as a whole.

Secondly, on the reports, reviews et cetera that Ms Lee has raised, there is always discussion and argument around different methods of teaching and what should be the most appropriate way of delivering an education in any of our schools.

What I have done through responding to the motion that was brought to the Assembly by Jeremy Hanson, who was the previous education spokesperson, and in agreement

with him, was to put together an expert panel to investigate all of those different models; to get the expert advice—with over 100 reviews referenced in the report and over 290 submissions to the report—to show that we had somehow, in the last five to 10 years, come to a consensus on what was the most appropriate model. That consensus has not existed for many, many years. But I will always listen to the experts, and that is why I put forward a panel with expertise: to do the investigation; to read and research all of the different articles; to reference them in the report; and to provide recommendations to the government on what we can do to improve our schools and support our teachers to deliver the most up-to-date methods of education, and importantly, to make sure we engage with parents and students in that process along the way. I thank the panel members for their contributions, for their recommendations and for the time they spent researching this important process. The feedback I have had from people who have made submissions so far has been very positive.

**MS LEE:** Minister, can you promise Canberran families that you will fully implement all eight recommendations of this latest report, not just accept them “in-principle” as stated in your media release?

**MS BERRY:** I thank Ms Lee for that question because it gives me the chance to provide some clarity on the reason why it is agreed in-principle at this point in time. There will be funding that is required, and there are processes in government that need to be gone through—ERCs, budgets and cabinet—before funding can be appropriated to fund all of the measures that need to be in place. I cannot see that there will be an issue with any of these, but agreement in-principle is that we agree to the recommendations but of course there is a process in government that we need to go through before we can fully agree to them and have them fully funded.

**MS LAWDER:** Minister, will you apologise to Canberra parents and students for failing them by consistently ignoring expert advice which could have addressed the declining literacy outcomes in ACT government schools well before now?

**MS BERRY:** I will thank parents for their contributions to the expert panel and for the work that happens across our school communities with parents, students and teachers to make sure that our kids get the best possible education.

### **Waste—food and garden organics**

**MS CLAY:** My question is to the Minister for City Services. The ACT government had committed to introduce a Canberra-wide household FOGO, or food organics and garden organics, collection and recycling program by 2023. The government has delayed this until 2026 at the earliest as they say they cannot build the in-vessel composting facility while also building the replacement Materials Recovery Facility. Where is the procurement for the FOGO program up to?

**MS CHEYNE:** The ACT government remains committed to building on our circular economy strategies by investing in a large-scale FOGO facility. Ms Clay is right; that is exactly what we have said. But that does not mean that we have not been getting on with progressing the work that needs to be undertaken for a FOGO facility in the future. A request for information inviting feedback and information from industry on a range of technology options and solutions to divert FOGO from landfill was released in late

December 2023, and it closed in February. Feedback has been received from the 10 submissions. That will help inform the request for a proposal for the composting facility.

The FOGO facility also requires the preparation of an environmental impact statement. This was submitted to the planning authority in November last year. The EIS considers all the environmental, social and economic impacts associated with a proposal, ensuring any adverse impacts are avoided, minimised and mitigated. As part of the EIS assessment, it was publicly notified for a period of 30 days. That period commenced in January and it closed in early March. We have engaged with the community on the concept design and on the impacts and mitigations proposed in the draft EIS for the FOGO facility. This included pop-up information sessions which were held across Canberra, particularly in the south of Canberra—in Chisholm, Gowrie and Mawson, together with the Tuggeranong Community Council. We look forward to continuing our progress with this work ahead of the facility being constructed.

**MS CLAY:** When will the request for proposal be issued?

**MS CHEYNE:** I am not going to make an announcement in question time.

**MR BRADDOCK:** What is the total budgeted cost of building this facility?

**MS CHEYNE:** That is not public at this stage. As you can appreciate, when we are tendering for something of this scale, it would not be appropriate to publicly air that.

### **Schools—literacy and numeracy**

**MS LEE:** My question is to the minister for education. Minister, I again refer to the final report of the Literacy and Numeracy Education Expert Panel. Recommendation 5 of the report recommends consistent assessment and diagnostic tools in every school. The report goes on to provide the following implementation advice: “Implement the Australian government’s free year 1 phonics check.” Back in 2017, you dismissed calls to introduce national phonics testing in year 1 and expressed concern that national phonics checks would do little more to identify students who needed support. I sponsored a petition back in 2019 calling for the introduction of national year 1 literacy checks in schools to identify students with reading difficulties, to which you responded:

The ACT Government is concerned that implementing the proposed National Year 1 Phonics Check would provide negligible additional information for teachers, schools and systems to improve early detection, differentiate instruction and support literacy acquisition.

Minister, why have you consistently ignored calls to introduce year 1 phonics testing?

**MS BERRY:** Because that was the advice that I was receiving at the time. That advice has changed, and the expert panel has advised differently. Of course, I have always been consistent regarding data on different diagnoses, how that is used and whether it causes more harm than good.

I am pleased to see that one of the recommendations that the panel has provided is a



change to legislation that makes it hard for others, media outlets included, to create league tables, so we will be considering that change to legislation as well. As I said, I am always listening to the experts. This is a group of experts that researched broadly, not just across the ACT but into New South Wales, the country and internationally, and I have listened to their advice.

**MS LEE:** Minister, will you introduce year 1 phonics checks in ACT government schools this year, given that, in answer to my earlier question, you said that you could not see a problem with implementing the recommendation?

**MS BERRY:** That is right; I cannot. That is why we have agreed in principle to all of the recommendations. We will work through the findings in the report about how it will be implemented, and the government will respond to the report in full in the appropriate time frame.

**MR CAIN:** Minister, will you apologise to those families and children that you have let down by ignoring the advice of experts in relation to phonics testing?

**MS BERRY:** I have not ignored advice. I have continuously, on the record, listened to the expert advice of teaching professionals, school leaders and school principals, the union—

**Mr Cain:** You haven't implemented the advice. You have had poor outcomes for years.

**MS BERRY:** Are you such an expert, Mr Cain?

**Mr Cain:** These are the experts telling you.

**MS BERRY:** Were you a principal, Mr Cain?

**MADAM SPEAKER:** Members!

*Mr Cain interjecting—*

**MADAM SPEAKER:** Mr Cain, you can stop interjecting. Ms Berry, don't encourage him.

**Ms Lee:** A point of order, Madam Speaker: Ms Berry has been engaging in commentary that clearly is a personal reflection on a member, and I ask that you ask her to withdraw.

**MADAM SPEAKER:** I will let both of them resume their seats and be silent, and ask people to have a level of regard in question time for the standing orders. You have a minute left, Ms Berry.

**MS BERRY:** I am on the record, over all of my time as minister for education, as listening to the advice of experts, the teachers union—the Australian Education Union—the P&C council, school principals, professional leaders within our public schools, teachers, students and parents. I will always respond to and act on the expert advice, and I will do so in this case.

**Schools—Monash Primary School**

**MR PARTON:** My question is to the Minister for Education and Youth Affairs. Minister, I have been communicating with your office for a number of years, as have others, passing on the concerns of parents at Monash Primary School regarding the ageing astroturf oval at the school, which has been an issue since 2017. The surface of the oval is very hot in the summer. The artificial surface is breaking up into millions of little pieces that are a hazard.

Following a petition early last year, a proposal was offered to have the drains fixed around the oval and \$350,000 was committed, but there remains no solution on the table for the oval itself. Members of the school community who contacted my office again said that the drainage situation has not progressed past a survey and that the promised resolution in term 2 of 2023 has been and gone. Minister, can you advise what, if anything, will be done to rectify the situation involving the surface of the Monash Primary School sports area?

**MS BERRY:** I will take that question on notice. If I can provide information to the Assembly on that matter, I will.

**MR PARTON:** Minister, why is this situation taking so long to remedy, despite the petition and the continual concerns raised by parents and the promises made by government?

**MS BERRY:** I refer the member to my previous answer.

**MS LAWDER:** Minister, why does your government continually ignore the needs of schoolchildren across Tuggeranong?

**MS BERRY:** We do not. I reject the premise of that question. I have said that I will seek information, and I will.

**Building and construction industry—regulatory impact**

**MR PARTON:** Madam Speaker, my question is to the Minister for Sustainable Building and Construction.

Minister, according to a submission by the ACT government into the Assembly's inquiry into micro, small, and medium businesses in the ACT, there have been 58 construction industry insolvencies between July of 2023 and April of this year.

In 2023, your government introduced approximately 125 pieces of legislation or regulation that impacted the building industry—around one new regulation every three days! The regulatory environment pursued by the government has resulted in a 13.3 per cent rise in the construction cost of a house—over three times more than the national increase.

Minister, why is your government continuing to increase the regulatory burden on the construction industry when it is having such a negative impact on housing affordability

and potentially leading to insolvencies?

**MS VASSAROTTI:** Thank you, Mr Parton, for the question.

In relation to the regulatory and reform work that we have been doing in the building area, it has been very clearly stated as reform that we are doing in terms of improving building quality, improving consumer protection and improving community confidence around the building and construction industry here in the ACT.

The work that we have been doing in this reform area has been well articulated. It was a clear expectation, with both parties of government going to the last election with a really clear program of reform in the building area. This is reform that we have been rolling out in close consultation with the industry, to ensure that we are getting to a point of introducing regulation that is workable, useful and delivers on those policy outcomes.

There have been key pieces of reform in terms of accountability of professionals who are working within the construction industry, from a long promised initiative around the professional engineers registration scheme to a property developer licensing scheme.

We have also been doing work that fits in federally in relation to improvements to the National Construction Code, to ensure that buildings that are being provided are fit for purpose and actually meet community expectations, particularly in relation to energy efficiency and accessibility. This will ensure that the costs over the long-term actually are reduced and we have buildings that remain fit-for-purpose, particularly as community needs change.

**MR PARTON:** Minister, why will you not admit that the regulatory conditions created by your government have contributed to the failure of dozens of construction companies across the ACT?

**MS VASSAROTTI:** Thank you to the member for the question. We have been really clear: the reform we have been delivering has been in terms of ensuring that our building and construction industry is meeting community expectations on building quality. We have seen with issues of building quality in the past is that the cost both to industry and the community as a whole of buildings that are built that are not of appropriate quality are significant. We know that if we actually look at finding defects in the design area, there is a difference in cost to address—\$1 in the design phase, compared to \$10 in the construction phase and \$100 in rectification when it is operation.

All reforms are around building quality and ensuring that the costs both to industry and the community over the longer term are actually lower. I reject the premise that we are putting in place regulations that cause significant and unrealistic cost to the industry.

Again, as I have said previously, the design of these regulatory changes has been done in consultation with industry.

**MR COCKS:** Minister, can you assure Canberra's construction industry that there will soon be an end to the avalanche of regulatory changes and allow them to get on with

their job of building things for Canberra?

**MS VASSAROTTI:** The reality is that building and construction is an area where there are always evolutions and changes in terms of technology changes. The National Construction Code is designed in a way that there iterative changes to the code over a period of time. This is something that is done with industry. I also point to the fact that we have industry asking us for regulatory change in areas such as trade licensing, which is an area that we have commenced work on.

Like all industries, this industry is emerging; we have new challenges in terms of changing technology around AI and around new modular and prefabrication technologies. There is a lot of change in this industry. My commitment is around working with the industry, listening to the industry in terms of the changes that they see as appropriate. There are quite a number of instances on the books where industry is asking for some change, and we will continue to work with them in relation to that, and that is my commitment. We have always had a very strong relationship with industry in terms of the reform work that we are doing, and that will continue.

### **ACT State Emergency Service—Gungahlin**

**MR MILLIGAN:** My question to the Minister for Police and Emergency Services. Minister, the Gungahlin unit of the SES was moved out of the JESC recently, and it looks as if the decision has been made to make this permanent, with a required co-location to the Belconnen SES. It is a move that shows to the Yerrabi community a lack of commitment by this government for the provision of emergency services.

The commitments made in the ESA volunteer charter suggest that volunteers should be consulted in any changes to be made to units and locations. What consultation was had with the SES Volunteers Association before the move was planned?

**MR GENTLEMAN:** I thank Mr Milligan for the question. It is important that we engage with our volunteers as we move forward in providing accommodation. Engagement was had between ESA and the volunteers in the work around the JESC and in the provisions of new opportunities at Mitchell. Indeed, volunteers visited the Mitchell site just last week, and they are very pleased with the new outcome. We hope to have them moving into it in the not-too-distant future.

**MR MILLIGAN:** Minister, would you consider the co-location of SES in the demountable, or similar—with the RFS at the back of the JESC property—to ensure the full scope of emergency services in Yerrabi, as an option?

**MR GENTLEMAN:** Whilst we are doing work on the JESC, as I iterated earlier on in my speech to Mr Milligan's motion, we have re-located to portable opportunities for some of the volunteers. And we have been engaged with the volunteers during all of this process whilst we do the work on the JESC, and then complete the work that is needed at the Mitchell site.

**MS CASTLEY:** Minister, what commitment will you make to the ACT SES Volunteers Association that you will meet with them to discuss their location, either interim or permanent within the Gungahlin area?

**MR GENTLEMAN:** I meet with our volunteers on a regular basis. I think I am the only minister in Australia that meets regularly with our volunteer associations. They have said to me that they do appreciate the communications that we have. I regularly get updates from the volunteer association, and always look forward to their generous volunteering work and the commitment they have to the ACT community.

### **Vocational education and training—Canberra Institute of Technology**

**DR PATERSON:** My question is to the Minister for Skills and Training. Minister, how is the ACT government working with the Albanese Labor government to invest in the critical skills of the future at CIT?

**MR STEEL:** I thank Dr Paterson for her question. I am very pleased to inform the Assembly that the Albanese Labor government has chosen the ACT to be the first jurisdiction in the country to establish a TAFE Centre of Excellence under the National Skills Agreement struck last year. This new centre of excellence will focus on electric vehicles, developing innovative world-class training for a growing and future EV workforce. It will be supported by \$27.4 million in funding from both the Australian government and also the ACT government. Through this investment we will develop new diploma and degree apprenticeship pathways to support developing, operating and maintaining electric vehicles and supported technology. Our new Centre of Excellence in the ACT will also develop training for mechanics, technicians and developers of light and heavy vehicles, mobile plant technology, hydrogen fuel cell vehicles, and charging infrastructure. The ACT has been at the forefront of the training sector when it comes to training and skills in the electric vehicle space. I look forward to working with the Australian government to make sure that it continues; to make sure we skill up both local trades and the trades around the nation.

**DR PATERSON:** How does this announcement build on ACT Labor's commitment to skills and training over this term of government?

**MR STEEL:** I thank the member for the supplementary. Madam Speaker, you, the Chief Minister and I made a commitment at the last election to upskill all of our existing workers at Transport Canberra to make sure none of them were left behind. A commitment that those mechanics would get the training they need to support the electric bus transition to which we are so committed. This commitment has spawned a significant program of training and skills uplift that has been delivered by CIT over this parliamentary term. It is now a nation-leading centre of excellence delivering these skills, not just to bus drivers but to people locally and around the nation. We recognise the changes that we must make in our energy transition presents challenges and opportunities to consider the workforce. We will need to make sure we support our workforce as we transition away from gas; support the uptake of electric vehicles; and invest in renewable energy. To this end, we have been investing in the design of a new future energy skills hub at CIT, which will incorporate the Electric Vehicle Centre of Excellence, and support the broader transition when it comes to training, particularly around electro-technology. We have, of course, also been investing in fee-free TAFE places that are supporting many Canberrans to access quality training through CIT for the types of qualifications that will drive the jobs of the future. Investing in public TAFE is what a government does; it is what Labor governments do; and I look forward to

continuing this work through the new centre of excellence.

**MS ORR:** Minister, why is it so significant that the Australian government has chosen the ACT to be home to the country's first TAFE centre of excellence?

**MR STEEL:** I thank Ms Orr for her question. It is very significant that the Australian government has chosen the ACT to be the very first jurisdiction to partner with them to deliver a TAFE centre of excellence. It is what happens when you have a government that is at the forefront of, and tackling, the changes that are facing our economy, and the changes that are occurring in relation to climate change. It represents trust and support for our capacity to lead the nation in this important area of skills and training, and recognises the important relationship that our VET sector has with our established research sector here in the ACT. This partnership will include the Australian National University.

The Australian government will also be providing additional funding to fast track the delivery of the centre of excellence. Because the ACT has been such a leader in this space for so long, it was clear to them that we were the best place to establish the first centre of excellence. As we have undertaken a significant amount already, we can leverage our experience, invest in new facilities, and partner with industry and our research sector to provide leadership to the nation on EV skills, information sharing, industry best practice sharing and resource development. This is the sort of thing that happens when you have a progressive government that accepts the science and is leading the nation in responding to climate change. As we heard yesterday, the opposition reject the science and reject the climate emergency. This type of investment would never happen if they were in government!

### **Hospitals—North Canberra Hospital**

**MS CASTLEY:** My question is to the Minister for Health.

Minister, I refer to the mock accreditation review of North Canberra Hospital in November, which found that the hospital would not have passed without a range of recommendations related to the acquisition, the Digital Health Record, facilities and care. I also refer to the brief to you on this which explicitly stated that the hospital's acquisition had significantly changed several systems, processes and supporting structures that served as the foundation of a robust clinical governance system. Minister, isn't this precisely what the Canberra Liberals warned would result from a rushed, compulsory takeover of Calvary—particularly that staff departures would impact clinical care? What were the conditions attached to the hospital's snap accreditation standards review in February?

**MS STEPHEN-SMITH:** Yes, there were some challenges identified in the mock accreditations. That is why you do mock accreditation—so that you can understand what needs to be remedied and why the accreditation process is now an ongoing one with short-notice visits. I am very pleased to inform the Assembly that the accreditation visit that did occur found that North Canberra Hospital was meeting all standards and made five recommendations, across hundreds of standards. The staff did an incredible job.

To go to Ms Castley's question about the acquisition, we always said that it would take 12 months to fully complete the acquisition. In fact, it has been done much more quickly than that. The acquisition took place on 3 July last year, and all of the services have now transitioned from—

**Ms Lee:** Point of order, Madam Speaker. Ms Castley's question was very clearly: what were the conditions attached to the hospital's snap accreditation review in February? I ask that the minister get to that point.

**MADAM SPEAKER:** The minister is on the subject, but she has a minute left.

**MS STEPHEN-SMITH:** I do not have the recommendations in front of me, but what I can say is that they are not conditions; they are recommendations that need to be addressed, and there will be another visit from the surveyors in June.

**Ms Castley:** A point of order on relevance. It wasn't on the recommendations as a result of the accreditation review. It was: what were the conditions attached to the decision to make that snap accreditation review?

**MADAM SPEAKER:** I think the minister answered that in the first point to prepare for accreditation. I hope I have not verbed you, Minister.

**MS STEPHEN-SMITH:** In that case, I do not understand Ms Castley's question. I am completely unable to answer it, because it does not make any sense in the context of accreditation.

**MS CASTLEY:** Minister, will you now acknowledge that pushing on with the compulsory takeover of Calvary regardless, saying "speed means certainty", has come at considerable cost to clinical care?

**MS STEPHEN-SMITH:** No; I think the excellent outcome from accreditation has proved exactly the opposite—that this decision to move as quickly as possible while maintaining clinical safety has proved to be the right decision. I have received incredibly positive feedback from staff at both North Canberra Hospital and Clare Holland House about the certainty that they now have and the system within which they are now working.

The accreditation outcome that has been achieved by North Canberra Hospital is fantastic. It is not at all unusual for recommendations to be made by surveyors during an accreditation process. To come out of that survey with only five recommendation and no "not mets" is a very, very positive endorsement of all of the staff at North Canberra Hospital and the incredible work that has been done by the team throughout the transition.

As I was saying before Ms Lee took her point of order earlier, we always said that the transition would take 12 months. It has in fact been completed much more quickly than that. That is an absolute credit to the committed staff at North Canberra Hospital, across Canberra Health Services and in the ACT Health Directorate, who have supported this transition process. The staff there deliver excellent care, and they now do that as part of an integrated public hospital system. That has been demonstrated through the

accreditation process.

**MR COCKS:** Minister, will you table attachment A to your brief on this mock accreditation review, which I understand provides an overview of concerns as well as the results and recommendations of the snap accreditation review in February?

**MS STEPHEN-SMITH:** I will have to check whether there is anything that needs to be redacted in that attachment before tabling it. I will endeavour to get that done today. I am happy to do that. Because it is not standard practice for the opposition to seek attachments when they FOI briefs, I am pretty sure that it is not that it was not provided as part of the FOI; it is that it was not sought. So I am happy to do that.

### **Government—responses to questions on notice**

**MR BRADDOCK:** My question is to the Chief Minister. I refer to the Australian parliament's inquiry into fostering and promoting the significance of Australia's national capital. Senator David Pocock made reference to questions that remained unanswered by the ACT government, despite follow-up in March. Chief Minister, why did the ACT government not respond comprehensively to questions on notice asked during this federal parliament inquiry into our great city?

**MR BARR:** I thank Mr Braddock for the question. The ACT government did provide a submission to the inquiry. Officials attended the inquiry and took five questions on notice. Those questions were responded to through the questions on notice process and provided to the committee.

Subsequent to the hearings, a member of the committee then provided a further 31 questions. Those questions were outside the scope of the terms of reference of the committee, and preparing the responses would have required the ACT government to divert a significant amount of time and resources. I advised the committee that a number of the questions could be answered via publicly available sources, such as annual reports, ACT government directorate websites and budget publications.

The committee then agreed with that and reduced the number of questions to 11, so more than half of the questions that were asked were outside the scope of the terms of reference of the committee. I can advise Mr Braddock that these questions, the remaining 11, have been responded to and provided to the committee.

**MADAM SPEAKER:** Mr Braddock?

**MR BRADDOCK:** Thank you. That fully answers the question. I have no further questions on that.

### **Animals—dog parks**

**MISS NUTTALL:** Madam Speaker, my question is to the Minister for City Services. Minister, the ABS estimates the latest ACT population as 469,194, with 2.1 per cent annual growth. Correspondingly, as we can expect with an increasing population, more and more people are becoming dog owners. Does the minister agree that the number of dog parks in the ACT is currently insufficient to cater to the existing number of dogs?



