# DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

# DAILY HANSARD

Edited proof transcript

5 June 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, 19 June 2024**.

**Wednesday, 5 June 2024**

## Wednesday, 5 June 2024

**MADAM SPEAKER** (Ms Burch) (10.01): 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.

## Domestic and family violence—safer families
### Ministerial Statement

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.02): I present the following paper:

> Safer Families Annual Statement 2024—Ministerial statement, 5 June 2024.

I move:

> That the Assembly take note of the paper.

**MS CASTLEY** (Yerrabi) (10.03): I wish to make a few remarks about Minister Berry's ministerial statement, particularly with regard to coercive control. I note that the minister said in the statement that she would be talking on a report with regard to coercive control in the next sitting week, or at the end of the financial year, but I am compelled to continue to talk about this issue. It is an insidious behaviour that erodes a person's soul. I believe it was in the last sitting week that I moved a motion asking the government to get on board and criminalise coercive control and kick off the education campaign. We all agreed, basically. In the *Hansard* it says that it has to be carefully considered and thought through. Mr Rattenbury said that we know coercive control almost always underpins domestic and family violence. Ninety-nine per cent of intimate partner homicides are proceeded by coercive control. We heard Minister Berry state that she was considering coercive control four years ago, but we still have no tangible action other than talk about kicking off an education campaign.

We need a legal system that can respond to coercive control before an act of violence occurs. We all agree and know that it is the precursor, as I have said, to intimate partner homicide. There is a need for intervention. The peak bodies have all talked about it. Three years ago, Principal Solicitor at the ACT Women's Legal Centre, Claudia

Maclean, said that a new offence, on top of family violence orders, would need to be introduced to capture the insidious nature of coercive control and properly reflect this form of violence as a pattern of a behaviour, rather than a single event. If the government had a shared understanding of this issue, we should have an agreement to criminalise coercive control.

I have released an exposure draft on a bill to criminalise coercive control. It talks about the different forms of abusive conduct. If passed, it will give the police the ability to step in before an act of violence occurs, and as I said, before an intimate partner homicide occurs.

The minister talked about a report in her ministerial statement. Over a period of 22 years, they have looked at 12 specific cases. I believe that the time to act is now. It is not okay to continue to maintain a watching brief or commit to going slow, because we know that this is happening every day to Canberran families. We do not want to see any more intimate partner homicides here in the ACT. My bill will protect victim-survivors. The AFPA are in support. The peak bodies are in support of this. I am disappointed again to see a ministerial statement with no backbone to commit to criminalising this terrible behaviour that is occurring every day here in the ACT.

I encourage everybody, if they are willing, to listen to *Hannah's Story*—about a very sad incident in Queensland where a young mother and her three children were burned alive in a car. It is a six-part podcast. I really encourage everyone to listen to that. It is evident that, if coercive control were criminalised, that incident may not have happened. We do not want to see any more of this. As I said, I am disappointed that there is a ministerial statement today that talks about domestic and family violence, admitting that coercive control is an important element, that it is bad and that we want to make sure it does not happen, yet there is no gumption or backbone to make moves to criminalise it, just educate. Education is key and important, but we must do both.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.07), in reply: Just briefly on the statement, and to respond to Ms Castley's comments, as recently as last week I spoke with a number of people in the ACT who are experts on responding to domestic and family violence and sexual assaults in the ACT. DVCS, the Domestic Violence Crisis Service; Women's Health Matters; the Women's Legal Centre; and the Canberra Rape Crisis Service have all asked me to continue to consult with them about an education campaign for frontline services, including police, and for the community as well. It is at their request that I have taken the time to make sure that we get any coercive control bill or legislation right and that the education that works around this is right as well. The real concern—

**Ms Castley**: Other states and territories have been—

**MS BERRY**: I listened to you in silence, Ms Castley. The real concern from the sector around coercive control is that it is complex, and we need to make sure we get it right. The other real concern—

**Ms Castley**: Other states and territories can do it.

**MS BERRY**: Again, you are interrupting me, Ms Castley.

**Ms Castley**: Well, it needs to be said.

**MS BERRY**: The other real concern—and it is a real concern—that has been raised with me, which I am worried about as well, is making sure that, when we introduce legislation to criminalise coercive control, we ensure that it does not have a damaging effect or a negative effect on minority groups in the ACT. We want to make sure we get that right. That is why I am taking the time to listen to the experts and talk with the experts in the sector, as I did as recently as last week, to make sure we get this legislation right. We have the chance to learn from other states and territories that have put up their legislation but have not yet put the legislation into effect, to learn if it does affect minority groups to their detriment. We want this legislation to do more good than harm, and that is why I am taking the time.

I am happy to take heat from the Canberra Liberals and Ms Castley for taking the time to think carefully about this legislation and the impact it will have, and, importantly, listen to and talk with the experts in the sector—as I said I did as recently as last week—to ensure that we get it right. I am listening to them, and I am listening to victim-survivors because this is a serious matter. Therefore, I ask that the Canberra Liberals also work with me and the sector, with the experts in this space, to take the time to get this legislation right—

**Ms Castley**: We are listening to the experts, and women. This is happening to women.

**MS BERRY**: What I am hearing from the people that I have been speaking to is that there has not been one single conversation with the Canberra Liberals about this legislation—

**Ms Castley**: Oh, you're kidding!

**MADAM SPEAKER**: Ms Castley, please! You will be warned soon.

**MS BERRY**: Again, I say: let's take the time to get this right. It does not mean that people cannot be held to account for coercive control under the existing legislation. I think we all agree that we need to ensure that coercive control is clearly in the legislation. It is about timing and making sure that we bring in the sector and victim-survivors and ensure that it does not do more harm than good.

**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) (10.11), by leave: As the Greens spokesperson for the prevention of domestic and family violence, I want to speak for just a moment in support of Minister Berry's ongoing consultation and the work she is doing in listening to organisations such as the Domestic Violence Crisis Service, the Canberra Rape Crisis Centre, Women's Health Matters, and other organisations that are on the front line and working with people who are experiencing coercive control and domestic violence—ensuring that they are able to continue doing the work that they are doing.

There is a really important element in education for the community about what coercive control is, how to see the warning signs of it developing and how to deal with it. That is really important work that needs to be resourced. I very much want to see that work continue. I just wanted to make sure that it is on the record that, absolutely, that work needs to continue, and the Greens are very supportive of seeing that work being well-resourced.

Question resolved in the affirmative.

## Aboriginal and Torres Strait Islander Elected Body—report
### Ministerial statement

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (10.13): I present the following papers:

> Aboriginal and Torres Strait Islander Elected Body Act, pursuant to subsection 10B(3)—ACT Aboriginal and Torres Strait Islander Elected Body—Report from hearings 14-16 August 2023—Eleventh Report to the ACT Government—Government response, dated June 2024.
>
> Ministerial statement, 5 June 2024.

I move:

> That the Assembly take note of the ministerial statement.

Question resolved in the affirmative

## Business—Better Regulation Agenda—update
### 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) (10.13): I present the following paper:

> Better Regulation Agenda Progress Update—Ministerial statement, 5 June 2024.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

## Voluntary Assisted Dying Bill 2023
### Detail stage

Clause 126.

Debate resumed from 5 June 2024, on motion by **Ms Cheyne**:

That clause 126 be agreed to.

**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) (10.14): I move amendment No 99 circulated in my name *[see schedule 1 at page 1459]*.

Clause 126 of the bill, as introduced, provides that a person is not civilly or criminally liable for conduct engaged in under this act if the person engages in the conduct honestly and on reasonable grounds. Amendment 99 changes the previous test that a person must be acting "honestly and without recklessness" to "honestly and on reasonable grounds", given that this is a more reasonable standard for the mental element to apply to this offence. I commend this amendment to the chamber.

**Ms Cheyne's** amendment No 99 agreed to.

Clause 126, as amended, agreed to.

Clause 127.

**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) (10.15): I will be opposing this clause. Similarly to yesterday, those who may be interested in following my lead may also wish to oppose this clause, for completeness. The bill included provisions to provide criminal protections beyond doubt against murder, manslaughter and aiding suicide, which are offences under the ACT Crimes Act 1990. Following further consultation, further criminal proceedings protections are considered unnecessary and duplicative, given that there are protections and defences that already exist under the Criminal Code 2002. That is why we will be opposing this clause.

Clause 127 negatived.

Clauses 128 and 129, by leave, taken together.

**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) (10.16): I move amendment No 101 circulated in my name *[see schedule 1 at page 1459]*. Amendment 101 substitutes clauses 128 and 129 of the bill and inserts new clauses 128 and 129. New clause 128 remains largely the same, but there have been some minor drafting changes. Clause 129 of the bill replicated the normal onus of proof that applies in proceedings, and this clause is therefore considered unnecessary. The amendment replaces this clause with new clause 129, which provides that, where a person engages in conduct under the Voluntary Assisted Dying Act dying honestly and on reasonable grounds, such conduct will not amount to a breach of professional ethics, nor amount to professional misconduct or unprofessional conduct.

**Ms Cheyne's** amendment No 101 agreed to.

Clauses 128 and 129, as amended, agreed to.

Clause 130.

**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) (10.18), by leave: I move amendments Nos 102 and 103 circulated in my name together *[see schedule 1 at page 1459]*. Amendment 102 substitutes clause 130, which amends the removal of doubt provision to make it clear that nothing in part 9 of the bill affects the capacity to make complaints or referrals to an entity mentioned in clause 130(c). Amendment 103 substitutes clause 130(c) to provide beyond doubt that nothing in part 7 affects the ability of a person to make a corruption complaint under the Integrity Commission Act 2018; to refer an issue to the board under section 114(1)(c) or any other referral however described under a law complying in the ACT; or the making of any other complaint however described under a law applying in the ACT. I commend these amendments to the chamber.

**Ms Cheyne's** amendments Nos 102 and 103 agreed to.

Clause 130, as amended, agreed to.

Clauses 131 and 132, by leave, taken together and agreed to.

Clause 133.

**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) (10.19): I move amendment No 104 circulated in my name *[see schedule 1 at page 1459]*.

The select committee recommended that the ACT government introduce amendments to the bill to extend the ACT Civil and Administration Tribunal, ACAT, review application time of five days where a reviewable decision has led to access to voluntary assisted dying being denied, to align with the 28 days usually available and to allow ACAT members the discretion to increase this time, as they can with other matters. This was agreed in part by the government.

As a result, amendment 104 substitutes clause 133(2) to amend the time frame a person has to make an application about certain decisions under the act. The proposed government amendment seeks to extend the ACAT application time frame to 28 days for reviewable decisions where the original decision finds an individual ineligible to access voluntary assisted dying, but the five-day time frame will remain for decisions which result in access to voluntary assisted dying being granted. This supports the policy intent to ensure that applications to ACAT do not unduly delay legitimate access to voluntary assisted dying.

It is worth noting that ACAT does have the power to extend these time frames under

section 151C of the Legislation Act 2001, even after the time frame has elapsed. These amendments respond to recommendation 13 of the committee's report. Again, I thank them for their consideration of this issue. I believe this is an improvement. I commend the amendment to the chamber.

**Ms Cheyne's** amendment No 104 agreed to.

Clause 133, as amended, agreed to.

Clauses 134 to 141, by leave, taken together and agreed to.

Clause 142.

**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) (10.22), by leave: I move amendments Nos 105 to 107 circulated in my name together *[see schedule 1 at page 1459]*. These amend the reviewable decisions which ACAT may make an order for, as a consequential amendment as a result of the changes to clause 133(2) earlier. Thank you.

**Ms Cheyne's** amendments Nos 105 to 107 agreed to.

Clause 142, as amended, agreed to.

Clause 143 agreed to.

Clause 144.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (10.23), by leave: I move amendments Nos 108 and 109 circulated in my name together *[see schedule 1 at page 1459]*.

Amendment 108 amends the reviewable decisions, where a decision by ACAT means that the individual does not meet the eligibility requirements. This is a result of the changes to clause 133(2), which amend the time frame a person has to make an application about certain decisions under the act.

Amendment 109 amends the reviewable decisions which ACAT may make an order for, as a consequential amendment as a result of the changes to clause 133(2) from earlier.

**Ms Cheyne's** amendments Nos 108 and 109 agreed to.

Clause 144, as amended, agreed to.

Clause 145 agreed to.

Clause 146.

**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) (10.25): I move amendment No 110 circulated in my name *[see schedule 1 at page 1459]*.

**Ms Cheyne's** amendment No 110 agreed to.

**MS CASTLEY** (Yerrabi) (10.25): I move amendment No 34 circulated in my name *[see schedule 2 at page 1469]*.

**Ms Castley's** amendment No 34 negatived.

Clause 146, as amended, agreed to.

Clauses 147 to 149, by leave, taken together and agreed to.

Clause 150.

**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) (10.26), by leave: I move amendments Nos 111 and 112 circulated in my name together *[see schedule 1 at page 1459]*. The bill limited the enforcement powers of a medicines and poisons inspector under the Medicines, Poisons and Therapeutic Goods Act 2008 to certain provisions under the act. Amendment 111 amends clauses 150(1) and 150(2) to omit the reference to a relevant provision of this act.

These amendments broaden the scope of matters for enforcement to enable medicines and poisons inspectors to investigate any matter in relation to compliance across the entirety of the voluntary assisted dying legislation. This is an important safeguard to ensure compliance with the voluntary assisted dying legislation can be enforced through existing regulatory frameworks, and to ensure that there is full oversight and regulation of voluntary assisted dying in the ACT.

Additional information was provided to the JACS scrutiny committee in relation to these enhanced enforcement provisions, and I trust the members of the Assembly have considered the rationale and explanation provided in the response. I understand that the scrutiny committee certainly did so.

Amendment 112 amends clause 150(3) to remove the definition of "relevant provision". As outlined in clause 88, the enforcement powers of a medicines and poisons inspector under the Medicines, Poisons and Therapeutic Goods Act 2008 will apply to all provisions under the act. This is a consequential amendment as a result of the changes in clause 105. I commend the amendments to the chamber.

**Ms Cheyne's** amendments Nos 111 and 112 agreed to.

Clause 150, as amended, agreed to.

Clause 151 agreed to.

Clause 152.

**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) (10.28): I move amendment No 113 circulated in my name *[see schedule 1 at page 1459]*.

This is an amendment which has arisen thanks to the work of the committee inquiring into the bill. We had quite a considerable investigation by the committee, and there was evidence and queries, I think it is fair to suggest, provided by some members of the health professionals community about the operation of this. The committee recommended that the government introduce amendments to the bill to make it explicitly clear who is considered a health practitioner and who therefore has obligations when initiating conversations; that the government introduce amendments providing greater clarity on the intent and obligations of the provisions; and that the explanatory statement be revised accordingly.

This amendment sets minimum requirements for initiating discussions on voluntary assisted dying for health professionals to establish additional safeguards for persons who may be unduly influenced to access voluntary assisted dying. The aim of this provision is to ensure that health professionals who are likely to engage in end-of-life discussions with patients or clients only do so where they provide information on the range of end-of-life options. Medical practitioners and nurse practitioners who initiate a discussion on voluntary assisted dying must be satisfied that they have the expertise to appropriately discuss voluntary assisted dying and palliative care, as well as ensure that the person is informed about the treatment and palliative care options available to them, and the likely outcomes of those options.

Other Australian Health Practitioner Regulation Agency registered health professions, as well as the self-regulated professions of social workers and counsellors, may have end-of-life discussions within their scope of practice. As these health professionals do not have medical qualifications to discuss medical treatment and palliative care options, they may only initiate a discussion about voluntary assisted dying if they understand that the person has an eligible condition and they ensure that the person knows there are palliative care and treatment options available, and they advise that the person to discuss these options with their treating doctor.

Amendment 113 amends the bill in several key ways. It allows for the requirements of who is considered a counsellor and social worker to be set by regulation. This will provide greater clarity on which counsellors and social workers will be considered a relevant health professional. This clause changes the references to "initiating conversations about voluntary assisted dying" to "raising voluntary assisted dying as an end-of-life choice" to better reflect the policy intent that nobody is prohibited from engaging in discussion about voluntary assisted dying, including health professionals.

However, this clause does establish minimum requirements for health professionals who are likely to engage in end-of-life discussions with patients or clients. They must

only engage in these conversations where they provide a range of information on end-of-life options. The heading, therefore, is revised through this clause to "Requirements for health professionals when raising voluntary assisted dying as an end-of-life choice" to reflect the new terminology used in the act.

Lastly, this clause provides that, in order to raise voluntary assisted dying as an end-of-life choice with an individual, a doctor, nurse practitioner or relevant health professional must know or believe on reasonable grounds that the individual has been diagnosed with a condition or conditions that are advanced, progressive and expected to cause the individual's death. This is a more appropriate threshold than previously set throughout the bill, which required a doctor or nurse practitioner to be sure that the individual has a condition or conditions that are advanced, progressive and expected to cause the individual's death.

This is a particularly important clause to me, and, I think, to many people. I would especially suggest that Dying with Dignity Victoria and Victorians know exactly why this clause is so critical. It is about not restricting health professionals and allied health professionals from being able to talk to someone that they are treating about end-of-life options, including voluntary assisted dying. That is a conversation that cannot be initiated in Victoria, and that is extraordinarily difficult for many of the health professionals in that community, as well as people who are seeking to understand what options there are available to them but who do not know unless they ask the right questions. Again, this puts quite an extraordinary burden on the patient—patients who are already dying.

It has been critical for me to see a clause like this in our bill. Again, we have learnt from the experience of other jurisdictions to ensure that we have a bill that reflects best practice and that has the appropriate safeguards without being unduly burdensome. I very much appreciate the work that the committee has put into this recommendation and the amendment that has resulted from it. It keeps with the policy intent, but it improves the clause. It improves people's understanding of their responsibilities without creating an unnecessary barrier for someone who is considering their end-of-life options. I certainly commend the clause and I commend the amendment which improves it.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (10.34): I want to enforce Minister Cheyne's comments about the importance of this amendment. As Minister Cheyne has indicated, clause 152 of the bill sets the minimum requirements for initiating discussion on voluntary assisted dying for health professionals, to establish additional safeguards for people who may be unduly influenced to access voluntary assisted dying. The aim of this provision is to ensure that health professionals who are likely to engage in end-of-life discussions with patients or clients only do so where they provide information on a range of end-of-life options, but they are also enabled to have those conversations, as Minister Cheyne has talked about.

Unlike other jurisdictions in Australia, the bill as introduced does not prohibit any person, including health professionals, from initiating a conversation about voluntary assisted dying. The term "initiating conversations" did cause some confusion in

stakeholder feedback and during the hearings. This included a misconception that the bill seeks to prohibit groups of people not named in clause 152 from initiating a conversation about voluntary assisted dying. Rather, those people who are particularly influential and play a particular role need to meet certain standards to have such a conversation.

Providing advice to patients about all available palliative care and end-of-life treatment options is an important part of patient-centred care. This recognises that stopping clinical discussions about lawful end-of-life options limits an individual's ability to make informed end-of-life choices, particularly for people with lower health literacy. Despite this, every Australian state has restrictions around the ability of health professionals to initiate discussions about voluntary assisted dying, as a safeguard against the potential for coercion.

I certainly understand that we need to safeguard against coercion. In Victoria and South Australia, a health professional cannot initiate any discussion with a patient about voluntary assisted dying. In other jurisdictions, legislation requires that only certain types of health professional may do this, and only if they also inform the patient about all treatment and end-of-life options at the same time, which clearly is vitally important. We have reflected the vital importance of that.

Consultation and research strongly supported health professionals not being restricted from initiating an appropriate discussion about voluntary assisted dying with relevant patients if they assess that it is clinically appropriate to do so. This is consistent with health practitioners' legal and ethical obligations and aligns with professional standards regarding informed consent, including where a doctor should inform their patients of all available options, including voluntary assisted dying, where appropriate.

As Minister Cheyne has outlined, medical practitioners and nurse practitioners who initiate a discussion on voluntary assisted dying must be satisfied that they have the expertise to appropriately discuss voluntary assisted dying and palliative care, and ensure that the person is informed about the treatment and palliative care options available to them and the likely outcomes of those options.

There may be situations where the health practitioner was not involved in the diagnosis of the individual but it would still be appropriate to discuss palliative care and end-of-life options. In those situations it should be permitted for certain health professionals to discuss voluntary assisted dying as one potential option available to the individual, where clinically appropriate. It is therefore proposed to replace "the individual has a condition" with "the doctor or nurse practitioner/relevant health professional knows or believes on reasonable grounds that the individual has been diagnosed with a condition" that would make them eligible for voluntary assisted dying.

I want to briefly reflect on some of my conversations with nurses and social workers at Clare Holland House, who are, as part of their jobs every day, involved with people on their end-of-life journeys. I have heard consistently from them that they want to be able to have these conversations with patients and their families. They welcome the capacity to do that because they want to be able to be open and up-front with patients and their families about all of the options, while delivering the absolutely world-class palliative care that we know they do.

Clear and comprehensive guidance materials and education on the obligations of health professionals when raising voluntary assisted dying as an end-of-life choice will be developed during the implementation phase. This will be a very important part of the development of guidelines and education materials that will be available not only to those health professionals who are directly involved with the voluntary assisted dying scheme but to all health professional across our system.

Just this morning we heard the president of the AMA ACT branch, Kerrie Aust, talk on the radio about a range of health professionals who will be involved in this conversation—not least general practitioners, who often support their patients and their families right through the end-of-life journey, even if these general practitioners are not going to register themselves as people who can be a coordinating or a consulting practitioner for voluntary assisted dying. I strongly commend this amendment to the Assembly.

**Ms Cheyne's** amendment No 113 agreed to.

Clause 152, as amended, agreed to.

Clauses 153 to 158, by leave, taken together and agreed to.

Clause 159.

**MS LEE** (Kurrajong—Leader of the Opposition) (10.41): I move amendment No 1 circulated in my name *[see schedule 3 at page 1470]* and table a supplementary explanatory statement.

As I foreshadowed in the in-principle stage of this debate, I move an amendment to the section of the bill that deals with the review of the act. It is crucial that this bill incorporate appropriate safeguards for all Canberrans who may choose to access the voluntary assisted dying scheme. A review of the operation and effectiveness of the scheme is one of those safeguards, and my amendment seeks to ensure that it is a genuine and objective review.

My amendment will remove all of subsection (2) in clause 159, which specifically directs the review to consider whether an individual should be allowed to access voluntary assisted dying if the individual has lived in the ACT for less than 12 months and is not eligible for an exemption under section 151; whether a child with decision-making capacity in relation to voluntary assisted dying should be able to access the scheme; and whether an individual can seek to access voluntary assisted dying through advanced care planning. I believe that this review should focus on the operation and effectiveness of this act within the time frame proposed by government at three years after the day this legislation commences, and every five years after the first review. I am sure that every member understands the importance of a comprehensive review process to ensure that the voluntary assisted dying scheme is meeting community expectations and is performing as intended.

I have serious concerns that, by passing the bill with subsection (2) of clause 159 as currently drafted, this Assembly would be prescribing what an impartial review should

be considering, and this could be seen as pre-empting the outcome of any review. In moving this amendment, I note that the government has made it clear that there is a lack of available evidence regarding the capacity of minors to give voluntary and informed consent to voluntary assisted dying, which is why this was not included in the original bill as tabled. I outlined in my speech during the in-principle debate that I have concerns about the government using this review to lower the age of voluntary assisted dying for Canberrans under the age of 18, arguably the most important decision that a person can make, and at a time when they are in an incredibly vulnerable situation.

We have seen in the Assembly, particularly in this term, the ACT government move amendments to legislation without appropriate scrutiny and oversight and we cannot in all good conscience as members of this Assembly allow that to happen on a bill like this. I do not think that the Assembly should support a clause in the act that would potentially be used by this government to alter the eligibility criteria significantly and allow children to access this scheme. My focus for this bill—and, I am sure, for all of the members who support the bill in principle—is that it is both functional and effective for Canberrans who may choose to use this scheme based on their genuine free will and that they have the capacity to make such an important decision. My amendment improves the bill to ensure that the review mechanism is genuine and objective and does not foreshadow or pre-empt any specific issues that must be dealt with in the review. I commend my amendment to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (10.45): I thank Ms Lee for bringing the amendment forward. I think it important that we have that discussion today. The purpose for including specific issues in the scheduled review in the legislation is that they be considered in the review to ensure that the key areas that were raised by the community during the public consultation as being important to them are reflected in the review. They go to areas repeatedly raised by contributors regarding residency, age thresholds and advanced care planning. That is all that this provision does. It does not commit this place to any future legislative change. It does not preclude a proper review of all of the aspects of the system in operation.

Moving this amendment, and the tenor of the speech we have just heard, suggests either that these are not matters worthy of specific consideration or that members have already formed a view and made up their mind, in advance of a further detailed consideration in the next parliament. I think it is disrespectful to the many Canberrans and experts who have contributed to the consultation process that the Assembly would not listen at this point and flag those issues for further consideration.

I commend this clause to the Assembly, and I thank Minister Cheyne and Minister Stephen-Smith for their engagement with the community through the detailed consultation phase that led to this clause being included in the legislation. I think it treats every contributor with respect. It does not pre-empt decision-making but flags issues that have come up that will need to be discussed. They will need to be discussed. I think they should be, as part of the review in three years time. It does not pre-empt the decision at that point; it says only that these are issues that have been raised, that should be discussed and that should be considered in detail as part of a review that will also encompass issues broader than just those that are listed in this clause. I will be opposing

Ms Lee's amendment.

**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) (10.48): I will not be supporting this proposed amendment. The purpose of including these issues in the review so explicitly is exactly what the Chief Minister has stressed today: it is about respect. It is about respecting what the community told us and respecting the key issues that the community put forward which we would like to explore further but which we have not been able to resolve in the time we have available when we are balancing progressing a bill that we know many in the community wish had been legislated 25 years ago. The community has put forward issues for further consideration and we are respecting that by being clear to them that they are not off the table and we will look at them further.

They are not committing us to anything in terms of legislation for those issues. What this clause does is commit us to further consideration of these issues after the act has been in operation for some time, and once there has been the opportunity, with that time, to draw on expansive consultation and research on what we know are complex issues but equally are issues that the community expects government to consider further. We did hear during our consultation some strong support for allowing access to voluntary assisting dying for young people who are suffering and dying of a terminal illness, with many contributors noting that limiting voluntary assisted dying to an age was arbitrary, given that we know that people under 18 also experience intolerable end-of-life suffering through terminal illnesses. It was also very clear from consultation that there are significant policy complexities associated with this issue. It is not that there is not evidence available, as Ms Lee seemed to be suggesting. Mary Porter did considerable work a decade ago, in her research in Europe, and I am sure she would be happy to speak about that further.

Similarly, regarding advance care planning, we found, in fact, overwhelming support for allowing access to voluntary assisted dying through advance care planning for people who have lost decision-making capacity through neurodegenerative diseases such as advanced dementia. Again, this is a complex issue requiring further work and consideration. We have already seen the extraordinary work that Dr Paterson has been able to do in a short time in advancing this conversation. It was the number one issue that came through in our consultation, even though we had been clear that that having capacity and acting voluntarily was central to our bill's intent and our policy intent. This does speak very clearly to the will of the community and their willingness to engage with us as we work through this issue and review it. That is what this clause is about.

