



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**28 June 2023**

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**Wednesday, 28 June 2023**

**MR ACTING SPEAKER** (Mr Parton) (10.00): Members:

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

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

This is Ngunnawal country.  
Today we are all meeting 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.

### **Work health and safety—silica dust Ministerial statement**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.02): In response to the Standing Committee on Economy and Gender and Economic Equality’s report 7, following its inquiry into the annual and financial reports of 2021-22, I would like to provide an update to members on the silica dust reforms implemented in the territory.

The government has a long history of protecting workers’ rights in the ACT. Workers’ right to safe workplaces that contribute to wellbeing and their right to return safely to friends and families at the end of the working day is very important. We are proud of this history.

The silica dust reforms that this government has introduced over the last 12 months are wide-reaching and show how seriously the government is taking this issue. Workers’ rights must be upheld and employers must fulfil their obligations to prevent the serious disease of silicosis. Silicosis is a serious, debilitating and preventable occupational disease caused by exposure to respirable crystalline silica, commonly referred to as silica dust. We are all familiar by now with the fact that engineered stone contains crystalline silica. Crystalline silica is also found in other widely used materials such as concrete, bricks, tiles and mortar. Activities including cutting, grinding, sanding and drilling these materials release silica dust into the air.

Strengthening work health and safety laws to specifically address silica dust exposure to protect workers is not only a local priority but also a national priority. Increasingly, we are seeing calls for governments to strengthen work health and safety laws to deal with the risks of silica dust exposure, because it is no longer acceptable to maintain the status quo.

At the national level, Safe Work Australia was recently charged with the responsibility to explore banning the use of engineered stone in Australia, illustrating the nation's attention and focus on the issue of silica dust and silicosis. In the meantime, I am proud that this government has taken nation-leading steps to ensure effective controls are implemented at ACT worksites to significantly reduce the risks of silica dust exposure.

Last year we took the step of banning the dry cutting of engineered stone. We have also banned the uncontrolled dry cutting of other crystalline silica material such as brick and concrete, and we have made the cutting of crystalline silica material high-risk work, which ensures the development of a safe work method statement by employers in consultation with workers for this work. The safe work method statement must be site-specific and clearly identify the controls that are in place to minimise risks to workers. PCBU's must consider the specific control measures outlined in the Work Health and Safety Regulation when working with crystalline silica material and they must implement the highest order controls, unless it is impractical to do so.

We have also moved to ensure that our workers who are at risk of exposure to silica dust have undergone nationally accredited awareness training. This requirement ensures that not only those currently working in at-risk industries but also new workers entering those industries are trained. We have mandatory courses for all workers at risk of exposure to silica dust, and we have seen over 13,000 workers trained in silica dust awareness so far. PCBU's must do their part in ensuring that their workers complete this critical awareness training. The time allowed for workers to complete the training has been extended to 1 October 2023. It remains critical that any workers as yet untrained are booked in and complete their training with urgency. These regulatory measures are also supported by the dedication of our work health and safety inspectors, who provide on-the-ground awareness to workers and businesses of their WHS obligations and deliver compliance activities that achieve the safety benchmark we have set.

WorkSafe ACT is committed to preventing silica dust disease and effectively implementing the new silica safety rules as part of their compliance activities. This includes a dedicated occupational hygiene team that provides training and support for WorkSafe inspectorate about crystalline silica materials, the generation of toxic dust, and control measures as well. WorkSafe has also developed a range of resources, including information sheets, posters and web content. These are supported with targeted compliance campaigns across all industries that work with crystalline silica materials. Where breaches are identified, prohibition notices that stop dust-generating work and infringement notices are being issued. In this financial year, WorkSafe has undertaken 25 proactive silica related compliance inspections and issued 38 notices, 24 of which were prohibition notices. Four infringements have also been issued for breaches such as not following a silica safe work method statement, to a total value of \$13,920.

WorkSafe ACT inspectors are also connecting with apprentices, small businesses and civil construction about the expectations under the new silica rules, including advising about the introduction of the mandatory silica dust awareness training. Recently,

about preventing exposure, using a combination of control measures and ensuring all workers have completed their awareness training, are being delivered to ACT duty holders.

The regulator has seen an increase in calls from the public, unions and workers about the dry-cutting practices and silica dust. This shows that our reforms are doing their job and are getting the message out about the safety standards expected of businesses working with crystalline silica materials. We are taking effective actions to prevent a devastating disease.

The government has also pursued reforms in how workplaces ensure the psychosocial health and safety of their workers. As pointed out by the WHS Commissioner at a recent committee hearing, the devastation of silicosis is not limited to the physical impacts of the disease. Silica dust exposure poses risks to the physical and psychological safety of workers, and the combination of these impacts needs to be addressed as such.

Factors including how work is managed to support wellbeing, relationships and work, and responses to bullying and harassment will be an increasingly important focus of work health and safety practitioners, businesses, governments and regulators. By the end of this year, this government will be implementing amendments to the Work Health and Safety Regulations that clearly identify work health and safety duties for managing psychosocial risks. Importantly, this work will place psychosocial hazards on an equal playing field with risks to physical health and safety.

This government will always protect the rights of territory workers and strive to improve working conditions for all workers. This is a government that stands up for the security and safety of working people and we will continue to ensure our work safety laws are effective.

I present the following paper:

Silica Dust Safety Reforms Update—Ministerial statement, 28 June 2023.

I move:

That the Assembly take note of the paper.

**MR BRADDOCK** (Yerrabi) (10.10): I thank Mr Gentleman for that update on silica dust. As was observed by my colleague Tammy Franks of the South Australian Legislative Council in December last year, it took 70 years for Australia to ban all forms of asbestos. We need to learn from that disaster and act to ban artificial stone. We know that the ACTU is intensifying its calls for a ban on engineered stone. As their assistant secretary Liam O'Brien has pointed out:

Engineered stone is a fashion product that is killing the workers who make it.

The CFMEU are threatening green bans over the issue, and rightly so. While I welcome the significant work that has been done to regulate and reduce the harm of silica dust, I want to emphasise the urgency of addressing this issue. I call upon the WorkSafe ACT launched "Silica Saturdays" on social media where key messages

ACT government to explore what it can do to support expediting the issue in the national context of banning engineered stone.

Question resolved in the affirmative.

## **Housing ACT—application and assessment project update Ministerial statement**

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.12): I rise today to update the Assembly on the transformational work currently underway across Housing ACT in the Community Services Directorate to deliver a new application and assessment method for all people seeking to apply for social housing in the ACT.

Consistent feedback received by Housing ACT over the years has been that the pathway into social housing can be made harder by unnecessary roadblocks and hurdles, making the application process difficult for those already experiencing housing stress. The Community Services Directorate has listened to this feedback and invested in the creation of a new social housing application and assessment process to replace the inefficient and outdated systems that were making life harder for both people applying for public housing and Housing ACT staff. Housing ACT is implementing this new social housing application process from July 2023 to provide a fairer and more transparent process for every applicant.

Considerable community engagement has gone into the development of the new system, with more than 20 service providers, the Tenants Consultative Group, and other community groups representing the diversity of Canberra people, providing ideas for the improvement and feedback over a five-month period. This invaluable feedback has been used to design the new application and assessment process, and Housing ACT will carry out further consultation and service user testing before and after the system goes live. The result is a new application and assessment process for social housing in the ACT that is guided by client-centric principles, responsive to trauma, and operates under the Model Social Landlord Framework.

The new application form will be the first online service made available via the Housing ACT's client engagement portal. The client engagement portal will allow users to securely transact, access and update their information in the portal. The application form contains a series of yes and no conditional questions which applicants will be guided through and where they will self-assess and respond to explain their need for social housing. For example, the applicant may be asked if they have a disability, health or medical condition that contributes to their housing needs, and it is only if they select "Yes" that they will be asked further questions so that Housing ACT can better understand the impact that this may have on their need for housing. These questions have been designed to give every applicant the opportunity to link their personal circumstances and how receiving social housing will meet their housing needs—factors that will impact on their place on the waitlist.

In contrast to a hardcopy form which must display all questions and sub-questions, the online form will only display the questions relevant to the circumstances of an

individual applicant, providing a simpler, user-friendly option to apply for housing assistance. The online form performs real-life calculations for eligibility, bedroom entitlement and the level of risk and need, which will determine the category the applicant is assigned on the waitlist. This category will be provided to the applicant at the time that their application is submitted.

Providing real-time category information enables clients to provide appropriately timed supporting documentation. This forms the basis of an “apply now and provide evidence later” process to ensure that we only ask for evidence when an applicant is closer to receiving a property offer, significantly reducing the impost on applicants to resubmit documentation multiple times.

The client engagement portal and online application form have all been built so that, regardless of the device someone is using, the format and the layout will automatically render for optimal viewing and use on their device, including mobile phones. Clients will have the ability to save their application as a draft and come back to it at a later stage, track progress once submitted, upload their supporting evidence, and receive communications via email and notifications in the portal.

As applicants step through the online and self-paced application, they will receive advice on their eligibility for social housing and where they are likely to be placed on the waitlist. Applicants can choose to progress or discontinue their application based on this advice. I would like to stress that this update to the application and assessment process is aimed at making the application process easier for applicants. The online application will never replace the importance of personal interaction, nor will it be the only option to apply for social housing.