**MS CHEYNE:** No, I do not. I think the ACT government has a proud history of considering the population, the demands from the community and the growth of our suburbs. Miss Nuttall would be aware that there are two dog parks being constructed this year. One is at Franklin; that construction is underway. At Lanyon—and I know, Madam Speaker, that you are particularly interested in this—the design is being finalised and construction is expected to begin midyear.

**Ms Lawder:** Must be an election year!

**MS CHEYNE:** As we have heard from Ms Lawder, everyone will be pleased to see that get underway. The finalisation of design and development approvals for that has taken longer than expected, due to requirements for lease adjustments. I appreciate that several people in the community have been wondering about that.

The assessment of where new dog parks go is informed by a number of factors. As I said, the need for a new dog park is based on user demand, community feedback and distribution across the ACT. We have delivered a number of new dog parks and we have upgraded dog parks further. Regarding the siting of dog parks, this is complicated. There are many considerations that need to be taken into account, including availability of land, land use, zoning, proximity to adjacent residents, and other uses. I note that we have an extraordinarily large number of off-leash dog spaces that are not dog parks but are certainly very valued by our two-legged and four-legged friends.

**MISS NUTTALL:** Would the ACT government commit to transparently undertaking a capacity gap audit of dog parks in the ACT?

**MS CHEYNE:** I think that is asking me to make a commitment. I will say that the ACT government makes available an extraordinary amount of data in a transparent way. That includes in relation to dog parks. I have spent more time than I care to admit on the ACTmapi website, and I encourage members to get across it. There is plenty of fantastic information, including about our ecology and including about dog parks and off-leash spaces in the ACT. That is undergoing a review.

I know that there are members who have an interest in Kingston in particular and a historical area there that does need to be updated, where Kingston residents wish to exercise their dogs. We will be sharing information on that very soon, with the completion of that update, which requires the instrument to be re-notified once that comprehensive work has been completed. I am not sure that we can be any more transparent, because you can see on a map all of the dog parks and dog exercise spaces in the ACT currently and planned.

**DR PATERSON:** Minister, does the ACT support the ABS collecting pet information for households in the census?

**MS CHEYNE:** That is a good question, Dr Paterson. I understand that the ABS is considering this. Thanks to Minister Steel for assisting me there. This is a great opportunity to spruik pet registration. The update to the digital account is coming, and I certainly look forward to engaging with that. We will be making an announcement about that in due course.

I think the more evidence that we can collect, whether it is the ABS or the ACT government, assists us. It assists with making decisions about where we put our investment. It helps us to capture exactly what are the dog ownership statistics in the ACT. We know that plenty of people have not yet registered their dog. We know that there are more dogs in the ACT than we have the data on. The more evidence that we have helps us to create better policy decisions. I encourage everyone here who owns a dog or dogs—I know there are several of us—to get involved in the new update that links to the digital account in registering their dog.

### **Hawker—playing fields**

**MR CAIN:** My question is to the Minister for Sport and Recreation. Minister, I refer to an article in *CityNews* of 17 April this year—

**Ms Berry:** I don't read *CityNews*.

**MR CAIN:** You should read it all the time; it has some good commentary for you—discussing the promise of funding for necessary facilities at Hawker playing fields. At the moment, the Belsouth Football Club is at the risk of folding or merging because work has not commenced. The club is left to house many of their facilities in shipping containers. Minister, I also refer an interview on ABC Radio in April this year when you said, “We don't make promises we can't deliver on.” Minister, why have you left Belsouth Football Club and Hawker residents with poor facilities for so long? You are clearly not planning to deliver anything for them.

**MS BERRY:** Whilst I reject the tone and delivery of the question from Mr Cain, I can say that my office in Sport and Recreation has been in regular contact with Belsouth to talk about the delivery of the election promises that were made to Belsouth and the upgrades to Hawker sports fields. That election commitment was made in 2020, and of course it does not all happen in one year, but work is commencing—

**Mr Cain:** In 2020—that's four years.

**MS BERRY:** Within the government term; in the four years of government. Not everything can be budgeted to happen in the first year, and I am sure that members understand that that is how election commitments work. We have worked through it with the Hawker user groups and with Belsouth. They are having new toilets, which will be delivered to address requirements for users of that space. There are two new changerooms being installed, which will be located on the side of field 101, near the existing pavilion, and two new changerooms will be located north of field 103, which will include one officials room and one toilet. Final designs are being prepared and construction is set to commence very soon. Accessible car parking requirements are also being considered with these upgrades as part of the car park improvements. The supply and installation of two new water refill stations, located at the current amenities block and the apron of the new changerooms located at the northern end of 103, will be provided in mid-2024. As I said, my office is in regular contact and is available to talk with the Belsouth— (*Time expired.*)

**MR CAIN:** Minister, since promising these upgrades in 2020, why have you let this

wonderful football community continue to exist out of shipping containers for so long?

**MS BERRY:** I do not think that is true at all. I visit the Hawker playing fields quite regularly, and shipping containers are actually very acceptable and welcome at sports fields for storage because they are cheap, they are transportable, and they can be used for multiple purposes. I know Mr Parton has spent some time at Gordon playing fields, as have you, Madam Speaker. There are shipping containers out there that have been gratefully received by the sports community in Gordon. There are more shipping containers to come because sports groups find that the use of shipping containers—for storage, canteens, toilets and changerooms—is actually a really good option for sports to utilise. I know, of course, that there are bigger aspirations for Belsouth at Hawker playing fields, and we will continue to work with them on what those aspirations are, as I do with all sports across the ACT.

As the Minister for Sport and Recreation, I have the great privilege of working across a range of sports facilities, and I meet regularly with all the groups to ensure that we can meet the needs of each individual sporting group as much as we possibly can, knowing that, for each sporting group, their individual field and sport are most important to them. I try to meet their aspirations and goals as much as I possibly can. I am always open to conversations. I am always listening to everybody about what their needs are, being responsible about what we can possibly deliver, and then delivering it within the time frame that we committed to.

**MR MILLIGAN:** Minister, why is it taking you so long to make a commitment to build this infrastructure for Belsouth Football Club? And is there any guarantee that this will be completed before the start of the next season?

**MS BERRY:** As I said, we are working closely. It may have been that the commitment from the government to deliver on these election commitments within the term of government might have been misunderstood. I am sorry that that is the case, but definitely with election—

*Opposition members interjecting—*

**MS BERRY:** When are you going to deliver all your commitments—within the first year, if you ever get into government? It is just not the case. Thank goodness Ms Lee is not in charge of the budget, because we would be broke after the first year of the government. Election commitments are delivered within the term of government. That is the commitment that is made and that is the commitment that the ACT government will be delivering on.

*Opposition members interjecting—*

**MS BERRY:** Madam Speaker, I do not know why I should have to yell for you to hear me over the voices of those interjecting on the other side, but I will say this again: my office works closely with Belsouth. We will continue to do that and we will continue to ensure that the needs of all our sports across the city are met and that we can, where possible, meet the aspirations of each individual club.

## **Roads—Gundaroo Drive**

**MS ORR:** My question is to the Minister for Community Services. Minister, can you please share with the Assembly how work is progressing on the final stage of the duplication of Gundaroo Drive.

**MS CHEYNE:** We have delivered those two stages of duplication on Gundaroo Drive, and work is progressing at pace on a third and final stage between Barton Highway and Ginninderra Drive. With significantly higher than average rainfall over the summer—and since the project’s commencement, in fact—flooding in the creek has impacted the completion of bridgeworks in the last section of the project between Chuculba Crescent and Baldwin Drive.

While the northbound bridge is complete, the southbound bridge works and construction of a new intersection at Owen Dixon Drive are continuing. Shortly, a new left-turn lane from Chuculba Crescent onto Gundaroo Drive will open to traffic, as well as two underpasses and a section of the southbound shared path for pedestrians and cyclists. This will allow the removal of some temporary traffic lights, speeding up travel times for vehicles. I look forward to the expected opening of four lanes along the length of Gundaroo Drive and to switching on the traffic lights at the Owen Dixon Drive intersection later this year.

**MS ORR:** I have a supplementary question. Minister, with the duplicated road expected to open later this year, what will be the speed limit along the upgraded length of Gundaroo Drive?

**MS CHEYNE:** I am pleased to share—as I did on Facebook, earlier this week—that the speed limit along the length of the duplicated Gundaroo Drive will be 80 kilometres per hour. We have been trialling a 60 kilometre per hour speed limit through the completed sections of the duplication project in addition to those lower speed limits throughout the construction phase. Now, with much of the works completed, we have been monitoring the lower speed limit to determine its long-term suitability. Based on advice from my directorate, we have determined that the completed sections meet the safe design limit of 80 kilometres an hour that exists on Gundaroo Drive north of Barton Highway, so that limit will be restored along the whole route.

A low-noise road surface has been used on this project to reduce noise for local residents, and we will undertake further monitoring once the project is fully complete to consider if additional noise mitigations are required. The limit is being reinstated on the completed sections of the upgrade this week, and I have seen already—at least as of this morning—that several signs have been updated to say 80 kilometres an hour, and that is the speed limit where those signs are in place. I remind the community that reduced speed limits remain in place in sections still under construction, and that is about keeping our vulnerable workers safe.

**MR PETTERSSON:** I have a supplementary question. Minister, how is work progressing on our major projects as part of the ACT Labor government’s significant program of investment in road infrastructure?

**MS CHEYNE:** Work is progressing at pace across the city. In Molonglo a major milestone will be reached this weekend on the new bridge, with traffic switching onto

a realigned Coppins Crossing to create space for the new bridge's abutments. I also welcome the commonwealth's commitment this week of \$675,000 to plan the future Molonglo east-west arterial road, and for upgrades to roads in Gungahlin. Last week I was pleased to announce consultation commencing on the preliminary design for the Athllon Drive duplication in Tuggeranong, and I look forward to works commencing on that project following the completion of design works.

A section of Sulwood Drive in Kambah is also closed as we deliver a safer signalised intersection, which will improve access to Mount Taylor reserve. Work on a new shared path will start later this year. Construction is also forging ahead on the Monaro Highway upgrade, with Beltana Road improvements and intersection upgrades across the city as we build that better infrastructure. I commend the previous minister, particularly on his drive, in the south side of Canberra, to deliver these major projects that make travel through and around our city easier, giving better access to some of our very valuable spaces.

Finally, I cannot complete this answer without speaking about William Hovell Drive. We very much welcome the \$27 million injection of funding from the commonwealth government and look forward to construction commencing as soon as possible once we receive those environmental approvals, which are on track. We look forward to hearing from the federal government soon.

**Mr Barr:** Further questions can be placed on the notice paper, thank you, Madam Speaker.

## **Supplementary answers to questions without notice**

### **Hawker—playing fields**

**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) (3.08): Further to my response about Hawker playing fields, I want to add that I understand that TCCS representatives met with Belsouth Football Club on 24 April to discuss the capital works program.

The procurement phase for upgrading the existing sportsground lighting across fields 101 and 102 will be upgraded to LED lighting. That means it will be suitable for match play. Additional upgrades to lighting, including the installation of LEDs in the sportsground lighting systems on field 103, will accommodate semi-professional match play. Construction of these lighting upgrades is set to commence from mid-2024. New toilets will be delivered to address all the requirements needed for users of and spectators at the sportsground. All of this construction work is set to be completed by September.

### **Sport and recreation—swimming pools**

**MS BERRY:** I also have some information I can provide with regard to the question on Belgravia—the audit that was conducted and the FOI. The audit was undertaken within ACT Property Group. As I said earlier, it is a standard process for an internal

review of tenders of this size. Additionally, as I said, it is not me that makes the decision on the release of freedom of information; it is the delegate or decision-maker for freedom of information requests. This person sits within the Property Group and provides the requested information to the applicant of the FOI, where they are able to, under the Freedom of Information Act.

On Mr Cain's point about the release of the audit report, again, the release or otherwise of this report is part of the FOI request. It is a decision for the delegate, not me, and within the delegate's ability as per the Freedom of Information Act. Of course, members are welcome to request a review of the decision by the Ombudsman or ACAT, as per the letter that Ms Lee received as part of the response to the FOI request.

### **Housing ACT—maintenance**

**MS BERRY:** Yesterday I got a question from Ms Lawder and, on reflection, after rereading it again, I realised that I misheard Ms Lawder's question. I want to clarify my response about whether Housing ACT programs and prioritises planned works over responsive repairs. While both planned works and responsive repairs are managed through the Total Facilities Management agreement, these are two different categories of work. One is not prioritised over the other.

Responsive repairs are addressed according to the level of urgency. "Urgent" is fixed within four hours; "priority" is the next day or fixed by 6 pm the next day; the next priority is fixed within five days; and normal repairs are fixed within 20 days. Planned works are scheduled based on the data that we have about asset life stage and feedback from tenants about issues that might have come up in their homes, such as gutter repairs or painting, which is technically planned works. In fact, Housing ACT has recently completed its latest property condition assessment program, which provides most of the data that we need for planning the delivery of capital upgrades.

The government is unwavering in its commitment to the comfort and safety of public housing tenants, and we will continue to work to make sure that our tenants have the same comfort in life as the rest of us should have.

**Ms Lawder:** Madam Speaker, during question time Ms Berry made some comments about Mr Cain being a principal. I think this was a deliberate attempt to try to make a slur on Mr Cain, given previous comments made by Minister Cheyne which you ruled on. I think they are trying to spread some doubt that Mr Cain was ever a principal. We know he was a principal on different occasions. I am not sure why they keep referring to it when you have previously ruled on this matter. Why don't they talk about it outside the chamber, if they are so convinced that this is the case?

**MADAM SPEAKER:** Thank you. I will let it stand. It is clear that this matter has been raised before. It is also clear that Mr Cain does have a history of being a principal. Again, whether it is this matter or other matters, from both sides of the chamber, can we reflect not only on the standing orders but also the expectations that communities have of us all to behave in an appropriate and respectful manner.

**Ms Berry:** Madam Speaker, can I just respond to the question with regard to Mr Cain and that I was saying that he was a school principal?

**MADAM SPEAKER:** I thought the matter had been resolved.

**Ms Berry:** That is okay. I will leave it with you.

## Papers

**Mr Gentleman** presented the following papers:

Bimberi Youth Justice Centre—Bimberi Headline Indicators Report—May 2024, including a statement, dated May 2024.

Election Commitments Costing Act, pursuant to section 7—Guidelines for Costing Election Commitments—2024—dated May 2024.

Freedom of Information Act, section 95—Freedom of Information (Accessibility of Government Information) Statement 2024 (No 1)—Notifiable Instrument NI2024-242, dated 14 May 2024.

Government Procurement Act, pursuant to section 8 (3)(b)—Government Procurement Board—Direction, letter to the Chair, Government Procurement Board from the Special Minister of State, dated 30 April 2024.

Motor Accident Injuries Act, pursuant to section 493—Three-Year Review Report—

Report, dated May 2024.

Motor Accident Injuries Commission Response, dated May 2024.

Payroll Tax—General Practitioners—Impact—Assembly Resolution of 13 September 2023—Government response, dated May 2024.

Planning Act, pursuant to subsection 268(2)—Statement of Leases Granted—1 January to 31 March 2024, dated May 2024.

Public housing—Minimum energy efficiency standard—Proposed upgrade—Assembly resolution of 29 November 2023—Government response, dated May 2024.

Rail connection between Sydney and Canberra—Improvement—Assembly Resolution of 28 November 2023—Government responses—Correspondence, including National Capital Investment Framework proposal, dated May 2024.

Remuneration Tribunal Act, pursuant to section 10—

Full-time Statutory Office Holders—

Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 3 of 2024, dated 24 April 2024.

Chief Executive Officer, City Renewal Authority and Chief Executive Officer, Suburban Land Agency—Determination 4 of 2024, dated 24 April 2024.

Determination 2 of 2024, dated 24 April 2024.

Head of Service—Directors-General and Executives—Determination 1 of 2024, dated 24 April 2024.

Members of the ACT Legislative Assembly—Determination 5 of 2024, dated 24 April 2024.

Part-time Public Office Holder—Chair, Deputy Chair and Members, Ministerial Advisory Council for Veterans and their Families, Part-time Public Office Holder—Chair, Deputy Chair and Members, Aboriginal and Torres Strait Islander Art Space Reference Group and Part-time Public Office Holder—Chair, Deputy Chair and Members, Ministerial Advisory Council on Women—Determination 6 of 2024, dated 24 April 2024.

Waramanga—Street naming conventions—Assembly resolution of 12 September 2023—Government response, dated May 2024.

## Crimes (Sentencing) Amendment Bill 2024

Debate resumed from 20 March 2024, on motion by **Dr Paterson**:

That this bill be agreed to in principle.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.13): The government will support the Crimes (Sentencing) Amendment Bill 2024, which Dr Paterson introduced in the Assembly on 20 March this year. This bill amends the Crimes (Sentencing) Act 2005 by inserting a new section, section 34AA, which provides the court with the discretion to consider a submission made by a party to the proceedings stating the sentence or range of sentence the parties consider appropriate for the court to impose. This amendment will provide for the defence and the prosecution to make this kind of submission, referred to in the supporting material for the bill as a “sentencing submission”.

As stated in the bill’s introductory speech and explanatory statement, the purpose of the bill is to override the decision of the High Court in *Barbaro v The Queen*. To date, only Queensland has sought to overturn *Barbaro* with a statute. The explanatory statement for the bill states that Dr Paterson has consulted with the Queensland Attorney-General on the proposal and was advised there had been no negative consequences as a result of this approach.

Some stakeholders in the criminal justice sector have suggested that the changes proposed in the bill are unnecessary. I acknowledge that the government has considered this change previously and determined not to progress such an amendment on the basis that the High Court’s decision in *Barbaro* had not led to an increase in appeals in the ACT. In supporting this bill, the government recognises that some stakeholders do support the change.

The government supports the bill on the basis that allowing the prosecution to make a sentencing submission to the court about the appropriate sentencing range may assist with achieving earlier finality in criminal proceedings; assisting victims of crime to feel a stronger sense of empowerment around the criminal justice process; reducing disempowering experiences for victim-survivors; and providing psychological benefits to individual victim-survivors and complainants in the context of the sentencing process. The government also supports the bill on the basis of its alignment with other initiatives to improve the experience of victim-survivors and complainants in the justice system. Noting the divergent views regarding the need for the amendments, the government will monitor its operation and any impacts which manifest.

The ACT government is undertaking work in this space across a range of fronts. For example, in 2023 the ACT was selected by the commonwealth government, following a competitive merit-based assessment process, to pilot one of three specialised and trauma-informed legal services across Australia. The new pilot service will provide victim-survivors of sexual violence with trauma-informed services, including legal advice and representation to support their engagement in the criminal justice system and with related legal issues. These services will be provided by the Women’s Legal Centre and Victim Support ACT. This bill aligns with this work to improve the



experience of victim-survivors and complainants and reduce the impact of re-traumatisation.

As a further example of the government's commitment to reforms in this area of law, in November 2023 I introduced the Sexual, Family and Personal Violence Legislation Amendment Bill 2023, which will support an improved experience of the court system for victim-survivors of sexual, family and personal violence. The changes in that bill, which is currently before the Assembly, include neutral bail presumptions for certain sexual offences—such as third-degree sexual assault, incest, use of a child to produce exploitation material and grooming and depraving young people—and streamlining court procedures related to family violence and/or personal violence orders.

In conclusion, I acknowledge Dr Paterson's commitment to supporting victims of crime, and that through this legislation she aims to improve how victim-survivors experience the sentencing process and our justice system. I look forward to working collaboratively with Assembly colleagues in all parties and with key community stakeholders in our ongoing work in this important area of reform.

**MR CAIN** (Ginninderra) (3.18): The Canberra Liberals will be supporting the Crimes (Sentencing) Amendment Bill 2024. As members would be aware—or partly aware at least by now—the ACT currently does not allow for sentencing submissions for all parties to be used in criminal trials. Sentencing submissions cover the range of considerations a judge or jury should consider in delivering an outcome of a criminal proceedings as well as the appropriate length of the sentence. Both the defendant and the prosecution would be permitted under this bill to make this submission.

As the Attorney-General has mentioned, a 2014 ruling by the High Court in *Barbaro v The Queen* set a legal precedent to proscribe sentencing submissions by the prosecution in criminal proceedings. I note that the Sexual Assault Prevention and Response Reform Program Steering Committee made a recommendation in December 2021 recommending the reintroduction of sentencing submissions. The committee found that the absence of these submissions led to an unnecessary increase in appeals, thus negatively impacting victim-survivors.

As Dr Paterson is aware, Queensland successfully legislated in 2016 for the introduction of sentencing submissions, which meant that the *Barbaro* decision was no longer binding in Queensland. The policy is marketed as likely to increase the voice and representation of victims in proceedings, while reducing the inadequacy of sentences by expanding the range of legal options for the defence and prosecution expressed in reaching an outcome for a trial. I agree that the more information and data at the judge's disposal, the higher the likelihood of making a more informed decision on sentences—one that meets community expectations.

As I said at the start, we will be supporting this bill. I appreciate the briefing provided by Dr Paterson's office in April this year.

**MS LEE** (Kurrajong—Leader of the Opposition) (3.20): I thank Dr Paterson for bringing this bill, the Crimes (Sentencing) Amendment Bill 2024, to the Assembly. As fate would have it, I ran into Dr Paterson at the members' entrance to the Assembly on the day that she was presenting it and we had a very brief but informal chat, as we tend

to do. Whilst it was only a brief chat along the corridor, it gave me a chance to reflect on her purpose and why she was bringing forward this bill.

I understand that it arose as a recommendation from the Sexual Assault Prevention and Response Reform Program Steering Committee. I also acknowledge Dr Paterson's ongoing commitment to the work that has been done and continues to be done by that committee. I note that she has been very active in making sure that we all work together to make sure that victim-survivors have confidence in our criminal justice system, first and foremost, and that we are not unnecessarily, as a jurisdiction and as a society, re-traumatising them as they go through that process.