Including a review of residency requirements is not the sexy thing that people are focusing on, but probably the most important one to me, because we know already that there are issues that we have identified with how residency and exemptions operate with those states who have a similar clause to us: New South Wales and Queensland. For anyone in New South Wales who is here, or who may be listening, this is something that we are going to have to tackle. I very much hope that we work it out before we get to the review period, but that is exactly the reason why it is in here. If we do not, there is a very clear trigger to look at it further. That sends a signal to the community, to the community at large and to the New South Wales parliament, I hope, that we recognise

that there is further work to do. It does not mean anything might change out of that review, but we will review it if it has not already been sorted out.

Soon I will be moving an amendment, once we have dealt with this one, regarding the inclusion of the definition of "advanced" into this clause. This is appropriate. As we discussed at quite considerable length yesterday, the select committee inquiry deeply focused on this issue. We heard from our vast range of stakeholders that our definition in the bill, as originally drafted, had a variety of interpretations of meaning. We think our updated definition is a great improvement, but it does mean that we need to do a check, in time, to confirm that it has met the policy intent that we have provided in the explanatory statement and in how people are considering it. So, Madam Speaker, with that lengthy explanation, I will not be supporting Ms Lee's amendment today.

**MR BRADDOCK** (Yerrabi) (10.55): The amendment does not change the eligibility criteria that will be in place when, if passed, this bill will be implemented. It does not change the requirement for a statutory review to be held. It simply is changing what policy questions the statutory review should be considering. I do not agree that prescribing what a review should consider can be seen as pre-empting the outcome or removing the impartiality of that process. If that argument was accepted, does that mean every time a motion is put forward in this place for a committee to undertake an inquiry that includes terms of reference it is an attempt to pre-empt the outcome of a committee inquiry process? Is that an attempt to remove the impartiality of that committee inquiry process?

During public consultation on the VAD model, and during the committee inquiry into this bill, these policy questions received much stakeholder and community input. In the interests of ensuring accessibility by the majority of Canberrans to VAD in a timely fashion, it was not possible to resolve these questions at this point in time. Given the strength of that community sentiment, Canberrans deserve to know that their concerns have not been forgotten and that those questions can be examined afresh during a statutory review. This will also allow further time for research and consultation, and for mainstream VAD services and processes to be embedded and evaluated in the meantime. The Assembly can then, at some point in the future, consider and answer those policy questions, should it need to do so. The Greens support these issues being identified for the future statutory review and will not be supporting this amendment.

**MR COCKS** (Murrumbidgee) (10.57): The review that is outlined in this legislation is not a standard operational review, as we would expect to see in many other areas of legislation. The Chief Minister seems to be trying to convince us that there is no pre-determined outcome, that this is all just par for the course. At the same time, the speech that we just heard from the minister essentially states that this is a road map; this is where the minister would like to take things. That was the deep concern that I, and others on the committee held, when we investigated this legislation.

This is not something that has been added in response to what the committee heard. This has been a feature since the minister removed controversial expansions of assisted dying from the legislation. We had very deep concerns that, essentially, this review would be about how to expand in controversial ways—not whether the legislation could expand, or should expand—into groups such as children or people without decision-making capacity. I have heard nothing today that would reassure me. Indeed, when in

that committee process that concern was raised, one of the members of that committee indicated that they would be very happy if this review formed the basis of a justification to expand into children and people without decision-making capacity in the next term of government.

I retain deep concerns that this provision in the legislation sets out a road map that is not aligned with community expectations. It is not reasonable and it is not necessary to include these specific areas within the legislation. A review can happen whether or not these issues are put forward and agreed to within the legislation. I can see no reason to include them today, other than to establish an extreme road map. I cannot support that, which is why I will back Ms Lee's amendment.

**DR PATERSON** (Murrumbidgee) (11.00): I rise to speak against Ms Lee's amendment. Hearing from the Canberra Liberals today really clearly indicates how ideologically driven they are. They are not listening to the community. The government consultation was loud and clear that the community expects us, and wants us, to look at how this scheme can interact and expand the rights of people in the ACT to access this scheme.

The committee inquiry—I think that was a misrepresentation by Mr Cocks—very clearly heard from the community, from a broad range of stakeholders, the wish for us to see this scheme explore the difficult issues around loss of capacity, age limits and interstate access. My own consultation over the last couple of weeks has very, very clearly suggested that there is great in-principle support for the ACT government to explore addressing these issues.

We heard yesterday in the debate on Ms Orr's motion the list of reviews, inquiries and commissions that the Canberra Liberals are going to conduct if they are elected. The fact that they cannot listen to the community on these matters causes me to now ask: what use will all the reviews be that they are going to commission if they are elected? They do not listen. They are ideologically driven. I am very proud to stand here today, and I look forward to the review in three years time.

**MS LEE** (Kurrajong—Leader of the Opposition) (11.01): I thank members for their contributions to the debate on my amendment. I have to say that it is incredibly disappointing to hear the members from the Labor and Greens parties talking in a way that is best described as nonsensical. We are talking about a straightforward amendment that makes sure that there is an appropriate and robust review mechanism—as we have with most pieces of legislation, especially when you are introducing something new. My amendment goes to ensuring that it is a straightforward, genuine and objective review mechanism to ensure that we have an effective voluntary assisted dying scheme that will provide the appropriate safeguards and to ensure that a review of this act is undertaken without any pre-emptive barriers or actions that need to be taken.

It is interesting that Dr Paterson has taken this opportunity to oppose my amendment without actually acknowledging the entire hypocrisy of the fact that she had drafted an amendment to this legislation, which obviously she has not moved—

**Dr Paterson**: I listened to the community.

**MS LEE**: That was sensible. We will debate this in more detail tomorrow. The amendment was specifically around what she has claimed has been a lot of feedback from the community about what happens in the event that someone loses capacity after having commenced the process to access the voluntary assisted dying scheme.

**Dr Paterson**: That is not what it is about.

**MS LEE**: That is also not included as something to be looked at in 159(2)—

**Dr Paterson**: Yes, it is.

**MS LEE**: and yet this is something that she has not brought in as an amendment.

**Ms Cheyne**: Have you even read it?

**MS LEE**: Mr Barr talked in great detail about respect—as did Ms Cheyne—but there will be so many Canberrans who have different views about the entire scheme, let alone the various aspects that have been outlined in subclause (2) of clause 159, who will feel they have been disrespected. It is nonsensical to talk about this by asserting that it would be disrespectful to allow an objective review to be included in this legislation.

As Mr Cocks referred to, it is clear that this government has a road map on where it wants to take this scheme. My amendment is specifically making sure that the legislation, when it passes, retains a very straightforward, very transparent and very objective review mechanism. This is an incredibly important piece of legislation, and it is right that any review of this law remain open, transparent and, very importantly, objective.

Question put:

> That Ms Lee's amendment No 1 be agreed to.

The Assembly voted—

| Ayes 9 | Noes 16 | |
|---|---|---|
| Peter Cain | Andrew Barr | Suzanne Orr |
| Leanne Castley | Yvette Berry | Marisa Paterson |
| Ed Cocks | Andrew Braddock | Michael Pettersson |
| Jeremy Hanson | Joy Burch | Shane Rattenbury |
| Elizabeth Kikkert | Tara Cheyne | Chris Steel |
| Nicole Lawder | Jo Clay | Rachel Stephen-Smith |
| Elizabeth Lee | Emma Davidson | Rebecca Vassarotti |
| James Milligan | Mick Gentleman | |
| Mark Parton | Laura Nuttall | |

Question resolved in the negative.

**Ms Lee's** amendment No 1 negatived.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative

Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (11.09): I move amendment No 114 circulated in my name *[see schedule 1 at page 1459]*. I have already covered this in my previous remarks, so I will just take this opportunity to correct what was either a deliberate or an ignorant misinterpretation of the clause and Dr Paterson's work.

What Dr Paterson has been consulting on is not when someone has lost capacity after commencing the voluntary assisted dying assessment process; it is after all stages are complete, including the third and final stage, but before the administration of the substance. The feedback from consultation that I have had, that Dr Paterson has had and that countless others have had—if not lived experience—is that people do lose capacity in the very final stages of their death. That is what Dr Paterson's work was about. It was not about right at the beginning of the process or if someone is just starting to initiate a conversation about it.

Equally, I am not sure how Ms Lee is defining "advance care planning", which is part of the review clause. That can include advance care directives and enduring powers of attorney, so it is there. To suggest that it is not was incredibly disappointing to hear. Again, I do not know if it was wilfully ignorant or deliberate or just a dog whistle, but it was incredibly disappointing to hear those sorts of remarks when the debate has been respectful, when the debate has been kind and when the debate has not had wilful misinterpretations. I regret that that has appeared during this debate. I commend the amendment.

Question put:

> That Ms Cheyne's amendment No 114 be agreed to.

The Assembly voted—

| Ayes 16 | | Noes 9 |
|---|---|---|
| Andrew Barr | Laura Nuttall | Peter Cain |
| Yvette Berry | Suzanne Orr | Leanne Castley |
| Andrew Braddock | Marisa Paterson | Ed Cocks |
| Joy Burch | Michael Pettersson | Jeremy Hanson |
| Tara Cheyne | Shane Rattenbury | Elizabeth Kikkert |
| Jo Clay | Chris Steel | Nicole Lawder |
| Emma Davidson | Rachel Stephen-Smith | Elizabeth Lee |
| Mick Gentleman | Rebecca Vassarotti | James Milligan |
| | | Mark Parton |

Question resolved in the affirmative.

**Ms Cheyne's** amendment No 114 agreed to.

Clause 159, as amended, agreed to.

Clause 160 agreed to.

Schedule 1.

**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) (11.15): I move amendment No 115 circulated in my name *[see schedule 1 at page 1459]*. This amendment substitutes the table in schedule 1 to reflect the changes to clause 113(2) which amend the time frame a person has to make an application for review of certain decisions under the act. I commend it to the chamber.

**Ms Cheyne's** amendment No 115 agreed to.

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

Schedule 3, parts 3.1 and 3.2, by leave, taken together and agreed to.

Schedule 3, part 3.3.

**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) (11.16): I move amendment No 116 circulated in my name *[see schedule 1 at page 1459]*. This amendment amends schedule 3 to provide that a voluntary assisted dying death in care or custody will not be the subject of a mandatory coronial inquest where a person has self-administered or been administered an approved substance in accordance with the act. The only exception to this is where the individual dies or is suspected to have died in circumstances that, in the opinion of the Attorney-General, should be better ascertained. This will provide additional safeguards for the coroner to investigate a voluntary assisted dying death, where considered appropriate by the Attorney-General. I commend the amendment to the chamber.

**Ms Cheyne's** amendment No 116 agreed to.

Schedule 3, part 3.3, as amended, agreed to.

Schedule 3, part 3.4, agreed to.

Proposed new part 3.4A to schedule 3.

**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) (11.18): I move amendment No 117 circulated in my name *[see schedule 1 at page 1459]*. This is a straightforward amendment that inserts a new example related to voluntary assisted dying into section 20(1), examples for paragraph b and new example 3 of the Medicines, Poisons and Therapeutic Goods Act 2008.

**Ms Cheyne's** amendment No 117 agreed to.

Proposed new part 3.4A to schedule 3 agreed to.

Schedule 3, part 3.5.

**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) (11.19): I move amendment No 118 circulated in my name *[see schedule 1 at page 1459]*. This is an important amendment because it corrects a drafting error. I commend it to the chamber.

**Ms Cheyne's** amendment No 118 agreed to.

Schedule 3, part 3.5, as amended, agreed to.

Dictionary.

**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) (11.19), by leave: I move amendments Nos 119 to 122 circulated in my name together *[see schedule 1 at page 1459]*. These amendments insert a signpost to the definition of "business day" and definitions of "practitioner administration decision" and "self-administration decision" to the dictionary. Amendment 122 omits the signpost to the definition of "working day" in the Legislation Act 2001, given that this term is no longer used in the ACT.

**Ms Cheyne's** amendments Nos 119 to 122 agreed to.

Dictionary, as amended, agreed to.

Title.

**MS STEPHEN- SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (11.21): The ACT government always has been and remains committed to ensuring that all Canberrans, now and into the future, have access to high-quality palliative and end-of-life care. Voluntary assisted dying, as an end-of-life choice, promotes 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.

Establishing voluntary assisted dying in the ACT will be one of the most significant projects in the health portfolio over the next two years. It will be a significant change for health service providers, health professionals and workers in the health and aged-care sectors. I hope I will be here to see it through, but, if not me, my bigger hope is that the minister responsible after the election will have as much commitment as I do to making this nation-leading voluntary assisted dying system work as intended.

The ACT Health Directorate and Canberra Health Services have already started work on the implementation, to deliver voluntary assisted dying services by 3 November 2025. The task force will be responsible for key implementation deliverables such as

establishing a care navigation service, developing clinical guidelines and regulations, establishing care and referral pathways, workforce training and accreditation and the voluntary assisted dying oversight board. The task force will also facilitate further stakeholder consultation and work to ensure that we deliver the best framework and model of care to meet the needs of the community.

The introduction of voluntary assisted dying has been a long time coming. For many years advocates have called for this change. With the restoration of territory rights in late 2022, we can now honour advocates and community members who have championed this cause, some of whom are no longer with us and some of whom are with us in the chamber today. I am pleased that we will be able to provide eligible Canberrans access to end-of-life choices that align with their rights, preferences and values.

I have largely spoken to this legislation in my ministerial roles, but we all bring to this debate our personal experiences and the stories shared with us by our friends and our constituents. My family is extremely fortunate. In the scheme of things, we have been spared much of the trauma that has been shared by others through this process. But I have seen the impact on extended family members of a beloved parent dying from motor neurone disease. I have seen a family pulling together as they struggled with the terrible suffering of a loved one at the end of their life. I have also seen siblings torn apart when a strong, incredibly intelligent parent was lost to dementia—lost in a very real sense before her physical death—and people who grew up together and remained friends into adulthood but who have now not spoken to one another for more than 20 years. The end of life is complex and families are complex.

As I did during the in-principle stage, I want to thank those who have shared their own personal experiences with me. There are many individuals, advocates and organisations that have contributed to the development of this bill, including health professionals and their unions and professional bodies. I again acknowledge and thank stakeholders and community members who contributed during the stages of community consultation and as part of the recent select committee inquiry into the bill. I would also like to again thank the members of the select committee for their careful consideration, detailed inquiry and thoughtful recommendations.

These reforms have been developed by a number of fantastic and talented officials. The passage of this bill is a testament to your hard work, notwithstanding the huge implementation task you have ahead of you. You have provided incredible support to me, my office and the broader government throughout this whole process. This has been a cross-directorate effort. I acknowledge the officials from the Justice and Community Safety Directorate and the Community Services Directorate. I extend that thanks to the Clinical Reference Group, which provided the government with comprehensive and sound advice, informed by their extensive clinical experience.

Thank you very much in particular to the ACT Health Directorate team—Michael, Chadia, Maria, Rebecca, Tania, Stephanie, Noah, Kasey, Renee, Glen, Emma, Liam, Amanda, Susan, Kristy and our great DLO Tara—and to Janet, Gulnara and Miranda from Canberra Health Services. I want to especially thank Michael Culhane and Chadia Rad, who have been incredibly involved in this process from the very beginning. I have greatly appreciated your sage advice, your responsiveness and your good humour in the

face of at times challenging conversations and high workloads. You have exemplified the very best of what the public service has to offer.

I also take this opportunity to wish Michael all the best, as he will soon move on from the key role he has held in the ACT Health Directorate for some years now. Michael, your expertise will be sorely missed as we continue with this complex work and the many other projects you have overseen—from the Assisted Reproductive Technology Bill to the Ngunnawal Bush Healing Farm residential model development, to negotiating the National Health Reform Agreement and cross-border agreement with New South Wales, for which the Treasurer thanks you. Thank you for your work, on behalf of the people of the ACT.

I would also like to thank Ms Cheyne and her office for championing and leading this significant reform and for their very close engagement with me and my office and, of course, with the community. For the years of fighting for the restoration of territory rights to delivering this thorough, thoughtful bill, Ms Cheyne deserves enormous credit. To the other members of ACT Labor who have been involved in the development of the bill: thank you also, particularly Dr Paterson for her recent consultation process and Ms Orr for so ably leading the select committee inquiry. To my other colleagues in the Assembly: thank you for your genuine and considered approach to this bill and for engaging in the debate in good faith.

Finally—and this is where I cry again—I want to thank my office staff for their ongoing support. Like all of us, I could not do my job without them. In this case, particular thanks go to my chief of staff, Ben Tomlinson, and senior adviser Kahlia Smith. This work has at times been extremely challenging, and I cannot thank you enough for your dedication to continued engagement with our wide range of stakeholders and to ensuring that the ACT will have, through this bill, the best voluntary assisted dying system in the country. I commend the amended bill to the Assembly.

**MR HANSON** (Murrumbidgee) (11.28): It was not my intention to speak to this debate, but it has become very clear from what has been said this morning by various ministers and Dr Paterson that the agenda of this government, the road map of this government and the ideology of this government is to roll out further iterations of this, should this government be re-elected and those members opposite be returned to this place. They have made it very clear that the agenda that is sitting before us is to roll out dementia patients for euthanasia, the euthanasia of children and to open this up to people interstate. I think people need to be very aware, as they go to the ballot in October, that this government, these members and these ministers, have made it clear that their agenda is the euthanasia of children and the euthanasia of dementia patients and to open this up to everybody interstate. People need to be aware of that. Certainly, I, in good conscience, will not be supporting that.

**MR BRADDOCK** (Yerrabi) (11.29): Voluntary assisted dying is already happening here in the ACT. It happens in a myriad of ways—sometimes peacefully, sometimes traumatically, sometimes unsuccessfully and sometimes successfully. The one consistent element is that it is happening in secret. This secrecy means access is restricted and inconsistent. The passage of this bill brings voluntary assisted dying out of the shadows, to make it safer and to reduce the trauma for all involved, ultimately for the benefit of both the individuals and the community.

I will not pretend that the bill has the balance perfectly right. This will be an evolving policy space, and it will take years to resolve complex, contradictory rights that affect societal viewpoints and put them in black and white, in legislation. I have quoted Katarina Pavkovic before and I will do so now:

> Like all legislation, the Bill may not be perfect. But it is a perfect next step to enabling our people the right to die with dignity and not suffer intolerably at the end of their lives.

I am proud to be part of a jurisdiction which now has the most progressive VAD scheme in Australia. I am proud to be part of a party that has for decades advocated for voluntary assisted dying. I have been privileged to play a small part in the bill's passing. I would like to thank the Minister for Human Rights for this bill, for the multiple briefings provided by her staff and officials, and for her engagement with the recommendations of the select committee that inquired into the bill.

I would like to thank members here for their contributions to this debate. I also thank everyone who has reached out to my office and provided their views, whether in support of or against the scheme. Engagement between elected members and the community is essential. I would also like to thank the community advocates, not just the ones in the chamber today but those throughout the community, for their decades of advocacy on this issue. To the public servants who have tirelessly assisted us to get to this day, I say thank you. I hope you have a chance to celebrate this momentous day.

But the work does not stop with the passage of this bill today. For the public service, now comes the hard work of implementation so as to ensure that the ACT has a safe and effective VAD scheme. For us politicians, there is more to do to answer the outstanding questions that are not resolved in the bill. But, as we do that work, the majority of the Canberra community who are eligible to access voluntary assisted dying can do so. Those who are intolerably suffering, living one pain-filled day after another, will be able to go gentle into the good night.

**MS LEE** (Kurrajong—Leader of the Opposition) (11.32): As I said at the outset, this bill was always going to be a matter for a conscience vote for the Canberra Liberals. I pay my respects to all members of the Liberals who have engaged in this debate, from the first consultation through to today. I also acknowledge the contributions that have been made by all members of the chamber.

As I stated during the in-principle debate, for me, a core Liberal value is the individual's right to make decisions about their own lives. We could say that a decision about how they die is the ultimate decision for the individual. But that decision must be made by way of a genuine and free will.

The bill was not perfect. I think the number of amendments that were moved by the government itself, which I commend, have gone some way to making sure that it was improved before it got to this stage. I am, of course, disappointed that my amendment did not get up today. I think that there are still aspects of the bill that can be improved. As Mr Braddock said, the bill is not perfect, although the reason that we think it is imperfect is probably quite different.

I want to thank particularly Ms Castley and Mr Cocks, who served as the Liberal members on the select committee looking into the bill. It is not easy being the party representative, while at the same time having a conscience vote on an issue. At times I know that both Ms Castley and Mr Cocks had to differentiate that quite a lot in their own minds, when they were going through the committee inquiry process, so I do thank them for their hard work.

I also thank staff in my office, and especially Kelli, who did an enormous amount of work for the entire Canberra Liberals team. It is no easy feat when we have a conscience vote and there are different views across the party.

This is an important bill that I have no doubt every member in this chamber has taken very seriously. It has engaged the conscience. We have all listened to various members of the community and we know that there are differing views on this issue within our constituency as well. I want to put on the record my thanks to all of my colleagues in the Liberals, as well as to members across the chamber, that we have been able to get to this point. Once again, I reiterate that, within the Liberal Party, this bill is the subject of a conscience vote.

**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) (11.35): This is the last time that I will speak in the debate. It is very strange for me; it is surreal. Madam Speaker, you have been in the chair for the entire time that I have been here, and you have heard how often I have spoken about this and why it has been so important. I will take my time, because I do not expect that I will be speaking much more about it, at least for the rest of this term.

This debate has been remarkable for how unremarkable it has been. It has been orderly. There have been no last-minute amendments to contend with. We have finished at a reasonable hour—at least, if I keep my remarks on time. We have not divided on every clause. Again, I thank Ms Castley for her cooperation. I am indebted to her for that.

There has been no filibustering either. It has been a profoundly different experience than most, if not all, of the states which have gone before us have experienced. One of the reasons that people justified their position on not restoring our territory rights was that we were not a mature parliament and that we did not know what we were doing. Madam Speaker, I distinctly remember, as you do, Senator Scott Ryan, the then President of the Senate, in his utter paternalism, saying he thought the ACT needed to be protected from itself, and that was what he saw his role as in the Senate. If this debate does not speak to our maturity as a parliament, I do not know what will. I think we have proven that we can debate an issue that brings extraordinary emotion for many of us in this place. I know that, for many, it has been difficult to contend with and it brings up all sorts of feelings.

It has also been remarkable in that, for a conscience vote, which is something we have not experienced in this Assembly in more than two decades—in fact, none of us in this room has experienced a conscience vote—we generally came to the same conclusions. I think this speaks to the soundness of the bill and the government amendments. It

speaks to the extraordinarily hard work of so many people, which I will get to. It speaks to the guiding principles and objectives of this bill, which I have spent a long time thinking about. I set a framework for myself that this would be a bill that protects and promotes human rights, that has the necessary safeguards without being unduly burdensome and, perhaps most importantly, has the support of our clinical community—those who will implement it, those who will be caring for those who are dying.

The bill has achieved this. It feels a little weird for me to say this, but I will, because I know it is true: this is the best bill on voluntary assisted dying in the country. It is evidence based, it is thorough, it has considered, over and over, in an iterative fashion, all of the advice that we have received from other jurisdictions—from experts, academics, policymakers, carers and the broader community. It is a bill that is fair; a bill that is about autonomy and choice. It is the best, and I hope that it will be envied and, indeed, that many of the things that we have been able to achieve through this bill will set a future standard for other parliaments.

Speaking about voluntary assisted dying takes courage. Advocating for it takes strength. I want to pay tribute to those who have devoted countless unpaid hours to fighting for our territory rights and fighting for voluntary assisted dying right across the country, and many people who are in this place. Voluntary assisted dying is something that was once considered a niche, extreme issue. I appreciate that that is a view that is still held by some opposite. In fact, I think most of us would agree that it has proven to be anything but that. It has extraordinary support from across the community—percentage figures in support that politicians usually can only dream of. That is due to the people who paved the way over many years. That is where I will begin my quite long list of thankyous.

I thank Marshall Perron, who I am proud to call my friend, someone from whom I draw extraordinary strength and whose wisdom has had the most singularly profound effect on my political professional career. With respect to Bob Dent and Judy Dent, there must always be someone who is the first, and that was Bob Dent. Judy, 30 years later, continues to be generous with her time and fierce in her advocacy. In the face of extraordinary national challenges, and now in this new wave of voluntary assisted dying being considered by jurisdictions, the Northen Territory will be known as the jurisdiction that was the first and the last. We are indebted to Judy Dent.

Michael Moore fundamentally understood that voluntary assisted dying is about compassion and, as a member in this place, continued to keep the issue in people's minds when lesser people would have given up, considering how frustrating and futile it would have felt, especially here in the 1990s.

I acknowledge my mentor, Mary Porter, and Ian de Landelles, who I understand have just celebrated a wedding anniversary. There is a reason that Mary was and remains so revered: she was a genuine representative. Mary advanced the conversations, she did the difficult research, she spoke in a way which brought the community along and she kept the issue alive. To follow in her footsteps has always been a privilege and an honour. To have continued this work is an enormous responsibility, and one that I have been so very grateful to have. But she paved the way, and I owe Mary. Thank you.

I thank the steadfast supporters, whether you have been loud, insistent, providing private encouragement or just being my friend. I know this list will be incomplete, but I have done my very best. Gordon Ramsay, as Attorney-General in this place, kept a level of calmness about this issue, as someone who is of Christian faith, as well as with his legal mind. When the debate here got heated, Gordon did so much to advance it. He has continued to be a big supporter of this, and I greatly thank him.

Heidi Prowse, my friend who is in the chamber today, is an advocate on so much, and to have her friendship and support means the world to me. I thank Ian McTaggart, Caroline Le Couteur, Phill Martin and Sue Dyer. Sue never stopped writing letters to the *Canberra Times*. You are sometimes the only sensible one. Janine Haskins also never stopped writing, and also sometimes is the only sensible one.

I acknowledge Corinne Vale and Jim Williams. Jacky Ryles, Ros's best friend and business partner, is here today and was here at the introduction as well. Thank you, Jacky. I acknowledge Roy Harvey, Sheena Black and Greg Cornwall. Yes, that Greg; Liberal Greg. Greg is a supporter, and I thank him for his private and personal encouragement of me. I acknowledge Ian Chubb and Allan Hall.

I have known Katarina Pavkovic since she first appeared at a committee inquiry in 2018. She continues to be a proud spokesperson and to speak about her dad. To relive that experience is something that, as I flagged, takes extraordinary courage, but the fact that her name is known and indeed quoted by many of us shows how important her work has been. Again, this is all unpaid hours.

I say to my "Peace Out" friends that only you know what that means, and I will leave it there, but a big shout-out to you for keeping me not only entertained but also feeling very well supported. Ann Thorpe, Robin Eakin, John Edge and John Goss are Labor members who have done an extraordinary amount in supporting me and reminding me that there are always people there who are willing us on.