For those who do not have a device or are not confident with technology, Housing ACT’s shopfront will still have the hardcopy forms for people who prefer them, as well as computers available for use and skilled staff on-hand to assist people through the process. This online form is just the first step in the application and assessment process. The team responsible for managing applications will contact clients who indicate higher needs to help with the next steps in the process.

Applicants with urgent, exceptional or critical need for social housing will receive direct follow-ups from Housing ACT staff to support them with an immediate housing need. This will include Housing ACT talking to the applicant and any other support services as required to ensure that the applicant’s situation has been appropriately captured in digital form and all relevant support information has been included to ensure accurate assessment of their applications.

There will be times when an applicant’s circumstances may warrant further discussion, particularly if they identify complex circumstances that may be impacting on their day-to-day lives. In recognition of this, the project is also working on a re-evaluation of the purpose and function of the Multi-Disciplinary Panel, the MDP, which was initially established in 2007 to assess whether applications for housing assistance met the eligibility criteria for the priority housing category. While this current function of the MDP and its decision-making framework will no longer be applicable in the new application and assessment system, it will still play a key role as a forum that supports the multi-case coordination for applicants who require a more coordinated response.

Housing ACT will continue to consult with community and government partners on the future of the MDP and its collaborative nature. The work is of great value as a mechanism to support our community's most vulnerable citizens.

In summary, an online and digitised application and assessment process will provide better access and transparency for applicants applying for social housing in the ACT. It will reduce the incidence of human error that can occur with applications and the documentation being paper based, and it starts the important process of the digitisation of Housing ACT. It will also significantly reduce the number of times a person has to tell their story about why they need social housing and the number of times that they have to provide supporting documents and information.

This process has been informed and shaped around the feedback provided by people who have applied for or have contacted Housing ACT about applying for social housing and the many important community services that support people in our community experiencing housing stress. It will provide timely and clear information about eligibility and a person's place on the waitlist, and it will give greater choice and control for those who use it. Finally, it recognises that those with an urgent need for housing also require a service experience based on an understanding and responsiveness to trauma and difficult circumstances.

I would like to thank all Housing ACT tenants, applicants and service providers who have helped shape this new application and assessment process, and I thank Housing ACT staff who have worked hard and with passion to deliver a much better service for our community. This government is committed to improving services for our community, particularly those experiencing vulnerabilities such as housing stress. The launch of this new application process for social housing is another important and positive step to deliver on that commitment.

I present the following paper:

Application and Assessment Project Update—Ministerial statement, 28 June 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Coroner's report—inquest into the death of Joshua— government response Ministerial statement**

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.22): I table for the information of members the coroner's findings into the death of Joshua and the ACT government response to the coroner's findings and recommendations submitted to me under section 57(3) of the Coroner's Act 1997.



I ask the Assembly to note that, in the coroner's report, the surname of Joshua has been redacted at the request of the family. I would like to express my deepest sympathies to the family and friends of Joshua. I know how difficult the unexpected loss of a loved one is, and having to go through a coronial inquiry can make it all the more difficult. My thoughts are with the family and friends.

I would also like to thank Coroner Archer for his extensive and comprehensive report. Coroner Archer made five recommendations related to matters of public safety. Recommendations 3, 4 and 5 are related to Canberra Health Services and the ACT Health Directorate, and the government has agreed to implement recommendations 3, 4 and 5. The government has noted recommendations 1 and 2, which are related to the Australian National University.

As recommended by Coroner Archer under recommendation 3, moving forward, Canberra Health Services will provide guidance and clarity to mental health practitioners and to carers as to the circumstances that would justify the disclosure of personal health information pursuant to principle 10 of the Health Records (Privacy and Access) Act 1997. I recognise that this is a complex issue, and consultation with families and carers will occur.

As recommended by Coroner Archer under recommendation 4, the Chief Psychiatrist has agreed to consider the disclosure of information issues in future reviews of the Mental Health Act 2015. Any future change to the Mental Health Act 2015 will be carefully considered by the Chief Psychiatrist. It is crucial for the right balance between encouraging information sharing and upholding a patient's right to provide consent to others to access their personal health information to be achieved as those who are accessing mental health services are often at their most vulnerable.

As recommended by Coroner Archer under recommendation 5, a review of the memorandum of understanding with mental health, justice health, alcohol and drug services, and the Australian National University will take place to improve the ability for agencies to share information whilst maintaining privacy. I again thank Coroner Archer for his findings in this matter. My thoughts are with the family and friends of Joshua who have been affected by this loss.

I present the following papers:

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Joshua—

Report, dated 10 February 2023.

Government response, dated June 2023.

Ministerial statement, 28 June 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## War Widows Day

**MS DAVIDSON** (Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.25): I move:

That this Assembly:

- (1) designates 19 October annually as War Widows Day;
- (2) recognises that:
  - (a) for generations, the sacrifices, contributions and service of war widows has been significant to our nation's story;
  - (b) the ACT is home to a large and diverse community of veterans and their families, including war widows;
  - (c) in grief and bereavement, war widows have grown a strong and resilient community through Australian War Widows, formerly the War Widows Guild of Australia;
  - (d) the Australian War Widows–ACT plays a critical role in the support, companionship, advocacy and recognition of war widows in our local community;
  - (e) the families of veterans are a pillar of strength and support for veterans in the ACT; and
  - (f) veterans' families require unique services and supports responsive to their specific needs; and
- (3) notes that:
  - (a) 19 October is the birthday of Jessie Vasey, founder of the War Widows Guild of Australia (now Australian War Widows Inc); and
  - (b) the ACT Government will commemorate War Widows Day annually and mark the occasion with a community event, held in conjunction with Australian War Widows–ACT.

I rise today to commend to the Assembly inaugurating the ACT government's formal recognition and commemoration of War Widows Day. Recognition of War Widows Day forms part of a rich, important and living tradition in the ACT of honouring the families of those who made the ultimate sacrifice and of respecting, supporting and recognising the families of veterans. I thank everyone who is here today for this. We see this in the community on a very practical level with the partnership of the ACT State Emergency Service and Legacy to clear the gutters of war widows, supporting storm preparation. We see this in recognition of what is said to have been the first permanent memorial of any kind in Australia to give thanks and pay respect to Australia's war widows.

Thanks to War Widows ACT, a stained glass widow of a life-size woman held in the protective embrace of a kookaburra is on display at the Canberra Services Club. The memorial serves as a silent reminder of the resilience, companionship and unwearied advocacy of the ACT's war widows. We see this in our very own Ministerial Advisory Council on Veterans and their Families, members of which in

recent years led a transformation of the council's remit to specifically stipulate the membership and representation of veterans' families.

The forging of community through unthinkable grief is at the very heart of War Widows Day. We commemorate War Widows Day on 19 October. This is the birthday of Mrs Jessie Vasey. In 1945, following the death of her husband in active service, Jessie Vasey founded the War Widows Guild of Australia, now called Australian War Widows. Sadly, it had been Jessie Vasey's intention to establish this organisation with her husband, Major General George Alan Vasey. While on leave in 1945, Major General Vasey called on the widow of one his men and was appalled at her living conditions. It was Major General Vasey's wish that, upon his return from the battlefields, he, with the help of his wife, would look after the families of the men who were killed while serving with him.

From its inception, the War Widows Guild stitched together a community through the formation of craft groups. The groups thread together the satisfaction of creativity and companionship with the imperative and means to supplement the small compensatory pension for war widows at that time. Filled with a determination for every war widow to receive adequate monetary compensation for a dignified standard of living, the War Widows Guild was instrumental in elevating Australia's social contract with war widows.

In her 1986 book, *No mean destiny—the story of the War Widows' Guild of Australia 1945-85*, Mavis Thorpe Clark tracks the self-driven advancement from craft guild to powerful lobby group automatically consulted by governments on all matters concerning war widows. Today, Australian War Widows advocates for all war windows from all conflicts. Across the nation, local branches of Australian War Widows work assiduously to make representations and advocate to government on a range of issues for war widows, including entitlements, recognition and contemporary issues for the families of veterans.

Reflecting on the far-reaching impact of this national treasure, the ACT is proud to join with New South Wales, Queensland and South Australia in recognising War Widows Day. For the at least 726 war widows in the ACT, Australian War Widows ACT is a dedicated friend. Our local branch looks after the welfare of war widows and their children, watching over and protecting their interests. Australian War Widows ACT is concerned with war widows' entitlements and provides information, advice and companionship to its members. Members take part in regular social gatherings and receive information regularly through their newsletter.

I would like to express the gratitude of the ACT government to Australian War Widows ACT president, Robynne Mitchell, for her tireless work for the organisation and its members. I mentioned before that, because of Australian War Widows ACT, our city is home to the first reported permanent monument to the strength, resilience and companionship of war widows. Australian War Widows ACT commissioned artist Ruth Oliphant in the design and creation of the stained glass window at the Canberra Services Club. The woman in the embrace of the kookaburra speaks to the support that Australian War Widows has provided to women. The kookaburra is tribute to the war widows' emblem, on which Mrs Vasey remarked:

The kookaburra goes for what he wants and fights for its family. Isn't that what we are doing?

There is no doubt that Australian War Widows has paved a path of making visible the families of veterans. No longer forgotten, families of veterans have increasing profile in policy and public discussions of veterans matters, testimony to the nation-changing and history-making work of this organisation. Our collective understanding of the role and experience of the families of veterans is growing with every day.