The bill seeks to permit sentencing submissions from all parties to criminal proceedings. As Mr Cain has stated, the current situation in the ACT is that that is not the case. The reason for this is the 2014 High Court case of *Barbaro v The Queen*, which set a legal precedent to proscribe sentencing submissions by the prosecution in criminal proceedings. It is important to look at this not just in isolation but also in the context, especially now, of what the community have clearly and loudly said about what they expect from the criminal justice system. This is particularly the case with the very brave victim-survivors, who not only have found the courage to report—which we know statistically is incredibly difficult—but also have gone through a court process to get to a point of sentencing and feel that they no longer have any role. Technically, it is of course the DPP that is the other party. That is certainly the feedback that I have received on a personal level.

I acknowledge that there are some within the legal community who are opposed to this bill. I acknowledge the reasons why they are, and I respect their views. As with many things, and especially when it comes to law reform, you are going to get differing views and different opinions. That is the beauty of democracy. As Mr Cain has acknowledged—and he has a very good, fundamental relationship with the ACT Law Society and the ACT Bar Association—it is important to take into consideration the holistic approach that it is clear the community now expects from legislators when it comes to bills on issues like this.

In terms of sentencing generally, I want to once again make the point that the Canberra Liberals have been calling for and advocating for a proper review into sentencing and bail for many, many years. Whilst Dr Paterson's bill is very specific in relation to this, I want to highlight that there are very relevant and appropriate reasons why it is important to still advocate for a review into sentencing and bail.

Madam Speaker, you have been here long enough, and you will probably remember that the Canberra Liberals also proposed amendments in this place that would make it harder for anyone who assaults a frontline emergency services officer to get bail. The Canberra Liberals have been very active in looking at reform in this space, and I think that we have been able to look at Dr Paterson's bill very carefully and balance the differing views, acknowledging that the AFPA, the Victims of Crime Commissioner and DVCS ACT have also advocated for this reform.

I thank Dr Paterson for bringing this bill to the Assembly. I also give kudos to the Attorney-General, because it was not that long ago that the ACT government's response was to reject this type of proposal. It is clear that the ACT government and the

Attorney-General have had further time to reflect—noting that the High Court decision in *Barbaro* was now 10 years ago and things have moved on substantially. To reiterate what Mr Cain has said on behalf of the Canberra Liberals, as shadow Attorney-General: we will be supporting this bill.

**DR PATERSON** (Murrumbidgee) (3.26), in reply: Firstly, I table a revised explanatory statement. I would like to thank all members who spoke and everyone in the chamber for supporting these amendments. Allowing all parties to criminal proceedings to make submissions on the range of the sentence will result in more balanced and transparent sentencing processes in the ACT.

Sentencing has been a consistent issue throughout this term, and I have worked with many victims of crime who feel that sentences in the ACT are not in line with community expectations. There are particular concerns around sentences for sexual offences and dangerous driving. While I continue to work with those victims, I also acknowledge the complexities of sentencing and understand that a range of factors are taken into consideration. I will always call for improved data to use to make our decisions and to understand the sentencing processes and outcomes in the ACT. I would like to conclude this debate today. I thank all members for supporting this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Crime—knife-related violence**

**MR CAIN** (Ginninderra) (3.28): I move:

That this Assembly:

(1) notes:

- (a) there should be zero tolerance for knife-related violence in any jurisdiction across the country, and there can be zero tolerance for people carrying knives in public;
- (b) knife-related violence represents one of the most significant and devastating threats to community safety in Australia;
- (c) in 2019, Queensland passed legislation granting police additional powers to use metal detection wands on people without reasonable suspicion in designated areas, including shopping centres, night precincts and transit hubs;
- (d) the reforms, referred to as Jack's Law, were introduced following the death of teenager, Jack Beasley, in December 2019;
- (e) in the first year of the introduction of Jack's Law, more than 500 weapons were seized by Queensland Police; and
- (f) New South Wales is currently drafting similar Jack's Law reforms with bipartisan support following the tragic 2024 Bondi Junction stabbings;

(2) further notes:

- (a) Section 382 of the *Crimes Act 1900* (ACT) establishes that a person cannot without a reasonable excuse carry a knife on them in a public

- place, but ACT Policing officers do not currently have the capacity to conduct searches on people without reasonable suspicion using metal detection wands;
- (b) Sections 193 and 207 of the *Crimes Act 1900* (ACT) grant ACT Policing officers powers, if they suspect on reasonable grounds, to search a person for possession of a knife and stopping, searching and detaining people for possession of a thing relevant to a serious offence, but there is nothing that allows ACT Policing officers to use an *authorised device* such as a metal detection wand to search without reasonable suspicion;
  - (c) incidents of knife-related violence occur in the ACT, including a fatal stabbing in a Civic nightclub in July 2020 and the non-fatal ANU stabbing incident in September 2023;
  - (d) the ACT must remain vigilant and proactive in ensuring community safety and combating knife-related violence; and
  - (e) the AFP Association are supportive of implementing Jack’s Law reforms in the ACT; and
- (3) calls on the ACT Government to consider increased powers for ACT Policing consistent with Jack’s Law and report back to this Assembly by the last sitting day in August.

I rise to speak to the motion circulated in my name and commend it to the Assembly. This motion calls on the government to consider granting powers to ACT Policing consistent with Jack’s Law—which I will explain later—and to provide an update to the Assembly by the last sitting day in August.

As technology evolves and police forces around the nation look to using new tools and technologies to enhance the quality of law enforcement, the ACT must remain vigilant to follow the pace of change. In 2019 Queensland passed legislation granting police additional powers to use metal detection wands on people without reasonable suspicion in designated areas, including shopping centres, night precincts and transit hubs. The reforms, referred to as “Jack’s Law”, were introduced following the death of teenage boy Jack Beasley in December 2019.

Unfortunately, the ACT is not immune to these types of incidents. In a Civic nightclub in July 2020 a man was stabbed to death, in the middle of the premises. As we are all aware, in September last year we saw the fortunately non-fatal mass stabbing incident at the ANU, which could easily have been our city’s version of the tragic Westfield Bondi Junction stabbings. These incidents demonstrate that there is more that we can do and should do from a legislative perspective to support our police officers and to protect our community.

The trial of the new laws in Queensland proved effective and enhanced the enforcement of human rights. A review by the Griffith Criminology Institute of the Gold Coast trial found that 68 bladed articles were seized in 12 months, resulting in 53 weapons offences and 101 other offences being laid. In the first year alone in Queensland, police seized over 500 weapons using the authorised metal detection device. These knives were in the possession of people in public or entering enclosed public spaces such as nightclubs, bars, trains or buses. That was 500 knives taken from the community—500 knives that had an increased likelihood of being used by people to harm others.

The ACT government has committed to achieving a zero aggregate number of deaths on ACT roads. The same objective should be established for knife-related deaths. Knife

crime has devastating consequences. We must consider necessary measures to ensure that all avenues are exhausted in its prevention. Just as former Prime Minister John Howard worked tirelessly to establish the National Firearms Agreement, the Liberal Party around the country should continue this legacy and remain committed to removing the risk of harm from all weapons.

It is difficult to see why anyone would possess a knife in public. The existing scheme that allows ACT Policing to search for illegal weapons or other unlawful items is informed by laws that need revision and that do not fully satisfy intended outcomes. Under the stop, search and detain powers of the Crimes Act 1900, sections 207 and 193, police only have powers to conduct an ordinary or frisk search if they suspect the person has a thing in their possession relevant to a serious offence, under section 207, or a knife—section 193. At the moment, officers cannot use an authorised device, such as a metal detection wand, to discharge this function.

It was raised during consultation on this motion that carrying out an ordinary frisk search actually carries greater risk for the officer in sustaining a needlestick, blade or other similar injury. Frisk searches, by their very nature, are very intrusive and invasive, compared to what is being proposed by this Jack's Law reform. While frisking is a necessary element of ensuring community safety, searches often carry greater risk and discomfort for both officers and the person being searched.

Introducing a metal wand detection option for police will serve a net benefit for police operations and provide greater comfort and privacy for our community—not to mention that metal detection wands work more effectively at detecting metal objects than even perhaps a frisk search would do. In this respect, the reform enhances human rights by providing new powers for police while simultaneously removing the need for the officer to physically frisk the person being searched. The law works by removing the need for police to search without reasonable suspicion. This ensures that no-one can hide, conceal or carry in public without the chance of a nearby officer conducting a discrete and immediate search. As was demonstrated in Queensland, if there is nothing to hide then it is unlikely that you would oppose the search.

New South Wales is currently drafting reforms and plans to soon introduce a scheme that will implement Jack's Law, among additional measures to combat knife crime. Jack's Law has received bipartisan support in the New South Wales parliament. As New South Wales Labor Premier Chris Minns has sensibly advised, the law will take effect in designated areas such as shopping centres, sporting precincts, train stations or areas where crowds gather. Importantly, the reform has received support from the Queensland Police Union and the New South Wales Police Union, as well as, here in the ACT, the AFP Association, who represent ACT Policing members.

The Canberra Liberals will always back our police. We will always ensure that they have the resources and capability to effectively discharge their duties, primarily directed at protecting our community. As we saw with the Civic nightclub incident in July 2020 and the non-fatal ANU stabbing incident last year, in September, there is more that we can do from a legislative perspective to support our officers and to keep our community safe.

This reform is in all things sensible, minimally expansive in scope, backed by evidence

and previous case studies and has the likelihood to dramatically improve community safety. I urge my fellow members to support this motion and for the government to act decisively and urgently in considering its introduction. I commend the motion circulated in my name to this Assembly.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations and Workplace Safety, Minister for Multicultural Affairs and Minister for Police and Crime Prevention) (3.36): In speaking to this motion I would like to start by acknowledging the terrible impact that knife crime has on victims and the community more broadly. Knife crime is a heinous act, and I want to emphasise that the government has no tolerance for abhorrent behaviour in our community.

I would also like to acknowledge and express my gratitude to the members of ACT Policing for their extraordinary commitment and professionalism in safeguarding our community. As Minister for Police and Crime Prevention, and as former Protective Services Officer, I am indeed proud to be their minister. Every day, ACT police members serve our community tirelessly by upholding community safety, by maintaining low levels of crime and by ensuring swift responses to any incidents that arise—sadly, at times, by putting themselves in harm’s way.

We have all been deeply shocked and saddened by the recent violent knife attacks in Australia. These incidents are horrific. Simply put, we do not want similar events here in Canberra. Having said that, it is important that in this debate we keep things in perspective. The volume of knife crime in the ACT is relatively small by comparison to other jurisdictions. According to the advice I have received from ACT Policing, the trend regarding knife crime is not currently increasing. On the other hand, while this is relatively encouraging news, I am sure we all agree that any knife crime in our community is too much.

Notwithstanding, the ACT government continues to dedicate considerable effort to identifying and implementing effective measures to deter, detect, investigate and prosecute crime while supporting victim-survivors. Currently in the ACT, the possession of a knife in a public place or a school without reasonable excuse is prohibited. ACT police also possess the necessary authority to conduct a search on an individual without a warrant if the police officer reasonably suspects that a person in a public place or a school is carrying a knife. This power currently allows police to specifically seize and retain the knife. As a matter of routine, ACT Policing monitor current and emerging crime trends and adapt their methods and responses to ensure that they remain flexible in tackling crime and keeping the community safe.

While I remain confident in ACT Policing’s ability to adapt and respond, it remains imperative that they are equipped with the necessary tools and resources to undertake effectively one of the most difficult jobs in our community. The motion asks the government to consider legislative amendments similar to Queensland’s legislation, known as Jack’s Law, which grants the police the ability and authority to use handheld scanners for personal searches without warrant. Less intrusive than a frisk search, this power is restricted to designated public areas, public transport stations and vehicles. Similar amendments are presently under consideration, as you have heard, in New South Wales.

Jack's Law was named in honour of 17-year-old Jack Beasley, who was fatally stabbed in Surfers Paradise in 2019. Jack's Law also honours 27-year-old Raymond Harris, who was fatally stabbed in Surfers Paradise in 2020. Queensland police minister Mark Ryan, who is a respected ministerial colleague and a good Labor friend, introduced me to Jack's parents, Brett and Belinda Beasley, about 12 months ago, while I was in Brisbane for the national police ministers' meeting. They are passionate and considerate advocates for the Jack's Law reforms to ensure that other parents and loved ones never have to experience the pain and suffering that they have experienced because of knife crime.

Having met with Brett and Belinda and listened to their experience, I also want to ensure that no Canberran has to experience that heartache and devastation that they have. As such, I am open to exploring further reforms that can prevent similar tragedies here in the ACT. I welcome government consideration of possible legislative amendments in this domain, although consultation with government and non-government stakeholders will be important to ensuring that any amendments to our laws are fitting and appropriate. Examining the experience of other jurisdictions, such as Queensland, will also be vital to understanding the potential impact of these reforms and ensuring that we learn the lessons from others. I welcome the motion.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.41): I thank Mr Cain for his motion calling on the government to consider increased powers for ACT Policing, consistent with Jack's Law. Recent high-profile knife attacks in Australia have been devastating. Once again, I offer my condolences to the victims and the families of all of those who have been impacted.

In responding to today's motion, I reflect on a sentiment I believe all members of this place share: that Canberrans and visitors should feel safe in the territory. In that context, I do note that ACT Policing statistics do not reveal a trend of increase in knife crime here. That is a very welcome piece of information that I think is relevant to share with the Assembly.

Laws related to knife crime differ across Australia's states and territories. Some other jurisdictions have made more specific knife offences or afforded broader powers to police. In an assessing whether any law is suitable for the territory, we should always ensure that we look at the evidence base for it and make sure it will achieve the intended outcomes without other unpalatable or unintended consequences.

As noted by Mr Cain, the ACT already has legislation in place to combat knife possession. The Crimes Act includes criminal offences for carrying or possessing a knife in a public place or school without reasonable excuse and for selling a knife to a person under 16 years old. It is not a reasonable excuse for a person to have a knife in his or her possession in a public place or school solely for the purpose of self-defence or the defence of another person. The ACT Crimes Act authorises a police officer to search a person without warrant if the police officer forms a suspicion on reasonable grounds that a person who is in a public place or school has a knife in their possession. A police officer who locates a knife during a search can seize that knife.

Mr Cain refers to Jack’s Law, which has been introduced in Queensland. It authorises police to use handheld metal detectors to search or wand people. The power can only be exercised in designated public places and at public transport stations and on public transport vehicles. New South Wales is currently considering similar amendments. Importantly, and in contrast to current ACT laws, the Queensland wand laws remove the requirement for police to have a reasonable suspicion that the person they wand is carrying a knife before searching them in this way.

I am alive to the commentary of Ms Nadine Miles, Principal Legal Officer of the ACT and New South Wales Aboriginal Legal Service in an article in *The Guardian*, published on Tuesday this week, in which she identified the New South Wales government was reaching for “tough on crime measures” that will not work. She said:

This includes the extraordinary new wand laws which have done nothing to reduce violent crime in other places they’ve been tried.

The evidence that Ms Miles refers to about the ineffectiveness of the wand measures is a review of the Gold Coast trial carried out by Griffith University’s Criminology Institute. The review found no evidence that the scanners deterred people from carrying knives or had led to a significant drop in violent crime. In fact, it said that it was “a very significant departure from normal criminal law and procedure”.

Of concern to me is the review’s finding that, in terms of equity, wand was inconsistently used across different groups in the community. The targeting of young people was intended under the legislation, so the review’s finding that it was used on so many children and young people is unsurprising in one sense but also saddening in another. Members here know well that this Assembly recently raised the minimum age of criminal responsibility to recognise that children and young people who come to the attention of police have complex needs that are best met outside the criminal justice system. Any consideration of similar legislation here would need to be very clear about the problem it seeks to address and the intended cohort.

The assessment of the Queensland trial found that police were using their powers to disproportionately search young Aboriginal and Torres Strait Islander males. It found there is evidence of inappropriate use of stereotypes and cultural assumptions by a number of officers in determining who to select for wand. It recommended that, if Queensland chose to continue with these laws, care would need to be taken to ensure that wand does not lead to a bypassing of reasonable suspicion safeguards and net widening among minor offenders who are not carrying weapons but nevertheless come to police attention purely because of wand practices. The entry of larger numbers of these individuals into formal criminal justice processes could have many adverse flow-on effects.

I note that all members in this place have expressed concerns about laws disproportionately impacting vulnerable cohorts of people—one of which is Aboriginal and Torres Strait Islander people—and we have all expressed support for measures which help reduce their over-representation in the justice system.

Despite the concerning findings of the Queensland review, the ACT government is open to conducting further assessment of the powers that ACT Policing have to respond to



knife possession and to considering how other jurisdictions are combatting knife-related offences. As Attorney-General, given the issues raised in the Assembly today, I am willing to do that further work and to bring that information back to the Assembly, noting that it is incumbent on us to make prudent and evidence-based decisions about criminal laws and police powers and not to expand them in a kneejerk fashion or for political expediency.

It is critical that police powers are reasonable, human rights compliant, evidence-based and non-reactive and do not have the effect of over-policing vulnerable cohorts of Canberrans. It will be important to consult with justice and community stakeholders and consider human rights obligations to ensure that any new powers are appropriate and proportionate and address the law enforcement and community safety needs in the least invasive way possible.

As we explore opportunities to improve the way we deal with knife crime, it is important to reflect that research suggests that increasing penalties does not significantly deter or prevent crime. Tougher penalties are unlikely to provide an answer to the kinds of crimes seen in recent weeks, which have reportedly involved extreme ideology and mental health related factors. It is therefore also important to consider strategies which address the causes of such crimes, including targeted education and awareness raising, as well as improved investigative and prosecutorial tools.

I am mindful of experiences in other jurisdictions which we have seen repeatedly where a government quickly implements tough new laws or powers in response to a significant public event only to see later that the tough response has ultimately caused more harm than good. At that point, sometimes accompanied by an Ombudsman's review or other independent valuation, we may even see the laws rolled back to try and undo the deleterious impacts that happened in the justice system. The Victorian experience of bar reforms is a salient example of this point.

Once again, I thank Mr Cain for the opportunity to speak to this issue. I reiterate my condolences to those impacted by the tragic losses of life that have recently resulted from knife crimes. The ACT government looks forward to working with stakeholders to identify the most effective means of maintaining the safe Canberra we know and love. The government will report back by the end of August, as the motion requests.

**MR MILLIGAN (Yerrabi) (3.48):** I want to start by thanking Mr Cain for bringing this very important motion to the Assembly.

During my investigation into the motion, I spoke with the AFPA, just to see whether there was any data recorded in terms of knife use or confiscation. Unfortunately, we found that there was no record—unless the government can confirm otherwise—but what we have found recently is data from the Bureau of Statistics. The number of assaults, acts intended to cause injury and weapons, as the principal offence, are quite startling.

The minister in this place keeps telling us that crime rates are low in the ACT; but, as I said in my speech on the previous motion, that is not the whole picture. There were 902 acts intended to cause injury, including 882 assaults, in the ACT last year. According

to the ABS data, they are on the increase—a 22 per cent jump from the previous year. There were also 151 charges for weapons possession.

I am aware that these may not be knifings, and that assaults have different levels, depending on the injuries sustained by the victim—common assault, recklessly inflicting actual bodily harm and grievous bodily harm. Potential charges can be elevated depending on the actions of the offender, to charges such as attempted murder and so on. The breakdown is not captured in the ABS data, however. There is also an offence that relates to injuries sustained by knife.

The obvious ones, like common assault and grievous bodily harm, may still apply, but there is also something called “wounding”. This is something that can be an additional charge to an assault charge. This is where a person intentionally wounds another person, usually by breaking or slicing the victim’s skin. This is punishable by imprisonment for five years, or up to seven years if it is aggravated, such as against a pregnant woman or in a family domestic violence situation.

There is, within the Criminal Code legislation, a section about going equipped with offensive weapons for theft—section 316, as I understand it. The maximum penalty for this charge is 500 penalty units or five years imprisonment. This is used in cases of burglary and armed robbery. Again, it is an additional offence to the original charge. If they do find someone carrying a knife, police can seize that knife, but under the Crimes Act, must return the knife if it is seized. It raises the question: if we are seizing weapons, why are we giving them back to the person? Why are we not confiscating them permanently?

When I was speaking with the AFPA, they said they would like to see the knives forfeited to the territory and destroyed. The second-best case is that the person should have to apply to the Chief Police Officer for return of that knife; then it is up the CPO to decide whether or not to return it. This is already in place for cars that are seized from people performing burnouts and negligent driving.

There are some serious community safety aspects to this motion, but there are also benefits for the officers’ safety, which Mr Cain has already spoken about. I will reiterate what Mr Cain said. Currently, it is difficult for police to apprehend a person with a knife. They must conduct an ordinary, or frisk, search, which is time consuming and can be invasive, as the police must touch the person for a frisk search. A better approach would be to allow police on the street to wand people where they suspect them of carrying a knife or a weapon. If police had the ability to wand someone, it could alleviate the need for the person to remove outer clothing, and also make the search much quicker.

Police are already under-resourced and feel undervalued and overworked. Addressing some of these issues would improve safety, and it would also speed up the work where a person is suspected of carrying a knife.

I support Mr Cain’s motion today. We certainly call on the government to act quickly in increasing the powers for ACT Policing to properly do their job in working towards keeping our community safe.

**MR BRADDOCK** (Yerrabi) (3.53): Whilst this is a motion about knives, it is actually a motion about police powers and the ability to conduct searches. The motion proposes that the ACT government should consider and report back on increased police powers for random searches without grounds of reasonable suspicion, consistent with the Queensland scheme. I am quite sceptical of this and, based on the conversations I have had with my interstate counterparts, I am wary of the inconsistencies between such a power and the Human Rights Act. Section 18 of the act states:

- (1) Everyone has the right to liberty and security of person. In particular, no-one may be arbitrarily arrested or detained.

A proposal to have police randomly stopping and searching people using metal detection wands would test that right, and I am concerned that the evidence for limiting that right in this way may not be sufficient. From a practical perspective, metal detector wand searches in the city, with its lack of late-night public transport options, are highly likely just to find lots of keys. I am concerned, though, that this kind of searching may be used as a gateway, or an excuse to claim reasonable suspicion for other kinds of searches, further testing that human right and liberty.

