



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

**DAILY HANSARD**

Edited proof transcript

27 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 **Thursday, 11 July 2024**.

## Thursday, 27 June 2024

Legislative Assembly—standing committees (Statement by Speaker) .....	1803
Leave of absence .....	1804
Vaping products—nicotine—update (Ministerial statement) .....	1805
Administration and Procedure—Standing Committee (Statement by chair).....	1816
Justice and Community Safety—Standing Committee (Statement by chair).....	1817
Planning, Transport and City Services—Standing Committee (Statement by chair) .....	1818
Climate change—energy .....	1818
Property Developers Bill 2023.....	1828
Ministerial arrangements .....	1842
Legislative Assembly—unparliamentary language .....	1842
Questions without notice:	
Economy—credit rating .....	1842
Budget—education .....	1843
Hospitals—digital health records .....	1844
Budget—cost of living .....	1845
Hospitals—emergency department waiting times.....	1846
Planning—Thoroughbred Park.....	1848
Health—eating disorders .....	1848
Budget—economy .....	1850
Motor vehicles—licences and registration .....	1851
ACT Policing—facilities .....	1852
Education—early childhood education .....	1853
ACT Policing—facilities .....	1854
Roads—ACT Road Safety Fund .....	1855
Nurses and midwives—staff to patient ratios.....	1856
Answers to questions on notice:	
Questions 1842, 1869 and 1873 .....	1858
Papers.....	1859
Small business—government support.....	1860
Drugs—Drugs of Dependence (Personal Cannabis Use) Amendment Act.....	1873
Papers (Motion to take note of papers) .....	1886
Property Developers Bill 2023.....	1887
Appropriation Bill 2024-2025.....	1895
Appropriation (Office of the Legislative Assembly) Bill 2024-2025.....	1906
ACT Integrity Commission—report .....	1907
Rogers, Ms Emma—resignation.....	1907
Property Developers Bill 2024.....	1907
Statements by members:	
Mr David Thomson—tribute .....	1916
Animals—avian influenza .....	1916
Adjournment:	
Elections—Hare-Clark voting system.....	1917
Youth—education.....	1919
Health—breast cancer .....	1920
Schedule of amendment:	
Schedule 1: Property Developers Bill 2023 .....	1922

**Thursday, 27 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.

## **Legislative Assembly—unparliamentary language and standing committees**

### **Statement by Speaker**

**MADAM SPEAKER:** Members I wish to make a statement in relation to matters that were raised yesterday in the Chamber.

In relation to the debate on the motion moved by Ms Lee on the Law Officers Legal Services Directions 2023 and the legal assistance provided to a public servant, Ms Lee is quoted in the uncorrected proof Hansard as saying, after referring to various actions the Assembly had undertaken in relation to various Integrity Commission matters discussed:

It seems that the cover-up continues.

Ms Stephen-Smith, in debating the motion, suggested, but without raising it as a point of order, that the words might be deserving of a review. It is not entirely clear who Ms Lee alleges is covering something up, but I note that the term “cover-up” has previously been ruled as unparliamentary, so I ask that Ms Lee withdraw those words. I note she is not in, but I would imagine that when she is available she will do that.

Standing order 57, members, notes that when the Speaker’s attention is drawn to words used, then the Speaker needs to make a ruling. I was not in the chair, but it was raised and the Deputy Chair said that he would consider it and refer it to me and to the Clerk. So hence that.

Later in the debate, Ms Lee took a point of order in relation to comments made by Mr Braddock. Mr Braddock drew attention to the fact that he was a member of the Standing Committee on Justice and Community Safety, and he stated:

I note that the Liberal chair...has not raised this matter on whether that committee should do the policy work.

Standing order 241 stipulates that a committee's evidence, documents, proceedings and reports may not be disclosed or published to a person unless they have been reported to the Assembly or authorised by the committee. The *Companion* outlines the purpose of this standing order, stating that:

Confidentiality allows a committee to reach conclusions and negotiate necessary compromises free from external pressure, particularly where a matter is politically sensitive. This underpins the trust and goodwill that must exist among members if a committee is to function effectively.

Members, it is unclear to me whether there was a proceeding in the committee that Mr Braddock revealed, or whether there was no proceeding and that Mr Braddock was simply pointing out that the committee has not undertaken an inquiry into the way that the Integrity Commission handles matters.

Normally, if someone believes a committee has been interfered with by the release of confidential information, the proper course of action would be for the committee affected by that release to take action in accordance with standing order 242, or for a member to raise a matter of privilege in accordance with standing order 276. So, I will leave it to members of that committee to determine whether there was a breach or release of confidential information and to utilise those two standing orders.

I do not intend to take any further action in relation to the matter, members, but we are now at day seven of the final sitting days of this Assembly—not that I am counting—and I would remind everybody to be careful of their language through the various debates that we will have. I remind everybody to refer to Erskine May for good guidance on parliamentary language.

**Mr Parton:** If I could, on the two matters that you have just dealt with. The second one was a point of order that was raised during the debate by Ms Lee. The actual implication from Mr Braddock was that Mr Cain personally, in deliberations of the committee, had not raised it. The first issue was not at any point raised as a point of order. I, indeed, merely interrupted Ms Stephen-Smith to ask her if she wanted to raise it as a point of order, but it was almost a reflection in her speech. That is really all I have to say on it, but I just wanted to put that on the record.

**MADAM SPEAKER:** Thank you. I note you were in the chair, given my absence yesterday morning. I note that it was not a point of order, but it was drawn to my attention for consideration. I think I will just leave it at that. Ms Lee may have a view and she may not wish to withdraw.

I just remind people that as language is used, I often sit here and I think “That is borderline,” or “That it could be offensive, or not particularly welcome by other members in the Assembly.” But if it is drawn to my attention—unless it is quite obviously a breach and I will jump in before anyone else has a chance—I will make a statement and consider it.

## Leave of absence

Motion (by Ms Clay) agreed to:

That leave of absence be granted to Mr Braddock for this sitting due to personal reasons.

## **Vaping products—nicotine—update**

### **Ministerial statement**

**MS DAVIDSON** (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (10.07): I rise to make a statement to the Assembly on the government response to the Assembly resolution on vaping and nicotine dependence, harm minimisation.

On 20 March 2024, the ACT Legislative Assembly passed a resolution calling on the ACT government to investigate what information and support services need to be enhanced or implemented to support young people and the broader community in the ACT to reduce the harm caused by vaping and nicotine dependence. This includes but is not limited to: consulting with young people to better understand their information and support needs; co-designing solutions with young people in recognition that young people face unique challenges with vaping and nicotine use; recognising the shared responsibility in managing nicotine dependence within the community, including with parents, carers, teachers and other education, sports and health settings; supporting parents, carers, teachers, community groups, and health practitioners to support young people; exploring holistic support services across health, mental health, and sports and education settings; making resources available for parents and guardians seeking guidance on how to support their children through the recovery process; exploring different opportunities for information and support delivery, including services with vaping cessation as a goal, and services that offer an alternative of harm minimisation for nicotine dependence; facilitate a roundtable stakeholder meeting with the intent to work with community groups and field experts on how to best deliver information and support services; and report back to the Legislative Assembly by June 2024.

Vaping is a significant public health concern for young people in the ACT and across Australia. There are many reasons for this, not least of which is that almost 90 per cent of vaping products used by people in Australia are obtained via an illegal black market. In 2022-23, almost half of all people aged 18 to 24 years in Australia reported having used an e-cigarette at least once in their life, a rate which has doubled since 2019. Of people aged 14 to 17 years, almost a third have used an e-cigarette at least once, and the rate of use has tripled in this age group since 2019. Similarly, we know that vaping is on the rise in young people in the ACT. In 2022 almost a third of ACT secondary school students reported ever vaping and the same proportion of people aged 18 to 24 years in the ACT also reported daily or occasional use of e-cigarettes.

The use of vaping products carries substantial risk, particularly noting the unregulated market where most vapes are currently obtained. Most e-cigarettes contain nicotine, even when not listed on the label. In addition to dependence and addiction to nicotine, vaping can cause serious lung injury, and many vaping products contain many hazardous chemicals, some of which are corrosive and harmful to our lungs.

The ACT government considers the rise in e-cigarette use in the ACT a priority to address and has progressed a number of actions to protect young people in our community from the harms of vaping. If we want to support young people to make healthier choices, it is important to understand why vaping is prevalent. In 2022 the ACT Health Directorate, in collaboration with Common Cause Australia, commissioned focus groups with 43 young people from the ACT aged 14 to 24 years to gain an understanding of their knowledge of vaping and the related harms.

What this research found was not surprising—particularly that the use of e-cigarettes among young people in the ACT has grown rapidly and that e-cigarettes are relatively easy for young people to obtain. It also found that young people’s knowledge of the harms of vaping is low, and vaping dependency is increasingly common. Recommendations arising from this research highlighted that the lack of government messaging about vaping was interpreted by young people as a sign that vaping is relatively safe, leading to vaping being considered normal and acceptable to most young people.

The findings of this research were used to develop a general community public health communication campaign that was delivered from November 2023 to February 2024. This campaign aimed to de-normalise vaping and raise awareness within the community of the harms of vaping, with key messages including, “You can’t vape where you can’t smoke,” and “Vaping is harmful”.

To further understand how government can better engage with young people on this issue, on 21 May 2024 I facilitated a roundtable meeting with community groups and field experts on how to best deliver information and support services to assist young people who vape. I wish to thank those who participated in this meeting—actually, it turned out to be more of a town hall. There was so much interest from community stakeholders in participating. It included representatives from the alcohol, tobacco and other drug organisations, youth services, the education sector, academia and public health and harm minimisation experts. I particularly wish to thank representatives from the ACT Youth Advisory Council who provided a critical perspective of how vaping is perceived by the ACT’s young people in the context of broader challenges in their lives. I was highly impressed by the passionate and well-informed discussion which drew on stakeholder’s personal challenges and experience in supporting young people to minimise the harms of vaping and manage their nicotine dependence.

I heard three broad themes from this discussion. Firstly, addressing any public health issue should consider all three pillars of harm minimisation, which are demand reduction, supply reduction and harm reduction. The ACT has already made excellent progress in reframing drug use in our community as a health, rather than criminal, issue, through nation-leading policies based on the principles of harm reduction. The national e-cigarette reforms announced by the Australian government seek to reduce demand and supply through changes to regulatory controls, prohibiting the supply of e-cigarettes outside of a prescription pathway. It is critical that we continue to work with the commonwealth and across states and territories to ensure harm reduction remains a focus alongside legal reforms. Harm reduction in this context means ensuring age-appropriate and sufficient supports are available in the ACT for people who are vaping and experience nicotine dependence.

The second theme I heard raised at the roundtable discussion was that young people cannot be expected to access services or information in the same way as adults. Stakeholders expressed that age-appropriate supports must be flexible, inclusive and non-judgemental, and that nicotine replacement therapy is available where deemed appropriate. Young people are much less likely to seek advice or help from their GP for vaping, and in some cases would rather any help stay confidential. This is where services like the ACT Quitline can play a key role in providing free and confidential advice and behavioural support for nicotine dependence.

The roundtable reinforced that young people should not be criminalised for vaping. I am seeking advice on the best legal mechanism to ensure young people are not at risk of being penalised merely for having an e-cigarette on their person. Stakeholders noted that the fear of repercussions is a significant barrier for many young people seeking help with nicotine dependence and that removal of penalties could increase the likelihood of young people to reach out for support.

As young people may not actively seek out help, I heard that we need to adopt a “no wrong door” approach to assist professionals who work with young people across the ACT community in diverse roles, to build their capability in providing support and advice about vaping and nicotine dependence to the young people they work with. I recently announced the outcomes of a Healthy Canberra Grants round that awarded just under \$1 million in grants to community organisations to reduce vaping-related harms in the ACT. The successful grant recipients, Cancer Council ACT and the Alcohol, Tobacco and Other Drug Association ACT, will deliver programs that will help to ensure that workers in community organisations, the education sector and sporting programs across the ACT are upskilled to provide brief interventions to young people experiencing nicotine dependence or who need support in relation to their vaping. This will enshrine the “no wrong door” approach into practice.

The ACT Health Directorate has also established a clinical e-cigarette stakeholder reference group, which includes representatives from the ACT Health Directorate, Canberra Health Services, Winnunga Nimmityjah Aboriginal Health and Community Services, the Junction Youth Health Service and the Capital Health Network. The reference group is working to identify existing pathways, resources, gaps and challenges for vaping cessation in the ACT and to consider what may be needed to support vaping care pathways in clinical services to complement the announced community programs. The ACT Health Directorate is also working with the ACT Quitline service to consider service needs and opportunities to increase capacity and compliance with the National Minimum Quitline Standards as national reforms come into effect.

The third theme that emerged from the roundtable discussion was the importance of honest and non-judgmental messaging to young people about vaping and related harms. I heard firsthand how there is distrust from some young people in government messaging and of the importance of honesty when communicating the harms of e-cigarettes and nicotine dependence, which is a particularly challenging prospect for public health advocates in circumstances like these when the evidence on health impacts is still emerging. I heard that young people are more likely to access information on vaping from social media or friends and family, rather than a medical professional; that young people are diverse; and that different groups will access and process information

differently. Co-design is a critical facet of ensuring information is delivered to young people in a way that they are more likely to trust and understand.

Last year, the ACT Health Directorate undertook a co-design process with ACT students and teachers to shape an online vaping, youth and health education package for year 7 and 8 students, which became available to all teachers in September. The package includes a teacher professional learning course; classroom resources aligned to the year 7 and 8 curriculum; and a parent/guardian resource about the harms associated with vaping and tips to support parents or guardians to have conversations about vaping with their child. Since its launch, the course has been accessed over 180 times, and I am proud to say that the entire package has been licensed to the Tasmanian government who have launched their own education course based on the work of the ACT.

I also heard that more work needs to be done to support at-risk young people; those young Canberrans who have difficulty engaging with school, or accessing mainstream supports. There was heavy emphasis on making sure that those young people are not left behind, and that harm reduction features in the way they are supported.

I would like to thank Miss Laura Nuttall MLA for bringing forward this important motion. The ACT government will continue to work to ensure all pillars of the harm minimisation approach are considered in addressing the harms of vaping in the ACT community, and in particular that support services are available for young people that are age-appropriate and non-judgmental and are able to provide honest and tailored information about vaping and nicotine dependence to empower young people to make choices about their health.

I present the following paper:

Vaping and nicotine dependence—Harm minimisation—Assembly resolution of 20 March 2024—Government response—Ministerial statement, 27 June 2024.

I move:

That the Assembly take note of the paper.

**MS CASTLEY (Yerrabi) (10.19):** I rise to make a few remarks on the ministerial statement. When the Minister for Population Health refused to sign a letter to school principals about vaping back in March, she told the *Canberra Times*:

...the letter did not address how young people who had already developed a nicotine addiction through vaping could be supported.

This letter was co-signed by federal Minister for Health and Aged Care, Mark Butler, federal Minister for Education, Jason Clare, and the ACT Minister for Education and Youth Affairs, Yvette Berry, but not Minister Davidson. This led Labor back-bencher Michael Pettersson to say this, and that is a quote:

In recent times, the minister has had a number of strange events occur which have left me scratching my head and left others questioning what the ACT is doing. The minister



recently refused to sign on to a letter by all state and territory and Commonwealth education and Health ministers in relation to the vaping harms at schools. And then when asked about this and other vaping policies in question time, instead of responding on behalf of the government, the minister started reading from the Greens party policy platform. So I'm confused. I would like a bit more clarity on what the minister is doing as the responsible minister, and what some of these actions have been caused by.

Well, I can tell Mr Pettersson—I am sure he is watching online upstairs—that he will probably be waiting in vain. I recently received a response to an FOI request for all documents relating to Minister Davidson's refusal to sign this letter to schools about vaping. It makes for some really interesting reading.

Firstly, contrary to Minister Davidson's statement that it failed to address how young people already addicted to vaping could seek support, the signed version that was released under FOI clearly talks about support for quitting, including an online hub and a mobile app. It ends by encouraging students to seek help, to access Quitline by telephone or website, and suggesting the option of advising families to consult a GP who can prescribe age-appropriate cessation solutions. Secondly, emails released under FOI reveal the minister's own department thinks that she does not quite make sense in this area. According to a health department official, I quote:

DLO now advises the MO will not be cosigning and the reasoning below doesn't quite make sense – I understand all relevant jurisdictional Ministers will be cosigning their version and a bit concerned about us being out of step/missing an opportunity for Minister Davidson to advocate from a health perspective about this issue to a pretty important group of stakeholders.

What was the minister's reasoning? This is what the minister's office said in an email:

As the minister responsible for vaping in the ACT, Minister Davidson is not in a position to be signatory to the proposed letter.

I am with the department here; I would think that being the minister responsible for vaping you would be in a great position to sign a letter on vaping. Then, tellingly, the directorate liaison officer says:

I didn't ask any further questions.

I think this comment tells you all you need to know. We have another example of this government's, in particular this Greens minister's, dysfunction.

**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) (10.23): I rise to support Minister Davidson's statement and to add a few remarks to clarify some recent developments and to reflect on the really excellent work that has been done by both the Albanese Labor government and all states and territories in relation to the rapid escalation in e-cigarette use.

Madam Speaker, back in mid-2019 at my very first health minister's council meeting, health ministers asked the Australian Health Protection Principal Committee

(AHPPC)—an acronym most of us were not familiar with before COVID—for urgent advice on the health impacts of e-cigarettes. We all know what happened: within six months of that we were facing a global pandemic and AHPPC was largely diverted, as were health ministers. However they did seek that advice and the Australian National University did some really excellent work which demonstrated the significant potential harms associated with e-cigarette use, whether or not the e-cigarette contains nicotine.

Former minister Greg Hunt was also highly engaged in this matter. Unfortunately, he was not able to get his coalition joint party room on board. Nevertheless, he moved to make nicotine containing e-cigarettes a prescription-only product in 2020, and they have been a prescription-only product since then. This is not necessarily widely known or discussed in the debate because, as Minister Davidson has said, e-cigarettes often contain nicotine even when it is not on the label. This industry of supposedly non-nicotine e-cigarettes has been hard to manage to ensure nicotine availability is limited for our community, particularly for those children and young people who are being enticed by Big Tobacco to be the next generation hooked on nicotine with flavours and packaging that is going to be appealing to young people. There is absolutely no way, when you look at the packaging and flavouring of supposedly non-nicotine e-cigarettes that contain nicotine, that you could argue these were not targeted at young people and getting the next generation hooked. That is why Minister Butler's commitment to banning non-nicotine e-cigarettes is a key harm minimisation measure, reducing supply and demand for e-cigarettes.

I and Labor 100 per cent agree that harm minimisation must include all three pillars: supply reduction, demand reduction and harm reduction. That is why the Healthy Canberra grants that Ms Davidson mentioned were launched in early December 2023 with a focus on harm reduction associated with e-cigarettes, particularly for young people. But, if we are committed to harm reduction, I believe we have a responsibility to be honest about the risks or otherwise of criminalisation of people in possession of e-cigarettes for personal use. In particular, I would note that the Greens federally and to some extent—although less so—locally have presented the commonwealth legislation that has been before the parliament as somehow criminalising people for the personal possession of e-cigarettes. That has never been the intent or focus of the commonwealth legislation.

Indeed, the supposed risk of criminalisation arises in the ACT from the operation of the Medicines, Poisons and Therapeutic Goods Act and the penalties that that act potentially imposes for the possession of any prescription product without a prescription. The MPTG Act penalties are designed to target the supply of prescription products to people who do not have a prescription. They have never, to my knowledge, been used to target individuals who personally possess a prescription product without a prescription for the purpose of personal use. Police have been very clear that they never had any intention of targeting individuals in possession of an e-cigarette with those fines. I would say that scaring young people by raising an almost non-existent risk is, in my view, not consistent with a harm reduction approach. If we are committed to harm reduction, we should be—and we should always have been—reassuring young people that it is safe to seek help for nicotine addiction, which, as Ms Davidson has said, is a very real issue among young people.

I am really pleased that the amendments that have been made to the commonwealth legislation actually remove this risk entirely. From 1 October 2024, nicotine containing e-cigarettes will be removed from being a prescription product to a non-prescription product and down scheduled to schedule 3 of the poisons standard. This will remove any potential for the implications that have previously been in place since 2020 around the penalties that exist in the Medicines, Poisons and Therapeutic Goods Act. It will also mean that those people who cannot access a bulk-billing GP to get a prescription for e-cigarettes, or those people who are not comfortable going and having a conversation with a GP or for whom that is a barrier to care, will be able to go and have a conversation with a pharmacist about their nicotine addiction and how best to cease using either cigarettes or e-cigarettes.

Madam Speaker, I want to make a couple of comments about that because the Pharmacy Guild has obviously come out expressing concern about this. I want to reassure pharmacists that this is not about making them a tobacco store or anything of the kind; it is about recognising that pharmacists have the skills and knowledge to have conversations with people about smoking cessation and about e-cigarette use cessation. Pharmacists will, I have no doubt, be encouraging people who enter into that conversation to use a nicotine replacement therapeutic product that is more evidence-based than an e-cigarette.

E-cigarettes will also become less attractive as an option because the flavours will be limited to tobacco and menthol flavours and because the packaging will also be plain packaging, in line with our regulation of tobacco. This is a major step forward by the Albanese Labor government and I really want to commend the minister, Mark Butler, for his commitment to making sure that this legislation was able to pass the commonwealth parliament. This pharmacist schedule 3—what we probably think of as schedule 3 plus—model will only be available to people aged 18 and over.

I would also assure people who are concerned about that, that nicotine replacement therapy products are available to young people down to the age of 12 on prescription. So those young people will need to see a doctor to have a conversation about a nicotine dependency. But that is appropriate. We do not support smoking or the use of tobacco for young people under the age of 18. We do certainly support harm reduction and nicotine use cessation for those young people. The very large education campaign that the commonwealth government has embarked on will support the harm reduction measures, education measures and the supports for teachers and parents.

I really want to reassure pharmacists that there will be a lot of support and guidelines around this measure. As I said, this is not about making pharmacies a place where people can just walk in and ask for an e-cigarette and get it. This will be like many other things that sit behind a pharmacist's counter where people have to have a conversation with a pharmacist before accessing it. There will be guidelines around all of that and support for pharmacists in that change.

So, Madam Speaker, I just wanted to clarify a couple of those things. I think, by and large everyone in this place is united in wanting to see an end to the scourge of nicotine e-cigarettes that are marketed as non-nicotine and marketed directly to children and

young people. That is something on which we can all unite and, again, I commend Minister Davidson's statement to the Assembly and thank you for the opportunity to provide a few additional remarks.

**MISS NUTTALL** (Brindabella) (10.32): I am glad to have the opportunity to speak in the Assembly once again about vaping. I am particularly proud this week to be able to speak about vaping. Madam Speaker, in case you missed it, this week our federal Greens colleagues successfully negotiated amendments to the commonwealth's vaping reforms.

These amendments do the following things. Firstly, vapes will be readily available from a chemist for those over the age of 18, rather than requiring a prescription from a GP. These will be plain packaged and properly regulated. Secondly, GPs can continue to prescribe therapeutic vapes, and the prescription model will be an available pathway for people under 18 if they are deemed to be clinically appropriate. Thirdly, possession of personal use quantities of any form of vape will not be subject to criminal charges. That is huge. This is an example of Greens doing what they do best—pushing policy further, pushing it fairer and faster.

I have spoken before about the inefficacy of the federal government's prescription model for vapes in Australia: how prohibitive the legislation was and how it is a backslide away from effective harm minimisation. This week's federal amendments mark a significant shift towards a more sensible and compassionate approach to vaping. As prohibitive as the prescription model for therapeutic vapes can be, the continuation of the prescription model ensures that young people under 18 who may benefit from vaping as a harm reduction tool can still access it through appropriate clinical channels. It means people under 18 who are currently dealing with a nicotine addiction are not expected to go cold turkey or become criminalised.

The decision to decriminalise possession of personal use quantities of vapes is also a victory for common sense and for justice. Criminalising individuals for possessing vapes does not serve public health interests, and it only exacerbates social inequalities.

What I am most pleased to hear about is that the federal Greens secured more funding to help support young people from vaping-related harm. I am really grateful that we had the opportunity to identify that crucial gap here in the ACT. While it was probably only a small movement, I do quietly hope that our work did set some balls rolling in the federal space.

When I first brought this motion to the Assembly, my main goal was to deliver something that would genuinely better the lives of children and young people. The vaping epidemic has hit young people the hardest. We have a shared responsibility to ensure that they feel supported.

I called on the ACT government to investigate how information and support services needed to be enhanced or implemented to support young people and the broader community in the ACT to reduce harm caused by vaping. I did so because we were at a point where young people did not have clear pathways to get support for a vaping addiction here in the ACT. Once again, I would like to thank the over 100 people who told us as much on our survey.

It was also really important for us to get the sector talking to each other and working together to support the community. A stakeholder round table termed a “town hall” was the perfect opportunity for community health orgs, youth advocacy groups and government bodies to take the time to discuss how everyone could play their part in ensuring young people were healthy, supported and empowered.

The ACT Greens Minister for Population Health has striven to do exactly this in the past few months, and I could not be prouder of her efforts. She has honoured my motion in letter and in spirit.

I heard from stakeholders. I heard from members of the community. What I heard was that co-design is an essential piece of the puzzle for adolescents. I mentioned this again and again when I first spoke to this motion: nothing about us without us. I am so pleased to say that the minister heard this loud and clear, and she and her office continuously ensured that young people are at the core of the work completed as a result of the motion. I thank her for her patience when we enthusiastically and eagerly sought updates on the round table, and I am grateful for her reflection on themes that emerged from the round table.

You have all heard me go on and on about co-design and about meaningful harm minimisation, so I will not rehash those. But it was really interesting to hear about the concept of “no wrong door”. While I have not actually heard the term before, having reflected on my own experience seeking mental health support in college, it makes perfect sense. It is not immediately obvious who you can or should seek help from when you are struggling with a nicotine dependence, and we heard that in our survey. But when people seek help, chances are they need the help right then and there. Providing our professionals with the ability to give the right advice and support is crucial for a healthy support system.

I am happy to hear that the ACT government is providing grants to wonderful community orgs like Cancer Council and ATODA to deliver the programs that build the capacity of our diverse workforce. I was also really glad to hear the people at the round table emphasise our duty to prioritise at-risk young people. School is really important; I would be a really bad education spokesperson if I did not say that. But as much as we try, school does not capture the experience of every young person and we know it might not be the best way to reach everyone.

I will stop gabbing now. In summary, I want to thank the minister for her cooperation and advocacy in this space. I am hopeful that, with our strong focus on harm reduction and youth empowerment, the ACT can continue to lead the way in providing support for young people who vape.

**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) (10.38), in reply: I have a few comments to make in closing. It is unquestionable that vaping is harmful and it is unquestionable that there are significant health implications for anyone who vapes. It is unquestionable that the use of unregulated harmful vaping products is prevalent among young people in the ACT. Our job is to work on ways to reduce that harm. I thank all members in this place today for their participation and engagement in this discussion about how we do that.

We know that, for years, e-cigarettes have been sold in outlets across the country in the same places that you can buy your bread, milk and eggs. There has been public discussion about the use of the word “prohibition” to describe the federal vaping reforms. The federal government argue that, if therapeutic vapes are made available, the legislation is not prohibition. Labor Senator Malarndirri McCarthy said, almost immediately before the government passed the legislation yesterday, that the core intention of the reforms is to “stop recreational vaping”.

If it looks like a duck and quacks like a duck, it is probably a duck. I do not want to pretend that the federal legislation is something that it is not. I appreciate that this legislation allows pharmacies to supply therapeutic vaping products to over 18s without a prescription, and that is a better prospect than what was proposed in the initial version of the bill. But in the absence of legislative interventions that will realistically reduce black market vape supply, under 18s are more likely to be the target market than they were before.

I want to note that, in March this year, New South Wales Police used force to throw to the ground and arrest a 13-year-old boy in Deniliquin, New South Wales, because he had a vape in his possession. Here in the ACT, between 2009 and the start of 2024, there have been more than 479 charges under section 36 of the Medicines, Poisons and Therapeutic Goods Act 2008, which could also start to be applied to vapes under the federal law changes.

The importation and supply of illegal vaping products is an incredibly lucrative business for organised crime syndicates, and it will not stop under the recent federal reforms. The new federal legislation imposes restrictions on the flavours that can now legally be provided by pharmacies. That is another example of how this will drive people to obtain their vapes illegally.

I think it is fair to say that organised crime syndicates do not care about the health implications of vaping for the wider community, let alone for young people. Currently, they are responsible for the supply of around 90 per cent of the products consumed in Australia for vaping, and I do not foresee that significantly changing under the recent national reforms.

E-cigarettes are not a new phenomenon in Australia. Nicola Roxon raised concern about unregulated vaping products when she was health minister under the Gillard government in 2011. It was not until last year that any federal government took steps to address the issue, and that was more than a decade after Minister Roxon raised concerns about those health impacts of unregulated vaping products.

During that period of Labor and successive Liberal federal government inaction, unregulated vaping products became more prevalent in Australia. The black market profited and flourished, and has become a monster that will continue to thrive under the new restrictions. This is an ongoing problem, not of its own making, but it is one that the ACT will have to continue to contend with.

I would like to address some comments that were made by Ms Castley. When I was asked to sign a letter to schools that addressed only two of the three pillars of harm

minimisation, I felt it was not appropriate to do that until I had more information on how we addressed the harm reduction measure, which would occur outside the school environment. But it was absolutely appropriate for the minister for education to sign a letter to school principals about programs to reduce demand, and I am glad that she did.

We need to stop framing vapes as a therapeutic product. Restricting the sale of regulated vapes to pharmacies and, indeed, imposing that on pharmacies is no different from expecting pharmacies to sell light beer as an alternative to higher alcohol beer. I acknowledge that the Pharmacy Guild of Australia has strongly opposed amendments relating to vapes being supplied in pharmacies.

Over the last three years, I have noticed that laws are often made that leave the most at risk in our community voiceless. The work in responding to Miss Nuttall's motion was particularly insightful for me in this respect. Following the town hall consultation that I spoke about earlier, I met with some remarkable young people to find out more about their thoughts on supporting young people who vape. These young people were representatives with lived experience from the CREATE Foundation, which advocates for some of the most disadvantaged young people with lived experience of the out of home care system. I particularly want to thank them for coming in and sharing their time with me.

In a world where the voices of young people who have grown up in trauma and hardship often go unnoticed, I heard them loud and clear. They told me personal possession penalties for vapes will compound disadvantage amongst at-risk young people across numerous areas. Without practical regulation, young people will feel unsafe about seeking help from their GP to get support for their vaping behaviour.

They talked about their own experiences in the out of home care system, having knowledge that every health professional is a mandatory reporter, and how the legality of vaping is linked to that. They talked about their life experiences with police and the fears that they have of possession of a vape being something that they can be locked up for. They talked about the importance of not shaming young people for any substance use, as that is only a means to isolate at-risk young people even further.

I thank those young people again for being brave enough to come into this building and tell me what matters for their community. While there is much more to do, I want them to know that I have listened. The ACT Greens remain committed to progressive, health-focused drug harm reduction policy, as we have been for many years.

Harm reduction results in better health and social outcomes for people with substance dependence. It reduces death and disease in the community. It reduces crime, and it saves the taxpayer by relieving avoidable pressure on the health system.

During the term of this government, there has been the introduction of some of the most progressive harm reduction focused drug law reform initiatives that this country has seen, supported by both Greens and Labor. We need to be brave enough to support a much more progressive approach because harm reduction saves lives.

Question resolved in the affirmative.

## **Administration and Procedure—Standing Committee Statement by chair**

**MS BURCH** (Brindabella) (10.45): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure.

Following the Assembly's resolution of 28 November 2023 concerning the handling of certain allegations against an MLA, I appointed former commonwealth Public Service Commissioner Lynelle Briggs AO to conduct a review of the handling of certain allegations about a former MLA. In her report on the review, Ms Briggs noted:

... the Legislative Assembly has a comprehensive and excellent suite of laws, policies and procedures to ensure that allegations of sexual misconduct are appropriately reported and investigated, in particular, the Child Safety Code of Conduct and Policy is first class because it puts the interests of children and vulnerable young people first.

Ms Briggs also made a number of recommendations about where processes and obligations can be made clearer.

The Standing Committee on Administration and Procedure has considered Ms Briggs's report and sought additional advice from the Commissioner for Standards and the Ethics and Integrity Adviser. It also consulted with each party room through the whips and with the three parliamentary leaders.

Out of this process, a number of significant revisions to the Assembly's Child Safety Code of Conduct and Policy and its Respect in the Workplace Policy have been adopted. Proposed revisions to the Child Safety Code of Conduct and Policy include:

- A new endorsement and commitment preamble for parliamentary leaders to sign.
- The inclusion of additional contact details for MLAs and members of the community—including children—to reach out to receive advice.
- Changes to the explanation of certain legal concepts and requirements based on advice from the ACT Government Solicitor.
- Locating the Speaker as the single point for complaints to be made under the code, with matters then referred to appropriate persons and bodies as necessary. This will allow the Speaker to have visibility over all complaints, to seek updates from persons and bodies to whom matters are referred and to keep a watching brief on any emergent risks or issues.
- Providing high-level principles for complaints handling that reflect person-centric and trauma-informed approaches.
- Emphasising the need for MLAs to seek advice in certain circumstances.
- Addressing potential conflicts between a member's obligations under the members' code of conduct concerning confidentiality and legal requirements around mandatory reporting.
- Inclusion of relevant support services and contact details.

Revisions to the Respect in the Workplace Policy include updated guidance on:



- Sexual harassment
- Sex-based harassment
- Workplace violence
- Sexual assault
- Mandatory and positive duty reporting
- the Child Safety Code of Conduct and Policy

It is significant that both the Child Safety Code of Conduct and Policy and the Respect in the Workplace Policy have been endorsed and signed by the Speaker, the Clerk, the Chief Minister, the Leader of the Opposition, and the leader of the Greens. It reflects the unanimous commitment across the Assembly to doing all that we can in this important area. In addition, the committee has agreed to adopt a new reporting and referral framework within the Assembly workplace, setting out the different obligations and options for reporting alleged misconduct.

Members, I have also asked for changes to the Assembly's website to make it clearer to the community how different reporting and complaints mechanisms operate for members and staff in this place. I am confident that these changes will contribute to a workplace in which everyone's rights, health and wellbeing, particularly the children and young people that we come across in our work, are protected. I present the following papers:

Legislative Assembly for the Australian Capital Territory—

Child Safety Code of Conduct and Policy, dated 26 June 2024.

Respect in the Workplace Policy, dated 26 June 2024.

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

**MR CAIN** (Ginninderra) (10.49): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety in its legislative scrutiny role.

During this term, the committee encountered a recurring issue where revised explanatory statements to subordinate legislation are made available after the expiration of the disallowance period; therefore, the revised explanatory statement could not be published on the ACT Legislation Register.