Today, we see this with the appointment of the inaugural Veteran Family Advocate Commissioner, Gwen Cherne, in 2020. It is a position which ensures the perspective of veterans' families is considered throughout the policy- and decision-making process. We can see this with the Royal Commission into Defence and Veteran Suicide, which has extensively considered the crucial pillar of support provided by families. This case was eloquently made to the royal commission by countless families and family advocates, such as branches of Australia War Widows. We also know and recognise the crucial role that families play each step of the way with veterans in making this royal commission a reality.

We also see this with the critical inclusion of families in the Veterans' and Families' Hubs. The establishment of a Veterans' and Families' Hub in Queanbeyan will be a critical support to the ACT's large and diverse veteran community. Based on the 2021 census data, we know that approximately 50,000 veterans and their families call the ACT home.

I am indebted to the Ministerial Advisory Council for Veterans and their Families. The council's expert advice and lived experience has been at the forefront of expanding the ACT government's and community's understanding about the families of veterans. They have opened the window of discussion in public policy and continue to advocate and advise on the needs of families in ACT government policies, as well as the Queanbeyan hub and relevant Department of Veterans' Affairs policies.

The families of veterans are increasingly recognised and understood for their pivotal role in the health and wellbeing of veterans. Simply put, support for veterans is not possible without support for families. Importantly, families need support in their own right. Theirs is a unique experience and journey of frequently moving and uprooting, meshing the civilian and defence worlds, the vicarious transferral of distress and trauma, and coping with long absence through deployment.

We hear a call for togetherness and community in the motto of Australian War Widows:

We all belong to each other. We all need each other. It is in serving each other and in sacrificing for our common good that we are finding our true life.

For 78 years and counting, Australian War Widows and its branches have been committed in our community to making sure war widows will not be forgotten, nor left behind. On 19 October every year, we will reflect on the values of honour, friendship, community, inclusivity and support that have etched these women into our national consciousness, our history and our future. I look forward to holding a

community event of commemoration with Australian War Widows ACT to mark the inaugural War Widows Day in the ACT in October this year. I commend the motion to the Assembly.

**MR HANSON** (Murrumbidgee) (10.33): The Canberra Liberals will be supporting this motion, and I thank the minister for bringing it to the Assembly today. At the heart of the Australian War Memorial is the Roll of Honour. It is a long series of bronze panels recording the names of over 103,000 members of the Australian armed forces who have died during or as a result of war-like service and in non-war-like service in certain peacetime operations. Also found in the commemorative area is a leather-bound commemorative roll which commemorates Australians who died during or as a result of their service in the same conflicts, or operations, in service of allied nations, the merchant navy and with civilian organisations.

Unlisted on any memorial are the hundreds of thousands of Australians who returned from war broken physically and mentally, and many who died as a result of that or in training. The vast bulk of these Australians have been men, and we commemorate their sacrifice every Anzac Day and on Remembrance Day on 11 November, but behind each of these names of the fallen is a family that was left grieving and broken: mothers, fathers, wives, spouses, children. Thousands of widowed Australians who battled on with tragic loss or the trauma of a broken veteran needing their care and support. Life for a widow, particularly one caring for children, is tough.

We did not have many of the social structures last century that we enjoy today. The life for a widow raising children after World War I and World War II was a particularly tough prospect. Recognising this, in 1945, the War Widows' Guild was established, as the minister has said, by Mrs Jessie Mary Vasey, the widow of a very famous Australian general, Major General George Vasey, who was killed en route to New Guinea during World War II. It began with the smallest beginnings, focusing on craft which taught weaving and other handcrafts to members so that they could augment their inadequate pensions.

The War Widows' Guild of Australia was a group that promoted and provided companionship, counselling and support for its members. Guilds were established in all the states, and the organisation became a powerful lobby group which was consulted by governments on all matters concerning war widows. Each state made its own arrangements to cater for their members' needs, but all made housing a priority. By 1954, the guild was in a position to take advantage of the Aged Persons Homes Act and to go on to make provisions for housing for their members.

Jessie Vasey was indeed a most remarkable woman. Almost single-handedly she founded a self-help organisation that assisted women widowed through war to come to terms with their loss and sacrifice, and to provide for themselves and their children. Her husband, Major General Vasey, first drew Mrs Vasey's attention to the plight of war widows, and they talked together about how they could do something to help those widows after the end of World War II; but General Vasey died in the air crash on his way to rejoin troops in New Guinea towards the end of the war and never saw this come to fruition. It was his widow that came to understand and feel even more deeply the desperate situation of women widowed through war.

It was through her remarkable, indomitable nature that she overcame her despair to become the inspiration that helped heal so many other widows. She gave the rest of her life in pursuit of that vision to bring war widows together to speak with one voice in the improvement of their circumstances and to help each other overcome the disadvantage they had suffered. So, 19 October, which is Mrs Vasey's birthday, has been chosen by a number of other jurisdictions across Australia as a fitting date to commemorate War Widows Day. I am very pleased that the ACT government has followed suit and, from this year too, will be commemorating War Widows Day on 19 October.

I would like to thank the minister for bringing this forward today. I would also like to thank Robynne Mitchell and the Australian War Widows ACT for their ongoing advocacy and their ongoing support for war widows and their children here in Canberra.

**MR PETTERSSON** (Yerrabi) (10.38): I rise today in support of the formal recognition of War Widows Day here in the ACT. Our territory is home to a significant and large defence community. Because of this, there are constituents in each and every single one of our electorates who have been touched by and bereaved by the death of their spouses with defence service. It goes without saying that this is always a tragedy—one that is, of course, all too common. But despite the intensity of their loss, we know that following bereavement many war widows in the ACT community have channelled their intense grief into making change for the better. Some war widows have worked diligently to create extensive support networks for others experiencing a similar loss—including for people who have recently been widowed and who have come to terms with their new shocking reality of life without their partners.

War widowers know this pain of grief deeply, though they are well placed to assist others through their own pain. They also know that many war widows have banded together to raise much needed funds to go towards supporting veterans and their families as they transition and cope with post-defence life. All of this is nothing less than admirable. War widows are making great sacrifices every single day, and we are lucky that they are such a shining example for all of us.

Given all of this, we should do everything we can to support, empower and celebrate war widows and their families. For this reason, I am proud today that we are taking a good step and officially recognising War Widows Day here in the ACT. Back in April, as part of the inquiry into annual and financial reports 2021-22, the Standing Committee on Education and Community Inclusion recommended the ACT government institute War Widows Day. I am proud that the ACT government has made progress on this recommendation. I am proud of all of the war widows in our community who are finally getting the recognition that they deserve.

Question resolved in the affirmative.

## Gaming Machine (Club Refuge) Amendment Bill 2022

Debate resumed from 1 December 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (10.40): We are making history in this chamber today, or this week, because, for the first time in the history of the Westminster system, there are two bills in the same week in this place from Mr Rattenbury to which I am responding and on which I am in absolute agreement with Mr Rattenbury! I do not think that has ever occurred before, and it probably will not again. But, as was the case with yesterday's bill, this is a sensible, practical bill, and I applaud the minister and those in the directorate and all those who have made this happen.

How could anyone argue against it? That is what I thought at the time it was presented. I would note that—I know I have had an indication that Dr Paterson's amendments will not be moved, but I know that she was set to, in the form of those amendments, argue against it in its current form. If those amendments had been realised, they would have rendered the bill utterly useless.

It leads me to the question: how do you know if your amendments are pure virtue-signalling? Is there a measure by which? I think the measure is this: if you construct some amendments designed to signal your position in some noble area and if your virtue-signalling amendments are absolutely rejected by the party that has made a living out of virtue-signalling—if the Greens look at your amendments and say, "Nah, I don't think so"—then that says that your amendments were pure virtue-signalling!

That being said, I am most pleased that this framework has been established, and I think one of the things that you have got to say when you look at this bill is that it is so "Canberra"! It is so Canberra. I cannot see this being constructed in this way in any other jurisdiction. It is reflective of the fact that we live in the middle of the bushfire zone. It is reflective of the strong community vibe in our city and the fact that when people are in trouble we do reach out, but it is also genuinely reflective of the part that our licensed clubs play in our community. It brings all of those aspects together to set up a framework that, if we are faced with the sorts of disasters and the sorts of crises we had in the past, will actually make it better for so many people.

Thanks to the minister's staff and others for briefing us on this along the way. In regard to the amendments, which I will not speak to when they come up, they look pretty sensible to me. I would say that I think the amendments, as opposed to parts of my speech earlier, do take on board the vibe of Dr Paterson's original amendments and make some changes to provide some protections for people in that space. We will be supporting the amendments and supporting the bill.

**DR PATERSON** (Murrumbidgee) (10.44): I thank the minister for bringing this amendment bill to the Assembly. I share the minister's concern for those most

vulnerable in our community during smoke and heat events; however, I fundamentally do not agree with a government directive to send them to a club.

Clubs play an important role in the social life of our community. They are mostly relatively large facilities, with the space and environment to allow people to be comfortable and socially connected in times of extreme weather or smoke events. They play this role currently and have done for decades. However, those that enter the clubs become members. They freely give their consent and agreement to the terms and conditions of the club, and it is their choice to enter the venue understanding the risks. If the minister is so inclined to pursue this policy, perhaps because he strongly believes in its merits, then I believe that we must do all we can to minimise the risk of harm that is heightened in a smoke and heat event.