The experience, as highlighted by an academic review of the Queensland trial by Queensland University, was that young people and minority groups were disproportionately targeted by the wand searches, that it resulted in more drug possession charges than knife-related charges, and that there was no actual discernible impact on knife carrying as a result of the powers existing in Queensland. Therefore, people might wonder what is actually being achieved with the use of this power, and whether it is being used to racially profile, or to flex police authority. The lived experience of minority groups is that, every time they have an invasive run-in with police, their distrust of the police as an institution grows.

I do not think we have that here in Canberra, nor do we want to see that culture here in Canberra. We are not a police state. Canberrans, on the whole, conduct themselves extremely well in public. Incidents are not non-existent, but they are extremely rare. Those which do occur, and which the opposition has referred to, would be better disrupted by means other than wandering and random searches.

In the case of the ANU incident, as Minister Davidson has stated previously, this was a unique incident, with very particular lessons in the mental health space. In the case of the outlaw motorcycle gang related homicide at Kokomo's, specific and targeted intelligence efforts would be a more effective policing strategy than searches conducted at random without reasonable suspicion. Both of those incidents were terrible—don't get me wrong—but there is no evidence I have seen to suggest that either of those incidents could have been prevented if police had the powers to randomly stop and wand people in public. I suspect that this will be the conclusion that the Justice and Community Safety Directorate will also come to, but there is only one way to find out, and that is through passing this motion and waiting until it reports back.

I note for those present that paragraph (1)(f) of Mr Cain's motion suggests that the New South Wales government is drafting a reform similar to that of Queensland, with bipartisan support. This is very much not with tripartisan support. I have spoken with the office of Ms Sue Higginson MLC, and I understand that the New South Wales

Greens will not be supporting the bill. In fact, Ms Higginson is keen to point out that knife-related crime incidents in New South Wales have halved in the last 20 years.

From what I have been able to gather, there are also very significant problems in New South Wales concerning the conduct of their police force. Minority groups, including the LGBTQIA+ community, frequently report human rights issues in policing search operations, and I am sure we do not want to see such problems replicated here.

I have also spoken to the office of Mr Michael Berkman MP in the Queensland parliament. They have shared with me the reasons they opposed the extension of the Queensland trial of these laws. To no surprise, their concern centred on the human rights limitations for no demonstrable community benefit. Mr Berkman's office pointed to the review of those laws conducted by Griffith University, which highlighted how ineffectual they have been in dealing with knife-related crime, and how they have instead resulted in increased charges for offences related to minor drug possession. Based on the evidence before us right now, the net effect of Queensland giving its police increased stop-and-search powers has been increased racial profiling, greater prosecution of minor drug offences and the increased distrust in police by minority groups.

To reiterate what has been said earlier, given the construction of the motion to conduct an investigation, I am comfortable for this to be passed. To be clear, I remain sceptical of the proposal, but, given the circumstances, I believe it is better for the government to review and have its conclusions on the record, rather than not.

**DR PATERSON** (Murrumbidgee) (3.59): I will speak very briefly in support of this motion. It was four years ago, in 2020, when a young person was killed at the Weston Creek skate park, and another person was seriously injured as a result of being stabbed. This incident had a very profound impact, obviously, on the families involved—and there were many, because there were many kids there—and on many residents in Weston Creek.

The impacts of knife crime and violent crime in our community are far-reaching. So, yes, I think we need to be doing all we can to improve the way we handle knife crime and keep our community safe, and I also think there is a lot of education work that needs to happen. As Minister Rattenbury said, we also need to be focusing on mental health and extremism issues. I thank Mr Cain for moving the motion today.

**MS LEE** (Kurrajong—Leader of the Opposition) (4.00): I thank Mr Cain for moving this motion today, and for the work that he and his office have put in, not only on this issue but on justice and community safety generally. As technology evolves and police forces around the nation look at the ways we as a society can make sure that they are equipped with the tools, technologies and resources they need to enhance the quality of law enforcement, the ACT must also remain vigilant and not be left behind.

In 2019, Queensland passed legislation granting police additional powers to use metal detection wands on people without reasonable suspicion in designated areas, including shopping centres, night precincts and transit hubs. These laws came about as a result of the very tragic death of Jack Beasley. It had a profound impact not only on the Queensland community, but also, of course, on the Queensland Police and the

availability and accessibility they now have to ways of combating knife crimes. New South Wales is currently drafting reforms, and plans to introduce a scheme soon that will implement the laws that exist in Queensland—which are, of course, referred to as Jack’s law—amongst additional measures to combat knife crime.

There is probably no great surprise that the New South Wales parliament is going down this path right now, given the most recent horrific incident that we saw play out at the Bondi Junction shopping centre just last month, where six victims—five of them women and one man—tragically lost their lives. My understanding is that Jack’s law has received bipartisan support in the New South Wales parliament. As the New South Wales Labor Premier Chris Minns has sensibly stated, the law will take effect in designated areas such as shopping centres, sporting precincts, train stations or areas where crowds gather.

Importantly, the reforms have received support from the Queensland Police union, the New South Wales Police union, as well as, here in the ACT, from the Australian Federal Police Association, who, of course, represent ACT police.

There is no doubt that knife crime has devastating consequences for the families and anyone who is affected by them; and, as a legislature we must look at all avenues to ensure that we reduce incidents, and to ensure that our police are adequately equipped and resourced to do what they can do on the front line to combat crime and make sure that prevention is a factor.

Currently—and many people have spoken about this—officers cannot use an authorised device such as a metal detection wand to discharge this function. Frisk searches are considered more intrusive and invasive compared to what is allowed under Jack’s law. In this respect the reform actually has the potential to enhance human rights by providing a new power for police while simultaneously removing the need for the officer to physically frisk someone who is being searched.

The law works by removing the need for police to have reasonable suspicion before they search but, as the New South Wales Labor Premier has stated very clearly, this is within designated public places. The purpose of that is to ensure that no-one can hide, conceal or carry a knife in public without the chance of a nearby officer conducting a discreet and immediate search.

I want to make a few comments in relation to some of the contributions that have been made, particularly in relation to some of the local incidents, which we all, of course, remember, as they made the news. Mr Cain referred to a few in recent years, and Dr Paterson referred to some as well. Canberra being Canberra, where everybody knows everybody—and that is one of the great things we love about it—some of us in this place probably know people who have been personally affected by some of those incidents. We have personally experienced and observed the devastating impact that it has had on their families. Keeping that in mind, it is important to ensure that any law reform that we push through touches the heart.

The Attorney-General did say that the statistics show that we have not had an increase in knife crime. At the same time, he has committed to supporting this motion. I think that goes to his open-mindedness about this to ensure that, as I mentioned earlier,

legislation goes to prevention and that we do not see an increase. I am heartened by that, because I was hoping that we would see the same type of tripartisan support when Ms Castley brought her motion about the education campaign and increased funding for frontline services when it comes to coercive control. I was incredibly disappointed that we did not get that support, so I am heartened to hear from the Attorney-General that the government will be supporting Mr Cain's motion.

Turning to a couple of comments that Mr Braddock has made in this chamber, I have to confess that I am incredibly confused, because he spent almost his entire contribution talking about why legislation is not a good idea and why it cannot work. He put forward the views of a lot of Greens members around the country who have clearly stated their opposition to it. At times, in trying to make his points, he has drawn some really long bows. He was trying to say there is a danger of us turning into a police state. I do not think those types of arguments are very helpful in a debate such as this. I acknowledge that he has reluctantly stated that he will support this motion in so far as it calls on the ACT government to come back and report on it, but his support for this motion would be very disingenuous if he is not going to genuinely and with an open mind look at the evidence—if he is going to continue to be steadfast in his criticism of this.

I urge Mr Braddock, in supporting this motion, to please have the good faith to look at the evidence across the board, and make sure that he keeps an open mind. I think that is really important.

The fact is that Mr Cain's motion is drafted in a way that makes sure that we do not have kneejerk reactions, as the Attorney-General has referred to. It is written in a way that specifically calls for consideration, and that is because we need to have a thorough look at how it may impact the ACT's criminal justice system. It requires thorough consultation, including—and this is incredibly important—the examination of the potential for unintended consequences for vulnerable groups. That is a given, and that is why I think that Mr Cain's is a sensible motion which will get support across the Assembly, which we welcome. It is an important issue.

I thank the members on the other side of the chamber who have indicated their support, because it is an important issue that we want to see highlighted through the ACT government doing its work and reporting back by the reporting date contained in Mr Cain's motion. I commend Mr Cain for bringing forward this motion today.

**MR CAIN** (Ginninderra) (4.09), in reply: I am certainly appreciative of the tripartisan support that this Assembly has shown this afternoon so far. Obviously, I want to encourage the Attorney-General, primarily, to look at all of the risks associated with the current situation and the current scope of powers for police.

As Ms Lee and others have touched on, using a wand to conduct a search is a much less invasive approach, and much less of a violation of privacy. I thank my parliamentary colleagues for their support this afternoon, and look forward to considering the government's response in August.

Question resolved in the affirmative.

## Papers

## Motion to take note of papers

Motion (by **Madam Speaker**) agreed to:

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

## Voluntary Assisted Dying Bill 2023

Debate resumed from 31 October 2023, on motion by **Ms Cheyne**:

That this bill be agreed to in principle.

**MS LEE** (Kurrajong—Leader of the Opposition) (4.11): I rise today to speak on the Voluntary Assisted Dying Bill 2023, noting that we will only be debating the in-principle stage during this debate. This is a bill that has been a long time coming to the Assembly, and from the outset I confirm very clearly that this bill will be the subject of a conscience vote for the Canberra Liberals party room. Every member of my party room will have a personal and free choice to vote with their conscience on this bill. So I will just confirm that my comments today are my personal comments as a Liberal member of the Assembly.

For decades, this issue and the ACT's right to legislate voluntary assisted dying have been the subject of many debates here in this chamber and in the federal parliament. However, in all the noise about this, and about territory rights, we have now, as an Assembly, arrived at a point of being able to debate this very important bill. Fundamentally, this bill is about a person's right to die on their own terms—the right for a person to choose to end their life in a safe and dignified manner.

As we start this debate today, I ask all members to speak with respect and to acknowledge that, while we might not agree with each other on every aspect, we have all come to our position on voluntary assisted dying from our own life's journey, our own lived experiences, and those of our family and friends. Whether it is holding the hand of a loved one who is struggling through unbearable pain as they near the end of their life, or having the true blessing of being able to sit quietly next to a loved one as they gently pass, each of our personal experiences is different, and no one person's experience should have more weight attached to it than another. I also acknowledge and respect the deeply personal and very strong religious and spiritual belief that members of our community have, that their conscience will never allow them to accept the idea of voluntary assisted dying.

For my part, I fundamentally believe that every one of us should have the right to choose what is right for us. Indeed, one could argue that the right to decide to die is the ultimate expression of the individual, which I believe is a core Liberal belief. So on that basis, my personal vote is to support, in principle, the introduction and establishment of a voluntary assisted dying scheme in the ACT. But I also strongly believe that, as members of this chamber, we have an obligation, a duty, to ensure that all the necessary and appropriate safeguards are in place for members of our community who will ultimately choose to access the scheme. And it is on this matter that I do have some concerns about this bill.

Last year, when the government released its community consultation report on the framework of the legislation, it was reported that the Minister for Human Rights was considering allowing minors as young as 14 to be eligible for voluntary assisted dying, “particularly given that young people under the age of 18 can also experience intolerable end-of-life suffering through terminal illnesses, and that they should have the same end of life choices as adults”. I understand that suffering does not discriminate by age. I understand that, just like adults, a person under the age of 18 can be suffering intolerably from a terminal illness. I understand that some countries around the world allow children, some as young as nine, to access voluntary assisted dying. But I do not understand, and I cannot accept, how we could even consider allowing a child—a child that is not able to vote, who is not able to drink alcohol, who is not able to legally marry—to make such a difficult decision, particularly at a time when they are so vulnerable.

While, thankfully, the minister has reconsidered this, and this bill does not allow a person under the age of 18 to access voluntary assisted dying, I still hold significant concerns around the future intentions of this government to expand voluntary assisted dying to children. In the section of the bill which deals with the review of the act, it states:

The first review must include a review in relation to whether an individual should be allowed access to voluntary assisted dying under this Act if the individual—

and this is the relevant part—

(b) is a child with decision-making capacity in relation to voluntary assisted dying ...

As I said, I have significant concerns about this clause of the bill, and I will have more to say about this specific issue during the detail stage.

This is not a perfect bill, but I am heartened by some of the government’s own proposed amendments, which I understand the minister will introduce in the detail stage. They do make some improvements, particularly with respect to the mostly positive way it responded to the select committee’s recommendations. For that, I acknowledge the work done on the development of this legislation and the amendments over many years by officials in the directorate, and indeed, of course, the minister and her staff. I am in the process of going through those proposed amendments and will be in a position to have more to say on them during the detail stage.

I thank members who participated in the committee inquiry, and all the people who made submissions and appeared at the hearing. I particularly thank the Canberra Liberals MLAs on the committee, Leanne Castley and Ed Cocks, for all their hard work. There is no doubt it was tough inquiry. Some members had to put aside their individual beliefs on whether voluntary assisted dying should be legalised in the ACT. These are not easy issues.

No matter what our beliefs are, this subject will bring up uncomfortable moments—challenging moments, confronting moments—for each of us. As I have said, this is not



a perfect bill, but very few bills are. And, as imperfect as it is, I still come back to my fundamental belief that people should have the right to choose to end their life in a safe and dignified manner, as long as it is a genuine free choice.

In closing, noting that we will be coming back to debate the detail stage during a later sitting week, I quote from a particularly touching speech that was given in the Senate by my friend Senator Jane Hume, when speaking on the Restoring Territory Rights Bill, back in 2022. She said:

We say in this place that when we make a decision we will walk a mile in another man's shoes. Well, I have certainly done that. Having experienced it, having lived it, having held the hand of a person that I deeply loved as he died peacefully, as he died painlessly, as he died willingly and in the manner in which he wanted, the manner in which he had always wanted, and at the time of his choosing, I now feel very, very differently. It was truly a beautiful death.

I will be voting for this bill in principle.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (4.19): I rise this afternoon to speak in support of this most significant piece of legislation which will allow for voluntary assisted dying to be delivered in the ACT. This bill is a historic piece of legislation and I am extremely proud that the government is bringing it forward for debate. This bill is the result of years, Madam Speaker, decades, of unwavering advocacy for equal rights for Canberrans, and I thank everyone in this city who has supported the campaign for equality with the Australian states.

The government has long advocated for the ability of the territory to introduce voluntary assisted dying laws. Back last century, last millennium even, federal parliament placed a ban on the territory being able to make laws about this important matter. For 25 years the Canberra community, and indeed this place, were prevented from considering this issue, despite several previous attempts to restore the territory's ability to legislate in this area.

In the meantime, all six Australian states moved to legislate for, and offer, voluntary assisted dying as an end-of-life choice. Retaining this prohibition became absolutely untenable for the Australian parliament to maintain. On 1 December 2022, the parliament passed the Restoring Territory Rights Act 2022, which allows this Assembly, and indeed the government, to fully consider whether voluntary assisted dying should be lawful in the ACT.

Whilst long overdue, the passage of the Restoring Territory Rights Act was a victory for democratic rights, a victory for human rights and a victory for a campaign more than two decades in the making. This was a credit to the persistence of so many in our community in championing for their rights to make informed end-of-life choices that align with their preferences and their values.

Since that commonwealth act was passed, legislating for voluntary assisted dying has been a key priority for the government, recognising that the overwhelming majority of Canberrans, like the overwhelming majority of Australians, support voluntary assisted

dying with appropriate safeguards in place. We are committed to ensuring through this legislation that eligible Canberrans have access to quality end-of-life care and the opportunity to make an informed end-of-life decision.

Significant consultation has been undertaken to better understand how our community wants voluntary assisted dying to be delivered in the ACT. Initially, a discussion paper was released to inform the community about voluntary assisted dying, how other Australian jurisdictions have approached it and some of the key questions the ACT should consider. Unsurprisingly, there was a huge response and a detailed engagement as part of that public consultation. All of the feedback, coupled with the learnings from the implementation and passage of similar legislation in other jurisdictions, has shaped the model that is put forward in this legislation for Canberrans.

Once introduced, this bill was referred to a select committee for careful examination. That committee heard from a wide range of experts and from people with lived experience in providing end-of-life care. We have heard from friends, family members and carers with personal experience in caring for a person with advanced progressive and terminal illness. The government's response to that committee's report has agreed, agreed in part, or agreed in principle, to 25 of the 27 recommendations. The committee's recommendations have been considered in drafting a number of government amendments that will be debated in a future Assembly sitting.

The committee has heard a number of views on whether the safeguards provided in the bill are appropriate. The government considers the bill has achieved the appropriate balance between allowing eligible individuals to make informed choices about the end of their lives, while ensuring rigorous measures are in place to protect vulnerable members of the community. I concur personally with that analysis. The bill establishes a thorough process for requesting and being assessed as eligible to access voluntary assisted dying. Voluntary assisted dying will only be available to a person in the ACT under certain circumstances, including that a person must—must—be acting voluntarily and have decision-making capacity throughout the entire process.

In addition to the eligibility criteria and processes for assessment of an individual's eligibility, the bill has a number of other key features and safeguards which the Minister for Human Rights and the Minister for Health have been working on, and I am sure will cover in their further contributions in this debate. Ensuring these safeguards are robust and fit for purpose must be a key focus during the implementation of legislation.

The bill provides clearly defined roles, requirements, protections and training for all health practitioners who wish to be involved in providing voluntary assisted dying services in the territory. Additionally, the bill includes several provisions that allow for conscientious objection, as is appropriate, to voluntary assisted dying. This includes: acting as an authorised practitioner for an individual; providing advice relating to voluntary assisted dying to an individual or other practitioners; participating in a voluntary assisted dying assessment and administrative processes; supplying an approved voluntary assisted dying substance; and being present when that substance is administered.

However, I think it is important that, where a health professional conscientiously objects to voluntary assisted dying, they must provide referral information to a person

asking to access the scheme, including information about the territory-wide navigation service that will be established. This is another important safeguard within the bill for vulnerable people who wish to access information on a health service that is lawfully available within the territory. These include the minimum standards that must be followed by individuals and facility operators who are unwilling or unable to assist with voluntary assisted dying.

I want to turn now to part 8 of the bill. This is an important provision to ensure the legislation operates as intended with independent monitoring to ensure that safeguards are functioning effectively. This is an important section of the bill. It sees the establishment of an independent oversight board to monitor and report on the operation of the bill, to record data and to exercise other oversight functions. The board will be responsible for monitoring and reporting on the operation of and compliance with the bill, as well as referring any issues to relevant dispute resolution or enforcement agencies.

Importantly, the board also provides advice to the Minister for Health or the Director-General of the Health Directorate on matters relating to the operation of the bill, including any recommendations for the improvement of voluntary assisted dying. It is important in this context that we continually learn from the lived experience as we go through the implementation of this process.

The bill also establishes strict requirements and safeguards for prescription management, administration and disposal of an approved voluntary assisted substance. This includes dispensing the substance from an authorised pharmacy service and maintaining a register about supply, possession and disposal of those approved substances. Again, these are important safeguards.

Lastly, I would note that the bill contains a number of criminal offences to protect individuals and community safety. These include penalties for unauthorised administration of a voluntary assisted dying substance, inducing an individual to revoke a request for voluntary assisted dying and inducing a self-administration of an approved substance. These offences are in addition to the existing offences of murder, manslaughter and aiding suicide under the Crimes Act 1900 that may apply in the event of noncompliance with the bill. Health practitioners are also subject to a comprehensive legal, regulatory and ethical framework through existing mechanisms to address concerns about health practitioners' conduct, as well as criminal offences targeted at deterring noncompliance.

A reform of this magnitude requires resources. The ACT government announced \$2.4 million in funding over two years as part of the midyear budget review to establish a voluntary assisted dying implementation task force. The task force will build on the extensive consultation undertaken with Canberrans last year to establish the best framework and model of care to meet the needs of the community. The task force is responsible for preparing the health system and health workforce to deliver voluntary assisted dying services if this legislation is enacted by this place. Drawing on expertise across the Health Directorate and Canberra Health Services, the task force will necessarily be coordinating key deliverables, including: the care and referral pathways across the health system; the care navigation and pharmacy services; clinical guidelines and regulations; workforce training and accreditation; communications and

engagement with the community; and establishing the independent review board that I referred to earlier.

This reform needs to be implemented well. I believe that, through this task force, we are doing that. Throughout the implementation process, the task force will need to work closely with representatives of key stakeholder groups, agencies and the broader community to develop community information and resources on this most significant of matters. The task force, I am pleased to say, has already commenced its important work as we move closer towards eligible Canberrans being able to access end-of-life choices that align with their preferences, values and rights.

In thinking about this legislation, I was conscious that voluntary assisted dying not be considered a replacement for, or alternative to, effective palliative care. Every person approaching the end of their life should be provided with access to high-quality person and family-centred palliative and end-of-life care where and when they need it to minimise suffering and to maximise quality of life. I acknowledge in the ministerial statement Minister Stephen-Smith made just this week that the government has made significant and ongoing investments in palliative care and palliative care infrastructure. These investments will ensure that Canberrans now, and into the future, have access to comprehensive palliative care and supports needed to live comfortably and to die with dignity.

In closing my remarks in this in-principle stage, I again thank Canberrans for their input and contributions to this historic policy reform. The range of views and expertise we have received certainly helped ministers and the cabinet to shape this bill to ensure the model we are presenting through this legislation is fit for purpose for Canberrans. I particularly acknowledge the work of Minister Cheyne and Minister Stephen-Smith in preparation of this legislation, the consideration of the committee report and amendments that I know are coming in the detail stage next month.