During correspondence between the committee and the ACT government, the ACT government has informed the committee that it has revised its guidance in this area. The committee welcomes this effort to avoid further occurrences.

At its meeting on 7 May 2024, the Standing Committee on Justice and Community Safety, in its legislative scrutiny role, agreed to adopt a process common in the Australian Senate for the lodgement of protective notices of disallowance to prevent potential recurrence of this issue.

The committee will only present a notice of motion to disallow a piece of delegated legislation where five sitting days have elapsed without a minister providing the

response requested by the committee. From the lodging of the notice, the minister will have a further five sitting days to provide a response. When a response is received, the notice to disallow will be withdrawn.

The committee is of the opinion that this provides ample time for a minister to provide a response and that there should be no need for actual disallowance of any subordinate legislation.

As well as the statement today, I wrote on 28 May to all members to inform them of the committee's decision.

## **Planning, Transport and City Services—Standing Committee Statement by chair**

**MS CLAY** (Ginninderra) (10.51): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning, Transport and City Services relating to a referred draft major amendment to the Territory Plan.

The draft major amendment to the Territory Plan entitled “Eastlake—the Causeway Area” proposes planning provisions to deliver urban intensification and regeneration of the Causeway area.

The committee held a private briefing with the Minister for Planning and officials to discuss the draft major amendment. The issues raised during consultation on the amendment either had been addressed or can be addressed in subsequent processes. Therefore, the committee has resolved not to undertake an inquiry into this amendment.

## **Climate change—energy**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (10.52): Mr Rattenbury, as the Minister for Water, Energy and Emissions Reduction, and I jointly move:

That this Assembly:

(1) notes that:

- (a) we face a climate emergency and cannot delay efforts to reduce emissions;
- (b) the most cost effective and efficient way to cut emissions and provide reliable and affordable electricity in Australia is by delivering renewable energy with storage;
- (c) Australia is fortunate to have more than enough renewable energy resources to power our country with zero emissions electricity, offering us an enviable opportunity to position Australia as a renewable energy superpower;
- (d) the ACT is powered by 100 percent renewable electricity, has banned new gas connections, and will phase out fossil gas use by 2045;

- (e) the ACT Government does not support the use of nuclear power generation in Australia and would strongly oppose any plans to introduce nuclear power generation;
  - (f) building nuclear power in Australia would be financially irresponsible and would push up power prices for all Australians, while creating toxic waste and polluting ecosystems for generations to come;
  - (g) nuclear power is not a viable or credible option for Australia, and is an outdated and unnecessarily risky option that we simply do not need;
  - (h) modular nuclear reactors were identified by the 2023-24 CSIRO GenCost report as the most expensive option for new electricity generation in Australia, while solar and wind were the least expensive;
  - (i) nuclear power generation is slow to build and would not be built in time to help achieve Australia's net zero emissions by 2050 target;
  - (j) nuclear power and the uranium mining needed to support it create toxic waste that is hazardous to humans and ecosystems for many thousands of years; and
  - (k) due to the status of territories under the Australian Constitution, there is a greater legal risk of nuclear generation or waste deposit sites being imposed upon them, as sites in states are ruled out; and
- (2) expresses a commitment to:
- (a) powering Australia with 100 percent renewable energy as soon as possible;
  - (b) maintaining the ACT's 100 percent renewable electricity supply as electricity demand increases into the future; and
  - (c) ensuring the ACT and Australia remain free of nuclear power generation and nuclear waste.

We rise today on an issue that, frankly, we are only speaking about because the Liberal Party are so scared of renewables and so opposed to cutting greenhouse gas emissions that they have pushed the actual nuclear button. It is with absolute clarity this morning that I can confirm the ACT government does not support the use of nuclear power in Australia and absolutely opposes any plans to introduce nuclear power into the energy grid.

The prospect of attempting nuclear power in our country is something I thought would have been impossible for any credible political party, particularly one that has the pretensions of forming a government, to propose. However, the Liberal Party, through federal opposition leader Dutton, at least now is adamant, apparently, that nuclear is the best option for this country. The ACT community knows better. We know that this announcement is just a fig leaf to avoid committing to critical emission reduction targets.

Building nuclear power generating reactors in Australia is financially irresponsible. It will push up power prices for all Australians, whilst also creating toxic waste and polluting ecosystems for generations to come.

The construction of a nuclear power plant would take at least 15 years, at the very least. The cost of producing electricity through nuclear reactors is at least double that of renewable sources. At a time when the world is moving towards sustainable, renewable and cost-effective energy solutions, it just makes no sense for Australia to be pursuing a technology that is both expensive and outdated.

Nuclear power generation is slow to build and would not be built in time to help achieve Australia's net zero emissions target by 2050. The result would be that Canberra households would pay thousands of dollars more on their power bills, because nuclear is the most expensive way to generate power. The high up-front and ongoing costs associated with nuclear plants will be a burden not just on the present generation but on future generations.

The most cost-effective and efficient way to cut emissions and to provide reliable and affordable electricity in Australia is by delivering renewable energy with storage. The ACT has already proven that this is possible. In 2020, we became the first jurisdiction in Australia, and the eighth in the world, to be powered 100 per cent by renewable electricity. The ACT has shown that a city can make this transition while keeping the price of electricity for consumers low. Over the past few years, Canberrans' power bills have stayed low, while other jurisdictions have experienced price increases of 20 per cent or more in a year.

The ACT has just launched our first Integrated Energy Plan. We released it last week, and it outlines a long-term pathway for the transformation of the ACT's energy system to achieve net zero emissions by 2045. This plan outlines how the ACT will undertake a 20-year transition away from fossil fuel gas use; how we will optimise our energy system; how we will engage and support energy consumers, particularly those more vulnerable; and how we will establish collaborative partnerships with organisations across the territory to support this work.

The government has committed to electrify all feasible public and community housing by the end of 2030. We have provided \$5.2 million towards a pilot to electrify appliances in households that need the most support. We offer interest-free loans for multi-unit buildings to become electric vehicle ready. These actions build on the ACT's significant climate action efforts to date, supported by ACT government programs which have helped tens of thousands of households and businesses to lower their energy bills, whilst reducing emissions and improving comfort in a changing climate. The government is committed to addressing the social, economic and environmental challenges of energy production and use.

The environmental risks of going down the nuclear path cannot be overstated. Nuclear waste, a by-product of nuclear power, poses a significant threat. Nuclear power and the uranium mining needed to support it create toxic waste that is hazardous to humans and ecosystems for thousands of years.

I note there are currently a range of federal, state and territory laws which have placed bans on nuclear power stations and waste storage. Nevertheless, we acknowledge that the commonwealth parliament does have the ability to override those bans. We are particularly concerned, due to the status of the territories under the Australian Constitution, that there is an even greater legal risk of nuclear generation or waste deposit sites being imposed upon the territories, as sites in the states are ruled out.

As we have seen on many occasions in the history of territory self-governance, the commonwealth can, effectively, come in over the top of decisions of democratically

elected territory parliaments. They could do the same here. They could come in over the top and decide to store nuclear waste in the territories. They could even go so far, if any of their proposed generation sites fell over, which appears increasingly likely given the immediate response to the plans announced, as to mandate nuclear power generation in the territories. This may sound unlikely, but perhaps no more unlikely than this dangerous fantasy of nuclear power policy.

The Canberra Liberals might claim that nuclear power is not part of their energy plan, but we are yet to hear an energy plan from the Canberra Liberals. The opposition leader was quite happy to stand beside and support Mr Dutton, his leadership and his ideas. Just last weekend, I understand, she stood on a stage and supported the Liberal Party's plans for Australia. There has not been much media coverage of that, but I am sure that will change soon.

Nuclear power is not a viable or credible option for Australia. It is an outdated, unnecessarily risky and costly option that we simply do not need. I am certain that the overwhelming majority of ACT residents do not want their power generated by nuclear. They do not want the pollution, and they do not want the cost risks for our country.

Under this government, and under the energy plan that we have outlined, we will continue to invest in renewables. We will continue to contract power for our jurisdiction to ensure that it is 100 per cent renewably sourced, and we will continue to build our storage capacity. The Big Canberra Battery project continues to progress, and it is the direction in which we should be heading: renewably generated power with more storage.

Of course, it remains unclear what the energy policy of the opposition is, but the Liberal Party have now outlined their position, and that position is nuclear. We reject that, and I urge Assembly members to support the motion today.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.02): I have spoken more than once in this chamber about the fact that we face a climate emergency, and we cannot afford to delay efforts to reduce emissions. The most cost-effective and efficient way to cut emissions and provide reliable and affordable electricity in Australia is by investing in renewable energy with storage.

Australia is in the enviable position of having abundant renewable energy resources that put us in a great position to become a renewable energy superpower, exporting clean power to our region. That is what makes the coalition's half-baked nuclear power plan even more ridiculous. It comes at the expense of the clean, cost-effective, renewables plan that will work and is already well underway. And Mr Dutton knows it.

Let us not be fooled; the so-called plan for nuclear is really just another distraction designed to delay our transition away from fossil fuels. There is clearly no role for nuclear power in Australia. With our solar and wind resources, it makes far more sense to power our country with cheap, reliable renewables, rather than expensive and polluting fossil fuels or nuclear power.

This week we have seen the Australian Energy Market Operator release its Integrated Systems Plan, commonly known as the ISP, which presents the road map for energy in

Australia. It is sensible, evidence-backed, researched and consulted on—an utter contrast to the nuclear nonsense vomited on the public in the last week. The Energy Market Operator’s media release says:

The Australian Energy Market Operator, or AEMO, today released a 25-year roadmap to transition the National Electricity Market (NEM) to net zero by 2050.

The Integrated System Plan (ISP) is the result of two years of consultation, analysis and review involving 2,100 stakeholders, 85 presentations and reports, and the consideration of 220 formal submissions.

The ISP confirms that renewable energy connected with transmission and distribution, firmed with storage, and backed up by gas-powered generation is the lowest-cost way to supply electricity to homes and businesses as Australia transitions to a net zero economy.

Those comments of the Energy Market Operator show the amount of work that has gone into it.

Building nuclear power in Australia would be financially irresponsible and would push up power prices for all Australians, while creating toxic waste and polluting ecosystems for generations to come. There are four main reasons why nuclear power would be a complete dud for Australia. Firstly, it is expensive—the most expensive electricity generation option for Australia. Secondly, it is slow to build and would not be operational in time to help meet our emission reduction targets. Thirdly, it is not fit for purpose with a renewables grid. Fourthly, it is highly polluting and creates toxic waste that is dangerous to humans and ecosystems for thousands of years.

Let me elaborate on each of those points just a little, for the purposes of today’s discussion. On the issue of cost, nuclear power is, simply put, wildly expensive. The most recent CSIRO *GenCost* report analysed the cost of new electricity generation in Australia and found that modular nuclear reactors are the most expensive of all electricity generation options available in this country. The cost of the seven proposed modular nuclear reactors is estimated to be at least \$116 billion. Some estimates have suggested it would be up to \$600 billion, considering the need to develop the industry and a range of other factors. To add to this, experts have estimated that the seven reactors would produce less than four per cent of Australia’s energy needs by 2050.

To put all of that in perspective, the cost of transitioning our entire electricity grid to 100 per cent renewables by 2050 is estimated at \$122 billion. You can get nukes for \$116 billion, for less than four per cent of the energy supply, or you can do the whole grid for renewables for a similar cost figure, at the lower end of the nuclear cost spectrum. I know which I would rather fund. Going down a nuclear path would not make economic sense for Australia. It would push electricity prices up, all for the sake of an ideologically driven proposal that is aiming to delay the transition to renewables and keep Australia locked into fossil fuels for as long as possible.

Let me turn to the issues of timeliness. Nuclear power generation is slow to build and would not be operational in time to help achieve Australia’s net zero emissions by 2050. As we respond to the climate emergency, we need solutions that are quick and efficient

to deploy. We do not have decades to waste on building unnecessary and polluting nuclear reactors. We need to get on with the job of decarbonising our electricity supply as quickly and efficiently as possible by investing in renewables and storage. Even once operational, the proposal would not make a meaningful contribution to cutting emissions or powering Australia, as the scale of the energy it would produce is insignificant. Due to the complex nature of the technology and given that there is no nuclear industry in Australia, there would also likely be delays and complications in construction that would further extend the delivery time frame.

Another important point, the third one, is that it is not complementary to a renewable energy system. To maximise their efficiency, nuclear power plants need to be running full time at maximum capacity. This would mean that they would not complement a grid with a high proportion of renewables, which is best complemented by storage or dispatchable power that can be switched off when not needed and ramped up quickly when renewable generation drops.

Nuclear industry lobbyists have admitted that solar exports would likely need to be curtailed or switched off so that nuclear power stations could continue to operate during peak solar generation times without damaging the grid. This is, frankly, a laughable suggestion. What it means in simple terms is that the thousands of Australian households and businesses that have invested in solar panels would have their systems blocked from the grid so that we can instead run expensive and polluting nuclear reactors. I cannot imagine that this would be very popular with the solar households and businesses of Australia. Imagine curtailing systems that are already operating on people's roofs, to allow nuclear to come into the system.

Let me turn to the fourth area. Nuclear power, and the uranium mining needed to support it, creates toxic waste that is hazardous to humans and ecosystems for thousands of years. The nuclear industry would have us believe that the technology is safe and that highly radioactive waste can be safely stored for thousands of years—because that is how long it remains hazardous for. Storing highly toxic radioactive waste is high risk, and any leak or accident has major and long-lasting consequences. Where would the waste go? This is an interesting question which so far has not been answered. Which area of Australia is going to volunteer to be the national radioactive waste dump? I do not think too many communities would be excited about this opportunity. Unsurprisingly, I have not heard the federal opposition talking about the radioactive waste that these reactors produce.

The environmental and social risks of nuclear power are simply too high, and especially so because we do not need this technology and have far cleaner and cheaper options for generating our power. Any country with the renewable energy resources that we have would not think twice about choosing renewables over nuclear. It is simply a no-brainer. Nuclear power is not a viable or credible option for Australia and is an outdated and unnecessarily risky option that we simply do not need.

The ACT government does not support the use of nuclear power generation in Australia and would strongly oppose any plans to introduce nuclear power generation. We want to make sure the ACT remains free of polluting nuclear power generation and toxic nuclear waste. The motion today asks everyone in this Assembly to unite on this vision.

Renewable energy offers a far brighter future for Australia. Let us not waste any more time in pursuing false solutions that are only designed to delay our transition away from fossil fuels. I commend this motion to the Assembly.

**MS LEE** (Kurrajong—Leader of the Opposition) (11.11): The only reason that this motion has been moved—and it only went on the notice paper last night—is that Mr Barr is trying to deflect from the poor excuse of a budget that he handed down only this week. He is not even trying to sell it, which is why he has moved this today. Mr Barr and Mr Rattenbury know full well that the Canberra Liberals have a long history of policies for strong action when it comes to climate change. In fact, I will read a letter that, as a result of a resolution of the Assembly back in 2021, I wrote to the then Prime Minister, Scott Morrison. It was signed on 20 December 2021. It says:

The Canberra Liberals have always had a strong position on climate action and protection for our natural environment in the ACT. It was a Canberra Liberals government in 1997 that became the first sub-national government to sign up to the Kyoto Protocol and we have a proud history of practical and tangible policies to reduce waste, protect our wetlands, woodlands and grasslands. In more recent years, the Canberra Liberals committed to 100% renewable energy and net zero emissions by 2045.

That is a letter that has been tabled in the Assembly. I am happy to table it again, if so required. The fact is that Mr Barr and Mr Rattenbury know full well, because Mr Barr even quoted it, that I have confirmed on the public record that nuclear is not part of the Canberra Liberals' energy policy. They know that. Despite the childish goading from Mr Barr about what we are going to do on emissions reduction and energy policy, we will continue having the important conversations with the community—not because of the goading or will of Mr Barr. To sum up, the Canberra Liberals have placed on the record numerous times our commitment to 100 per cent renewable energy, our commitment to net zero by 2045 and that nuclear is not part of the energy mix.

I have to say, though, that I am starting to get quite worried about some of the contributions that Mr Barr has made. They really do make me question his grip on reality, given some of the conspiracy theory-like concerns that he has raised. It is a long bow to say that the ACT is going to be a hotbed of nuclear reactors and that my mere attendance as leader at my own party's federal council somehow had something to do with this. I really do have to say that he is clutching at straws. It is obvious that it is an attempt by a desperate Chief Minister and Treasurer who is so embarrassed by his pathetic budget that he is not even using any of his time to try to sell it. The Canberra Liberals have been very clear about where we stand when it comes to emissions reduction, and I confirm that again today.

**MS CLAY** (Ginninderra) (11.14): I will not speak for long. All of the points have been made, but I will just reflect on this. There is a real fracture in this discussion for a lot of us. Most of us who are over 40 are really puzzled as to why we are having this conversation again nationally about nuclear power. I understand that people who are under 40 maybe need to have that conversation because they have not been through that journey. They need to be taken on that journey. I do not know where Mr Dutton sits on this. He has been through that journey. He has advisers, he has ministers and he has ex-ministers, all of whom who have been on that journey, so I do not understand how this plan has been pitched to the public.



I will briefly run through the mind trip that most of us have been on, I think. Chernobyl happened in 1986. I was nine years old at the time. That disaster has shaped an entire generation. The 1980s and 1990s were riddled with nuclear fears—not because we were paranoid, not because we were worried about something that might not happen but because we saw what had happened. This is why *The Simpsons* is full of nuclear memes. I think *The Simpsons* nuclear meme means something different for somebody who is over 40 and knows the context than it does for somebody who is under 30 and did not live through that, did not actually see what was happening.

I remember a book I read at school called *Z for Zachariah* about trying to survive in a radioactive world. There are so many stories of this, and it is because we watched it happen. Sometimes it is about nuclear war, and sometimes it is about nuclear power, but what always happens in every story is that there is a disaster. That is not just because that makes a good story; it is because that is what happens. Take Chernobyl and Fukushima. When you have nuclear power, you cannot guarantee perfection and we do not get perfection. It simply has not changed.

In the noughties I was doing a bit of volunteer work for environment groups, and we were still having the conversation about nuclear. It seems to always be over the horizon, and the reasons given for why we did not need nuclear were very, very simple. Nuclear power is dirty. Nuclear power is slow. Nuclear power is expensive. We have heard all of those reasons today, and the commentary is full of it. Nuclear power will generate nuclear waste. We have no idea what to do with it. Nobody has any understanding or inventions or technology that will deal with nuclear waste for us. It requires uranium mining, and there is always the risk of a disaster, of a failure of people or processes or systems.

Nuclear power is dirty. Nuclear power is slow. Australia has no nuclear capability here. We do not have the technicians; we do not have the regulations; we do not have the industry. The greatest fans of this nuclear fantasy are telling us that we could not have it for a decade, and all of the rational commentators are saying we would not have it for decades. We do not have decades to wait, and we already have the solutions now.

Nuclear power is too slow, and nuclear power is expensive. We have heard from Minister Rattenbury, our energy minister, how prohibitively expensive it is. The Dutton plan would cost us between \$116 billion and \$600 billion to generate a fraction of the power that we need in the far, far distant future. It is a really, really bad investment. It is not an investment that the Australian taxpayer would want to take on. The private sector is obviously not going to touch it. It is expensive.

It is okay for us to have this conversation. That is what a democracy is. Everybody needs to be able to think about ideas and discuss them and talk about them. But it is not okay for a conversation like this to derail the solutions we have now. Renewables are cheap, clean and fast, and nuclear is dirty, slow and expensive. By all means, let us have the conversation nationally and locally, but let us remember what the original reasons are, which have not changed.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations

and Workplace Safety, Minister for Multicultural Affairs and Minister for Police and Crime Prevention) (11.18):

I love a sunburnt country,  
A land of sweeping plains,  
Of ragged mountain ranges,  
Of droughts and flooding rains.  
I love her far horizons,  
I love her jewel-sea,  
Her beauty and her terror—  
The wide brown land for me!

These are the words of Dorothea Mackellar in her iconic poem, *My Country*. To me, Mackellar's words capture the immense beauty and breadth of our often harsh landscape. Her words capture the wonderful geographic diversity of our nation. Mackellar's words also remind me of the immense beauty of the ACT, a place I have proudly called home since birth, from our snow-capped mountains and the unique wildlife of our amazing Namadgi National Park and the pure waters of the Murrumbidgee River, to the magnificence of our national capital and its fine institutions, our picturesque lakes, and of course our leafy—and, I might add, very well planned—suburbs.

Every visitor I speak to, whether international or interstate, always raves about Canberra's beauty and the unique bush capital that we proudly call home. Yet recently we have had one relatively higher profile and often frequent visitor who has referred to our magnificent city as "boring". Simply put, this bloke's judgement is clearly wrong. I wonder what else may be wrong in his judgement. That brings us to nuclear power.

Mr Dutton, in his infinite wisdom, has determined that we should build nuclear reactors over one of the most naturally beautiful places on Earth so that he can differentiate himself on energy policy and try to make some cheap political points, going into the next federal election. You would have to be kidding me. No; Mr Dutton does not kid. The Dutton ethos is: "Whatever it takes to get elected." The great former Labor Prime Minister Paul Keating correctly referred to Mr Dutton as an "inveterate climate change denialist seeking to camouflage his long-held denialism in an industrial fantasy".

Unfortunately for Ms Lee, Mr Dutton is not the only climate denialist in the Liberal ranks. The Liberals are full of them. I would suggest that there are a few here in the Canberra Liberals as well. It does make you wonder what harebrained ideas they would try and implement if elected.

Notwithstanding that, let us just unpack this for a minute. The Liberals and their National Party mates believe that the science of nuclear policy is real, and they have for many years advocated for the science underpinning agriculture policy. Yet they do not believe in the science of climate change policy or the science that underpins energy policy. I have some news for them: it is the same science. Science does not differentiate, based upon the preferences and ignorance of the Liberal and National Party caucuses. So, there you go. Let us build nuclear reactors across the country because a small number of climate denialists—heretics—want to score some cheap points.

I started with Mackellar's words for a reason. This country is indeed blessed by natural beauty. This natural beauty is not only our greatest gift; it is indeed the key to solving climate change, going forward. We do not need nuclear reactors. We need to innovate using science to our advantage, and we need to harness the sun, the wind and our running waters. Our natural gifts are the key to a sustainable future for this country.

The ACT is already powered by 100 per cent renewable electricity, and we are making great headway on reducing our emissions, with the territory proudly continuing to lead Australia as our most sustainable and progressive jurisdiction. To wrap up: nuclear is not the answer. Mr Dutton is not the answer, just like the Canberra Liberals are not the answer. I will never support nuclear power in the territory.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (11.23), in reply: I thank members for their contribution. Some provided a great deal of detail and argued their case. Others decided that personal attacks and a few glib lines would suffice. That is not unusual for debates of this kind. The contribution from the Leader of the Opposition in relation to the government's energy transition plan to date has been to advise the ABC, on 19 June, that "the plan is not appropriate". That is it. I do not know how you can claim to be committed to net zero by 2045 but have no plan to get there. I am not sure how that is possible.

We do know that an element of the government's transition plan that the Canberra Liberals are opposed to is the phasing out of gas over 20 years. All of the public comments made by the Leader of the Opposition confirm that. I certainly know that that is Mr Hanson's view, because he has made those comments public as well.

**Mr Hanson:** When?

**MR BARR:** When he was opposition leader, when he was acting opposition leader in this term and on many occasions he has sought to ridicule people who are campaigning for a net zero future for this city over the medium term. Until the Canberra Liberals come forward with an alternative plan—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR BARR:** Until the Canberra Liberals come forward with an alternative plan to achieve net zero by 2045, it is difficult to see how the claim made by the Leader of the Opposition in her short contribution to this debate can be taken seriously.

**Mr Parton:** We do not take any of your claims seriously.

**MADAM SPEAKER:** Mr Parton, un-useful; thank you.

**MR BARR:** It would seem that what the Canberra Liberals are seeking to do is to tacitly support their federal colleagues in this nuclear push, with the view that they will not have to do anything or say anything in relation to how the territory will reach net zero

by 2045. They will just slink off into the background with a few throw-away lines, attacking the government's plan to actually get there, and rely on their federal colleagues' nuclear solution.

If it is true that the opposition's position is that nuclear has no part in their energy plan, what is their energy plan? There is a big, empty void in that regard at the moment. We are not the only ones who have noticed; so have Canberrans. At the moment, the Liberal Party brand is nuclear, toxic. Toxic nuclear. That is what the Liberal Party stands for. In the absence of any alternative plan from the Leader of the Opposition, that is what the Liberal Party will be stuck with until this nuclear proposal is defeated at the ballot box by Australians at a federal election. I commend the motion to the Assembly.

Question resolved in the affirmative.

### **Property Developers Bill 2023**

Debate resumed from 30 November 2023, on motion by **Ms Vassarotti**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (11.27): The Canberra Liberals are of the view that this bill was drafted and further amended with the best of intentions. It is impossible to ignore the community concern which has led to it coming to be. Notwithstanding that, we do remain extremely concerned about some of the unintended consequences of these changes to the law, and we find ourselves a little conflicted by this debate. We will not be opposing this bill, but we cannot let this debate go without expressing the concerns that we have about where this bill will lead us.

My office was working with PCO on the drafting of amendments. However, my informal verbal advice about the bill was that it would be debated in the final sitting week of the year. Whether that was a miscommunication from the Vassarotti office or whether we have interpreted something in a way which was not the intention of the original message remains to be seen. Whatever the case, it was a surprise to us when we received notice that this debate was on this week. It meant that it would not be possible for us to go through the full process to ready our amendments for this debate.

I can report that a number of the amendments that we were working on do appear within the suite of amendments from the government, and that is a positive thing. As a member of the planning, transport and city services committee, I participated in the inquiry into this bill, and it was an extensive inquiry. In speaking to the bill now, in the in-principle stage, I would like to, if I could, refer to some of my additional comments attached to that report.

Among the things that I said in my additional comments was that the bill sets out to provide significant public benefits, but it could well have several unintended consequences. The biggest is reduced investment in new dwellings in the ACT at a time when new homes are desperately needed. It must be said that the vast majority of work completed by our construction sector is done without a hint of building defects. I fear that, in its haste to find somebody to blame and to be seen to be coming up with a

solution, this bill lands on a progressively populist position that all of the problems are the fault of the person who took the risk to build something in the first place.

Far and away the biggest unintended consequence of this bill is likely to be reduced investment by developers in Canberra, and the failure of the government then to achieve its housing targets. In the middle of a housing affordability and supply crisis, this could have extreme consequences for many Canberrans. Additionally, we see a national construction labour shortage. With a number of building firms becoming insolvent in and around our jurisdiction, it is likely that the imposition of these laws will further slow housing construction at a time when it is desperately needed.

Moving on from those committee comments, I note that the government has provided independent analysis of the bill—analysis which conceded that this bill would make some developments unviable. I think that is worthwhile repeating. The government independent analysis suggested that this bill would make a number of developments unviable. It did go on to say that it was unlikely to have a material impact on the level of residential development. This is from a government that was touting thousands of new dwellings out of the much heralded RZ1 zoning changes. We all remember the former planning minister standing in this chamber and spruiking that the RZ1 changes had the potential to deliver 40,000 new dwellings. At this stage there have been just five development applications. The government does not live in the real world in this space, and I think that we are about to find that out again.

I have some concerns with the core element of this bill, and that is the direct personal liability component. Although there are many in the community who are quite pleased with the prospect of piercing the corporate veil, I remain disappointed that more genuine modelling could not have been conducted to determine what impact this major law change will have on the construction landscape in the ACT. At a time when housing supply is the largest issue affecting housing affordability, it would surely not be wise to push developers interstate or to increase the costs for those building here.

Most of the concerns that I expressed in the committee report remain. As was the case when I wrote that report, we will not be voting against the bill in principle, but we remain concerned about some of the outcomes. I am pleased that this bill will not characterise builders of single detached dwellings as developers. That is a good thing. I know that most of them do not see themselves as developers. But it is disappointing that many of those builders who primarily build standalone dwellings will be classified as developers as soon as they undertake a ground level, four-unit townhouse complex.

Quite a number of the smaller builders will be disincentivised from undertaking those sorts of jobs because, as soon as they undertake one, they will have to go through the exhaustive process of applying for a developer licence, and they will have the personal liability clauses hanging over them. For many, this will be sufficient to steer them away from such work. This is absolutely counterintuitive to the government's aim that 70 per cent of new dwellings be urban infill. Additionally, it will not assist us to create those missing middle dwellings that are so badly needed. So many of the smaller builders in this town do not believe that this legislation applies to them, and they will do whatever they can to make sure that it does not apply to them.

We had a lot of discussion in the inquiry about community housing providers, aged-care and retirement living providers and not-for-profits. It pleases me that there have been some carve-outs for CHPs and those in the aged-care space, but I am concerned that there is no such carve out for not-for-profit community organisations. When Labor's Dr Paterson launched her clubs and gaming policy last week, she boldly predicted that the club sector would solve our housing crisis by diversifying into housing on their land, once she has ripped ATMS and gaming machines from their venues.

The evidence given at the hearing was that, with the spectre of personal liability hanging over directors and board members of community clubs, it is unlikely that they would go down that path, for the same reason that government officials have been excluded from personal liability. Initially I believed that a community club could potentially partner with a CHP to create a development to dodge that most onerous aspect of this bill, but that is not the case. My advice is that they would have to establish an entirely new community housing organisation, whether it was in partnership with an existing CHP or not. Whether in partnership with an existing provider or starting from scratch, the work required and the many hoops to be jumped through would mean it would be unlikely for that to occur.

This bill is getting up today. A lot of work has gone into it, and a lot of it is very good, solid work. There are many things to be commended about this bill. It will get up today. We think it is far from perfect and we continue to have some concerns. I will have more to say in the detail stage.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.35): I rise to provide Labor's very strong support for the Property Developers Bill 2023 today. I support the measures included in the bill, which create a new licensing scheme to provide stronger rules for property development in the ACT. This will ensure that construction in the ACT is undertaken to a high standard. Developer licensing is an important step to ensure consumer confidence and protection in the construction of new housing. We have heard from the community that the standard of construction needs to improve in the ACT. This bill is just part of a much larger work agenda to improve building quality for Canberrans.

ACT Labor took the policy for a property developer licensing scheme, implemented in this bill, to the last election because we understand the importance of ensuring that everyone's home is built in a way that inspires confidence. Building a home is the biggest investment that most Canberrans will ever make, and that dream has been shattered too many times by dodgy building practices that have left some Canberrans picking up the pieces of a literally broken home.

Members on our side of this place have too often heard stories from residents in their electorates about dodgy players in the construction industry building shoddy buildings and failing to rectify both minor and major defects. After trying to seek redress, some Canberrans have found that the developers have hidden behind the corporate veil of a company that has then been wound up or gone insolvent, only to then find that the same dodgy developer has phoenixed into a new company, under a new name, to build yet more dodgy buildings. Canberra residents have too often then been left to pay for the costs themselves. Enough is enough. This bill puts dodgy developers in the local

construction industry on notice that phoenixing behaviour, shoddy work, and the failure to rectify the defects is unacceptable and that they will be held accountable.

The bill is a significant milestone and reflects the significant community and industry consultation that has occurred to date. I want to commend Minister Vassarotti for taking these reforms forward and implementing them. As Canberra continues to grow and focus on more urban density and infill, more people will live and invest in townhouses and apartments within the urban footprint. Therefore, contrary to what the opposition have said, it is critically important that we make sure that these buildings are well constructed, that defects are minimised and that the professionals involved in their development are accountable for their work. We have heard from the community that rectification works can be costly, both for people's wellbeing and, of course, financially.

The new scheme aims to protect the public and increase confidence in our buildings through a range of measures. They include publishing a public register about developers; giving the government powers to have defects fixed by a developer and their builder; having a code of practice that developers must follow; needing developers to have a rating report as part of their application for a licence, which will look at their capacity and capability to deliver residential property developments; and encouraging developers to have insurance that covers a building for 10 years after people move in.

The delivery of the licensing scheme for property developers will address problems of defects and compliance failures in residential property developments. We have heard that defects can occur at all stages of the construction phase, even at completion, and it is important to ensure that any Canberran that buys a new home can do so with confidence.

I acknowledge that the government has achieved a lot of reform during this term of the Legislative Assembly. We have recently heard, through the construction industry roundtable, that the industry is responding to the range of reform measures that the ACT government has brought forward. But a blanket call of "too much regulation" ignores the critical rationale for these reforms that have long been called for by the community to improve building quality. We cannot wait, we cannot delay, and those who speak against this bill, including the Liberals today, are shielding dodgy developers that are ruining the reputation of the broader construction industry. Worst of all, the Canberra Liberals are standing with dodgy developers today and against the protection of their constituents' homes.

Since I became Minister for Planning late last year, I have identified that the supply of more housing is a critical priority for the next stage of housing reform. I am optimistic about the future of the housing industry in Canberra. Our new Planning Act and planning system now focus on outcomes. This has strong alignment with the building and construction reforms, as good planning and design precedes good building quality. Good planning and quality construction together provide strong synergy for better housing outcomes.

These reforms are critical to building confidence in the construction industry as we provide it with an opportunity to build more homes, and more homes in the urban

footprint. Developer licensing is about creating a social licence for further development by lifting the quality of building in this city. I want to see confidence in the planning and building systems—from early suburb planning, the construction of individual dwellings and long after houses are built—and I want to see my constituents protected from dodgy builders. I commend this bill to the Assembly.

**MR CAIN** (Ginninderra) (11.41): I rise to speak to the Property Developers Bill 2023 and to echo the words of my colleague Mr Parton. I want to applaud Mr Parton's work on this bill as a member of the Standing Committee on Planning, Transport and City Services and as the Canberra Liberals spokesman on this issue. His commitment to ensuring the best possible balance between consumer protection and the continued economic viability of the development industry has been unwavering. It is fair to say that we all agree that there has been a deficit in consumer protections when it comes to developments in the ACT. As Mr Parton has said, the Canberra Liberals are supportive of developer regulation. We stand for enhancing governance arrangements and improving integrity across government and industry.

Building and construction is the ACT's second largest industry. The industry employs over 20,000 Canberrans and is the supplier of our homes and offices. We support in principle any licensing scheme that features appropriate measures to increase accountability in the building and construction sector. It ensures that the very few cowboy developers do not take advantage of consumers and contractors, and it does not besmirch the quality work done by the vast majority of developers in providing essential services to our community. However, there have been plenty of reasons for Mr Parton and, indeed, many Canberrans to have concerns about whether this bill strikes the right balance.

The bill comes in response to growing community concerns about the conduct of property developers and controversies around building defects, most of which have been under Mr Barr, as the Chief Minister. Over the last 10 years of Mr Barr's tenure as Chief Minister, the trust and confidence that Canberrans have had in property developers has been severely damaged. In 2014 Mr Barr had a dream to densify Canberra as quickly as possible, no matter the consequences and no matter who voiced opposition. We are now seeing the consequences of Mr Barr's dream of densification and development across the ACT.