Gambling prevalence research in the ACT suggests that 10 per cent of the adult population experience at least some form of gambling harm. This equates to 34,000 ACT adults. Further research found that five per cent of the adult population has been personally affected by family members or friends gambling, and that is equivalent to approximately 17,000 adults in the ACT. So we are talking about some 50,000 adults that are significantly impacted by gambling, and we are endorsing sending them to a club at a time of high stress.

Despite the increased participation in online gambling, EGM participation predicts problem gambling in the ACT more reliably than participation in any other form of gambling activity. One in five people in the ACT use poker machines, and nearly one-third of those people are at risk or are problem gamblers. Seventy-six per cent of people who play pokies in the ACT have a certificate, diploma, or year 12-and-under education levels. Fifty-four per cent of people who play pokies in the ACT earn under \$80,000, the lowest 2½ income quintiles.

The intent of this policy is to provide smoke and heat refuge to the most vulnerable in our community who do not have appropriate cooling or air ventilation in their homes. This group in our community, as outlined by the statistics, are highly likely to very strongly intersect with those that play pokies and those that experience harm from pokies. So, again, I reiterate that any ACT government directive that sends the ACT's most vulnerable people to a club should have robust harm minimisation measures in place.

I did try to work with the minister on these changes that I felt had strong grounds to achieve balance between having the club act as a refuge, the club function as status quo for members, and the club protect those entering a venue seeking refuge from smoke and heat. To use Ms Clays words, "I am really, really, disappointed at where we ended up."

In recent work I have been doing with the Alliance for Gambling Reform I was speaking with Kate Seselja, a fierce advocate in the ACT for gambling reform who has lived experience of gambling harm. She said the thing about poker machine harm is that no one person she has ever met walked into that club for the first time with the intention to gamble. People went to meet friends or for work drinks—now let's add to that an ACT government directed emergency refuge. Not one ever expected to gamble



or to walk out of these venues on the path to a gambling problem that would drastically impact the rest of their lives.

The minister said in his tabling speech that heatwaves kill more Australians than any other natural disaster. In fact, heatwaves exacerbate existing health conditions, including diabetes, kidney disease and heart disease. There is significant evidence that extreme events that cause smoke and heat events, such as bushfires, cause heightened levels of stress and anxiety as well. We saw this in the bushfires three years ago.

Research conducted about these bushfires and their impacts in the ACT found heightened physical and mental health effects. Ninety-seven per cent of participants reported at least one physical health effect—most commonly, eye or throat irritation and a cough. Over half of participants reported symptoms of anxiety and depression. Research evidence very clearly shows that people experiencing anxiety and depression are more likely to gamble and drink excessively. There are masses of studies demonstrating this using Australian data about Australian natural disasters that show a direct correlation.

The minister's opening speech stated that community clubs are only one option from a range of other community facilities, which include libraries, child and family centres and community centres that are available to the public. The issue here is that these other facilities—some of them—are only open during very limited opening hours. So what we are doing here is sending the most vulnerable to liquor and gaming venues at the most risky times, after hours.

I am baffled by the requirements in the amended regulation putting the onus on the clubs to tell individuals they can go elsewhere. I am also very deeply concerned that the current bill discriminates against those individuals that have taken the decision to self-exclude themselves from gambling venues. These individuals, again, are arguably the most vulnerable in our community, and now they are not allowed to access refuge during a declaration.

I am, however, very glad to see the addition of gambling contact officers being required in venues during a declaration. This is something I advocated for, and I am glad to see its inclusion.

In conclusion, I agree with the minister about providing a safe place of refuge for Canberrans during emergency declarations. I think clubs should have remained a place of choice for Canberrans to go, not a government-declared refuge. I think we could have done a lot better in how we set this up to minimise harm. It is a significantly missed opportunity.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.51): I would like to speak to this bill briefly as the ACT Minister responsible for community recovery and emergency relief. As Minister Rattenbury has outlined, the government, through this bill, is taking action to better prepare our community and minimise the harm caused by worsening and more frequent extreme heat days and bushfire events.

This bill enables the provision of additional spaces where people can escape from heat and smoke, in addition to other venues such as libraries and community centres.

Club refuges will form only one part of the other government supports already provided to community members during extended exposure to hazardous smoke and extreme heat.

The ACT extreme heat plan will be activated for extreme heat events which are of such a nature that a coordinated whole-of-ACT-government response is required. The purpose of the ACT extreme heat plan is to protect the community by promoting individual and community resilience and adaptation to extreme heat conditions through delivery of a planned, managed and effective whole-of-government response.

The central focus of the extreme heat plan is to enable and enhance resilience to extreme heat events for at-risk populations, the broader ACT community and organisations through the implementation of adaptive strategies. Under the prevention and preparedness phases of work, this includes: community education and improving community preparedness for extreme heat emergencies; making sure that people know the diversity of different places they can go and what they might find on offer there; messaging to promote and protect public health; and ACT health sector coordinator engagement with vulnerable communities and their carers.

Madam Speaker, more people die as a result of the impacts of extreme heat in the lead-up to bushfire natural disasters than from the fire itself. This happened in 1983 in the lead-up to the Ash Wednesday fires. We saw it again in 2009 in the lead-up to the Black Saturday fires in Victoria.

Research published in *The Medical Journal of Australia* in 2020 tells us that more than 417 people lost their lives as a result of the smoke during the 2019-2020 Black Summer fires. The combined impacts of heat and smoke during the 2019-2020 fires resulted in more than 31 deaths, 82 cardiovascular hospitalisations, 147 respiratory hospital admissions and 89 attendances at emergency departments for asthma in the ACT alone.

This is why heat and smoke refuges are so important, particularly for those most at risk, including older people, young children under five and people with other health conditions. It is why we need a diversity of places that people already feel comfortable visiting, including libraries, community centres and community clubs.

The Community Services Directorate also works closely with sector providers to tailor support for those people most at risk during such a period, including those who experience extended exposure to hazardous smoke and extreme heat. I want to thank Minister Rattenbury for the work that he has done to increase the range of venues available to those who need a smoke or heat refuge in an emergency. I commend this bill.

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (10.54): It is important that, while refuge is being provided during smoke and heat emergencies, we are also protecting vulnerable members of the community from other potential harms. For

clubs that are gambling licensees, prevention of gambling harm has been an important consideration in this bill and its amendments.

The 2019 ACT Gambling Survey found that 44,000 ACT adults had experienced harm from their own or someone else's gambling. That is 13.6 per cent of our adult population, and it includes 5.3 per cent who reported that another person's gambling had personally affected them—equivalent to 17,000 adults in the ACT.

This bill and its amendments will ensure that, where a club venue is operating as a refuge under the ministerial declaration, the refuge space provided for the community will be located away from electronic gaming machines in a separate area. These refuge spaces for the community must also be away from alcohol service areas.

During periods when the club is operating as an approved refuge, the club venue must have a gambling contact officer available. Gambling contact officers are venue staff who have received training and can provide information and guidance on where to seek help, including Gambling Help Online and the ACT Gambling Support Service, which are both free and confidential. If someone believes a family member or friend is being impacted by gambling, they can talk with the gambling contact officer at a venue where that person gambles; this free and confidential help is also available for family members and friends, not just the person who is gambling.

Exclusion from gambling is one tool available as a gambling harm prevention measure, where an individual is prevented from entering the gambling area. Individuals can select this for themselves and have complete control over what venues they wish to exclude themselves from for a period from six months up to three years. Licensees are also able to exclude individuals where they have grounds to believe it is necessary to protect a person from gambling harm. Where people have excluded themselves from gambling or been excluded by the licensee, alternative places of refuge will remain available to them, as they currently are, such as shopping centres and public libraries.

The protective measures prescribed in this bill, together with the tools and support provided by the Gambling and Racing Commission to prevent and reduce gambling harm, ensure that approved clubs can provide a truly safe refuge in the event of extreme weather emergencies.

Canberra's community clubs have historically been places where communities can come together and feel that sense of belonging, and they continue to play an important role for our diverse Canberra community. It is fitting that approved Canberra clubs will be able to safely serve the Canberra community as refuges.

I thank Minister Rattenbury for the further work that has been done on the amendments that are being tabled today, which further strengthen the support for the community. I commend the bill to the Assembly.

**MS CLAY** (Ginninderra) (10.57): New York is blanketed in smoke at the moment. Apparently, you cannot see the Empire State Building. Major insurers have pulled out of California. It is hard to insure a house there now. We know what this was like. I felt quite close to the mayor of New York when he was quoted as saying he did not

understand what was going on. He felt like he had stepped into the set of *Blade Runner*. The sky was orange, people could not breathe, and he just was not sure what to do.

We all lived that very recently. There is this funny thing that goes on with catastrophe and fear. I think we get to the edge of the cliff and we stand there with our toes just popping over the edge, and we do not know what to do, so quite a lot of people just shut their eyes and do not look over. I feel like as a whole world at the moment we are all doing that. It is really important that we open our eyes, look over the edge and start walking back. We have to do this. We have to do it for ourselves. We have to do it for our kids. We have to do it for the planet.