It is a big and important reform, and one of the most significant things we will ever consider in this parliament. It is an opportunity for this place to demonstrate the maturity I know it has, as its now longest-serving member, to deal with this issue; to do so in a constructive way; and to do so in a way that reflects the best of this city. There will be areas of disagreement. This is a challenging issue for many, but I think we can have that discussion in a way that reflects the best of our community, and I am confident that this debate, as it transpires over this afternoon and into the future sittings, will demonstrate the best of this Assembly.

For myself, exercising my conscience, I am supporting this bill. I encourage all other members, in examining their conscience, if they feel they can support it, to please do so. I commend the bill to the Assembly.

**MR RATTENBURY** (Kurrajong) (4.34): I rise today to speak in support of the Voluntary Assisted Dying Bill 2023. Voluntary assisted dying is a medical process that promotes the autonomy and dignity of eligible individuals by giving them the option to end their suffering by choosing to die through the administration of an approved substance.

In a whole variety of areas, the Greens have a strong commitment to harm minimisation

and, in many ways, the issue of voluntary assisted dying falls into this same category. In our modern world, the process of dying and the perceived imperative for medical professionals to do all they can to prolong a life, without in some cases being able to ensure the quality of that life, can create significant harm. People with terminal illness can be put through immense suffering, as are their loved ones, who can only watch helplessly on. A voluntary assisted dying scheme provides a pathway by which we can ameliorate the suffering of both those in their final days and those who love, support and care for them.

For many years, the Greens, across all Australian jurisdictions, have been committed to the principle that people in these situations should have the choice to end this suffering in a medically responsible and supported way, without the fear that their loved ones may later face criminal charges for assisting them. We know how much support responsible voluntary assisted dying legislation has had in the broader Canberra community for some time.

While we have been held back for many years by the discriminatory intervention of the federal parliament via the mechanism commonly referred to as the Andrews bill, in 2022, the federal parliament finally restored the territory's power to legislate on this matter with the passing of the Restoring Territory Rights Act 2022. While I am disappointed that it took so long to restore this territory right, I am pleased that since the passage of this legislation, voluntary assisted dying has been a key priority of the ACT government.

I am delighted we are now here today with the opportunity to openly discuss this issue and to reflect the views of our community, for this is both an intensely personal issue and an important one of public policy. At a personal level, I have long held the view that I would want those whom I love and care for to have the option to pass away peacefully; that they might choose a graceful exit, embraced and supported by those who matter most to them, not a wretched end wracked with pain, and with suffering seared into the memories of those who are left behind.

I acknowledge that members of this place and people across our community do have different views on this issue. For me, that is the very point of this legislation. It creates a framework where you can choose based on your personal views, beliefs and circumstances. That is in stark contrast to the current situation, where you simply have no choice.

Let me take that point to turn to the particulars of the bill and its history. The bill establishes a framework for voluntary assisted dying in the ACT. The passage of this bill will give eligible Canberrans the option to access this health service. Unfortunately, even with the best end-of-life care, some Canberrans will experience suffering near the end of their lives. The ACT model for voluntary assisted dying has been informed by an evidence-based approach, drawing from the implementation of legislation in other Australian jurisdictions and informed by significant consultation.

The referral of the bill for consideration by the Select Committee on the Voluntary Assisted Dying Bill 2023 has allowed for further genuine public debate and engagement on this issue. I would like to thank the select committee for their review of the bill and the recommendations that were put forward for consideration by government. I am

pleased that 25 of the 27 recommendations of the committee have been agreed, agreed in part, or agreed in principle, by the government. This rigorous debate that has occurred on the policy settings for voluntary assisted dying will ensure the rights of individuals to access a legal healthcare service are balanced with the need to protect vulnerable persons from coercion or abuse. I support the safeguards provided in the bill and believe they ensure those competing needs are appropriately balanced.

An individual must be an adult aged 18 years or over to access voluntary assisted dying in the territory. They must have a condition that is advanced, progressive and is, either alone or in combination with other conditions, expected to cause the individual's death. The individual must be experiencing suffering, whether physical or mental, that in the opinion of the individual is intolerable. That suffering might arise from the condition itself, from the treatment the individual is receiving, or from the anticipation of future intolerable suffering. Critically, they must be acting voluntarily and have decision-making capacity throughout the entire voluntary assisted dying process. These are very important safeguards to protect vulnerable individuals and ensure voluntary assisted dying is only accessed by individuals who are assessed as eligible and personally choose to access it, free from undue pressure or influence.

To be eligible to access voluntary assisted dying, an individual does not need to be a citizen or permanent resident. However, they must have lived in the ACT for the last 12 months or have been provided with an exemption by demonstrating they have a substantial connection to the ACT.

I would like to give my support for a number of key differences in the ACT model for voluntary assisted dying compared to the models introduced in other jurisdictions in Australia. The ACT model does not prescribe a time frame in which an individual's eligible condition must be expected to cause their death. Instead an individual must have an advanced, progressive and terminal condition and meet all the other eligibility criteria that I highlighted earlier.

The intent behind removing any time frame to death requirement is to avoid rigid rules and provide more flexibility in assessing whether an individual's condition is advanced. The inclusion of a six or a 12-month time frame risks introducing an arbitrary requirement which could unnecessarily create further suffering for the individual. We should be doing all we can to reduce the individual's intolerable suffering, as well as the stress and difficulty of having to request voluntary assisted dying, when they are nearing the end of their life. The select committee recommended greater clarity be given on the meaning of advanced and last stages of life. I understand that there will be amendments to provide for this.

The bill allows for experienced nurse practitioners to play a larger role in the voluntary assisted dying process in the ACT than in other jurisdictions. This is important given the challenges faced in resourcing the health sector in a smaller jurisdiction such as the ACT. Nurse practitioners are highly trained health professionals that enhance and supplement the medical workforce. Under the bill's three-step request and assessment process to independently assess an individual's eligibility to access voluntary assisted dying, nurse practitioners will be able to act as an individual's coordinating or consulting health professional, provided the health professional performing the other role is a doctor. This will provide an appropriate balance between access to the scheme

and safeguards, whilst also reflecting the strength of relationships between individuals receiving palliative care and the nurse practitioners who support them.

Unlike other jurisdictions, the ACT scheme will not include a mandated period between the first and final request to access voluntary assisted dying. A number of stakeholders have reflected that a cooling-off period is arbitrary and may unnecessarily prolong suffering, especially given the multi-step application and assessment process and reporting requirements to the oversight board under the bill, both of which ensure an individual's decision is considered and checked by at least two qualified professionals. I consider that these provide sufficient safeguards to ensure that vulnerable individuals are not at risk of coercion or exploitation.

Part 7 of the bill introduces obligations on facility operators to meet minimum standards to ensure individuals who are seeking to access voluntary assisted dying are not hindered. The bill seeks to strike a balance between the rights of the individual seeking to access voluntary assisted dying and the interests of facility operators, particularly those that operate a facility in accordance with an ethos or faith that does not support voluntary assisted dying. I believe it is appropriate that care facilities be required to provide reasonable access to individuals for the purpose of supporting access to voluntary assisted dying. Individuals in care facilities can be vulnerable and, due to their health, have limited capacity to access a wide range of health services. There is therefore a need to ensure that reasonable access to voluntary assisted dying can be given in their home. Where it is not possible to provide reasonable access, the facility operator should be required to take reasonable steps to facilitate the transfer of an individual to access a voluntary assisted dying service. Serious penalties should apply where this does not occur.

The government has considered feedback from the ACT community in developing this bill and acknowledges some of the strong views around varying the eligibility criteria from models in other Australian jurisdictions. The bill outlines that an initial statutory review will be undertaken three years after the commencement of the scheme and that this review will include consideration of access to voluntary assisted dying for people who lose decision-making capacity, young people under the age of 18, as well as people who do not meet the current residency requirements.

In conclusion, I am proud to support this bill. It is a historic reform that will provide further choice and autonomy to individuals approaching the end of their life. It is something that the majority of our community have been very supportive of for some time. I believe this bill offers Canberrans dignity at the end of their life. It offers them peace of mind. It affords them respect in their final days. I am grateful that this Assembly can offer those things to our citizens, and I will be voting to support this legislation. I commend the bill to the Assembly.

**MS CASTLEY (Yerrabi) (4.45):** I rise today to speak to the Voluntary Assisted Dying Bill 2023. At the outset I wish to put on the record and note my thanks to everyone who has had contact and has passed on their views on this legislation. It has been substantial and no doubt reflective of the deeply held views in our community. This legislation has been through an extensive process, as we have heard, before coming here today.

As one of the members of the committee that inquired into the bill, I can attest that the

views held on the matters contained in this bill are as diverse as the wider community from which they come; that is to say, unfortunately, the end result will inevitably leave many people disappointed. There is no perfect bill we can draft that will leave everyone happy. It is sometimes said that good politics is the art of the compromise. I have always held that good policy makes for good politics, but in considering this legislation I am reminded of another axiom: at first do no harm. It was a common thread amongst those that contacted me that they did not want to see legislation in this space do harm—harm to those at risk of coercion, misuse or misdiagnosis, harm to those suffering debilitating terminal conditions, and harm to those who do not wish to partake and who genuinely hold conscientious objection to voluntary assisted dying.

The committee inquiry into the bill unanimously identified 27 recommendations regarding the draft bill where improvements were needed. Given the clear deficiencies in the draft bill, I, alongside the member for Murrumbidgee, Mr Cocks, submitted a dissenting report providing a further 11 recommendations. I note that the government has committed to many of the committee's recommendations and has proposed amendments. It is an improvement. However, in my view, the legislation still needs further work. There is a need to ensure that the bill, at its heart, must be a bill that seeks to minimise harm and balance the rights and interests of all concerned.

As I said in my speech when the committee report was handed down:

It is fair to say that, even amongst those strongly against the proposition of voluntary assisted dying, virtually everyone wants a failsafe regime that is practicable and with safeguards in place to ensure that it is not abused or misused.

I flag now that I intend to move amendments to this bill to enhance it and ensure it is the best it can be. I understand that many Canberrans do want to see voluntary assisted dying legalised in the ACT, but it is up to us now to ensure we do so in a way that is proportional, that is practical, and that critically does so in a way that at first does no harm. With this core principle in mind, I will vote to enable this bill to be taken to the next stage so that it can be improved upon, and I will work with all members of the Assembly in a constructive manner to do so. We are legislators and our community expects no less of us.

**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) (4.49): I am grateful for the opportunity to speak on this bill today and to listen to all of the other speeches with regard to this bill. I acknowledge the challenge that it provides for us here, and for members of our community, but I believe that dying with dignity acknowledges the value of each person, even in their final moments. It recognises the dying wishes of a person at the end of their life and honours their wishes about end-of-life care—importantly, when they want to die and the way they want to die. This includes refusing treatments that may prolong their own suffering.

I recognise that conversations around voluntary assisted dying and dying with dignity can be contentious and, perhaps, upsetting for some; I acknowledge that. For me, though, it is about recognising an individual's autonomy in life and in death. It is about



personal choice. It is about compassion for the individual, and it provides the best option, in my view, for people who are suffering intolerably. It is about compassion for families and loved ones and relieving their trauma so they do not need to watch helplessly as the person close to them endures unnecessary suffering. It is the only humane option, providing a person a dignified end-of-life experience and the choice to die with dignity on their own terms.

I support voluntary assisted dying and the legislation being considered today. It is not the first time that voluntary euthanasia has been discussed in this place or in our community; but, after 25 years, we can now finally have the legislation made and get the job done. I truly believe that most Canberrans support the principle of the ability of a person to make that choice. By making voluntary assisted dying legal, this government and our society are acknowledging and respecting the decisions of an individual to die on their own terms.

There will not be too many people who do not know someone who has suffered in the time leading up to their death. My nan was one of those people. At 101 and five months, with an untreatable illness, and age, of course, I reckon she could have been able to say, “That’s it for me, folks. It’s my time.” That would have been her wish, if she could have had it. But there are so many people of all ages who do not get the chance to grow old, who have the most dreadful and painful illnesses, who need us to be compassionate and to give them that choice to end the torture of the incredible pain in a way that works for them—to end the torture of the incredible pain for their families.

I know we will hear, perhaps again, the personal stories of people in our lives, through the conversations that we have here today and going forward, and we should all listen carefully. Perhaps it is time to think of those people above our own thoughts and wishes. I have been clear on my position with regard to an individual’s right, in my view, to be able to access voluntary assisted dying. I support this legislation, and of course I will be voting yes. I commend the bill to the Assembly.

**MISS NUTTALL (Brindabella) (4.52):** I would first like to thank the minister and her office for all their efforts in ensuring that this work is completed with the utmost respect and care. I would also like to thank the directorate for their high level of detail in the offered briefings.

My colleague Mr Rattenbury has already spoken on the importance to the community of dying with dignity, but as the ACT Greens spokesperson for young people, and a young person myself, I want to reflect on what dying with dignity means for young people, specifically those under the age of 18. I understand that the select committee heard from the community and experts on this topic, and particularly from the commissioner for children and young people.

Whilst dying with dignity for people under the age of 18 is not immediately accessible within this bill, it is set in the terms of review that consideration of children with decision-making capacity must be included in the first review of this bill. But this is still just under five years away. Children and young people facing terminal illnesses should have access to dying with dignity to ensure they have autonomy and dignity in their final moments. Just like adults, they can experience unbearable suffering, and they should be granted the right to make informed decisions about their own future.

Providing this option respects their agency and acknowledges their capacity for mature decision-making in dire circumstances, ensuring they are not subjected to prolonged pain and distress against their will.

We all know that diagnoses do not discriminate. Terminal illnesses are cruel and are the reality for so many people, children and young people included. For those suffering with terminal illness, despite the best efforts of their medical team, their pain is relentless and their quality of life diminishes with each passing day. For some, there is no hope of recovery, only the certainty of prolonged suffering. In these heartbreaking situations that affect people of all ages, shouldn't these young individuals be granted the same rights as adults to make decisions about their own bodies and futures?

Dying with dignity is not about giving up on life. It is about respecting and recognising the autonomy of those who, despite their youth, demonstrate a profound understanding of their condition and the likely trajectory of their illness. It is about ensuring dignity and agency in their final days and allowing them to pass on their terms, free from unbearable pain and suffering.

It is argued that children and young people lack the maturity to make this decision, but we must consider that those who are terminally ill often exhibit a level of maturity and insight far beyond their years. Their lived experience of enduring severe illness grants them a unique perspective—one that should be honoured rather than dismissed. This is not a decision made in isolation. It involves comprehensive consultations with medical professionals, psychological evaluations, and the support and consent of their families.

I want to take a moment to talk about Gillick competence. Gillick competence establishes that children under 16 can consent to their own medical treatment if they demonstrate sufficient maturity and understanding of the implications of the treatment. This principle acknowledges that age alone does not determine a person's ability to make informed decisions about their health and wellbeing.

When we talk about dying with dignity for young people, Gillick competence provides a crucial framework. It allows us to assess whether a child or adolescent has the capacity to understand the nature and consequences of their choices. Implementing Gillick competence in the context of dying with dignity safeguards the integrity of the process. It respects the autonomy of young people, while ensuring that their decisions are made responsibly and ethically. It acknowledges that some young individuals, despite their age, possess the maturity and insight necessary to make such a profound choice about their own lives.

I mentioned earlier that children and young people suffering from terminal illness often exhibit a level of maturity and insight far beyond their years. It is our responsibility to honour this. Gillick competence affirms our commitment to compassion, dignity and respect for all individuals, regardless of age. We acknowledge that young people, when appropriately assessed, should have the right to make informed decisions about their own bodies and future, particularly when faced with terminal illness and insurmountable suffering. Self-determination is not just reserved for those over the age of 18. It should be a right for everyone—for all Canberrans of all ages. I hope this government can commit to the inclusion of those under the age of 18 by 2030 at the latest.

**MR COCKS** (Murrumbidgee) (4.57): I speak today after many months of deep reflection on the issues surrounding assisted dying, suicide, euthanasia and end-of-life care. I have long been a passionate advocate for preventing suicide, including suicide by those people who see no hope in the context of a terminal illness. Reflection on this bill required me to question and examine my assumptions and positions, because Canberrans deserve representatives that do consider the moral and ethical principles at hand, as well as the real-world practicalities of assisted dying.

That is why, as difficult as it was, I am deeply grateful that I had the opportunity to sit on the select committee that inquired into this bill. It provided the opportunity to really hear the arguments and the experiences from both sides. It forced me to be clear about exactly what we are considering in this debate, both as a philosophical matter of conscience and as a tangible bill before this Assembly.

What we are considering, despite what some may argue, is not just a competition around who cares. The question is not about who has been more deeply moved by the experiences of people grappling with the real-world, physical, emotional and psychological pain of end-of-life care. No-one could hear the stories that were shared throughout the inquiry into this bill and fail to feel anguish. It was heartbreaking to hear the stories of lost hope and long goodbyes. It was impossible to hear those stories and not question myself—whether I was wrong in my views on euthanasia.

But the fundamental issues we face and disagree on today are questions of community safety. There are twin questions. Can we safely licence the distribution of lethal drugs into the community for the express purpose of taking someone's life? And does this specific bill achieve that objective? No-one has yet convinced me that the answer to either of those questions is yes.

This bill remains the most extreme and ideological in the country. It undermines explicitly any safeguard that would adequately limit assisted dying to the very end stages of life. It compels the most deep, conscientious objectors to participate in taking a life, and it explicitly opens the door to euthanasia for children and for people who lack decision-making capacity. I cannot support this bill.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations and Workplace Safety, Minister for Multicultural Affairs and Minister for Police and Crime Prevention) (5.00): This is a very important debate. The topic elicits some strong emotions and raises profound questions about autonomy, compassion and human dignity. It is a subject that demands our careful consideration and courageous action. What we are debating tonight is about empowering an individual to have control over their own life and death.

The Voluntary Assisted Dying Bill recognises the fundamental right of every person to choose the manner and timing of their passing, when faced with unbearable suffering of a terminal illness. It will enable individuals to have more open and honest conversations with healthcare providers and loved ones about their end-of-life preference, fostering greater empathy and understanding. This is not about promoting death; it is about providing compassionate options for those who face unbearable and

unliveable suffering at the end of their lives. It is about affirming our humanity by extending empathy and support to those most vulnerable.

I supported my brother during his terminal illness until his death. I carried him into the hospice because he only weighed 40 kilos at the time. It was incredible watching him go through that terrible time, with no hope of recovery—the agonising journey of how long he would suffer, while watching his loved ones watch him fade away.

Although palliative care provides a great deal of support and pain relief, in some cases it is simply not enough. For instance, a sufferer of motor neurone disease, or MND, becomes progressively paralysed. Late in the disease, breathing can be seriously hindered. Many sufferers fear suffocating to death more than anything else and would prefer to go in a dignified manner while still being able to say goodbye to loved ones, rather than desperately gasping for breath.

Asbestosis sufferers not only gasp desperately for breath; for them, breathing is extremely painful. A sufferer with cancer of the spine may have pain so severe that it can only be relieved by terminal sedation, whereby a patient will be induced into a coma to relieve pain. And for many patients, suffering is not just about pain; suffering can include other factors such as loss of control of decision-making, loss of dignity or such weakness that they are completely dependent on others for every intimate part of daily care.

The bill provides a framework of safeguards to ensure this choice is made freely, without coercion or undue influence. It establishes strict criteria that must be met, including rigorous assessments by medical professionals to ensure that only those who are truly suffering and terminally ill can take this pathway. Supporting this legislation is about empowering individuals to make deeply personal choices about their own end-of-life care. Denying people this choice is a denial of their autonomy and a violation of their dignity.

Having a choice means having control. Many people dealing with traumatic illness and suffering feel that they are losing control of their situation and their own self. End-of-life choices, which include voluntary assisted dying, can restore to them a sense of agency over their own lives. I believe in the worth and dignity of the individual. There are few more significant ways in which we can empower an individual than by giving them this choice.

I support the right of an individual to have dignity at the end of their life. I also think it takes incredible bravery for someone to make this choice, because choosing to override our fundamental human desire to live is not something done on just a whim. Let us not turn a blind eye to the suffering of our fellow human beings. Let us stand on the side of compassion and dignity and affirm the fundamental principle that every individual deserves a dignified death.

I have considered the profound moral imperative at stake here and support the introduction of the Voluntary Assisted Dying Bill. Let us be guided by empathy, respect for a person's dignity and the pursuit of a more compassionate society.

**MR BRADDOCK** (Yerrabi) (5.05): Everyone must die. This is an inevitable and

undeniable truth. No-one in history has avoided that inescapable fact, and those of us standing do so simply because our time is not yet finished. But the inevitability of death and taxes mean, one day, our turn will come. Western society has an uneasy and uncomfortable relationship with death. We seldom talk about it; we seldom engage with its reality. We have built entire industries to quietly remove death from common society: to isolate it; to civilise it. This has not helped those who have sought to talk about death and to have a frank, community-level conversation about the issue.

No matter where we draw the criteria and the safeguards within this bill, or even regardless of whether this bill passes or not, there will be death: that is inescapable. The questions, then, need to shift to the manner and timing of those deaths. Will those deaths be painful, drawn-out and lacking any sense of dignity, with people suffering and dying in isolation and fear as they attempt to take their own lives through unsatisfactory means? Or will those deaths be pain free and peaceful, with people surrounded by friends and loved ones? When will those deaths occur? What time will be lost? What are we really measuring in terms of time? Is it time spent intolerably suffering or time before someone was due? Is it time to devote to relationships and those that will be left behind?

I have already spoken in this chamber on voluntary assisted dying and this particular bill, and I do not wish to rehash those speeches here. I also had the privilege to serve on the committee that examined this bill. In terms of the government response to the committee's report, I welcome the government's consideration of the recommendations. Where a matter could not be addressed, I recognise and respect the reasoning provided. I welcome the government amendments which will address the consistently raised concern during the committee inquiry about the definitions of advanced and last stages of life.

The bill does contain one very significant shortfall in that people cannot specify voluntary assisted dying in an advance healthcare directive, in the event they lose capacity. This is an issue that I, and many in our community, have personal experience of. It haunts me and creates fear for the future for me and my loved ones, as it does for many in our community. It was an issue repeatedly raised in submissions to the inquiry. Individuals and community groups pleaded for the right to specify their wishes in advance healthcare directives so that they can be at peace in the knowledge that, even should they lose capacity, they are not doomed to spend the end of their lives in fear, pain and confusion.