Over 10 years, the face of our city, especially our town centres and transport corridors, has changed significantly. With this change problems have come, courtesy of a few bad apples in the building and construction industry. There have been problems with poor building quality, dodgy contractual arrangements and owners corporation disputes, all with Canberrans being left holding the bag or, in many cases, the strata bill. Mr Barr has overseen a decade of development decadence.

Whether this bill corrects or potentially overcorrects the issues of the last decade under Mr Barr remains to be seen. The Property Developers Bill proposes several radical concepts. These include concepts such as personal liability for directors of corporate developers and rectification orders with retrospective application. There will also be a new definition of "property developer", which will include ordinary landowners and builders as well. This legislation is the first of its kind in Australia, with no sign of similar legislation being enacted in other jurisdictions at this point in time.



To echo Mr Parton's summary, the bill will require developers to have a licence before they can obtain development approval under the Planning Act 2023 or building approvals and certificates under the Building Act 2004, or contract or advertise the sale of off-the-plan residential property under the Civil Law (Sale of Residential Property) Act 2003. It will require the registrar to publish a public register of developers. It will establish the framework for a code of practice for developers. It will require developers to obtain a rating report as part of their application.

The bill will also give the government powers to have defects fixed by developers and their builders. It will provide the government with broad powers to compel information to be provided and to enter premises. It will encourage developers to buy insurance that covers a building for a period of 10 years after completion of the construction.

These outcomes may appear sound and reasonable on face value. However, there do appear to be some issues lying beneath the surface, upon further inspection. The Property Council ACT has warned that this bill "will act as a deterrent to the creation of homes and lead to an increase in housing costs". They further warn that "this scheme will result in fewer homes being built when we can least afford it". Since we are in the midst of a housing supply and affordability crisis in the ACT, I am sincerely concerned about these possible outcomes.

Mr Parton, in his additional comment in the planning committee's report on this bill, said:

I fall just short of recommending that the Bill not pass ...

There is a clear need for reform in this space which has been instigated by the stale, arrogant and domineering leadership of Mr Barr over his 10-year tenure as Chief Minister. The community demands change. I will stand as an advocate for the community when it comes to planning and land management in our city. However, it is worth being aware of the impact of these changes and the potential damage that can be caused to the ACT building and construction industry and the local Canberra economy. The Canberra Liberals will be monitoring this closely. I support the position of my colleague and advise the minister that we will be watching, as will many others.

**MR PETTERSSON (Yerrabi) (11.47):** I must confess that I am somewhat confused. I have been listening intently to the contributions so far from the other side of the chamber and I am yet to hear a reason that the Canberra Liberals are actually going to vote for the bill. They spoke for a long time—20 minutes or so—and they said a lot of things, but not for one moment did they express any reason that this is a good thing to vote for. I just listened to 20 minutes about why this is a bad idea and why they should not vote for it. Seemingly, the conclusion was that they are going to vote for it because it is probably a good idea but a bad idea for all those reasons.

*Opposition members interjecting—*

**Mr Cain:** If Mr Pettersson is confused, we can do it again, Madam Speaker.

**MADAM SPEAKER:** Members, you were heard in silence.

**MR PETTERSSON:** My one conclusion is that the Canberra Liberals do not actually want this reform. They actually oppose this reform, but they know that it would be so unpalatable to the Canberra community for them to vote no, because they know that it would expose how they truly feel about how this city operates. They know that their close-knit ties with developers in this town would be so unpopular.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, enough!

**MR PETTERSSON:** Thank you, Madam Speaker. If the Canberra Liberals actually did support this initiative and this idea, you would think there would be some gusto in support of it. I am sure they have heard from many of their constituents and maybe family members or friends who have been ripped off by a dodgy developer. They would have picked up a newspaper and seen the Canberrans who have been ripped off by shoddy developers, and you would think there would be a bit more enthusiasm about addressing it, but there was none of that. Instead, they begrudgingly walk into this place to vote for a bill that they feel compelled to vote for.

Property developer licensing has been a long time coming. Everyone in this place knows someone or knows of someone that has been ripped off by a shonky property developer. Unfortunately, this is the reality in Canberra and in Australia. Anyone can end up being a victim. It starts with a flashy brochure and a promise—“Construction will start soon. Just sign these papers”—for many young Canberrans and new couples investing their life savings to buy their first home and start their lives together, or for growing families who bought off the plan to give each of their kids space of their own. Too many of these hopes have been dashed and so many dreams have been left in the dust when something has gone wrong—at the beginning of a project, in the middle of construction or later down the path, when everyone but the householder has moved on. These shonky property developers do not care about the lives they ruin, as long as they make a quick buck.

I think the most prominent example of development gone wrong in Canberra—and it is one that many in this chamber will remember—is the Elara apartments. There were structurally unsound steel columns and balconies, corrosive liquid was leaking onto cars parked in the basement and there were waterproofing failures in almost all areas of the development, not to mention horrible, disgusting mould. Experts described the issues as some of the worst they had encountered in over 40 years. Residents were stumped with a repair bill upwards of \$19 million. That is not an insignificant amount of money—I do not care who you are or how big the complex. The residents tried to go after the developer through the courts to recover the funds, but they had no luck. The developer went into administration, and so the case went on. In the end, residents could only try to recover money from insurance. With widespread coverage of the building’s poor quality, the complex’s property values have plummeted.

Earlier this month we saw the news reports about the Highgate apartment complex, literally just down the street from this Assembly. Residents have been issued a damning

structural report by engineers. They have been told to stay off their balconies. “Stay off your balcony.” I wonder what could possibly happen. They have been told the concrete columns in the basement and car park threaten the stability of columns and walls. There are issues that increase the risk of water ingress. The glass that has been used is at risk of spontaneous failure. There is corrosion of steel sections supporting the building’s external facade.

Madam Speaker, can you imagine buying your first home or maybe your dream home—a shiny apartment right in the heart of our CBD—only to be told, once you have moved in, that there are structural issues? That is terrifying. I truly feel sorry for the residents of the complex as they begin navigating through these processes, because these laws are not in place and they will not apply. This is from the same developer-builder responsible for a complex in Kingston at which they were ordered by the government, a few years ago, to undertake emergency rectification work. At that complex, a number of the building’s columns were at significant risk of punching through the slabs. They even tried to block the emergency rectification order in ACAT.

This legislation is long overdue. It is time for dodgy developers to be shown the door. Stories like these are only possible because the property developer was operating in a regulatory environment that allowed them to do so.

**Mr Cain:** Under your government. For how long? How many decades?

**MR PETTERSSON:** Madam Speaker, the interjections from the other side of the chamber are amusing and entertaining.

**MADAM SPEAKER:** There is no need to encourage them, Mr Pettersson.

**MR PETTERSSON:** The Canberra Liberals would like to position themselves as the champions of working people and the consumer—

**Mr Cain:** We can talk slower if you can understand it better.

**MADAM SPEAKER:** Mr Cain, you are about to be warned.

**MR PETTERSSON:** as they like to suck up to developers and stand up for big business. So your recommendations are lost somewhere, Mr Cain.

**Mr Hanson:** The Labor Party is a developer. It is big business.

**MADAM SPEAKER:** Members!

**MR PETTERSSON:** Members, I had the great honour in the last Assembly to be a member of the building quality inquiry.

**Mr Hanson:** You guys run the pokies and do developments.

**MR PETTERSSON:** I would encourage all members in this place to acquaint themselves with the report if they have not already done so.

**Mr Hanson:** Your mates at the CFMEU do as well.

**MR PETTERSSON:** Many of the recommendations of that report are still being actioned, as we heard yesterday in the minister's statement on residential building work insurance.

**Mr Hanson:** They run pokies—

**MADAM SPEAKER:** That is enough. Mr Hanson!

**MR PETTERSSON:** In that inquiry, I was able to hear from many Canberrans who had bought a dream that turned into a lemon. For many of them, the constant buck-passing between the developer and the builder was the greatest source of frustration, ultimately being unable to make either of them fix the mess that they had left for them. It is only natural for Canberrans to hear these stories of developments gone wrong and to be concerned that the government has not done enough to protect consumers. And we have not, which is why we are acting.

Canberrans want change and they have wanted it for a long time. We saw this firsthand in 2019 at the ACT Labor policy conference. ACT Labor delegates proudly voted in support of a nation-leading resolution calling on the ACT government to introduce a property developer licensing scheme that would test whether a person was fit and proper to be a developer in the first place, let alone undertake high-risk developments—a scheme with real penalties to discourage bad behaviour; a scheme that would add property developers into the chain of accountability for their developments. It was the first time that this idea had been proposed and, from there, it took off.

In November 2019 former Minister for Building Quality Improvement Gordon Ramsay announced the government's commitment to create and implement a similar property developer licensing scheme. Minister Ramsay saw firsthand the many instances of property developers forcing builders to cut corners and save on costs, only for the new residents to be left holding the bag. It was not fair. That is why he put the industry on notice.

ACT Labor committed to making property developer licensing a reality—promising ahead of the 2020 election to establish the first licensing scheme in Australia for property developers, with stringent and rigorous enforcement. I paid attention to the 2020 election campaign. I did not see the Canberra Liberals say anything to address any of these issues. All we are hearing in the chamber today is lip-service. After the election, property developer licensing made it into the Parliamentary and Governing Agreement for the Tenth Legislative Assembly. I am surprised; those opposite went quiet on that point. This then became the responsibility of the new minister, Ms Vassarotti, to implement.

I admit that, since 2020, I have been nervous that property developer licensing would not be developed this term. It was a long journey through COVID which fundamentally disrupted the policy development process. There was the constant and powerful opposition from property developers, as well as legislative agenda prioritisation

decisions. This is why we saw strong community campaigns that emerged, calling for the minister to prioritise delivery of this legislation in this term, as promised by ACT Labor at the election.

The CFMEU have been strong and consistent in their advocacy and kept the pressure up. They put forward two very successful Assembly petitions, which I was proud to sponsor, that saw hundreds and hundreds of signatures of Canberrans. They undertook surveys of the community to see what they thought and ensure that their voices were included in this process. It was no surprise to me that they found that a whopping 77 per cent of Canberrans wanted the government to introduce property developer licensing. The same number of Canberrans agreed that property developers have far too much unrestricted power in our city, and particularly over the Canberra Liberals, may I say. The CFMEU's advocacy over the course of this term made a real difference in demonstrating to the government how broad the support for property developer licensing is.

I would like to thank the minister and the directorate for their work to ensure that this bill was introduced by the end of 2023. With six sitting days left, we are here today debating and voting on this bill, and Canberrans are very grateful for all the work that we have undertaken to get us here.

I will not speak in the detail stage, as I will indicate my enthusiastic support for the government's amendments now, but I will speak to their purpose. I am pleased that the government has heard feedback from the community in relation to retrospectivity. At the commencement of the act, property developers will know the standard to which they need to operate and the standard to which they will be held accountable, moving forward.

I appreciate that the amendments address community concerns about the impact that the legislation will have on small-scale developments by improving the definition of "property developer". These amendments will ensure that the bill only applies to regulated residential buildings which are constructed as part of a project to construct three or more dwellings. Single dwellings or dual occupancies do not fall within the scheme, which essentially makes sure that the families who have decided to build a home or a granny flat do not incidentally become property developers that need to be licensed. That is a very sensible clarification.

Ultimately, I am really optimistic about the scheme that we have before us today. When it comes into effect, property developer licensing will make a real difference to the integrity of our building and construction industry. Everyday Canberrans can begin to have a renewed sense of confidence in the developments that they are buying into. The decision-making power of developers throughout the construction process over builders, and through to their workers, will now be properly regulated. We will be able to know whether the developers at the top of the food chain are acting in responsible and ethical ways. If they are not, we will have a licensing regime with real teeth to address it.

I do not think that this scheme is going to solve all the problems that exist in property development and the building and construction industry, but Canberrans and members

of ACT Labor have been asking for this for a long time. This is an important step. It is another step towards greater accountability, and that is a very good thing.

**MS CASTLEY** (Yerrabi) (12.00): I was not planning on speaking to this, but I just cannot believe what I have heard from Mr Steel and Mr Pettersson, saying that it is the Canberra Liberals who have ties to dodgy developers. This is coming from the ACT Labor Party, who are overseeing the exact problem that they are raising. It is coming from the ACT Labor Party, who have allowed developers to take over our town centres. The ACT Labor Party is so tied up with the CFMEU, who are benefiting from all this. I would hope that those opposite admit that they are responsible for the exact consumer issues that we are trying to mend with this bill today. The Canberra Liberals support developer regulation, and we will not let perfect get in the way of good.

**DR PATERSON** (Murrumbidgee) (12.01): I rise very briefly to speak to a situation in Lyons that I was contacted about by some constituents only a month after being elected in 2020. It regards a set of apartments in Lyons. Fourteen apartments were bought off the plan and settled in 2011, and it was in 2013 that the body corporate lodged rectification works. Those residents have been put through the wringer. The distress and the mental ill-health that have stemmed from the serious defects of this property are shocking. They have struggled to sell the apartments, so they cannot move on. They are stuck in a never-ending process. There is now consideration of enforcement action and possible prosecution around this apartment block, but this persists for these residents, 13 years on. This should not be able to happen. I speak in support of the bill. I am really keen to see this up and running in the ACT.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (12.03), in reply: I am really pleased to close the debate on the Property Developers Bill 2023. I thank all members for their contributions to the debate on this bill. As I said in my presentation speech, accountability matters. The ACT government is committed to holding property developers responsible and accountable for residential development activities that they carry out.

The majority of property developers in the ACT do deliver quality buildings and meet their obligations to subcontractors and their employees, and they meet their obligations to the person, the couple, the family or the investor who is buying into their development. Why, then, do members of the public not have confidence in developers? Why, in a 2022 survey, did 76 per cent of respondents agree with the statement, “Developers in Canberra are too reckless about adhering to community standards”? Why does market research commissioned in 2022 show that low confidence in purchasing residential properties was driven by distrust of developers?

Perhaps such attitudes are justifiable by high-profile examples of poor development outcomes, like Opal Tower in New South Wales, that undermine public trust and lead to a loss of confidence in the industry. Perhaps it is examples right here in the ACT, where neither the developer nor the builder is willing to fix problems in buildings that they have constructed. Or perhaps it is the types of property developers that ASIC took action against last year, banning a company director for two years.

Too often, building owners have been left to shoulder the rectification costs or enter into costly and protracted court battles. This can be emotionally as well as financially draining and damaging. This bill aims to stop poor behavior in its tracks. It signposts and puts offence at the top of the cliff. This bill will ensure that the development companies and their key people are assessed as being suitable before being issued with a property developer licence. This means no more shadow directors and a new capacity to prevent untrustworthy and unsuitable people from being involved in the property development industry.

This bill unashamedly has the consumer and consumer protection at its heart. The largest single investment that any individual or family is likely to make is their home. When buying a property, particularly off the plan, home buyers place enormous trust in the developer from whom they are purchasing their home. Unfortunately, along with the increase in new apartment buildings across Australia needed to accommodate our growing population, the risk to the community and the economy from serious defects is rising across the country, not just in the ACT.

However, I do not accept that building defects are inevitable. I absolutely reject the assertion that, because property developers do not hold a hammer, they are powerless to prevent them. Developers have a critical role in setting the culture of a building and construction project, through their influence on and control over many aspects of the process, from inception to completion. As we know, defects can happen and regulatory efforts are best targeted at identification and rectification at the earliest possible time, with the regulation of practitioners being an essential part to support these outcomes.

This bill will reduce and minimise the occurrence of defects, and encourage property developers and their builders to fix potential problems proactively before anyone moves into their home and to take responsibility for things that they do have control over when a defect is discovered post-construction. Our existing regulatory scheme holds the licensed builder to account. This bill makes sure that those with skin in the game, including the developer, who is responsible for making sure that their buildings are built in accordance with approved plans, via the National Construction Code and the Australian Standards, are held to account.

This bill extends the application of statutory warranties to property developers as well as builders. It makes sure that all key parties responsible for the development are held responsible. In delivering a residential property development, the developer and the builder are now jointly responsible and can apportion liability between themselves and sort out their differences with each other. What matters for consumers is not whose fault something is but, rather, that someone takes action to remedy the defect. Importantly, this approach removes any incentive for the developer to put pressure on builders, tradespeople or certifiers to undertake or approve dodgy work. This becomes counterproductive, as the developers will hold an ongoing obligation to fix any defects. For the regulatory powers under the bill, the Construction Occupations Registrar will be appropriately empowered to issue an order against a builder, a developer or both entities jointly.

The majority of residential property developers who produce quality buildings should remain largely unaffected by the new scheme and will, in fact, benefit through improved

consumer trust and a level playing field. Developers committed to quality buildings and committed to fixing any defects have nothing to fear from this bill. The cost of good quality construction will not increase. What the licensing and regulatory scheme of this bill will deliver is a floor under developers to help prevent poor corporate behaviour and poor quality construction outcomes. I do not accept the argument that this bill will see property developers flee the ACT for greener pastures or destroy the residential sector as we know it, as some have suggested.

A property developer that lacks the capacity and the capability to deliver a good residential outcome in the ACT would probably need to think twice before hopping over the border to operate in New South Wales, where the Building Commissioner has a very similar range of enforcement powers to stop dodgy developers and practices in their tracks. Indeed, much of the work that this bill does, such as the problem definition and the regulatory powers model, is modelled on the New South Wales Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020, or the RAB Act.

In response to building and quality issues, similar accountability reforms are underway in other jurisdictions as well. While this is nation-leading legislation, it has drawn on good practices in other jurisdictions. Queensland is progressing down this path. I suspect some of the resistance to this scheme stems from a concern that we might see this approach in other jurisdictions too. At a time when we are seeing an increase in building and development, it is incumbent on us to ensure that these buildings are of an appropriate quality and have appropriate consumer protections.

In preparing for this bill, the government commissioned the Centre for International Economics to provide a cost-benefit analysis of the scheme. Their analysis found that more than 15 per cent of new multi-unit residential construction in the ACT involved improved practice to minimise defects as a result of the reforms. The benefit of the proposed reforms will outweigh the costs. I am confident that the licensing and regulatory scheme that this bill provides will result in this threshold being met and significantly exceeded.

What separates the scheme we are establishing here in the ACT from the New South Wales one and makes our scheme nation-leading is the licensing component. In other jurisdictions, even those with a very well-resourced compliance framework, there is nothing to stop someone with a poor track record from engaging in development activity in the first place. The bill's licensing scheme uses a specialised rating agency to provide information on a developer's capacity and capability, and the business history of key people.

In addition, this bill includes the power to pursue company directors if the company is wound up, in administration or deregistered. These are important accountability provisions and make the scheme unique. The government does not wish to be punitive for the sake of it. The construction of this bill and the licensing and regulatory scheme it provides for is designed to do one thing: protect people from living in defective buildings.

The final feature of the bill to highlight is the power to impose conditions on licences. The bill provides a range of matters which set out where conditions may be imposed



and provides insight into the registrar's ability to manage risk-free conditions. For example, conditions might be imposed on new entrants in the market to limit the size of developments they can undertake or the number they can do simultaneously while they build experience and a track record of performance in the industry. The ability to impose conditions will be an important tool to protect consumers from harm.

Since the bill was tabled in November last year, the Assembly's Standing Committee on Planning, Transport and City Services has undertaken an inquiry into the bill and made a number of recommendations. I thank the Assembly committee for this work. It was really helpful. The government agrees with most of the recommendations, as I noted when tabling the government response.

In addition to the committee's inquiry, the government has continued to meet with stakeholders. We have made a number of amendments to the bill to reflect the feedback from these processes. We have acted on feedback, including allowing for an appropriate transition for developers to get a licence and prepare for the new regulatory scheme and making clear that the rectification powers are not retrospective. We have made it clear that the scheme is targeted at multi-unit developments and not single dwellings or dual occupancies. Those are not captured. We have also excluded approved aged-care providers, given the significant oversight they already have through Commonwealth legislation.

Before I close, I want to speak quickly to an element of the bill that is contentious and has caused concern amongst members of the development industry, and that is the director liability provisions in clause 55 of the bill. As I noted when the bill was introduced, the bill has been structured so that the power to issue a rectification order against the director of a property development entity will only be enlivened after a company is wound up, in administration or deregistered. There is no avenue for personal liability if the company remains operational or when it meets its obligations to consumers and any regulatory orders. This is a direct disincentive for phoenixing activity.

I note my appreciation for the contributions made by the many stakeholders who have engaged instructively with the ACT government, my office and the inquiry process throughout the development of the bill. The government will continue to engage with the sector as we further develop the bill's regulations, including the development of the Property Developer Code of Practice. I particularly thank members of the building reform team in the directorate. Three are sitting here today: James, Anthony and Eddie. This has been a complex process, with the need for significant policy development work and strong engagement with the community and the sector. Thank you so much for the professionalism that has led to this moment. The Canberra community is really lucky to have people like you absolutely serving the public. Better building quality is a legacy that you can be proud of. Thank you so much for that.

This bill delivers on a major commitment in the Parliamentary and Governing Agreement that was agreed to at the beginning of this Assembly, after both the ACT Greens and ACT Labor committed to this important reform to deliver the first Australian licensing scheme for property developers.

In closing, the ACT government is committed to protecting consumers and supporting a strong building and construction industry. This bill rebalances the scales, rewarding

companies who have always done the right thing by making it harder for those who seek to undercut them on price and quality. Developers must do the right thing. They must adopt improved practices or they will not be able to do property development in the ACT. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

Debate (on motion by **Mr Gentleman**) adjourned to a later hour.

**Sitting suspended from 12.19 to 2.00 pm.**

### **Ministerial arrangements**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (2.00): Again, Madam Speaker, Minister Cheyne will be absent from question time today due to illness. Minister Steel will assist in city services and I will assist in Minister Cheyne's other portfolios.

### **Legislative Assembly—unparliamentary language**

**Ms Lee:** Madam Speaker, in relation to the comments you made this morning, I withdraw.

**MADAM SPEAKER:** Thank you indeed.

### **Questions without notice**

#### **Economy—credit rating**

**MS LEE:** My question is to the Treasurer. Treasurer, analysis by former Labor Chief Minister, Jon Stanhope, and Dr Khalid Ahmed, former senior ACT Treasury official, shows that the ACT is the highest taxing jurisdiction in Australia, imposing taxes at 135 per cent of its capacity. It also shows that across Australia, other jurisdictions have a pathway back to a balanced budget or are already there. Their analysis says:

It is almost certain, based on past forecasting performance, that the revenue forecasts are significantly overstated, in which case the forecast improvements in the operating budget will vanish.

Treasurer, given this damning analysis of your budget by one of your former Labor Chief Ministers, how can you maintain any confidence in the ACT retaining its AA+ credit rating?

**MR BARR:** Whilst I am sure we all enjoy reading the commentary of the former Chief Minister and a former Deputy Director-General in the Treasury agency, that is their opinion and they are entitled to it. I do not think anything is going to change their opinion. In relation to credit ratings, the normal process at the conclusion of a budget round is that the credit rating agencies will assess the territory's fiscal position and make a determination. That will occur in the same way as it has every budget year.

**MS LEE:** Treasurer, when are you expecting to meet with Standard & Poor's, or any other rating agency, in relation to the territory's budget and credit rating?

**MR BARR:** The usual practice is by the spring, so several months after the budget.

**MR CAIN:** Treasurer, for full transparency, will you undertake today, to provide the details to this Assembly of any discussions your government has with S&P Global about the territory's credit rating. If not, why not?

**MR BARR:** The territory has an annual discussion with Standard & Poor's and the next one will be scheduled for the coming months.

### **Budget—education**

**MS LEE:** My question is to the minister for education. Minister, late last week you announced \$24.9 million over the next four years to improve literacy and numeracy outcomes for ACT public school students, an announcement that followed the release of the Literacy and Numeracy Education Expert Panel's final report. However, budget papers released on Tuesday showed that only \$1.7 million is new money, with the remainder of the funds coming from within Education's existing resources. Budget papers also show that there is no additional new money in any of the forward estimates for these reforms. Minister, how can you assure Canberra parents and teachers that you are taking these reforms and recommendations seriously, given that you have not put money behind them?

**MS BERRY:** I also said, in my announcement last week on the funding to respond to and apply the recommendations by the expert panel, that this was the start of the process; we would be developing an implementation plan this year and the recommendations that were put forward by the expert panel to phase in this program of work were to begin from January next year. And I have made a commitment publicly that there would be more to come.

**MS LEE:** Minister, will you be up-front with the Canberra public and release, before the October election, your plan for the full implementation?

**MS BERRY:** I have been up-front about the implementation of the recommendations regarding Strong Foundations.

**MS LAWDER:** Minister, what programs are you cutting within your directorate to pay for the implementation of these reforms?

**MS BERRY:** There is a realignment of the work of the Education Directorate to provide more of a focus on implementing these recommendations that have been put in place by the expert panel.

*Mr Cain interjecting—*

**Mr Gentleman:** A point of order, Madam Speaker. Mr Cain has interjected three times in two questions already in question time. He was on a warning this morning. I ask that he be named and that he withdraw from the chamber.

**MADAM SPEAKER:** No, he was one step short of a warning, but I think I have just put him on one.

### **Hospitals—digital health records**

**MS CASTLEY:** Madam Speaker, my question is to the Minister for Health. Minister, last weekend a patient with a very advanced infection was admitted to the Canberra Hospital and put on a drip for the next one to two months to treat golden staph in his bones. On Sunday night this patient, who had no reason to believe he would not get better, opened MyDHR and saw a task which asked him whether he had considered his end of life choices—whether he had made funeral arrangements and considered his preferred type of burial et cetera.

He became very distressed. There was no-one around to console him; he had barely any sleep. He was crying on the phone when he explained how reading this made him feel. He was shocked and alone. He confirmed with a nurse the following morning that he is okay and is not dying. There are also reports of another patient, who had suspected leukaemia, receiving the same message. Minister, is this patient's experience not symptomatic of the common dysfunction of Canberra Health Services under your oversight?

**MS STEPHEN-SMITH:** I reject the last part of the question; I do not think it is. But I agree with Ms Castley that that is not acceptable. It is not an acceptable use of the Digital Health Record, the MyDHR function, for patients to receive those kinds of questions without any support available to them. I will follow that up with Canberra Health Services and find out how that happened. That is absolutely not what we would expect from a patient experience. We would expect that, when patients are critically ill, staff are having sensitive conversations with them. It is absolutely inappropriate that they are seeing that on MyDHR without support available to them or in inappropriate circumstances. I will seek to address that as quickly as possible.

**MS CASTLEY:** Minister, will you promise that no-one else will receive a notification like this and that all correspondence of this sort in the future will be done face to face?

**MS STEPHEN-SMITH:** We will try to rectify this as quickly as possible. If it is some kind of automated function or something that is pushed automatically from a staff note to the patient's MyDHR, I cannot guarantee that that will not happen again in the next little while. We will seek to address this as quickly as we possibly can. I absolutely apologise to anyone who has had this experience. As I said earlier, it is entirely unacceptable that a patient would have that experience.

**MS LAWDER:** Minister, along with your apology, can you identify how many other people may have had a similar notice under this system that you have been dealing with for the past five years?

**MS STEPHEN-SMITH:** The Digital Health Record was implemented in November 2022 and there have been many benefits from it. MyDHR, which has been an incredibly popular function in the Digital Health Record, appears to be the issue. Saying that this has been an issue for five years is completely incorrect. However, I will take the detail of the question on notice and see if we can identify that. It may be that we would only be able to identify if complaints have been received in relation to this. Some people would have received notifications on MyDHR that they did not look at and that would now be way down in the system. Whether we can pick those up, in terms of trying to count those numbers, I cannot say for certain. I will take the question on notice and come back to the Assembly.

### **Budget—cost of living**

**MS ORR:** My question is to the Treasurer. Treasurer, what practical and targeted measures are included in the budget to help with the cost of living for Canberrans who need it most?

**MR BARR:** I thank Ms Orr for the question. There is a \$143 million package of concessions contained within the budget. It includes support for over 40,000 households, with electricity, gas and water rebates. There is also support for apprentices and trainees, with a payment of \$250. We have expanded the Utilities Hardship Fund to increase the available vouchers to \$300 to support more households. We have extended the Rent Relief Fund to provide more support to Canberrans who are experiencing rental stress. We have expanded public transport concession fares. And we have provided additional funding to a number of community organisations who provide support directly to Canberrans in need, including for emergency material and financial aid programs and food relief services.

**MS ORR:** Treasurer, why is it so important to keep energy costs low for Canberrans?

**MR BARR:** Power bills can be the largest bills a household would receive in the course of a month, a quarter or a year. We have seen, in other jurisdictions, very large price increases. The ACT's decision to move to long-term fixed price renewable energy contracts has provided stability in our energy prices. To help with energy costs, we have sought to complement the \$300 per household initiative from the commonwealth government through returning \$61.3 million in surplus revenue from the large-scale feed-in tariff to households, as well as provide the \$800 electricity, gas and water rebate to 44,000 Canberra households in 2024-25. Of course, households can save even more on their energy bills by engaging with their electricity retailer and looking at the different plans and savings options that are available from the retailers.

**MR PETTERSSON:** Treasurer, what proven every-day cost-of-living supports do these new budget initiatives build on?

**MR BARR:** I thank Mr Pettersson for the question. Of course, they build on access to health care when and where you need it, particularly through our established network of nurse-led walk-in centres. They build on initiatives like the Education Equity Fund, which provides support for students across our education system. More than 5,000

students have already accessed support in 2024 from that fund. It builds on our free three-year-old preschool program. These and a number of other initiatives contained within the budget are helping tens of thousands of Canberra families with their everyday costs.

### **Hospitals—emergency department waiting times**

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

Minister, since 2020 through to 2021 you have been given over \$11.2 billion for health funding, yet you have failed to meet your own targets for emergency department presentations whose length of stay is four hours or less, with only 56 per cent of patients meeting this benchmark against a target of 90 per cent. You have also failed to meet any of your own elective surgery targets, with 26 per cent of category 1 patients, 56 per cent of category 2 patients, and 33 per cent of category 3 patients not being seen within clinically recommended time frames. Minister, how embarrassed are you that you have received more than \$11 billion dollars in funding in this term of government, and yet you are still nowhere near your promise to see 70 per cent of ED patients in four hours or less?

**MS STEPHEN-SMITH:** Ms Castley is right. This week marks my fifth anniversary in this job as health minister. I am pleased to say that we have in fact seen a significant improvement not only in emergency department performance but in the capacity of our health system throughout those five years.

As Ms Castley would be aware if she looked at the latest quarterly performance report, our hospitals are now seeing 63 per cent of patients in our emergency departments on time, with a median wait time of 25 minutes which has come down from 48 minutes in 2020-21. So a very significant improvement in median wait time. We are also seeing patients leave the ED within four hours at 57.5 per cent, which is in fact above the last published national average figure.

*Ms Castley interjecting—*

**MS STEPHEN-SMITH:** As I have made the point to Ms Castley many, many times in this place, this is an incredible result for our hospitals, which are not comparable on a jurisdiction-by-jurisdiction basis with an entire other jurisdiction's hospital system because we do not have any of the smaller regional or outer metropolitan hospitals which tend to see people very quickly because they are not very busy. Canberra Hospital is one of the busiest emergency departments in the country—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, members!

**MS STEPHEN-SMITH:** and on a peer comparison, Canberra Hospital has consistently performed, particularly for category 2, better than most of its peers around the country. Ms Castley will continue to talk down our hospital system in the face of all evidence that it is continuing to improve. I will not!

**MS CASTLEY:** Minister, should Canberrans believe what you say, or believe what you do when it comes to health outcomes?

**MS STEPHEN-SMITH:** I think Canberrans should believe what I say and what I do. The consistent feedback that I get from Canberrans, particularly in relation to, for example, the management of a global pandemic, is that people absolutely appreciated how upfront both the Chief Minister and I were in talking to them about what we knew, what we did not know, what we were doing and why we were doing it, and that we said what we were going to do and we did what we said we were going to do.

It is exactly the same in our hospital system. We have committed significant resources to improving our emergency department performance, and we have in this budget again as well—including the funding for the operation centre at Canberra Hospital, which has seen a significant change in the way that this performance is monitored. I was visiting the operation centre recently. It is operating very well to improve patient flow, even in its relatively early days. So we will continue to make these investments—record investments—in our health system. There is \$2.6 billion into our health system next year—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MS STEPHEN-SMITH:** As the opposition has pointed out, it is a significant increase in investment in health over the last five years because that is what Labor does. Labor believes in public health and we will continue to invest in it. Canberra Liberals have no plan for our public health system except a royal commission and delay tactics.

**MADAM SPEAKER:** I will give the call to Ms Lawder but can we just ask members to hush!

**Mr Parton:** We'll try.

**MADAM SPEAKER:** You can do better than that, Mr Parton, and consider yourself warned for being cheeky.

**MS LAWDER:** Minister, why should Canberrans believe that you can, all of a sudden, do your job properly just because your funding has increased from \$2.3 billion to \$2.6 billion?

*Opposition members interjecting—*

**MS STEPHEN-SMITH:** I point Canberrans to—Madam Speaker?

**MADAM SPEAKER:** Members, please. You have just been asked to be quiet. You already have Mr Cain and Mr Parton on a warning, so please. Ms Stephen-Smith.

**MS STEPHEN-SMITH:** I would point Canberrans to the data and the actual facts which show that we will deliver a record number of elective surgeries this year, that our emergency department performance is improving and that we are continuing—

*Opposition members interjecting—*

**MS STEPHEN-SMITH:** Madam Speaker, really? This is ridiculous!

**MADAM SPEAKER:** Like I said, you have two members warned. You asked the question; have the respect to have the minister respond.

**MS STEPHEN-SMITH:** I am finished, Madam Speaker.

### **Planning—Thoroughbred Park**

**MS CLAY:** My question is to the Chief Minister. You have formed a steering committee to consider next steps for Thoroughbred Park. This is a major site close to the heart of Canberra, on the light rail, and an excellent choice for more housing and community facilities. The industry has put up a \$2 billion development but there are other options on the table. I have heard concerns in the media and from the public that the ACT government might only be looking at the horseracing industry's plans and might make a decision behind closed doors, rather than running a transparent and open process and picking the best option for the community. Who does the steering committee report back to?

**MR BARR:** To me.

**MS CLAY:** Who is on the steering committee?

**MR BARR:** The Deputy Director-General of Economic Development, the Deputy Under Treasurer, Economic Revenue and Insurance, the Coordinator-General for Housing, the Deputy Under Treasurer, Budget Procurement, Investment and Finance, the Deputy Director-General of the Environment, Planning and Sustainable Development Directorate, the Chief Executive Officer of the Suburban Land Agency, the Deputy Director-General of City Services, the Deputy Director-General of the Justice and Community Safety Directorate, and the Chief Executive of the Canberra Racing Club.