Mike Gaffney MLC, from Tasmania, is someone who progressed a bill which was an improvement on the Victorian bill, who has reached out to me and has been a source of great support and comfort.

I acknowledge Mike Boesen. In 2016 I doorknocked Mike and, just like now, I cried, on his doorstep. Poor Mike must have thought, "What on earth is with this person?" It was because we were speaking about voluntary assisted dying, territory rights and why, with the ACT government being so progressive, we had done nothing on voluntary assisted dying. We talked about territory rights and how the ban was in place. That conversation crystallised for me, in that moment, before I was elected to this place, just how important that work would be. That conversation is where I committed myself to it. Mike does not know that, but it is true.

I acknowledge the seniors Mike has worked with for such a long time: Jennifer Boesen, Norm Bakker, Sarah Bakker, William Blair, John Temperly, Ann Temperly, Charles Karlsen, Anthony McArdle, Tony Whelan, Roderick Blackburn, Diane Donovan, Christine Roberts and John Edge.

I say to David Swanton and Exit International: David, I know that this does not go far

enough for you, but I have also enjoyed your support. I know that you have backed this. It is not perfect for you, for a variety of reasons, but it is a big step and a big change. I commend you for the work that you have done in continuing this conversation.

Neil O'Riordan went through an extraordinary challenge. The Chief Minister and I had the great privilege of meeting with him when he was grieving, and certainly after the Director of Public Prosecutions had chosen not to proceed any further, following the death of his partner, Penelope Blume.

Professor Bob Douglas, again, is someone that I doorknocked in Aranda in 2016. He is now a resident of Bruce. Bob has been steadfast in his support and his passion, and I know he enjoys the ears and eyes of many people in the work that he does.

To Jeanne Arthur and Dying With Dignity ACT, I say thank you for your years of work in promoting this issue and pushing it. I acknowledge Dying With Dignity Victoria, and especially Hugh Sarjeant and Jane Morris. I have only met Hugh once in person, but we have this extraordinary affinity, I feel. He might not feel the same! With Hugh, to have someone who always says, "Keep going; don't give up. We did it here and you can do it, too," has meant a lot. I know I can always count on Hugh and Jane for support. I say thank you to my friends through a computer screen. I acknowledge Dying with Dignity New South Wales, and especially Penny Hackett and Shayne Higson. If you want people to be lobbying, they are awesome. There is no other word.

To Go Gentle Australia and Dr Linda Swan, CEO, who is here with us today, thank you so very much for your personal and professional support of this. It has meant the world. I do not really have the right words.

I thank Andrew Denton, Frankie Bennett and Steve Offner. Steve, again, is someone who I only met in person for the first time last year, and who I know is listening. He might be pretty happy to not talk to me for a while, after we have been engaged in conversations for years and years. Steve has done an enormous amount and has been a huge support to me.

I acknowledge Ian Wood and Christians Supporting Choice for Voluntary Assisted Dying. Ian is someone that I have known for many years and he was in conversation with me just a few days ago. I know he has advocated to many members here. I know that Ian would have loved to have been here, but travel is fraught. Ian has been such a staunch advocate and, regrettably, quite suddenly, he went blind recently, which makes travel difficult.

I acknowledge Doctors for Assisted Dying Choice and Pauline McGrath. Madam Speaker, you may have read about Pauline. Pauline spoke at the voluntary assisted dying Australia New Zealand inaugural conference last year. Sometimes, when you spend a lot of time thinking about these issues, you can become desensitised or think: "What is it all for? Why is it so hard? It is taking a long time." Pauline's speech at that conference gave me renewed energy. If anyone has not read her story or heard her speak, I would encourage you to do so.

I acknowledge the many experts—Kerstin Braun, Dr Cam McLaren and Voluntary Assisted Dying Australia New Zealand. Madam Speaker, if I am sick, I hope

Dr McLaren cares for me. He has the most extraordinary compassion, passion and kindness. He has been so generous—again, unpaid hours—in assisting us and clarifying things for me. He is an extraordinary person.

I acknowledge Dr Swan and her expertise. Ben White and Lindy Willmott are two names that go hand in hand—the end-of-life academic specialists who have given me extraordinary personal and professional support over the years and continue to do incredible research that helps this conversation.

I acknowledge our clinical reference group. I actually do not know who they are, Madam Speaker; it is probably a good thing. They have done an enormous amount and have given me a lot of confidence as they have been so involved in the development of this bill.

I acknowledge the Human Rights Commission—and Karen Toohey, especially—and the nurse practitioners and other medical professionals who I will not name, but they know who they are.

I acknowledge Carers ACT and Lisa Kelly; AMA ACT and Dr Kerrie Aust; Palliative Care ACT; the Law Council of the ACT; Cancer Council ACT; and Darlene Cox and the Health Care Consumers Association—all people who have been engaged with us from the very early stages. I thank everyone who participated in our roundtables and ensured that we were creating the best bill possible.

I thank all those who submitted to the inquiry into this bill and to the end-of-life choices inquiry before it, and appeared before them—again, unpaid work. It is work that takes time and work that brings up an extraordinary amount of emotion. I thank all those who participated in the committee that inquired into this bill, and especially the chair, Suzanne Orr, who did a remarkable job on a difficult topic.

I pay tribute to those who have died during this time. This list is also incomplete: David Levitt, Penelope Blume, Rob Eakin, John Paynter, Andy Prowse, Ros Williams, Gina Pinkas, Wendy, and Nebojsa Pavkovic.

I thank our federal colleagues. It was a Labor government that restored our territory rights and paved the way. It was the then Leader of the Opposition, Bill Shorten, and then Anthony Albanese who committed that they would do that. It was done thanks to people like Luke Gosling and Dave Smith, who do not support voluntary assisted dying but do support territory rights. They were able to separate those and ensure that that fundamental democratic issue was achieved.

I acknowledge Alicia Payne, Andrew Leigh, David Pocock and Katy Gallagher—who, of course, shepherded it through the Senate and for years had kept fighting and had introduced plenty of private member's bills before that which, unfortunately, had got nowhere. I acknowledge Simon Birmingham. Again, sometimes there are some sensible people who surprise you, and I am particularly happy to know that we have always had Simon's support.

I thank our broader Labor family and the unions, and particularly my colleagues. Minister Stephen-Smith, you have been on my side throughout this, and now the baton

formally passes to you, once the Chief Minister signs the administrative arrangements. I know that you will also experience the privilege of the support of some of the very best people around, as this is implemented. I am so grateful that we have a health minister who is so engaged on this issue, who is so passionate about this issue and who is so committed to implementing what will now be the best legislation in the country. I thank your office, especially Ben and Kahlia. I am sure it has not been easy at times, yet where we are is truly special, and I deeply thank you and your office.

To Marisa, thank you very much in particular for your personal and professional support and your advocacy in this space. You have advanced a conversation that I had been contending with for some time and had no answer to. I look forward to continuing that conversation.

To the Chief Minister, thank you very much in particular for all your support on this. We are a long way, as I said yesterday, from taking out full-page ads in the *Australian*, the *Canberra Times* and at the airport, asking for our rights to be restored and explaining that democratic rights really should not be negotiable—something that continues to be lost on some people up on the hill. Thank you for your personal, private and professional support, Chief Minister, and for trusting me with this. When end-of-life choice policy was put into the AAs, it was like, "Maybe it won't happen." But it did, and to be able to have led this work is the privilege of my life.

I thank your office, and particularly Michael Cook, who has been a great champion of mine and who I know, equally, that I have infuriated no end. That is the role of the chief of staff, and he has been of such extraordinary assistance for almost eight years on this issue. It was a conversation with him that started it in this place, and that conversation chapter has closed today. I am sure that is a bit of a relief for him, too. To my broader parliamentary colleagues across Labor and the Greens, thank you for your support, including for the government amendments.

I acknowledge our incredible public servants. Some of you are names, and I do not know you yet as people, but I know just how much work has gone into this. I thank Michael Culhane, Maria Travers, Tania Browne and Chadia Rad, who has done an unfathomable amount of work on this. It is something that is very special. I thank Stephanie Ellis, Noah Bowen-Osmond, Kasey Bateup, Renee Coonan, Glen Cocheril-Lopez, Emma Booth, Liam Ryan, Amanda Day Kristy Carswell and, in CHS, Janet Zagari, Gulnara Abbasova and Miranda Batten.

I say to my Justice and Community Safety Directorate team: this is yours, and I hope you are extraordinarily proud of this work. I literally could not have done it without you. It is lucky that some people have a law degree; I do not. These are just the most remarkable public servants that I have ever come across. The compassion and the sense they have brought to this process, their cooperation and their collaboration are first-rate. I could not have asked for better, and I feel very lucky that they did so much of the heavy lifting. I will never have enough words to thank them. I thank our DLOs, Rachel Grant and Anna Christoff, and Richard Glenn, Jennifer McNeill, and especially Gemma Hallett, Alex Ingham, Dr Kim Hosking and Daniel Ng. If you are not here today, I hope you feel as proud as I do. Thank you for putting up with me as your minister.

I say to the Parliamentary Counsel's Office: I cannot imagine how much we have

annoyed you. Again, it is a terrific bill and we are extraordinarily grateful. You are magicians. To those who will take the mantle and will be implementing this: thank you. This will be a lot of work. I hope it is as easy as it can be and as sound as it can be, and that you enjoy the extraordinary support that I have had.

I thank the Clerk and his team, who have given very helpful advice, including at the very last minute. I thank those in my office. Jemma Kavanagh is a few weeks away from returning from her honeymoon. Jemma, sometimes it felt like it was just you and me, and I feel very grateful that I was never alone. We have done it, and I am very grateful that you have been part of it since the beginning, even though you cannot be here today. Joe Saunders and Faheem Khan have done an incredible job in assisting me in getting this done. I thank Britt Atkins, who has been through the Treasury process; it has been something else.

I thank my broader office—Nic, Emma, James and Naomi, and especially the people who are the front face and who pick up the phone. You never know who is calling and what they want to talk to you about. Many people in my office have heard some of the most harrowing stories. My office is a place of care, compassion and support for me and my many ideas. Again, I will never have enough words to thank the people who put me here and keep me here.

I thank Tori, and especially Kaarin, who was by my side when territory rights were restored. Again, you are probably quite happy to not do much more media on this for a little while. What a journey it has been. I am so grateful to have a terrific team beside me. I thank Mark Paviour and the Chief Minister's office; again, your stewardship, sense-making and sense-applying have been extraordinarily helpful.

Jonah Morris came in and was told, "This is the most important thing to the minister; here you go." That is pretty daunting, and I am so grateful that you took this with both hands. I hope you feel that you have learned a lot and that you and your efforts are in this bill, and in what it will mean for people.

To Michael Liu, my chief of staff, thanks for being the "Ernie to my Ernie". Only a few people know what that means, and that is good! I thank Jane, my best friend, who, half a world away, always knows the right thing to say. Jane and I had the very difficult experience of both losing our dads to cancer when we were in our 20s. That certainly brings you closer, but I wish it did not have to be like that.

To James, my fiancé, the love of my life, apart from Bailey, you are the best thing to have ever happened to me. I am so grateful that you are here, that you are always here, and that you are always supporting me. I say to my mum, Debra Cheyne, who cannot be here today but is my number one fan and supporter and, again, has given countless hours: I am very grateful to have had a very lucky family upbringing.

Finally, this is a bill that I dedicate to my dad, Peter Douglas Cheyne. My dad, the Rural Fire Brigade and local coastguard volunteer—the same dad who had to have botulism injected into his tumours to deal with the pain. My dad, the literary and maths genius, instilled in me a love of reading and put up with explaining maths to me—the same dad who struggled to write his phone number and stopped reading almost as soon as he was diagnosed. He died within 11 weeks. My dad was so desperate for me to stop coming

home feeling sad and having my confidence shattered because I kept being picked last for the T-ball teams—yes, the game where you are hitting a ball that is on a stick—that he built me my own "tee" in the backyard and helped me practice.

He is the same dad who had had a catheter inserted because he was at risk of falling, having fallen. He forgot he had a catheter inserted, so his very final physical and verbal interaction with me was yelling and swearing at me because I was stopping him getting out of bed to go to the bathroom. A stoic, private, proud Kiwi, he felt I was directly causing him indignity. When our last conversation could have been one of love, he was cursing me and, when our last touch that we both remembered could have been a hug, it was a wrestle.

That is not my dad, Madam Speaker. It is not a story that I tell, maybe ever, and it is not how I choose to remember him. I know it is not how he thought of me. Like so many others who have had similar experiences, I know he could have had a better death—a better death to reflect what had been a wonderful life. There is no guarantee that he would have pursued voluntary assisted dying. I suspect he probably would not have. Still, he and countless others like him should have had the option, should have had the choice at the end of their life about how they die when they are intolerably suffering.

With this bill, which I dedicate to my dad, this is what it does. This is what this legislation does. This is what this scheme does. It provides a voluntary option, for voluntary assisted dying. We have done it. I pay tribute to those who came before us, to those who never gave up, to those who died waiting and wanting, and to those whose memories we pursue this work in honour of, because we know that there can be a better death.

I commend the title to the chamber, and thank you all. I say thank you to anyone who I missed. It has been an extraordinary journey. It feels very surreal that this chapter closes. That it does. I thank you, in particular, Madam Speaker. Perhaps more than anyone, you have been with me on this journey in this place, as we have contended with some pretty fundamental issues. But we are here, and it has been the privilege of my life. I commend the bill to the Assembly.

Title agreed to.

Question put:

> That this bill, as amended, be agreed to.

The Assembly voted—

| Ayes 20 | | Noes 5 |
|---|---|---|
| Andrew Barr | Laura Nuttall | Peter Cain |
| Yvette Berry | Suzanne Orr | Ed Cocks |
| Andrew Braddock | Mark Parton | Jeremy Hanson |
| Joy Burch | Marisa Paterson | Elizabeth Kikkert |
| Leanne Castley | Michael Pettersson | James Milligan |
| Tara Cheyne | Shane Rattenbury | |

| | |
|---|---|
| Jo Clay | Chris Steel |
| Emma Davidson | Rachel Stephen-Smith |
| Mick Gentleman | Rebecca Vassarotti |
| Nicole Lawder | |
| Elizabeth Lee | |

Question resolved in the affirmative.

Bill, as amended, agreed to.

**MADAM SPEAKER**: Members, a bit of history was made just then.

**Sitting suspended from 12.14 to 2.00 pm.**

## Questions without notice

### ACT Integrity Commission—investigations

**MS LEE**: My question is to the Chief Minister. Chief Minister, we know from the public record that the Integrity Commission is undertaking investigations into: the conduct of certain CIT public officials, including the CEO, and whether the actions amount to corrupt conduct and/or serious or systemic corrupt conduct in relation to the awarding of contracts; the conduct of Ms Haire and others, including the education minister, in connection with the procurement of a construction contract for the refurbishment of Campbell Primary School; and the mismanagement of a conflict of interest matter in relation to the Fair Trading Commissioner. Chief Minister, those are three Integrity Commission investigations which involve your ministers directly. Have you had any discussions with the ministers who are involved in these Integrity Commission investigations about those matters, and, if so, what were those discussions?

**MR BARR**: There are a number of incorrect assertions in the Leader of the Opposition's preamble in relation to the Integrity Commission inquiries, so I do not accept the premise of the question. Obviously, I have engagement with the Integrity Commission in accordance with the legislation and I adhere to the requirements that the Integrity Commission places upon me under that legislation, which everyone in this place voted for—

**Ms Lee**: Have you spoken to ministers?

**MR BARR**: No; I do not engage with ministers in relation to any matters that are outside the confines of the Integrity Commission legislation.

**MS LEE**: Chief Minister, what other matters are you aware of that the Integrity Commission is investigating and involve your cabinet colleagues?

**MR BARR**: That question could well have an answer that is similar to one I provided yesterday. The Integrity Commission publicises any matters that it is undertaking inquiries into. That is a process—

**Ms Lee**: That is why I am asking what you know.

**MR BARR**: You are asking me to break the law.

**Ms Lee**: No; I am asking: do you know about any or not?

**MR BARR**: Yes, you are—directly. And you are the one who purports to be a legal expert and you are the one who is sitting on the committee that shaped the drafting of this legislation.

*Opposition members interjecting—*

**MADAM SPEAKER**: Members, if you ask a question, allow the minister to respond in silence.

**MR BARR**: To be clear, the Integrity Commission will make any public announcements in relation to any matters that it is investigating. There is no role for me to make public commentary on those matters, and nor would I break the law in question time, even at the very generous invitation of the Leader of the Opposition.

**MS CASTLEY**: Chief Minister, how can you keep track of which of your cabinet ministers you can and cannot talk to, given the number that are actively involved in Integrity Commission investigations?

**MR BARR**: That is just a nonsense question. That is a massive overreach and does not fairly characterise the role of witnesses before an Integrity Commission process. It is a wilful misrepresentation—a fishing expedition, essentially, seeking me to break the law. So I reject this line of questioning on a number of grounds, mostly because the insinuations in the questions are wrong and offensive and would be defamatory if repeated outside this chamber.

## Education Directorate—ACT Integrity Commission

**MS LEE**: Madam Speaker, my question is to the Chief Minister. Chief Minister, during question time in the Assembly yesterday, when asked if you or anyone in your office had any discussions with Ms Haire, with Ms Leigh as Head of Service, or with anyone else within the ACT public service about Ms Haire's legal proceedings against the Integrity Commissioner, you said:

> Certainly not prior to 6 September.

Chief Minister, what discussions did you have post 6 September on this matter, and with whom?

**MR BARR**: With the Head of Service when the matter became public, to understand the nature of the public service's engagement in that matter—as in: was the policy being applied consistently? The answer was, "Yes."

**MS LEE**: Chief Minister, were you aware that Minister Berry sought advice from your office—I think she said that it was from your media team—on what the ACT government knew in relation to this matter prior to her making a public and emphatic

statement in which she said:

> I have no knowledge of the matter and the government has no knowledge of the matter.

**MR BARR**: No.

**MS CASTLEY**: Chief Minister, do you maintain confidence in the head of the Education Directorate Ms Katy Haire, given the education minister refused to express confidence in her during question time yesterday?

**MR BARR**: Yes. I think you will find that the education minister was, in fact, interjected and interrupted upon so many times during her answer.

## Transport Canberra—ticketing

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

**MR STEEL**: Thank you, Ms Orr. I know you have a particular interest in better public transport. We know that ticketing systems are important to attracting more people to use our bus and light rail system. I am really pleased to advise the Assembly that MyWay+ is being rolled out with a new bus that is branded with MyWay+ branding and the ticketing system installed. It is out and about on the roads learning the geolocations of the bus network.

*Opposition members interjecting—*

**MADAM SPEAKER**: Members!

**MR STEEL**: It is one of four new electric MyWay+ demonstration buses which is out there and is delivering a critical milestone in the project's delivery by ensuring the system has learnt the network prior to its final implementation later this year. These buses will be running throughout the north and south of Canberra, and customers who have a MyWay+ demonstration bus pull up at their bus stop will enjoy a free ride. This system learning will continue right throughout the operation and will provide us with quality data-driven insights into public transport use and passenger habits, which will enable us to continue to optimise bus timetables and improve public transport network.

**MS ORR**: Minister, how will MyWay+ benefit people using Canberra's public transport network?

**MR STEEL**: I thank Ms Orr for her supplementary question. MyWay+ will provide passengers with a simpler way to plan and pay across Canberra's public transport network. Simpler payment options will allow customers to tap on and off public transport using debit cards, credit cards and their smart devices, including mobile phones and smart watches, in addition to the traditional travel cards or paper tickets. It will also enable greater customer independence with customer self-management functionality through an app that will provide a personalised, secure account. Those

who register for the app can be assured all personal information collected or stored through MyWay+ will be located on servers within Australia, and the system will be built to adhere to stringent federal and local government standards under the Information Privacy Act.

Through the app customers will also be able to enjoy accurate, reliable, real-time passenger information, including vehicle locations and occupancy levels. Connections with active travel options will also be included. They will also be able to check accessibility options at stops, stations, parks, paths and walkways. This will enhance the accessibility of this information for vulnerable road users. Customers will also be able to choose the level of personalisation when using the MyWay+ app from simply tapping on and off a bus or light rail through to setting up personalised public transport-related messages and alerts and customising their journey recommendations based on preferences such as cost, duration, carbon footprint and active travel choices.

**MR PETTERSSON**: Minister, will passengers still be able to use physical MyWay+ cards?

**MR STEEL**: I thank the member for his supplementary question and the answer is yes, they will. We recognise that some people may still prefer to use a physical MyWay+ card, and they will be made available from a greater number of retail agents, including major supermarkets. As part of the project, the new MyWay+ cards will be the first of their kind to have a tactile indicator for vision impaired customers, and they will also be the first public transport card to be made from recycled material. The thermo-plastic material the cards will be made from is recycled polyvinyl chloride that will come from multiple sources in industry such as packaging, printing, windows and the automotive sector; therefore, repurposing these materials and diverting them from landfill. So this will be an important way to pay for public transport in Canberra and it has the redundancy, having used one of these cards myself on one of the demonstration buses, of a QR code that can also enable someone to scan the QR code and then jump on a bus or light rail vehicle, in addition to the electronic tap on that is built into the card.

## Education Directorate—ACT Integrity Commission

**MS LEE**: My question is to the Chief Minister. Chief Minister, I refer to confirmation by the Attorney-General that your government is footing the bill for the unprecedented legal action by Ms Katy Haire to seek to shut down the Integrity Commission's corruption investigation—an investigation that calls into question Ms Haire's decisions and actions as head of the directorate and the delegate who signed off on the tender for the Campbell Primary School modernisation project. Chief Minister, is there any arrangement in place for Ms Haire to pay back any legal fees that ACT taxpayers are paying for in the event her Supreme Court action is not successful?

**MR RATTENBURY**: I think I should take responsibility for that question. It provides me with a chance to also touch on the point that Ms Lee asked me about yesterday that I took on notice. I will deal with that first and then come to Ms Lee's question.

Ms Lee asked me yesterday whether there was any cap on the amount regarding Ms Haire. I can tell the chamber that each request for legal assistance is assessed at the time of the request. An initial approval will generally indicate an amount which can be the

subject of a revised estimate as the representation progresses. The amount initially approved will vary depending on the nature of the matter. An estimate of the legal expenses is sought and is reviewed periodically during the course of the representation. Updated approvals are provided as appropriate. So the short version of that is that there is an initial cap put in place and then it is monitored by the Solicitor-General's office. It is not a set-and-forget exercise.

In terms of whether there is an obligation to repay, I will need to take further advice on that. That will have been something that was settled by the Solicitor-General as part of that initial agreement. I will seek advice and come back to the chamber.

**MS LEE**: You may perhaps also need to take this question on notice, Attorney-General. Is there any arrangement in place to have Ms Haire pay back the legal fees that ACT taxpayers are paying if there are any adverse findings are made against her by the Integrity Commission?

**MR RATTENBURY**: I will seek advice on that matter. But, as a matter of general principle, that would be determined by the court in any costs order around legal expenses.

**MS CASTLEY**: Chief Minister, is it appropriate that the education minister and Deputy Chief Minister remain in her job given the serious allegations that have been raised about the possible political interference by her office in the awarding of the Campbell Primary School modernisation project contract?

**MR BARR**: Allegations have not been directly made against the minister or her office. The line of questioning from the opposition is implying an outcome to an Integrity Commission investigation process. Simply being asked to appear as a witness is not an indication that there would be adverse findings against an individual.

## Education Directorate—ACT Integrity Commission

**MS LEE**: My question is to the Attorney-General. Attorney-General, I refer to the unprecedented legal action by Ms Katy Haire against the Integrity Commissioner, which your government is funding, to try and shut down the current investigation into damning allegations regarding the Campbell Primary School modernisation project. Yesterday, during question time, you said:

> The nature of the legal action—which I believe Ms Lee knows—was actually one where Ms Haire sought to challenge a decision of the Integrity Commissioner to not allow cross-examination.

On 6 and 7 December 2023, publicly available transcripts show that Mr Green was cross-examined by Ms Haire's legal counsel. Attorney-General, why does the ACT government continue to fund Ms Haire's legal fees for a case against the Integrity Commissioner in the Supreme Court when the Integrity Commission has, over six months ago, granted approval for her legal counsel to cross-examine Mr Green?

**MR RATTENBURY**: The ACT government, as I explained yesterday, is not aware of the full basis on which Ms Haire continues that legal action. As Ms Lee knows, there is

another element to her claim, one of apprehended bias against the commissioner. I do not know why Ms Haire continues that action. That will be a matter, as I touched on earlier, of that ongoing consideration by the Solicitor-General as to whether further fees continue to be provided. That will be part of that process.

**MS LEE**: Attorney-General, you mentioned in your answer an additional ground. Can you please clarify whether the Supreme Court action commenced by Ms Haire has two grounds? One is apprehended bias, because she was denied the right to cross-examine; what is the second that you speak of?

**MR RATTENBURY**: Ms Lee knows the answer to this question. She obviously wants me to say it publicly. As I understand it, and it is a matter of public record, I believe there are two grounds to this. One is that there was an issue around the decision to be able to cross-examine Mr Green, and the other is about apprehended bias. That is a matter of public record.

**MR CAIN**: Attorney-General, have you or the Solicitor-General reviewed your decision around the merits of Ms Haire's Supreme Court action, given that the cross-examination has been allowed since you supported this unprecedented legal action?

**MR RATTENBURY**: Firstly, we did not support this legal action. I have been absolutely clear, despite the repeated preambles by the opposition, that are obviously designed for a political purpose but are divorced from reality, that the ACT government has no role in this litigation. The only decision I have taken is in response to a ruling of the Supreme Court which invited me as Attorney-General, on behalf of the ACT government, to possibly intervene in the matter. We took a decision—

*Mr Cain interjecting—*

**MADAM SPEAKER**: Mr Cain, please.

**MR RATTENBURY**: I took a decision on that basis to not intervene, as I explained very carefully yesterday. I do not understand the point of Mr Cain's question. He knows the answer to it, and I do not understand why he is asking it again.

## Education Directorate—ACT Integrity Commission

**MS LEE**: Madam Speaker, my question is to the Attorney-General. Attorney-General, yesterday during question time, when I asked you about the unprecedented legal action by Katy Haire, you said:

> That is not a matter of trying to shut down the investigation.

Attorney-General, I refer to the ACT Supreme Court document which sets out the plaintiff's claim:

> … pursuant to s17(2)(b), an order directing the first defendant—

being the Integrity Commissioner—

from further proceeding with the "Operation Kingfisher" investigation, including:
a. further conducting the public examination;
b. completing the investigation; and
c. preparing a report.

I seek leave to table the court documents.

Leave granted.

**MS LEE**: Attorney-General, have you seen those court documents before, which have just been tabled, which clearly state that the plaintiff, Ms Katy Haire, is seeking, amongst other things, an order for the Integrity Commission not to complete the investigation?

**MR RATTENBURY**: Firstly, the point I was seeking to make yesterday was that the opposition was seeking to insinuate that the ACT government was trying to assist in the shutting down of this Integrity Commission investigation. Nothing could be further from the truth.