The range of activities that are already covered by advance healthcare directives include force feeding, intubation, stopping life support systems, withdrawal of feeding—that is, starvation—and prevention of medical intervention. I contemplated moving amendments to this bill and even engaged with stakeholders with the intent to do so, and I would like to thank them for their assistance in this matter.

Ultimately, I decided not to proceed with those amendments, following advice from the Labor minister responsible for the bill, because they would slow the passage of this bill and prevent it from being passed this term. Therefore, it is with regret that I have been unable to progress this issue today. But I can, on behalf of the ACT Greens, commit to not waiting until the statutory review to re-examine this question. There is no need to wait for the statutory review to undertake this piece of policy work and examine the

question of capacity. We can, in the meantime, consult with the community and make changes as required to the legislation.

If re-elected, the Greens will commit to this work being undertaken in the next term. We will not simply wait whilst Canberrans who have lost capacity suffer intolerably under our watch. But, in the meantime, we will also ensure VAD is accessible for as many people in the community as possible, as quickly as possible.

I will be supporting this bill, which, whilst not perfect, is a great step in ensuring Canberrans have the opportunity to access a peaceful, dignified, pain-free death, with the approach of their, and our, inevitable end.

**MR CAIN** (Ginninderra) (5.09): I rise today to join my colleagues from all parties in this place for the debate on this significant piece of legislation. I acknowledge the contributions that have been made so far by members, and I want to declare that I respect the position of each and every one in this place, even though I may disagree. The bill undoubtedly will be considered one of the most significant issues that this Assembly has debated over the course of this term. This is due to the fact that this has been a highly contentious issue for many decades in Australia, and especially in the ACT.

I want to say for the record, as I have said before, that I supported the long overdue restoration of territory rights on this issue by federal parliament in late 2022. The people of the ACT deserve to be treated as people are in the other states and territory. They deserve the opportunity for their elected representatives to introduce, debate, vote and legislate on issues that impact our community. This includes voluntary assisted dying, and I stand with all those who believed in and fought for territory rights in the ACT.

I want to pay particular tribute to the Leader of the Opposition, Elizabeth Lee, for her strong advocacy, not long after becoming leader of the Canberra Liberals, for territory rights on behalf of Canberrans. I also want to applaud Ms Lee—and this is something that, fairly obviously, is happening in this place—for allowing the Liberals to undertake a conscience vote on this matter. It is a testament to her leadership and the values of the Liberal Party that we are able to agree to disagree with one another civilly and respectfully—just as we, hopefully on more than one occasion, can agree with one another.

The Liberal Party is a broad church—a catch-all approach to politics in Australia that was pioneered by Menzies and promoted by John Howard. The Liberals are proud to cover a wide spectrum of beliefs and represent a great many Canberrans from different walks of life and different views on questions of conscience and other things. As has been seen today, there are a range of views on voluntary assisted dying within our party, just as there are within our community, but it is the Liberal way to debate and disagree with grace and respect. I trust that continues. On that point, I will continue to act graciously, I trust, and respectfully to anyone who holds a position on this matter that differs from mine, and hope others will feel the same.

This is not an easy topic to navigate. I am sure that all of us here would have reflected deeply to arrive at each of our decisions today. It is my hope and belief that my constituents in Ginninderra will respect my position to vote according to my conscience

against assisted suicide and against this bill. For many decades this issue has been a point of discussion, and a range of views have been expressed and advocated both for and against by my constituents in Ginninderra. I want to assure them that I am always open to a respectful conversation if they feel they would like to change my mind.

Since this bill was introduced, and even well before that, I have been listening to the views of my constituents on this matter, and I respect the wide diversity of opinions amongst the residents of Ginninderra on this matter. Representing the people of Ginninderra has been one of the great honours and privileges of my life. I will always fight on their behalf, advocate for them, listen and respect their views and be open to their opinions.

I believe that my position on this matter is in accordance with the views of many I have spoken to in my electorate. I believe that position is in accordance with the territory rights and the capacity for members to freely debate and vote on issues that affect Canberrans. Also, my position is in accordance with my own conscience. I assure members that this is something I have reflected on during the select committee hearing and when looking at the recommendations and report. As I have said earlier, my position is that I cannot support this bill, and I do not support assisted suicide.

For the sake of clarity, I want to touch on a few things that do give me particular concern. We are dealing with a cohort of individuals who, by their very nature, are vulnerable—those who are suffering from an illness. It is concerning to me that there have been signs of trends elsewhere in the world of those living with disabilities who have on occasion felt impressed to consider assisted suicide as an option—a health option, indeed. This does concern me.

I want to conclude by acknowledging again the contributions by members in this place. Also, I want to acknowledge the respectful way in which this debate has thus far been conducted, even though I recognise my view may well be in the minority in this place.

**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) (5.15): I am pleased that we have reached this important next stage of consideration of the Voluntary Assisted Dying Bill 2023. All Australian states have now implemented voluntary assisted dying, and we know from research that most Australians support voluntary assisted dying with appropriate safeguards in place.

I want to start my contribution by acknowledging Minister Cheyne's deep commitment and hard work in getting us to this point, from campaigning for the restoration of territory rights to the detailed work of developing an evidence-based ACT scheme. It has been a pleasure to work with her through this process as the minister with portfolio responsibility for implementation.

As members know, the bill was introduced in October following a formal community consultation process. That consultation confirmed the overwhelming support for voluntary assisted dying to be available as an end-of-life option for Canberrans. I am pleased that we are moving forward with this legislation, which aligns with the community's wishes to provide end-of-life choices that respect people's rights,

preferences and values.

Advocates have called for this change for many years. After a quarter of a century of being unable to have this debate, the restoration of territory rights in late 2022 has enabled us to honour the advocates and community members who have championed this cause by engaging carefully and fully with our community to introduce legislation that is fit for purpose for the ACT.

As I detailed in yesterday's ministerial statement, the ACT government is committed to ensuring Canberrans, now and into the future, have access to high-quality palliative care. However, we know that, even with the best end-of-life care, some Canberrans with an advanced and progressive condition, illness or disease can currently experience intolerable suffering towards the end of their lives. This bill is about providing an additional choice for eligible Canberrans who are at their end of life and are suffering. It is about promoting autonomy and dignity for people who wish to consider this option if their condition is advanced, progressive, causing them intolerable suffering and is expected to cause their death. It is not a choice between life and death; it is a choice to die with dignity and reduced suffering.

Many individuals, advocates, organisations and clinicians have contributed to the development of this bill. Thank you to all who took the time to participate in the community consultation, make a submission to the select committee inquiry, appear at the inquiry or contribute in other ways. Thank you also to the officials across Justice and Community Safety, the Health Directorate, Canberra Health Services, the Community Services Directorate and others, and of course to the Parliamentary Counsel's Office.

As Minister Cheyne noted in tabling the government response to the select committee report, the committee heard from many experts and people with lived experience of palliative and end-of-life care. They heard from healthcare workers, specialists, aged-care and health service providers, as well as health consumers, carers and disability advocates. They also heard from people sharing their own health journey or their experience as a carer or family member of someone who suffered intolerably towards the end of their life or who took their own life to avoid such suffering. To all those people, like my colleagues, I am deeply grateful for your time and engagement in this process. To those who have shared their experiences with me personally, I thank you.

I think most of us know someone who has died in terrible circumstances, for them and their family. Whether it is because of a personal experience, empathy or fear of what the future might hold, I acknowledge that this can be a difficult and upsetting conversation for many people. That is why we have been so committed to engaging respectfully, hearing all perspectives and thinking carefully about our policy approach.

We now move our focus to debating the bill. As we move our focus to debating the bill, I understand the community will want to know what implementation of voluntary assisted dying will involve in the ACT and how the government will achieve this. I therefore wish to take this opportunity to provide an overview of how voluntary assisted dying will be implemented in the ACT, subject to the passage of this legislation, particularly as this pertains to changes in our health system, and what the next steps



will look like.

The intention of this bill is to provide eligible people in the ACT who are suffering and dying with the option to ask for medical help to end their life. The bill provides appropriate safeguards around the eligibility assessment process to protect an individual's freedom of choice and to ensure an individual's decision can be made without coercion or abuse. If a person is assessed as eligible, this will allow them to voluntarily take or be administered a substance to bring about their death at a time and place they choose.

The introduction of voluntary assisted dying is a significant and important change to our health system. As noted by the Chief Minister, the ACT Health Directorate and Canberra Health Services have established a voluntary assisted dying task force to prepare the health system and health workforce to deliver voluntary assisted dying services once the legislation is enacted. The task force will be responsible for key implementation deliverables, such as establishing a care navigation service, in addition to facilitating further stakeholder consultation and working to ensure we deliver the best framework and model of care to meet the needs of the community.

Drawing on expertise from across the Health Directorate and Canberra Health Services as well as around the country, the task force will coordinate and develop key deliverables, including establishing care and referral pathways across the health system; the establishment of care navigation and pharmacy services; development of clinical guidelines and regulations; establishing workforce training and accreditation; establishing a new independent voluntary assisted dying oversight board to monitor operation of the legislation; and, of course, communicating and engaging with community stakeholders, including our health workforce and those who have expressed interest in ongoing engagement on safeguards, including carers and people with disability.

The task force has already commenced early implementation planning in anticipation of the passage of this legislation. With a government amendment to the bill proposing a fixed commencement date of 3 November 2025, there is much work to do. We know from conversations with other jurisdictions that the implementation process is resource intensive and requires time and consideration to ensure the many changes and elements of voluntary assisted dying are carefully considered and implemented. We recognise that ACT community perspectives are vitally important during the implementation stage.

Our legislation differs in some key areas from other states, as people have talked about, and we remain cognisant of the needs of health consumers and health professionals in the ACT. To ensure this occurs, community stakeholder representatives will be invited to participate in consultation groups to advise and provide input on the design of voluntary assisted dying services, care navigation, support and general information about voluntary assisted dying for patients, family members, health professionals and other organisations, such as aged-care facilities. This advice and input will help us to ensure information and services are fit for purpose and meet the needs and expectations of our diverse community and provide all the necessary information and support for our health workforce.

The Minister for Human Rights has detailed parts of the government response to the select committee inquiry into this bill. I will speak further to the government's response to recommendations relating to implementation of voluntary assisted dying. Several of the committee's recommendations relate to ensuring appropriate support, educational materials and training opportunities so that the community and health professionals are aware of their obligations and have support materials available in regard to voluntary

assisted dying. The government will ensure that there are resources available for both the community and health professionals. The government will keep the community informed of progress through appropriate communication channels and ensure we can reach the many diverse groups and people in the ACT and surrounding region. We will work hard to ensure the ACT community is engaged and well informed about all end-of-life options, including voluntary assisted dying.

We recognise that the introduction of voluntary assisted dying is a significant change for health service providers, health professionals and the health and aged-care sectors more broadly. The ACT model was informed by extensive consultation, as I have said. The ACT will implement a mixed-service delivery model for voluntary assisted dying, and services will be delivered in the primary and private health sectors as well as in the network of public hospitals and health services run by CHS.

A navigation service will be established by Canberra Health Services. This service will support individuals, their families, health practitioners and health services seeking information and pathways about voluntary assisted dying. A dedicated pharmacy service will also be established to dispense and provide information and support about the voluntary assisted dying substance. The implementation team will develop mandatory training for eligible medical specialists, general practitioners and nurse practitioners who wish to become authorised to provide voluntary assisted dying services. Similarly, pharmacists, registered nurses, social workers and other allied health professionals who will engage directly with the voluntary assisted dying process will receive specific training and support.

We have also committed to developing and rolling out general education and awareness training for the entire healthcare workforce. We know there may be many healthcare workers who could be asked by a patient about voluntary assisted dying but will not be either directly involved or comfortable providing voluntary assisted dying services. This general education and awareness training will be rolled out before voluntary assisted dying services commence to ensure the workforce is supported and informed about what voluntary assisted dying is, what the processes are to access it, and any obligations under the legislation. For example, health professionals may conscientiously object to participate in voluntary assisted dying; however, the legislation requires that health practitioners provide certain information to any person requesting voluntary assisted dying, including contact information for the territory-wide care navigation service that will be established. This is an important safeguard for vulnerable people who wish to access information on a health service that is lawfully available within the territory. It is also important that all health workers are aware of their obligations, as well as the opportunities they have to provide advice to their patients.

The bill also ensures that health and care facilities provide reasonable access to voluntary assisted dying information and services to people in their care if they request it. Facilities will need to ensure they meet minimum requirements for access, including publicly available information on their voluntary assisted dying policies, provision of information about contact details for the navigation service and reasonable access to voluntary assisted dying practitioners at the person's place of residence or care. Unlike some other states, these minimum standards will apply to all facilities where care, nursing or support is provided and apply to non-permanent as well as permanent residents of a facility. In this way, the model truly promotes person-centred care, accessibility and flexibility.

Health practitioners wishing to become an authorised voluntary assisted dying practitioner will need to meet the qualification and experience requirements and

complete the compulsory training based on the ACT legislation. Authorised practitioners that meet the criteria will be eligible for the roles of coordinating practitioner, conducting the first eligibility assessment and coordinate all steps of the voluntary assisted dying process; consulting practitioner, who conducts a second eligibility assessment; and an administering practitioner, who administers the prescribed voluntary assisted dying substance to the person if they request its administration by a practitioner. An eligible person can, of course, decide to self-administer the substance or request a practitioner to administer the substance.

Under the bill and government amendments, only a doctor or nurse practitioner can apply to be authorised as a coordinating or consulting practitioner. In addition to these professions, registered nurses may be authorised to undertake the role of administering practitioner. The expanded roles of nurse practitioners and registered nurses are an important part of the ACT model and reflect the roles and skills of these professionals, as others have enlarged upon. Following passage of the bill, regulations will be developed setting out the specific qualifications and experience health practitioners must have to be eligible to undertake the mandatory training to become a voluntary assisted dying practitioner.

As recommended by the select committee, the government has agreed on the need for clarity regarding requirements for health professionals when raising voluntary assisted dying as an end-of-life choice. To address this, government amendments will clearly outline the policy intent of ensuring that people are able to make fully informed end-of-life choices. It is important to recognise that the bill does not seek to prohibit any person, including health professionals, from initiating a conversation about voluntary assisted dying; rather, it establishes that medical or nurse practitioners who consider they have the expertise to engage in end-of-life discussions must ensure that they provide a range of information on end-of-life options when raising voluntary assisted dying. All other health practitioners who raise voluntary assisted dying as an end-of-life choice must make the person aware that there are a range of end-of-life options available and that they should discuss these options with their treating doctor.

A healthcare workforce which is comfortable with and willing to engage in voluntary assisted dying in the ACT will be critical to enable eligible Canberrans to access voluntary assisted dying as part of the spectrum of end-of-life care and supports in a safe and supported manner, and we will focus on providing the resourcing and support that healthcare workers will need. To this end, in addition to a voluntary assisted dying education and training program, the voluntary assisted dying task force will design, develop and support delivery of several elements to support health professionals, including clinical guidelines to provide clear guidance to health professionals so that they can engage in and consider end-of-life discussions with their patients, including providing information on palliative care and treatment options, as well as voluntary assisted dying; and a voluntary assisted dying practitioner community of practice. This will be highly valuable for health professionals to collaborate on complex cases and learn from each other. I know there are many health professionals who are looking forward to engaging in this work.

Just the other day, I was speaking with Cate, a social worker at Clare Holland House, and she was asking me when more information would be available. When we talk about health professionals and voluntary assisted dying, there tends to be a focus on doctors and, in the ACT's case, nurses. But social workers will play a key role in helping people to navigate this system. Cate wants to be able to engage in this conversation. I asked if she had listened to the Social Work Stories podcast by a Victorian social worker who supports people accessing voluntary assisted dying in that state. She excitedly told me

that she had—though I think she was a bit surprised to find that I was listening to Social Work Stories. For anyone wanting to hear about how voluntary assisted dying can enable the choice of a dignified death, I would recommend listening to this episode. (*Extension of time granted.*)

I have spoken largely in my role as health minister, but I am also the Minister for Disability. I am running out of time, so I will simply say that I have heard the fears and concerns of the disability community. I have heard that people are worried about coercion and the assumptions others make about their quality of life—indeed, about whether their life is worth living. I am confident that the safeguards that we have in the bill are sufficient, but we will continue to listen. I have also heard the concern that people may be considered ineligible for voluntary assisted dying because their capacity or ability to communicate would be taken as an inability to make an informed decision to die with dignity. I am strongly committed to ensuring the voices of people with disability, carers, healthcare consumers, older people and our diverse community continue to be heard throughout the implementation process.

In closing, this bill will bring about a significant but long-anticipated change in the territory and it has been closely scrutinised. I thank the select committee members for their detailed inquiry into the bill and recommendations in their report tabled in February. I also thank members for their contributions to this debate.

Implementation of this bill will ensure eligible people can make informed choices about the end of their life, with the support of health professionals and support services. We are moving closer to enabling eligible Canberrans to access end-of-life choices that align with their rights, preferences and values.

We assure Mr Cain that the Labor Party also has a conscience vote on this issue. As you would be able to tell by now, I will be voting for this bill—and I commend it to the Assembly.

**MR PARTON** (Brindabella) (5.32): Like Mr Cain and Ms Stephen-Smith, I am glad that my party allows its members to have a conscience vote on this issue, and I would like to believe that that would be the case for all of us here. Like every other member in this chamber, I have considered this issue for many years and, in that time, I have at various times gravitated to the yes side of the debate and at others to the no side.

I was a working journalist in this country from the early 1980s, and I worked extensively in talk radio in Adelaide from 1986. This issue has always been something which is vigorously debated in the public space, and I have watched the tide come in on this issue over a long period of time. Years ago I had long conversations with former Labor Chief Minister Jon Stanhope. It is well known that Mr Stanhope historically has not supported voluntary assisted dying; that he, along with former Labor Prime Minister Paul Keating, were long of the belief that a bill like this would inevitably mean that some terminally ill patients would agree to be killed when it was not their true wishes. That is a view that they have expressed over a long period of time.

I mention them in this debate because I am aware of the fact that there will be some—and we already have had some—who have indicated that they are voting against this bill. Certainly, until this point there has been an understanding that, if someone disagrees with you on this bill, it does not mean that they are not taking a considered position and that they should not be attacked for having a view that does not align with yours or mine. I know that the minister responsible has gone to great lengths to set up protections and to draft the bill in such a way that the outcomes that Mr Stanhope and

Mr Keating have alluded to—as have Mr Cocks and others—do not ensue. But it must also be said that, in a lot of those conversations that I have had over many years, the ACT was pushing to be an outlier in this space, and that is no longer the case.

I have also had many conversations with those who work every day in the palliative care space. Like most of us here in the chamber, I am aware that, at some level, VAD is already occurring and has been for a long time. The line between palliative care and VAD is often blurred and that, when those lines are blurred, it is just about never sinister and the wishes, the feelings and the dignity of the patient are taken into consideration.

Since I have been an elected member, I have had literally hundreds of conversations with community members who have a wide range of views on this issue. As it is for us genuinely a conscience vote, I have to share briefly that my views on the issue are heavily influenced, as is the case with most of us, by personal experience. On 13 May 2017, I sat with my father when he died. At the time of his passing there were only two of us in the room. It was just he and I. It still seems surreal. He was not aware of my presence—at least I do not think he was. I held his hand as he struggled to breathe. I certainly lined up with Mr Gentleman in his reflection earlier that every breath was a monumental struggle, and it was just painful to watch and painful to listen to. I sat beside him holding his hand during this struggle and wished that I could do something, but I could not. Then there was a moment when his hand squeezed mine and, all of a sudden, he just stopped struggling to breathe, and life left his body. It was one of the most truly peaceful moments of my life. That moment continues to heavily influence my personal views on life and death.

I have some concerns with this bill. I do not think it would be possible to draw a bill of this nature and make it perfect—impossible; absolutely impossible. Many people still have concerns with this bill. I know that we will go through a process in the detail stage of the debate to further modify this bill, and I have faith that this group of people here in this room can make important modifications and get this bill to the point that it should pass. So, although I am voting yes to this bill in principle, I do so leaving open the option of opposing the bill should the detail stage debate and the amendments not reach a point which is satisfactory to me.

**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) (5.39): I rise today to speak in support of the bill to legalise voluntary assisted dying. As people have noted, death is a difficult topic for us to speak about in our culture. It is often something that we try not to think about, cannot talk about or talk about in hushed tones, and it is often shrouded in secrecy and mystery. But death is part of the human experience. It is going to happen to all of us and very few of us will not be affected by the death of a loved one.

For those of us—and we have heard the stories that have been shared today—who have travelled with someone to the end of their life, we know that, while it is tremendously sad and a tremendously challenging and upsetting time, it can also be a great privilege to share some of the last moments of someone's life with them. It changes you and it becomes part of you and your story. Those of us that have supported someone with a terminal illness as they navigate the health system and the palliative care system know the extraordinary people who work in these areas. You cannot go through this situation

without being moved by their care, their compassion and their commitment to supporting individuals and their loved ones as they come to the end of their lives.

This is a discussion that we have been trying to have in this community for many years, and I am so relieved that we have finally been able to do this—to contemplate this issue in a way that most other communities in Australia have already been able to do. However, it is hard to reconcile this with the fact that many people who wished to access voluntary assisted dying instead experienced an end of life that was against their wishes, due to ideology and political gains of those outside this place. I want to acknowledge those people and thank them for their courage, their dignity and their commitment to making the world better for others.

I deeply understand that there are deep ethical issues that come with discussion and debate around voluntary assisted dying. I reflect on the respectful debate that has occurred in this place tonight and the important work that has been done by ministers, the public service, health professionals, the cross-party select committee inquiring into this issue, stakeholders and community members who have contributed to the development of a scheme that provides dignity as well as safeguards to ensure that this scheme is not exploited or abused. While I recognise that there are those who would like to see some differences to the scheme, it has been acknowledged that it is important that we introduce a scheme as quickly as we can that draws on the experiences and the lessons of other communities.