**MISS NUTTALL:** When will the government run public consultation ahead of making a decision about the site?

**MR BARR:** In the years ahead.

### **Health—eating disorders**

**MR COCKS:** Madam Speaker, my question is to the Minister for Mental Health. Minister, residential eating disorder centres, like the Wandi Nerida centre in Queensland and other centres around the country, are a proven way to help people experiencing eating disorders. This model was expected to be up and running by now in the ACT.

After funding was committed by the Liberal federal government, the then ACT Minister for Mental Health, on 2 June 2020, advised that construction would start in 2021-22,



but the project has been repeatedly delayed in ACT budgets since 2021. Once again, the physical completion date has been moved back. Minister, when will the construction of the residential treatment centre for eating disorders be completed and when will services commence?

**MS DAVIDSON:** I thank the member for the question. I went out there just last week with a number of stakeholders, including people who had come down specifically from Queensland to see the progress on our eating disorders residential treatment centre. It is very close to completion at this point. I could not tell you the exact date, off the top of my head, but it is very close to being completed. It is expected to be open soon. The finishing touches are being put in place.

The people who came down from Queensland particularly noted some of the elements of the construction that they felt were really important for supporting the right model of care to be delivered for people. Also, the people from Bondi Junction were able to come and see what we are doing in our centre and get some great ideas for things that they might want to do in their centre in future.

The recruitment of staff for this centre has been very successful. We have been keeping our stakeholder organisations from the reference group engaged throughout this process, to make sure that what we are doing is aligned with the planning for this centre, which dates all the way back to 2018, when Minister Rattenbury first took on this work to make sure that we are providing a service that fills a gap in the ACT. It will be wonderful to see that completed very soon.

**MR COCKS:** Minister, what is the impact of the delays, which were confirmed in the budget, on people with eating disorders who have been waiting for these services since 2019, given your previous comments about the importance of early intervention?

**MS DAVIDSON:** I thank the member for the question. The work has been progressing to get this centre open. It is going to be open very shortly. In the meantime, people who need treatment have been able to continue accessing the same treatments that they have been accessing while that construction has been underway.

A number of major improvements have been made to our stepped model of care for eating disorders across the ACT. They include the opening of the clinical hub, which has made a massive difference in reducing waiting lists so that people are able to start treatment, and an early intervention service for eating disorders. We know that there are ways in which these services can connect with each other, thanks to the clinical hub, that will improve people's transition from one step in their treatment plan to the next, as they progress towards recovery.

One of the things that we would like to see in future in the ACT is a day program. Having the residential centre open will enable us to have more options for how we might want to deliver a day program in the future. That will help enormously with people who have received inpatient treatment for medical stabilisation but may not yet be ready to progress to the residential centre or continue with the eating disorders program. A day service is something that we are looking at. We have been progressing that work while continuing to get the construction and the model of care established for the residential treatment centre.

**MS CASTLEY:** Minister why, five years after this centre was promised, are we still waiting for you to stop dragging your feet and making excuses about this service? Will you commit to taking on notice and reporting back to the Assembly the date the centre will open?

**MS DAVIDSON:** I very much look forward to being able to report back to the Assembly on the successful opening of the centre, which is imminent. The work to progress a centre of this nature does take some time because of the level of consultation that is required with the community.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, please! Mr Rattenbury.

**Mr Rattenbury:** Madam Speaker, on a point of order: we continue to have repeated interjections from the members of the opposition. It is hard for the minister to answer the question when this sort of chirping is going on.

**Ms Castley:** Madam Speaker, to the point of order: I asked the minister if she would report back to the Assembly on a completion date. She must have some idea—

**MADAM SPEAKER:** I am going to take her response about coming back and informing the Assembly about the opening as relevant to that. There is no point of order.

### **Budget—economy**

**MR PETTERSSON:** My question is to the Treasurer. Treasurer, what are some of the economic opportunities and challenges for the ACT identified in the 2024 budget?

**MR BARR:** I thank Mr Pettersson for the question. Pleasingly, we are on track for our 34th year of consecutive economic growth—a record that no other state or territory comes close to being able to replicate. But, like every jurisdiction, we do face economic challenges, particularly in the short term, and there is, at this point in time, a softening in the national economic outlook. Business and consumer confidence has been impacted, particularly by higher interest rates. Our strong labour market, our strong level of public demand, and the facts that we are now seeing real wages growth and our city continues to grow are expected to be the main factors that will underpin our ongoing economic activity. Our strong infrastructure program, delivering over a billion dollars a year of new infrastructure, is also supporting our growing community and tens of thousands of jobs.

**MR PETTERSSON:** Treasurer, why is it so important for economic and construction confidence to have a stable pipeline of infrastructure projects over the medium term?

**MR BARR:** In outlining an \$8 billion infrastructure investment program over the next five years, we are providing certainty to the marketplace. The capital investment priorities continue to be in health, education, public transport, public housing, climate action and urban renewal. There is investment in small, medium and major projects

across all areas of the ACT government, including in the public trading enterprise area that includes the Suburban Land Authority, the City Renewal Authority, Housing ACT and Icon Water. The government remains focused on the delivery of the infrastructure program. We are on track in the financial year that is about to end to deliver over a billion dollars of additional infrastructure for our community.

**DR PATERSON:** Treasurer, how does this budget create and protect both private and public sector jobs?

**MR BARR:** The budget's focus is on providing certainty over the medium term. Those in the public sector have an understanding of the job security that comes with our decisions in relation to insourcing certain government activities. There is a clear pipeline of recruitment in our health sector, for example. Job vacancies in the care economy are growing. There is a lot of demand for workers in that regard, so we need to set out a long-term plan to ensure there is confidence that there will be jobs available in our public health system over the next four or five years. We have given that certainty through the investments in this budget.

In terms of private sector activity, an example is, of course, our investment in growing our tourism sector, which employs around 20,000 Canberrans. This sector has grown strongly in rebound from the difficult COVID years and has very strong potential for growth in the future. Making it cheaper and easier to get to Canberra is a really important part of the government's focus on supporting the growth of our tourism industry.

### **Motor vehicles—licences and registration**

**MR COCKS:** My question is to the Acting Minister for Government Services and Regulatory Reform. Minister, the ACT already has some of the most expensive driver licence and registration fees in the country. As one example, a five-year licence costs \$127 in Tasmania and \$163 in Western Australia. Meanwhile, people in the ACT are paying \$218 in comparison. This pattern is repeated across licence categories and other fees and charges. ACT residents consistently pay more. In the middle of a cost of living crisis, there seems no logical reason for Canberra to have far higher costs than other states, yet this government has taken no action to alleviate the burden and I have to wonder whether ACT Labor cares. Minister, why does this government keep inflating the cost of living through higher fees and charges for Canberrans?

**MR BARR:** On behalf of Minister Cheyne, who is of course absent today, I will take that question.

I note the commentary, Mr Cocks. I do not accept the nature of that commentary, unsurprisingly. I would advise him that of course the ACT government has a range of concessions and discounts associated with each of those categories of fees and charges that he mentioned. In relation to drivers licences, for example, we provide a 30 per cent discount on licence renewal for those drivers who have had no infringements against them in the last five years. More than half the drivers in the territory receive that 30 per cent discount because they are safe drivers and they have demonstrated that they are safe drivers on the road for a period of five years or more.

**MR COCKS:** Chief Minister, why are registration and license fees so high in Canberra when we have fewer roads than other jurisdictions? Are you seeking to penalise ACT drivers?

**MR BARR:** We are certainly not seeking to penalise ACT drivers. What we are seeking to do, in the example that I provided before, is to reward good driving behaviour.

**MR PARTON:** Chief Minister, why do you slug Canberrans with ridiculously high registration fees for caravans when they are used almost exclusively on roads in other states and territories?

**MR BARR:** We have a range of options available for caravan registration, including part-year ones, because not everyone is taking their caravan on the road, interstate or otherwise, for 12 months of the year. So there are some substantive discounts available for those, for example who only wish to take their caravan on the road in the summer months or the winter months.

### **ACT Policing—facilities**

**MR MILLIGAN:** My question is to the Minister for Police and Crime Prevention. Minister, the ACT Ombudsman’s report released yesterday identified “deficiencies in aspects of watch-house operations, in particular the infrastructure relating to the age of the facility and its ability to meet the current needs of a range of people in detention and staff compared to when the facility was built”. The report makes 21 recommendations, including addressing issues with the infrastructure, yet the budget provisions for the watch-house upgrades are not to be completed until 2026. Minister, given the known age of the watch-house and the issues with the overall age of the Civic police station, why have the upgrades to this facility not been given more priority in the budget?

**MR GENTLEMAN:** I thank Mr Milligan for the question. Indeed police worked fairly quickly on the early recommendations from that report, as soon as they got an update on it. I can say that we have been extremely cognisant of the need for upgrades at the city police station and, of course, the JESC. We have seen quite publicly the work that has been done, with \$3.1 million for the city police station for remediation and refurbishment. The officers at the city station were very keen to get back to the station and are very pleased with the work that has been done. Of course, there is more work to be done. That is in our forward plan for remediation where necessary. Of course, that includes around the watch-house.

**MR MILLIGAN:** Minister, will you now consider pushing for the upgrades to be made immediately, in line with the report?

**MR GENTLEMAN:** A number of works were done immediately by ACT Policing, following the initial recommendations from the report. They include work that needs to be done to ensure that it is a safe environment to work in and that it complies with the jurisdictional work that needs to be done. We will continue that work, alongside our colleagues in ACT Policing.

**MR CAIN:** Minister, will you make further provision for the training required as part of the 21 recommendations in the report?

**MR GENTLEMAN:** Training is ongoing in ACT Policing. There is lifelong learning in that career. I can say that it is well up to speed. Training continues through ACT Policing general duties. As AFP officers move through their careers, training continues right through. It does not stop at any point.

### **Education—early childhood education**

**MISS NUTTALL:** Madam Speaker, my question is to the Minister for Early Childhood Development. Minister, access to universal child care is advantageous to both the children who attend the services provided and the families who are given the flexibility of having those hours of care available. With that in mind, is the ACT government planning to extend the number of hours of universal child care for three-year-olds in the coming years?

**MS BERRY:** We do not make those kinds of announcements during question time, although I have been pleased to see the success of the program as it is currently being rolled out. It is beginning with a careful phase-in for targeted young people and their families, to ensure that those people who were not going to access three-year-old preschool and get that support are the families and young people that we are starting with.

This year we already have 84 providers, representing 143 services, who are providing free three-year-old preschool for the one day. In quarter 2 of 2024 there were 3,183 people who were enrolled in the program. We have 5,000 three-year-olds in the ACT who are eligible for up to 300 hours of free three-year-old preschool. It makes a significant financial difference for families—around \$1,300 a year saved in preschool fees by rolling out that program.

We have been careful to work with the sector, understanding that there is a workforce shortage within the early childhood education and care sector, to make sure that we are not overwhelming them at a time when they need our support the most.

**MISS NUTTALL:** Minister, could you outline why the ACT government arrived at the goal of 15 hours a week of universal child care for three-year-olds, despite some stakeholders setting the ideal number as high as 30 hours?

**MS BERRY:** Because the research shows that at least 15 hours, as a minimum, provides some of the best opportunities for young people within that time frame. After listening to the experts, that is the minimum number of hours that we have provided.

**MS CLAY:** Minister, what can we expect to see the ACT government doing to support this workforce, considering the significant shortage in the sector caused by poor conditions and low pay?

**MS BERRY:** As members will know, I worked with the early childhood education and care sector for a number of years, prior to being elected to this place, campaigning

alongside them for improved wages and conditions. I am pleased to see that, finally, under the Labor government, there is some recognition of the early childhood education and care sector.

In the ACT we have been able to provide scholarships for early childhood education and care services to ensure that they can employ qualified, professional early childhood preschool teachers, as well as people who are entering the early childhood education and care sector. We know that that is not enough. More needs to be done to support early childhood education and care workers. However, the ACT government is doing what it can, working with the sector and making sure, again, that we not overwhelming them. We are not able to magic up early childhood educators overnight, but we are ensuring that we work closely with the sector to understand where we can provide the additional supports that are needed. We are not the ones who have all of the levers, particularly with regard to wages. As I said, I am pleased to see that there has been some positive movement from the federal Labor government in recognising the importance of this sector.

### **ACT Policing—facilities**

**MR MILLIGAN:** My question is to the Minister for Police and Crime Prevention and Minister for Fire and Emergency. Minister, the ACT Auditor-General's report released last week identified that there was a significant gap when it came to assessing the costs associated with facilities services. It said that there was a risk that "the territory's payments are incorrect for facilities costs" due to the lack of an appropriate strategic asset management plan. As a result, almost half of the infrastructure at ACT government policing sites was rated below average or average, with over 100 separate projects that needed urgent attention, some of which required immediate or imminent renewal or replacement to the tune of \$7.5 million. Minister, given the recent problems with the Gungahlin JESC and the civic police station, why has the government not done a strategic asset management plan for ACT Policing facilities?

**MR GENTLEMAN:** I thank Mr Milligan for the question. As I have mentioned previously, we are working through a strategic asset management plan across ACT Policing. A master accommodation plan puts forward opportunities for growth in the number of ACT police across the whole ACT. Indeed, we do have some older buildings that we have talked about in this place and also publicly. As needs come up, we will rectify those buildings and make them safe and habitable for ACT police. As I said earlier in my previous answer, police were very pleased with the results both at the city police station and at the JESC. We were able to move police officers out for quick repair and refurbishment of both of those areas, and they were very pleased to move back in.

**MR MILLIGAN:** Minister, when can the ACT public and ACT Policing expect the release of the strategic asset management plan?

**MR GENTLEMAN:** We will look at that when it is completed. There is still a bit of work to do. I would say it is still a couple of months away.

**MR COCKS:** Minister, given the need for \$7.5 million, why was more money not made available in the budget to meet these urgent repairs?

**MR GENTLEMAN:** Funding was provided in the budget to meet those urgent repairs, and those repairs have been completed, as I said, at the city police station at the cost of \$3.1 million, and at the JESC at the cost of \$1.5 million for repairs and \$0.5 million for the refurbishment of the police area.

### **Roads—ACT Road Safety Fund**

**MS LAWDER:** Madam Speaker, my question is to the Acting Minister for City Services. Minister, recent analysis of ACT Roads crash data showed more than 60 per cent of crashes on the Tuggeranong Parkway were rear-enders, an increase from the 2017 figures which showed 44 per cent were rear-enders.

In 2019, your government installed or painted chevrons on the parkway aimed at promoting safer distances between vehicles and to reduce tailgating behaviours and rear-end crashes. Responses to a question on notice showed that TCCS received \$40,000 from the ACT Road Safety Fund for this pilot project.

An analysis of the pilot program found that:

From the data gathered, it is concluded that the chevron markings have not reduced tailgating or increased the safe distance between vehicles traveling on the Tuggeranong Parkway.

Minister, who approved the application for grants through the ACT Road Safety Fund?

**MR STEEL:** I am happy to take the question as the Minister for Transport and minister responsible for road safety. There is a Road Safety Advisory Board, and that board makes the decisions and recommendations around who receives grants from that Road Safety Fund, as well as the minister in relation to strategic projects.

**MS LAWDER:** Minister, who is on that board, and is it normal practice for the government to award a grant to itself, as it did from the 2019 ACT Road Safety Fund?

**MR STEEL:** I thank the member for her question. The purpose of the fund is to provide funding for road safety initiatives, and quite often those funds go to universities to undertake different research projects. This was an innovation that we wanted to explore. Usually, the funds are used for one-off funds to understand whether a particular road safety intervention works before then the government more broadly through its budget might consider ongoing funding for a project.

We do not have many roads in the ACT that are as high speed as the Tuggeranong Parkway, and this was a good road to test this particular application of chevron markings, but, of course, there are other measures that the ACT government is broadly looking at to improve safety on the Tuggeranong Parkway. In the future, we have got future planning going on around Parkes Way and the south-west corridor, looking at the future growth of Molonglo, and we will be looking at other interventions as well.

**Ms Lawder:** Point of order. The first part of that question was about who is on that road safety board, which we are halfway through and the minister has not touched on.

**MADAM SPEAKER:** If you are able to provide any information, Mr Steel?

**MR STEEL:** I am happy to come back on notice with the details of all of the individual members of the board, but as I said, the minister also has a role in relation to some of the strategic projects that are funded through the road safety fund.

**MR PARTON:** Minister, was this value for money for ACT taxpayers, given that crashes have markedly increased and analysis found that the chevrons have not reduced tailgating whatsoever on the parkway?

**MR STEEL:** I thank the member for his question. Of course, the whole idea of this was to test to see if the intervention worked, and line marking is a relatively low-cost intervention in terms of the whole spectrum of different things that can be put in place around road safety. Roads are very expensive, and some of the road safety measures go from very low-cost interventions, like safety barriers and so forth which have been installed on the Tuggeranong Parkway over recent years in addition to this particular intervention, right through to a range of other measures which are very expensive.

Of course, the toll of road trauma associated with crashes can be quite high in terms of the financial cost as well as, of course, the other costs to the community, and so we are looking constantly at ways that we can try to reduce that cost to the community. We will continue to look at what is happening in other jurisdictions. We will test out things and look at what works, and if things do not work, then we will not continue them into the future, and when things do work, we will look at what the opportunities are.

One of the particular opportunities that we will look at with further improvements along ACT roads in the future is variable speed limits. We have been considering that in relation to the Tuggeranong Parkway, but with further planning underway on the broader corridor associated with Molonglo and the growth of traffic coming out of those new suburbs, we are looking at how that might be implemented with further infrastructure works. Of course, we funded planning for some of that work in the budget with the new east-west arterial road from John Gorton Drive through to the parkway.

### **Nurses and midwives—staff to patient ratios**

**DR PATERSON:** My question is to the Minister for Health. Minister, you have announced over \$86 million to support the expansion of nurse- and midwife-to-patient ratios. Can you please provide further information to the Assembly on the investments you have made in ratios over this term of government?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the question. The ACT Labor government is incredibly proud to have committed to two ratios in 2020 and to be investing an additional \$86 million in safer workloads for our nurses and midwives in the 2024-25 budget. This builds on the \$50 million investment in the 21-22 budget to deliver phase 1 of the ratios framework.

After close negotiation with the Australian Nursing and Midwifery Federation ACT branch on phase 2 of mandated minimum nursing and midwifery-to-patient ratios, the



new funding will support 137 full-time equivalent nurses and midwives across the ACT's public health services, building on the 90 full-time equivalent places funded through phase 1.

Phase 2 will be rolled out across 33 units at Canberra Health Services, including maternity services, where we will count the baby in the ratio. The ACT will be the second jurisdiction in Australia to count the baby in ratios, responding to evidence from our midwives and nurses and to ensure care provided to babies in postnatal services is recognised.

Madam Speaker, with the resounding 83 per cent yes vote on the ACT public sector service nursing and midwifery enterprise agreement, we are confident that our commitment to ratios and better working conditions for our nurses and midwives has been welcomed by these important professions. I want to thank: the ANMF ACT, the members that have actively contributed to a great outcome for ratios and the officials who have worked diligently to bring this together.

ACT Labor will continue to support ratios for our nurses and midwives and assessment of safe staffing across relevant allied health professionals, while the Canberra Liberals never committed to ratios and simply cannot be trusted when it comes to practical support for our nurses and midwives. Madam Speaker, ratios are yet another example of Labor's practical, proven and progressive plan for our health services and our health workforce.

**DR PATERSON:** Minister, how do ratios support a safer environment for nurses and midwives and benefit health care consumers when they are accessing hospital services?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the supplementary. Research shows that nurse and midwife-to-patient ratios have a positive impact on patient outcomes. Patients are more satisfied with their care, they recover faster and have fewer complications such as infections. This means patients can return home to their loved ones sooner. Ratios also have a positive and meaningful impact on safer care outcomes such as fewer falls, as well as resulting in patients being less likely to return to hospital after their discharge.

Implementing ratios also importantly supports nurses and midwives with safer workloads. With dedicated shift team leaders to support them in their clinical role and the best night shift nurse and midwife-to-patient ratios in the country, the ACT's ratios framework will support better work satisfaction and team development. The research clearly demonstrates ratios support a positive culture and result in less burnout. Nurses and midwives are less likely to take unplanned leave because the staffing structure through ratios provides greater support, safety and job satisfaction.

As well as maternity ratios, the phase 2 framework will also support ratios in the emergency department, intensive care unit, coronary care and perioperative services. This will further support our teams as they establish themselves in the new Critical Services Building in August. We will also be implanting ratios across Dhulwa, subacute mental health and inpatient, paediatrics, rehabilitation, cancer services and Clare Holland House to support even better care in these areas.

Madam Speaker, ACT Labor's ongoing commitment to ratios will support nurses and midwives to deliver high quality, safe patient care for our community. The additional \$86 million investment in this week's budget demonstrates the value we place on supporting our highly skilled and dedicated nursing and midwifery professionals.

**MS ORR:** Minister, how is the ACT government supporting the recruitment and retention of nurses and midwives to implement the next phase of ratios?

**MS STEPHEN-SMITH:** I thank Ms Orr for the supplementary question. Canberra Health Services has undertaken significant work to recruit and retain nurses and midwives for Canberra and will continue their work over the next two years as ratios are phased in across 33 inpatient units.

A specialist team that includes talent acquisition experts has been established, dedicated to recruitment of nurses, midwives and other clinical roles. Recruitment campaigns have been underway both domestically and internationally, and so far this year, the website has received over 55,000 visits. CHS has been successful with the international recruitment campaign, receiving more than 700 expressions of interest for health care roles and offering 113 nurses and midwives employment.

Through financial relocation support, study assistance, scholarships, clinical supervision, career opportunities like academic appointments, mentoring, a focus on wellbeing and attractive conditions—all of these things have demonstrated that Canberra Health Services is a great place to work.

The nursing and midwifery enterprise agreement, which, as I said, received an overwhelmingly positive response, also establishes a yearly professional development allowance of \$750 plus two \$1,000 education and development payments in addition to embedding the ratios framework. The successful undergraduate student of nursing and midwifery program supports career pathways through direct placement in CHS, and Madam Speaker, all final year nursing and midwifery students in Canberra this year are being guaranteed a position with CHS in 2025.

CHS have also focused on developing workforce plans, including for nursing and midwifery, to continue its focus on long-term retention and the sustainability of the professions in our health services.

Madam Speaker, Labor governments recognise the integral role of nurses and midwives. With the support of the professions, I look forward to seeing the implementation of ratios as part of delivering better workplaces for them and even better care for our community.

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

## **Answers to questions on notice**

### **Questions 1842, 1869 and 1873**

**DR PATERSON:** I seek an explanation from the Minister for Gaming for questions 1842, 1869 and 1873. If there is a time frame in that explanation, that would be great.

**MR RATTENBURY:** As I explained yesterday and the day before, I am endeavouring to get the answers. Because it is not my direct portfolio area it is taking me a little time. I also want to make sure. I have received a draft; I did not think it was to a satisfactory standard to provide to Dr Paterson. I am trying to get that answer resolved as quickly as I can. I would hope to have it for Dr Paterson in coming days. She certainly will not have to ask me about it during the next sitting!

## Paper

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (2.55): Pursuant to an earlier resolution of this Assembly, I table a letter to the federal Leader of the Opposition, Mr Dutton, resulting from a motion that was previously passed in this place. I was required to write to him under that motion. I table the following paper:

Public service workforce—Support—Assembly resolution of 4 June 2024—  
Response—Copy of letter to the Federal Leader of the Opposition from the Leader  
of the ACT Greens, dated 24 June 2024.

## Papers

**Mr Gentleman**, pursuant to standing order 211, presented the following papers:

ACT Social Recovery Framework, dated June 2024, together with a statement.

Canberra Health Services—Maternal, Child and Family Health Report, dated March 2024.

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the deaths of Richard Roberts, Samantha Baglin and Dominic Coleman—

Report, dated 4 October 2023.

Government response, dated June 2024.

Domestic Violence Agencies Act—ACT Domestic and Family Violence Review—Domestic and Family Violence Homicide 2000-2022—Biennial Report—Government response, dated June 2024.

Economy and Gender and Economic Equality—Standing Committee—Report 10—Inquiry into Annual and Financial Reports 2022-23—Government response, dated June 2024.

Fire Trail Report June 2024—Bushfire preparedness—Assembly resolution of 1 November 2023—Government response.

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Report 5 of 2024—Retail electricity price investigation 2024-27—Final report, dated 23 May 2024.

Menstruation and menopause support—Assembly resolution of 19 March 2024—Government response, dated June 2024.

Multiculturalism Act, pursuant to section 17—Multiculturalism Annual Ministerial Statement 2024—Racial Discrimination Elimination—Assembly resolution of 23 March 2023—Government response, dated June 2024.

Neurodiversity in the ACT—Assembly resolution of 14 September 2023—Government response, dated June 2024.

Public Accounts—Standing Committee—Report 21—Inquiry into Annual and Financial Reports 2022-23—Government response, date June 2024.

Public service workforce—Support—Assembly resolution of 4 June 2024—Response—Copy of letter to the Federal Leader of the Opposition from the ACT Chief Minister, dated 27 June 2024.

Remuneration Tribunal Act, pursuant to section 10—Determination, together with accompanying statement—Part-time Public Office Holder—Chair, Deputy Chair and Members, Board of Engineering Excellence—Determination 7 of 2024, dated 28 May 2024.

School canteens—Assembly resolution of 30 August 2023—Government response—ACT Public School Kitchen and Canteen Facility Audit, dated June 2024, together with a statement.

Senior Practitioner Act, subsection 54(1)—Statutory review—Final Report, dated April 2024, together with a statement, dated June 2024.

Sexual offences in the ACT—Specialist Court—Proposed establishment—Assembly resolution of 30 November 2023—Government response, dated June 2024.

Territory-owned Corporations Act, pursuant to subsection 19(3)—Icon Water Limited—Statement of Corporate Intent—2024-25 to 2027-28 Business Strategy, undated.

Waste Management and Resource Recovery Act, pursuant to subsection 64ZC(2)—Five-year review of the ACT Container Deposit Scheme—Final Report, dated May 2024.

## **Small business—government support**

**MS CASTLEY** (Yerrabi) (2.56): I move:

That this Assembly:

(1) notes:

- (a) the ACT Small Business Strategy 2023-2026 was launched in July 2023, and one of its included priority areas is “futureproofing small business”;
- (b) that the Australian Bureau of Statistics has reported a continued decline in the net movement of surviving businesses, with the September 2023 quarter showing net movement of two, December 2023 negative 33 and the most recent March 2024 quarter negative 58 surviving businesses; and
- (c) the Australian Securities and Investments Commission insolvency figures for May 2024 increased to 30 from 11 the previous year;

(2) further notes that:

- (a) interest rate increases have flowed through the economy, hitting consumer confidence and discretionary spending and this has impacted on the business sector and particularly small business;
- (b) input costs including labour, energy and insurance have greatly increased and these disproportionately impact on small business;

- (c) the Government has not provided an update to the ACT Small Business Strategy even though there is a decline in business survivability, and business conditions have deteriorated since the strategy was launched last year; and
  - (d) when the ACT Small Business Strategy was launched, one of the action items was to “commission research to better understand the survival rates of business in Canberra including the success factors and the range of reasons businesses close”, to provide an evidence base for government decision-making to help improve business survival rates; and
- (3) calls on the ACT Government to:
- (a) ask the Minister for Business to apologise for failing local businesses; and
  - (b) establish a small business ministerial advisory council to give the local business community a seat at the table.

I rise today given the recent concerning decline in indicators around business survivability. We know that this has been an issue in the past for Canberra. I spoke about this very issue back in 2022, when I raised that we had the worst business survivability rates in the country.

Sadly, it is beginning to look as if Canberra may once again find itself in the unenviable position of being a place where you cannot achieve long-term success in business. In doing my preparation for this motion, I was reading the ACT Small Business Strategy 2023-2026, and I noted that one of the core priority areas was to futureproof small businesses. I asked myself, “What does it mean to futureproof?” The answer was in the first action item for this area—on page 25, for those wanting to follow along at home. Action item 4.1 is to “commission research to better understand the survival rates of business in Canberra, including success factors and the range of reasons businesses close”.

Why do this work? It is to provide an evidence base for government decision-making to help improve survival rates for business. Imagine this—year 2 into the three-year strategy and we are to be provided with research which is to provide an evidence base for future decisions. Surely, this is cart before the horse sort of stuff. This should have been one of the first items to achieve, not just to list as the first action item.

When you run a business you need to be agile, to be responsive and to move quickly to confront the economic circumstances that surround you. When, as a government, you run the economic policies and business policies of the territory, the business community expects you to act likewise. The ABS provides records called *Counts of Australian Businesses, including Entries and Exits*. As a part of this, they provide quarterly instalments which are used to inform and provide up-to-date information which can guide decisions and actions, rather than waiting for annual figures. I note that the small business strategy document lists this ABS reporting as one of their measures of success when identifying how they will measure outcomes under the strategy. As a measure of success, it is not looking good.

The net movement of surviving businesses in the ACT was two in the September quarter, immediately after the Barr government’s small business strategy began. It then

declined to negative 33 in the December quarter, then declined again to negative 58 in the most recent March quarter. This means that businesses are moving out of the ACT to other jurisdictions. This cannot be blamed on national factors; it is reflective of the Canberra business environment. When we hear of businesses moving to Queensland or Western Australia, that is what they are talking about. The three quarters were also all worse than the corresponding quarters in the previous year. Many businesses say to me, “It would be so much quicker if I could pick up my business and move to Queanbeyan.” That is what these figures show. That is the evidence base to take action and respond to changing business conditions.

Concerningly, this corresponds to business exits also getting worse, year on year. The most recent March quarter showed 1,309 exits; the year before only 1,271. That is 38 extra businesses exiting. Add the 58 that have moved interstate and you can begin to get a true understanding of the business environment here in Canberra. To spell it out for you, we have some names: East Row Coffee, Cubitt’s homes, Botswana Butchery, Temporada and Project Coordination. I could go on. What more evidence does the government need that its small business strategy is failing—that economic policies are failing—before it takes action or makes changes?

I fear that, regardless of all the bells and whistles that the government have promised in their small business strategy, they are actually not working in practice, and we are seeing a serious decline in the state of business in the ACT. The Canberra business sector needs a minister who is active, responsive and willing to make changes to adapt and provide the surety that, when conditions deteriorate, as we are seeing in these figures, the government will step up with support.

Instead, I have struggled to find any evidence that the business minister is active in the portfolio. Evidence is mounting that, because of the Barr government’s ruinous policies and economic mismanagement, the business sector is now in serious trouble. Imagine what could be achieved if we had a minister active in the portfolio, a strategy that was adaptive and responsive to economic conditions, and a government that supported business and did not see it as some evil undertaking to extract profit from Canberrans.

It is with grave concern that I note the ASIC report of the most recent monthly insolvencies for May 2024. The figure has increased to 30. Last May—in 2023—there were 11 insolvencies. We have gone from 11 to 30. That is a massive increase, and I note that the ACT has seen the largest percentage increase in the country. The financial year-to-date figures are likewise stark, with ASIC figures showing that this financial year has already seen 177 companies entering insolvency, versus 114 in 2023, and only 65 in the year prior at the same point in time. The ABS is reporting business exits going up. ASIC is now reporting that insolvencies are going up, and we are seeing businesses fleeing from Canberra.

When I am out and about, chatting on the street and at mobile offices, I often have concerned business owners asking me what the government is actually doing for small business in the ACT. They do not ask in a political way. They just say, “What is going on? It is so difficult to run a business here in town.” I am not sure that these businesses even know that there is a strategy in place. If they did, it would be cold comfort because the strategy is not making a difference.

The evidence is very much showing that it is failing. If the business sector is failing, surely we should revisit this strategy, look at new ways of supporting businesses, find opportunities to create the vibrant economic landscape where they can thrive, and do our bit so that they can do theirs. This is not just the top of end of town, either. The small business strategy itself notes that 97 per cent of businesses employ fewer than 20 people, and that these businesses employ roughly 87,000 Canberrans. This is not a sector that can be mismanaged.

This motion calls on the government to establish a small business ministerial advisory council. I have spoken about this many times since I have had the business portfolio, and I know that people ask, “Why is this important?” It is important because the minister needs to be connected to the business sector. The minister needs to be connected so that the government can be connected. When government decisions are made and policy considerations are weighed, including the impact and, all too often, the cost to the business sector, the sector needs a seat at the table to have that voice. Mr Parton held a construction roundtable. Later that night I was running a mobile office at Crace and one of the people from that roundtable was at the shops. He came up to me and said, “We can’t believe that you were willing to sit down with us and just chat.” I think that is very telling.

We have witnessed for many years a tick-box exercise from this government when it comes to engaging with the business sector, especially small businesses. Earlier this week we received an update on the small business strategy and government response to business in the ACT—14 pages of speaking notes outlining that they have ticked a series of boxes. There was backslapping all round, but not a single adjustment or a single change. There have been no initiatives nor considerations of how they might look to adapt the strategy, given the current conditions and the figures that I have just spelled out.

On the most important measure in this business climate—priority 4 in the strategy, which is about futureproofing small businesses—we heard that they have received feedback on workforce challenges and that they are now considering that feedback to produce industry action plans. Let me quote the minister directly. He said:

The ACT government is currently considering this feedback and expects to release industry action plans later this year for the care, technology, building and construction experiences, and renewables and sustainability sectors.

This sounds nice. It sounds good, and I look forward to seeing those action plans—I am guessing they will probably arrive sometime before 19 October—but these were promised under action 4.7 in the strategy and were meant to have been delivered in 2023. Talk about highlighting the failure and lack of action of this government. It really is shameful. How can the sector take this government seriously when it fails to deliver what it said it would? I believe that this government has abandoned business, and businesses are now abandoning the ACT.

The actions reported on sound nice, but if the real-world impact and reporting back from ABS and ASIC and from businesses on the street are all telling you that the

conditions are worsening, surely you would look at doing things a little differently. The motion asks us to note that the small business strategy provides that the first action item under the “futureproofing small business” priority is to commission research to better understand business survival rates. Given the current climate, we need to have that information now, not at the end of the financial year—not year 2 of the three-year small business strategy. We need it now.

I note that the update says that this work is currently being scoped so that it can be commenced, given current conditions. A minister on top of their portfolio would have given this attention and brought it forward. I hope that the minister can inform the Canberra business sector that the government will ensure this is given priority, but there is already a missed opportunity, given the business fails, exits and moves that we have seen. We hear time and again—they are calling out—that the ACT is not the best place to do business. Costs are high. The Canberra Liberals will always stick up for business, and that is why we believe it is so important to have a small business ministerial advisory council.

Strategies should not be set-and-forget. I know that a lot of work would have gone into producing this document, but the world is constantly changing. Economic conditions can require a shift in attitude, a change in response, or a new initiative. So far, what we have seen is a lack of action and a proud reporting of failure and missed time lines. This is not a strategy that you can just assess at the end of the period and decide, “We didn’t hit a couple of those metrics. Never mind.” These metrics relate to people’s livelihoods, people’s employment and the production of the goods and services that Canberrans rely on.