**Mr Parton**: Is that the public perception?

**MADAM SPEAKER**: Mr Parton!

**MR RATTENBURY**: Cabinet ministers have no role in trying to, in any way, shape this investigation. That is the point that I was making yesterday. The opposition are trying to somehow draw a link between the fact that, because public servants are entitled to legal fees, the ACT government is running some agenda here. That is the point that I was making yesterday. Ms Lee knows that. She should reflect on her own conduct in this matter and the way that she is drawing her insinuations.

**MS LEE**: Attorney-General, will you now acknowledge that this action commenced by Ms Haire is indeed seeking to shut down an active Integrity Commission investigation which calls into question her decisions and actions as head of the directorate and as the delegate who signed off on the tender process for the Campbell Primary School modernisation project?

**MR RATTENBURY**: It is not for me to give a running commentary on the nature of Ms Haire's case. I will review those documents. I have no idea whether Ms Lee has quoted them in full. I will review them.

**MR CAIN**: Attorney, what role do you have to ensure that the actions by Ms Haire are not an attempt to discredit the work of the Integrity Commissioner?

**MR RATTENBURY**: I have no role whatsoever, as I have carefully explained to the chamber on a number of occasions now.

## Housing ACT—City West

**MS CLAY**: My question is to the Minister for Housing and Suburban Development. In 2019-2020, the government set a target to deliver 60 affordable, five community and

five public housing dwellings in section 63, which is now section 121 of City West. Those targets were set in a notifiable instrument signed by you and confirmed in 2022-2023 and 2023-2024. Salt-and-pepper public housing all around Canberra is part of our inclusive city and is one of the progressive policies we are really proud of, but we are not delivering on it, and now we are not getting any public housing at all in City West. I obtained information under FOI to see why we are not getting that public housing. CRA offered Housing ACT the allocation of five public homes and Housing ACT advised that it had no interest in taking the allocation. Why did Housing ACT reject the five public homes in City West, and when were you informed of this loss of five public homes?

**MS BERRY**: I thank Ms Clay for the question. I note that she did put in an FOI request which was responded to by the CEO of the SLA at the time. Housing ACT and community housing providers take a number of things into consideration when they are considering blocks and homes for families in the ACT to make sure that they are suitable for our tenants. One of the things that Housing ACT takes into account is the strata requirements that might be involved in a multi-unit property—private property strata arrangements. That can increase the cost to Housing ACT. Sometimes the units themselves are just not appropriate. Another thing that Housing ACT does when it builds or purchases properties is to make sure that they are as accessible as possible, which is why our new homes are built to an accessible standard—to ensure that they are liveable for anybody who needs to have a public housing property of their own; to make sure they have wider doorways and accessible bathrooms, bedrooms and kitchens. Sometimes the kinds of units that are offered or available at the time just do not meet the needs of Housing ACT tenants.

**MS CLAY**: Why did you sign off on the notified housing affordability target requiring five public homes in City West and then allow CRA to draft contracts that delivered housing that was not suitable for Housing ACT?

**MS BERRY**: As I said, a number of things are taken into account by Housing ACT and, indeed, community housing providers. Community housing providers also rejected the units that were offered to them as part of this development. Once those arrangements are made, Housing ACT and community housing organisations investigate the units to see if they are suitable and, if they not, they are not accepted.

**MISS NUTTALL**: Minister, how many times has Housing ACT rejected public housing that has been offered to it in the last four years?

**MS BERRY**: I will have to take that question on notice.

## Distinguished visitor

**MADAM SPEAKER**: I acknowledge in the chamber Madam Speaker The Hon Michelle O'Byrne from Tasmania. Congratulations on your recent election as Speaker. I look forward to working with you in the short time I have left in my role.

**Members**: Hear, hear!

## Questions without notice

## Education Directorate—ACT Integrity Commission

**MS LEE**: Madam Speaker, my question is the Attorney-General. Attorney-General, I refer to the unprecedented legal action by Ms Katy Haire against the Integrity Commissioner, which your government is funding, seeking to shut down the current investigation into damning allegations regarding the Campbell Primary School modernisation project.

Noting the court documents that I have just tabled, which confirm that Ms Haire's legal action seeks to direct the Integrity Commissioner from further proceeding with Operation Kingfisher—including further concluding the public examination, completing the investigation, and preparing a report—Attorney-General, did you mislead the Assembly when you said yesterday, "This is not a matter of trying to shut down the investigation," given that the legal action clearly calls for Integrity Commissioner to no longer proceed with the investigation?

**MR RATTENBURY**: As I answered in my previous question, the point I was seeking to make yesterday was that the Leader of the Opposition is insinuating that the ACT government is trying to shut the matter down. Nothing can be further from the truth. I have certainly made no attempt whatsoever to mislead the Assembly.

**MS LEE**: Attorney-General, why are you attempting to obfuscate the actions of Ms Haire to shut down the Integrity Commission inquiry?

**MR RATTENBURY**: I am not. I have just explained the point I was seeking to make yesterday.

**MR CAIN**: I have a supplementary question. Attorney-General, have you, or the Solicitor-General, ever approved the payment of legal fees for any other ACT public servant who has initiated action against the Integrity Commissioner?

**MR RATTENBURY**: I will take the question on notice and check with the Solicitor-General.

## Australian Institute of Sport—revitalisation

**MR PETTERSSON**: My question is to the Minister for Sport and Recreation. Minister, the federal government has committed to $249 million to revitalise the AIS in this year's federal budget. Can you please outline how this money is intended to be invested in the sporting facilities at the AIS?

*Opposition members interjecting—*

**MADAM SPEAKER**: Members, the Minister has the floor.

**MS BERRY**: I thank Mr Pettersson for his question and his ongoing interest in sport and recreation in the ACT. The AIS has been—

*Opposition members interjecting—*

**MADAM SPEAKER**: Members! Resume your seat Ms Berry.

*Opposition members interjecting—*

**MADAM SPEAKER**: Members! Enough; Ms Berry you have the call.

**MS BERRY**: The AIS has been an institution in Canberra both as a national institution but also as a much-loved facility for the sporting community. Many Canberrans, including myself, and perhaps Mr Pettersson, regularly use the facilities at the AIS for swimming and other activities. Many used the gym before it was closed by the previous federal government. The AIS has a history as one of, if not the, premier elite multisport training facility globally. The campus also hosts the Australian Capital Territory Academy of Sport, our own excellent elite athlete training facility. Many local sporting codes and clubs use the indoor and outdoor facilities provided by the AIS campus for both training and match playing. After so long without any investment, the AIS is looking a bit weary. It has been left to rot and decay. It has become tired and is in desperate need of an upgrade to bring it back to its former glory. So the additional $250 million that has been committed by the federal government will go towards an accessible multistorey accommodation facility, a multisports dome and a new high performance training and testing centre.

**MR PETTERSSON**: For the members' benefit, I did go to the gym there, a couple of times! Minister, what work was done by the ACT government to get this commitment?

**MS BERRY**: I knew that! When the review into the future of the AIS—which included options for moving the campus to South East Queensland ahead of the 2032 Brisbane Olympic Games—was announced, I immediately decided that action was needed to demonstrate the importance of the AIS for the Canberra community. I was able to organise a round table with local sporting peak bodies and stakeholders in November 2023 to put together the official ACT government submission into the review that was undertaken by the commonwealth. This was a really great event, not just because of the input of these clubs but because of the help that it provided to produce an excellent ACT government submission. It was also a great opportunity to get together with such a diverse range of local sports stakeholders. I would like to thank all of them again for their input and advocacy for the Bruce campus of the AIS.

**DR PATERSON**: Minister, what will this investment mean for Canberrans like Mr Pettersson, and local sport in the ACT?

**MS BERRY**: At the round table that I hosted in November, it became clear that additional and improved facilities at the AIS Bruce campus would represent a great boost for the capacity of local clubs and their player experiences. On a local level, more facility space will mean clubs have more hours available to rent courts for training and match play, and better accommodation facilities available for teams that might be coming from interstate for competitions hosted by Basketball ACT, for example. Improved elite facilities will also benefit both Canberran elite athletes and those coming to train in Canberra after relocating here or while visiting. Providing an excellent facility and accommodation experience is important to show athletes from interstate that Canberra is the best place that they can be. I thank members for these questions, and I look forward to seeing the commonwealth investment into sport in this city.

*Opposition members interjecting—*

**MADAM SPEAKER**: Can we keep the happiness going, Ms Lee, with your question?

## Education Directorate—ACT Integrity Commission

**MS LEE**: My question is to the Attorney-General. Attorney-General, yesterday during question time when I asked you about the unprecedented legal action by Ms Katy Haire to seek to shut down the Integrity Commission's corruption investigation, you advised that the decision to pay Ms Haire's legal fees was made by the Solicitor-General. Attorney-General, will you table the advice that you received from the Solicitor General approving the legal fees for Ms Haire?

**MR RATTENBURY**: I do not get advice on the matter; the Solicitor-General takes the decision. So I do not believe that Ms Lee's question is valid.

**Ms Lee**: You said you got advice.

**MR RATTENBURY**: The Solicitor-General told me that he took the decision. He told me; it was not written advice. He told me in a conversation.

**MS LEE**: Attorney-General, when did the Solicitor-General notify you of that decision, and did he give you any written reasons for his decision?

**MR RATTENBURY**: I will take that on notice and check the records.

**MR CAIN**: Attorney-General, do you support the Solicitor General's decision to approve the payment of Ms Haire's legal fees for her ACT Supreme Court action?

**MR RATTENBURY**: What I can say is that I know the Solicitor-General would have given this very careful consideration and he would have examined whether the request meets the guidelines. So, on that basis, I have confidence that the Solicitor-General would have taken great care in this decision. It is not for me to have an opinion on that decision. He is charged with that decision. There is a set of guidelines, and he would have applied them with the diligence that I would expect and that I know the Solicitor-General applies to these matters.

## Education Directorate—ACT Integrity Commission

**MS LEE**: My question is to the minister for education. Minister, I refer to the unprecedented legal action by the head of your directorate, Ms Katy Haire, seeking to shut down the Integrity Commission's corruption investigations, and your public comment when you said, "I have no knowledge of the matter and the government has no knowledge of the matter." In question time yesterday, the Chief Minister confirmed that he was made aware of the action on 6 September 2023, and we already know that the Attorney-General was made aware of these proceedings back in August 2023. Minister, why were you the only one who did not appear to know anything about this serious matter which related to the head of your own directorate?

**MS BERRY**: I think that question was taken by the Attorney-General and the Chief Minister yesterday, so I refer the Leader of the Opposition to those responses. Yesterday I did take a question on notice as to when I found out that the ACT government had been aware of Ms Haire's legal proceedings. I was made aware that the territory agreed to assist Ms Haire with the cost of the representation late in the evening of 21 May 2024, which was the day of the *Canberra Times* article. To the best of my knowledge, I was specifically made aware sometime on the following day, 22 May 2024, that the Attorney-General and Chief Minister's office had been made aware back in September 2023. I do not have a written reference to that. It was verbally communicated to me, but it was well after, a day and a half after, I was advised that the government had no knowledge, and I certainly had no knowledge.

**MS LEE**: Minister, why did you make such an emphatic statement that neither you nor the government had any knowledge of this matter, given, of course, what we know now and what you have confirmed, that the Chief Minister and the Attorney-General knew from last year, and also given the listing of the action taken by Ms Haire is publicly available on the ACT Supreme Court website?

**MS BERRY**: I again refer the Leader of the Opposition to the answers to the questions that were provided yesterday. I can emphatically say, and say again, that I was definitely not aware, and the advice that I had was that the government was not aware. The further advice was provided to me, and I refer the Leader of the Opposition to that answer.

*Ms Lee interjecting—*

**MS BERRY**: Madam Speaker, the continuous interruptions by Ms Lee—you might not be able to hear them—are making it difficult to respond to this question. I bring that to your attention.

**MADAM SPEAKER**: Thank you. I remind members of the standing orders.

**MS LAWDER**: Minister, are you concerned that you were given incorrect advice from the office of the Chief Minister about who knew what in relation to this serious matter?

**MS BERRY**: I refer the member to the previous answers that have been provided by the Chief Minister and the Attorney-General.

## Disability—sensory sensitivities

**MISS NUTTALL**: My question is to the Minister for Disability. I was recently reached out to by a constituent who expressed concern over the lack of sensory-friendly establishments in the ACT. Exposure to loud or unpredictable sounds can be overwhelming and distressing for individuals with autism, sensory processing disorders and other sensory sensitivities. What is the ACT government doing to encourage businesses to introduce accommodations for those who are affected by noise sensitivity?

**MS STEPHEN-SMITH**: I thank Ms Nuttall for the question. In introducing the response to the question, I want to recognise that there are many groups of people in our community who have an interest in sensory-friendly services and establishments.

This includes, of course, people with neurodiversity but may also include people with dementia, people who have experienced trauma and people with other disabilities. Indeed, all of us at times, due to the way we are feeling and experiencing the world, would prefer a low-sensory environment. I can say on behalf of the ACT government that there is a lot of work underway to ensure that our facilities, services and events include sensory-friendly environments.

The Inclusion Council and the broader work of our ACT Disability Strategy also reach out to the wider community and ACT businesses. I specifically point to the Disability Inclusion Grants as an opportunity for ACT businesses and community organisations to make changes to their environments and facilities, and indeed for the training of staff, if they want to establish more sensory-friendly environments. I say to Ms Nuttall's constituents: if there is a specific business or organisation that they think could do better, I would strongly encourage them to have a conversation with that business or organisation. If they are not comfortable in doing that, they can reach out and either Ms Nuttall or my office can have a conversation with them to make them aware of the fact that we do have regular—*(Time expired.)*

**MISS NUTTALL**: Minister, what else should our constituent look into?

**MS STEPHEN-SMITH**: Minister Cheyne has just reminded me that we have, of course, introduced a positive duty in the Discrimination Act to make reasonable adjustments to accommodate the needs of people with a protected attribute. That is another avenue to ensure that businesses and community organisations, as well as areas across government, are taking reasonable steps to ensure that they are accommodating the diverse needs of our community. In the ACT government itself, changes are being made in Canberra Health Services in relation to sensory spaces. I particularly point to the new emergency department that is going to open as part of the Canberra Hospital expansion which will specifically include sensory spaces for adults and children attending the emergency department.

People might have seen the recent story in relation to the range of sensory tools that are being used in the emergency department, including virtual reality goggles equipped with games, magic shows and puzzles, alongside noise-cancelling earmuffs, a tablet and a light projector. These kinds of things also provide us with an opportunity to demonstrate to the wider community what is possible. Governments themselves have an obligation, but we can also try different things and then share that information with the wider community, including through mainstream media, so that people in the community can think about what they might be able to do to support the wide range of people who need those sensory-friendly environments.

## Yerrabi Pond—water quality

**MR BRADDOCK**: My question is to the Minister for Water, Energy and Emissions Reduction. Minister, Yerrabi Pond is a much-loved recreational destination for the citizens of Gungahlin. The 2023 *Catchment Health Indicator Program* report shows that Yerrabi Pond water health is fair. What is the ACT government doing to improve the water quality of Yerrabi Pond?

**MR RATTENBURY**: Yes, Yerrabi Pond is a popular and much-loved recreational

destination for the Gungahlin community. I know there are a number of people who have worked enthusiastically over a number of years, now, to bring attention to that waterway and seek to improve its status. In 2023, the ACT government installed two floating wetland platforms in the pond near drainage entering the pond from Amaroo. These floating wetlands are helping to remove pollutants from the water.

The water plants on the floating wetlands serve to filter pollutants from the water as they grow, naturally cleaning the water. It will take them another year or so to become established as full-sized plants, which is when the two wetland platforms will perform at their best. The wetlands are also providing valuable information to inform future wetland design and plant-species choice on the floating wetlands so that we can ensure that the floating wetlands provide maximum benefit.

Of course, this is not being done in isolation. They have a similar design to the ones in Lake Tuggeranong, which have also been the subject of a number of questions and discussions in this place, but they are part of a broad effort by the ACT government, through the Healthy Waterways program to ensure that our lakes and waterways are in the best condition they can be, mindful of their role as pollutant traps in the broader water network, but also of the desire of the community to have attractive, healthy recreational spaces.

**MR BRADDOCK**: Minister, has there been any measurement of the impacts of the installation of the floating wetlands in Yerrabi Pond?

**MR RATTENBURY**: In terms of the water quality, in the 2023 *Catchment Health Indicator Program* report—otherwise known as the *CHIP* report—it emerged that the floating wetland is likely to be helping improve water quality at Yerrabi Pond. The *CHIP* report provides an overall health rating of "fair", as Mr Braddock noted in his first question. The *CHIP* report notes that the water quality, pH, turbidity, phosphorus, nitrate and dissolved oxygen levels are all excellent in Yerrabi Pond. The overall rating for the pond of "fair" rather than "good" was as a result of poor ratings for water bugs and riparian condition.

I will not take two minutes, Madam Speaker; it will be all right! The poor rating for water bugs may be due to a combination of poor riparian cover at the sampling sites and other factors like impacts from wind-blown grass, water-plant debris and rubbish. The government is preparing a Healthy Waterways plan for managing water quality in Yerrabi Pond, while promoting social and environmental values in the pond and its catchment. Public comment on the draft plan for Yerrabi Pond will be invited in 2025. The plan will outline the government's approach for improving water quality in the pond, in line with other objectives for blue-green space in the ACT, such as biodiversity.

**MS CLAY**: Minister, what more can the government do to improve the riparian condition of Yerrabi Pond?

**MR RATTENBURY**: Opportunities to naturalise and improve the quality of the riparian zone around Yerrabi Pond will be considered as part of the government's ongoing Healthy Waterways work, and certainly as part of that plan that I was speaking about in my last answer. There is an opportunity to fringe the edge of Yerrabi Pond

with vegetation, shrubs and trees, and this will help balance public access to the pond edge and water views with ecological habitat. The work will be considered under the Urban Lakes and Ponds Land Management plan. In considering those re-naturalisation options, this will need to be considered alongside the effects this has on other factors, like amenity and impacts of flooding on critical infrastructure.

Certainly, in the meantime, users of Yerrabi Pond can play an important part in improving the health and amenity of Yerrabi Pond by keeping litter and other pollutants, such as detergents and fertilisers, out of the stormwater system. As I have spoken about in discussions about these matters before, there are a lot of factors that influence the quality of the water in our waterways. Our improving research is really helping us understand that better, but there are some really obvious things—around not littering and keeping leaves out of the drains and gutters where possible—that we know already make a difference. I really encourage those community members who are minded to, to follow those steps.

## Emergency Services—Gungahlin

**DR PATERSON**: My question is to the Minister for Police and Crime Prevention. Minister, how is the ACT government's commitment to improving accommodation for our police and emergency services in Gungahlin progressing?

**MR GENTLEMAN**: I thank Dr Paterson for her interest in our frontline responders' safety. The ACT government is proud to support the dedicated men and women of ACT Policing and the ACT Emergency Services Agency who provide frontline support to keep our community safe.

In February this year, the ACT government was informed that hazardous materials were discovered at the Gungahlin JESC. The contamination was found as part of a contractor's due diligence as part of the refurbishment project to improve accommodation for police and emergency services in Gungahlin. We prioritise the safety of our people above all else. As a precaution, all Emergency Services Agency and Policing staff were temporarily relocated offsite while a detailed investigation into the source of the hazardous material was conducted. The investigation focused on the presence of lead-containing dust in the roof's cavity and diesel particulates found on the surface of the engine bays. Insights and learnings gained from this investigation have been applied to other projects within the ACT government's infrastructure plan, ensuring that our high safety standards are maintained across all facilities and that worker safety remains paramount.

In response to the situation, we not only removed the hazardous materials and thoroughly cleaned the facility but also completed the planned refurbishment under an accelerated delivery program—finishing five months ahead of schedule. Gungahlin JESC was handed back to ACT police and emergency services on 31 May with a certificate of usability, including a certificate of occupancy and use. I would like to acknowledge the patience, perseverance and professionalism of everyone involved in the accelerated delivery program. I am proud of the collaboration and efforts of ESA, JACS and ACT Policing which have resulted in this successful outcome.

**DR PATERSON**: Minister, will you please update the Assembly on the recent

remediation works and refurbishment improvements for the city police station?

**MR GENTLEMAN**: I am happy to provide that information. Of course, the city police station was constructed in 1966. It is situated in the ACT's heritage listed Law Courts Precinct. Recent summer rain events resulted in substantial water ingress impacting the ground floor. As previously stated, the safety of our workforce is our highest priority. Consequently, as a precautionary measure, all ACT Policing staff located on the ground floor were temporarily relocated offsite.

Remediation works commenced immediately, with the affected internal areas sealed from operational zones. Scaffolding was erected around the building to ensure safe access for undertaking remediation. The measure also guaranteed the ongoing safety of site users and visitors to city police station during the remediation process. Consultation with ACT Heritage was undertaken, ensuring remediation options for the building's external elements met heritage requirements and provided a more efficient operational environment.

Again, we seized the opportunity presented by this situation to develop a refurbishment plan for a new office fit-out for the affected area. The new fit-out undertaken offers greater operational flexibility for police, with an upgraded furniture fixtures and equipment area.

Remediation and refurbishment works commenced in April 2024 and were scheduled to be completed by the end of May. I am proud to announce that we have delivered on the promise and all remediation works have now been completed and the main work areas for general duties officers have been fully refurbished. The affected areas of the city police station were handed back to ACT Policing on 31 May with, again, a certificate of usability, including a certificate of occupancy and use.

**MS ORR**: Minister, will you please update the Assembly on the progress of the ACT government's infrastructure commitments for Emergency Services and Police?

**MR GENTLEMAN**: I thank Ms Orr for her interest. The government committed to delivering emergency services and police infrastructure that is built for Canberra. We continue to invest in our frontline responders through a number of infrastructure projects, ensuring our Canberra community has appropriate access to emergency services. For example, the new Acton station, which will include ambulance and fire services, is on track for completion by December 2024 and will be fully occupied in June 2025. The new Acton station will ensure our first responders and volunteers have safe and efficient infrastructure to support their work and wellbeing.

Concept design work is underway for a new ambulance station and fire rescue facility in Gungahlin. This station will pave the way for ACT Policing to take over the entire existing Gungahlin JESC, increasing ACT Policing operational capacity to support a rapidly growing community.

The ACT Labor government are planning to replace two of the oldest government buildings occupied by ACT Policing, creating a new ACT Policing headquarters and city police station in the CBD. Early planning works are underway to assess and consider options for a modern, community-orientated and fit-for-purpose facility.

Our Molonglo and Woden townships are growing, and the ACT government is committed to reviewing requirements for police facilities in the Woden and Molonglo region. Outcomes from feasibility assessments are anticipated to be completed in September this year.

Madam Speaker, as you can see, the ACT Labor government is committed to delivering our Built for Canberra infrastructure plan, providing modern facilities that support our first responders in their service to the community and their wellbeing, and will ensure the nation's capital remains one of the most liveable and safest cities over the coming decades.

**Mr Barr**: Further questions can be placed on the notice paper.

## Supplementary answer to question without notice
### Hospitals—North Canberra Hospital

**MADAM SPEAKER**: Are there matters arising from question time? Ms Castley.

**MS CASTLEY**: Thank you, Madam Speaker. Under, I believe, standing order 118A, I do have a matter arising from question time yesterday. Minister Stephen-Smith tabled a paper which was a response to a question by Mr Cocks.

**MADAM SPEAKER**: Taken on notice, yes.

**MS CASTLEY**: Yes, from last sitting week, 16 May. Mr Cocks asked in a supplementary question: could the health minister table not just attachment A to a mock accreditation of the north side hospital conducted in November but also "the results and recommendations of the snap accreditation review in February". That was February this year.

The health minister said twice in her answer—two different times—she was happy to do that, but yesterday the minister only tabled attachment A, instead of attaching the results and recommendations of the snap accreditation review in February. She simply said that North Canberra Hospital and Clare Holland House had met standards, subject to five recommendations which had now been met. I ask the minister to stop avoiding scrutiny on this particular issue and table the recommendations of the snap accreditation review in February.

**MADAM SPEAKER**: So you are asking that question. Ms Stephen-Smith?

**MS STEPHEN-SMITH**: I will read Mr Cocks's question verbatim:

> 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 Castley**: As well as.

**MS STEPHEN-SMITH**: I had understood that to mean he thought that attachment A

provided all of these things—

**Ms Castley**: Absolutely not.

**MS STEPHEN-SMITH**: from the way that it is written and the way that he asked his question.

**Ms Castley**: No.

**MS STEPHEN-SMITH**: That was how I interpreted it. I am happy to take the rest of the question on notice as well at this point, but this was a genuine error, given the way that the question was worded.

**Ms Castley**: Thank you.

## Legislative Assembly—Standing Committees
### Reference

**MS LEE** (Kurrajong—Leader of the Opposition) (3.00): I seek leave to move a motion circulated in my name in relation to a referral to the Standing Committee on Justice and Community Safety.

Leave not granted.

## Standing orders—suspension

**MS LEE** (Kurrajong—Leader of the Opposition) (3.01): I move:

> That so much of the standing orders be suspended as would prevent Ms Lee from moving a motion regarding a referral to a standing committee.

It is no surprise that Labor and the Greens are trying to shut down debate on this issue. We saw that happening when the Chief Minister stood up at the end of question time, seeking to do the exact same thing. Let's face it, there is no surprise because it is an incredibly uncomfortable topic, not just for the Chief Minister and his heir apparent, the Deputy Chief Minister, but for the Attorney-General and every member of the Labor-Greens cabinet. The opposition is trying to get answers on this very serious issue, and this government is denying us the opportunity to even move this motion.

The key question is: what have they got to hide? Every single one of the MLAs sitting on the other side should be hanging their head in shame for voting to shut down debate—a debate on an issue that goes to the heart of the integrity of this government. We are dealing with a situation where a high-ranking public servant, the head of the Education Directorate, Ms Katy Haire, is attempting to have a very serious corruption investigation shut down. It is an investigation that calls into question not only Ms Haire's decisions and actions as head of the directorate and as the delegate who signed off on the tender for the Campbell Primary School—

**Mr Barr**: A point of order, Madam Speaker.

**MS LEE**: Could I have the clock stopped?

**MADAM SPEAKER**: Stop the clock, please.

**Mr Barr**: The Leader of the Opposition is not debating the suspension of standing orders; she is reading her speech for the motion that she has just dropped on the Assembly with no notice. It is not relevant to the matter before the Assembly.

**MADAM SPEAKER**: Ms Lee, in your arguments for the suspension of standing orders there must be some context about the subject.

**MS LEE**: Yes. The fact is that it is a very serious matter that justifies the suspension of standing orders. We are talking not only about allegations made against the head of the Education Directorate but about the decisions and actions of the minister herself. Let's remind ourselves of what we are dealing with. The Auditor-General found:

> The process for the Campbell Primary School Modernisation Project lacked probity. Tenderers were not dealt with fairly, impartially and consistently. … The procurement process was characterised by informal, uncontrolled and poorly documented communication with tenderers and other parties.