It is hard not to come to this debate without drawing on your own experiences and life. I would like to introduce you to my mother, Therese Mary Vassarotti, nee Holland. In doing this, I do not want my mother to be defined by her death, because she lived an extraordinary life. Born in Sydney, she moved to Canberra with my father in the early 70s as part of the mass migration of people to Canberra at that time. A mother of six children, including me, her life took many turns. She lived through the feminist revolution and, while she spent most of my childhood outside the paid workforce, she embarked on university study and a rich career from her 40s. She was a force of nature, engaging in some of the most difficult issues as well as educating many young people here in Canberra. She took on the Catholic Church to reform the role of women in the church and led work in supporting leadership and spirituality within the health system. She was an inspiration, and her wisdom guides me every day as I navigate my life as a woman, as a mother and as a community member.

She was in full flight around changing the world when she received the shocking diagnosis of acute leukaemia in 2012, when she was 62. It was a horrible disease that saw mum isolated in a pressure room in the Canberra Hospital for months and months. While she was beautifully cared for, the things that needed to keep her safe and well were brutal—not being able to move freely and not being able to see her loved grandchildren due to risk of infection. Despite heroic efforts of both mum and her treating team, mum entered the final stages of her life in November 2012.

Some of the most treasured time I spent with my mother were in those final weeks, where we sat together quietly, contemplating the world and our place in it to the very end. Mum taught me so much about the journey around the end of life, about dignity, about acceptance and mostly about love. We were actually lucky that one thing that she was spared was significant pain in those last weeks of her life. I cannot contemplate

what things would have been like if she had been in unbearable pain. I cannot contemplate what we would have had to carry if we had not been able to fulfil any wish to meet her death on her terms or stop intolerable and enduring suffering.

This is a scheme that is essentially about dignity. It is about choice, and it is about compassion. I commend the bill to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (5.45): I support voluntary assisted dying because it is supported by the majority of the community—over 70 per cent since 1990. I support it because my constituents have told me that they support it. I have taken time to meet with many of them in their homes—people who have terminal illnesses, diseases and want to access voluntary assisted dying but have been unable to do so in the ACT. I support it because I was elected as a Labor member in this place to implement progressive reform. I support it because I believe in personal freedom and autonomy on this important matter. But, above all, I support it because it will provide dignity to those who choose to access it at the end of their life.

This bill is about providing high-quality, person-centred care and treatment. Importantly, it also contains protections to make sure that people are not subject to coercion and exploitation. As in other jurisdictions, an individual seeking to access voluntary assisted dying must undergo a multi-step request and assessment to access it. Rightly, this will require an assessment by two independent and suitably qualified health professionals. Those two health professionals must be independent of the person wishing to access voluntary assisted dying and cannot in any way benefit from the death of the individual.

There are also key safeguards to support those making this very difficult decision. When supporting people to make an informed decision about their end-of-life options, the bill will require health professionals who initiate any discussion of voluntary assisted dying to also ensure that the person knows their options and the likely outcome of those options, including treatment and palliative care.

This bill also requires that an individual seeking access to voluntary assisted dying must have decision-making capacity in relation to voluntary assisted dying and be able to understand the choices they have and the decision that they will be making. This is an important safeguard.

In relation to palliative care, this remains an important part of the healthcare system. I know it is important for our government. Health minister Rachel Stephen-Smith said on Wednesday in the Assembly, in a ministerial statement during this Palliative Care Week:

Every person approaching the end of their life should be provided with access to high-quality, person and family centred palliative and end-of-life care when they need it to minimise suffering and maximise quality of life.

I wholeheartedly agree with the health minister. Arguments about palliative care have sometimes been made by either side of the debate on voluntary assisted dying over the decades. I reject strongly the notion that palliative care is enough for every individual

with an advanced health progressive condition, illness or disease who is suffering and at the end of their life. That is a choice for them to make, if they have the option of voluntary assisted dying. “What about palliative care?” has often been used as an argument in the public debates by those who seek to stop voluntary assisted dying laws and want consideration of these laws delayed.

I want to commend our policymakers for being absolutely focused on providing this additional choice to Canberrans at the end of their life in a responsible and timely way, whilst also and separately recognising that palliative care is important and will be strengthened in the ACT. Both are important. I want to take time to acknowledge those that have spent decades lobbying for change: community advocates engaged in the endless debates outside the parliament and in the media, and particularly the local advocates in the ACT, arguing for our democratic right just to have the debate we are having today, after every parliament, except for the NT, has already had it.

I want to acknowledge those that have died waiting for this change, including those that may have benefited from this new pathway that we are debating today. I acknowledge the grief of the families who wanted their loved ones to access it and who have witnessed their loved one experiencing pain and suffering. We acknowledge that our inability to make this legislation under our Constitution, as a result of the actions of the commonwealth parliament, for so many years has resulted in unnecessary pain and suffering for families.

I am also confident that, now that we have been granted the legislative power to make laws on this matter, in the ACT we have the best legislation in Australia on voluntary assisted dying being debated today. Firstly, that is because it is government legislation, not a private member’s bill, and therefore it has gone through the robust policy development processes that are required across government, with expert input from the public service, Canberra Health Services, ACT Health and properly coordinated consultation with the public and health practitioners. Secondly, we have benefited from seeing the form of legislation in other jurisdictions and we can address some of the issues arising from the implementation that we have seen elsewhere.

I am confident that this bill will provide dignity to those at the end of their life who choose to access voluntary assisted dying. It is a bill with appropriate guardrails that respects the autonomy and freedom of the individual. It is a progressive but measured bill. It is the type of reform that you get when you continue to elect progressive Labor members to the Legislative Assembly. I really respect the spirit in which the debate has occurred in the in-principle stage of this legislation.

I will finish on this important note, because policymaking is more than just about principle; it is about implementation as well. It is worth reflecting on the implementation of this. This is a matter of trust. The community will need to consider what leaders we want in this Assembly, implementing this reform, if it is passed in the Legislative Assembly later this year. Do we want those who have a fundamental ideological or moral objection to the provision of this voluntary assisted dying pathway in charge of delivering the pathway successfully, or do we want those who support the law and want it to be properly implemented in order to give Canberrans dignity of choice at the end of our lives? That is a question that Canberrans will need to consider from now until October.



**MR MILLIGAN** (Yerrabi) (5.52): I will keep this brief. I want to put on the record that I will not be supporting this bill. Mr Deputy Speaker, you mentioned earlier that it is life experience that drives a lot of what we believe in, the values that we believe in, and what we push for. Sadly, I lost my mother back in 2015. She did not get to see me elected to this place. She would have loved it. She was diagnosed with cancer. Eighteen months she was given and 18 months she lived, and during that process she struggled; she really struggled. She said to me that she felt like she was just waiting to die.

At the time, if voluntary assisted dying had been available, she may have taken that up. But, on the night that she passed away, I remember sitting beside her bed and she said to me, “I would do anything for just one more day.” That is one of the life experiences that I have experienced that drive me to my position on this bill. I will certainly be using the detail stage of this debate to outline my concerns and the concerns of the people that I represent in my electorate. We will wait for the detail stage. We will certainly put our views and opinions across, and we will see where we land.

**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) (5.54): I start today by expressing my gratitude to all those involved in developing the Voluntary Assisted Dying Bill. I know that the bill that the Assembly is debating today would not be here without the dedication and commitment of countless ACT government staff and community stakeholders, and the many individual Canberrans who contributed their experiences and views during the consultations. This will result in the ACT offering the most progressive voluntary assisted dying laws in the country.

We know that this bill, as it stands, is underpinned by the best available health evidence, ethical standards, thorough community consultation and the values of kindness, compassion and dignity. End-of-life health care can be challenging, emotional and complex for people with a life-limiting illness, their families and carers. Noting the significant vulnerabilities for those considering end-of-life choices, voluntary assisted dying legislation that empowers choice and dignity while also providing appropriate protections for people is paramount.

In every conversation we have had about how to enable voluntary assisted dying, people with disability and older people have always been at the front of my mind. This Voluntary Assisted Dying Bill includes protections that consider the needs of all people eligible to access voluntary assisted dying in the ACT. The government has talked previously about voluntary assisted dying being one of multiple end-of-life healthcare options for people, and indeed this is a message that I reinforce.

Ultimately, what we want is for people who are eligible for voluntary assisted dying to be supported to make the choice that is right for them as individuals. Terry Pratchett said of this choice:

If I knew that I could die at any time I wanted, then suddenly every day would be as precious as a million pounds.

The implementation of a voluntary assisted dying scheme in the ACT must be

complementary to inclusive and robust palliative care services, delivered when they need it and where they need it, in addition to bespoke end-of-life services that support seniors, veterans and people with disability.

Mental wellbeing must also be at the forefront of implementing a voluntary assisted dying scheme. There is always room for improvement in the way we support Canberrans experiencing grief and loss. However, we know engaging with voluntary assisted dying, irrespective of whether you are a patient, a family member, a friend or a carer has its own unique grief and loss challenges. This applies whether a patient completes a voluntary assisted dying process or not. I look forward to supporting the government with this work.

I am humbled to be part of a government brave enough to progress this important and progressive legislation. I extend my appreciation to the Minister for Human Rights and the Minister for Health for their work on and commitment to this legislation, and to Mr Braddock for his work on the inquiry.

**MR PETTERSSON (Yerrabi) (5.57):** It is an honour to rise and speak in support of the Voluntary Assisted Dying Bill 2023.

I would like to start by thanking the many Canberrans who have advocated tirelessly for this reform; we are all here because of you. They are those that have suffered or seen someone they love suffer because they had no other choice. They are the health professionals, legal experts and community advocates who have campaigned for decades. It has been a long journey to reach this debate, but here we are, finally.

Death is an uncomfortable topic—often one we would rather not talk about at all. However, across our territory many people die in deep distress, debilitating pain and without dignity, against their express wishes. Voluntary assisted dying would give these Canberrans the ability to make their own choice about their own death.

Whilst death is never an easy process, for some people this is especially extended and difficult. With terminal illness, there are circumstances where pain relief is not adequate, and people can live in excruciating pain. In some circumstances palliative care cannot adequately support a dying person in the way that they desire.

For many people, a loss of dignity at the end of one's life is especially confronting. People who cannot feed, clothe or bathe themselves and must rely on others for every need often experience this distress. This often causes added stress for the individual and for their loved ones.

Watching a loved one die is one of the hardest things that a person can experience. In this place and outside it, it is a near-universal experience to have gone through this traumatic experience with one's own loved ones. I have seen my loved ones suffer at the end of their life. I believe that the compassionate response to suffering is to do our best to support people to alleviate it in a way that they believe is appropriate, not the way that we think they should.

To be clear, supporting voluntary assisted dying also requires supporting palliative care. For voluntary assisted dying to be a choice, it requires there to be genuine choices,

which is why today I recommit myself to the provision of free public health care and a strong palliative care system with the passage of the bill.

The ACT's journey to this debate, unfortunately, has been a long one. In 1995, the brave Northern Territory Legislative Assembly voted 15 to 10 to legalise voluntary assisted dying. A parliament much like ours in size and legal status as a territory had the courage to lead the world and become the first parliament to pass a law making voluntary assisted dying legal.

Somewhat understandably at the time, it was indeed controversial. Nonetheless I believe they were right. Soon after, a bill was introduced into the federal parliament that sought to prevent the territories of Australia from legislating on end-of-life matters. When voted on in the House of Representatives, a clear 88 to 35 supported the ban, and in the Senate it was closer—38 to 33. This vote ceased the operations in the Northern Territory and limited the ACT Legislative Assembly legislating in a similar way.

Since then, we have seen the states of Australia not only progress this discussion but implement voluntary assisted dying schemes themselves. Unfortunately, the ban on the territories was to remain in place until December 2022, when the legislation was finally repealed. It is now our time to consider and debate and, I believe, to get this done, in line with the expectations of our constituents.

Going to the bill that is before us, regarding eligibility, I am comfortable and will support the eligibility criteria as proposed in the government's bill. The requirements for relevant condition, suffering, place of residence and decision-making capacity are largely similar to that of other Australian jurisdictions, and I believe they are in line with what the community expects of this scheme.

The key difference, of course, is that there is no requirement of time frames to death. I believe that this is a reasonable differentiation from other jurisdictions. A time line to death is a fraught concept, as it is notoriously inaccurate and reliant upon very subjective assessments.

Arbitrary time frames create conflict between people and medical practitioners at a time of extreme distress. They also present arbitrary edge cases—for, in my view, no discernible reason. I believe the time frames are needless if all other eligibility requirements are met. I have heard the experiences of other jurisdictions, and I support the exclusion of time frames in the ACT.

There are a range of other eligibility issues that are not before us; but, for the record—and I want to be open about this—I am open to further discussions about eligibility once the scheme has been implemented and embedded. Some of these, to me, appear to be quite unusual and rare circumstances, but if there is genuine community interest in pursuing these reforms, I will consider them fulsomely at that time. My first priority is to ensure that the scheme that is before us is implemented properly and as soon as possible. Canberrans have already waited for too long.

In regard to the process for requesting voluntary assisted dying and the assessment of that request, I support the process outlined by the government. I believe that the sequencing of events following a request is sensible and largely in line with what occurs

in other jurisdictions. The process of first, second and final requests, making records, undertaking assessments, offering referrals, and notifying and certifying witnesses are all thorough. These are the appropriate and strong safeguards that a VAD scheme requires.

I believe it is appropriate that health practitioners who refuse to accept a first request be required to inform the individual that other health practitioners may be able to assist and/or give further relevant information. One's health care in our city should never be determined by the luck of who attends one's bedside.

There is one element of this debate that I wish to highlight for its lack of inclusion in the government bill, and I appreciate the many reasons why the government did not include it—that of advanced care directives, as well as all similar mechanisms to deal with the tragic circumstances of someone of capacity expressing their intent for voluntary assisted death in the event of certain circumstances, and then developing certain conditions or losing capacity following that final request. I am incredibly sympathetic to these issues, and I believe they should be addressed.

I have thought long and hard on these issues and I have found myself, time and again, reaching the difficult conclusion that this should be legislated for in some form. It is tragic and uncomfortable, but I find myself aligning with the longstanding and explicit wishes of the individual.

However, I do not believe that this is entirely unusual in the provision of care. For example, I look similarly upon a “do not resuscitate” order as I do an advanced care directive. However, I believe that this issue will require long and considered community discussion, and any proposed legislation would need to be thoroughly tested to ensure that it is fit for purpose and that practitioners are properly prepared for its implementation.

In considering this bill, I have drawn upon conversations with my constituents, academics, medical practitioners, friends and family. I have read through the government's reports and the submissions to the select committee. I have looked at examples in other jurisdictions, near and far; but, through all of this, there is one particular conversation with one particular individual that stands out.

This individual was concerned about their health and their future, and they were lamenting to me the pace at which the ACT would be able to legislate on this issue. They told me that they had already acquired the lethal poison that they planned to take if they declined intolerably. It was sitting deep in their pantry, just in case. They told me of the many people in their network that are taking this same step. I have many strange and unusual conversations as a member of this place, but this one really stands out.

I tell this story for a particular purpose. In considering this issue, I have pondered deeply on life and death, but I am guided by the reality of what is happening in our city right now. These are uncomfortable conversations to have, but I cannot deny reality. Canberrans are confronting the issues of life and death right now. Canberrans are making decisions about the end of their life right now. This is done with no legal framework, and this must change.

I am so hopeful that, with the passage of this bill, this particular Canberran will take the poison out of their pantry and dispose of it appropriately. I hope that they can take comfort that they will now be supported in their choice, and they no longer need to take such an incredible risk to protect their right to choose.

I believe this bill is in line with the community's expectations and that it is fit for purpose, which is why I will be supporting it. It has been an honour to speak in support of this bill, and I look forward to further consideration of the bill in the detail stage.

**MR HANSON** (Murrumbidgee) (6.08): I will be opposing this legislation in principle. I also have concerns with the detail aspects of this legislation, particularly where it goes beyond similar laws in other jurisdictions. I look forward to the detail stage, where I hope some of the more extreme elements of this legislation can be improved. Regardless, I will not be supporting legislation that enables euthanasia, as a matter of principle.

**MS CLAY** (Ginninderra) (6.08): I support this bill. I will not speak for long. Like most people, I have been around death a little bit. I have an older family. I have lost a few family members in the last 10 years, and the last was two days before Christmas and it was pretty tough. Giving people choices about how they go is probably the only thing we can do to make this stage of life easier. I think allowing people to spend that time with their families and their communities and in the way they would like, and then have some choice when it is clear that there are no good options left, only inevitable ones, is probably the best that we can do with this. I am pleased to see this legislation come forward, and I very much hope we can get this passed and implemented as soon as possible so that we can help people.

**DR PATERSON** (Murrumbidgee) (6.10): I start today by reaffirming my belief that access to voluntary assisted dying is a fundamental right. It is a right of choice. It is about dignity. I was proud to sit on the committee for the inquiry into the bill and would like to thank the other members of that inquiry and all those who participated and provided submissions and evidence. Their work and commitment to seeing voluntary assisted dying legislated in the ACT is the reason we are here today having this debate. I would also like to thank Minister Cheyne and Minister Stephen-Smith for their tireless work in getting the bill to where it is today. They can both be very proud. I also thank all the JACS and Health officials who worked so hard to develop this bill, which I believe is nation-leading.

I believe that all Canberrans should have access to a range of end-of-life choices that align with their preferences and values, and that voluntary assisted dying should be one choice available to Canberrans with an advanced condition, illness or disease, experiencing great suffering at the end of their lives. This bill provides the appropriate safeguards and protections while attempting to provide a smooth and succinct process for people when they are at the end of their life.

This is an incredibly important bill. But today I want to start to challenge the debate. I would like to see us take this scheme a step further. I will go public and propose amendments that go some way to address the issue around what happens when people lose capacity. The ACT government's community and stakeholder consultation on the

VAD Bill, along with the committee inquiry, demonstrated overwhelming support for addressing the issue of access to voluntary assisted dying for people with dementia and other conditions where they lose capacity. While the amendments that I will be proposing will not address early loss of capacity, I believe they will go some way to progress this public debate and will help address a very real issues experienced by people who are dying and by their families and carers. These amendments are consistent with the conversation snapshots with key stakeholder groups that informed the development of the legislation.

There is a gap in all Australian voluntary assisted dying legislation to date when an individual has gone through all the requests and approval stages to access VAD and then loses capacity. They become ineligible. This is often devastating for families who have to support their loved one without being able to carry out their wishes to access voluntary assisted dying, often leaving their loved one, without capacity, to suffer intolerably. There is another situation that is well reported. Individuals will often choose to end their life earlier than they would like because they are concerned about losing capacity. There is intense pressure on the time frame around capacity.

As part of the voluntary assisted dying debate, advance care directives were discussed at length in the committee inquiry and also here today as a solution to address the loss-of-capacity issue. However, evidence shows the difficulty in interpretation and the reluctance of health practitioners to proceed with advance care directives around voluntary assisted dying. The onus is on the medical practitioner to deliver the end-of-life care and the final call.

So today I am proposing a different model in the ACT for members of our community who are suffering intolerably. To be very clear: the model I am proposing is entirely predicated on the individual meeting all eligibility criteria, expressly confirming their willingness to access voluntary assisted dying and going through all approval stages to access it with capacity and all voluntary assisted dying safeguards in place. The amendments I will be consulting on provide an intersecting point between the Voluntary Assisted Dying Bill and the Powers of Attorney Act. It is the very final point at the end of the VAD process. The following amendments are proposed for when an individual loses capacity.

Following the final assessment report, if a person loses capacity and is unlikely to regain capacity, their VAD attorney, who holds enduring power of attorney, can exercise their power to authorise the individual's wishes to access VAD. Enduring powers of attorney currently make calls on end-of-life care. This includes cessation of treatment, moving the patient to palliative care, ending life support and approving the administration of medications that may support a patient through their last stages of life. Allowing a VAD attorney to act in this capacity would not be a new part of end-of-life care; it would only provide a really clear option for people with capacity who expressly wish to access voluntary assisted dying. The VAD attorney would be aware and consenting of their role. An individual can conscientiously object to being a VAD attorney. A doctor has to be satisfied the individual does not have decision-making capacity for a VAD attorney to become operative.

There is an ACAT referral mechanism at this point to provide advice and opinion on the authority of the VAD attorney. If the VAD attorney is enacted, the administration

decision is made in writing and must be made in consultation with and the advice of the individual's coordinating practitioner. The administering practitioner must be satisfied of the authority of the VAD attorney and that the person does not have capacity before administration. At any point, the VAD attorney can simply not proceed—nothing compels them—and at any point that the administering practitioner has any concern, they can question the authority of the VAD attorney or refer them to another health practitioner.

The amendments have significant safeguards in place that were drafted to align completely with those in the current Voluntary Assisted Dying Bill. Referral grounds and coercion penalties are consistent with the rest of the bill and consistent with the Powers of Attorney Act. These proposed amendments are designed to spark discussion about a step forward. They are a solution to a problem that no other jurisdiction in Australia has progressed to date.

I reserve the right to not move these amendments in the detail stage. This is a call to the ACT community to join me to be brave in having a discussion about taking the next steps to support people suffering at the end of their life and for them to be able to make a choice to die with dignity and compassion.

I want to speak to some of the clinical examples that I have been provided by an intensive care specialist in another jurisdiction. I acknowledge there are endless examples and medical situations where individuals could face the situation of having been clear in their intention to access voluntary assisted dying and suffering terribly having lost capacity. These are some real examples. A patient with motor neurone disease was awaiting the intravenous voluntary assisted dying drugs. When the VAD doctor turned up, the patient had become delirious due to a urinary tract infection. The UTI infection was not sufficient to lead to death but made the patient feel terrible. They were febrile and, paradoxically, now required antibiotic treatment that takes up to seven days to become effective in restoring their normal mental state in order to confirm their wish to have the voluntary assisted dying medication.