I really like a lot of the quick, clear actions we have taken in this Assembly in this term. I am reassured that we have a plan for our next smoke apocalypse. We have had it. Other parts of the world are having it right now and we know that we are probably going to be right back there.

We need to look at the community we live in. We need to look at the world we live in. We need to look at the infrastructure we have. We need to work with the people we have here now and do what we can to make good choices and take quick and decisive action. So I am pleased to see that this reform is coming through. I am pleased to see that we are having club refuges.

Of course, as we make these changes, we need to make sure that we are not causing other different harms to people as we go along. It is reassuring to see so many people in here working quite hard on gambling harm reduction. We have done it in the Greens with pokies reform. I will not talk more about that; there are other people in here who are working much more closely on that. I was quite surprised when we put up a very minor amendment for horseracing. It was the most minor of amendments. We just suggested that maybe we would stop using taxpayer money to fund the horseracing industry to \$41 million and everybody else here voted us down. So we have different views on when we see harm from gambling and when we do not see harm from gambling. We obviously have very different views on what role we think government should play—should it ban it, should it reduce it, should it take smart steps to regulate it or should it subsidise it?

The one clear thing I hear strongly is the phrase “place of choice.” I think it is excellent to give people a place of choice. Most of us, during the smoke apocalypse did not have any choice. Many of us lived in homes that were not insulated. We had no ability to not breathe-in that toxic smoke. People without homes had no ability to go anywhere else.

It is really important that we make sure we look at what just happened—just three years ago—and we move as quickly and sensibly as we can to make sure the next time that happens we have a plan.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.01), in reply: I thank members for their contributions to the debate today and I am pleased to be in a place where we are discussing the specifics of this legislation.

The bill amends the Gaming Machine Act 2004 and the Gaming Machine Regulation 2004 to facilitate the government's commitment to support clubs to become heat and smoke refuges for local communities. The government has a clear record of taking action to respond to the increasingly severe global climate emergency. While the ACT must, and is, acting to reduce our reliance on environmentally harmful ways of living, we also recognise the climate emergency is having an immediate adverse effect on our community.

Ms Clay has just spoken about it. The 2019-20 Black Summer bushfires are a stark example; 80 per cent of the Australian population was exposed to bushfire smoke, with more than 3,000 hospital presentations for heart and lung conditions and more than 1,000 emergency presentations for asthma. Tragically, 417 people died from causes associated with bushfire smoke.

The government is seeking to take action to better prepare our community and minimise the harm caused by worsening and more frequent extreme heat days and bushfire events. The club refuges enabled by the bill make an important contribution to these efforts. The bill was presented in recognition of a need to provide additional spaces where people can escape from extreme heat and smoke. The government is committed to ensuring that the community has a range of venues for people to access during an emergency or other hazard, and this bill includes clubs as one of the options for use in such events. Other options include public libraries, community centres and shopping centres. Importantly, many clubs operate into the late evening when other venues are closed or not available.

Recognising the impact the extreme weather events have on our community, this bill provides a legislative framework to enable the Minister for Gaming to declare clubs to be used as refuges from an emergency or hazard if it is necessary or desirable to do so. In making a declaration, the minister is required to take into account any advice of the Emergency Services Commissioner. This will support club refuge arrangements to operate cohesively with the ACT Emergency Plan as part of a coordinated whole-of-government response to emergencies.

During emergencies and other extreme weather events, many vulnerable Canberrans do not have access to a healthy and safe environment at home. Club refuges will make a suitable space available to these people because these venues have, for example, heating, ventilation and air cooling or HVAC systems that filter out particulate matter from smoke, and many people do not ordinarily have this in their own homes. The bill makes clubs accessible to the broader Canberra community by allowing people to enter a declared club refuge without requiring a membership, which is ordinarily needed when one attends a club.

Community clubs already make a valuable contribution to the life of our community. This bill recognises that the use of a club as a refuge is yet another way that this occurs. It does so by allowing clubs to claim certain expenses, such as foregone membership fees and non-alcoholic beverages, as part of their existing requirement to make monetary and in-kind community contributions. These amendments acknowledge the important role certain club venues will play while a ministerial declaration is in force.

As I foreshadowed at the start of the speech, exposure to prolonged heat stress can exacerbate existing health conditions as well as the risk of death, particularly amongst vulnerable cohorts. This health risk may be mitigated by individuals seeking respite from the heat in clubs if their own homes do not enable them to do that.

Clubs were identified as providing an opportunity to provide for an unmet need because many clubs do have longer operating hours than other venues. Clubs are more available than alternatives, which supports these venues to be accessible when community members need respite.

We have seen some discussion about the risk of gambling and alcohol related harm arising from club refuges. These are real issues. They extend beyond club venues and the government is separately taking action on a range of them. I will come back to that shortly. While these risks exist, club refuges will provide a physically healthy and safe environment during increasingly extreme weather events and emergencies.

The environmental conditions present when club refuges will be activated pose an immediate and real risk to life for some people. Between around 1920 and 2006, Canberra recorded nine days above 40 degrees Celsius. Since then, we have recorded 16. So in the intervening 16 or so years, we have recorded 16, including a completely unprecedented run of four days in a row above 40 degrees Celsius. As Minister Davidson noted, it is well known that more Australians have died in heatwaves than all other natural disasters combined. That record of above 40 degree days is an indication of the potential risks that we increasingly face here in the ACT. Older people are particularly vulnerable to these threats.

That is the context in which we are seeking to create an opportunity for Canberrans to go somewhere they feel comfortable, to escape the threats arising from heatwaves and possibly bushfire smoke. I do reflect particularly on the older members of our community, because we do have other venues available but older Canberrans have given me the feedback they do not necessarily feel comfortable in a shopping centre. For me, this legislation is very much about having a choice of places where people feel comfortable that they can seek that refuge, and we know many older Canberrans already do go to clubs.

So, for me, this is about meeting the needs of those different cohorts. Additionally, while this bill is about the use of clubs as refuges during an emergency or other hazard, it is important to remember that those other venues are there. As talked about, that includes libraries, child and family centres, and community centres. Club refuges will only form one part of other government supports already provided to community members during extended exposure to hazardous smoke and extreme heat. Over the remainder of this year, my directorate will be working with colleagues across government and with community clubs to implement the framework provided for by the bill.

Some of this past year was relatively mild and had a fair bit of rain. The ACT and surrounding regions largely avoided extreme heat and smoke events during this period. However, members know well this is unusual and we are all aware of the prediction of an El Niño cycle likely to develop over the coming year. So our community may

very soon require access to refuge venues. With this in mind, the government is aiming to have arrangements in place and the bill commence before the next bushfire season begins.

I do want to give my sincere gratitude to all those who were engaged with the government during the development of this bill. This measure cuts across a range of portfolios, and I recognise that a coordinated effort is required to deliver this commitment. I would particularly like to thank the members of the Heat and Smoke Refuge Working Group, comprising the ACT Council of Social Services, the Canberra Gambling Reform Alliance, the Canberra Irish Club and Canberra Community Clubs, who have been involved in preparing this policy, thinking through the practical application of it and identifying some of the risks that the government needs to address.

I might take the opportunity now to speak to those to some extent. There are amendments coming later in the discussion and they pick up this concern that has been canvassed in places of the risks of people being exposed particularly to gambling and alcohol. The government had considered these processes through the development of the legislation and from the input from the Heat and Smoke Refuge Working Group, and it had been the intent for some of those measures to operate in the policy space in the implementation plans. But, mindful of the concerns that have been raised, I did form the view it would be perhaps better to explicitly reflect them in the legislation and the code, and that is why the government is bringing forward amendments today which do require a range of things. They require that the clubs provide separate space away from electronic gaming machines and alcohol where members of the community may congregate while the club venue is declared to be a refuge.

I think most of us have been to the clubs and know that these spaces are well available. I think in many venues they have those large rooms, or even sometimes smaller rooms, where people will be able to congregate that are quite separate from the gaming areas and the bars and venues, and that is how we imagine this will operate.

The amendments also ensure the gambling contact officers are available in the club venue for the period of time for which the club is a refuge and that clubs make information available about alternative refuge venues. That, of course, goes to the concern Dr Paterson has spoken to where a person is precluded from entering a club because of the decision they have made themselves to seek exclusion. We want to make sure that if they turn up to a venue seeking refuge they also have information provided to them about other places they can go. That information will be available from other sources, but this is really about trying to think about the various practical situations people will find themselves in.

There is also a requirement that clubs refrain from actively promoting club memberships to non-members who are attending the venue for the purposes of seeking refuge during an emergency or other hazard. The purpose of these amendments is to try and, again, think of some of those practical issues that seek to minimise harms from alcohol and gambling while mitigating the harms that arise from these extreme weather conditions.

I do note Dr Paterson's comments in the debate today. I hope she is assured by the fact that not only are we bringing forward these amendments, but I and this government have put significant effort into seeking to address gambling harm. I think after many years in the ACT where we did not see significant reform on gambling measures, the Parliamentary and Governing Agreements of 2016 and 2020 have put significant reforms in place and those reforms are continuing. Really what we are weighing up here is a range of risks. Those risks are not black or white. They are a balancing act. I note, for example, that Dr Paterson talks about alcohol risk. Right now the ACT government recommends that people seek refuge in shopping centres at times. It is possible to walk into a shopping centre and go to an alcohol outlet and purchase enough alcohol to kill yourself, if you are so inclined. This is a risk. Whereas in a club venue all staff are trained in the responsible service of alcohol. These are risks that sit out there that we have to try and balance.