Madam Speaker, as you can see, it is a very serious issue, which is why I am moving for the suspension of standing orders. As if that was not bad enough, we then saw some of the very serious allegations that came through in the public hearings of the Integrity Commission investigation, including an allegation that the decision that was made by Ms Haire was as a result of direct pressure from the education minister's office. As if that was not bad enough, we are talking about ACT taxpayers now funding a Supreme Court action seeking to shut down an investigation. That is why a suspension of standing orders is required.

As bad as all that is, and it certainly is bad, the minister apparently knew nothing about it. In fact, she emphatically insisted that the ACT government knew nothing about it, only to be corrected a few hours later by the Attorney-General, who said that he was served with the process back in September and that he told the Chief Minister about it.

This is a legal proceeding that is publicly available on the ACT Supreme Court website. This is a legal proceeding that the Attorney-General was served with, and certainly a legal proceeding that would be advantageous to the minister if it were to succeed. Worryingly, the Chief Minister and the Attorney-General confirmed that they took the decision not to let the education minister know because she is a party in this matter.

Let's think about that. We now have a situation where the education minister and Deputy Chief Minister—the heir apparent and regularly Acting Chief Minister—is being kept in the dark. Her cabinet colleagues will not tell her things of such importance because she is an active party in a corruption investigation. The obvious question is: what else are they keeping from her? What else can they not trust her with? In any other jurisdiction she would have had the decency to show leadership and step down and, if she refused to do so, the Chief Minister should have been calling for her to step down.

We have here a government that is so devoid of integrity that not only does it treat the

seriousness of this corruption investigation with disdain but it is using taxpayer money to fund an action seeking to shut down the investigation. This is disgraceful. By shutting down the debate now, it is obvious that the MLAs sitting across the chamber are joining in shutting down the entire investigation.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (3.06): The standing orders should not be suspended. If the Leader of the Opposition wished to bring forward a motion seeking to establish an Assembly committee inquiry, she should have lodged her motion by 12 noon on Monday so that it would have been scheduled for debate in Assembly business.

Every other member who seeks to bring a matter forward for consideration by the admin and procedure committee for listing, either as an item of private members' business or as an item of Assembly business, is required to lodge their notice of motion. That shows respect to all other members. The motion then goes on the notice paper and members have time to prepare for a debate. Instead, what we have seen this afternoon, 50 minutes into question time, without any notice or courtesy to any other members, is the Leader of the Opposition lodging a notice of motion—"Elizabeth Lee MLA; I give notice I shall move"—and then 10 minutes later seeking to move the motion.

*Opposition members interjecting—*

**MADAM SPEAKER**: Members!

**MR BARR**: Can you imagine what those opposite would say if a non-executive member from either the Labor Party or the Greens endeavoured to do that? Can you imagine?

*Opposition members interjecting—*

**MADAM SPEAKER**: Members, have regard for the standing orders, please.

**MR BARR**: Ms Lee has now given notice of her motion. It will presumably go through the usual process and be listed for debate at the appropriate time in a subsequent Assembly sitting. The motion will be debated at some point, unless the whole purpose of this exercise today from the Leader of the Opposition was simply a stunt. Surely not! Members should be given the opportunity to consider the motion and to consider moving amendments to the motion.

I note that the motion itself does not directly refer to a committee. It says "refer to the appropriate standing committee". There is no actual guidance. That, amongst other things, would be a consideration that the Assembly would need to undertake. The usual process for that is that motions go on the notice paper. The clue there is in the title: "the notice paper". Seeking to suspend standing orders on 10 minutes notice is not something that the government will support.

*Opposition members interjecting—*

**MADAM SPEAKER**: Members, please.

**MR BARR**: We look forward to, inevitably, debating this motion through the proper processes, when appropriate notice has been given. I take it that, having circulated the motion, Ms Lee has now formally given notice and it can then go to the admin and procedure committee to be scheduled for debate at an appropriate time on a future sitting day.

For these reasons, as the motion will be debated at some point in the future, we will not be supporting the suspension of standing orders. There is already listed private members' business and executive business that this place needs to deal with this afternoon. This motion can wait its turn, like everything else. Ms Lee, you are not special. You do not deserve the right to suspend standing orders and disrupt the business of other members on 10 minutes notice. Follow the same process as everyone else.

**MR BRADDOCK** (Yerrabi) (3.11): The Greens agree that the Campbell Primary School modernisation project is a serious matter for consideration, which is why it is before the Integrity Commissioner—a statutory independent officer of the Assembly—for an investigation to be conducted at arm's length from this place. This motion is an attempt to try to politicise that matter and bring it back into this Assembly while it is under active consideration by the Integrity Commission. I also have concerns about the motion calling on an Assembly committee to examine a Supreme Court action which is currently underway, as well as the active Integrity Commission investigation. How do we respect the separation of powers between—

**Mr Hanson**: Madam Speaker, on a point of order: Mr Braddock is clearly debating the substance of the motion. It is outrageous. He should address the issue of the suspension.

**MADAM SPEAKER**: Mr Hanson, resume your seat, please. There is no point of order. He is putting his case on their view of the suspension of standing orders.

**MR BRADDOCK**: Therefore, I ask: is it appropriate to ask an Assembly committee to do that? I would also note that the opposition has had the opportunity to ask a total of 54 questions, including supplementaries, on this matter over the past two days. There has been plenty of opportunity to ask questions of the government and to obtain the information that it is seeking.

We will not be supporting the suspension of standing orders. As the Chief Minister has already mentioned, there are avenues if the Liberals wish to bring this forward for debate before the Assembly. The proper process is through admin and procedure, to schedule it as part of normal business.

**MR PARTON** (Brindabella) (3.12): I think it is extremely important for this Assembly to suspend standing orders and allow this to be debated. This is an extremely important motion, but it is also extremely urgent. We have arrived at the conclusion that it is even more urgent than we had believed, based on the answers—or non-answers—that we have had in question time in the last few days. We note that question time has only just finished, and that has certainly led us to this point. I also note the urgency, Madam Speaker, in that we are getting so close to the end of the term. Ms Berry is aware of that, Mr Adams is aware of that and Ms Haire is aware of that. I understand that there is a community perception that aspects of this inquiry have been kicked down the road

until after the election.

I also note that this motion skirts around the inquiry. It basically calls upon the Assembly to refer this motion to the appropriate standing committee to inquire into whether the minister for education misled the public when she said what she said on 21 May; how much the legal fees are for Ms Haire; whether there has been a breach of the Law Officers Legal Services Directions; and the impact, if any, of the Supreme Court action initiated by Ms Haire on the active Integrity Commission investigation report. As such, I am fully supportive of the suspension of standing orders.

Question put:

> That so much of the standing orders be suspended as would prevent Ms Lee from moving a motion regarding a referral to a standing committee.

The Assembly voted—

| Ayes 9 | Noes 16 | |
|---|---|---|
| Peter Cain | Andrew Barr | Suzanne Orr |
| Leanne Castley | Yvette Berry | Marisa Paterson |
| Ed Cocks | Andrew Braddock | Michael Pettersson |
| Jeremy Hanson | Joy Burch | Shane Rattenbury |
| Elizabeth Kikkert | Tara Cheyne | Chris Steel |
| Nicole Lawder | Jo Clay | Rachel Stephen-Smith |
| Elizabeth Lee | Emma Davidson | Rebecca Vassarotti |
| James Milligan | Mick Gentleman | |
| Mark Parton | Laura Nuttall | |

Question resolved in the negative.

## Education—early childhood

**MISS NUTTALL** (Brindabella) (3.18): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) all children in the ACT deserve opportunities that set them up for success in life;
>
> (b) the Commonwealth Government's *Early Years Strategy 2024-2034* recognises that the early years have the greatest impact on child development, and are a once in a lifetime critical window of the fastest brain development;
>
> (c) the ACT Government's Set up for Success Strategy recognises that children who access play-based learning guided by qualified educators develop stronger emotional and cognitive abilities;
>
> (d) the draft report of the Productivity Commission's inquiry into Australia's early childhood education and care (ECEC) system recommends up to 30 hours per week of quality ECEC for all children aged 0-5 years, and notes "the number of people commencing and

completing qualifications is lower than is likely needed to satisfy demand";

(e) currently in the ACT, all three year old children are entitled to 300 hours per year, and three year old children experiencing vulnerability or disadvantage and all four year old children are entitled to 15 hours per week, of publicly funded ECEC;

(f) high quality ECEC requires passionate and skilled teams of early childhood educators and support staff, as recognised by the Commonwealth's National ECEC Workforce Strategy (2022-2031) and ACT Government's ECEC Workforce Strategy (2023–25);

(g) annually, the ACT Government's Early Childhood Degree Scholarship Program provides 16 ECEC educators with $25,000 of support throughout their degree for their professional development, and $4,000 of support to employers to backfill staff; and

(h) while ECEC educators are in significant demand, the current fee-free TAFE scheme supported by the Commonwealth Government offers up to only 600 places per semester across 34 courses of which two are ECEC courses. This does not guarantee every ECEC student fee-free TAFE; and

(2) calls on the ACT Government to:

(a) continue supporting and expanding fee-free TAFE places for eligible students to gain qualifications in early childhood education and care;

(b) advocate for the Commonwealth Government to ensure temporary visa holders are eligible for fee-free TAFE for ECEC courses;

(c) increase the value of scholarships available under the Early Childhood Degree Scholarship Program to ensure they support student needs;

(d) increase the amount of financial support to employers to backfill staff undertaking professional development under the Early Childhood Degree Scholarship Program to ensure it covers reasonable employer costs;

(e) review application eligibility criteria for the Early Childhood Degree Scholarship Program;

(f) review with a view to increase the number of scholarships to be awarded per calendar year under the Early Childhood Degree Scholarship Program to ensure it is consistent with demand for ECEC educators;

(g) continue to collaborate with and support all ECEC service providers and peak bodies in the ACT to navigate workforce challenges associated with an increased demand for ECEC services;

(h) develop pathways for early childhood teachers to achieve Highly Accomplished and Lead Teacher certification;

(i) advocate to the Commonwealth Government to expand eligibility for payments for all ECEC students on placements; and

(j) report back to the Assembly by the last sitting day of September 2024.

The saying "it takes a village to raise a child" has become such a cliche that when we hear it we do not really pay that much attention anymore. "It takes a village"—often people do not even bother with the second half of the sentence. Research over many

years has only confirmed the importance of early childhood education in setting the children of our extended village on a lifelong path that is happy, well grounded and full of curiosity, thoughtfulness, imagination, skill and cooperation. As a community, the way we raise and teach our children today will determine the kind of society we live in 20, 30 or 40 years from now.

Early childhood education and care is important, and we need to make it as accessible to families as humanly possible. Here are two of the many key reasons. Firstly, for a kid, this is the most important period, and rapid period of brain growth, that they will ever get. Our current world does not let a lot of parents spend the quality time with their little ones that it should. You might have two parents working three paid jobs between them and looking after a kid—and still be living in rental duress.

We know that economic disadvantage has reverberating impacts on a child's educational trajectory, and that the time, dedication and support of qualified educators during those early years can give kids a flying start when they get to kindy. Another big reason to support early childhood education and care is the impact it has on the lives of parents and carers. Everyone I have spoken to who has a little human being will tell you that child care is so expensive. If you cannot afford it, care falls to you, and it is hard to do that care work and paid work at the same time.

From the ACT government, right now, you might get one or two days a week of early childhood education and care. If that is all you can afford, that is one or two days a week of paid work. Expanding free early childhood education frees up parents to work, study and generally participate in society. Let's not forget that free early childhood education and care has the biggest impact on women. Women are still very much seen as the default and primary caregivers. Caring for a kid yourself can be one of the most rewarding things you can do, but not financially. It is long, hard, complicated hours and, for so many mothers, the presumption is that they are the ones who will forgo paid work to do it.

Even the most cold-hearted economic rationalist could appreciate the contribution to the territory's budget if we recognised that care work is work and valued it accordingly. Right now, it is the most human of services, like health, education and the community sector, that are not resourced enough. Nurses, teachers and social workers are in such high demand and they do a job that we, as a community, cannot live without, yet, due to under-resourcing and undervaluing, we are seeing workforce shortages, stopgap staffing and burnout. When we name those professions—nurse, teacher, social worker—I think too many of us still picture them as generically female, because there is a gender lens to this as well.

Traditionally, female professions are undervalued and underpaid because they have been traditionally female professions. That is a slap in the face to the women who have always worked in these fields and to anyone who works in the profession. The average annual salary of Australia's top corporate CEOs is now more than $6 million. That is 60 to 100 times the salary of someone who works in early childhood education and care. What does that say about who we really value as a society?

We fundamentally need to value our early childhood educators more. Early childhood education is an amazing craft. Early childhood educators draw from academia and

pedagogy, and a deep understanding of how inexplicable little brains work, and they marry that with deep empathy, care and an ability to perform constantly. Saying that you need to be smart, kind and a specialist does not even begin to cover it.

Right now, the early childhood workforce is facing a looming shortage and is not nearly as well resourced and supported as it should be. In fact, when chatting with the sector we heard that, as of right now, the ACT could be seeing a shortage of around 100 early childhood educators, 280 to 300 diploma holders and about as many people with a certificate III in early childhood education and care. If these numbers are even half accurate, you could argue that this constitutes a bit of a crisis.

What can we do about it? ACECQA requires at least 50 per cent of educators to be diploma-level qualified or higher. A cert III is the absolute minimum qualification to be in the sector. I am confident that these thresholds are absolutely essential, given the sensitive settings that early childhood educators work in. During a time of workforce crisis and cost-of-living crisis, we must provide ways for passionate and budding educators to achieve these qualifications.

The ACT Greens want both the territory and commonwealth governments to pull every lever at their disposal, and that includes expanding the fee-free TAFE program. It means expanding the number of places for our prospective early childhood educators, and it also means making sure that Canberrans who are here on a temporary visa have the same opportunity to access these courses for free. Having more people studying a particular set of courses is just one part of the puzzle. We also want all our early childhood educators who are already working in the sector to see, feel and achieve a valued and respectable career and pay progression pathway ahead of them.

I am sure the ACT government is in regular contact with early childhood education and care stakeholders and better informed about some of the shortages that I just mentioned than probably I am. I really hope they agree that the ACT government's Early Childhood Degree Scholarship Program, a program which is one of the few things completely controllable at the territory level, needs expansion. The financial support for this scholarship was fixed at $25,000 per scholarship, with 16 places per year, about six years ago. That means that the workforce shortages that we have today are, unfortunately, in spite of this program being present.

In this sobering context, the ACT Greens call upon the ACT government to increase all of the program's dimensions: the financial support, the number of places and the eligibility criteria. Ideally, we would like to expand the scholarship program in real terms. At the bare minimum, this call today is just about playing catch-up—expanding the program to catch up to the crisis today.

Peak bodies have stressed to me how important it is that we do not just create avenues for new educators to enter the field but also nurture existing talent and support mid-career teachers to achieve their potential. The inconsistent workplace conditions and pay for early childhood educators, depending on whether they are teaching three or four-year-olds, and the differing experiences at private and public institutions mean that we are currently dealing with a system that is forced to poach talent from itself, and the pool of educators is simply too small for every vacancy to be filled.

Instead, we need to give educators the best opportunities to develop their skills. We need to provide pathways for those very teachers who would be training new educators to access Highly Accomplished and Lead Teacher, or HALT, accreditation. It would be pretty unreasonable to expect experienced educators to take on trainee students without some acknowledgement, reward and compensation for the crucial and demanding work that they are doing.

Regarding those same trainee educators, we need to ensure that students entering a very demanding field that is already experiencing a severe worker shortage have as much support as possible. As such, we must advocate that the federal government expand placement payments to everyone studying early childhood education and care, not just degree-qualified teachers. It is a controversial take, but everyone deserves to live while working. Zinger!

I remind members that we desperately need more qualified early childhood educators, and we are asking them to forgo a huge opportunity cost to work for free to learn a job that does not pay them nearly as well as it should. We need to encourage more people to enter early childhood education and care as a profession. To do that, we need to support them through their education and training, pay them properly and help them stay in the field, view it as a meaningful career and polish their skills.

I want to take a brief moment to talk about ambition. We are quickly hurtling towards the end of term, and there are diminishing opportunities to get the government to agree to things and meaningfully act on them. The stuff we can get across the line at this point quickly becomes movements in the right direction, and that is what my motion is today. If I had my way, though, I would see us on a genuinely ambitious path where we would make early childhood education and care as universally free as we possibly could.

The federal Productivity Commission draft report into early childhood education and care recommends up to 30 hours a week. I get that this is a shared responsibility with the federal government, and they have significantly more funds that they can operationalise to make sure our kids, parents and carers are supported. Quite frankly, it feels like the feds are dragging their feet, and it is Canberra families under our watch who are feeling the heat. I feel like that qualifies for a strong moral duty on us to pull every lever at our disposal to support them.

Here is the thing: early childhood educators are not just a means to an end of universal, free early childhood education. They are an end in and of themselves. I have moved this motion today because early childhood educators deserve our attention and our support. They are an irreplaceable part of the village that raises the child, so I need members to ensure that they have affordable pathways into the sector, and support and recognition once they get there.

What good government has always been about—what it should always be about—is putting people first. In many ways, the ACT has a good track record on this front, and we should be proud of it, so let's not drop the ball here. Let's make early childhood education and care work for Canberra's teachers, for Canberra's parents and for the little kids who will one day be right where we are now: in the Assembly, or driving our buses, running our businesses, staffing our hospitals, building our homes and teaching the next generation of kids in their turn. I commend this motion to the Assembly.

**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) (3.28): I support Miss Nuttall's motion, and I thank her and her office for including our suggested amendments to the motion. Early childhood educators are the backbone of our community. Put simply, they build brains.

I have dedicated a large part of my life to supporting and elevating their voice. Before working in the Assembly, I worked with United Voice, the union that represents early childhood educators, leading the Big Steps campaign for professional recognition and professional wages for early childhood educators. Depressingly, I know that campaign is not over yet. I will continue advocating to the federal government to address all levers within their control to support our early childhood educators and, in my role as minister, I will continue addressing the levers within the ACT's control.

Together with the early learning sector here, we have achieved much. During my time as minister, I have delivered the ACT's first early childhood strategy, first early childhood workforce strategy and the ACT government's largest ever investment in the early childhood education profession. The Early Childhood Degree Scholarship Program was set up around 10 years ago. Its purpose was to increase the number of early childhood teachers in long day care settings. It is different from the ACT government's separate ACT Teacher Scholarship Program, which early childhood teachers working in ACT public schools are eligible to apply for.

In 2022, the ACT government expanded the program to enable 16 scholarships of up to $25,000 each to be awarded per calendar year. This was all part of delivering on our commitment under Setup for Success to reform the Early Childhood Degree Scholarship Program to increase take-up and completion rates. Since the program was expanded by me, 85 per cent of its participants remain in the sector. This is a really encouraging sign of progress.

In October 2023, I released Valuing Educators, Values Children, a workforce strategy for the ACT early childhood education and care profession, 2023 to 2025. As part of this strategy, earlier this year I announced a separate new scholarship program for prospective early childhood educators which is known as Early Learning Connection.

The Early Learning Connection program provides wraparound support for individuals to undertake a certificate III, diploma or degree qualification in early childhood education. The grants provide study financial assistance as well as paid leave for participants; they provide employer support, including coaching and mentoring via the Australian Institute of Management; and they provide group coaching workshops and ongoing supports for participants.

Under our workforce strategy, the ACT government is also working on a further scholarship program specific to Aboriginal and Torres Strait Islander people looking to undertake diploma and degree qualifications in early childhood education.
Delivery of the actions under the workforce strategy is being shaped and guided by a reference group consisting of representatives from across the early childhood education

and care profession. Members are engaged for the life of the strategy to represent the views of stakeholders in the sector and to objectively consider the needs of the profession as a whole. I look forward to seeking their advice to ensure every one of the ACT scholarship programs for the early childhood sector continue to deliver on the needs of this broad and diverse sector.

I recently introduced legislation to enable early childhood teachers working in early childhood education and care settings to register with the Teacher Quality Institute, just like their peers working in school settings. That legislation came into effect in April this year. Already, early childhood teachers who meet the requirements for provisional registration with the Teacher Quality Institute can apply to be certified as highly accomplished elite teachers. The advice I have from the Teacher Quality Institute is that they are already doing so.

I will continue standing up for and supporting early childhood educators. Early childhood educators are the first people who parents entrust with the care of their children. They are responsible for helping children to learn, to play with others, to interact in new environments and to build their characters. This will last them for the rest of their lives. It sets them up for a life of success.

I commend Miss Nuttall's motion to the Assembly.

**MS LEE** (Kurrajong—Leader of the Opposition) (3.33): I thank Miss Nuttall for moving this motion today. I think that we can all agree in this chamber that access to high-quality early childhood education plays a crucial role in supporting our children in their learning and setting them up for life. It helps children to develop their social and emotional skills as well as helping them to get ready for school.

I have both my daughters currently enrolled with early childhood education centres around Canberra. I see personally the enormous benefit that access to quality early childhood education makes to my daughters' development and growth.

The Canberra Liberals have long supported a system which is well resourced and meets the varied needs of modern families. We need to ensure that Canberra has an accessible and affordable early learning and childcare sector. Having access to qualified staff is crucial to this. As a government, we need to be looking at all options to support early childhood educators.

According to the latest Productivity Commission data, the ACT has the highest number of children attending approved childcare services in the country. With Canberrans experiencing a cost-of-living crisis, this number is only likely to increase as some parents may be forced to head back to work sooner than anticipated, or sooner than they would like, just to pay the bills.

The cost of early childhood education can be a significant barrier for many Canberrans. The ACT continues to have the highest median weekly cost of approved childcare services in Australia, and we all know the out-of-pocket costs for early childhood education are only increasing. ABS data shows that out-of-pocket costs for families to access early childhood education increased by 3.9 per cent in the March 2024 quarter alone. This is on top of the increase of 3.2 per cent in the December 2023 quarter.

The cost barriers are just part of the problem facing Canberra families when it comes to early childhood education. The sad reality is that there are many Canberra families who have little to no access to early childhood education due to long waitlists or the lack of services in their area. This makes returning to work difficult for many Canberrans, and we know that this has a disproportionately negative impact on women.

We need to ensure that it is sustainable for providers to operate in the ACT and not put up barriers for them to do so. We also need to make sure that we support measures—all measures—to ensure that we have an appropriate, qualified and resourced early childhood education workforce.

A career in early learning should be rewarding and one full of many opportunities, and we want our educators and teachers to be qualified and appropriately remunerated for the crucial work that they do for our community. Whilst there is merit in an expansion of fee-free TAFE places for eligible students to gain the necessary qualifications to work in early childhood education, we need to ensure that these fee-free places are taken up by those people who are committed to living and working in the industry in Canberra.

We must work collaboratively with each other—and with the federal government—to ensure that we have a sustainable and thriving early childhood workforce to support our children and to give them the best start in life.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (3.36): I am very pleased today to speak to the Assembly on the support that the ACT government is providing to the early childhood education and care sector within my portfolio as the Minister for Skills and Training.

Like the Minister for Education and Youth Affairs, I too have previously worked in the area of early childhood policy, with the ACT government, the Australian government and the early childhood sector's peak body, Early Childhood Australia. I think it is really important to go to the reasons why qualifications for early childhood educators and teachers are important for children. It is about quality. Structural quality includes the idea of child-to-staff ratios and qualifications. We know that this is important for children's development, because this is not just important on its own; it also influences process quality, which relates to the interactions between the early childhood educator and the child. It also relates to the understanding of the curriculum and how it is applied in an early childhood service. And, of course, here in the ACT and across Australia we apply the Early Years Learning Framework.

I have been around the early childhood sector for a while, and the requirement for qualifications goes back to the introduction of the national quality agenda, the National Quality Framework, the National Quality Standard and the Early Years Learning Framework. It is important that we have qualified educators within all early childhood services, particularly long day care centers but also in preschools. The ACT has had a longstanding commitment to government preschools with qualified early childhood preschool teachers.

The ACT government is committed to supporting the development of our early childhood workforce to deliver high-quality education and care to young Canberrans through our vocational education and training system, and supported through our migration system as well.

The *Skilled to succeed: skills and workforce agenda for the ACT*, which I released in April 2022, sets out the government's commitment to reskilling and upskilling the workforce to address skill shortages in critical and emerging areas. Of course, there are workforce shortages right across sectors and across the economy, but early childhood is one area where we know there is an ongoing need for more qualified staff. *Skilled to succeed* committed to the development of industry action plans for priority sectors, one of which was the care sector, which encompassed early childhood, aged care and disability.

Extensive consultation with the industry has taken place to develop the action plans in the context of current workforce needs and the new National Skills Agreement. We expect the final action plans to be released in the coming months. Actions in the plans have been identified for government training providers and industry over the short, medium and long term, as well as opportunities for collaboration amongst key stakeholders. It is not government alone that has the responsibility; it is industry as well—so it is about working with early childhood providers and working with registered training organisations to address these key challenges. There is a collective responsibility for different stakeholders in supporting early childhood education and care and the skills needs for this important sector.

The government is supporting more people to gain qualifications for early childhood education. Early childhood education and care courses are subsidised under initiatives under the vocational education and training system in the ACT, including the User Choice Australian Apprenticeships program and the Skilled Capital program.

What members may not realise is that, through the User Choice program, the government provides a subsidy for people undertaking early childhood qualifications as a traineeship, with the trainee's employer paying many of the associated fees. In most instances, this means that students are not paying anything whatsoever for their training. It is free for the student.

The program is also uncapped: any trainee that has a host employer will attract the subsidy. If there is an early childhood service that needs to fill an educator role, I strongly encourage them to take on a trainee. Talk to ACT RTOs delivering early childhood qualifications, including the Canberra Institute of Technology, about delivering the training to them. The ACT government will fund them under the User Choice program to subsidise the cost of that training.

The User Choice and Skilled Capital programs contribute to high-quality early childhood education and care. The programs combined have seen over 4,500 students enrolled in early childhood education related courses since 2017. Earlier in the year, the Skilled Capital program was expanded to include certificate III and diploma qualifications, demonstrating the ACT government's commitment to supporting the sector. Since January last year, there have been over 700 commencements of certificate III and diploma qualifications in early childhood education and care across these

initiatives, including Australian School-based Apprenticeships, Skilled Capital, JobTrainer and User Choice.

TAFE is at the centre of our VET sector, and in the ACT our TAFE is the Canberra Institute of Technology. It remains a critical part of skilling our early childhood education workforce. CIT offers both the Diploma of Early Childhood Education and Care and the Certificate III in Early Childhood Education and Care—both of which, of course, are required under the National Quality Standard.

Miss Nuttall's motion references the popular fee-free TAFE program, which is delivered in partnership between the Australian government and the ACT government through the CIT. Through tranche 1 of fee-free TAFE last year and the first semester of the current fee-free TAFE tranche, CIT has supported nearly 300 enrolments over the past two years in the certificate III and over 180 enrolments in other early education and care based education support courses.