A healthy business sector impacts massively on other sectors of the economy and community; on mental health; on demands to the public purse; and on the provision of infrastructure and the production of artistic and cultural activities, but I do not see any evidence that any true changes have been made. We are nearly a year in, with an economic environment in serious deterioration and with indicators now starting to go south. I would have expected the minister and the Barr government to have outlined at least some changes to stay on top of things.

The budget on Tuesday was yet another missed opportunity. Business barely gets a mention. It just goes to show the government’s priorities. So, lastly, this motion calls on the minister to apologise for failing local businesses. The stats are showing that the minister is failing, and his own update outlines his failure to meet targets. I believe he needs to apologise to our hardworking businesses in Canberra. We all know how important confidence is to business. Business owners are very courageous people, and being provided with evidence that the minister is willing to apologise, and that he is active, is listening and is willing to support business, is a vital step.

This motion simply asks for the minister to do two things: apologise to failing local businesses and set up that ministerial advisory council. I will note anecdotal comments from some businesses. They say that almost every time they come to government with something they get a no. They would like it to be, “Yes, let’s work together,” rather than feeling they are being told that it is a privilege to be able to run a business in town. These guys are putting their lives on the line. They are taking the risk, and it would be



lovely for them to hear thanks for inputting into our great city. These two steps can be taken now to restore confidence in this sector and address current business conditions. I commend my motion to the Assembly.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations and Workplace Safety, Minister for Multicultural Affairs and Minister for Police and Crime Prevention) (3.10): I will start by thanking Ms Castley for her motion. As a former sole trader, I am proud to be Minister for Business and want to acknowledge the significant contribution the business community makes to the ACT economy and our broader community. Private businesses represent a critical part of the ACT's diverse economy, with more than 36,000 businesses contributing approximately \$21 billion to the annual income of the territory.

I would also like to note that around two-thirds of Canberrans are employed in the private sector. As such, it is important that we continue to get the policy settings right to ensure that we are stimulating the economy and that we are setting the conditions for enabling the private sector to continue to flourish, while helping to position small businesses to cope with the inevitable changes that arise, particularly during tough economic times.

Notwithstanding that, it is important to note that the ACT business environment is unique, compared to other jurisdictions. With the ACT business community consisting of a significant proportion of sole traders and a high number of businesses in the professional sector who are primarily geared to service and respond to the public sector, we need to be cautious about cherry-picking data and making comparisons to other jurisdictions which operate very different economic models in their business environments.

With regard to business insolvencies, there is no doubt that we are seeing a national trend of increasing insolvencies. The ACT is not immune here. This was discussed at length at the last ministerial council meeting in Melbourne. The sectors most impacted by insolvencies in the ACT are construction, accommodation and food services, with the current data showing ACT business insolvencies have returned to pre-COVID pandemic levels. This national trend is largely attributed to the combination of a reduction in pandemic stimulus measures, challenging broader economic conditions and, most prominently, a shift back to pre-COVID debt collection policies by the major banks and the ATO. Given these factors, it is anticipated that this trend of insolvencies will continue.

While the opposition likes to quote random statistics like insolvency figures as part of its broader economic fear narrative, the reality is that since 2020 we have seen over 6,700 new businesses launch in Canberra. To put it another way, between June 2019 and March 2024 the ACT experienced the highest business growth in Australia, at 24.7 per cent—almost 11 per cent above the national average of 14.1 per cent. To give this some meaningful context, business exits are at around 0.6 per cent, while business entries are growing at around five per cent.

Nonetheless, the government is very aware of the tough economic conditions facing some small businesses in the ACT and appreciates the challenges, including rising costs, disrupted supply chains and workforce shortages. This is why the government

has a dedicated strategy for supporting small business and is taking multiple actions to help small business start, operate and grow. As Ms Castley knows, the small business strategy was launched in July last year, and on Tuesday I tabled the ministerial update, coinciding with the publication of the inaugural annual update.

The strategy consists of five priority areas and over 50 actions and brings together a broad suite of government initiatives and programs. All are focused on delivering better outcomes for business. This includes the Better Regulation Agenda, the Procurement Reform Program, the Canberra Business Advice and Support Service, the Badji program, the Canberra Innovation Network, the Everyday Climate Choices business programs, Access Canberra's support services, and Skilled to Succeed. While I could wax lyrical about the various actions under the strategy, at this stage I will simply refer members to the relevant ministerial statement and the update.

Before I continue, it would be remiss of me not to recognise my colleague, Minister Cheyne, who did an exceptional job in delivering the small business strategy. She has been a great champion of small business in the territory, and I am grateful to have inherited this very fine work by her.

Turning back to the motion, I note that it refers to a commitment to research the survival rates of businesses, including success factors and business closure reasons. I note that the update addresses this, confirming that this research is currently being scoped and that the government is commissioning and undertaking the research this financial year.

Turning to how we engage with the business community, let me start with the strategy. The development of the strategy itself was the product of many conversations and engagements the government has had with business owners and industry peak bodies to understand how government can better support and champion small business in the ACT. As such, the strategy's priorities reflect the business community's priorities, with various actions recognising business as a key partner in delivering the outcomes, as well as a key beneficiary of achieving the outcomes. The business community is intrinsically linked to the delivery of, and ultimately the success of, the strategy.

There have already been several successes that I could point to in terms of the implementation, but I will single out one very worthy example—the inaugural CBR Small Business Expo, which was held on 9 May 2024 at Exhibition Park. The Small Business Expo hosted more than 110 exhibitors, including a mix of ACT and federal government business support services, as well as local businesses who also provide support services, all of which help businesses to make further connections and gain support and information to start, run and grow. The expo saw around 1,000 people participate as stall holders and visitors. I would like to share some feedback from one of the exhibitors, who said:

The expo not only showcased the robust entrepreneurial spirit of our city, but also highlighted the support framework the ACT government is developing to support businesses in the ACT.

As minister, I simply note that it was extremely rewarding to witness the business-to-business and business-to-government networking that took place at the

expo. I gave a brief summary of the expo to the ministerial council meeting in Melbourne recently, and we spoke about some of the work that other jurisdictions are doing and whether we can coordinate those sorts of expos.

As Minister for Business, I also regularly engage with members of the business community, discussing with them their challenges and aspirations, and hearing direct feedback on how we can better support them. To provide a quick snapshot, in April I attended the ACT government's first women in government meet women in business event, in partnership with Canberra Women in Business. In May, along with Deputy Chief Minister Berry and Ministers Steel, Vassarotti and Cheyne, I participated in a roundtable discussion with construction sector peak bodies and industry stakeholders, who shared with us issues facing their sector, leading to a commitment to continue the conversation and ensure regular consultation with the construction sector, going forward.

In May I attended the Canberra Business Chamber's Diplomatic Business Connections Gala, which is a premier annual business event intended to grow international trade and business investment relationships. This event was attended by diplomats, government representatives, local business and peak bodies. Also in May, I participated in the CBC business leaders' roundtable, alongside a number of local business operators and peak bodies, to discuss views on major issues affecting businesses and economic growth.

Also in May, I met with the Australian Hotels Association to discuss issues impacting the ACT hospitality sector, including the night-time economy and entertainment precinct reforms, as well as matters pertaining to ACT Policing's work with the hospitality sector. In May I also attended the Property Council's Cost of Construction lunch and listened to concerns and trends affecting increased costs in the construction sector. In addition, I attended the Small Business Expo and met with a number of exhibitors from across the business community.

The key point is that this government, and I, as minister, meet with the business community consistently and routinely. At the heart of Ms Castley's motion is this flawed idea that the local business community does not have a seat at the table. To be quite honest, I think this is a misconceived notion. It is naive and quite condescending towards the Canberra business community. It downplays the immense voice of the business community. It downplays the very meaningful engagement that the business community already has with government, and it downplays the Canberra business community's valuable inputs into the shaping of government policy.

I would also like to note that this ongoing negativity from the Canberra Liberals does little for business and investor confidence. Earlier, Ms Castley talked about business confidence. On this side of the chamber we continually talk about business confidence; we do not play down businesses in the ACT.

To conclude, I do not support the motion and I do not support the economic doom and gloom message from the Canberra Liberals. Notwithstanding that, I can assure the Assembly that the government continues to have confidence in the Canberra business community. The government will continue to support and champion the Canberra business community. The Canberra business community is already, and will continue to be, very welcome at my table.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.21): Canberra's small businesses make the city a more lively, more progressive and more exciting place. I want them all to do well, and that is the key message that I want to get across today. Part of that is about ensuring that we consult with a range of small businesses, and in a way that respects business owners' time. So I welcome Ms Castley's motion today, which gives us the opportunity to discuss these very issues.

First off, I want to say that if you are a business going through hardship, or just need some guidance, then there are a lot of support services out there. To name a few key sources of support, Access Canberra's Business Assist team can help with regulatory and compliance issues. Canberra Business Advice and Support Service can help with all aspects of running a business, from hiring people to financial counselling. And, of course, Beyond Blue's new access program is a guided self-help mental health coaching program—a free, confidential and convenient service.

Obviously, not all of those things are going to be applicable for every example of business, but I think it gives a flavour of the kinds of things out there and recognises the diversity of business circumstances that people find themselves in. I certainly enjoy meeting with small business owners and hearing what more government could do to help make their businesses succeed. I acknowledge that high interest rates and cost-of-living pressures mean that many businesses are finding it more difficult at the moment, and that is an extension of the pressures on individuals and household finances because of increased rents and interest rates.

These high interest rates disproportionately impact younger people, either directly or indirectly, as well as businesses, through increases in borrowing costs and the lower discretionary income of their customers. Linked to this, business owners tell me that one of the key things they need to see from ACT government is a plan for affordable housing for their workers. The ACT Greens understand this, which is why we have today proposed to redevelop the racecourse to make way for up to 5,000 new homes in a new inner-north suburb directly adjacent to light rail. What's more, the ACT Greens have put forward our plan to build and buy 10,000 new public homes.

This ten-year plan creates certainty for the construction sector and encourages new techniques such as modular construction to take on the scale of the task ahead of us. That scale requires clear coordination from government, which is why our plan includes setting up a new government developer working in partnership with the construction sector. It is my hope that Canberra businesses will take on as much of this work as possible. The scale of this plan will involve a wide range of sectors from architects to interior designers, and from material providers and professional services to the builders who bring this vision to life. For many businesses across the city, having their key workers be able to find somewhere affordable to live will make a substantial difference to their willingness to reside in this city and work here.

I also hear the need for continued investment in skills. That is why I support the expansion of CIT, particularly the new Woden campus adjacent to light rail, as well as the expansion of our university sector. We really are a knowledge capital with some

globally leading institutions, which is why we have so many dynamic start-ups and spin-outs providing solutions which are exported around the world. For example, Canberra has real strengths in the space and cyber sectors, with Canberra firms' technologies identifying bushfire risks, establishing an approach to space governance that will better manage debris and working out how to make flight paths more efficient, thereby reducing fuel burn and reducing emissions.

These sorts of firms require security-cleared workers, able to work with Commonwealth government clients. Right now, this means that in most cases, people need to be an Australian citizen before they are able to work in these sectors. That makes relevant training of the people that are already here particularly important. The federal Labor government and their Liberal opposition have stated that their aim is to cut immigration. I urge my colleagues, Ministers Gentleman and Steel and the Chief Minister to consult with business to make sure that we are not losing talents which are crucial to Canberra's businesses. I also urge them to suggest to federal counterparts that they consider how we can take a more sensible and proportionate approach to the risk of employing people who are not Australian citizens, better using the skills of Canberrans already here to help businesses grow. This near-blanket ban is stymying opportunities for people and the success of our businesses.

Something else the Greens are hearing from businesses is that they want working with government to be made much easier. We certainly hear you on that front. Collecting documents, making calls to customer service, filling out forms, occasionally needing to appear in person, and waiting for responses to applications, all add up for businesses and individuals in our everyday lives. Most of us would prefer to reclaim that time and use it for something else, like developing our staff or simply spending time with people and doing the activities we love. The ACT government's Better Regulation Taskforce is already working to grasp business sentiments, to better assess and benchmark the cost of compliance with regulations and to understand the experience of various business types, but I am also keen that public servants be empowered to focus on outcomes and deliver great customer service. Cultivating a more accountable culture, where decisions are not solely driven by risk, and where public servants are encouraged to innovate, will help meet this goal. The ultimate measure of success will be whether businesses spend less time dealing with the government and notice the improvement. These changes will enhance the wellbeing of businesses and the people who work for them.

Having said all of that, the Greens do not intend to support Ms Castley's motion today. We consider that it proposes work that is already happening. We would, of course, remain open to other ideas about how to help our businesses succeed, and we will certainly continue to think about that, ourselves. To all of you who own or work in a small business, we really acknowledge the work that you do. We understand the pressures that you face. We are focused on thinking about what practical things we can do to make the challenge and the passion that you have for running a small business easier in this city.

**MR CAIN** (Ginninderra) (3.27): I rise to speak in support of my colleague Ms Castley's motion and commend the great work Ms Castley has done as shadow business minister. As a former small business owner, Ms Castley is the perfect person to speak on this issue, and I thank her for speaking up on behalf of Canberra small businesses.

This is a very important motion, and I speak in my capacity as a shadow assistant Treasurer and member for Ginninderra. Small and family businesses provide important economic opportunities for Canberrans from all walks of life. They employ a significant number of Canberrans who produce the goods and provide the services that we all rely on every day. I am hearing every day about the needs and concerns of small business in my electorate of Ginninderra. I hear especially about how the Labor-Greens government's lack of care for our suburban areas affects businesses. The Canberra Liberals Putting Your Suburb First policy will go a long way to remedying these failures and enabling businesses to thrive much better.

It is typical of this Labor-Greens government to neglect some of our city's most important contributors. In contrast, the Canberra Liberals understand the needs of small businesses, and we want them to succeed. We want small and family businesses to grow in the ACT. We want Canberra businesses to continue to employ Canberra residents. We want businesses to be treated with the respect they deserve. This is where we differ from Labor and the Greens. Labor and the Greens, on the surface, appear to be anti small business, anti family business, and anti businesses in general. Over the last few years, small and family businesses in the ACT suffered under the watch of Ms Cheyne, as business minister. Businesses were hopeful that a ministerial change would see an improvement, but that was not to be the case.

The new Minister for Business, Mr Gentleman, has, it would appear, given up supporting the ACT business community to the degree they deserve. For example, it took Mr Gentleman months to meet with the Canberra Business Chamber, following his taking over the role as Minister for Business. It took months to meet with one of the most important stakeholders to inform his ministerial responsibilities. Shame! Mr Gentleman, your performance as Minister for Business has simply not been good enough, and that is reflected in the feedback that has come from the business sector following the 2024-25 ACT budget. As reported in the local media over the last couple of days, the Canberra Business Chamber has not been particularly positive about Mr Barr's latest budget.

Canberra Business Chamber CEO Greg Harford said:

The budget doesn't put enough focus on helping build a thriving business community.

How much more pointed could one be? Mr Harford continues:

Two-thirds of businesses report that they didn't hit their business targets in the last quarter; and nearly half are feeling negative or very negative about the future. This is exactly the time when we need government to be getting in behind business and working hard to improve the business environment.

Mr Harford concluded by saying:

... the government is bringing forward its plans to bring in a payroll tax surcharge for large firms operating here in the ACT. This sends a message not only that business may not be welcome here in the territory, but also means that Canberrans are likely to pay even more for some goods and services over time.

That is a pretty damning report and commentary on this Labor-Greens government's capacity to appropriately support ACT businesses. This is why Ms Castley's motion should be passed by this Assembly. Mr Gentleman should apologise for failing local businesses. His performance as Minister for Business has been inadequate, and an apology is entirely warranted.

A small business ministerial advisory council should absolutely be established, to give local businesses a seat at the table. This is more important than ever with a business minister who does not bother to meet with businesses. That is an idea Ms Castley first raised in a motion on 23 April 2021. It continues to have strong merit and should be supported today. It is such a poor reflection on this Labor-Greens government that three years after this idea was first raised we continue to have the same debate. I still recall the ludicrous dismissal of this idea by Minister Cheyne at the time, who said, "Why would we burden small business with having to be on a council?" How ridiculous. Why burden part of our community with having a voice to government? How dismissive and ridiculous! It would seem that Mr Gentleman is of the same sentiment.

You cannot trust Labor and the Greens to listen to business. You cannot trust Labor and the Greens to support business. You cannot trust Labor and the Greens to competently govern in the ACT. Same old Labor; same old Greens. The Canberra Liberals genuinely support small and family business, and an Elizabeth Lee-led Canberra Liberals government is the best hope for the business sector to ensure jobs and growth in the ACT. The Canberra Liberals will say yes to our business community. We will say to our business community, "Yes; how can we assist?" Ms Castley's motion is a big and important step towards the community getting the support it needs. I support Ms Castley's motion.

**MS CASTLEY** (Yerrabi) (3.34), in reply: I know that a lot of small businesses in Canberra are currently under severe stress and are looking to leave Canberra. They are also looking to the government for support, for answers and for action, and obviously they are not going to get any of that today. We know that the government is part way through the multi-year, multi-action small business strategy, and that it is focusing on four core priorities to help the small business sector. Sadly, I believe this strategy is failing and, unfortunately, Canberra businesses are beginning to fail.

I highlighted in my earlier contribution how their own action item under priority area 4, futureproofing small business and developing industry-specific workforce development plans, was to have been completed in 2023. It is now 2024. The government's own status report has marked this as "in progress", but this is a failure to deliver. It is 2024 and it was due in 2023. The government needs to be honest that it has failed businesses in this area.

The government further comments that the delay was because of negotiations with the Australian government on the National Skills Agreement. Chief Minister Andrew Barr signed this agreement on 16 October 2023. The minister then signed the ACT bilateral agreement with the commonwealth on 15 November. To suggest that this means you cannot deliver until later this year, when the strategy indicated that the strategy launched in July 2023 would be delivered in 2023, is a joke. The government gave itself six months. The business sector took the government on its word, and it then failed to

deliver. The government now says that it is because of the National Skills Agreement. As I said, that was signed over six months ago. Frankly, the business community is sick and tired of this government's excuses.

Returning to the strategy, page 30 states very clearly how it will be measured, and it lists a whole series of measures of success. This is important, because if the strategy does not result in beneficial outcomes for the business sector it needs to change, adapt and pivot. We heard a lot about that word during COVID. It is super frustrating. In the just-published 2024 progress update status report against the small business strategy, the government does not even mention or measure any of the items against the measures of success identified in the strategy. Nothing fits; it is appalling. I think we all know why—it is because the measures are going south.

I spoke earlier in my speech about how the most recent reporting from the ABS is showing that businesses are increasingly leaving the ACT for other jurisdictions; that business exits are increasing; and that this is corroborated by ASIC figures showing that insolvency is dramatically up, year-on-year, and the year-to-date trend is increasing.

I will take a moment to reflect on that last measure. When a business exits, it is very sad, and it is often reflected by the owner saying that it is just too hard or that they are unable to continue to make a living. When a business leaves Canberra for a more business-friendly jurisdiction it is reflective of a policy setting that has failed it, but when a business goes into insolvency it leaves a massive mess—liabilities to staff, customers and creditors, and often unpaid superannuation. It can have a much wider ripple effect, leading to individual horror and stress.

We have heard the stories recently about Cubitt's homes, and people fearing for their deposits and whether they will live in the home that they had planned for. The subcontractors have realised that the work that they have done will remain unpaid and are worried about how they will subsequently be paid for their bills. This is truly the stuff of nightmares. I have said it before: business is not a thing; it is people.

The business community is going through a terrible time. The government strategy is failing, and it is not taking the opportunity to provide proper reporting against their own success measures. This minister having failed to deliver and report properly on the strategy, we now rely on him to step up to the business community. Minister Gentleman talked about all of the meetings that he has been having, but people in the business community feel left behind. They do not know. Not everyone gets a chance to be at these things, which is why—as Mr Cain alluded to—we have called on the minister and this government constantly to set up that ministerial advisory council.

I will just reiterate a few points from my original speech, back in 2021, about the reasons an advisory council is important. Minister Yvette Berry, on the Women's Advisory Council, said:

The council is an independent voice, able to raise and debate issues that matter to women in the ACT ... The council plays a key role in advising the government on issues of importance to women ...



Minister Emma Davidson, on the Ministerial Advisory Council on Ageing, said:

It enables critical links between the ACT government and older Canberrans, providing strategic advice to the minister, a valuable platform where members can advise government on policy development and decision-making.

Minister Berry, speaking about the LGBTIQ+ Ministerial Advisory Council, said:

It has a key role in maintaining Canberra's reputation as Australia's friendliest city for lesbian, gay, bisexual, transgender, intersex and queer people.

I could go on with similar remarks, but why doesn't the business community get that same opportunity? It is the question I have been asking since I took on this business portfolio. Businesses want to talk to government. I believe that the minister and the government owe business an apology. They need to take accountability and try to rebuild the trust that this government has lost through broken promises.

An apology is just the start. The business sector has lost faith in the Barr government. They know that they do not have that voice at the table that other ministers have pointed out is so important. Their strategies are not even measured for their success, and, instead, are just given a tick-box treatment to say that they are doing work and progressing. It is all activity with no meaningful results. So I again implore this government to create a small business ministerial advisory council and give the business sector the confidence that it needs, so that it can be heard. Small business is important, and the government should not continue to execute strategies and plans that have failed. I commend my motion to this Assembly.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 7

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

Noes 14

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

Question resolved in the negative.

## **Drugs—Drugs of Dependence (Personal Cannabis Use) Amendment Act**

**MR PETTERSSON** (Yerrabi) (3.46): I move:

That this Assembly:

- (1) notes the:
  - (a) *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* came into effect on 31 January 2020, thereby legalising the personal possession of small quantities of cannabis in the ACT; and
  - (b) legalisation of cannabis possession in the ACT was an Australian first and began a new chapter of drug law reform led by the evidence-based principles of harm minimisation;
- (2) further notes:
  - (a) ACT Government research undertaken in 2018 showed that 54 percent of Canberrans supported the personal use of cannabis being made legal, with only 27 percent opposed; and
  - (b) in 2022, polling by Uniting NSW.ACT found that 82.3 percent of residents across the ACT support non-pecuniary responses to cannabis use, and 87.2 percent of residents across the ACT support non-criminal responses to cannabis use; and
- (3) calls on all parties to publicly affirm their support in the Chamber for the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* and rule out a politically motivated “review” or repeal of personal cannabis use laws.

I rise today to speak in support of the ACT’s personal cannabis use laws. The commencement of the *Drugs of Dependence (Personal Cannabis Use) Amendment Act* back in 2020 was an Australian first. It began a new chapter of drug law reform in the ACT, led by the evidence-based principles of harm minimisation that many Canberrans, but not everyone in this chamber, hold in great stead. I would not have brought forward the original bill without the enthusiastic support of the community. In fact, ACT government research undertaken in 2018 showed that 54 per cent of Canberrans supported the personal use of cannabis being made legal, with only 27 per cent opposed—a clear majority. We knew that Canberrans wanted to see change.

When the bill passed in 2019, it was met with celebration amongst health experts and the wider community, but, at the same time, it was no surprise that it also sparked a pile-on of conservative dog-whistling. Greg Hunt, the former Liberal health minister, threatened to take the ACT government to the UN, arguing that the changes were against international law. Spoiler alert: they were not. You might also vaguely recall the former Attorney-General, Christian Porter, threatening to use Commonwealth laws to prosecute people using cannabis in Canberra and describing the laws as “crazy”. The Deputy Prime Minister, Michael McCormack, said that the new laws were “dopey” and accused the ACT government of smoking too much cannabis, which, to be fair, is a pretty funny thing to say but also completely wrong.

Who could forget the now Leader of the Opposition in the federal parliament, Peter Dutton, who, at the time the law passed, described it as dangerous and unconscionable. Since then it appears we have been living rent-free in his head. Just last week Mr Dutton took a swipe at our drug decriminalisation laws, suggesting that the reason drug possession is decriminalised here is that Canberra is a boring city. We all know that is not the case. The reason personal drug possession is decriminalised here is that we know that health care, not handcuffs, reduces harm in our community.

But I digress. I admit that all the federal conservative attention on our personal cannabis use laws was somewhat amusing, but it was particularly interesting because Roy Morgan polling done at the time found that more than three-fifths of Australians did not want the federal government to overturn this territory's new personal cannabis use laws. Overturning the laws was literally not what people wanted, yet the federal band of conservatives were getting on their moral high horse and threatening to send Canberrans to court. It was a wild time!

Our friends here in the chamber, the Canberra Liberals, were a bit different. They voted against the bill, using many of the same arguments. They were not like the other Liberals, though, because they put their thinking caps on afterwards. They knew an election was coming. They knew that, if they were to outright oppose such a popular policy in the election campaign, it probably would not go too well for them. Instead, the Canberra Liberals kept it very, very vague. Their position on cannabis laws was that overturning personal cannabis use laws would not be a priority, should they win the election. I can hear John Howard and Tony Abbott shouting from the bleachers with pride. This is the new version of core and non-core election promises: not a priority, should they win the election. What does that even mean? We all know you cannot be held to account for your policy positions if you never actually make them clear. It is a bet each way, really.

Regardless, and unfortunately for you, Mr Deputy Speaker, Canberrans did not vote for a Canberra Liberal government in October 2020; they reaffirmed their support for our progressive, practical and proven Labor government, and our personal cannabis use laws. Since then I have been paying close attention to everything the Canberra Liberals have said in this space. The Canberra Liberals have been very quiet on personal cannabis use laws. This is despite the support for the laws getting even stronger. In 2022 polling by Uniting NSW.ACT found that 82.3 per cent of Canberra residents supported non-pecuniary responses to cannabis use, and a whopping 87.2 per cent of residents across the ACT supported non-criminal responses to cannabis use. That is a lot of Canberrans.

We all know that there is another election on the horizon. The Canberra Liberals have, in my opinion, done the easy thing so far when it comes to cannabis laws. They have been very quiet about that substance, but that has not been the case for broader drug decriminalisation. When ACT Labor expanded the simple cannabis offence notice scheme to decriminalise the personal possession of other common drugs, the Canberra Liberals opposed it. They said the sky would fall down. Unfortunately, they have taken a low road ever since. They have resorted to demonising vulnerable people and undermining our work to treat drug use as a public health issue.

To give some examples, Ms Lee called our harm-minimising approach to the use of drugs of dependence in the community an “absolute disaster”. Mr Hanson's favourite thing was feeding the baseless narrative that people addicted to drugs—or “addicts”, as he commonly refers to them—would commit more crime to pay for their habits. Mr Milligan straight up called for the recriminalisation of drugs of dependence because “by being tougher on drug users at the start of their usage, we are caring”. I would love to know if Mr Milligan still feels the same way.

To me, the lack of empathy is astounding. It is also kind of weird. The Canberra Liberals are hard on drugs—just ask them—but, at the same time, I have no idea what the Canberra Liberals would actually do if they were to form government. Is their plan to repeal recent drug decriminalisation laws and go back to our previous laws? Is that the “being tougher on drug users” that Mr Milligan has called for? I am not sure our previous laws really excited the hard-right base of the Canberra Liberals.

What about cannabis laws? Are the tough-on-crime Canberra Liberals going to criminalise cannabis use again? What about reintroducing the fine scheme? If the hard-right base were to adopt the Labor Party’s previous position—and this would probably be laughed at in a Labor Party meeting—I suspect they would be laughed at in the next Liberal Party policy meeting. To me, you either have a vision for the ACT’s drug laws or you do not. Either you support harm minimisation, through health based responses to drugs, or you do not.

Today this motion presents the Canberra Liberals with an opportunity. I ask them now, through you, Mr Deputy Speaker: do you support the ACT’s nation-leading personal cannabis use laws or not? And, if you do not, what is your alternative? We know, and Canberrans know, that the harms of cannabis use in the ACT have been minimised through our nation-leading personal cannabis use laws and wider reforms. Canberrans get this. Canberrans want us to lift up members of our community and give help, not judgement. That is exactly why our laws have been such a success, and it is why Canberrans should know that ACT Labor will continue to treat drug use as a public health issue if we retain government in October. I urge all members in this place to listen to the Canberra community and ensure that our cannabis laws remain in line with the community’s expectations.

**MR CAIN** (Ginninderra) (3.55): I rise to speak in response to Mr Pettersson’s motion. This motion is nothing more than a poor politically motivated attempt to draw attention away from the basket case that is the ACT’s budget. Same old Labor—putting more and more deficit onto ACT taxpayers. Same old Labor—making it harder and harder for young people to break into the housing market by strangling supply. Same old Labor—playing silly games with pointless motions like this one. Same old Labor—using Mr Pettersson as a pawn, with Mr Barr and Ms Rachel Stephen-Smith behind him. This is exactly what they did with the Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019 and the Drugs of Dependence (Personal Use) Amendment Act 2022. Same old Labor—tricks and misdirections. Poor Mr Pettersson. He is pushed to the front of the line to bring forward bills the government will not bring forward themselves. We have seen it happen.

Let me remind the Assembly about Ms Stephen-Smith’s approach to the recent bill. If you need a reminder, at Labor’s national conference last year Ms Stephen-Smith was quoted as saying—and I hope everyone is listening:

We took it to the election quietly. But we could point to our platform and say, ‘It’s in there,’ so that after the election we were able to work on it quickly ...

Same old Labor—pulling the wool over the eyes of Canberrans. Ms Stephen-Smith also said:

It was done through a private member's bill which means it could be done much more quickly.

How disrespectful of Canberrans to make such comments. Ms Stephen-Smith treated Canberrans like fools by saying these things, and she had to admit that she had actually said them. At least Mr Petterson puts his name to these things, pushed forward, it seems, by Mr Barr and Ms Stephen-Smith, who did not want to be seen as the ones promoting this. They did not want to be seen as the ones pushing this, so poor Mr Petterson got the job of being the frontman, when government processes would allow full and proper scrutiny of all these things. Working through the complexity, when it comes to party legislation—

*Members interjecting—*

**MR DEPUTY SPEAKER:** Mr Cain, briefly take a seat. Members, Mr Petterson's speech was quite robust and there were not many interjections, so can we hear Mr Cain? I think I have given you plenty of latitude. You have got it off your chest. Mr Cain, you may continue.

**Mr Petterson:** Mr Deputy Speaker, a point of order on relevance: I am not sure Mr Cain is addressing the substance of the motion. He has largely done everything to not talk about drug laws. Instead, he has been on a wandering journey about everything but cannabis. I ask you, Mr Deputy Speaker, to address the question of relevance.

**MR DEPUTY SPEAKER:** My belief is that the speech by Mr Cain is relevant. Thank you, but there is no point of order. Mr Cain.

**MR CAIN:** As Mr Petterson may have noticed, I have not finished yet, Mr Deputy Speaker.

**MR DEPUTY SPEAKER:** Continue, Mr Cain.

**MR CAIN:** Thank you. The government clearly wanted to avoid working through complexity when it comes to passing legislation that could affect the health, wellbeing and opinions of Canberrans. The Canberra Liberals want to see a government acting with responsibility restored in the ACT. The "calls on" in this motion is not representative of a government that is acting responsibly. Conducting reviews or assessments is a great example of governments acting responsibly, so it is outrageous that this politically motivated motion calls on parties to rule out a "politically motivated review". It is a contradiction in itself. This whole motion is a contradiction in itself. It is clearly politically motivated and is asking the Assembly to rule out political motivation. It just does not make sense.

This is coming from a government that loves nothing more than to commit to review. The only thing ACT Labor enjoys more than committing to reviews is recommitting to broken election promises from 2012, as we have seen in the most recent budget, handed down on Tuesday. It is utterly perplexing that ruling out a review would be one of the "calls on" in this motion, which is more politically motivated than any hypothetical review could ever be.

Repealing laws that are not conducive to improving the health and wellbeing of constituents is also a great example of governments acting responsibly. I am happy to reiterate the Canberra Liberals' commitment to re-examine and repeal the drug decriminalisation laws that this irresponsible, out of touch and arrogant Labor-Greens government brought in by stealth. The Canberra Liberals will repeal the decriminalisation of possession of ice and MDMA. We will repeal the decriminalisation of possession of cocaine, meth and heroin. We will resolve the inherent and continuing conflict that exists between territory law and commonwealth law.

As members opposite would be aware, the legislation recently passed, and the legislation passed in the last term, remains inconsistent with the laws of the superior federal jurisdiction, even with Labor in power federally at the moment. This legislation remains inconsistent with the laws of every other state and territory in Australia, and all but one are currently held by Labor. Why are the government so out of touch with their own party colleagues? Why do they insist on wasting the Assembly's time and energy on this politically motivated motion? My answer to this is that same old Labor have nothing better to offer than to distract from the bogus budget that has been handed down this week.

A Canberra Liberals government will reprioritise community—

**MR DEPUTY SPEAKER:** Mr Cain, Ms Berry has a point of order.

**Ms Berry:** Mr Deputy Speaker, I would like your advice on whether the term “bogus” is or is not parliamentary. The word “bogus” means that something is not real or that somebody is trying to deceive or there is some deception. Clearly, a budget exists. It is happening; it is a thing. The term “bogus” implies that there is some deception. I think it is unparliamentary and I seek your ruling.

**MR DEPUTY SPEAKER:** Ms Berry, I will take advice from the Clerk and consider it, but, at this stage, Mr Cain, you can continue.

**MR CAIN:** Mr Deputy Speaker, any of us would be loath to criticise the government budget. We would be loath to criticise it. My goodness, we might get called out on a point of order! We look forward to your advice on that particular term, Mr Deputy Speaker.

A Canberra Liberals government will re-prioritise community safety over politics in the ACT. We will ensure that our community safety laws reflect community expectations, as this has been a major problem for this government, from dangerous driving to bail and sentencing. We will bring our laws back into line with community expectations, which will be at the heart of a Canberra Liberals government commitment to this community, by deliberately and carefully re-examining our drug decriminalisation laws and repealing some that we have clearly said that we will repeal.

We are already seeing the roll-back of drug decriminalisation in the very places which this government held up as prime examples. One example is Oregon in the USA, which is re-criminalising hard drugs as of 1 September this year, following decriminalisation of hard drugs in 2020. I note also that, in October 2023 a poll in the Riotact asked, “Do

you agree with decriminalising illicit drugs for personal use in the ACT?” Sixty per cent of 1,345 respondents answered, “No. Drug use will increase and so will the dangers to the rest of us.” I note Mr Pettersson did not quote that survey.

Canberrans are right to be sceptical of this Labor-Greens government agenda on drug reform. Just a few weeks ago, Ms Davidson promised that decriminalising prescription drugs would be the next logical step. Prescription drugs include fentanyl, ketamine and oxycodone. The Labor-Greens government has lost touch with common Canberrans. Canberrans should be wary that there is absolutely no indication of where this drug reform agenda will end. The “calls on” in this politically motivated motion, which opposes any attempt to review these laws, is just ridiculous. What government would rule out reviewing its statute book, particularly in an area that is new and yet to be fully tested and tried?