Another example is a patient with advanced cancer at the end of their life. They got a chest infection and associated confusion and disorientation and were not able to access voluntary assisted dying. The choice for the family was either antibiotic treatment for the chest infection—which, again, can take seven days—until capacity was restored in order to communicate a decision or no voluntary assisted dying medication and no antibiotic treatment, with a drawn-out death of breathlessness, gurgling, fever, dropping oxygen levels and clear evidence of suffering to all the family who witnessed it. Another patient with advanced cancer who had gone through all requests for voluntary assisted dying had a stroke. It was not severe enough to hasten death but removed their decision-making capacity. This situation led to a drawn-out period of increased disability until they succumbed to their cancer—the very situation they wanted to avoid.

These situations are devastating, and there are many more examples of suffering that occurs in our community and will unfortunately continue to occur after the original bill is passed.

I have spoken extensively to VAD practitioners who work in other jurisdictions. They speak of how devastating these situations can be. They can lead to an incredible degree

of pain for families who support loved ones at the end of their journey and support them to access voluntary assisted dying, when the individual, without capacity, is likely to suffer intolerably.

Australian and international evidence strongly points to the fact that people access the substance early because they do not want to lose their chance when they lose capacity. These amendments propose to address this gap. These amendments will not address the issue of someone losing capacity earlier in the process, particularly with respect to a dementia diagnosis. However, I believe that, if we are not comfortable with progressing these amendments as a first step, we are a very long way off addressing issues around dementia. I think now is the right time to start progressing this discussion.

I greatly appreciate that a substantial implementation phase is needed to prepare our health system for these reforms and I appreciate that any amendments at this stage could potentially impact that, which is not what I want to do. That is in part why I reserve my right to not move these amendments. I also recognise that some in the community and some sectors of the community may have concerns about this as the next step, which is exactly why I am completely open to any feedback. I feel it is important to pitch a new model to the community and I see it as important to have this model put on the parliamentary record, which is what I will do through scrutiny.

I view these amendments as solving a problem and the perfect intersect between what I consider to be nation-leading legislation in the Voluntary Assisted Dying Bill and tried and truly tested powers and principles of an enduring power of attorney. These amendments are an intersect between these two pieces of legislation that, if progressed, would have a profound impact on a small number of people's lives.

I will be making these amendments public on my website and will organise any briefings and meetings that are needed with any members of the Legislative Assembly from now until the bill comes back in the detail stage in June. I am very passionate about seeing these amendments introduced into our voluntary assisted dying scheme and seeing our scheme being the most humane and dignified in the country. A lot of work has gone into these amendments and I would like to thank all those who have provided extensive feedback to get the amendments to this stage. It is one of the proudest moments of my time in the Assembly this term to stand here and speak on this issue, and I will be very proud to eventually vote in support of this bill.

**MRS KIKKERT** (Ginninderra) (6.22): Today I stand before you with a very heavy heart to address a topic that touches on the very essence of human existence: the Voluntary Assisted Dying Bill. This bill is on a subject fraught with emotion, ethical dilemmas and profound questions about the value of life and the right to choose its end. In voicing my opposition to this bill, I do not wish to diminish the very real and deeply personal desires of those who seek this option as a means to end their suffering.

It is undeniable that individuals who are enduring unimaginable pain, both physical and emotional, struggling with terminal illness or facing the relentless onslaught of mental health challenges may find themselves in despair and seek an end to their suffering. Their anguish is real, their pain is real and their desires must be heard and respected with empathy and compassion. Yet, as we confront the heartbreaking reality of human suffering, we must also recognise the profound implications of legalising voluntary



assisted dying. We must consider the slippery slope it presents, the potential for abuse and coercion, and the erosion of the sanctity of life.

We look at Canada in 2022. In six years of access to voluntary assisted dying, it is reported that 44,958 people died from voluntary assisted dying, and now they are looking at assisted dying for people with mental health challenges. That is shocking! This is part of the slippery slope of voting for this bill.

Psychologists and mental health experts have illuminated the intricate connection between profound grief and thoughts of ending one's life. In moments of despair, when the weight of sorrow feels unbearable, the desire for an escape may seem like the only respite, especially if you have carried that depression and despair for years or even decades. But it is precisely in these moments of darkness that we must shine a light of hope and offer support, compassion and resources to those in need, rather than an option to eliminate the deep and painful emotions they experience.

In the inquiry several months ago, Archbishop Prowse said:

I have been a priest for 43 years. I have been with people, hundreds of people over the years, who are reaching the end of their life, some because of terminal disease. I do find that they are on a roller-coaster every day. Some days they would say, "This is it. I can't take anything more. I want the drug or any drug." On other days, they say, "No; I've got other things to do in my life." So it is a roller-coaster ride, just to be with people—the great grace of proximity, closeness, kindness, on a day-to-day basis, which is all part of palliative care. It is not just about administering drugs; it is also about getting the whole family involved in an attitude that promotes a culture of life, not a culture of death.

So, instead of hastening death, we must invest in bolstering palliative care services, ensuring that every individual facing the end of their life receives compassionate and comprehensive support. Palliative care seeks not to expedite a death but to enhance the quality of life, providing comfort, dignity and holistic care to patients and their families.

Moreover, we must acknowledge the unique challenges faced by individuals with disabilities, as was raised in the inquiry. Those grappling with profound physical or cognitive impairments may feel marginalised, isolated and burdened by their circumstances, and, in their moments of despair, they too may contemplate the allure of voluntary assisted dying as a means to escape their suffering. But, as people, we must reject the notion that death is a solution to the challenges of disability. Instead, we must reaffirm our commitment to inclusivity, accessibility and support for individuals with disabilities. We must, as decision-makers, create a world where every person, regardless of their disabilities or abilities, is valued, empowered and embraced with love and acceptance.

Finally, while I empathise deeply with the pain and suffering that drives individuals to consider voluntary assisted dying, I firmly believe that legalising such measures is not the answer. Instead, let us come together as a compassionate society, offering support, solace and resources to those in need. Let us invest in palliative care, mental health services and disability support, ensuring that every individual can live with dignity, purpose and hope until their natural end.

**MS LAWDER** (Brindabella) (6.28): I rise to speak on the agreement-in-principle stage of the Voluntary Assisted Dying Bill 2023. We have heard this afternoon that there are people in this chamber who are supportive of voluntary assisted dying and there are people in this chamber who are not supportive of it. The same can be said across our community more broadly. I would like to thank the many people who have contacted me about the Voluntary Assisted Dying Bill and expressed their views. They have been both for and against the Voluntary Assisted Dying Bill.

I recognise and respect each person's right to express their own opinion. It is not for me to stand here and tell anyone else what to think or feel or how to vote. In the Liberal Party we allow conscience votes on matters of life and death, such as voluntary assisted dying. Invariably, these matters are the ones on which people have the most strongly held views and beliefs. I feel that voluntary assisted dying should be an individual choice.

*At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MS LAWDER:** I believe that people should be allowed to make the choice that best suits them and their circumstances. It is a basic liberal philosophy. My own view is this: why does it matter to the rest of us if someone chooses to end their own suffering from a terminal illness? In simple terms, I believe the world as we know it is not going to come to an end because Ron across the road, suffering terribly from his terminal illness, took the option of voluntary assisted dying. Ron chose peace. Equally, Ellie down the road, with terrible suffering from her cancer, may continue her fight right to the natural end without choosing voluntary assisted dying. It does not mean that anyone has to choose voluntary assisted dying if they do not want to; it simply gives people a choice. Each of us can choose, based on our own beliefs, experiences and conditions.

When I was a teenager, my Aunty Pam was dying of breast cancer. She was bedridden and in terrible pain, even with a self-administered morphine drip. In other parts of the house we could hear her crying out from her bedroom. She would beg my mother to end her suffering, to help her end her own life. My mother was too afraid of being charged and jailed to help her. It was something that haunted my mother for the next 45 years—that she was, in her words, too scared to help her sister.

A couple of years ago, when I was visiting my parents in Victoria, I took my mother to a memorial service for a neighbour who had chosen voluntary assisted dying under the Victorian Voluntary Assisted Dying Act 2017, which provides a safe legal framework for people who are suffering and dying to choose the manner and time of their death. That memorial service was full of gratitude, laughter and joy and much recognition that my mother's friend had been suffering enormously through her cancer journey and had chosen to leave on her own terms, with autonomy and dignity and with the support and blessing of her family members.

More recently, my own mother passed away. She had advanced dementia, so she was unable to choose the time or the way of her own death, but it is something that, as our family discussed, we felt she would have chosen if she were able to.

These are just some experiences, together with feedback from many members of our community, which have influenced my views. Based on what I know and what I have seen and heard, I believe that, if I were in the position of having the diagnosis of a terminal illness and was in a lot of pain, I would want the option to choose for myself. I feel that voluntary assisted dying is not about the choice between life and death, because we are only talking about terminal illnesses. It is about the choice of dying with dignity, or even just having a choice. You can take that choice or not.

I will most likely speak further about some specific concerns I have about the bill in the detail stage. This is not a bill that will please everyone, but we cannot let perfect be the enemy of the good. It is a debate that has only been made possible by restoring territory rights, which happened in late 2022, which I supported. I would like to reiterate that I know this is a difficult and emotive topic for many. I am pleased that debate has been respectful and dignified. Once again, I would like to state that I support, in principle, the Voluntary Assisted Dying Bill 2023.

**MS ORR** (Yerrabi) (6.34): I will keep my remarks quite brief, given where we find ourselves in the daily cycle. I will be supporting the bill. I believe that people do have the right to choose. I am sure, as people have touched on here today with their own stories, we would all recognise that death is a deeply personal journey. Having watched some of my loved ones come to the end of their life, it is fair to say that, until you are in that situation, you do not always know the path that you would choose, but to have options, in my opinion, is important. So I will be supporting the bill and will potentially have more comments in the detail stage.

**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) (6.35), in reply: I begin by tabling a revised explanatory statement. For much of my almost eight years in this place, when we have debated territory rights and voluntary assisted dying it has been through a lens of frustration, a lens of disbelief, at the unfathomable position of the previous federal government, which wilfully persisted, through its ignorance, with obfuscation and deliberate undermining of democratic and human rights.

For too long debate in this place shifted us mere inches, but while the debate in here shifted mere inches, the attention outside this chamber grew. Moments of frustration grew into movements of opinion. As more and more states legislated for voluntary assisted dying, and as we refused to let this issue rest even when we were hit with setback after setback, the plight of the Northern Territory and the ACT became an issue of fairness—one of those fundamental principles of human rights. More and more light was shone on the contempt that the previous federal government was applying to the territories from their leadership, through the ACT's own Liberal representative.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members! Members, everyone to date has been heard in silence.

**MS CHEYNE:** It was never acceptable to us, and it was not acceptable to the community—a community that voted for a Labor federal government which provided for the restoration of our rights as a priority. In the very first sitting week after coming

to power, it provided the time and space for the introduction of a private member's bill, co-sponsored by representatives from the two territories who have differing views on voluntary assisted dying, and a government which guided its debate and passage.

It is 18 months since our rights were restored. We have not wasted a moment. As I said, for too long the debate moved only inches, but in the past 18 months we have moved mountains. There has been the release of a detailed discussion paper; a significant consultation across the community at large and with targeted stakeholder groups; the listening report, which reflected the community's views and how those views would inform the model we would pursue; the presentation of a bill which draws from and improves upon the models that exist across Australia, having genuinely engaged with the community's feedback and all the available expertise. In the months since: a significant committee inquiry; the tabling of the inquiry report, with detailed recommendations; the consideration of and response to these recommendations; the drafting of government amendments; and, today, the conclusion of the in-principle debate.

While the previous federal government indefensibly allowed the undemocratic situation to persist and derided our status as a self-governing territory, it was the current federal government that ensured it was resolved swiftly, paving the way for the historic advances we have been able to achieve in these past 18 months. That takes us to this place today, to this moment. In the time since I introduced the bill in late October, the select committee was established. It honoured its time frames for undertaking an inquiry and providing a detailed report with thoughtful recommendations. I thank the chair, Suzanne Orr, for her stewardship of that.

During the inquiry, the committee heard from a wide range of experts and people with lived experience of end-of-life care or personal experience of illness themselves, from friends, family members and those acting in their role as a carer. The advice received by the committee from those with expertise in, and knowledge of, voluntary assisted dying resulted in a thorough examination of the bill. The recommendations and our responses to them, together with the amendments that I have circulated and will move in the next sitting, do result in a better bill.

I do not wish to rehash my comments from when I tabled the government response earlier this week, but I ask that anyone reading or watching this in future refer to those. I do want to underline some key changes and some I did not cover in the time I was provided on Tuesday.

As recommended by the select committee, I agree that there is benefit to providing additional clarity on the meaning of "advanced". It is intended that an advanced condition refers to a period of serious illness when functioning and quality of life decline, and treatments other than for the primary purpose of pain relief have lost any beneficial impact. It is not the intent of this legislation for the definition of "advanced" be limited to the final days, weeks or months of life. A person may be considered to be eligible for voluntary assisted dying even if it is uncertain whether their relevant conditions will cause death within a 12-month period.

The amendments to be brought forward provide clarity on this matter. Further guidance on the meaning of "advanced" will also be provided through clinical material developed

in consultation with health practitioners during the implementation period. There are significantly differing clinical trajectories for different diseases, illnesses or medical conditions that are advanced, progressive and will cause death, and it is important that we provide clinical flexibility to assess whether an individual's condition is advanced on a case-by-case basis.

Importantly, part 7 of the bill is a critical one, imposing obligations on facility operators to meet minimum standards and to not hinder access to voluntary assisted dying for individuals who seek it. The committee recommended that the ACT government develop processes to allow an individual to seek independent review when a facility operator decides that access to a facility for a relevant person is not reasonably practical. In consideration of the submissions received and the committee's recommendation, the government will bring forward amendments to amend the provision for a facility operator to make a decision about reasonable access to enable facility operators to instead meet an objective standard when providing reasonable access.

As is the case in Queensland's legislation, a facility will be obligated to provide reasonable access, and guidance material will be developed to provide further clarity on how facilities can meet this minimum standard. Where an individual considers that a facility operator has denied them reasonable access to a relevant person, they will have options for recourse, including making a complaint to the Human Rights Commission under the Human Rights Act or referring the matter to police.

As Minister Stephen-Smith has also flagged, a number of the recommendations made by the committee are matters that are not required to be given legislative effect and relate strictly to the implementation phase. We have been clear in our response, as has Minister Stephen-Smith in her remarks today, about how this will be undertaken.

I absolutely respect, as I always have, that there are different views. I respect each person's right to vote according to their conscience and to move amendments, but I do urge all members to consider that this bill is sound as a whole and that voting against particular clauses or moving amendments may affect its workability, its operability and its effectiveness. I ask, respectfully, that very detailed consideration be given to what those votes may mean for the operation of the bill.

I respect that Ms Castley will be moving amendments, and the place that this comes from. As a government, we have been at pains to be as transparent as possible about our position in government amendments at an early stage. I am disappointed that there is no information shared today regarding what Ms Castley's amendments relate to, but I look forward to all members receiving the detail of those, and scrutiny's consideration of them, in the coming weeks.

I acknowledge that Mr Braddock considered moving amendments but felt that, on my advice, doing so would extend the implementation time frame. This is the case, even though I do not recall giving that advice explicitly. Implementation time frames are tight. With the support of Health and CHS, and especially Minister Stephen-Smith and her leadership, there is certainty about the date that this will commence, through the government amendments we will move: 3 November 2025.

Already the implementation time frames will be tighter than any other jurisdiction

which has gone before us—slightly, slightly so, but tighter all the same. We owe it to our community, after waiting for so long, to implement this with rigor and without compromising on time frames. This is the approach we have taken the entire way through, and implementation will be no different.

I sincerely thank the health officials for their commitment to this and acknowledge that it is not without considerable pressure. What assists is that this bill as a whole, and with the government amendments, is coherent and workable. Amendments, especially those at the last minute, can undo that consideration and hard work and the implementation and effectiveness of the bill.

The availability of voluntary assisted dying for someone who has lost capacity is an issue which has vexed me for some time. It is an issue that overwhelmingly has the support of the community. As we heard very explicitly through our consultation period, even when we were not directly asking about it, the community does expect a solution from us, from the Legislative Assembly, from government. After engaging on this and having countless conversations for years and years and considering all the evidence, the pathways on many elements, especially where improvements could be made to the Australian model, were clear to me. They are reflected in this bill, I am proud to say, except for where someone has lost capacity. It is exactly why we included it explicitly for review, so that the thinking could get underway, following the implementation of this bill.

Dr Paterson has today proposed an option which is considered and thoughtful and one which, on the face of it, does not seem like it would render a key element of the bill incoherent. However, while the principle is sound, I will be closely following the community conversation and advice over the coming weeks about its drafting, the effect on implementation especially, and what safeguards may be further required. I take considerable comfort from the fact that Dr Paterson has been transparent about these amendments, to allow for this consultation and, importantly, for scrutiny to happen before deciding whether to move them.

There are so many people to thank, but I will reserve that for the detail debate. What I want to do now is share the words of a dear friend of mine. I did not know he would be writing to me today, but he did. This landed in my inbox at 8.30 am, just before I was about to go on radio, so I really did have to hold it together. He said:

Although the parliamentary debate is just getting started, crucial work has been done to get to this point. Anyone can introduce a proposal for law reform. The challenge is to draft one that actually moves the dial; an initiative that considers what others have done and does it better.

Your government's response to the parliamentary committee's report means you can lead the debate with great confidence that you are doing what needs to be done. If passed without substantial dilution, the Act will be by far the best voluntary assisted dying law in the country. Your parliamentary colleagues and the administrative support team are all to be commended for their support and dedication to detail. Thank you for allowing me to be a tiny part of what you and your team have achieved.

Madam Speaker, those are the words of Marshall Perron, the same person who

established the world's first voluntary assisted dying scheme in the early 1990s; a source of support, friendship, insight and kindness right the way through. Thank you, Marshall.

In concluding, this is a bill about people; their empowerment, autonomy, compassion and dignity. This is a bill about choice; an additional choice that an eligible person can make about the circumstances of their death. This is a bill that creates a workable and person-centred voluntary assisted dying framework; a bill that reflects evidence, experience and expertise. This is a bill that is the culmination of extraordinary collaboration and work right across government. I am very pleased that there are some members of that team here today. This is a bill that delivers our commitment to Canberrans. This is a bill that honours the advocates—those who have spent their life campaigning for and championing this cause; those who are suffering and dying; those who care and have cared for people dying, personally and professionally; and those who believe in choice.

We spent 25 years fighting for the opportunity to introduce this bill, to debate it in this place. It is somewhat surreal that this debate has begun today, that the in-principle debate is about to conclude and that we are about to vote. More milestones met.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, please.

**MS CHEYNE:** We spent 25 years fighting for this opportunity, and this is a bill worth fighting for. I commend it to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 20

Noes 5

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

Peter Cain
Ed Cocks
Jeremy Hanson
Elizabeth Kikkert
James Milligan

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail stage**

Clause 1.

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

## **Statements by members**

### **LGBTIQA+ community—IDAHOBIT Day**

**MISS NUTTALL** (Brindabella) (6.53): Tomorrow is 17 May—IDAHOBIT, the International Day Against Homophobia, Biphobia, Intersex discrimination and Transphobia. This day is an annual reminder of the ongoing struggle for equality, acceptance and rights for everyone, regardless of their sexual and gender identity.

Right now, we should be particularly ready to stand up for our trans and gender-diverse friends. In this political climate, certain parts of the community seem to think it is safe and are content to hurl so much venom and vitriol at trans and gender-diverse folk who are just trying to live their lives. It is bigotry, straight up. Now, more than ever, it is time to show, loudly, that we are here for our trans and gender-diverse friends and we will back them.

I met with the wonderful Kate Wood from ACT Aces, who advocate for asexual and aromantic people here in the ACT. Acephobia is not technically recognised under IDAHOBIT, which is why it is important for me to stand here today and recognise the unique and pernicious nature of the discrimination that this community faces as part of the LGBTIQA+ community.

We need to stand against queer phobia in all its forms. Further than that, I encourage members to think of what they can do actively, even the small stuff, to make sure queer folk feel safer in their company. We feel better when we see a pride flag in your office or a pin on your shirt. We feel better when we see you at events like IDAHOBIT or when you make a post celebrating pride and queer joy. There might be people in your life who, often despite reassurance, do not feel ready or safe to show every part of themselves, but there are small, tangible things you can do to make them feel loved and safe.

### **Hawker—playing fields**

**MR CAIN** (Ginninderra) (6.55): I want to reflect on the response by the minister for sport this afternoon regarding the development of Belconnen Soccer Club. Again, it has to be pointed out that a promise made by the Labor government, by Labor members, leading up to the 2020 election was for the refurbishment of those playing fields. I refer to upgrades to the storage, the canteen, the change rooms, the bathroom and the lights—the bare necessities.

We heard this afternoon the minister declare that construction will begin on some of these improvements in the middle of this year. It needs to be pointed out that it is one of Canberra's most faithful and long-serving clubs. Since 1970 Belconnen Soccer Club has served south Belconnen, catering for children aged four to 18, as well as women's and men's state league teams, and fielding dozens of teams for children, from Peewees and Mininos to juniors.



It is a shame that the club still operates out of shipping containers, despite the minister singing the praises of such options. This club deserves better, having regard to its long service to this community.

### **Access Canberra—traffic infringement notices**

**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) (6.56): I want to highlight the terrific work that Access Canberra have been doing regarding parking enforcement, which is a vexed issue for much of our community. They have been proactive not only in enforcement but in reaching out to organisations and companies, particularly if they are on a large site that has a lot of tradies, for example, that might be parking in and around the area, and writing to them and letting them know that complaints have been received.

Especially pleasingly, those companies have responded. They have said that they will get on top of it, that they have got on top of it, or that they have issued reminders. This goes to show that Access Canberra is not a revenue-raising organisation, as some people like to paint it. In fact, it is an organisation that adheres to its principles, including engaging, educating and then enforcing. Engaging and educating, in this instance and in many others, is achieving exactly the outcomes that we have been hoping for. I thank the terrific teams at Access Canberra and those companies who have engaged so genuinely with us to achieve the best outcomes for the Canberra community.

*Discussion concluded.*

### **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 6.59 pm until Tuesday, 4 June 2024 at 10.00 am.**