Fee-free TAFE is an important program for access to qualifications in early childhood education and care, but it is not the only avenue to access heavily subsidised training. As I have outlined, User Choice already delivers significant numbers of places, most often for free. That is certainly available there. It is uncapped. It is available for people to access in the sector through RTOs.

It is important that we acknowledge that, while the skills shortage is acute across our entire economy, our responsibility in managing skills subsidies and fee-free TAFE is to ensure it is targeted to address all of our higher demand skills and support training across the workforce. Early childhood workers are always in demand, and that is reflected in the inclusion of these qualifications in fee-free TAFE. But CIT can also support trainees under the User Choice program and through working with RTOs, as well as engaging in fee-free TAFE.

Migrants are an important aspect of our skilled workforce, and many migrants who are making Canberra their home have chosen early childhood education as a career. The ACT government ensures a pathway for new migrants to take up a career in early childhood education and care. For example, to be eligible for an Australian Apprenticeship through User Choice or a Skilled Capital training place, temporary visa holders must have work and study rights in Australia and be on a path to permanent residency in Australia. Eligible visa types include 449, 491, 494, 785 and 786. Refugees and asylum seekers who hold a bridging visa—A, B, C or E—are also eligible. The Skills Canberra website holds a full list of eligible visa types. What I am saying is that the other programs outside fee-free TAFE have a slightly expanded eligibility for people in the cohort that Miss Nuttall is referring to.

In response to the Leader of the Opposition's comments in relation to this matter, it has not always been the case that the Liberals have supported qualifications and high-quality early childhood education and care, so I welcome the comments made by the Leader of the Opposition today. It was not that long ago that Mrs Dunne, in particular, was fighting tooth and nail against the introduction of the National Quality Framework, including the new qualifications, which we know is so critical to supporting children's development.

I will leave everyone with one important message, which is from The Effective Provision of Pre-school Education project from the UK, one of the many significant pieces of research that have been published over the years about the importance of qualifications and structural quality standards in early childhood settings. Their key finding is:

> Settings that have staff with higher qualifications have higher quality scores and their children make more progress.

**MS CLAY** (Ginninderra) (3.46): I thank Miss Nuttall for moving today's motion. It is good to see such an important issue coming before us—being led by our newest member—and one that will really affect the lives of Canberrans. Early childhood education is important because early childhood is important, and that is because children are important. Our society greatly undervalues children and the people who care for them, whether that is early childhood educators, who are doing so on a paid and professional basis, or whether that is parents and carers, who are doing this work on an unpaid basis. It is work. It is valuable and worthwhile work, but we do not really value it.

Taking time out of the paid workforce to care for children does not make rational economic sense. Fortunately, most of us do not behave like rational economic beings when we make decisions like this, but we are still routinely expecting an awful lot of people to forgo an awful lot of income to care for our children. We are expecting the people who do that on a paid basis to do that on terms that are pretty hard to get by on in Canberra, frankly.

This is also a very gendered issue. Historically, it was usually women who were doing this, on an unpaid basis. Still, in this sector, it is often women who are doing it, on a paid basis, but not doing it for particularly good pay. We still have many more women doing this work than men.

It is not just forgone income for parents, grandparents and other carers who do this kind of caring work; it is also forgone superannuation, and that has a compounded effect at retirement. We see this all the time. This is one of the reasons that one of our fastest growing areas of homelessness is women over 50. They have given up a lot of their working lives to look after their children, their partner's children, the family's children. They have given up a lot of income. They have given up a lot of superannuation; then, if there is a life event or a divorce, they find themselves, in their 50s and 60s, without enough money to get by and without anywhere to live. It has major, long-term, life impacts for women.

It costs a lot to raise the next generation of society members. We should be paying the people who are doing that work for us a living wage—and we know that a living wage is higher in Canberra than some minimum wages. We should be supporting students to study to become early childhood educators. I am really pleased to see the practical, sensible measures in this motion that will help with that. We should recognise the value of this work and recognise the people who are doing this on an unpaid basis.

It is a great privilege to take time out and look after your kids. It was probably the best time of my life. I stepped aside and did Play-Doh for a while, instead of the busy life

that I led before. It was fantastic work. It is such an amazing time to bond with your child. It is worrying to see that that is becoming harder and harder, and more and more out of reach for a lot of people in this town.

I thank Miss Nuttall for moving this motion that will help our paid workforce to do this work better, and that recognises that they need better pay and conditions in order to do this work well. I am looking forward to the passage of this motion.

**MISS NUTTALL** (Brindabella) (3.50), in reply: I thank all members for their thoughtful and genuinely delightful contributions to this debate. This has been a keen area of interest for me since November. Everything I have heard from the early childhood education and care sector has only reinforced my view that they need immediate and tangible support.

I want to take a moment to thank the various stakeholders that have contributed to the development of this motion. Their expertise in this field has been so valuable, and their efforts go to show just how important it is to act on this issue. Their knowledge and professionalism impress upon me the importance of supporting early childhood educators in the ACT. I hope that this motion will, in some way, show them that the ACT government supports them during the challenges of the workforce shortage.

I thank Minister Berry, Minister Steel, Ms Lee and Ms Clay for their contributions to this debate. I would also like to acknowledge Minister Berry's previous work in this space. Her Education (Early Childhood) Legislation Amendment Bill 2023 was a great step for early childhood educators and allowed them to access TQI registration, like primary and secondary teachers. This motion builds upon some of the changes made in that bill, and we hope that this motion helps to build on the same intentions that were behind that 2023 bill.

The ACT Greens want a society where all members experience positive and equitable outcomes. That means that, regardless of existing social and economic status, all Canberrans are provided with an enriching, play-based learning environment of the highest standards from day zero. Delivering high-quality early childhood education and care to all children breaks down that pernicious cycle of intergenerational poverty and gives every child access to the world of educational opportunities that we should all be really proud of here in Canberra. We will give every child that fair chance only when we place early childhood educators at the centre of our efforts. Let's give our magicians the tools and the stage, and they will make the magic happen.

I want to take the opportunity now, in closing, to draw attention to some of the big pieces that we still need to tackle to really transform the early childhood education and care workforce crisis. Let's begin with pay. We know how difficult it is to become an early childhood educator, but the pay scales do not reflect that at all. Let me be very clear and not mince any words: absolutely no-one wants a job that does not pay, and even more so in this acute cost-of-living crisis. If we want to achieve more equitable outcomes in our society, we need to recognise the professionalism of our early childhood workforce and pay them accordingly.

We were really disappointed to see the lacklustre minimum award increases handed down to early childhood educators by the Fair Work Commission on Monday. We

empathise with the sector. Honestly, we reckon they got a raw deal. We also should not have to wait until next year to properly address the gendered pay inequities that we have already observed.

The ACT Greens eagerly await the multi-employer bargaining process for the early childhood sector across Australia, including here in the ACT. We want the commonwealth government to treat this matter with the highest priority. A situation of high demand, low supply and low pay creates a corner case for poorer working conditions. We have heard from conversations that holidays for the early childhood education and care workforce are pretty hard to come by. As a jurisdiction that ranks second best in the standard of living worldwide, we should do better than to let an irreplaceable section of our workforce be trapped in settings which bring questions of dignity for those involved.

Let's see what the pipeline into early childhood education and care is looking like for prospective educators. The draft report of the Productivity Commission identifies that, in the face of increasing demand, completion rates for university-level early childhood teaching courses have been declining, with domestic completions dropping by 19 per cent in 10 years, from 67 per cent in 2006 to 48 per cent in 2016. The completion rates for diploma and cert III courses have been close, but they have not gone up. These numbers are symptomatic of the early childhood education and care sector not being the career path of choice. This is unlikely to improve drastically unless sector pay and working conditions improve.

In this situation, then, how do we provide a bridge of hope to the early childhood education and care sector? We feel the medium-term solution may be to remove financial barriers to everyone, including temporary visa holders who have chosen to call Canberra home, to allow them to undertake the certificate III or diploma in early childhood education and care at CIT. I appreciate Minister Steel providing clarity on that front.

That is why we are calling on the ACT government to expand fee-free TAFE places and advocate for the commonwealth government to ensure that temporary visa holders are eligible for the fee-free TAFE scheme in particular, for ECEC courses. Noting that these measures involve working with the commonwealth government, we must also look at enabling measures for early childhood educators, which are completely within the control of the ACT government.

In the context of the early childhood education and care workforce crisis, we are calling on the ACT government to expand or increase the Early Childhood Degree Scholarship Program in all its dimensions: the value of the scholarships available, the amount of financial support to staff undertaking professional development and the number of places per year. At the bare minimum, these need to be catch-up increases to ensure that the scholarship program is nominally as effective as it was back in 2018, and also to respond to the latest early childhood education and care workforce shortage numbers.

I want to be very clear that we cannot pressure our already understaffed early childhood teachers with a huge influx of trainees. This would simply increase the workload of established educators, who will bear the responsibility of training them and assisting more broadly as they find their way and develop their skills. Hence, we have called on

the ACT government to work with all early childhood education and care providers and peak bodies to sustainably coordinate the teaching and training loads without burning out our most experienced educators. Further, given that ACT law recognises early childhood teachers, it is incumbent on the ACT government to work with the Teacher Quality Institute and all early childhood education and care course providers and services to develop and promote structured pathways for all early childhood educators in the ACT to achieve HALT certification.

My last point is about the value of work. During a cost-of-living crisis, how does it make sense for any early childhood education and care student to complete their degree, certificate or diploma—which is giving them neither the promise of future better pay nor great working conditions—while having to do unpaid placements? I am honestly baffled as to why, in the face of this double crisis, and all evidence and documentation, all early childhood education and care students have not been included as part of the Commonwealth practicum payments initiative. Hence, we are calling on the ACT government to work with stakeholders and to advocate strongly to the commonwealth government for paid placements for all early childhood education and care students.

At the end of the day, none of these issues individually are a silver bullet. Pay, working conditions, course completions, fee-free courses, coordination with stakeholders, paid placements, and professional development scholarships and pathways—every single one of these pieces is part of the puzzle towards not just tackling but completely transforming the workforce.

Passing this motion will be a promising step, but the stakeholders I consulted with have much more far-reaching concerns about the system, which urgently needs action to be taken. This motion, however, is a step to show those dealing with the alarming vacancy rate in the early childhood education and care sector that the ACT government is listening to them and that we are taking all steps at every point to improve their current situation.

Question resolved in the affirmative.

## Government—Human Resources Information Management System program

**MR CAIN** (Ginninderra) (3.58): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) in June 2023, the ACT Government abandoned the $78 million delivery of the Human Resource Information Management System (HRIMS) program;
>
> (b) the original HRIMS program was costed at $15 million in the 2017-18 ACT Budget, representing a cost blowout in excess of $63 million;
>
> (c) only one module of the HRIMS program, the Learning Management System, was delivered, with the remaining ten modules abandoned following a series of reviews commissioned by the ACT Government following the identification of issues associated with implementing the

program;

(d) the reviews included the SAP Design Review, Deloitte program Review, and the Leeper Report; and

(e) the SAP Design Review is the only review that has not been published online and remains unavailable to the public;

(2) further notes:

(a) the ACT Auditor-General published the Performance Audit Report No 10/2023 into the Human Resources Information Management System program;

(b) the Report considered the effectiveness of the ACT Government's planning for, and management of, the HRIMS program;

(c) the Report found that the HRIMS program was a "significant failure for the Territory" and "characterised by multiple failures at all levels";

(d) the ACT Government is currently planning and implementing the new Payroll Capability and Human Resource Management (PC-HRM) program;

(e) the PC-HRM program is the replacement program intended to deliver essential human resources and payroll elements required by the ACT Public Service;

(f) during a recent Standing Committee on Public Accounts hearing, the Acting Auditor-General confirmed that the PC-HRM program would only deliver some of the upgrades to the current system;

(g) the Auditor-General's report noted that the 2023-24 Budget Business Case for the PC-HRM program estimated an additional cost of $65.12 million; and

(h) by the finalisation of the PC-HRM Project, the ACT Government will have spent over $140 million on the delivery of upgrades only to have ended up with the original system; and

(3) calls on the ACT Government to:

(a) table and publish online all reviews and reports authorised by the ACT Government relating to the HRIMS program to this Assembly by 30 June 2024; and

(b) table monthly progress reports on the new PC-HRM program.

I rise to speak to the motion circulated in my name relating to the Human Resources Information Management System program. I will refer to it as HRIMS. The ACT Auditor-General handed down performance audit report No 10 of 2023 into the HRIMS program. In the Auditor-General's findings, words were not minced in the slightest. The report found multiple levels of failures, with no transparency, no accountability and no integrity at any point over the course of its development. The program ended with the largest instance of wastage that this territory has seen—$78 million, and perhaps significantly more.

It paints a dire picture for the record of the administration of the Labor-Greens Special Minister of State, the Chief Minister and other ministers involved. More concerningly, we have only scratched the surface of this waste. The ACT government, utilising the exact same minister, has approved an additional cost of $65.12 million as part of the

2023-24 budget business case for the Payroll Capability and Human Resource Management program. Let us call it HRIMS 2.0. $34.53 million has already been allocated over the 2023-24 and 2024-25 fiscal years.

To date, the Labor-Greens government has provided no progress on the performance of this program. Given the minister's deplorable record, the Canberra Liberals are deeply concerned about this program and believe that taxpayers must be offered greater assurance and transparency.

The problems of procurement in the ACT are well documented. To think that HRIMS was in isolation is misplaced. The Auditor-General has released seven reports in this Assembly alone, detailing the systematic failures of this minister's management of procurement. One more report on procurement is on its way, which will bring the total to eight so far. These issues are informed by the policy, legislation and culture which are set and overseen by the Special Minister of State.

The HRIMS program achieved virtually no value for money. Its initial $15 million price tag had a cost per employee of $761. Taken together, there has been at least $78 million spent on HRIMS, and now the $65 million in additional approved expenditure on HRIMS 2.0 means an updated cost per employee of over $5,800.

HRIMS resulted in contracts to 47 separate companies at a cost to the taxpayer of over $71.5 million. What is more, this does not even represent the internal cost to the taxpayer as it is not procurement alone that led to this failure. The Auditor-General's report found:

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

There was—and I quote:

> … no reliable mechanism for the HRIMS Program or the directorates to account for the costs.

This is extraordinary. The true cost of the program possibly will not ever be known, although for a program of its size, scale and length, it is likely to be in the tens, if not hundreds, of millions.

The Auditor-General found that planning was poor, governance and administrative arrangements were poor, contract management was poor, and delivery of services was poor. There has been a failure of governance at every level. The Special Minister of State at no point sought to highlight transparency as a key value of the project. This, distressingly, is a clear indicator of the values of this Labor minister.

The ACT government failed to install adequate safeguards and checks through the program life cycle of HRIMS. When mistakes began to appear at every step of the program, there was no mechanism for accountability to address the root issues. As the *Canberra Times* described the project on Monday:

> If no one was responsible, the government seems to be saying, no one can be held accountable.

Despite encompassing $1.5 billion in expenditure each year, procurement remains racked with deficiencies. The ACT has already demonstrated that it is much more prone to mismanagement and failure than other jurisdictions. As we have already observed with the Campbell Primary School procurement, on which we are awaiting a report from the Integrity Commissioner, transparency is essential. In this case, despite a company offering a cheaper and higher quality proposal, the preferred tenderer was chosen, it would seem, because of union preference, as it had received the blessing, it would appear, of the minister's office. As such, spare capital works funds were splashed into the agency's budget to meet the endorsed tender, not the one approved by the delegate, despite the other bid being $900,000 cheaper.

On the HRIMS project, even when the project ran tens of millions of dollars over its initial allocation of $15 million, the minister remained clinging to the hope that it could be saved.

However, by the 2023-24 budget process, when the project had run for seven years, with this minister being responsible since late 2020, it had exceeded the initial allocation by almost 500 per cent and had delivered one of its 11 objectives. It finally dawned upon Minister Steel to put this program to bed and cease expending money on a wasted project. In a staggering display of incompetence and arrogance, he hoped this egregious wastage would be spared scrutiny. It did take media, the *Canberra Times*, to break the story and for the truth to be revealed.

The revised governance arrangements in 2019 resulted in the HRIMS program board being renamed as the HRIMS steering committee, and the HRIMS steering committee being renamed as the HRIMS program board. In essence, and I quote from the report:

> The titles of the HRIMS Program's two governance bodies were exchanged without any effect on either body's responsibilities.

It is quite unbelievable. Body members stated that this change "caused confusion". This is very strange, and it would seem to be more fitting for an episode of *Utopia*. In fact, the report itself and the management of procurement in the ACT would surely be worth a series of this satirical program.

For the Canberra Liberals, simply forgiving Minister Steel and the three other Labor ministers who oversaw this program, including the Chief Minister, Minister Stephen-Smith and then Minister Orr, would be an insult to the hardworking and honest citizens of the ACT.

Last Wednesday, the Special Minister of State reflected, upon questions I put to him, that the Canberra Liberals would like to take a slash-and-burn approach to deal with this ongoing situation. Not at all; we just want to know who was responsible. It would seem, in contrast, that Minister Steel would just like to sweep everything under the rug. What a disgusting and dishonest deflection by this minister. The comments speak completely to the level of entitlement and arrogance that he holds.

My comments, of course, were never about hardworking public servants, but about finding out why this project went wrong, who was responsible and what action had been

taken. Of course, ultimately, it is the minister who was responsible for such a significant failure in governance and such a significant failure in the expending of taxpayers' money. In any other jurisdiction or business, the responsible CEO or minister would have been stood aside, if not resigning off their own bat. That would be the honest and open thing to do in such a case. To place a replacement program into the hands of the same minister is ludicrous and a sign of arrogance on the part of this tired and incompetent government. An elected Canberra Liberals government will do differently come October.

The "calls on" in my motion, I would suggest, are not terribly provocative. My motion calls on the government to table and publish all reviews and reports relating to this failed project, as we know that there is at least one report that has not been made available to the public.

For the sake of giving comfort to the community and to allow proper scrutiny of this new project and the minister's management of it, the government should table monthly progress reports on the new Payroll Capability and Human Resource Management program, PCHRM—or, as we might call it, HRIMS 2.0.

These are not provocative "calls on". These things say that this government should be transparent and open, particularly given the history of this minister's management of a payroll and human resource project. It is particularly the case that this Assembly should have the benefit of monthly updates on the replacement program, the expenditure on it and the governance structures in place. Otherwise who is to say that we will not have a repeated failure, at a cost of tens of millions of taxpayers' dollars?

I have no confidence that it will not happen again. This motion simply calls on the government to be transparent about its management of the current project, and to release fully and in detail all of the reports and reviews with respect to the failed one.

I note that Minister Steel has circulated an amendment, which I will address in my closing remarks. I call on members of this Assembly and, in particular, the Greens members of this Assembly, to support what is really a pretty non-provocative set of "calls on", for a regular update on the management and governance arrangements over this new project, and for full transparency on all reviews and reports on the previous and failed project. I commend my motion to the Assembly.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.10): This is an important issue to canvass. Mr Cain has spoken about it and my colleagues will speak about it in more detail shortly. There are important lessons and reflections from this matter for government, government agencies and for us all to consider. Mr Braddock will make further comments for the Greens shortly. In my role as Attorney-General, I want to comment on the release of the various reviews that have been called for.

As has been noted in the motion and through the discussion, there are three particular reviews. There is the Deloitte program review, and there is the Leeper report. As is noted at paragraph (1)(g) of Mr Steel's proposed amendment that has been circulated, both of those are already publicly available online for public scrutiny. The particular

one in question is the SAP design review. I do think that transparency is important on this matter. That is beneficial, for the reasons that Mr Cain touched on today.

While the government does seek to be transparent on this matter, for particular services that the government contracts there can be obligations that need to be considered related to confidentiality and disclosure. There can be commercial-in-confidence considerations. Minister Steel, I have no doubt, will make further remarks to this effect when he speaks.

I want to confirm for the Assembly that I have examined these matters and I have given consideration to these obligations. I do consider that it is appropriate to release the report to the Assembly. I note in this context the particular and considerable public interest in ensuring transparency about this issue. In weighing up the various considerations, on balance, it is appropriate that this report can be released.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (4.12): The ACT government is committed to applying the lessons learned from the HRIMS program, continuing to establish better practices to support project delivery, digital acceleration and making systemic changes across government to ensure better outcomes for Canberrans.

The HRIMS program was developed in 2017, including in response to earlier findings from the Auditor-General about improvements needed to the ACT's payroll and human resource systems. As I have outlined to the Assembly in detail previously, the program faced a range of avoidable and unavoidable challenges, which included the COVID-19 pandemic, which did see the unavoidable redeployment of human resource functions across the ACT government devoted to the pandemic response.

In December 2020, I became the Special Minister of State, with responsibility for the program. It was clear that the program would not meet its first deliverable, which led to a decision in 2021 to pause the program, and commission several reviews, technical and non-technical, to inform the future of the program.

There are three key reviews that have been undertaken into the HRIMS program. They include the 2021 review of the design and technical solution for HRIMS undertaken by the then project partner, SAP; the 2022 detailed external review by Deloitte to identify learnings and improvements that the government could make in managing the program; and the 2023 review by Geoff Leeper, which identified issues with project governance from options considered through to implementation.

The government, in the interest of transparency and public scrutiny, made the detailed Deloitte review and Leeper report public, and they are published online on the CMTEDD website. We did so well ahead of anyone asking for them. We did that as a matter of transparency, to provide those documents. We also made the public decision in the last budget around closing the program. That was published, of course, in the budget papers.

All of the reviews that we had conducted on the HRIMS program were provided to the Auditor-General for his performance audit into the program, and he has considered them carefully in his audit report. Pages 45 and 46 of the Auditor-General's report

identify information about the Deloitte and SAP reviews. Indeed, he quotes relevant aspects of the reviews verbatim in the report.

The Auditor-General made only one recommendation in his audit report, which is for the government to identify the steps we are pursuing to address the failures of the HRIMS program. I think it is telling, in my personal opinion, that there was only one recommendation. I think that shows the extensive work that the ACT government had done previously through the three reviews that I mentioned to look into what was going wrong with the program and what learnings we could take forward into the future.

It is also telling that the ACT government tabled our response to the Auditor-General's report on the same day that the Auditor-General's report was tabled in the Assembly. As we had done that comprehensive work, we were able to fully respond in detail to the Auditor-General on the same day that his report was tabled. That is there for everyone to have a look at, and it was of course accompanied by a detailed ministerial statement as well. Those learnings will be taken forward not only as part of the new PCHRM program but also for other ICT projects across the territory.

The Auditor-General has considered all of the reports in quite some detail. He has outlined the role each of these reports has played in the life of the HRIMS program and the decision that we have made to pursue the PCHRM project. That includes the SAP design review.

I note the original motion from Mr Cain and my amendment ask for the review to be tabled. As members are aware, SAP was a key delivery partner associated with the HRIMS program. As part of that delivery partnership, the territory entered contractual arrangements with SAP and certain rights and obligations of each contracting party. Under the agreement with SAP, the SAP design review was commissioned in 2021 and delivered in 2022. Because of the commercial arrangements the territory had with SAP, we have not previously published that particular report online. However, it was provided to the Auditor-General with the appropriate legal protections for its scrutiny.

To this end, and in the interests of transparency, I have provided both the review and the legal advice that the territory had received about the review to the Attorney-General for his consideration. He spoke earlier about his view on the risk to the territory presented from tabling that review. Based on his advice, the government will table the document upon the passage of this amendment today. I thank the Attorney-General for working with me to facilitate the release of this report in a way that addresses the legal and commercial sensitivities. Other than the commercial sensitivities, I have absolutely no concern with releasing that report and its contents.

The amendment I am moving today clarifies that complexity, provides further details to clarify the history of the HRIMS program—just clearing up some factual errors—and what has occurred since the reviews were undertaken. We accept and acknowledge the failures of the program. I have apologised for it to the community in the Assembly previously, and I reiterate the commitment that I have made that the government has learnt from the HRIMS program. We will be doing better for future projects, and we have outlined in detail how we are doing that.

I acknowledge the importance and significance of parliamentary oversight. Mr Cain is

a passionate advocate for it, and I welcome it as a parliamentarian and as a minister. There is, of course, an ongoing parliamentary inquiry into the audit report. There continue to be opportunities for public and parliamentary scrutiny through the relevant standing committee, question time or questions placed on the notice paper.

I want to acknowledge Mr Cain's enthusiasm for additional oversight, but I would also remind him of an element of the learnings from the HRIMS program about the public service being unable to devote their full attention to the implementation and delivery of the program. I, like other members, I am sure, am committed to making sure the PCHRM program is focused on delivery.

I will therefore be moving an amendment to provide the Assembly with a formal update before the end of the parliamentary term. Given the amount of time between now and the end of the parliamentary term, I think that is very reasonable, acknowledging the long list of opportunities for parliamentary oversight of the program in between, through this place and our parliamentary committees. We have an upcoming budget process, and there is the ongoing committee inquiry as well.

I am committed to transparency and seeing the lessons learnt from the HRIMS program applied across all of our ICT projects. I look forward to updating the Assembly in due course. I move the following amendment to Mr Cain's motion that has been circulated in my name:

> Omit all text after "That this Assembly", substitute:
>
> "(1) notes:
>
> (a) that through the 2023-24 ACT Budget, the ACT Government abandoned the $78 million-delivery of the Human Resource Information Management System (HRIMS) Program;
>
> (b) as part of the 2017-18 ACT Budget, the Territory appropriated $15 million for the HRIMS Program;
>
> (c) as part of the 2019-2020 ACT Budget, the Territory appropriated a further $49.59 million after further planning work took place that assessed initial cost estimates had not considered the full complexity and extent of the integration and development needed;
>
> (d) following the reset of the HRIMS Program in 2021, a further appropriation of $3.7 million was made by the Territory in the 2022-23 ACT Budget to assess the progress made by the program to date and identify the time and cost required to finalise and deliver the program;
>
> (e) only one module of the HRIMS Program, the Learning Management System, was delivered, with the remaining ten modules abandoned following a series of reviews commissioned by the ACT Government following the identification of issues associated with implementing the Program;
>
> (f) the reviews included the SAP Design Review, Deloitte Program Review, and the Leeper Report; and
>
> (g) the ACT Government has made the external Deloitte Program Review and Leeper Report available online for public scrutiny;
>
> (2) further notes:

(a) the ACT Auditor-General published the Performance Audit Report No 10/2023 into the Human Resources Information Management System Program;

(b) the Report considered the effectiveness of the ACT Government's planning for, and management of, the HRIMS Program;

(c) the Report found that the HRIMS Program was a "significant failure for the Territory" and "characterised by multiple failures at all levels";

(d) the ACT Government is currently planning and implementing the new Payroll Capability and Human Resource Management (PC-HRM) Program;

(e) the PC-HRM Program is the replacement program intended to deliver essential human resources (HR) and payroll elements required by the ACT Public Service, including a new time- and-attendance system;

(f) that the new PC-HRM Program will only deliver some of the intended functionality of the previous HRIMS program; and

(g) the Auditor-General's report noted that the 2023-24 Budget Business Case for the PC-HRM Program estimated an additional cost of $65.12 million, subject to any procurement process; and

(3) calls on the ACT Government to:

(a) continue implementing reform to ICT project management and governance and capability uplift across the ACT Public Service;

(b) table the SAP Design Review in the Assembly upon passage of this motion; and

(c) provide the Assembly an update on the delivery of the new PC-HRM Program before the last sitting day of the Tenth Assembly.".