I feel bad for Mr Pettersson for having to attribute his name to this nonsense. The Canberra Liberals will stand with Canberrans, to make and manage laws, and review, where required, and not rule out reviewing controversial areas of legislation. We will consider the community’s expectations in such reviews, and not pure ideological positions, as those opposite would like to present. Our commitment is to improve the lives of Canberrans, and to review the statute book, particularly in areas where the community has expressed strong views and concerns. We will be committed to listening to the community and reviewing these decriminalisation laws. We will see what we get to, once we are in a position to do that.

**MR DEPUTY SPEAKER:** Before we move on, having sought advice from the Clerk with regard to Ms Berry’s point of order, in the time that this chamber has been operating I am pretty sure that the word “bogus” has been used on a number of occasions, but it has not at any point been considered unparliamentary. When we are looking at the rules around the categorising of words as unparliamentary, it does not really fit in to the offensive section or the personal reflection section. In this instance I am not going to rule that the word “bogus”, in that context, is unparliamentary.

**Ms Berry:** Mr Deputy Speaker, with respect to your ruling today, a brief—

**Ms Lawder:** With respect, you are going to disagree?

**MR DEPUTY SPEAKER:** Ms Lawder, Ms Berry is having a conversation with me.

**Ms Berry:** With respect to your ruling, a brief Google search for the meaning of the word “bogus” suggests that it implies there has been some deception, as I said, that it is counterfeit, that it is a sham, that claims appear false but are made to look real and that they are not genuine. “Counterfeit, spurious, sham”—that is from a range of dictionary references to that term. I believe that is the way that term is being used in this place. Whilst I accept that it may have been used in this place in the past a number of times, we are the government and we get to set a precedent as to the language that is used in this space. I think that the way that term was used in the recent speech by Mr Cain was for that purpose; it was to imply that there was some kind of sham or some sort of deceitful behaviour occurring.

**MR DEPUTY SPEAKER:** Thank you for the advice on that, Ms Berry.

**Ms Lawder:** Mr Deputy Speaker—

**MR DEPUTY SPEAKER:** Do you have more on that, Ms Lawder?

**Ms Lawder:** I do. I absolutely agree with the points that Ms Berry read out from the dictionary that she accessed online with respect to the term “bogus”—sham, deceitful. I think it is quite relevant that it is used. At this rate the government seem to think that they can perhaps write their own dictionary and exclude any negative words when it applies to them. If Ms Berry disagrees with the Speaker’s ruling that you have just given, she has the option to use the standing orders to move a motion for dissent and she has not done that; otherwise, she should respect the Speaker’s decision.

**MR DEPUTY SPEAKER:** Thank you, Ms Lawder. I take on board the additional advice, but I am sticking with the original ruling on this. Of course, you do have the avenue to move for dissent, if you wish, Ms Berry.

**Ms Berry:** Thank you for that advice. I will consider that.

**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) (4.10): I will start by congratulating Mr Pettersson and thanking the ACT Labor Party for their collaborative work on harm reduction focused drug law reform.

As the Minister for Population Health, I am pleased to inform the Assembly that the ACT Health Directorate is currently finalising a review—evidence focused, not politically motivated—of the cannabis-specific changes to the drugs of dependence legislation that came into effect in January 2020. The review process included interviews with a wide range of relevant stakeholders and will be provided to the government in August.

The ACT’s continued focus on harm reduction drug policy reform is important for a number of reasons. Harm reduction reduces barriers to health care and promotes better social outcomes for people experiencing substance dependence, and that helps make our whole community safer.

Harm reduction is a compassionate and person-centred approach to supporting someone with a drug or alcohol dependency, but that is only part of the reason that the ACT Greens have continued with this approach to drug policy reform. We pursue reform that focuses on harm reduction because the evidence tells us that this approach reduces the community harms associated with drugs as rapidly as possible. We are pragmatic. We know that there is nothing that will stop illicit drug use in our community. On a personal note, as a radical love advocate, I am strongly opposed to the shaming of any person because of their substance dependence.

According to the 2022-23 National Drug Strategy Household Survey, almost one in two Australians, or 47 per cent, have used illicit drugs in their lifetime. Drug use as a health



issue is not confined to a select, marginalised group. In all likelihood, drug use is a health issue that has in some way impacted half of the people in this room. Drug use is a mainstream health issue, which is why policy underpinned by harm reduction and destigmatisation is so important.

We do not often hear politicians stand up and talk about the metrics of drug harm reduction. When put into practice, it has community impacts like reducing deaths associated with drug use, reducing diseases like hepatitis and HIV, reducing crime and violence in the community, making illicit drugs less valuable—which has a flow-on impact on reducing crime—and reducing the levels of incarceration.

Opioid replacement programs, needle syringe programs, supervised drug consumption facilities, naloxone and peer education programs facilitate interventions that reduce the risk of overdose and the spread of blood-borne viruses and engage people in primary care when they otherwise would not. Programs of this type relieve pressure on the hospital system, reduce police and ambulance call-outs and, most importantly, support people with the stability to make healthier choices. Because of things like these, drug policy underpinned by harm reduction leads to significant economic savings. Broadly speaking, for every \$1 a government spends on harm reduction initiatives, it can expect to save around \$50.

I acknowledge that, for some people, hearing about a policy approach to drug use that does not mandate people to stop is challenging. We all have differing opinions and values when it comes to drug use. We need to remember that, for many people, the use of drugs is not really a choice. I have never heard a person with a serious drug dependency and all of the social disadvantage that goes along with that say, “When I was a child, I wanted to be dependent on drugs when I grew up.”

I have, in my past working life, listened to many people with addiction to illicit drugs talk about the impact it has on them. These were people who had talents and skills, who were someone’s mum, brother, son, daughter or friend. They were loved, but they had a dependence on something that they could not just choose to stop using.

Just last week I heard from someone who works with a man with addiction to methamphetamine, who also struggles with homelessness, health issues and difficult social relationships. He said that he knows it is not good for him but, “I just can’t help myself.” That is hard for the worker to hear, when he genuinely cares about the wellbeing of this person and wants to see him supported to have better life outcomes. That is only possible through harm reduction programs.

There are numerous factors that contribute to someone’s likelihood to engage in problematic drug use: trauma, mental ill-health, exposure to violence, grief, socio-economic circumstances, the environment they grew up in, and experience with the child protection or youth justice system. The list goes on. As members of this place, we have a responsibility to exercise compassion and inclusivity in the laws that we make and the initiatives that we progress. A harm reduction approach to drug use enables us to see the whole person and not define them by the substances they might use.

Prior to the last election, both Labor and the Greens made commitments to consider the prospect of implementing a medically supervised injecting facility in the ACT. This

was reflected in the ACT's Drug Strategy Action Plan 2022-26, and resulted in a feasibility study, conducted by the Burnet Institute, in 2020. The study's outcome was that such a facility was feasible.

Since taking on the population health portfolio in December last year, despite knowing that the ACT election was less than a year away, I have made it my mission to progress this commitment. This is more important than ever, particularly given that we are seeing the emergence of lethal contaminated drug supply across Australia. The ACT has not been immune to this, with CanTest reporting evidence of contaminated drug supply in Canberra over the last year.

Dangerous, potent synthetic opioids like nitazenes and fentanyl have been detected right across the country. These substances are major contributors to the opioid overdose epidemic that has impacted North America and Canada for some years. To be clear, nitazenes and fentanyl have been found in illicit drugs other than those believed to be opioids, like heroin. The organised crime syndicates that supply illicit drugs do not discriminate regarding which type of drug they put contaminants into—as reported on *60 Minutes* on Sunday night, even in black market vapes.

It is so important that we are prepared to contend with the same challenges experienced by North America and Canada as we continue to see clear evidence of contaminated drug supply in Australia. Last week a further 2½ years of funding was announced to continue operation of CanTest, until mid-2025. I thank my colleagues in the Labor Party for supporting this important Greens initiative, but we need to do more.

Whilst the Burnet report said that a medically supervised injecting facility in the ACT is feasible, with the passage of time, COVID and other investment in drug harm reduction over the last three years, there is more work to be done to understand exactly what is needed for the ACT.

Unlike Sydney and Melbourne, which have medically supervised injecting facilities in areas where drug use and harms are more prevalent, drug use and supply are much more geographically dispersed in the ACT. Services that support overdose prevention need to be designed to reflect the unique needs and circumstances of the ACT's community. We also need to acknowledge that we are seeing increases in overdose injuries and deaths nationally that are not related to injecting, which acknowledges the need to consider options that respond to other types of drug consumption.

To that end, I am pleased to announce that the ACT Health Directorate will further review current and emerging needs related to drug harm reduction in the ACT. The review, which will be conducted by an expert in the field, is currently being commissioned and will commence in July. The review will focus on options for onsite supported overdose prevention, opportunities to build on existing drug harm reduction programs and policies, and any additional measures to increase preparedness for an increase in contaminated drug supply. I expect the review to be made available to the next government in December 2024, with recommendations mapping out a clear and evidence-based way forward.

Let me close by stating once again for the record that drug use is a health issue; addiction is a health issue. Harm reduction saves lives, and every life in the community is valued.

**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) (4.18): I will start with apologies to the Labor whip because she was not aware that I was going to speak on this motion today. I will speak briefly.

Mr Cain, who is no longer in the chamber, talked about the reason that personal possession of small quantities of cannabis has been legalised. I can tell him that the reason that the possession of small quantities of cannabis has been legalised is the same as the reason that the ACT has, this term, introduced nation-leading decriminalisation of personal possession of the most often used illicit drugs, through the introduction of the simple drug offence notice. That reason is the advocacy and hard work of Mr Pettersson and our ACT government officials. They have worked extremely hard to ensure that these changes to our laws can be given effect in a way that minimises harm to our community, including those who use drugs.

The progressive ACT community is happy to support an evidence-based approach to harm minimisation and harm reduction associated with the use of drugs and dependence on them. Going to Mr Cain's point, there was indeed thorough scrutiny accorded to both the Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019 that is the subject of this motion today and to the Drugs of Dependence (Personal Use) Amendment Act 2022. That bill was introduced in February 2021 and passed this place in October 2022, after 18 months of consideration by a committee, by the community and by the executive government.

It was only introduced after being released—if memory serves correctly, Mr Pettersson—as an exposure draft in December 2020. This was Mr Pettersson's work, and I think he deserves the credit for it. Mr Cain's comments about that are absolutely misplaced. Other people also deserve credit, and among them is Chris Gough, the Executive Director of the Canberra Alliance for Harm Minimisation and Advocacy, who is in the gallery today and who has been a voice of reason on these matters and a strong advocate for drug law reform to minimise and reduce harm in our community.

I note that Chris was also a member of the panel that I sponsored and spoke on at the national Labor Party conference last year, where I made the remarks that Mr Cain has selectively quoted from. If Mr Cain was still here, he could consult Chris about the broader context of those comments. That context was how we could progress a national conversation about harm reduction, because it is critically important. As Mr Pettersson and Ms Davidson have said, it does not matter how often we tell people that drugs are harmful and that they should not use them or how much work we do on the other two pillars of harm minimisation—supply reduction and demand reduction. The reality is that people will use drugs and people will become dependent on drugs. People who use and become dependent on drugs deserve the support of the community to treat this as a health issue, not as a criminal one.

We had a great conversation on that panel and some really good thinking about how we continue the national advocacy. At that time the legislation that had been passed in October 2022 had not yet come into effect. Mr Hanson was doing his best to convince

Canberrans that the sky would fall in when it did, just as he did with the act that is the subject of this motion, the Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019. Of course, in neither case did this outcome eventuate. As predicted, all that really happened was that the Canberra Liberals lost a talking point; hence Mr Cain's desperate speech today.

I want to touch on one other matter—and Mr Cain touched on it in his speech—and that is Minister Davidson's comments this morning in relation to prescription drugs. It probably will not surprise Mr Cain that I agree with Minister Davidson that we need to do something about the penalties that are currently associated with the personal possession of prescription drugs without a prescription, under the Medicines, Poisons and Therapeutic Goods Act.

In fact, I sought advice last year, before the portfolio transitioned to Minister Davidson from the Health Directorate, about making some changes to that element of the Medicines, Poisons and Therapeutic Goods Act to introduce a personal possession element. At the moment that particular section only includes one penalty type for possession of these drugs. It is targeted at supply, and those who hold those drugs for supply and distribution to others and in commercial quantities, but that is not how the legislation is written. I absolutely agree that that section of the Medicines, Poisons and Therapeutic Goods Act deserves further scrutiny and further work. That remains the case even when it will not apply to e-cigarettes. Subsequent to the work in the federal parliament, e-cigarettes will be removed from being prescription only. That does not diminish the importance of doing that work on the MPTG Act.

I look forward to the work that Minister Davidson has talked about today in relation to harm reduction. I was not aware that the Health Directorate had been asked to do this work. I am really, really pleased—I sound like Ms Clay!—to hear that that work is being done by the Health Directorate. That absolutely aligns with our ongoing approach to harm minimisation, which has three pillars: supply reduction, demand reduction and harm reduction. That is what we are debating today and what Mr Pettersson took forward with the Drugs of Dependence (Personal Cannabis Use) Amendment Act in 2019. I join him in calling on all parties to publicly affirm their support for that, through the motion that Mr Pettersson has moved today, which I commend to the chamber.

**MRS KIKKERT** (Ginninderra) (4.26): In his motion, Mr Pettersson asks us to note the strong support in the ACT for legalising the personal use of cannabis. He also asks us to note that people do not want responses to personal use of cannabis to include any kind of punishment. Apparently, the ACT government is an exception. At a mobile office last week, I was approached by a distraught resident who had lost one of his best, most reliable workers because this government is not willing to employ someone who engages in cannabis use.

This is a shameful situation and highlights this government's hypocrisy. Why pass a law to approve the personal use of cannabis yet penalise those who use it by banning them from employment? This contradictory stance undermines the very purpose of this legislation. It is important to review these laws. A review is crucial for public health and safety, but it also needs to address workplace policies. I hope the review will focus on the ACT government penalising people for using cannabis, when the very law they passed was about not penalising people for using it. The hypocrisy is loud, and that needs to be addressed in the review process.

**DR PATERSON** (Murrumbidgee) (4.27): I would like to thank Mr Pettersson for today's motion and his continued advocacy on these really important issues. What really upsets me about the Canberra Liberals' take on drug law is how they talk about people who are dependent on drugs. People who are dependent on drugs in our community should be treated with dignity and respect. They should not be treated as criminals. There are many reasons why people may take drugs. What we know is that drugs can be harmful and they can impact on individuals in many different ways. Some drugs are highly impacting on the body and highly addictive.

There are a multitude of factors, such as individual physiology, health and mental health, past experiences of trauma and poverty, that can all contribute to why one person may become dependent and others may not. The problem is that drug use can cause, contribute to and exacerbate experiences of trauma, poverty, mental ill-health and poor physical health.

In any other context, when we talk about people who have experienced trauma, poverty, mental illness and poor health, we naturally express deep compassion. However, when these factors are associated with drug use, historically these people have been met with significant stigma. I am incredibly proud to be part of a Labor government that has sought to change that and has prioritised drug law reform for better outcomes for our community, for a compassionate community. Drug dependence is a health issue, which is absolutely why the Canberra Liberals should be ashamed of their stigmatising, ignorant stance on drug dependence.

**MR PETERSSON** (Yerrabi) (4.29): in reply: I thank all members for their contributions today. I must admit, Mr Deputy Speaker, that I am still as confused as I was when I moved the motion. I listened with great interest to all the contributions from the Canberra Liberals members. They spent a lot of time talking and a lot of time avoiding the question. They seemingly did their best to even avoid using the word "cannabis", which I thought was remarkable. Mr Cain, in his remarks, spent a lot of time firmly extolling the virtues of the Canberra Liberals' promise to repeal drug decriminalisation laws. He was very adamant about that; but, for some reason, when it came to the specific question of cannabis, he could not muster the word.

It is a very straightforward question. If the Canberra Liberals cannot say it in this chamber, I beg any of the journalists listening today to ask them about it. Can someone please ask the Canberra Liberals what is their policy on cannabis laws in the ACT? I do not think that is a radical question to ask. This is something that the Canberra Liberals have had policy positions on previously, however weasel-worded they were and however bogus that policy might have been. I do not think it is unreasonable for the Canberra Liberals to have a position now.

Mr Cain made, I think, a very fair and valid point: governments should review law. They should review regulations. That is good government. I agree. I in no way would ever encourage government not to review things. What I called for members and parties in this place to rule out was a politically motivated review. If the Canberra Liberals form government and if, in government, laws are reviewed, that is fair enough, but reviews with intended objectives that are not objective and fair are politically motivated and should not be considered to be good government.

The citation of online polls as a form of credible argument cannot go unchallenged in this place. The idea that someone would quote a *RiotAct* poll as some form of credible counter-response to statistically relevant polls that are representative of the ACT, undertaken by professional polling companies, is genuinely laughable. I suspect the next thing we will see in this place is someone rocking up and saying, “I got more likes on Facebook than you did, so that means I am more right than you.” If we are going to have arguments in this place, they need to be grounded in evidence. If we are going to pass laws in this place, they need to be based on evidence. That is why I have advocated so fiercely for our laws about drugs to be grounded in evidence.

I have always thought that there is one way to get the Canberra Liberals on board when it comes to a policy, and that is to have a former Labor policy. There is nothing the Canberra Liberals love more than the former positions held by the government. On a position held by this government previously, they say, “Well, that was just right; you know? That was sensible, and it worked reasonably well. We should just go back to the good old days—back to when you were more sensible, before you did something radical and changed things.”

I have no doubt that, at some point in the future, the Canberra Liberals’ policy in this space will be to support the cannabis laws that are currently on the books. I have no doubt that that day is coming. I do not suspect that it is going to be tomorrow or the day after, but one day. When the policy changes at some point in the future—and I do not know how it does—I know one thing for sure: whatever it is, the Canberra Liberals will be opposed to it and will say that the previous law was just right, was sensible and was working well. They will say, “Why would you change anything?”

In closing my remarks today, I reiterate my call. The Canberra Liberals can say with ironclad certainty that they plan to repeal drug decriminalisation laws in the ACT. I completely disagree with that policy, but I will respect the Canberra Liberals for being up-front about it. That is a good thing. People should know that that is what will happen if they vote for the Canberra Liberals. There are some people in this community that genuinely are seeking that outcome, and I encourage them to go and vote for a candidate who represents their values.

I find it very strange that, on the specific question of, “What will the Canberra Liberals do about personal cannabis use laws in the ACT?” we got 10 minutes of weird, bogus budget chat, instead of a simple answer that the Canberra Liberals will overturn them or the Canberra Liberals will keep them. I want the Canberra Liberals to answer that question. It is embarrassing—genuinely, it is embarrassing—that you could not answer it in two speeches and almost 40 minutes of debate in this place.

Question resolved in the affirmative.

## **Papers**

### **Motion to take note of papers**

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

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

## **Property Developers Bill 2023**

### **Detail stage**

Clause 1.

Debate resumed.

*(Quorum formed.)*

Clause 1 agreed to.

Clause 2.

**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) (4.37): I seek leave to move amendments to this bill that have not been considered by the scrutiny committee.

Leave granted.

**MS VASSAROTTI**: I move amendment No 1 circulated in my name [*see schedule 1 at page 1922*]. I present a supplementary explanatory statement to the government amendments.

This amendment omits the commencement clause and substitutes it with a new commencement clause. The new commencement clause provides that the act commences on the notification of the licence requirement provisions and any remaining provisions commence on the day fixed by the minister by written notice. This will ensure that the regulatory powers of the bill only apply to building work undertaken following commencement of the bill. For rectification order provisions to apply on the day the bill is passed, the enforcement powers will need to be enlivened. Therefore it is proposed to commence parts 6, 7, 10, 11, 12 and 13 from the day after the act is notified.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6.

**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) (4.39): I move amendment No 2 circulated in my name [*see schedule 1 at page 1922*]. This amendment clarifies that the objects of the bill with respect to rectification of serious or possible serious defects apply to regulated residential buildings.

**MR PARTON** (Brindabella) (4.39): There is a swag of amendments across the detail stage that are related to the change in definition of a regulated residential building. I want to speak to one right at the front of the debate, rather than waiting for the definition section at the back end.

The Canberra Liberals have long raised concerns that this bill could well have captured individual landowners simply wishing to renovate or add a second dwelling. The change in definition means that a regulated residential building is a class 1 or class 2 building, defined by the National Construction Code. This means that single dwellings, dual occupancies and adding secondary dwellings are not captured.

It is also clearly stated in the explanatory statement that this will not apply to renovations and alterations to existing buildings. We certainly do support that. But we, along with quite a number in the construction sector, wonder why this definition did not push a little wider. I previously made mention of the fact that this aspect of the bill will likely impact the territory's wish to deliver the so-called missing middle to our housing market, because there will be a number of builders who typically construct either single, standalone dwellings or smaller townhouse developments. As soon as those smaller townhouse developments stretch to four dwellings, these builders will be required to go through all the rigmarole of applying for a developer licence and will be personally liable for anything that their subcontractors do, or anything else with these developments. The feedback that I get from the sector is that these individual builders are likely to simply stop delivering missing middle dwellings.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 10, by leave, taken together.

**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) (4.41): I will be opposing these clauses, given that these outline the process around a registrar. Now that we have clarified that this registrar will also be the construction occupations registrar, that is no longer necessary.

Clauses 7 to 10 negatived.

Clause 11.

**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) (4.42): I move amendment No 4 circulated in my name [*see schedule 1 at page 1922*]. This is a minor and technical amendment, consequential to changes made by amendment 63.

Amendment agreed to.



Clause 11, as amended, agreed to.

Clause 12.

**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) (4.42): I move amendment No 5 circulated in my name [*see schedule 1 at page 1922*]. This is a minor and technical amendment to align with current drafting practices.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13.

**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) (4.43), by leave: I move amendments Nos 6 and 7 circulated in my name together [*see schedule 1 at page 1922*]. Amendment 6 is a minor and technical amendment that omits clause 13(1)(a) and substitutes it with a new clause 13(1)(a) that removes examples of factors that go to an applicant's character. This does not mean that these examples are not factors that will be taken into consideration.

Amendment 7 omits clause 13(1)(g) and substitutes it with a new clause 13(1)(g), which clarifies that the registrar, in deciding whether an applicant for a licence is a suitable person, must consider whether the applicant was an executive officer of a corporation within two years before the corporation was placed into administration, receivership or liquidation. Currently, the provision requires the registrar to consider whether, at any time in the past, the individual was an executive officer of a corporation that had been placed into administration, receivership or liquidation. This approach is no longer necessary to achieve the objectives of the act.

Amendments agreed to.

Clause 13, as amended, agreed to.

Clause 14 agreed to.

Clause 15.

**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) (4.45): I move amendment No 8 circulated in my name [*see schedule 1 at page 1922*]. This amendment omits clause 15(2)(b) and substitutes it with a new clause 15(2)(b) that provides that a licence application must include, if requested by the registrar, any other report prescribed by regulation, in addition to a ratings report.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 22, by leave, taken together.

**MR PARTON** (Brindabella) (4.46): I will speak briefly to one of these. Many of the concerns that were raised about this bill during consultation and during the inquiry into the bill related to retrospectivity. We are most pleased that the government has listened to stakeholders and to the Canberra Liberals in adding new clause 47. We are certainly in support of the amendments in this group.

Clauses 16 to 22 agreed to.

Clause 23.

**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) (4.46): I move amendment No 9 circulated in my name [*see schedule 1 at page 1922*]. This is a minor and technical amendment consequential to changes to the definition of a regulated property development activity.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24.

**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) (4.47): I move amendment No 10 circulated in my name [*see schedule 1 at page 1922*]. This is a minor and technical amendment to correct a cross-referencing error.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clause 25.

**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) (4.47): I move amendment No 11 circulated in my name [*see schedule 1 at page 1922*]. This is a minor and technical amendment to correct a cross-referencing error.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clause 26 agreed to.

Clause 27.

**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) (4.48), by leave: I move amendments Nos 12 and 13 circulated in my name together [*see schedule 1 at page 1922*]. Amendment 12 omits clause 27(1)(e) and substitutes it with a new clause 27(1)(e) that provides that notifying the registrar about a change of circumstances includes entering into an off-the-plan contract for the sale of a regulated residential building. This requirement exists in other parts of the bill. Amendment 13 is a minor and technical amendment to align the definition of an off-the-plan contract with the definition in section 19A(1) of the Civil Law (Sale of Residential Property) Act 2003.

Amendments agreed to.

Clause 27, as amended, agreed to.

Proposed new clause 27A.

**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) (4.49): I move amendment No 14 circulated in my name [*see schedule 1 at page 1922*], which inserts a new clause 27A. The new clause provides that a registrar may request a ratings report if the licensee applies to vary a licence or notifies the registrar about a notifiable event.

Amendment agreed to.

Proposed new clause 27A agreed to.

Clause 28.

**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) (4.50), by leave: I move amendments Nos 15 and 16 circulated in my name together [*see schedule 1 at page 1922*].

Amendment No 15 adds a requirement for the registrar to keep director identification numbers on the register of licensed property developers, in addition to the names of current and former developers of the licensee and associated entities of the licensee. The director identification number is a unique identifier that a company director is required to obtain from Australian Business Registry Services. Compliance is monitored by the Australian Securities and Investments Commission. Publishing details

about licensed and former licensed property developers allows members of the public and industry to access the information required to enable them to make informed choices when entering into an agreement with a property developer.

Amendment No 16 inserts a definition of “director identification number” as set out in section 9 of the Corporations Act 2001.

Amendments agreed to.

Clause 28, as amended, agreed to.

Clauses 29 to 34, by leave, taken together and agreed to.

Clause 35.

**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) (4.52): I move amendment No 17 circulated in my name [*see schedule 1 at page 1922*]. This amendment updates the definition of “regulatory activity” in clause 35 to refer to residential development activities, instead of residential building activities, and is consequential to the changes made by amendment 80.

Amendment agreed to

Clause 35, as amended, agreed to.

Clauses 36 to 40, by leave, taken together and agreed to.

Clause 41.

**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) (4.53): I move amendment No 18 circulated in my name [*see schedule 1 at page 1922*].

This is a minor and technical amendment to correct an error in the division referenced in proposed section 41.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clauses 42 to 46, by leave, taken together and agreed to.

Clause 47.

**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) (4.53): I move amendment No 19 circulated in my name [*see schedule 1 at page 1922*].

This amendment omits clause 47 and substitutes a new clause 47 that provides that part 6 of the bill, which relates to rectification orders, stop-work orders and undertakings, only applies to residential building work that is issued with a development approval on or after this provision comes into force. This means that the rectification orders, stop-work orders and undertakings cannot be applied retrospectively.

Amendment agreed to.

Clause 47, as amended, agreed to.

Clause 48 agreed to.

Clause 49.

**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) (4.55), by leave: I move amendments Nos 20 to 23 circulated in my name together [*see schedule 1 at page 1922*].

Amendment 20 clarifies that the owner of the land is the owner of the land when the regulated residential building work is done. Amendment 21 adds the term “regulated” before “residential building” in the definition of “property developer” to clarify that this person is only considered a property developer if the project involves a regulated residential building. Amendment 22 inserts “commencement notice” before “building” to align with the definition in other provisions of the bill, as well as the Building Act 2004. Amendment 23 amends the definition of “principal builder” consequential to changes made in amendment 22.

Amendments agreed to.

Clause 49, as amended, agreed to.

Clause 50 agreed to.

Clause 51.

**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) (4.56): I move amendment No 24 circulated in my name [*see schedule 1 at page 1922*].

This is a minor and technical amendment consequential to changes made in amendment 78.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clause 52.

**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) (4.57), by leave: I move amendments Nos 25 and 26 circulated in my name together [*see schedule 1 at page 1922*].

Amendment 25 omits clause 52(5) and substitutes it with a new clause 52(5) to provide that a copy of a rectification order must be given to the owners of the land on which residential building work is undertaken or for a regulated residential building under a unit plan to the unit owner and the owners corporation.

Amendment 26 omits the definition of a “10-year period” and substitutes it with a new definition of a “10-year period” to clarify what the 10-year period means in relation to when a building action may be brought forward in relation to residential building work, so that this period is now aligned to section 142 of the Building Act 2004.

Amendments agreed to.

Clause 52, as amended, agreed to.

Clause 53.

**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) (4.58): I move amendment No 27 circulated in my name [*see schedule 1 at page 1922*].

This amendment omits clause 53(3) and substitutes it with a new clause 53(3) that provides that, for an emergency rectification order, a detailed written statement of reasons must be provided. Clause 53(3) currently provides that an emergency rectification order may contain a summary of reasons. The amendment better supports the objective of the bill and is considered to meet the principles of procedural fairness and natural justice.

**MR PARTON** (Brindabella) (4.59): Today we are voting on a number of purely technical amendments, but this one is such a common-sense and practical amendment. We are most pleased that, within the context of this bill, emergency rectification orders can only become such with a detailed written statement of the reasons. We are certainly of the belief that this fits in much more sensibly with the principles of procedural fairness and natural justice. We do not want to see aspects of this bill being applied by anyone in a vexatious way. I think that this amendment may well halt some of that, so we support it.

Amendment agreed to.

Clause 53, as amended, agreed to.

*It being 5 pm, the debate was interrupted pursuant to the resolution of the Assembly of 25 June 2024, and the resumption of the debate made an order of the day for a later hour this day.*

## **Appropriation Bill 2024-2025**

Debate resumed from 25 June 2024, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MS LEE** (Kurrajong—Leader of the Opposition) (5.00): On 19 October, Canberrans will have the opportunity to make a decision about our future. They will have the choice between a tired, stale, arrogant Labor-Greens government that has stopped governing for all Canberrans and a Canberra Liberals government I lead that will deliver a fresh opportunity for Canberra.

Two days ago, we saw Andrew Barr deliver his 13th budget: an incredible privilege not afforded anyone else in the history of self-government. And having had this privilege, you would expect the Treasurer to be able to build on the years of experience and decisions to deliver a budget that would deliver for Canberrans. Unfortunately, but not surprisingly, we saw the exact opposite. We saw another budget full of broken promises wrapped up as new announcements. And we saw behind the spin more pain: more pain for households; more pain for businesses; and more pain for future generations who will have to foot the interest bill for yet another of Barr's bogus budgets from the tricky Treasurer himself.

### **Cost of living**

Canberrans are doing it tough, and they have been forgotten by this Labor-Greens government. Only this government would say that it was providing cost-of-living relief when any measure will be more than eaten up by increases across the board on rates, public transport fares, electricity and water charges on top of rising costs on fuel, food, housing, health care and child care. For too many Canberrans, this budget was a missed opportunity to deliver real relief. Unlike this out-of-touch Labor-Greens government, the Canberra Liberals have listened to the thousands of struggling Canberrans and committed to a \$65 million cost-of-living relief package to deliver real and tangible measures to reduce the pressure on households for all Canberrans.

### **Housing**

The Canberra Liberals have long advocated for genuine choice when it comes to housing options. There is a place for mid-density options, like townhouses; there is a place for high-rise apartments; and there is a place for detached houses. Canberrans deserve genuine choice to be able to live in a home that suits their needs and wants. Labor and the Greens' unrealistic infill agenda just got much worse for Canberrans seeking that choice, with the announcement last week that almost 90 per cent of new dwellings will be multi-unit housing. The message is clear. Under a Labor-Greens government, Canberrans can give up on their dream of owning their own home if a

detached house is what they need and want. Under a Labor-Greens government, housing will become even more unaffordable if a detached house is what they need and want.

Unlike the Labor-Greens government, the Canberra Liberals will never give up on Canberrans who dream of owning their own home. Our housing policy will focus on unlocking more houses for Canberrans by releasing more land for detached housing, building a planning system that works to incentivise rather than inhibit building more homes, delivering a progressive tax setting that supports growth and investing in the construction skills sector, long neglected by this out-of-touch government.

### **Economy, debt and deficit**

Madam Speaker, in 10 out of 13 budgets that Mr Barr has handed down, he promised a return to surplus. And in zero out of 13 budgets that Mr Barr has handed down he has actually delivered a surplus. Every year we hear why he has not been able to do it: Mr Fluffy, the federal coalition, COVID, the federal coalition, interest rate rises, the federal coalition, inaccurate ABS data, the federal coalition. This is a Treasurer who claims to be a responsible economic manager, but not once has he taken any responsibility for his own fiscal and ministerial mismanagement.

Looking closer at this budget, some of the numbers that the Treasurer does not talk about are these:

- \$19.4 billion, that is the total borrowings in the forward estimates;
- \$855 million, that is the annual interest repayment bill for the almost \$20 billion in total borrowing;
- \$1.08 billion, that is the deficit for this year alone; and
- Nine per cent, that is the increase that unit owners in Forde will be slugged with on their rates bill.

In stark contrast Mr Barr, who entered this Assembly on a countback in 2006, said in his inaugural speech that he would advocate for:

... modern Labor values of responsible economic management and progressive social reform.

And that:

Good governments manage the economy responsibly, and that good management leads to benefits for all the community. It is what underpins the delivery of the services that Canberrans want and need.

How far Mr Barr's values have fallen! How low is his ambition for Canberra these days?

The Canberra Liberals have long called out the disastrous financial position Mr Barr has driven us to that will leave our children, and their children, paying the price. We make no apology for that. The fact is, the goal of any Treasurer, of any party, of any jurisdiction, should be to run a balanced budget over the business cycle. Which means, as Mr Barr himself said when he first entered this place, being a good government that manages the economy responsibly so that the whole community can benefit.



**Health care**

Madam Speaker, every Canberran deserves access to world-class health care. There was a time when we could boast about having one of the best health systems in the country, but over a decade of neglect, over a decade of cuts in real terms, over a decade of not prioritising health, is having a devastating consequence for our community. Despite spruiking about health being the biggest budget expenditure, it is clear that this Labor-Greens government has no plan to improve the outcomes for Canberra's health system. Many of the things that are contained in this budget, if they are not rehashed re-announcements of broken promises of the past, are a sobering admission that this government has let down thousands of Canberrans by failing to invest in our health system.

A Canberra Liberals government will prioritise health outcomes because Canberrans deserve no less. We will respect and work with our GPs, who are the bedrock of our primary-care system, by abolishing this Treasurer's shameful GP tax because we want to make doctors' visits more affordable, not more expensive. We will protect our most vulnerable by delivering an ACT-wide rollout of the RSV immunisation for newborns and at-risk babies. We will support Canberrans to realise their dream of starting a family with rebates for IVF and assisted reproductive technology. We will fix the workplace culture that has defined the legacy of this Labor-Greens administration of the health system. We will respect and work with our health professionals to make our health system the best in the country.

**Education**

Madam Speaker, this Labor-Greens government has failed a whole generation of Canberra students by ignoring, for years and years, the overwhelming evidence—evidence that unequivocally confirms that the direction of this government's so-called Future of Education strategy was failing our students on the basics of reading, writing and maths. We finally got the independent review into literacy and numeracy that the Canberra Liberals have been calling for, and I thank the independent panel for their work in making eight solid recommendations to improve literacy and numeracy for our children.