And, so, we seek to step through these with great care but the purpose of today's legislation is very much about creating a framework of support and risk mitigation that deals with a very immediate risk whilst operating in a context where venues do have a range of other mitigating measures both whilst they are acting as a refuge but also on a regular basis.

I think creating those long-term reforms in gambling harm are the critical answer here because Dr Paterson is right to cite the amount of gambling harm we see and that occurs every other day of the year. So we have some big policy work to do to mitigate against those risks and I look forward to continuing to work with this Assembly to address those matters.

Having made those remarks I will not speak to any amendment save that I will need to table the revised explanatory statement at that point but I commend the bill to the Assembly today.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.14), by leave: I move amendments Nos 1 to 3 circulated in my name together [*see schedule 1 at page 2078*] and I table a supplementary explanatory statement to the government amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.



## Human Rights Commission Amendment Bill 2023

Debate resumed from 30 March 2023, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MS CASTLEY** (Yerrabi) (11.15): The Canberra Liberals will be supporting this bill. The bill implements the National Code of Conduct for Health Care Workers, which was agreed to by the Council of Australian Governments Health Council in 2015. The national code will protect the public by setting minimum standards of conduct and practice for all workers providing a health service and to address the gap in the regulation of health services provided by those who are not registered under the Health Practitioner Regulation National Law.

As well as applying to unregistered health care workers, the code will also apply to registered health practitioners who provide health services unrelated to their registration. This legislation will allow the investigation of complaints in relation to possible breaches of the code and facilitate effective action to be taken against a worker who fails to comply with the minimum standards of the code of practice.

This bill will align the ACT with other jurisdictions in Australia and address the current inconsistencies in regulation of unregistered health care workers.

**MR DAVIS** (Brindabella) (11.16): I rise to speak to the Human Rights Commission Amendment Bill 2023. This bill supports the right of Canberrans to receive health care that meets safe minimum standards by implementing the National Code of Conduct for Health Care Workers.

Workers that are registered under the National Registration and Accreditation Scheme have their own regulated minimum standards and ethical conduct codes. Now health care workers outside of the scheme will be able to come under the national code implemented by this bill providing for safe and ethical health services in previously unregulated workforces.

These reforms are long overdue following the beginning of a national process in 2010 to assess regulatory gaps and the commitment by the COAG Health Council in 2015 to implement the National Code of Conduct for Health Care Workers across all states and territories. The ACT Greens proudly support this bill.

Health workers that will fall under the code who were previously unregulated include professionals such as counsellors, psychotherapists, social workers, dental assistants and technicians, massage therapists, naturopaths and exercise physiologists. This bill is not a commentary on the quality of services provided by these industries. I fully believe that all health professionals want to provide their communities with the best care possible. This merely safeguards health care consumers in rare cases of malpractice. Many people come into contact with these health professionals incidentally. For example, when I go to the dentist they will be covered under the National Registration and Accreditation Scheme but the dental assistant will not be.

By introducing standards and codes of practice, the new code will ensure that all persons providing care and assistance to Canberrans meet certain standards of practice, as would be expected from people receiving care. The reforms will be implemented in a way that does not restrict or provide obstacles to those entering these industries.

People have the right to choose the type of health services that are best suited to their needs. But regardless of your health care preference, whether that be seeing your GP, your naturopath or your reiki specialist, each of those professionals should meet a certain standard of care. Those standards of care include protections of basic human rights—that consent is obtained, that clients are not misinformed, that clients are not financially exploited and that health care workers do not engage in sexual misconduct. If those standards are not met, your rights should be protected. This bill will allow investigations of complaints regarding possible breaches of the code by unregistered health care workers.

The bill also covers professions such as counsellors which we know are often present in our local schools. Zac, a student who is currently doing work experience in my office and who helped prepare this speech, told me that the bill will help students to have confidence in the services provided by counsellors at their local schools. I want every student in the ACT to have a great experience of their education and for many students safe and high quality supports are critical to students having a good time at school.

The ACT Greens are committed to providing accessible health care for all. In principle this bill supports and improves the ability and quality of the services that people in Canberra access. It will increase community confidence in the health care professionals they are serviced by, which in turn could lead to higher rates of access and better outcomes for our community.

These reforms align with Greens values ensuring all Canberrans live with dignity, free from discrimination and are treated equally and fairly, particularly for the more vulnerable in our community. Our Green party platform states:

15. the experience, training and skills of all healthcare disciplines are integral to an effective healthcare system

This bill takes us one step closer to that goal. Ensuring all healthcare providers and staff uphold acceptable standards and ethical guidelines will be a step forward in providing the ACT with fair, equitable and universal access to high quality healthcare services.

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (11.20): I rise in support of the Human Rights Commission Amendment Bill 2023. This bill seeks to establish a regulatory framework which protects the public by setting minimum standards of conduct and practice for all workers providing a health service, as well as addressing the gap in the regulation of health services provided by those who are not registered under the Health Practitioner Regulation National Law. In doing so, it will enable the Health Services Commissioner to investigate and to act on complaints about breaches

of the national code. Input from all stakeholders has informed the amendments proposed in this bill.

This bill, as with the regulation of health professionals under the National Registration and Accreditation Scheme, aims to protect the public, particularly where a service has not met the national minimum standards of conduct and practice. We know that the vast majority of healthcare workers practise in a safe, competent and ethical manner. However, we are often at our most vulnerable when we are seeking health care and it is important that there is a clear pathway and mechanism to respond when something goes wrong. Currently, there is minimal and inconsistent regulation of unregistered healthcare workers. For example, some healthcare workers currently operate with reference to any mandatory codes of professional conduct. Implementing the national code in the ACT will protect the community and remove gaps in the professional regulation of healthcare workers.

While the Health Services Commissioner, in the ACT Human Rights Commission, can currently take complaints about health services, she does not have the ability to regulate individual practitioners who may move between services and who are not covered by a professional registration system. Canberrans are already used to accessing the Human Rights Commission when they have a complaint. This bill expands the existing complaint jurisdictions of the commission, providing Canberrans with a consistent, accessible complaint-handling service covering all health services provided in the ACT, as well as discrimination services for older people, people with a disability, children and young people, retirement villages, victims of crime and people vulnerable to abuse.

It will allow the Health Services Commissioner to consider complaints about individual unregistered health practitioners to ensure that the code is being complied with and to take regulatory action, when needed, to protect public safety. I note, and welcome, the budget contribution to the resourcing of this important reform. Importantly, the Human Rights Commission is uniquely placed to apply a human rights lens across the wide range of complaints it handles, ensuring that the rights of all parties to a complaint are upheld. This provides reassurance to the ACT community and to anyone who is a party to a complaint that the human rights framework in the ACT has an important practical role in the implementation of the code, recognising the rights of health workers and those accessing health services in the ACT.

I am pleased that this bill will protect the community, particularly vulnerable Canberrans, align the ACT with other jurisdictions and ensure that Canberrans can have greater confidence in the health services that they receive. I welcome and encourage the support of the Assembly in passing this legislation. I commend this bill to the Assembly.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.23), in reply: I am pleased to close the debate on the Human Rights Commission Amendment Bill as we take the next step towards implementation of the National Code of Conduct for Health Care Workers.

As Ms Castley and others have noted, in 2015 the Council of Australian Governments Health Council agreed to the terms of a national code and to each jurisdiction using their best endeavours to enact legislation and regulations to give effect to the national code through a negative licensing regulatory regime that does not restrict entry to practice but allows effective action to be taken against a worker who fails to comply with minimum standards of conduct or practice; a set of objective and clear minimum standards against which to assess conduct and practice in the event of a complaint or serious adverse event; and an independent investigator to receive and investigate complaints about breaches of the national code.

Since that time, the national code has been implemented in New South Wales, Victoria, South Australia and Queensland. Western Australia and Tasmania have passed enabling legislation but are yet to implement the code. The terms of the national agreement also established that the relevant commissioner in each jurisdiction would be responsible for regulating the national code. In the ACT this is the Health Services Commissioner.

The purpose of the national code is to protect the public by setting minimum standards of conduct and practice for all workers providing a health service, and to address the gap in the regulation of health services provided by people who are not registered under the Health Practitioner Regulation National Law. It establishes a guide for workers around safe, competent and ethical practice. As well as applying to unregistered healthcare workers, the code applies to registered health practitioners who provide health services unrelated to their registration—for example, a nurse who also works as a naturopath.

While most unregistered healthcare workers do practise in a safe, competent and ethical manner, there are a small proportion of unregistered healthcare workers who present a serious risk to the public. This bill enables health services provided by unregistered healthcare workers to be subject to complaint and regulatory mechanisms, thereby capturing a broader scope of workers. The code means that workers will be required to act in accordance with a minimum set of standards of practice and conduct and will therefore increase protections for those receiving health services. Currently, there is minimal and inconsistent regulation of unregistered healthcare workers. For example, some healthcare workers currently operate without reference to any mandatory codes of professional conduct. There is a positive need for the national code in the ACT to protect the community and remove gaps in the professional regulation of workers.