**MS LEE** (Kurrajong—Leader of the Opposition) (4.20): I thank Mr Cain for bringing to the Assembly this motion on the failed $78 million Human Resources Information Management System, otherwise knowns as HRIMS, and for his ongoing advocacy for calling out this incredible and unacceptable waste of taxpayer money.

Sadly, we are all too familiar with this debacle, which has to date cost ACT taxpayers not only the $78 million on the HRIMS program itself but also the additional millions of taxpayer dollars to patch up this major stuff-up. As scary as this is, we know that even that is not the total picture, because it does not include the significant costs incurred across the directorates that were participating in and assisting with the implementation of the program.

This program has been a failure at every level. Those are not my words; those are the words of the Auditor-General, who was absolutely scathing. Let us remind ourselves exactly what the Auditor-General found in his report on the government's handling of this project. He found:

> Every aspect of the HRIMS Program, including its planning, governance and administration and management arrangements, was characterised by multiple failures at all levels.

I repeat: "multiple failures at all levels". He concluded by saying:

> The HRIMS Program was a significant failure for the Territory.

And:

> Complexities and key risks associated with harmonisation of HR and payroll systems across the ACT Public Service were therefore not appropriately planned for. These failings contributed to a loss of control in the implementation of the HRIMS Program.

Yet, despite these damning findings from the Auditor-General, the minister who was responsible for the project—responsible for the wastage of hundreds of millions of taxpayer dollars—Mr Steel, has never really accepted responsibility for the disaster. If that was not bad enough, only last week, we saw Mr Steel boasting that no-one is to be held responsible for this complete and utter failure under his watch. His gobsmacking, blasé attitude and cocky words in attempting to play personality politics, as if he were on some kind of moral high ground, just goes to show that Mr Steel and this Labor-Greens government's arrogance knows no bounds.

Mr Steel's only response to this catastrophic stuff-up has been to condescendingly tell Canberrans that there were some "learnings for the government". He said that today, I think, no less than six times—"learnings for the government". The pathetic apology that he uttered in this chamber a few months back was nothing more than cheap words, because his sneering words last week demonstrate that he is not sorry at all for throwing hundreds of millions of taxpayer dollars down the toilet—all at a time when thousands of Canberrans are facing real cost-of-living pressures.

Even if we take just the $78 million on the thrown-away project, not even including the cost of patch-ups or the directorate costs, let's have a look at what that money could have done to alleviate the cost-of-living crisis that Canberrans are experiencing right now. It could have provided a nearly $380 rebate off every single person's household rates bill for this year; it could have given every car owner a $240 rebate off their rego bill this year; it could have paid for free public transport for each and every ACT student, senior and concession cardholder for nearly 10 years; and it could have given energy price relief for thousands of Canberrans to the tune of a $400 rebate off a power bill for every single household—genuine and real relief that this money could have gone to to support and help many Canberrans struggling.

Instead, this money has been wasted by a government that has become so arrogant that it does not even think that it should be held accountable for the gross failure of this project—gross failures at all levels. This is a government that has lost any perspective on how much $78 million actually is and how much cost-of-living relief this money could have given to so many Canberrans. This minister is so out of touch that he just dismisses it as "learnings" that the government has taken on board. Although, I suppose we cannot be surprised, given that this is the same minister who said that a toilet could not even be built for half a million dollars. I suppose that is right; if Mr Steel were in charge of that project, it probably would be the case that the project would cost more than half a million dollars—and, if past performance were an indicator, it would not even work, anyway.

After all of the damning findings and all of the questions that the Canberra Liberals,

especially Mr Cain, have been raising, what do we have? I will tell you what we do not have: we do not have a single person in Mr Barr's cabinet taking responsibility for anything. In fact, Mr Steel was given a nice little promotion in Mr Barr's reshuffle last year. So he certainly has not paid the price for this debacle. Who is to pay the price for what the Auditor-General found was a "significant failure for the territory"? It seems, as always is the case under this Labor-Greens government, the only people in the ACT who always seem to pay the price are Canberra taxpayers—and so it is once again.

The irony of Mr Steel declaring that no heads should roll is that it is clearly his head that should have rolled. If he did not have the decency to step down, it was up to the Chief Minister to stand up, show some leadership, draw a line in the sand and say enough is enough. Unfortunately, I do not think any of us should hold our breath on that one.

Turning to Mr Steel's amendment, once again, of course, we see a complete rewrite, but we are used to that. Whilst we do acknowledge the tabling of the SAP design review, the amendment removes a fundamental aspect that is contained in Mr Cain's original motion, which is incredibly important and again shows that Mr Steel has learnt nothing. It is about the fact that there were multiple failures at all levels. The Auditor-General found:

> Every aspect of the HRIMS program … was characterised by multiple failures at all levels.

That is one of the reasons why Mr Cain's motion seeks to ensure that there are monthly progress reports, that there is accountability, that there is transparency and that there is ministerial responsibility.

Let us be honest: going on Mr Steel's past performance and the fact that his cocky words last week demonstrated that he has learnt nothing, he still does not believe that he should be held accountable for this catastrophic stuff-up. I have to say that it is just gobsmacking that a minister in this Labor-Greens government could somehow try and spin the Auditor-General's report as if it were a clap on the back for a job well done. Only a delusionary minister in this Labor-Greens government could somehow try and say, "Oh, it is telling that there was only one recommendation." I repeat a direct quote from the Auditor-General, who found:

> Every aspect of the HRIMS Program, including its planning, governance and administration and management arrangements, was characterised by multiple failures at all levels.

If the government think, "It is telling that there was only one recommendation; so really it means that we're doing a good job," what on earth are we to expect when they finally wake up and realise, "Maybe we're not doing such a great job"? The fact is that this is a government that is so devoid of integrity and so devoid of what is right and wrong, that, even faced with words, in black and white, that specifically state "multiple failures at all levels", the minister can excuse that away as some type of pat on the back. I will not be supporting Mr Steel's amendment.

**MR BRADDOCK** (Yerrabi) (4.30): HRIMS, the Human Resources Information Management System: an ICT bungle that just keeps on giving. I would like to thank

Minister Steel's office for sharing his planned amendment with me and our continuous discussion today on the issue. The reasons for not releasing the SAP design review have been bugging me. This was a document that was commissioned by the ACT government. I understand SAP's reluctance to authorise the release due to reputational risk. But this reluctance should not bind the hands of the government and this Assembly in acting in the public interest. Surely, in the interest of transparency about a project of significant community concern, any and all documents should be publicly available.

I am happy to say that, following intensive negotiations, we have reached agreement on the importance of this document being tabled in this Assembly as soon as possible. I also thank the Attorney-General for his words earlier on consideration of the legal risk that the release would pose to the territory.

Overall, Minister Steel's amendment is welcome because it improves the accuracy of the assertions made in the motion. I should point out that, given the sitting pattern for the remainder of the term, the substantive difference between monthly updates and one more before the end of the term is not significant and it is appropriate for a project of this size, when balancing the effort to develop such an update. So the choice of language here is acceptable to me.

Having sat through briefings from the Auditor-General, and hearing his report on HRIMS, I can say that the outstanding concern that I have is one of accountability. It is all well and good to talk about how much we have learnt, how much action we have taken to improve structures and systems and how much failure is a part of innovation—and I have said in this chamber before that we must allow our ACT public servants the real attitude to fail. But there is a corollary to that, and what I have not seen is a demonstration of accountability, particularly in the ACT public service leadership.

To be clear: I am not asking for anyone to be punished. The Leeper report states this sorry affair was not due to the failing of any one individual but a failure of governance. Punishment is rarely the solution to such a problem. But what I am looking for is a culture of accountability, particularly in those senior ACT public servants who are responsible for modelling leadership in accordance with the public service values and setting the culture for their organisations. When people take responsibility for their mistakes at an emotional level, governance is able to improve.

Senior ACTPS are well paid to ensure the governance systems within the service are fit for purpose. The head of the ACTPS points to the lessons learnt and the governance systems improvements, which are important—don't get me wrong—but entirely failed to engage with the leadership and cultural shortfalls that led to this point on this project. No-one has actually stood up to take responsibility for the state of governance on the project. No-one has admitted to being responsible for the governance arrangements for the project. No-one has admitted that it was known that the governance arrangements were not fit for purpose. No-one has acknowledged that the culture of the ACTPS senior leadership lacks the necessary element of accountability. No-one has acknowledged that ICT projects are notorious for having their costs underestimated. The governance of projects like this cannot simply be outsourced to an ICT contractor.

Business areas have to take their share of responsibility for failing to drive the change that was required to make the project successful. Business areas also need to make sure

they retain the necessary expertise in order to be able to effectively manage a project of this complexity. No-one has held the business areas to account for why they did not complete the tasks that were required of them that were so critical for project success.

Such a series of shortfalls means the ACTPS senior leadership is failing the people of Canberra. This matters since the ACT Legislative Assembly and the government were set up lacking a lot of the features and the systems you would expect in a Westminster-style democracy. We have no upper house of review, no local level of government, a slim Assembly and a consolidation of responsibilities within a limited number of directorates. The ACT system of self-government was clearly designed to be efficient. That can be okay if there is a culture of accountability. If there is not, we start getting more nefarious kinds of problems. I ask that the government, and particularly the ACT public service leadership, keep that in mind.

**MR CAIN** (Ginninderra) (4.34): Firstly, I welcome the commitment to table the SAP review, but I am very disappointed by the fact that the monthly progress updates are not being supported by either the Labor Party or the Greens. It begs the question: why would this minister not want three, and perhaps even four, monthly updates between now and the last sitting day to be scrutinised? I wonder why this minister would not want a monthly update for June, July, August, and perhaps even September, scrutinised by this Assembly. The call for monthly updates is a very significant part of the motion. It is disappointing.

I could easily have interpreted Mr Braddock's words, and the words of the Attorney-General to a degree as well, and said, "That sounds good; they are in favour of openness and more transparency," particularly given the background of a nearly $80 million failure. Why would we not ask for something more regular about the progress of a replacement project that appears to be under the same oversight, as far as we know? It is certainly under the same minister. Why would the Labor and Greens MLAs not want a high level of scrutiny, given the background to this whole woeful saga? So, while I agree with Mr Braddock and his assessment, and his reinforcement of what the Auditor-General has said, it is a bit puzzling to me. Why would we not want a greater level of transparency and accountability demonstrated by the minister?

This is a failed opportunity, in my opinion. Why not have a monthly update? Perhaps the minister does not want to be asked questions at estimates. Maybe that is behind the fact that we might hear about this project in early September. Perhaps they do not want sitting time being used for questions on the progress of this project, based on a monthly update. I wonder what the problem is, given the background of waste in this whole government's failure. What is the problem with increased accountability to the Assembly, which is representing ACT taxpayers? What is the problem with that? It is difficult to see any other answer than they do not want too much asked about it. They do not want questions during estimates. They do not want questions on notice or without notice in the Assembly between now and the last sitting day. They do not want any of that. That is what appears to be behind this amendment.

We acknowledge some failures and learnings. I have no idea what the minister has learnt. I do not know if anyone in this place could say what the minister has learnt, yet we are spending multiple millions of dollars. Over $60 million is already allocated to the same minister. We do not know what he has learnt, and he is moving an amendment

to say, "We'll keep you updated on the last sitting day of this government." How atrocious is that! Why not support a very reasonable motion that says that this Assembly deserves closer scrutiny to make sure this does not happen again? It is very disappointing, despite Mr Braddock's rhetoric, that he is not supporting regular updates to the Assembly, and time during estimates and questions without notice to consider whether the lessons have actually been learnt. Have any lessons been learnt? We will not really know because we are not going to hear anything about this until 5 September, and that is atrocious.

As the Leader of the Opposition has said, we will not support this amendment. It takes away from the transparency and accountability that is at the very heart of my motion. It takes away the heart of the motion: for the governance of this replacement project—with tens of millions of dollars allocated—to be properly scrutinised by the Assembly and by the members of the Assembly in committees and in other ways of exploring the issue. The Canberra Liberals will not support this amendment. We welcome the publication of the SAP review at the conclusion of this debate.

I invite the minister to say there are no other reviews or reports, because my motion Gcalls for all reviews and reports on the failed HRIMS project. I would like a statement to accompany the release of the SAP review that says, "This is it. This is everything. We have released all the reports on this failed project."

It is very disappointing that, at the heart of the amendment, it says, "We don't want too many eyes on how we're governing this replacement project. We'll tell you about it in early September, on the last sitting day. We don't want to tell you on a more regular basis, even though there will be three, and perhaps even four, opportunities for the Assembly to scrutinise the governance of and expenditure on this new program." It is a failure of this government to concede that greater accountability is needed. It is a failure of this government to say that they have actually learnt anything from the failed HRIMS project.

I support my motion as written and reject the amendment moved by Minister Steel.

Question put:

> That the amendment be agreed to.

The Assembly voted—

| Ayes 16 | | Noes 9 |
|---|---|---|
| Andrew Barr | Suzanne Orr | Peter Cain |
| Yvette Berry | Marisa Paterson | Leanne Castley |
| Andrew Braddock | Michael Pettersson | Ed Cocks |
| Joy Burch | Shane Rattenbury | Jeremy Hanson |
| Tara Cheyne | Chris Steel | Elizabeth Kikkert |
| Jo Clay | Rachel Stephen-Smith | Nicole Lawder |
| Emma Davidson | Rebecca Vassarotti | Elizabeth Lee |
| Mick Gentleman | | James Milligan |
| Laura Nuttall | | Mark Parton |

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (4.46): In accordance with the resolution just passed, I present the following paper:

> ACT Government HRIMS Programme: Design Review, prepared by SAP Services, dated February 2022.

## Supplementary answer to question without notice
### Hospitals—North Canberra Hospital

**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) (4.47): Following on from question time, I present the following paper:

> National Safety and Quality Health Service Standards 2.1 Short Notice Assessment—Assessment Ratings Report—North Canberra Hospital, prepared by the Australian Council on Healthcare Standards, dated 6 March 2024.

That also includes Clare Holland House.

## Independent Competition and Regulatory Commission Amendment Bill 2024

Debate resumed from 9 April 2024, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

**MS LEE** (Kurrajong—Leader of the Opposition) (4.47): I will speak briefly on the Independent Competition and Regulatory Commission Amendment Bill 2024. This bill ultimately aims to bring the ACT's civil enforcement powers in line with other jurisdictions through the Independent Competition and Regulatory Commission, as the economic regulators of utility and energy retailers in the ACT.

In December 2022, the Senior Commissioner of the Independent Competition and Regulatory Commission wrote to the Chief Minister and the Minister for Water, Energy and Emissions Reduction, outlining the limitations of the current regulatory powers in ensuring compliance by utility providers with industry codes and licence conditions. Following this letter, the government undertook a targeted consultation with key stakeholders on the proposed changes to the commission's powers to bring them in line with other economic regulators in Australia.

During our briefing, relevant officials from the ICRC and Mr Barr and Mr Rattenbury's offices informed me that three energy retailers responded to this consultation. Also, during the briefing I received assurances that this was not about an additional regulatory burden on the ACT's energy retailers and that the ICRC will work with the retailers in

the six months before the bill commences. I was also informed that there have been situations in the ACT where energy retailers have been in breach of their obligations which govern the expected service levels and market price offering, and that the ICRC have not been able to take action because of the lack of an appropriate mechanism to do so.

The Canberra Liberals support this bill as it will benefit ACT customers by giving the ICRC powers to enforce a number of obligations, such as guaranteeing power supply and price transparency. We note that civil proceedings will only be used when an energy retailer does not pay a civil penalty notice, with the financial penalty resulting from a civil penalty notice being significantly less than what a court would impose. This bill achieves the balance of ensuring that ACT customers are protected and that energy retailers will not face an unnecessary regulatory burden.

I thank staff from the Independent Competition and Regulatory Commission, as well as staff from Mr Barr and Mr Rattenbury's offices, for providing the briefing for this bill. The Canberra Liberals will be supporting this bill.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.49): I rise today to support the Independent Competition and Regulatory Commission Amendment Bill 2024. As the Treasurer outlined in his introductory remarks, this bill will modernise the regulatory powers of the commission in overseeing the conduct of utilities and energy retailers in the territory. ACT consumers benefit from the support that the commission provides in ensuring that utility providers and retailers comply with their obligations under existing acts and industry codes in the ACT. The reforms brought forward in this bill ensure that the ICRC can continue to effectively provide this support into the future.

The commission's current enforcement powers are not comparable or equivalent to enforcement powers that are available to regulators in other jurisdictions. At present, the commission's powers are limited to engaging in informal or administrative enforcement strategies with service providers to improve services or, in extreme cases, undertaking criminal prosecution.

The bill establishes a new civil regime that provides the commission with additional enforcement capabilities in the form of civil penalty notices, court enforcement undertakings and civil pecuniary penalties. This bill does not diminish the oversight powers of the national Australian Energy Regulator; rather, it complements them so that any noncompliance by utility service providers in the ACT can be addressed by our own utility regulator with the laws of the ACT, rather than relying on the national regulator to take action on local ACT issues.

The intent of this bill is not to cast doubt on the conduct of utilities and energy retailers operating in the ACT; rather, the bill intends to address the current regulatory gap to ensure that, where mid-level noncompliance matters arise, real and meaningful enforcement actions can be taken to remedy any system issues and disincentivise lacklustre or mediocre service provision in the future.

The bill before us today will directly benefit ACT consumers to ensure that they

continue to have access to safe, secure and reliable energy, water and sewerage services, and that consumer protections are in place where these services are not satisfactorily provided.

I am pleased to have the opportunity to speak in support of the bill today, and I commend it to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (4.52), in reply: I thank Ms Lee and Mr Rattenbury for their support of this legislation. There is a regulatory gap. This bill closes it. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Crimes (Sentence Administration) Amendment Bill 2024

Debate resumed from 11 April 2024 on motion by **Ms Davidson**:

> That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (4.54): The COVID pandemic changed many things in this country and in this territory, and it changed many of them forever. This is one of them. Ultimately, this change was first instituted in response to the pandemic because individuals were in many cases unable to complete their community service obligations, through no fault of their own, and it was rightly considered that this was horribly unfair to detainees. The commissioner was given the authority to credit hours for community service work where a person was unable to complete a part of their hours for reasons that were completely out of their control.

Those reasons included having tested positive to COVID or having flu-like symptoms. This was a common-sense, practical change that was made. It was a pure common-sense approach. That change also extended to other reasons whereby individuals were not able to complete their community service hours obligation. We have been given the assurance that it is not common and that, even in the times during COVID when this provision was available, it was not common for community service hours to be uncompleted for the reasons captured in the legislation. It must be said that in most cases those hours can be rescheduled, but on some occasions they just cannot. It would be unfair to continue to impose those unused hours on individuals who have done everything in their power to undertake them.

There have been some concerns raised with me, and with others, that this legal change could open a window for those who are trying to game the system. I think that is a valid concern and it has to be considered. Community service hours are not handed out lightly

and, as a sentence, they should be respected. The Canberra Liberals will be watching this process very closely to make sure that it is not abused in any way. But, at this stage, we are confident that the process that has been put in place for people to seek this provision is robust enough. Additionally, the provision will only apply to a total of 10 per cent of their total hours. So we are ticking off on this one, but we will be monitoring very closely in annual reports hearings to make sure that this provision is applied in the way that it was intended. We will be supporting the bill

**DR PATERSON** (Murrumbidgee) (4.57): ACT Labor supports this bill. I thank Minister Davidson for her office's briefing on this issue. We were assured that these circumstances are very rare, as are the instances when community service hours would be waived. As Mr Parton said, it is no more than 10 per cent of the total number of community service work hours. The Director-General of the Justice and Community Safety Directorate is required to consider these, so I believe that this has the safeguards in place to see that we have a fair and balanced community service scheme.

**MS DAVIDSON** (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (4.57), in reply: The Crimes (Sentence Administration) Amendment Bill 2024 makes one amendment to the act. This amendment improves the fairness of community-based sentences involving community service work without compromising the purpose of such sentences.

During the sentencing process, the court may impose a condition requiring a completion of unpaid community service work. The court sets the number of hours that must be performed, which varies from 20 to 500. Community service work can include tasks such as grounds maintenance, cleaning, rubbish removal, graffiti removal and sorting items donated to charity. Work placements are based on a person's needs and history and are allocated to ensure safety and security for all involved. The work is supervised by staff members from ACT Corrective Services.

Community service work provides people convicted of an offence with the opportunity to give back to the community. It also assists them to develop employment-ready skills. Community service promotes rehabilitation and helps people to foster a connection to the community and to take responsibility for their actions.

There are circumstances where someone presents to undertake community work hours but is unable to do so, through no fault of their own. For example, a community service may be scheduled to be completed outdoors but inclement weather means the activity is cancelled at short notice. Another example is when there are unplanned absences of supervising staff in ACT Corrective Services, which means the community service activity cannot go ahead.

The bill amends the act to ensure fairness to someone who makes themselves available to perform community service work hours but is unable to complete that work through no fault of their own. The amendment ensures that people are not unfairly disadvantaged in these circumstances, when they were willing and ready to perform the community service work required as part of their sentence.

The bill authorises the Director-General of the Justice and Community Safety

Directorate, or their delegate, to credit community service work hours in limited circumstances, such as those I have outlined. It is not an automatic discretion, but it is a matter for the director-general to consider carefully. It is important that the purpose of the community service is considered in deciding whether the hours should be credited in these circumstances, to make sure that the person and the community both benefit from this element of the sentence as intended.

The bill also limits the number of hours that can be credited in a single week and caps the total number of hours that can be credited. These limits ensure that there is a balance between improving fairness for people serving sentences and ensuring the integrity of the sentence imposed by the court. This amendment is similar to a temporary provision that was in place during the COVID-19 health emergency. That temporary measure allowed people to be credited with community service work hours when they were unable to complete the work for reasons relating to the COVID-19 emergency. This provision operated very successfully during COVID-19 and provided a model for the current amendment to ensure that people are not disadvantaged by circumstances beyond their control.

The bill continues the government's work to improve our criminal justice system and the administration of Corrective Services to ensure that our processes are fair for all. I would like to particularly thank Mr Parton and Dr Paterson for their careful consideration and their fair contributions to this process. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Visitor

**MADAM SPEAKER**: Members, before we move to 90-second statements, I draw your attention to the presence in the gallery of former Chief Minister Gary Humphries. Welcome back. Feel free to participate, if the urge takes you, Mr Humphries! It is good to see you.

## Statements by members

### Housing ACT—City West

**MS CLAY** (Ginninderra) (5.01): I want to speak briefly about an answer Minister Berry gave at question time today about why Housing ACT refused five public housing dwellings in section 121 City West. In 2019, the minister made a notifiable instrument recognising this block as being suitable for public housing. Obviously, the government knew at this time that this would be a multi-unit site and they knew the location of the site. So it does not make sense that the minister said that the cost of strata might be a reason to reject this housing. The government must have known that a city-centre multi-unit site would have strata fees when they set the target.

It is also strange to say that accessibility might be the issue with the units. If it is about accessibility for different abilities or about the appropriateness of the individual units, I urge the minister to read the short email exchange that I obtained under FOI. The City Renewal Authority asked Housing ACT for specs and fit-out requirements and asked what number of bedrooms would be required for these homes. Housing ACT did not provide these details. They just refused the homes. Housing ACT were also able to make these homes suitable in whatever way they needed via the sale contract. So this argument just does not hold up either.

In the midst of a housing crisis, it is important that we get serious about answers to what is a serious problem and that we take every single allocation of housing. Five public homes would provide homes for families currently on our waitlist. We need to do better.

## Seniors—Global Organisation of People of Indian Origin

**MRS KIKKERT** (Ginninderra) (5.03): I would like to take a moment to express my deepest gratitude to Nishi at GOPIO for organising a great workshop for our seniors on elder abuse. I am grateful to see a meaningful and impactful event brought to life with so much dedication and care from her and her team. It was great for those in attendance to learn about a crucial issue, elder abuse. It is a topic that often goes unspoken about but affects many in our community. About 75 per cent to 85 per cent of those 65 and over experience elder abuse. Some experience theft, bullying and denial of proper care. Many of these victims of elder abuse do not want to report it due to family backlash.

Thank you, GOPIO, Nishi and Legal Aid for providing a valuable workshop for those in attendance. They have gained a valuable insight into recognising the signs, understanding the resources available and empowering themselves and others to take action. Thank you, GOPIO, again, for supporting our seniors and our communities.

## India—Hindu and Sikh refugees

**MR CAIN** (Ginninderra) (5.04): I rise to speak briefly about a very impactful and solemn event I attended on Sunday afternoon. It had to do with the Hindu and Sikh refugees having to move across the border from Pakistan to India. The event was held at the Hindu temple in Florey, in the electorate of Ginninderra, and was organised by the Hindu Council of Australia ACT branch. I thank them for organising this very sobering and enlightening event. The event was listed as "Responding to the challenges of displaced peoples. The untold story of providing vital support to refugees in India, enhancing their wellbeing and integration".

We heard from the inspiring Kiran Chukkapalli, the founder of Think Peace, an organisation supporting refugees in India, particularly those from the Hindu and Sikh community, with an emphasis on promoting harmony and for their finding a new and improved life. Mr Chukkapalli spoke about the moving experiences of mainly Hindu and Sikh refugees fleeing into India from northern Pakistan who faced harassment and sometimes fear for their children's safety, particularly their girls and young women. It was a privilege to listen to Mr Chukkapalli speak, and I thank the Hindu Council of Australia for organising this sobering event.

*Discussion concluded.*

## Adjournment

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

### Multicultural affairs—Palestinian community

**MR BRADDOCK** (Yerrabi) (5.05): Last week, the Greens MLA team had the pleasure of meeting with some leading members of Canberra's Palestinian community. It was important to us that we give them the time to tell us what they felt we needed to hear and to relate their stories to us. I will be withholding their names because of the need for anonymity of a child.

One of the community leaders has a nine-year-old child in an ACT government primary school. One day, that child wore a shirt with a "Free Palestinian" message on it. In the very next school newsletter, there was a passive-aggressive message about what students should and should not wear to school on uniform-free days. The nine-year-old was wise enough to take that the point was directed at them. They then looked for other ways to make their voice heard. They changed their on-screen username to "Free Palestine". Once it appeared for the class to see, they were immediately instructed by the teacher in charge to change it before they could continue participating in the lesson.

Separate to this, I have been told that, when students watch episodes of the ABC's *Behind the News*, or *BTN*—which I am sure many members of this Assembly remember from their childhood as a show designed to be a child-safe way of learning about what is happening in the world and why—during the school's showing of *BTN*, the teachers have been fast-forwarding or skipping past any coverage of Palestine and Gaza.