Last week, the education minister made great fanfare of a \$24.9 million commitment over the next four years to roll out these recommendations, which have been criticised by teachers, experts and the community for not being anywhere near enough. As bad as that was, even a first look at the budget confirmed that it is only \$1.7 million in new spending. So what will the minister be cutting from education—to the tune of more than \$23 million—and what is she not telling Canberrans?

The Canberra Liberals have been raising concerns about our children's literacy and numeracy results for years, including calling for year 1 phonics checks, which has only now been announced for next year. How many Canberra year 1 students missed out whilst Labor and the Greens experimented on our children with teaching methods they were told time and time again were not working?

Early this term, the Canberra Liberals released our strategy to bring out the best in every child. We will support our hardworking teachers to use the best evidence-based methods to deliver the very best education. We will also focus on making sure that our learning spaces are fit for purpose and take strong action against violence and antisocial behaviour in our schools. A solid foundation of education is crucial to making sure that every Canberra student has the opportunity to fulfil their potential, and, under a government I lead, they will get exactly that.

**Local business**

Madam Speaker, many local businesses have told me that they do not feel valued or respected by the Labor-Greens government. The unwillingness to make an effort to understand business has caused enormous frustration for local business owners. Add to this the repetitive and unnecessarily burdensome red tape, the skyrocketing fees, taxes and charges, the lack of a coherent plan to attract the right skills to our city and the difficulty engaging with government, and many business owners are wondering how much longer they can stick around.

A Canberra Liberals government that I lead will start with “yes”, unless there is a genuine reason to say “no”. We will always value, respect and back local businesses, because we know that local business owners are the driving force behind the economic engine room of Canberra. We will open the doors for genuine engagement to work in partnership so that our local business owners can do what they do best:

- grow our economy;
- employ and train our people; and
- give back to our community.

**Maintenance of our suburbs**

Canberrans love the best that our bush capital has to offer, and we take a lot of pride in where we live, work and play. Our suburbs have been neglected for too long. Over this term alone, we know that the area that City Services resurfaced fell to almost half. The latest announcement only a few weeks ago of \$5.8 million for path maintenance is nothing more than an election year promise to look like they are boosting funding, but really, it is just playing catch-up on what they cut throughout the term.

A Canberra Liberals government will reinvest Canberrans’ hard-earned taxpayer moneys back into our suburbs with our Putting Your Suburb First policy, which will commit \$100 million:

- for local projects;
- for local neighbourhoods;
- chosen by the local community.

We will respect Canberrans’ hard-earned ratepayer money to deliver the core local government services that they expect and deserve.

**Transport**

Our public transport system should serve the needs of Canberrans to get them where they want to go, when they want to get there. Labor did a political deal with the Greens to build a tram and have neglected every other aspect of public transport. There is no funding in this budget in the forward estimates, including even in the 2027-28 year, despite promising as recently as yesterday that construction for stage 2B would commence in 2028. The reality is that Labor and the Greens are asking Canberrans to sign a blank cheque for a tram that does not even have a final route and does not even have a basic business case.

In stark contrast, the Canberra Liberals’ people-focused transport policy will be faster and more reliable. It will be cheaper, greener and delivered much sooner; and it will

cost a fraction of the Labor-Greens tram plan. We will deliver a fully integrated public transport system to get all Canberrans moving, all over our city.

**Rates**

Madam Speaker, in 2012, when the Treasurer embarked on his tax agenda to increase rates, he promised to abolish stamp duty, and he promised that it would be revenue neutral, because it was not about increasing the overall money that government collects. Well, tell that to Peter in Fadden, whose rates have gone up by 125 per cent. Tell that to Craig in Palmerston, whose rates have gone up by 139 per cent. Tell that to Sarah in Yarralumla, whose rates have gone up by 197 per cent.

Canberrans pay their rates in good faith because they know that we all need to contribute to the essential services that government provides, but Canberrans also expect that their hard-earned rates money will be respected, valued and used to benefit the community. Even based on the government's own figures, Canberrans have been slugged with increases in their rates of between six and eight per cent per year in the last decade. Canberrans deserve better, and Canberrans will get better, under a government I lead. I make this commitment: Canberrans will always pay lower rates under a Canberra Liberals government.

Today, I am proud to announce that a Canberra Liberals government I lead will deliver a fairer, more transparent rates system for Canberrans. Under our policy, Canberra households will be almost \$2,000 better off. Under our policy, Canberrans will have certainty about the rates they pay, with a guaranteed cap on rate increases fixed at 2.2 per cent, which is based on a 10-year average of the wage price index. Under our policy, that means that no Canberra household will pay more than a 2.2 per cent increase on their rates bill in the first term of a Canberra Liberals government. This is, of course, in stark contrast to the six to eight per cent increase that Labor and the Greens gouged Canberrans with over the past decade.

Under our policy, Canberrans will have transparency about how their rates are calculated. We will establish an independent valuer-general separate to, and outside, the ACT Revenue Office. This means that every Canberran can see exactly how the unimproved value of their land is assessed and how it impacts on the calculation of their rates. This is in stark contrast to the opaque way in which Labor and the Greens calculate rates. A fairer, more transparent rates system that will put more money back in the pockets of Canberrans: that is what a Canberra Liberals government I lead will deliver for Canberrans.

**A fresh opportunity**

Madam Speaker, in less than four months, Canberrans have the opportunity to make a decision about our future. The choice is stark, and the choice is clear. We see across the chamber a tired, stale, arrogant Labor-Greens government that has delivered a litany of broken promises, budget blowouts, and complete disdain for Canberrans.

Canberrans have the opportunity for a refresh of their government. A Canberra Liberals government I lead will deliver:

- real and tangible measures to relieve the cost-of-living burden;
- a genuine choice when it comes to housing options;
- responsible management and use of taxpayer money;

- a world-class health system that will prioritise primary health care that will be accessible and affordable;
- a nation-leading education system that will bring out the best in every child;
- support for our frontline workers who work hard to keep Canberrans safe and healthy;
- a default starting position of “yes” for local business so they can do what they do best;
- a plan to bring more world-class events to our city;
- practical measures to protect our environment and reduce our emissions;
- more of our hard-earned rates invested back into our suburbs;
- a people-focused public transport system that will get Canberrans where they want to go, when they want to get there; and
- a fairer, more transparent rates system that will put more money back in the pockets of Canberrans during a cost-of-living crisis.

That is what Canberrans can expect from a Canberra Liberals government I lead: a government that will be open and transparent; a government that will respect and be responsible with how we spend Canberra taxpayers’ money; a government that will always put our community first.

Madam Speaker, several months ago, my daughter met Andrew Barr for the second time. I will not go into what she said the first time she met him, but she said, “Why did you kill all the rabbits on Capital Hill?” To give Mr Barr credit, he was very gracious and warm in responding to her insistence that he should not have got rid of the rabbits on Capital Hill. A few weeks later, when Mia saw a rabbit back on Capital Hill, she said to me, “Maybe Andrew Barr listened to me.” Now I tell this story, Madam Speaker, because my initial reaction, I have to say, was to say, “He does not listen to anyone,” but I paused, and later, it got me thinking that I am sure there was a time when Mr Barr did listen to the community. But there are so many who feel that they are not listened to now. So, Madam Speaker, every time I think about Mia’s innocent and hopeful statement, it will be a stark reminder to me about how there are Canberrans out there that are still hopeful; they are still hopeful that we, who are privileged to make decisions for and on behalf of Canberrans, will listen to and serve our community. It will be a stark reminder to me that, at its foundation, that is what a Canberra Liberals government I lead will always start with and come back to—listening to and serving our community.

In closing, I say to all Canberrans: this October, do not miss the chance to vote for a fresh opportunity for Canberra. We are all privileged to live in the best city in the best country in the world, where we all have the right to vote under a free and democratic system. But with that right comes responsibility, and your vote is valuable. Do not waste it on those who no longer value you. Do not miss this opportunity. You deserve a government that is accessible, transparent and accountable. You deserve a government that will serve you and put you at the centre of government. My commitment to you is that a Canberra Liberals government I lead will do just that. On 19 October, I ask for your vote so that I can deliver on this commitment to you.

**MR RATTENBURY** (Kurrajong) (5.22): At the start of the budget process this year, I wrote to the Chief Minister outlining the ACT Greens’ priorities. At the core of that is ensuring we are clear on the purpose of government; not only to grow the economy

but to deliver universal wellbeing and protection of climate and nature, not just now but going into the future, too. And so you all know, this is what we asked.

**Climate**

First was climate; the challenges posed by climate change must be continually addressed. We asked that this budget be a climate budget through the prioritisation of sustainable transport and assistance provided to transition away from fossil fuel gas. The Greens will always challenge spending in areas which fail to engage with the climate crisis.

**Housing**

Second was housing. When I sat down with the Chief Minister in October 2020, we agreed to write into the parliamentary and governing agreement that a net gain of 400 public housing properties needed to be achieved by the end of this term of government. The Greens use every opportunity to challenge delivery and ensure that it is prioritised. The budget was the last opportunity to stop selling public housing properties and the time to allocate additional funds to purchase stock. Meanwhile, we enjoy one of the highest median incomes in Australia. Yet there are still homeless people in this city. This budget needed to provide adequate resources to end homelessness in Canberra.

**Active travel**

Third was active travel. With transport accounting for two-thirds of all ACT emissions, taking action to boost walking and cycling would make a serious difference to the climate and to people's health. Well-maintained footpaths in every suburb are the foundation for this. Prioritising the full delivery of the proposed Canberra cycle network by 2030 would bring the benefits of a safe and separated cycle network to all of Canberra, filling missing links and make us a city that is a joy to navigate by bike.

We need investment in our bus fleet, too—a fleet that must become fully electric as soon as possible. When I wrote to the Treasurer, I reiterated our support for expediting delivery of stages 2A and 2B of light rail to Woden. We would like to go further south still and get light rail to Mawson as part of stage 2B.

**Health**

Fourth was health. Labor have rightly recognised the need to increase staffing and infrastructure in the budget. This will help to treat people who are unwell. But the growing inequality gap in our community means that too many Canberrans are unable to access or afford quality health care, particularly in primary care and consistent care for chronic conditions. The Greens believe we must accelerate our investment in prevention, early intervention and community-delivered health care, working with the federal government to get the best outcome for Canberrans.

**Environment**

Fifth was the issue of the environment. We also need to prioritise efforts to protect and restore our natural environment through better support for organisations and volunteers that are the cornerstone of environmental protection efforts in the ACT. Crucial to our ability to grow the city responsibly is achieving targets of 70 per cent infill in all development. This will protect Canberra's natural environment and build a climate-friendly city with transport-oriented development.

**Housing**

I would observe that this ACT budget is about choices. Whilst there are some good aspects to this budget, if the Greens were writing this budget, it would go further, faster and fairer. Our vision is to end homelessness in the ACT, control rent costs and build houses in the right places so we have more compact, person-friendly city. That is why we have already announced the plan to build and buy 10,000 public homes over the next 10 years, setting up a government-owned developer to take on the challenge, rolling out homes faster. We want to invest in skills for local workers, ensuring that we provide opportunities for people looking to shape our city's future. We get the scale of the challenge. There are over 3,000 households on the public housing waiting list, which is why we will use modular building techniques to make climate-ready, accessible homes which can be rolled out faster.

We support the Treasurer's continued aim to eradicate stamp duty and replace it with land tax. That will end high one-off moving costs and help make our city more compact. But the announcement that stamp duty is being removed for most people buying properties up to \$1 million will be cold comfort to many people in this city. We wonder about the legions of people that are struggling to pay higher rents and food prices, making saving for a deposit near on impossible.

While one option is to keep expanding the city limits and build on greenfield land, our solution delivers more housing close to existing services. That is why I am today announcing, together with my colleague Jo Clay, that we will seek to build up to 5,000 new homes at the current Thoroughbred Park horseracing track, creating a new inner-north suburb.

Labor cannot and will not do this because they keep giving public money to the horseracing industry. Labor treasurers have handed over \$100 million since 2011, which is why they struggle to see this solution, ideally located adjacent to light rail. We are proposing that 10 per cent of that new housing is public, and another 10 per cent community owned, with the rest available to rent or buy. We need more housing close to transport and services so that people have access to all the things that make living in Canberra so good: our nature, our community spaces and our excellent cafes, restaurants and bars. Providing more housing whilst staying within city limits: this is what the Greens will do for you in government.

We have a plan for this space which will nourish thriving communities. Shared green space will be available for kids to play in, away from roads, or for people to organise community events or barbecues. High-quality footpaths and cycle paths will be prioritised, with access to light rail for trips to CIT in Woden, to Lake Burley Griffin, the shops or the cinema. In preparing the land for housing, we are putting the environment first, too. We will re-naturalise and clean up Sullivans Creek, which runs along the edge of the racecourse, making it a refuge for plant, bird and animal life.

You might be wondering why we are choosing this site. Thoroughbred Park's membership is 1,002 people, while the public housing waiting list is over 3,000 people. The two numbers are hardly comparable. But it is clear there is insufficient housing whilst another racetrack lies next door in Queanbeyan. The conversation needs to start now on a transition plan for the ACT horseracing industry.

What are the next steps? The ACT government has formed a steering committee with the horseracing industry to look at one option only, the horseracing industry's plan. Without any public consultation, this lacks transparency and is unlikely to put the public interest first. The Greens have commissioned this plan to make sure Canberra has a genuine choice. Rather than suppose that the racetrack needs to stay, we would negotiate the purchase of the land from Thoroughbred Park or move to acquire the land compulsorily on just terms. Many factors would be considered when negotiating this, including the value of the site as currently zoned and a transition plan for workers. A compulsory acquisition would assist the club in planning its future.

We will put our plan forward to the ACT government and request that they consider our proposal as part of the committee process. We will demand that they genuinely consult with the Canberra community about what Canberra needs for this site. Together we can then decide what is in the public interest: a racetrack and luxury apartments, or an amazing new suburb with public and social housing, community services, nature and green spaces. The people of Canberra deserve to decide, and we are today showing our hands. This is where the ACT Greens will deliver a different sort of government.

### **Homelessness**

Under our Greens homelessness minister, Minister Vassarotti, this government has sustained record high levels of funding for homelessness. In this budget, it is great to see funding for the parliamentary and governing agreement commitment to deliver a youth foyer at CIT Woden to address the critical issue of youth homelessness and provide young people with a stable housing environment to build their lives. This budget also shows the ACT government paying attention to Oaks Estate, with funding provided to allow a critical community inclusion program to continue. We are glad to see specific funding for Aboriginal and Torres Strait Islander homelessness services, where there is a growing demand.

The Treasurer has come behind the Greens campaign for a short-stay rental tax, which we hope over the longer term will provide more accommodation back to the market and make it available for Canberrans. But unless we build and buy more public and affordable housing, there will always be a need for more homelessness funding. This need will only continue to grow as the housing crisis and cost-of-living pressures push more people into housing stress and homelessness. The only long-term, sustainable solution to ending homelessness is more homes.

### **Transport, compact city**

The Labor part of this government talk about making this city one that is a city of wellbeing, livable and compact, but they are spending your money on the wrong priorities, and their proclamation that this is a "big road budget" shows their true colours. The thing that is proven is that if you build new roads, they fill up and you will keep needing more, and the congestion will be as bad as ever. In signalling new roads, we will be repeating the planning follies of rust-belt America: cities where crime and poverty are the norm and where people cannot walk anywhere for so much as a litre of milk. As we travel along roads far and wide across our city, we neglect the footpaths that take us to school or to our local shops.

As we spend on new roads, we divert capacity from the construction sector that could instead be invested in extending the light rail network faster to Woden and Mawson or planning future stages to Belconnen. The ACT Greens want light rail to be built as fast as possible, but we know that solutions need to come quicker so that everyone in the city has access to reliable, frequent bus services, and that is why we have announced our intention to invest in 100 additional new electric buses, which will improve the frequency of bus services to at least every 20 minutes.

### **Fiscal approach**

While merrily building more roads and supporting the horseracing industry, this budget has not adequately lifted spending on public housing to meet the scale of the challenge or to move faster on light rail and active transport. Ensuring debt is used for investment rather than day-to-day expenditure is an important principle of fiscal responsibility. But let us look at the facts.

The Treasurer, using one set of accounting standards, has shown us as having a debt to GSP ratio of 12.6 per cent, about the median for Australia, already one of the least indebted developed nations. But according to the federal government's financial statistics framework, who use updated accounting methods taking into account more assets, this shows the ACT with the lowest net debt of any state or territory, at 2.6 per cent of GSP. This fiscal health gives the ACT government a lot of headroom to make smart investments in housing, active travel and public transport. These investments will make our city work better; and, yes, more productive, further improving our long-term fiscal sustainability.

We Canberrans are proud to be different. We are kind. We care about our neighbours, and we want to keep building it to be the beautiful place it is for future generations, but we are also relatively prosperous, with median household incomes 30 per cent higher than New South Wales. The only reason the Liberals keep saying we cannot afford things is because they want to cut government services and infrastructure. So if we have the money to do this, let us invest in line with our values to transform our city for the better.

### **Health**

We have seen significant progress in mental health services in Canberra, thanks to Greens in government. My Greens colleague Emma Davidson has been able to announce long-term funding for a second PACER team, which brings together services to assist people experiencing a mental health crisis. We know it works and it is something from which other jurisdictions are looking to learn. We are continuing to invest in Belconnen Safe Haven, providing a caring, non-clinical space for people who are experiencing severe emotional distress to go to. We know that Safe Havens are highly valued by people who use them and that they are offering something different to what has historically been on offer. They represent smart, innovative investment in mental health support for people who are struggling. It is the Greens that brought that thinking to Canberra.

The Greens will always look to invest in primary care. That is why we are proposing setting up four new GP bulk-billing clinics, providing 160,000 free appointments annually, and identifying preventive care that will ultimately reduce strain on the



hospital system. Not only will making GP appointments free at the point of use provide relief on cost of living but it reduces barriers to access health care.

Of course, if you do end up in hospital, you should have excellent care in modern facilities, and I welcome further investment in those facilities in this budget. But huge numbers of hospital visits could be avoided if earlier provision of health services was available. What is more, a hospital stay costs many factors more than the alternative of primary and preventive care, so it is only right and rational to invest in that early care.

The ACT Greens have already announced that we will deliver a neurodiversity centre to provide support for Canberrans who are neurodivergent. Right now, thousands of people who are neurodivergent are waiting months, if not years, to get a diagnosis and the support they need to live their lives to the fullest. The Greens' neurodiversity centre will take a strengths-based approach, celebrating and supporting the amazing diversity of how our minds and bodies work. We will make sure neurodivergent Canberrans get the support they need, when they need it.

### **Revenue**

It is high time we got big business to contribute more to our services. The Greens have been fighting nationally to take on the excessive power of the Coles and Woolworths duopoly. The duopoly means Australian shoppers have less choice and pay more for their groceries than in comparable countries. This shores up their share price, with the only true bargain available being for shareholders to cash in on Coles and Woolworths, taking shoppers for a ride. Our banks are recording record profits on the back of higher interest rates, all while renters and mortgage holders pay the price. That is why it is great to see this budget announce big business paying a bit more in payroll tax, which will help put more money back into services for Canberrans. The Greens will look to ensure that the ACT government plays its part in delivering on the findings of the Greens-initiated Australian Competition and Consumer Commission's inquiry, for which the interim report is published on 31 August. If that breaks up the duopoly and forces divestiture in favour of more competition, so be it.

### **Food strategy and environment**

This budget launches the first-ever local food strategy for the ACT, led by my Greens colleague Rebecca Vassarotti, investing \$455,000 to grow the ACT and Canberra region's food production sector, understand local food supply chain infrastructure and promote education and training opportunities. This funding will help small and medium-size producers better compete with large-scale producers. What is more, it will engage with traditional custodians to ensure that Ngunnawal knowledge and cultural practices are prioritised, including involvement in our local bush food and Indigenous plant industry.

We are glad to see increased funding for the environmental organisations and community groups that deliver critical land management and habitat restoration work, including tireless weeding and invasive species management. Funding will go to Landcare ACT and Canberra Nature Map, increased funding specifically for community weeding activities and to support a wildlife vet to care for injured native animals. These are welcome and fundamental initiatives that we are funding, but we know that we are still facing an extinction crisis and that urban development, particularly through the expansion of our urban footprint, is one of the greatest threats to our biodiversity.

We need a step change in the way we plan our city. Our environment is not something we can trade off for any outcome, and we categorically refuse to swallow the rhetoric that pits housing and the environment against each other. A Greens budget would prioritise solutions to this challenge, including a fundamental shift in our offsets policy and creative thinking about how we deliver conservation outcomes in the ACT. Additionally, we know that climate change is only going to make our city drier and hotter. We need to prepare for this, which is why the Greens support more tree planting, sooner.

### **Climate**

As the energy and emissions reduction minister, I was pleased last week, with the Chief Minister, to announce the ACT's Integrated Energy Plan. This sets out our plan to electrification—the cheapest pathway to net zero emissions with the greatest benefits. It will involve phasing out fossil fuel gas while ensuring a just transition, targeting supports for the lowest income Canberrans, as well as to apartment residents. I am extremely proud of the ACT for its strong community support for climate action and for our nation-leading commitments and achievements on climate change so far. That commitment meant that we were the first city in the Southern Hemisphere to source our electricity entirely from renewables by 2020.

I do not take our climate leadership for granted. I know we have more to do, particularly in our transport sector, which contributes around two-thirds of all the ACT's emissions. We are top of the league table in Australia for electric vehicle uptake. I know more Canberrans would like to own EVs but worry about their up-front costs and availability of charging facilities, and we are progressing our work on those issues.

### **Conclusion**

In conclusion, Madam Speaker, this budget will help maintain our city and ensure existing public services keep running. But we need our budgets to go further faster, to invest in ideas and ambition that will make our city livable going into the future. The Greens have a vision: investing in 10,000 public homes; building up to 5,000 homes at Thoroughbred Park; delivering more preventive and community medicine; and speeding up the construction of cycling footpaths and future light rail stages. Business as usual, tweaking around the edges—or, in the case of the Liberal Party, actually taking us backwards—just will not cut it in terms of the challenges that face our city. If you are ambitious for Canberra and want it to be greener, healthier, fairer and more affordable, the ACT Greens have the answers.

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

## **Appropriation (Office of the Legislative Assembly) Bill 2024-2025**

Debate resumed from 25 June 2024, on motion by **Mr Barr**:

That this bill be agreed to in principle.

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

## **ACT Integrity Commission—report**

**MADAM SPEAKER:** Members, I wish to advise that I have this afternoon received a copy of the special report by the ACT Integrity Commission on Operation Luna. As I have received this report on a sitting day, under section 213(1)(b) of the Integrity Commission Act 2018, I am required to present the report on the next sitting day. As members would appreciate, that would be in August. However, the commissioner is required, under section 214 of the act, to publish the report as soon as practicable on the commission's website. So we have been caught in a little quirk of legislation, members. I have confirmed with the commission that, after this statement, he will publish his report on his website. I direct members to the Integrity Commission's website to see a copy of the report. In August, I will routinely table the report, but, if you want to see that report now, go to the commissioner's website. After this statement, my office will notify the commission and it will be published.

## **Rogers, Ms Emma—resignation**

**MADAM SPEAKER:** Members, with indulgence, I would like to say a few brief words to thank and farewell the OLA's HR and entitlements manager, Emma Rogers. We all know Emma Rogers. Emma has been working in the OLA for the past 12 years. Next week is her last week in the Assembly before she heads to America, where her husband has taken up an exciting work opportunity in Washington. I am sure you would all agree that, over the years, Emma has provided us with excellent advice, HR support and a warm and calm disposition, which is always valuable in this place. She is leaving some big shoes to fill. I am sure her presence, professionalism, corporate knowledge and support will be greatly missed by many in this place. I have always valued my interactions with Emma. I am sure you will share my sentiments in thanking Emma for her long service in this place. I wish her well for the future. Emma, from my office and personally, well done and thank you.

## **Property Developers Bill 2024** **Detail stage**

Debate resumed.

Clause 54.

**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) (5.45): I move amendment No 28 circulated in my name [*see schedule 1 at page 1922*].

This amendment inserts new clause 54(3A). This new clause clarifies that clause 54(3) does not apply to a property developer given a copy of a rectification order only in accordance with clause 52(5)(a).

Amendment agreed to.

Clause 54, as amended, agreed to.

Clause 55.

**MR PARTON** (Brindabella) (5.46): The Canberra Liberals will be opposing this clause because we think it is a step too far. We think it is going to have the single biggest impact on construction in the ACT. Individuals set up companies for many reasons and, to do so, they must take risks. Many of them mortgage their own homes or borrow a large amount of money to undertake that quest. If they are successful, they are able to employ staff—one or two to start with and potentially many more—and become an established business, building many things and providing income to many. Setting up a business comes with great risk, but it also provides some protections.

We think that the piercing of the corporate veil in this bill is a step too far. We believe that, based on evidence on the ground, this is the clause that will turn some developers away from Canberra and lead to fewer things being built in our town. As a consequence, we do not support this clause.

**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) (5.47): I move amendment No 29 circulated in my name [*see schedule 1 at page 1922*].

Amendment 29 inserts new clauses 55(4) and 55(5). Clause 55(4) provides that clause 55 does not apply to a person who is a director of a territory entity or a commonwealth or state entity. Clause 55(5) inserts the definition of a commonwealth or state entity.

**MR PARTON** (Brindabella) (5.49): This amendment provides, as Ms Vassarotti has stated, personal immunity to individuals who have director roles in territory, state or federal government. We are not voting against the amendment, but I think that I need to draw to the attention of all those following this debate—the thousands that are doing so—that this absolutely highlights one of the big problems that the Canberra Liberals have with clause 55. This amendment to clause 55 is an extension of clause 123, which we will get to later. I will not be speaking to it, by the way, but I am speaking to it now.

Clause 123 provides protection to public officials from liability. We find similarly in soon-to-be-debated amendment No 48. According to the explanatory statement, this clause provides that a public official will not be held civilly liable for honest conduct under ACT or territory laws, with liabilities attaching instead to the territory.

I have made recommendations and suggestions that, if this bill is to apply to all developers, it should apply to the ACT government. The government has pretty much agreed, but, very clearly, the bill will not apply to the ACT government in the same way that it does to the private sector. The single most onerous part of this bill is the personal liability. Despite the government's assurances that the bill applies to itself—in clause 123, this amendment and some others—it does not, because the government could not possibly live with a situation where one of its officials was personally liable; that just would not be fair, would it?

My question—and the question from the entire construction sector—is: if it is not fair for one of yours, why is it fair for all of theirs? Do not get me wrong. I do not think that

public officials should be personally liable, any more than developers should be personally liable, but I must also take the government to task on the language that is used.

The explanatory statement says clearly: “a public official will not be held civilly liable for honest conduct”. I want to know: how is it that, if there is a defect on a government building, that is characterised as being honest conduct, and, conversely, I assume, because personal liability applies to those in the private sector, if anything goes wrong under the watch of a private developer, it is somehow not honest conduct? I guess it must be dishonest conduct. How is it that we have a situation where, if there are defects in a government-run project, the director of the project or even the minister responsible is instantly not personally liable—because it is classified in the bill as honest conduct—but, if there are defects in a private build, it is instantly the fault of whoever is in charge and the buck stops with him or her? It does not stop with the director or even, dare I say, the minister in a government situation.

The minister stated on ABC Radio this morning that developers have nothing to fear if they are doing the right thing. That being the case, surely government officials and even government ministers would have nothing to fear if they were doing the right thing. Why does the personal liability not capture them? Why is there a default assumption that the private developer is guilty, but the government official will always be undertaking honest conduct?

To amplify the situation even further, when it comes to defects and rectification, there is a reverse onus of proof for the private builder. He or she is guilty until they can prove their innocence. The private developer is instantly assumed to have conducted themselves dishonestly and they must prove their innocence against a default position of guilt, whereas the government official is instantly off the hook because they were operating honestly. How is it that this bill arrives at singular personal liability in the private sector but not in the public sector? Well, because, in the government sector, it must have been honest conduct.

We are not opposing this amendment as such, but we are opposing the clause in its entirety. This is one of the highlights as to why we are.

**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) (5.53): I do not want to prolong debate and I am not an expert in this area, but I would point out to Mr Parton that there is a range of other things that can hold public sector employees to account if they engage in dishonest conduct.

Madam Speaker, as you noted earlier, the Integrity Commissioner has handed down a report. That is one such mechanism that holds public servants to account when they are not behaving honestly or in line with the requirements of the public service. Mr Parton might need to reconsider some of the comments that he made about the assumptions that public servants will always behave honestly and that there will be no comeuppance if they do not.

**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) (5.54), in reply: I do not want to prolong the debate; I just want to make a couple of comments in response to Mr Parton's comments. I remind him that, as we said at the in-principle stage of the debate, personal liability obligations only come up in the case where a company is wound up. In the case of a government property developer, we are dealing with a whole different scenario. It is enlivened only if defects are not actually fixed. I want to be really clear about when these provisions come in. If defects are fixed and people do not wind up their company, these provisions are not enlivened.

It is really important to understand the context of the debate. This is not around personal liability; it is only in the case of defects and rectifications, in cases where people have used corporate structures to shirk their responsibility and their obligations. This is unashamedly ensuring that consumers are protected. It is not up to them to pursue when a defect has been identified; it is for the person who is responsible for the building to work out how to fix it and then to fix it. That is what this is about.

Amendment agreed to.

**MADAM SPEAKER:** The question is now that clause 55, as amended, be agreed to.

Question put:

That clause 55, as amended, be agreed to.

The Assembly voted—

Ayes 12

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

Noes 5

Ed Cocks
Elizabeth Kikkert
Nicole Lawder
James Milligan
Mark Parton

Question resolved in the affirmative.

Clause 55, as amended, agreed to.

Clauses 56 to 62, by leave, taken together and agreed to.

Clause 63.

**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) (6.00), by leave: I move amendments Nos 30 to 33 circulated in my name together [*see schedule 1 at page 1922*].

Amendment No 30 clarifies that stop-work orders apply to regulated residential building work. Amendment No 31 is a minor and technical amendment for consistency. In the bill, residential building work and residential development activities are “undertaken” and rectification work is “done”. Further, in the Building Act 2004, building work is “carried out”, and, in the Planning Act 2023, development and building work is “undertaken”. Amendment No 32 omits clause 63(5)(b), as the registrar is the construction occupations registrar. Amendment No 33 is minor and technical to address the descriptive text in relation to provisions referred.

Amendments agreed to.

Clause 63, as amended, agreed to.

Clause 64.

**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) (6.02): I move amendment No 34 circulated in my name [*see schedule 1 at page 1922*].

This is a minor and technical amendment to clarify that the offence of failing to comply with a stop-work order issued only applies to a stop-work order issued under clause 63(2).

Amendment agreed to

Clause 64, as amended, agreed to.

Clause 65.

**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) (6.02), by leave: I move amendments Nos 35 and 36 circulated in my name together [*see schedule 1 at page 1922*].

Amendment No 35 omits clause 65(1) and substitutes it with new clause 65(1) which provides that the registrar may accept a written compliance undertaking from a property developer or director of a property developer in relation to residential building work. With regard to amendment No 36, this provides that a compliance undertaking may, in addition to a property developer, require a director to undertake actions as set out in the clause.

Amendments agreed to.

Clause 65, as amended, agreed to.

Clause 66 agreed to.

Clause 67.

**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) (6.04), by leave: I move amendments Nos 37 and 38 circulated in my name together [*see schedule 1 at page 1922*].

Amendment 37 omits all references to “property developer” in clause 67(1) and substitutes it with “person”. Amendment 38 omits everything in clause 67(2) before paragraph (a) and substitutes clause 67(2), and is consequential to the changes made by amendment 37.

Amendments agreed to.

Clause 67, as amended, agreed to.

Clause 68.

**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) (6.05): I will be opposing this clause.

Clause 68 negatived.

Clauses 69 to 74, by leave, taken together and agreed to.

Clause 75.

**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) (6.06), by leave: I move amendments Nos 40 and 41 circulated in my name together [*see schedule 1 at page 1922*].

Amendment 40 includes the definition of “property developer” by reference to proposed section 49 of the bill. Amendment 41 includes additional people within the definition of “relevant person”. These additional people are the property developer and the person who may have had information, a document or other thing relevant to determine whether or not the act has been contravened.

Amendments agreed to.

Clause 75, as amended, agreed to.

Clauses 76 to 92, by leave, taken together and agreed to.

Clause 93.



**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) (6.07): I move amendment No 43 circulated in my name [*see schedule 1 at page 1922*].

This amendment omits the reference to subsection (2) and substitutes a reference to subsection (2)(a), (b) or (c) in order to correct a cross-referencing error.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clauses 94 to 108, by leave, taken together and agreed to.

Clause 109.

**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) (6.07): I move amendment No 42 circulated in my name [*see schedule 1 at page 1922*].

This amendment omits the reference to the construction occupations registrar in the example, as the registrar is the construction occupations registrar.

Amendment agreed to.

Clause 109, as amended, agreed to.

Clause 110.

**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) (6.08), by leave: I move amendments Nos 44 and 45 circulated in my name together [*see schedule 1 at page 1922*].

Amendment No 44 is a minor and technical amendment to correct an error in the division reference for proposed section 110. Amendment 45 is a minor and technical amendment to include a definition of a ground for regulatory action in this clause by reference to the definition in section 36, in accordance with current drafting practices.

Amendments agreed to.

Clause 110, as amended, agreed to.

Clauses 111 to 130, by leave, taken together and agreed to.

Schedule 1, part 1.1 agreed to.

Schedule 1, part 1.2.

**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) (6.10): I move amendment No 46 circulated in my name [*see schedule 1 at page 1922*].

This amendment inserts further decisions to the list of ACAT reviewable decisions in relation to rectification orders, stop work orders and compliance cost notices.

Amendment agreed to.

Schedule 1, part 1.2, as amended, agreed to.

Schedule 2, part 2.1.

**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) (6.10), by leave: I move amendments Nos 47 to 60 circulated in my name together [*see schedule 1 at page 1922*].

I will not go through them all, with your indulgence, Madam Speaker.

Amendments agreed to.

Schedule 2, part 2.1, as amended, agreed to.

Schedule 2, part 2.2.

**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) (6.11): I move amendment No 61 circulated in my name [*see schedule 1 at page 1922*].

This amendment omits the proposed amendment and substitutes it with a new amendment consequential to changes made to the heading of part 4 of the Building (General) Regulation 2008, and consequential to amendment 2.11 in schedule 2, part 2.1 of the bill. It inserts new amendments which amend section 37 of the Building (General) Regulation 2008 consequential to changes made by an amendment to part 2.1, schedule 2 of the bill.

It inserts a new amendment, 2.23(B), which inserts a new section 37(A) into the Building (General) Regulation 2008. New section 37(A) excludes people from the definition of “property developer” in section 84 of the Building Act 2004. This amendment is consequential to the changes made by amendment 52.