The bill promotes the right to safe health services by setting a minimum set of standards of practice and conduct for unregistered healthcare workers. In doing so, it protects all members of the community, including those most vulnerable. The bill will maintain individuals' rights to make complaints to the Human Rights Commission regarding either health services or services for children and young people, and to have those complaints investigated and mediated, in line with current arrangements, as appropriate.

The bill has been developed in close consultation with the Health Services Commissioner and her office. The 2023-24 ACT budget, as Ms Cheyne has indicated, provides additional resourcing to the Health Services Commissioner to support the

expansion of her role—more than \$1.32 million over the forward estimates. This funding will support implementation of the national code by allocating staffing resources to manage the complaints process and conduct public education for health providers about their obligations under the code, including support for health providers to comply with the code, and to establish a consumer navigation service.

Since the Council of Australian Governments Health Council agreed to the terms of the national code in 2015, multiple rounds of community consultation have been conducted in the ACT between 2018 and 2022. On 24 January this year I hosted a targeted consultation roundtable with key industrial and consumer organisations, including the ACT branches of the Community and Public Sector Union, the Australian Education Union, the United Workers Union, the Health Services Union, the Health Care Consumers Association, Professionals Australia and the Health Services Commissioner. Input from all stakeholders has informed the amendments proposed in this bill.

This is a significant bill. The bill has some minor interactions with the right to privacy and the right to presumption of innocence under the Human Rights Act. The Attorney-General has considered the bill and issued a statement of compatibility with the Human Rights Act 2004. These interactions are further detailed in the explanatory statement accompanying the bill.

I want to thank the Standing Committee on Justice and Community Safety for their thorough consideration of the bill, particularly regarding the prohibition and control orders. As I advised in my response letter to the standing committee scrutiny process, I consider that the bill does not limit section 24 of the Human Rights Act 2004, which prevents the duplication of punishment for an offence. The purpose of an order prohibiting a healthcare worker from providing unsafe health services will be to protect the public from a serious risk to their health and safety if the worker were to continue to provide the service. Accordingly, the power to make the prohibition order is of a civil and regulatory nature, rather than punitive.

In making an order like this, the Health Services Commissioner must be satisfied that a serious public health and safety risk can be established separately, and in addition to, any offences under the bill. Any limitations on human rights are justifiable as reasonable limits set by laws in a free and democratic society, as required by section 28 of the Human Rights Act. Importantly, the bill also supports and strengthens the protection of several rights and objectives under the Human Rights Act.

The Human Rights Commission will take a proportionate approach to implementation and other arrangements, including going out proactively to all health workers and key stakeholder organisations including practice peak bodies, unions and Capital Health Network, with information on the code of conduct and their obligation to comply with the code of conduct. The Human Rights Commission will also work with the Health Care Consumers Association on an educational and promotional strategy for health workers and consumers. As noted, the Human Rights Commission will gain two full-time staff through the 2023-24 budget to support the work around implementation.

In summary, this bill, as with the regulation of health professionals under the National Registration and Accreditation Scheme, aims to protect the public, particularly those

who have accessed health services delivered by workers whose practice does not meet the national minimum standards of conduct and practice.

This bill represents the culmination of significant work over almost a decade by many people. I would like to take the opportunity to express my thanks to all those who have contributed to the development of this bill, including the Health Services Commissioner, the Health Care Consumers Association, staff across the ACT public service—particularly in the ACT Health Directorate and the Chief Minister’s directorate—and, of course, our industrial partners. I also want to thank my own office, who have worked diligently to bring everyone together and to ensure that we could get to this point.

This bill will protect the community, align the ACT with other jurisdictions and ensure that Canberrans can have greater confidence in the health services they receive. I commend the bill to the Assembly and welcome members’ support for this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Motor Accident Injuries Amendment Bill 2023**

Debate resumed from 9 February 2023, on motion by **Mr Steel**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.31): The Motor Accident Injuries Amendment Bill 2023 aims to improve the MAI Commission’s operational capacity by granting it regulatory tools to impose financial penalties against non-compliant insurers. It also contains technical amendments to the act to clarify legislative provisions and their implementation.

As the minister would be aware, the Motor Accident Injuries Act 2019 established the Motor Accident Injuries Scheme, a hybrid defined-benefits, common-law scheme providing compensation in the form of treatment, care and lost income benefits for a period of up to five years for individuals involved in a motor vehicle accident.

It replaced its predecessor, the Compulsory Third Party Insurance Scheme, which only covered individuals injured by a third-party at-fault driver. It established the MAI Commission, headed by a commissioner who is responsible for reviewing premiums, regulating insurer licences, monitoring compliance, monitoring the scheme itself and managing complaints about market practices.

There are currently four licensed insurers in the ACT who provide MAI compensation: GIO, NRMA, AAMI and APIA. Premiums are paid via fees to Access Canberra for vehicle registration. The purpose of this current bill is to increase the

commission's capacity to ensure insurer compliance with obligations by imposing financial penalties where insurers contravene defined benefit applications. It applies a two-tiered system, set out in proposed section 394A, whereby minor contraventions and serious contraventions can apply to insurers, based on a prescribed definition.

It increases the privacy of insured persons by requiring their consent for providing details as insurers seek a significant occupational impact in managing claims. It establishes a new section 124A, whereby an insurer is required to develop a recovery plan for the management of an injured person's treatment and care, in line with advice from the injured complainant's doctor. The insurer may suspend benefits where it is found that the complainant is not following treatment to a reasonable degree.

I note that there are amendments proposed to be moved, which were circulated last Thursday. They deal with the interaction between compensation under the MAI Scheme and workers compensation so that someone does not inadvertently get two sets of benefits from an accident that is related to work. They also implement consequential amendments as a result of the passage of the Road Safety Legislation Amendment Act 2023 earlier this month, so some oversight is being addressed.

I want to thank the minister and his department for the briefings held a week or so ago on the bill and earlier this week on the proposed amendments. The Canberra Liberals will be supporting the bill, as amended by these proposed amendments.

**MR BRADDOCK** (Yerrabi) (11.35): The Greens will be supporting this bill. The Motor Accidents Injury Scheme, which replaced the Compulsory Third Party Insurance Scheme, has been operating for several years. As you would reasonably expect, teething issues have been identified and necessary solutions that require legislation have been introduced. I would like to thank Mr Steel and the directorate for following through with this.

The reforms are quite straightforward and mostly technical, but one that I want to briefly talk about concerns the introduction of financial penalties for insurers. This is a good thing. Our laws and regulations need to have teeth. We have all heard stories about insurers who evade claims, who demand more evidence than anyone could reasonably provide or who simply fail to pay out. The community can reasonably expect our government to encourage and enforce compliance with our legislative scheme. Having a two-tiered penalty system with reasonable pathways for appeals and mediation fosters that good behaviour.

Likewise, having a requirement to report conduct that contravenes this scheme makes it clear where the government's expectations lie. With only a limited number of insurers in the market, insurers need to know that the government will not bend over for them and will fight for the interests of Canberrans. I think these provisions help to achieve this.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.36), in reply: The Motor Accident Injuries Act 2019 provides a comprehensive support scheme for people injured in a motor accident in the ACT. There is no need to prove fault to access defined benefits under the scheme, with a pathway to common law also being available to those with more serious injuries.

The Motor Accident Injuries Scheme has already provided support to over 1,200 Canberrans, following a motor accident. This support has been faster and more comprehensive than under the previous CTP insurance scheme. Premiums fell with the scheme's commencement and since then strong competition between insurers has seen passenger premiums now below \$400.

This bill will further strengthen the operation of the MAI Scheme by providing the Motor Accident Injuries Commission with additional regulatory tools and addressing minor and technical matters that have arisen since the commencement of the scheme.

This bill introduces a financial penalties regime and directional powers, allowing the MAI Commission to manage non-compliance by licensed insurers in a proactive and timely manner. The MAI Commission will be able to impose financial penalties on insurers who fail to comply with their licence or other obligations under the Motor Accident Injuries Act 2019.

These penalties will be based on a two-tiered system, with higher penalties applying to more serious contraventions, and with appropriate procedural fairness being adopted for each tier. Additionally, the bill will allow the MAI Commission to direct an insurer to take action in circumstances in which they are contravening or likely to contravene the legislation. This may include directing an insurer to rectify or avoid a contravention or otherwise comply with the legislation.

The notification of reportable conduct is modelled on a similar requirement under the Australian Financial Services Licensing Regime. This provides a formal pathway for insurers to report anything that they identify through their operations or compliance programs that causes or is likely to cause a significant contravention of the legislation. The new enforcement regime will ensure that insurers are held accountable for delivering timely and comprehensive benefits to Canberrans injured on our roads.

This bill also includes minor and technical amendments recommended by the commission, and learnings from the scheme's first two years of operation. These amendments do not change the substance of the MAI Scheme's design or its overall operation. They clarify or clean up provisions that may cause confusion in the application of the scheme's legislation. Importantly, they will make it easier for injured people to navigate through the scheme, including by providing greater certainty about the support that they can receive from the scheme. There is no reduction in the benefits available under the scheme, through the amendments.

I would like to thank those stakeholders who provided feedback during consultation on the bill. Their input has been valued and is reflected in this bill and the government amendments that I will move at the detail stage. This bill will further strengthen the regulatory framework and make other improvements to the operation of the MAI Scheme so that all Canberrans can receive the support they need if they are injured in a motor accident. I commend the bill to the Legislative Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.