It would not be right of me to jump to conclusions and assume some form of conspiracy by government to keep conversations about Gaza out of schools. It is just as likely that this could be happening because of a lack of government advice or guidance to teachers. To that end and in the interests of learning more, I have put a question on notice to the minister for education: what policies and guidance have been put in place to support teachers and other school staff in their engagement with children when the subject of Israel, Palestine and Gaza arises within the school environment?

If I think back to the events of 11 September 2001, with the attack on the World Trade Centre in New York, business as usual came to a standstill. In schools, teachers saw that they needed to facilitate students having a meaningful and safe discussion about what was unfolding, and it was not just on that day but also in the subsequent months, as soldiers were sent to Afghanistan and Iraq. It was because they knew that facilitating safe and inclusive conversations supported antiracism in our schools and helped avoid an unsafe anti-Islam narrative taking hold. My question has been lodged on notice, because I would appreciate a thoughtful, considered response from the minister with the support of her directorate, and I hope I can look forward to that.

Palestinian leaders have asked us to keep speaking of them where they cannot and

where other parties will not. They see that there is a risk that we get caught in semantics about whether something like a particular statement or chant is or is not intended as racist, Islamophobic or antisemitic, without understanding that this may in fact be shutting down their voices. It is a tactic that has been used, particularly by the Zionist lobby, to distract from the substantive issues on the ground: that there is a genocide being undertaken against the Palestinian people, that there is a system of apartheid operating under the State of Israel and that ongoing dispossession of the Palestinian people lies at the heart of the current crisis.

These are the facts on the ground. These are things that children are seeing, no matter how much people may attempt to sanitise the content or the discussions that are happening around them. This is what our teachers need support in being able to help our children to address.

## Mental health—Minister for Mental Health

**DR PATERSON** (Murrumbidgee) (5.10): Yesterday, following Mr Cocks's motion, I spoke to a constituent's issues regarding mental health support and her inability to get it, despite experiencing serious mental health issues. I seek leave to table a document that she sent to me today.

Leave granted.

I present the following paper:

> MyDHR message—Copy of, dated 5 June 2024.

This morning, at 9:59, Lou, whose story I spoke to yesterday, had her mental health appointment cancelled. She has not received any follow-up correspondence or any communication from Minister Davidson. Her appointment has been cancelled and she is still left without mental health support. I cannot speak to how problematic it is that I have to stand here and speak to a person's story when that person is desperate for help and cannot get it. She has been out of hospital for 9½ weeks, has not had any therapeutic care since then, and her appointment was cancelled this morning. I cannot urge enough that Minister Davidson address this issue and get some support for someone who is urgently seeking help.

## Palliative Care ACT—fundraising gala

**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) (5.11): It was a great pleasure on Saturday evening to attend Palliative Care ACT's annual fundraising gala dinner. It was great to see so many people decked out in their best black and white attire to support palliative care in the ACT. This annual fundraising dinner came just after National Palliative Care Week, with the theme "Matters of Life and Death", highlighting both the people at the heart of quality palliative care and the importance of having conversations about death and dying.

During Palliative Care Week, I had the honour of helping to launch Palliative Care

ACT's new podcast series, *Puddles of Life*, which will release a new episode monthly. I was disappointed that I would not be able to binge all 12 episodes at once, but I must admit I have not actually got around to listening to the first episode yet. I am looking forward to that and I encourage others to search for it.

During the dinner, I enjoyed hearing the stories of people who benefited from Palliative Care ACT's work, and hearing about the support of their volunteers and the experience of the current Leo's Place. I enjoyed seeing the architectural renders for the new Leo's Place custom-built facility, and look forward to continuing to work with Palliative Care ACT as they develop that in partnership with the John James Foundation.

At the event, there were some excellent items for the silent auction, and both Minister Davidson and I walked away with lighter virtual wallets and some fabulous new possessions—in my case, including an adorable Greg Hyde print featuring "Horsey love", which now has pride of place in my living room.

It was great to spend time chatting with people about palliative care, particularly with some of our fabulous nurses from Clare Holland House, who were also some of the first people up on the dance floor. I personally waited until it was a little more crowded to join them, but I thank them for having me boogie with them.

I was disappointed not to run into any of my Canberra Liberals colleagues at this annual event. I would encourage them to come along next year. I have seen them there before. It is a great opportunity to celebrate palliative care in the ACT and to make a contribution to this really important service.

I thank Dr Louise Mayo AM and the rest of the board of Palliative Care ACT for the incredible work they do, and all the volunteers from Palliative Care ACT as well. This is a vital service that they provide to our community, but it is also wonderful to hear from the volunteers about how much they get back from doing this important work.

Finally, I thank the volunteers who organised this event. They do not use an event company; it is all organised through volunteer effort, but you would not know that when you walk into the room. Every year, the ball and dinner look like they have been professionally organised. It is one of the best events of the year. I wholeheartedly congratulate the entire event organising team. Having the former CEO of Palliative Care ACT, Tracy, come up from Melbourne to be part of organising the event speaks to the dedication of people who are involved with this fabulous organisation. I thank them for having me there, and I look forward to seeing them again next year.

## Multicultural affairs—Hazara council

**MR CAIN** (Ginninderra) (5.17): I rise today to speak about a community of immense significance, both here in the ACT and across the country, represented by the Federation of Hazara Council of Australia. The Hazara council is a community-appointed body representing a diverse cross-section of Australian and Hazara interests. They provide an advocacy and stakeholder advice role to both government and the private sector.

The Hazaras are a large ethnic population of Afghanistan who represent approximately nine per cent of Afghanistan's population, with the population abroad scattered

throughout Iran and Pakistan. In Australia, there are approximately 10,000 Hazaras. The Hazara people are Shiite Muslim, which is an aspect of their culture that differentiates them from the majority Sunni Muslim population in Afghanistan. Their name in Persian means "one thousand" and relates to a myth that the Hazara descended from a thousand troops that accompanied Genghis Khan during the conquest of Eurasia.

The council was launched to represent the interests of Hazara people and their culture, and the adoption of Australia as their new home. Their mission statement was set out at their official launch in federal parliament on 27 February this year, with Mr Sawathey Ek OAM as the honorary patron of the council.

I was privileged to attend the event alongside mostly federal parliamentarians from both sides of the political spectrum. The council exists to promote the Hazara identity, to contribute to Australia's multicultural values by promoting Hazara culture, identity, language and customs, and to promote personal aspirations and rights. The council recognises the centuries of unfortunate oppression of Hazara people in Afghanistan who have been disenfranchised and deprived of human rights.

On the fight for welfare and social rights, the council represents the government and business, and the collective interests of the Hazara diaspora, including their welfare, charity and social issues, among other matters. The council notes Australia's strong legacy of working for peace and democracy for the Hazara ethnic group and people in Afghanistan since 2001.

For members who are not aware, the people of Hazara ethnicity are unfortunately currently being persecuted by the Taliban in Afghanistan. Recent history of the Hazara people in Afghanistan is a grave history of persecution and sometimes loss of life. The council condemns all forms of persecution and maltreatment and the deprivation of rights imposed by the Taliban, as do I.

I have been impressed by the council's calls to represent a message of hope. The council wishes to reach the Hazara diaspora in our country and to also advocate for those back in Afghanistan who continue to suffer. The council represents agencies and the international community, and those who maintain different relations with the Taliban, to continue demanding and standing up for the human rights of the Hazara people.

I particularly thank Mr Bashir Fayaq, the executive director of the council, for his ongoing promotion of the council and for working closely alongside my office to advance the interests of the Hazaras in the ACT. It is my privilege as shadow minister for multicultural affairs to support and encourage them. I have had the pleasure of speaking with Bashir in my office and also at events to understand more of their role and their aspirations.

## Transport Canberra—buses

**MS CLAY** (Ginninderra) (5.20): Last month, I was really pleased to launch the Greens Big Bus Plan. I have been out talking to people in Belconnen about this plan and, I have to say, the reception is pretty good; expectations are high. Canberrans need a much better bus service than the one we have.

The Greens want Canberra to be a truly livable city where it is easy, comfortable and affordable to get around. At the moment we have too many people locked into the expense of having a car because there is just no easy alternative. We know not everyone can afford a car. I hear this all the time from students, from families and from people working on regular wages. We heard it when this parliament ran a cost-of-living inquiry. We are hearing it all over again in the current barriers to having children inquiry. Even for people in Canberra at the moment who can afford to buy a car, a lot of people are driving less because they just cannot afford the petrol.

Transport is also our biggest polluter. Transport emissions are over 60 per cent of our climate emissions, so it is critical that we make our public transport system one that works for as many Canberrans as possible. That is the only way we can ease both the climate crisis and the cost-of-living crisis. Our city needs to give people a convenient alternative; we need frequent public transport. Right now, our buses are not frequent enough. They are not a genuine option for many Canberrans.

We have fewer buses now than we had in 1990. We have not invested enough in our public transport system, so that is why the Greens released the Big Bus Plan. That plan contains an extra 100 electric buses and an extra 200-plus drivers, along with all the bus depots that we need to service that. It will build more bus lanes, starting with Belconnen, Civic and Molonglo, to improve reliability and efficiency. That will ensure our buses are not getting stuck in traffic. It will make bus stops better, with more shelters, seats, lights, paths and bike racks. We will also make public transport free for kids, for seniors and for concession cardholders. That is a really powerful, targeted cost-of-living relief measure that will go directly to people who need that help most.

The Greens Big Bus Plan will give us a "turn up and go" bus service; our buses will come once every 20 minutes, or better, on weekdays, and once every 30 minutes, or better, on weekends. The aim is to be so frequent that you no longer have to plan your day around it. Our plan also contains spare extra services, which means we can listen to Canberrans about what they need and we can provide it. That might be more rapids or more direct routes, or more school buses—whatever it is that we most need to improve the service. These should be well targeted to achieve the mode shift and to get more people onto buses. I have heard some really good ideas like making the 32 a rapid frequency bus every 15 minutes and giving Ginninderry a full bus service.

We know that all of our most livable cities have abundant, frequent, reliable public transport. Light rail is helping to bring Canberra closer to that. It is giving thousands more Canberrans a viable alternative to driving. A strong public transport system needs a quality bus system as well, mirroring and complementing the efficiency of the light rail. I grew up in Canberra and, when I was going to school in the 80s, lots of people caught the bus; regular people caught the bus; public servants caught the bus. It was a much better service back then. We need to get back to the Canberra of my childhood where normal people would catch the bus. It was not your last option; it was your first choice. The Greens Big Bus Plan will deliver a world-class public transport system that can get you to where you need to go easily, comfortably and affordably.

## Gary Nairn AO—tribute

**MS LEE** (Kurrajong—Leader of the Opposition) (5.23): I pay tribute to Gary Nairn

AO, who passed away over the weekend. Gary was the federal member for Eden-Monaro for more than 11 years, from his election in 1996 until 2007. Although representing a New South Wales electorate, its proximity to Canberra meant that many Canberrans felt that Gary was almost one of us. While I personally did not have the chance to work with Gary, I have been touched by the many tributes to him and his work as an elected representative. I acknowledge former Chief Minister Gary Humphries, who has joined us in the chamber, who of course was a very good friend of Gary's.

The common refrain across those tributes has been that Gary was a thoroughly decent man. Some of my own staff worked with Gary in government and can confirm that he spoke with a quiet authority, was duty driven and traversed Eden-Monaro tirelessly in serving his constituents. I am told that he loved being a local MP and was devoted to his constituents, gaining him much respect and support from his electorate.

He was respected by his peers in parliament as a man of integrity. He was deeply valued by Prime Minister John Howard, who recognised his calm, mature and trustworthy nature by promoting him to two key positions which required utmost discretion and diligence—Parliamentary Secretary to the Prime Minister, and then Special Minister of State. He did all of this while going through the trauma and loss following the tragic death, also from cancer, of his first wife, Kerrie, in 2005.

Gary's strong connections with Canberra were most clearly demonstrated when he headed the government inquiry into the devastating 2003 Canberra bushfires, which published the report *A nation charred*. After politics, Gary's connections with the Canberra region remained strong, with his work with Alliance Française and Monaro Early Intervention Services, as well as his interest in and passion for sustainable agriculture and environmental regeneration, eventually becoming a director of the Biodiversity Conservation Trust of New South Wales and chair of the Mulloon Institute at Bungendore. Somehow in his busy life he also took on the role of national chair of the Duke of Edinburgh's Award in 2018, overseeing a period of extraordinary resurgence and growth in the awards.

He was a remarkable Australian, a quiet achiever in a realm where often only the loudest voices get heard. We give thanks for the life and work of Gary Nairn and his commitment to the Canberra region. On behalf of the Canberra Liberals, I offer my deepest condolences to his wife, Rose, and their children, Ben and Deborah, his many loved ones and friends, and the broader community.

## Environment—ACT Landcare Awards

**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) (5.26): Today is World Environment Day, and I rise to speak briefly to congratulate the winners of the ACT Landcare Awards that were announced last week at an awards ceremony. I joined a number of members of this place, including Greens colleagues Jo Clay and Andrew Braddock, Minister Tara Cheyne, and opposition members Nicole Lawder and James Milligan, as a few of the 120 attendees at Wildbark at Mulligans Flat.

The Landcare Awards honour the outstanding contributions of individuals, school groups and organisations in caring for land and water in the ACT region. There are over 100 groups and many thousands of individuals who are dedicated to caring for the natural assets of our bush capital. This event is an opportunity to recognise and celebrate the work of some of the most outstanding landcarers in the ACT. It is incredible to see so many dedicated, passionate and experienced landcarers. We know that the work and contributions of ACT environmental volunteers are being valued at over $30 million to the ACT economy and environment each year.

The Junior Landcare Award was granted to the ACT Venturer Scouts for their work around water monitoring and water health. The NextGen Landcare Award was won by Zoe Stuart McMahon, a local environmental volunteer and local food producer. The ANU Intrepid Landcare was highly commended in this category. The ACT Government Citizen Science Award was won by Antony Cory. Tony has been involved in many citizen science programs including platypus month and the Tidbinbilla Canberra Grassland Earless Dragon program. I was particularly excited to award the Women in Landcare Award to Sarah Sharp, known by many in this chamber for her tireless work with groups including Friends of Grasslands and local ParkCare groups. Jenny Andrews was highly commended in this category for her work with the Friends of Aranda Bushland.

The First Nations Collaboration Award was won by Bradley Bell and the Murray Lower Darling Rivers Indigenous Nations, particularly the work done around First Nations water management. Other award winners included the Australian Government Sustainable Agriculture Award, won by Callum Brae, with Majura Valley Free Range Eggs recognised with a highly commended notation. The Australian Government Community Partnerships Award was won by Bush on the Boundary, with the ParkCare team and the ParkCare volunteer program highly commended. The Australia Government Individual Landcarer Award was won by Vera Kurz, and the Climate Factory was highly commended in the Australian Government Climate Innovation Award category.

The ACT Landcare Awards were proudly supported by the ACT government, as well as the Australian government, Woolworths, Landcare Australia and the National Landcare Network and Landcare ACT. Congratulations to everyone who was nominated and to those who won awards. We are truly lucky to have so many dedicated environmental volunteers contributing to our beautiful bush capital.

Question resolved in the affirmative.

**The Assembly adjourned at 5.30 pm.**

# Schedules of amendments

## Schedule 1

## Voluntary Assisted Dying Bill 2023

Amendments moved by the Minister for Human Rights

**99**
**Clause 126**
**Page 90, line 1—**

*omit clause 126, substitute*

**126 People engaging in conduct under Act**

A person is not civilly or criminally liable for conduct engaged in under this Act if the person engages in the conduct honestly and on reasonable grounds.

**100**
**Clause 127**
**Page 90, line 7—**

*[oppose the clause]*

**101**
**Clauses 128 and 129**
**Page 90, line 15—**

*omit clauses 128 and 129, substitute*

**128 Health practitioners and ambulance service members**

(1) A health practitioner or ambulance service member is not civilly or criminally liable for not administering life sustaining treatment to an individual if the health practitioner or ambulance service member believes on reasonable grounds that the individual—

(a) is dying after self-administering or being administered with an approved substance in accordance with this Act; and

(b) has not requested the administration of life sustaining treatment.

(2) In this section:

***health practitioner*** means a person registered under the *Health* Practitioner *Regulation National Law (ACT)* to practise a health profession, including a student.

*Note* The *Health Practitioner Regulation National Law (ACT) Act 2010*, s 6 applies the Health Practitioner Regulation National Law set out in the *Health Practitioner Regulation National Law Act 2009* (Qld), schedule as if it were an ACT law called the *Health Practitioner Regulation National Law (ACT)*.

***member***, of the ambulance service—see the *Emergencies Act 2004*, dictionary.

**129 Engaging in conduct under Act not breach of professional standards etc**

(1) This section applies if a person, honestly and on reasonable grounds, engages in conduct under this Act.

(2) The conduct is not, in itself—

(a) a breach of professional ethics or standards or any principles of conduct applicable to the person's employment; or

(b) professional misconduct or unprofessional conduct.

**102**
**Clause 130**
**Page 92, line 7—**

*omit*

Nothing in section 125, section 126 or section 127

*substitute*

To remove any doubt, nothing in this part

**103**
**Clause 130 (c)**
**Page 92, line 17—**

*omit clause 130 (c), substitute*

(c) the making of a corruption complaint under the Integrity Commission Act 2018; or

(d) the referral of an issue under section 114 (1) (c) (Functions of board); or

(e) any other referral (however described) under a law applying in the ACT; or

(f) the making of any other complaint (however described) under a law applying in the ACT.

**104**
**Clause 133 (2)**
**Page 94, line 13—**

*omit clause 133 (2), substitute*

(2) If the reviewable decision is a decision mentioned in schedule 1, items 1, 3, 5, 7, 9, 11, 13, 15, 17 or 19, an application must be made not later than 5 days after the later of—

(a) the day the individual is given a copy of the relevant report; and

(b) the day the affected person making the application for review becomes aware of the reviewable decision.

(3) If the reviewable decision is a decision mentioned in schedule 1, items 2, 4, 6, 8, 10, 12, 14, 16, 18 or 20, an application must be made not later than 28 days after the later of—

(a) the day the individual is given a copy of the relevant report; and

(b) the day the affected person making the application for review becomes aware of the reviewable decision.

(4) In this section:

***relevant report*** means—

(a) for a decision mentioned in schedule 1, items 1 to 6—the first assessment report for the individual; or

(b) for a decision mentioned in schedule 1, items 7 to 12—the consulting assessment report for the individual; or

(c) for a decision mentioned in schedule 1, items 13 to 20—the final assessment report for the individual.

**105**
**Clause 142 (1) (a)**
**Page 98, line 15—**

*omit*

items 1, 4 or 7

*substitute*

items 1, 2, 7, 8, 13, 14, 17 or 18

**106**
**Clause 142 (1) (b)**
**Page 98, line 21—**

*omit*

items 2, 5 or 8

*substitute*

items 3, 4, 9, 10, 15, 16, 19 or 20

**107**
**Clause 142 (1) (c)**
**Page 99, line 1—**

*omit*

items 3 or 6

*substitute*

items 5, 6, 11 or 12

**108**
**Clause 144 (2)**
**Page 100, line 14—**

*omit*

items 1 to 6
*substitute*
items 1 to 12

**109**
**Clause 144 (3)**
**Page 100, line 19—**

*omit*

items 7 or 8

*substitute*

items 13 to 20

**110**
**Clause 146 (2)**
**Page 101, line 19—**

*omit*

2 working

*substitute*

4 business

**111**
**Clause 150 (1) and (2)**
**Page 103, lines 7 and 9—**

*omit*

a relevant provision of

**112**
**Clause 150 (3), definition of *relevant provision***
**Page 103, line 14—**

*omit*

**113**
**Clause 152**
**Page 104, line 23—**

*omit clause 152, substitute*

**152 Requirements for health professionals when raising voluntary assisted dying as an end of life choice**

(1) A doctor or nurse practitioner may raise voluntary assisted dying with an individual for the individual to consider their end of life choices only if the doctor or nurse practitioner—

(a) knows or believes on reasonable grounds that the individual has been diagnosed with a condition or conditions mentioned in section 11 (1) (b); and

(b) is satisfied that they have the expertise to appropriately discuss treatment and palliative care options with the individual; and

(c) takes reasonable steps to ensure the individual knows of—

(i) the treatment options available for the condition or conditions; and

(ii) the likely outcome of the treatment options; and

(iii) the palliative care options available to the individual; and

(iv) the likely outcome of the palliative care options.

(2) A relevant health professional may raise voluntary assisted dying with an individual for the individual to consider their end of life choices only if the relevant health professional—

(a) knows or believes on reasonable grounds that the individual has been diagnosed with a condition or conditions mentioned in section 11 (1) (b); and

(b) takes reasonable steps to ensure the individual knows that—

(i) treatment and palliative care options are available to the individual; and

(ii) the individual should discuss the options with their treating doctor.

(3) In this section:

***relevant health professional*** means—

(a) a counsellor who meets the requirements prescribed by regulation; or

(b) a health practitioner other than a doctor or nurse practitioner who may raise voluntary assisted dying with an individual under subsection (1); or

(c) a social worker who meets the requirements prescribed by regulation; or

(d) any other health professional prescribed by regulation.

**114**
**Clause 159 (2)**
**Page 110, line 19—**

*omit clause 159 (2), substitute*

(2) The first review must include a review in relation to the following matters:

(a) section 11 (2A), definition of ***advanced***;

(b) whether an individual should be allowed access to voluntary assisted dying under this Act if the individual—

(i) has lived in the ACT for less than 12 months and is not eligible for an exemption under section 151; or

(ii) is a child with decision-making capacity in relation to voluntary assisted dying; or

(iii) seeks to access voluntary assisted dying through advanced care planning.

**115**
**Schedule 1**
**Page 113, line 1—**

*omit schedule 1, substitute*

## Schedule 1 Reviewable decisions— coordinating practitioner, consulting practitioner and administering practitioner decisions

(see pt 10)

| column 1<br>item | column 2<br>section | column 3<br>reviewable decision | column 4<br>decision-maker |
|---|---|---|---|
| 1 | 16 (1) (a) | individual meets the eligibility requirement mentioned in s 11 (1) (d) | individual's coordinating practitioner |
| 2 | 16 (1) (a) | individual does not meet the eligibility requirement mentioned in s 11 (1) (d) | individual's coordinating practitioner |
| 3 | 16 (1) (a) | individual meets the eligibility requirement mentioned in s 11 (1) (e) | individual's coordinating practitioner |
| 4 | 16 (1) (a) | individual does not meet the eligibility requirement mentioned in s 11 (1) (e) | individual's coordinating practitioner |
| 5 | 16 (1) (a) | individual meets the eligibility requirement mentioned in s 11 (1) (f) (i) | individual's coordinating practitioner |
| 6 | 16 (1) (a) | individual does not meet the eligibility requirement mentioned in s 11 (1) (f) (i) | individual's coordinating practitioner |
| 7 | 23 (1) (a) | individual meets the eligibility requirement mentioned in s 11 (1) (d) | individual's consulting practitioner |
| 8 | 23 (1) (a) | individual does not meet the eligibility requirement mentioned in s 11 (1) (d) | individual's consulting practitioner |
| 9 | 23 (1) (a) | individual meets the eligibility requirement mentioned in s 11 (1) (e) | individual's consulting practitioner |
| 10 | 23 (1) (a) | individual does not meet the eligibility requirement mentioned in s 11 (1) (e) | individual's consulting practitioner |

| column 1<br>item | column 2<br>section | column 3<br>reviewable decision | column 4<br>decision-maker |
|---|---|---|---|
| 11 | 23 (1) (a) | individual meets the eligibility requirement mentioned in s 11 (1) (f) (i) | individual's consulting practitioner |
| 12 | 23 (1) (a) | individual does not meet the eligibility requirement mentioned in s 11 (1) (f) (i) | individual's consulting practitioner |
| 13 | 35 | individual meets the final assessment requirement mentioned in s 31 (a) | individual's coordinating practitioner |
| 14 | 35 | individual does not meet the final assessment requirement mentioned in s 31 (a) | individual's coordinating practitioner |
| 15 | 35 | individual meets the final assessment requirement mentioned in s 31 (b) | individual's coordinating practitioner |
| 16 | 35 | individual does not meet the final assessment requirement mentioned in s 31 (b) | individual's coordinating practitioner |
| 17 | 59 (1) (f) (i) | individual meets the final assessment requirement mentioned in s 31 (a) | individual's coordinating practitioner |
| 18 | 59 (1) (f) (i) | individual does not meet the final assessment requirement mentioned in s 31 (a) | individual's coordinating practitioner |
| 19 | 59 (1) (f) (i) | individual meets the final assessment requirement mentioned in s 31 (b) | individual's coordinating practitioner |
| 20 | 59 (1) (f) (i) | individual does not meet the final assessment requirement mentioned in s 31 (b) | individual's coordinating practitioner |

**116**
**Schedule 3, part 3.3**
**Amendment 3.5**
**Page 117, line 21—**

*omit amendment 3.5, substitute*

**[3.5] New section 13 (1A)**

*insert*

(1A) However, subsection (1) (i) does not apply in relation to a person who has self-administered, or been administered, an approved substance in accordance with the *Voluntary Assisted Dying Act 2023.*

**[3.5A] Section 13 (4), definition of operation or procedure, except note**

*substitute*

***operation or procedure—***

(a) means—

(i) an operation of a medical, surgical, dental or similar nature; or

(ii) an invasive medical or diagnostic procedure; but

(b) does not include the administration of an approved substance by or to a person in accordance with the *Voluntary Assisted Dying Act 2023*.

**117**
**Schedule 3, proposed new part 3.4A**
**Page 118, line 10—**

*insert*

## Part 3.4A Medicines, Poisons and Therapeutic Goods Act 2008

**[3.6A] Section 20 (1), examples for par (b), new example 3**

*insert*

3 the person is authorised under the *Voluntary Assisted Dying Act 2023*, s 63C to administer the medicine

**118**
**Schedule 3**
**Amendment 3.7**
**Page 118, line 12—**

*omit*

**[3.7] New section 37 (da)**

*substitute*

**[3.7] New section 37 (1) (da)**

**119**
**Dictionary, note, proposed new dot point**
**Page 119, line 8—**

*insert*

- business day

**120**
**Dictionary, definition of practitioner administration decision**
**Page 122, line 7—**

*omit the definition, substitute*

***practitioner administration decision*** means a decision made by an individual under section 42 (1) (b) or section 43 (1) (a).

**121**
**Dictionary, definition of self-administration decision**
**Page 123, line 7—**

*omit the definition, substitute*

***self-administration decision*** means a decision made by an individual under section 42 (1) (a) or section 43 (1) (b).

**122**
**Dictionary, definition of working day**
**Page 123, line 11—**

*Omit*

---

## Schedule 2

## Voluntary Assisted Dying Bill 2023

Amendments moved by Ms Castley

**34**
**Clause 146 (3)**
**Page 101, line 23—**

*Omit*

---

## Schedule 3

## Voluntary Assisted Dying Bill 2023

Amendments moved by Ms Lee

**1**
**Clause 159 (2)**
**Page 110, line 19—**

*omit*

---