This amendment also inserts a new amendment 2.23(C), which amends schedule 1, part 1.3, items 1 to 10, item 12, items 15 to 26, and items 28, column 3 in the Building

(General) Regulation 2008, consequential to changes made by amendment 2.11 in part 2.1 schedule 2 of the bill.

Amendment agreed to.

Schedule 2, part 2.2, as amended, agreed to.

Schedule 2, part 2.3 agreed to.

Schedule 2, part 2.4.

**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) (6.13), by leave: I move amendments Nos 62 to 71 circulated in my name together [*see schedule 1 at page 1922*].

Again, with the indulgence of the Assembly, I do not propose to go through each of those amendments.

Amendments agreed to.

Schedule 2, part 2.4, as amended, agreed to.

Schedule 2, part 2.5.

**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) (6.14), by leave: I move amendments Nos 72 to 75 circulated in my name together [*see schedule 1 at page 1922*].

I do not propose to go through those amendments.

Amendments agreed to.

Schedule 2, part 2.5, as amended, agreed to.

Schedule 2, proposed new part 2.6.

**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) (6.15): I move amendment No 76 circulated in my name, which inserts new part 2.6 to schedule 2 [*see schedule 1 at page 1922*].

Amendment agreed to.

Proposed new part 2.6 to schedule 2 agreed to.

Dictionary.

**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) (6.15), by leave: I move amendments Nos 77 to 81 circulated in my name together [*see schedule 1 at page 1922*].

I do not intend to speak to the amendments.

Amendments agreed to.

Dictionary, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

## **Statements by members**

### **Mr David Thomson—tribute**

**MRS KIKKERT** (Ginninderra) (6.16): I would like to give a shout-out to Mr David Thomson. David is an extraordinary individual. I met David while I was at my mobile office. Quickly, his spirit and determination inspired me as I drove him home that day. I got to know him during our car ride. David is 81 years young and has a passion for bike riding. This has taken him to 17 different countries around the world.

Four years ago he faced a significant setback when he had significant surgery and did not think he would make it. But David's resilience and unwavering belief in himself proved them wrong. Now he is once again on his bike, riding through the beautiful landscapes of Japan, on four different tours, for five weeks. David shows us that age is just a number and that challenges are meant to be overcome. David's journey is a testament to the power of perseverance. We are all in awe of his incredible spirit. I wish David all the very best, in safety and health, in his five weeks adventurous journey in Japan, always riding into new horizons.

### **Animals—avian influenza**

**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) (6.18): I want to follow on from a statement that I made yesterday in relation to avian influenza. I note for the Assembly that we have advised that a site in the ACT has tested positive for the presence of avian influenza. This property's test sample is an outcome from tracing and surveillance activities. One property has returned a positive result from the HPAI H7N8 strain of avian influenza.

A quarantine order, including movement restrictions, is in place for the control area today, which includes a 10-kilometre radius of the infected property. This site was

traced from an infected property in New South Wales. Since then, the government has assessed the biosecurity of the site and commenced a surveillance program. I would like to thank everyone on the property who has been cooperating with ACT government officials. Increased biosecurity measures have been implemented, and they have been very helpful at a very difficult time. We will keep you updated as we continue to manage the situation.

*Discussion concluded.*

## **Adjournment**

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

That the Assembly do now adjourn.

## **Elections—Hare-Clark voting system**

**MR PETTERSSON** (Yerrabi) (6.19): Tonight I rise to present a speech on Australia's electoral system that has been written by a work experience student who has spent this week working in my office, Mr Ethan Swinton. Ethan has written the following speech for me to present in the chamber.

Understanding the systems and processes used to elect our government representatives is crucial to safeguarding Australian democracy. The Hare-Clark electoral system, which is used to elect members of this place, is superior to other alternatives in ensuring greater democratic representation of a large proportion of voters. This is in comparison to the single-member preferential voting system which is utilised by many other states. Arguably, preferential voting is more representative of politically diverse electorates and reduces the number of wasted votes.

Let me tell you why. Devised by Thomas Hare and Andrew Inglis Clark, the Hare-Clark system elects multiple candidates from the same electorate by fulfilling the quota of votes needed. Excess votes for a candidate pass the quota and then transfer to other candidates, reducing the number of wasted votes that would otherwise not go towards a candidate. Known as the single transferable vote, it forms the core of the Hare-Clark electoral system. Notably, the system's key benefit is that it prevents the wastage of votes.

Unlike the preferential voting system, where votes are not counted once the majority is achieved, Hare-Clark takes unused votes past the required quota and reallocates them to their second preference candidates, almost entirely eliminating the number of wasted votes. This prevents the tyranny of the majority, an idea presented by a prominent political philosopher Alexis de Tocqueville, where a significant minority of voters are overruled and ignored by a large majority of the electorate.

This could be seen during the 2020 ACT election in the Yerrabi electorate, where Labor won roughly 18,000 votes and the Liberals 21,000. The quota for election was 8,900. Both parties were awarded two seats, reflecting roughly the even split of votes. The Greens fell just short of the quota in terms of votes, but, due to the transfer of excess votes to second preferences, the Greens returned one seat in the Legislative Assembly.

If the same votes had been applied under the single-member preferential voting system, it would have likely returned a Labor candidate, leaving just under half of the electorate represented by a candidate they feel does not represent them.

One of the major criticisms of Hare-Clark has always been that it is not as easily understood as the single-member preferential voting alternative. Voters are much more likely to accept a governing authority if they understand how it is elected. Many new voters out there know little about voting and the electoral process behind it, eroding support and trust in government. This problem, however, has reduced significantly because of the wider availability of information due to the rise of the internet and campaigns by electoral bodies such as Elections ACT, which has published several resources on its website detailing how the Hare-Clark system works.

This is also positively compounded by major news outlets like the ABC releasing articles explaining how the electoral system functions, prior to elections, to inform voters of the effects their votes will have. This work by Elections ACT in the media is just one way that the level of knowledge that Canberrans possess of the electoral process has been increased, mitigating one of the major downfalls of Hare-Clark.

What is the alternative to Hare-Clark? It is single-member preferential voting, the system used to elect the House of Representatives and many state governments across Australia. It functions by the voters selecting candidates in their order of preference, with the winning candidate needing to get the majority of the votes. If this is not achieved by first preferences then the lowest ranked candidate is eliminated and their votes redistributed. This is repeated until a winner is determined. This was seen in Andrew Leigh's re-election campaign in the federal electorate of Fenner. Although he fell just short of a majority by first preferences alone, he was easily propelled over the threshold when combined with second preferences from eliminated candidates.

This system has some key benefits. Preferential voting was highly effective in the last federal election in creating a diverse parliament with a sizable crossbench. This was highlighted with 16 independent and minor party MPs elected. This rise in the crossbench came because of the consensus that the electorate wanted a change in representation but a disagreement on who the replacement should be. Due to the single-member preferential voting system, this eventually culminated in a democratic compromise in the form of independent MPs.

It could be argued that this rise of independents represents the diverse political opinions of an electorate that leads to a compromise which does not properly represent any clear proportion of the voters. This is a significant downfall of preferential voting. The limitation of a single member for an electorate leaves it unable to fully and properly represent the different political views of a constituent's seat. This is an issue solved by the Hare-Clark system, as it elects multiple members per electorate, representing all political stances.

By electing multiple representatives for a single electorate and redistributing votes to almost eliminate the number wasted, the Hare-Clark electoral system ends up being more democratically representative than the alternative single-member preferential voting system. Although preferential voting produces diverse parliaments, at the end of

the day one can argue that acknowledged representation of diverse political opinions can be achieved under the superior Hare-Clark electoral system. This system greatly increases representation across Canberra, strengthening our democratic processes.

## **Youth—education**

**MISS NUTTALL** (Brindabella) (6.25): It is an absolute privilege to get up in this chamber and deliver this adjournment speech, written by our fantastic work experience student, Tahir Rangwalla. As youth spokesperson, it is an honour for me to be able to bring another young voice into the chamber, and I really encourage members to listen to Tahir's words. It is a bloody good speech, so I will start without further ado.

We young people are the inheritors of our community, and, as such, we need independence and recognition to help us become positive members of this community. This Assembly cannot expect young people of the ACT to magically become positive leaders when they turn 18; rather, giving more control and autonomy to young people earlier in life will give them superior skills to succeed. Young people will only learn independence once they are given independence.

Young people should be given the right of input into civil decision-making. Not only should the voting age be lowered to 16 to give more young people a say; there need to be discussions and forums in which young people can provide input for their local community. The easiest way to access young people is through schools, as is highlighted in a recommendation of the most recent Youth Assembly report.

The ACT government needs to commit to long-term youth consultation programs in all ACT education institutions and youth sector settings. Many young people feel disconnected from their local decision-making processes like the Legislative Assembly, and actions such as creating forums and lowering the voting age will allow them to have a say on what matters to them. And it gives us, in this chamber, valuable insight into the perspectives of our youngest constituents.

Another problem that hinders young people's inclusion in the community is the pay gap between young people and their over-18 counterparts. For example, under the restaurant awards, a 17-year-old worker in a fish shop right now would be paid \$16.48 an hour, whereas a 20-year-old working just as hard would be paid \$27.46 an hour. Young people who have the capacity to work just as hard as their older co-workers are paid less than them, and this can leave young people to see work as an inefficient means of income, and may cause them to become discouraged from entering the workforce. Giving young people equal pay means recognising them as equal to their co-workers and allowing them to feel like an integral part of society—an important aspect of becoming independent.

Many young people do not feel that they belong in the public spaces in which our various communities operate. In a cost-of-living crisis, young people struggle to afford personal transport like cars, and often bus routes may not be frequent enough to use. Therefore young people often struggle to make it into town centres where they can meet their friends.

Once in these public spaces, many young people may not feel a part of them. A 15-year-old buying groceries must leave their backpack at the door, whereas a 30-year-old with a backpack can walk right through. A large group of friends may get looks while walking through a store or while at the movies, whereas a large family of exactly the same size will be welcomed with open arms. If we expect young people to be a part of our community then we must not assume the worst from them when they use our community spaces.

Looking further at the community we can see that many young people are disengaged from community groups. Beyond sports teams, which often cut membership for youth at around 18, many young people do not have places to go besides school, home and work. Other options, such as going out to eat or paying to get into a swimming pool, are often expensive activities. Less expensive groups, such as Lions clubs, can sometimes struggle to make connections with young people and get them to join up. Local places that are free of charge, where young people can hang out, are seldom found, while certain groups do try to bridge that gap. It is important that young people have alternative physical spaces where they can go for free, which will allow them to form new connections with other young people and improve their mental health.

Whether it be the voting age, pay or community clubs and spaces, ensuring that young people are treated as independent and involved with the community is essential to making sure that young people are not isolated from the rest of society. By respecting young people, we respect our future and values which we want them to uphold.

### **Health—breast cancer**

**MRS KIKKERT** (Ginninderra) (6.29): On Rare Cancers Awareness Day, I would like to shed light on the often overlooked challenges faced by those battling rare cancers. In particular, I want to focus on inflammatory breast cancer, IBC—a rare but aggressive form of breast cancer.

Inflammatory breast cancer is a silent adversary, often misdiagnosed because its symptoms can mimic those of less serious conditions. Unlike more common forms of breast cancer, IBC does not typically present as a lump; instead it manifests through redness, swelling and a texture change in the skin of the breast resembling an orange peel. The aggressive nature of this cancer means it can progress rapidly, making early detection and awareness crucial.

Today I am honoured to share the stories of two remarkable women from my electorate of Ginninderra whom I have known for many years, who exemplify courage and resilience in the face of this daunting illness. First, let me introduce you to Keely. Keely is 48 years old and is living with stage 4 inflammatory breast cancer. Despite this formidable diagnosis she continues to inspire those around her with her strength and determination. Keely lives with her husband and their two daughters, who are her greatest motivation to fight every single day. The journey has not been easy. The treatments are gruelling, and the uncertainty is overwhelming, yet Keely faces each day with a spirit that refuses to be diminished. Her story is a powerful reminder of the importance of continued research and support for those battling rare cancers.



Then we have Caroline—a 50-year-old warrior, diagnosed just last year with triple-positive and inflammatory breast cancer. Caroline lives with her husband and their two boys, who have been her pillars of strength throughout her treatment journey. The term “triple-positive” mean her cancer is particularly aggressive but also susceptible to targeted therapies. Caroline’s journey has been one of hope and resilience, embracing each new day with optimism and a strong will to overcome the challenges before her. She said she has always held a positive view that, “I will survive and heal from this.” Her bravery and tenacity highlight the critical need for continued advancements in cancer treatment and care.

Both Keely’s and Caroline’s stories underscore the urgent need for heightened awareness and better understanding of inflammatory breast cancer. These women are not just statistics; they are mothers, wives, daughters, sisters and cherished members of our communities. Their battles are fought not just in hospital rooms but in the everyday moments of their lives, filled with love, hope and an unrelenting desire to beat the odds.

As we observe Rare Cancers Awareness Day on 26 June, let us commit to amplifying the voices of those affected by rare cancers. By raising awareness, we can help ensure that no-one has to face this journey alone and that every person diagnosed with a rare cancer has access to the best possible care and support. Keely and Caroline, thank you for sharing your stories with us. Your courage and resilience are a beacon of hope for all who face similar battles.

Question resolved in the affirmative.

**The Assembly adjourned at 6.33 pm until Tuesday, 27 August 2024 at 10 am.**

## Schedule of amendments

### Schedule 1

#### Property Developers Bill 2023

Amendments moved by the Minister for Sustainable Building and Construction

---

1

#### Clause 2

Page 2, line 4—

*omit clause 2, substitute*

### 2 Commencement

(1) The following provisions commence on the day after this Act's notification day:

- part 1 (Preliminary)
- section 12 (Meaning of *associated entity* and *key person*)
- part 6 (Rectification orders, stop work orders and undertakings) (other than section 63 (1) (b) and (6), definition of *relevant provision*)
- part 7 (Enforcement)
- part 10 (Information sharing)
- part 11 (Notification and review of decisions)
- part 12 (Miscellaneous)
- part 13 (Transitional)
- schedule 1 (Reviewable decisions)
- dictionary.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

(2) The following provisions commence on a day fixed by the Minister by written notice:

- (a) the licence requirement provisions;
- (b) the remaining provisions.

*Note* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

(3) However—

- (a) if the licence requirement provisions have not commenced within 3 years beginning on this Act's notification day, they automatically commence on the first day after that period; and
- (b) if the remaining provisions have not commenced within 2 years beginning on this Act's notification day, they automatically commence on the first day after that period.

- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.
- (5) In this section:
- licence requirement provisions* means—
- (a) section 11 (Purpose—pt 3); and
  - (b) section 63 (1) (b) and (6), definition of *relevant provision*; and
  - (c) the following provisions in schedule 2:
    - (i) amendments 2.1 to 2.4;
    - (ii) amendment 2.6;
    - (iii) parts 2.2 to 2.6.

---

**2**

**Clause 6 (2) (c)**

**Page 4, line 19—**

*before*

residential buildings

*insert*

regulated

---

**3**

**Part 2**

**Page 5, line 1—**

*omit*

---

**4**

**Clause 11 (c)**

**Page 7, line 13—**

*before*

residential property

*insert*

certain

---

**5**

**Clause 12 (4), definition of *professional*, example**

**Page 9, line 9—**

*omit*

accountants, engaged

*substitute*

accountants engaged

---

**6****Clause 13 (1) (a)****Page 9, line 25—***omit clause 13 (1) (a), substitute*

- (a) the applicant's character;

---

**7****Clause 13 (1) (g)****Page 10, line 20—***omit clause 13 (1) (g), substitute*

- (g) if the applicant is an individual, whether the applicant has been—
- (i) an insolvent under administration under the Corporations Act, section 9; or
  - (ii) an executive officer of a corporation within 2 years before the corporation was placed into administration, receivership or liquidation; or
  - (iii) disqualified from managing a corporation under the Corporations Act;

---

**8****Clause 15 (2) (b)****Page 11, line 23—***omit clause 15 (2) (b), substitute*

- (b) if requested by the registrar—include a rating report or any other report prescribed by regulation; and

---

**9****Clause 23 (2), example 1****Page 16, line 11—***omit*

3 units

*substitute*

10 units

---

**10****Clause 24 (b) (ii)****Page 17, line 7—***omit*

division 5.1

*substitute*

division 5.2

---

**11****Clause 25 (1) (b)****Page 17, line 15—***omit*

division 5.1

*substitute*

division 5.2

---

**12****Clause 27 (1) (e)****Page 19, line 17—***omit clause 27 (1) (e), substitute*

- (e) the licensee, or an associated entity, doing the earliest of the following:
- (i) entering into an off-the-plan contract for the sale of a regulated residential building;
  - (ii) applying for a development approval in relation to residential building work;
  - (iii) applying for a building approval in relation to residential building work;

---

**13****Clause 27 (3), proposed new definition of *off-the-plan contract*****Page 19, line 25—***insert*

*off-the-plan contract*—see the *Civil Law (Sale of Residential Property) Act 2003*, section 19A (1).

---

**14****Proposed new clause 27A****Page 19, line 25—***insert***27A Registrar may request rating report**

- (1) The registrar may request a licensee to provide a rating report if the licensee—
  - (a) applies to vary a licence under section 26; or
  - (b) notifies the registrar about a matter under section 27.
- (2) The registrar may refuse to consider an application under section 26 that does not comply with subsection (1).

---

**15****Clause 28 (2) (d)****Page 20, line 12—***after*

names

*insert*

and director identification numbers

---

**16****Proposed new clause 28 (6)****Page 21, line 15—***insert*

(6) In this section:

*director identification number* means a director identification number under the Corporations Act, section 9.

---

**17****Clause 35, definition of *regulatory action*, paragraph (b) (ii)****Page 28, line 5—***omit*

building

*substitute*

development

---

**18****Clause 41 (1) (a)****Page 31, line 19—***omit*

division 5.1

*substitute*

division 5.2

---

**19****Clause 47****Page 36, line 4—***omit clause 47, substitute***47 Application—pt 6**

(1) This part applies to residential building work for which a development approval is given on or after the day this section commences.

(2) In this section:

*development approval*—see the *Planning Act 2023*, dictionary.

---

20

**Clause 49 (1), definition of *property developer*, paragraph (b)**  
**Page 37, line 8—**

*omit paragraph (b), substitute*

- (b) the owner of the land on which the building work is undertaken when the building work is undertaken;

---

21

**Clause 49 (1), definition of *property developer*, paragraph (d)**  
**Page 37, line 11—**

*before*

residential building

*insert*

regulated

---

22

**Clause 49 (3), definition of *commencement notice***  
**Page 37, line 18—**

*before*

*commencement notice*

*insert*

***building***

---

23

**Clause 49 (3), definition of *principal builder***  
**Page 37, line 22—**

*before*

commencement notice

*insert*

building

---

24

**Clause 51 (1) (b)**  
**Page 39, line 26—**

*before*

residential building

*insert*

regulated

---

**25****Clause 52 (5)****Page 41, line 12—**

*omit clause 52 (5), substitute*

- (5) A copy of the rectification order must be given to—
- (a) the owner of the land on which the residential building work is undertaken; or
  - (b) for a regulated residential building under a units plan—the unit owner and the owners corporation.

---

**26****Clause 52 (6), definition of 10-year period****Page 41, line 21—**

*omit the definition, substitute*

**10-year period** means the period within which a building action may be brought in relation to the residential building work under the *Building Act 2004*, section 142 (1).

---

**27****Clause 53 (3)****Page 42, line 23—**

*omit clause 53 (3), substitute*

- (3) An emergency rectification order must—
- (a) state a period not less than 24 hours in which the required rectification work must be done; and
  - (b) contain a detailed written statement of the reasons for making the order, or a summary of reasons.

---

**28****Proposed new clause 54 (3A)****Page 43, line 30—**

*insert*

- (3A) Subsection (3) does not apply to a property developer given a rectification order only because of section 52 (5) (a).

---

**29****Proposed new clause 55 (4) and (5)****Page 45, line 8—**

*insert*

- (4) This section does not apply to—
- (a) a person who was a director of a territory entity or a Commonwealth or State entity; or



(b) a person excluded by regulation.

(5) In this section:

***Commonwealth or State entity*** means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

*Note* ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1).

**30**

**Clause 63 (1) (a) (i)**

**Page 49, line 9—**

*before*

residential building

*insert*

regulated

**31**

**Clause 63 (5) (a)**

**Page 50, line 15—**

*omit*

done

*substitute*

undertaken

**32**

**Clause 63 (5) (b)**

**Page 50, line 16—**

*omit*

**33**

**Clause 63 (6), definition of *relevant provision***

**Page 50, line 21—**

*omit the definition, substitute*

***relevant provision*** means—

(a) the *Planning Act 2023*, section 162A; or

(b) the *Building Act 2004*, section 27 (1) (ca), section 28AA and section 69 (1) (c); or

(c) the *Civil Law (Sale of Residential Property) Act 2003*, division 2A.2.

**34**

**Clause 64 (1) to (3)**

**Page 51, lines 6, 11 and 16—**

*after all mentions of*

stop work order

*insert*

under section 63 (2)

**35**

**Clause 65 (1)**

**Page 52, line 3—**

*omit clause 65 (1), substitute*

- (1) The registrar may accept a written undertaking (a ***compliance undertaking***) given by the following in relation to residential building work:
- (a) a property developer;
  - (b) a director of a property developer that is a corporation if the developer—
    - (i) becomes the subject of a winding-up order; or
    - (ii) is placed into administration, receivership or liquidation; or
    - (iii) is deregistered.

**36**

**Clause 65 (2)**

**Page 52, line 7—**

*after*

property developer

*insert*

or director

**37**

**Clause 67 (1)**

**Page 53, lines 21 and 23—**

*omit all mentions of*

property developer

*substitute*

person

**38**

**Clause 67 (2)**

**Page 54, line 1—**

*omit everything before paragraph (a), substitute*

- (2) The registrar may give the person a written notice (a ***compliance cost notice***) requiring the person to pay all or any reasonable costs incurred by the Territory (including remuneration and other administrative costs) relating to—

---

39

Clause 68

Page 54, line 18—

*[oppose the clause]*

---

40

Clause 75 (4), proposed new definition of *property developer*

Page 60, line 20—

*insert*

*property developer*—see section 49.

---

41

Clause 75 (4), definition of *relevant person*, proposed new paragraphs (ca) and (cb)

Page 60, line 26—

*insert*

(ca) a property developer; or

(cb) a person who may have information, a document or other thing that is relevant to determining whether this Act has been contravened; or

---

42

Clause 109 (1), example

Page 83, line 25—

*omit*

construction occupations registrar,

---

43

Clause 93 (3)

Page 73, line 17—

*omit*

subsection (2)

*substitute*

subsection (2) (a), (b) or (c)

---

44

Clause 110 (2)

Page 84, line 10—

*omit*

division 5.1

*substitute*

division 5.2

**45****Proposed new clause 110 (3)****Page 84, line 10—***insert*

(3) In this section:

*ground for regulatory action*—see section 36.**46****Schedule 1, part 1.2, new items 8A to 8D****Page 98—***insert*

8A	52 (2)	give rectification order to property developer	person given order
8B	55 (2)	give rectification order to director	person given order
8C	63 (2)	give stop work order	person given order
8D	67 (2)	give compliance cost notice	person given notice

**47****Schedule 2, part 2.1****Proposed new amendment 2.1A****Page 99, line 3—***insert***[2.1A] Section 6 (1), definition of *building work*, note***omit*

(Residential buildings—statutory warranties, standard conditions, insurance and fidelity certificates)

*substitute*

(Residential building work—warranties, conditions, insurance etc)

**48****Schedule 2, part 2.1****Amendment 2.2****Proposed new section 27 (1A)****Page 99, line 14—***omit proposed new section 27 (1A), substitute*

(1A) Subsection (1) (ca) does not apply to the following:

(a) the Territory, the Commonwealth or a State;

*Note* *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

(b) a territory entity or a Commonwealth or State entity;

(c) a person, or an application under section 26, excluded by regulation.

---

**49****Schedule 2, part 2.1****Amendment 2.3****Section 27 (2), proposed new definition of *Commonwealth or State entity*****Page 99, line 17—***insert*

***Commonwealth or State entity*** means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

*Note* ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1).

---

**50****Schedule 2, part 2.1****Amendment 2.3****Section 27 (2), proposed new definitions of *residential building* and *residential building work*****Page 100, line 1—***omit the definitions, substitute*

***residential building work***—see the *Property Developers Act 2023*, dictionary.

***territory entity*** means—

- (a) a territory authority; or
  - (b) a territory instrumentality; or
  - (c) a territory-owned corporation.
- 

**51****Schedule 2, part 2.1****Amendment 2.9****Page 102, line 18—***omit the amendment*

---

**52****Schedule 2, part 2.1****Amendment 2.12****Page 103, line 12—***omit amendment 2.12, substitute***[2.12] Section 84, new definitions***insert*

***Commonwealth or State entity*** means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

*Note* ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1).

***property developer***, in relation to residential building work—

- (a) means—
- (i) a person who contracts or arranges for, or facilitates or otherwise causes (whether directly or indirectly) the building work to be carried out; or
  - (ii) the owner of the land on which the building work is carried out when the building work is carried out; or
  - (iii) a person prescribed by regulation; but
- (b) does not include—
- (i) the Territory, the Commonwealth or a State; or
- Note* **State** includes the Northern Territory (see Legislation Act, dict, pt 1).
- (ii) a territory entity or a Commonwealth or State entity; or
  - (iii) a person excluded by regulation.

**territory entity** means—

- (a) a territory authority; or
- (b) a territory instrumentality; or
- (c) a territory-owned corporation.

**53**

**Schedule 2, part 2.1**

**Amendment 2.13**

**Proposed new section 88 (2A)**

**Page 104, line 5—**

*after*

carried out

*insert*

, for any part of the work that is residential building work as defined in the *Property Developers Act 2023*

**54**

**Schedule 2, part 2.1**

**Amendment 2.17**

**Proposed new section 89F (1)**

**Page 105, line 11—**

*omit proposed new section 89F (1), substitute*

- (1) This section applies to residential building work carried out by a builder, or arranged to be carried out by a property developer, that is—
  - (a) claimed to be defective; and
  - (b) able to be rectified.

---

**55****Schedule 2, part 2.1****Amendment 2.17****Proposed new section 89F (4)****Page 105, line 23—**

*omit proposed new section 89F (4), substitute*

- (4) Nothing in this section affects the right of an affected party to claim from the builder, and any property developer, damages for any loss or damage to the affected party resulting from the defect that is reasonably foreseeable as a result of the defect (including a limitation period applying to the claim).

---

**56****Schedule 2, part 2.1****Amendment 2.17****Proposed new section 89F (8), definition of *residential building work*****Page 106, line 19—**

*omit the definition, substitute*

*residential building work*—see the *Property Developers Act 2023*, dictionary.

---

**57****Schedule 2, part 2.1****Amendment 2.18****Proposed new section 95A (2), definition of *residential building work*****Page 107, line 12—**

*omit the definition, substitute*

*residential building work*—see the *Property Developers Act 2023*, dictionary.

---

**58****Schedule 2, part 2.1****Proposed new amendment 2.18A****Page 107, line 12—**

*insert*

**[2.18A] Dictionary, note 2**

*insert*

- territory authority
- territory instrumentality
- territory-owned corporation

59

Schedule 2, part 2.1

Amendment 2.20

Dictionary, proposed new definition of *Commonwealth or State entity*

Page 108, line 10—

*insert**Commonwealth or State entity*, for part 6 (Residential building work—warranties, conditions, insurance etc)—see section 84.

60

Schedule 2, part 2.1

Amendment 2.20

Dictionary, proposed new definition of *territory entity*

Page 108, line 12—

*insert**territory entity*, for part 6 (Residential building work—warranties, conditions, insurance etc)—see section 84.

61

Schedule 2, part 2.2

Amendment 2.23

Page 109, line 13—

*omit amendment 2.23, substitute***[2.23] Part 4 heading***substitute***Part 4 Residential building work—warranties, conditions, insurance etc****[2.23A] Section 37***omit*

(Residential buildings—statutory warranties, standard conditions, insurance and fidelity certificates)

*substitute*

(Residential building work—warranties, conditions, insurance etc)

**[2.23B] New section 37A***insert***37A People who are not property developers—Act, s 84, def *property developer*, par (b) (iii)**

- (1) The following people are excluded:



- (a) a professional who contracts or arranges for, or facilitates or otherwise causes the residential building work to be carried out only because they provide professional advice in relation to the building work;
  - (b) a subcontractor engaged to carry out the residential building work by the principal builder of the building work;
  - (c) the owner-builder of the residential building work.
- (2) In this section:

***professional***—

- (a) means a person who provides professional advice to more than 1 client; but
- (b) does not include a person who provides professional advice to a client in their capacity as an employee of the client.

**Example**

a consultant, employed in that capacity by a firm of consultants engaged by a property developer to give the developer advice in relation to residential building work

**[2.23C] Schedule 1, part 1.3, table, column 3***omit*

(Residential buildings—statutory warranties, standard conditions, insurance and fidelity certificates)

*substitute*

(Residential building work—warranties, conditions, insurance etc)

---

**62****Schedule 2, part 2.4****Amendment 2.25****Proposed new section 9 (1) (ja)****Page 110, line 6—***omit*

section 19AC (1) (but not including paragraph (d))

*substitute*

section 19AD (1) (but not including paragraph (b))

---

**63****Schedule 2, part 2.4****Amendment 2.27****Proposed new section 19AA (1), definition of *off-the-plan contract*****Page 110, line 23—***omit the definition, substitute****off-the-plan contract***—

- (a) means a contract for the sale of—

- (i) a unit for residential use before the units plan for the unit is registered; or
  - (ii) a residence (other than a unit) on land identified in the contract before the certificate of occupancy for the residence is issued; and
- (b) for division 2A.4—includes a contract for the sale of vacant land for residential use identified in the contract before the Crown lease for the land is registered.

64

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AA (1), new definition of *regulated residential building*

Page 111, line 6—

*insert**regulated residential building*—see the *Property Developers Act 2023*, dictionary.

65

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AB (1) (a)

Page 111, line 23—

*after*

contract

*insert*

for the sale of a regulated residential building

66

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AB (2) (a), new note

Page 112, line 8—

*insert**Note* *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

67

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AC (1) (a)

Page 112, line 15—

*omit*

premises

*substitute*

a regulated residential building

68

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AC (3) (a)

Page 113, line 2—

*omit*

premises

*substitute*

a regulated residential building

69

Schedule 2, part 2.4

Proposed new amendment 2.31A

Page 115, line 5—

*insert***[2.31A] Section 50***substitute***50 Existing off-the-plan contracts**

- (1) Division 2A.4 applies to an off-the-plan contract in force immediately before the day the *Civil Law (Sale of Residential Property) Amendment Act 2021* commenced.
- (2) In this section:
 

*off-the-plan contract*—see section 19AA (1).

70

Schedule 2, part 2.4

Amendment 2.36

Page 116, line 1—

*omit amendment 2.36, substitute***[2.36] Dictionary, new definitions***insert*

*property developer licence*, for part 2.A (Off-the-plan contracts)—see section 19AA (1).

*regulated residential building*, for part 2.A (Off-the-plan contracts)—see the *Property Developers Act 2023*, dictionary.

*related entity*, of a seller, for part 2.A (Off-the-plan contracts)—see section 19AA (1).

---

**71****Schedule 2, part 2.4**  
**Amendment 2.38**  
**Page 116, line 9—**

*omit the amendment*

---

**72****Schedule 2, part 2.5**  
**Amendment 2.41**  
**Proposed new section 162A (2A)**  
**Page 117, line 16—**

*insert*

(2A) This section does not apply if the applicant is—

(a) the Territory, the Commonwealth or a State; or

*Note* **State** includes the Northern Territory (see Legislation Act, dict, pt 1).

(b) a territory entity or a Commonwealth or State entity.

---

**73****Schedule 2, part 2.5**  
**Amendment 2.41**  
**Proposed new section 162A (4), new definitions of *Commonwealth or State entity* and *regulated residential building***  
**Page 117, line 19—**

*insert*

***Commonwealth or State entity*** means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

*Note* **State** includes the Northern Territory (see Legislation Act, dict, pt 1).

***regulated residential building***—see the *Property Developers Act 2023*, dictionary.

---

**74****Schedule 2, part 2.5**  
**Amendment 2.41**  
**Proposed new section 162A (4), definitions of *residential building* and *residential building development***  
**Page 117, line 24—**

*omit the definitions, substitute*

***residential building development*** means—

(a) building or altering a regulated residential building on land; and

(b) another development prescribed by regulation.

---

**75****Schedule 2, part 2.5****Amendment 2.41****Proposed new section 162B (5), definition of *residential building*****Page 119, line 6—***omit the definition, substitute**residential building development*—see section 162A (4).

---

**76****Schedule 2****Proposed new part 2.6****Page 120, line 17—***insert*

## **Part 2.6 Property Developers Act 2023**

### **[2.45] Section 27 (3), definition of *off-the-plan contract***

*omit*

section 19A (1)

*substitute*

section 19AA (1)

---

**77****Dictionary, definition of *registrar*****Page 123, line 28—***omit the definition, substitute**registrar* means the construction occupations registrar.

---

**78****Dictionary, proposed new definition of *regulated residential building*****Page 123, line 28—***insert**regulated residential building*—

(a) means a class 1 or class 2 building, or a building that contains a class 2 building, constructed as part of a project to construct 3 or more dwellings; but

(b) does not include a building excluded by regulation.

**Examples**

- 1 Eddy and Ann engage Darcy Constructions to demolish their house and replace it with 2 duplex-style houses. Five years later they engage Darcy Constructions to construct a smaller house in the backyard. None of the houses are regulated residential buildings.
- 2 Poppy Projects buys a large infill site. They construct 20 detached class 1 houses on the site as part of a development project. The houses are sold off-the-plan and constructed over 2 years. Each house is a regulated residential building.

- 3 Vivienne Developments buys 6 small adjoining blocks in a greenfield suburb. They engage an architect, builder and other professionals to construct matching class 1 row houses on the blocks. The houses are regulated residential buildings.

---

**79****Dictionary, definition of *residential building*****Page 124, line 20—***omit the definition*

---

**80****Dictionary, definitions of *residential development activities* and *residential building work*****Page 125, line 1—***omit the definitions, substitute****residential building work*—**

- (a) means building work in relation to a regulated residential building; but
- (b) does not include building work excluded by regulation.

**Examples**

- 1 Anthony and Lisa engage Fowler Build to demolish their house and replace it with a building containing 4 apartments and a shared basement. The project involves residential building work.
- 2 Cooney-Cross Constructions is engaged to alter an existing class 2 building by adding 2 more dwellings. The project does not involve residential building work.

***residential development activities* includes—**

- (a) undertaking residential building work, or arranging for residential building work to be undertaken; and
- (b) marketing and selling regulated residential buildings including off the plan.

---

**81****Dictionary, definition of *show cause notice*****Page 125, line 11—***omit*

division 5.1

*substitute*

division 5.2