## Detail stage

Bill, by leave, taken as a whole.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.40), by leave: I move amendments Nos 1 to 11 circulated in my name together [*see schedule 2 at page 2079*] and table a supplementary explanatory statement to the amendments.

I am moving amendments that will further enhance the Motor Accident Injuries Amendment Bill. While undertaking consultation on the MAI Amendment Bill, an issue was raised in relation to the interactions between the MAI Scheme and the workers compensation schemes. The government has undertaken further targeted consultation on amendments to provide certainty regarding an injured person's entitlements under the Motor Accident Injuries Scheme.

The amendments are to address the interaction between the two schemes. In certain circumstances, an injured person may have dual insurance, allowing them to receive defined benefits entitlements under the Motor Accident Injuries Scheme and statutory benefits under workers compensation. Section 50 of the act was intended to prevent an injured person receiving benefits from both insurance schemes, to help manage the costs of both schemes and thus assist in keeping premiums down.

The amendments will clarify that entitlements to defined benefits under the MAI Scheme for an injured person will end when a workers compensation insurer accepts the claim or it is otherwise settled by the insurer. This will close a potential loophole in the original legislation. An application to the MAI Scheme can still be revived, in the event that liability for the workers compensation claim is rejected by the insurer.

In response to comments made during consultation, further clarity will also be provided by aligning terminology in the Motor Accident Injuries Act 2019 with the terminology used in workers compensation legislation. The amendments will also clarify that a person who remains in their workers compensation scheme and receives benefits from the scheme will not then be prevented from making a common-law damage claim under the MAI Scheme.

In addition, the proposed amendments will address technical and minor drafting issues that have arisen since the presentation of the bill. A consequential amendment will list a new aggravated offence in road transport legislation, being for racing, attempts on speed records or speed trials, as a serious offence for the purposes of ending defined benefit entitlements under the scheme. This applies to conduct that is consistent with other serious offences that cause or increase the risk of serious injuries or death from a motor accident.

Minor corrections and editorial changes are also made to the clauses in the bill and the act. These amendments will ensure best legislative practice and alignment with other legislation. I commend these government amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

**Sitting suspended from 11.44 am to 2 pm.**

## **Questions without notice**

### **Early childhood education—Whitlam school**

**MR HANSON:** My question is to the Minister for Education and Youth Affairs. I refer to reports that the Whitlam school is set to be delayed, with residents reported to be “deeply disappointed”. Minister, what impact will this delay have on students and parents who were relying on this school to open?

**MS BERRY:** Unfortunately, the Whitlam school has been delayed. Like many of our infrastructure projects in general across the ACT, there have been delays, primarily caused by COVID but also construction work and supply. Unfortunately, our schools have also been impacted by that, as the Whitlam school has. There is capacity in schools in the Molonglo area for students to be able to attend. I know it is not ideal for residents of Whitlam, and we will keep the community informed about how that school progresses. I understand it is not ideal for the school not to have been built in the time we would have hoped, but the issues around the construction of that school are out of our control at this point in time.

**MR HANSON:** What impact will this have on other schools across the system? Will that require further demountables at those schools?

**MS BERRY:** No, it will not cause any problems and it will not result in more demountables at schools in the Molonglo area. I believe that there is capacity in the short term for students to attend schools in that area while the Whitlam school is being constructed.

**MR COCKS:** Minister, are there enough classrooms and teachers in our system to cope with demand?

**MS BERRY:** Thank you, Mr Cocks. As you will know, there is a challenge right now across the country, and the ACT is experiencing that as well with regard to teacher recruitment and retention. The ACT has just finalised an enterprise agreement with teachers in our ACT public schools which provides the highest pay in the country, as well as the best conditions, in my view, for retaining teachers in the ACT. The other issue that teachers raised with me is around conditions at work and workload. We work very closely with the Education Union to ensure that we address those issues with people who are working on the ground to ensure that we can retain the very best teachers in our system and at the highest pay.

Nationally, we are also working on a taskforce plan around retention of the teachers across the city. We were the first, in the ACT, to develop our own taskforce to work through these issues and we will continue to do that, working very closely.

Teachers in our schools right now are also being challenged, as I discussed yesterday, with issues around the long tail of COVID, as well as the flu season, impacting teacher engagement and presence at schools and in those environments, but we are working very closely with our schools to overcome that. I want to acknowledge that, even through these difficult circumstances, teachers are doing their very best to provide a great education for young people.

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

**MR CAIN:** My question is to the Special Minister of State. I refer to the front page of today's *Canberra Times*, which is headlined, "\$76m blown on 'deficient' HR project". You are quoted as saying:

... upgrades to the existing HR and payroll systems were not properly scoped at the beginning, which is the approach we are now pursuing at less risk and cost to the territory...

Minister, when did you come to this realisation?

**MR STEEL:** I thank the member for his question. This is a long-running project that has been going since 27 to create a new human resource management system for the territory. We have now been informed that at the time the business case came forward, the option of upgrading the existing HR Chris21 systems was discounted as an option; so, a different solution, which was a brand new solution, was preferred at that time.

We have come to understand that issue as a result of several reviews, both technical and non-technical, that have been undertaken since the program pause started on the HRIMS project following the issues with deliverables of the program since December 2020. Now that we understand that that option is a preferable option, the government has made a decision through the budget process to now pursue the existing upgrades.

**Mr Cain:** On a point of order. My question is simple: when did the minister realise this project was not properly scoped? When did he realise that?

**MADAM SPEAKER:** The answer was in order. Mr Steel, you have 30 seconds left, if you want.

**MR STEEL:** In December 2022, informed by independent technical and non-technical assessments of the program, options to address the government's immediate payroll and HR requirements were reconsidered.

**MR CAIN:** Minister, what actions have you taken personally to reel in this project, which has seen 23 contractors since 2016, since being made aware of this deficiency?

**MR STEEL:** I thank the member for his question. I have been Special Minister of State since November 2020, and at that time we became aware that the first program deliverable was going to be unachievable by the delivery date of December 2020. At that point we made changes to the governance of the project, with the Chief Digital

Officer and the Digital, Data and Technology Solutions Group taking over responsibility of the program of work.

The HRIMS program was originally scheduled to deliver that first release in December, so that was the point we became aware that it was certainly not going to be on track.

*Mr Cain interjecting—*

**MADAM SPEAKER:** Mr Cain!

**MR STEEL:** Then the program was paused in September 2021 to enable an assessment of the issues and to reset the program. In December 2022, informed by the independent technical and non-technical assessments of the program, we then considered options to address the government's immediate payroll HR requirements. Those options to address the government's immediate requirements were then put forward as part of the 2023-24 budget process for decision, and that decision was announced yesterday.

**MS CASTLEY:** What is the current state of the program?

**MR STEEL:** The program will not continue on the HRIMS project. That was the decision we made through the budget process yesterday. There have been some deliverables for the project, including a new learning management system that is up and running and is available. It is being used by public servants across the territory, and there has certainly been significant learnings through this project around business processes which will carry forward into the upgrades of the existing systems.

### **Housing ACT—asset stock**

**MR DAVIS:** My question is for the Minister for Housing and Suburban Development. Minister, the Parliamentary and Governing Agreement between our two parties sets a goal for 400 new public homes by 2025, with the government seeking to meet this goal largely through the construction of new homes. However, we understand that workforce challenges and supply chain issues have raised challenges in meeting that goal. This led to the recent tri-partisan Select Committee Inquiry into Cost of Living Pressures in the ACT recommending that the ACT government recommit and honour its ambition to increase the public housing portfolio by 400 properties by 2025.

Minister, so far this Assembly term, how much money has the ACT government spent, as opposed to appropriated, on the construction of new public housing properties and how many new houses has that delivered?

**MS BERRY:** On the first part of Mr Davis's comments with regard to the government's commitment to aim to build an additional 400 homes, as well as a 1,000 growth and renewal, that is a commitment we stand by. It is our intention that those homes will be, at the very least, in construction by the end of this term. However, as is stated in the PAGA, as well as more recently when we have had to extend the timeframes for when homes will be completed, we understood that when we took that aim and that aspiration to build those increased numbers of home that there were

challenges with actually completing those and unfortunately those challenges have come to light. Indeed, as with the previous questions around infrastructure and construction costs and supply of construction materials, housing has been impacted by that as well.

For this term, or in fact over the last decade, spending on housing and housing growth and renewal in the ACT has been increasing every year. In this term of the government it continues to increase. In 2020-2021 Housing ACT spent \$319 million on Housing ACT expenditure. In 2021-2022 we spent \$331 million and in this financial year we spent \$369 million. In the budget we have allocated \$512 million for the next financial year.

**Mr Davis:** A point of order at the end of the question, Madam Speaker. Could I get the numbers of how many properties that has built?

**MADAM SPEAKER:** The question has been answered. A supplementary?

**MR DAVIS:** Yes, a supplementary.

How much money has the government spent so far this Assembly term, as opposed to appropriated—actually spent—on the purchase of new established properties from the private market? How many homes has that delivered?

**MS BERRY:** All of that data is point of time, so I will have to take that question on notice and provide information on where that program is up to.

**MS CLAY:** Minister, how much money has the ACT government made so far this term from the sale of public housing properties and how many properties has the government sold?

**MS BERRY:** Again, Madam Speaker, I will have to take that question on notice. Of course every home that is sold or demolished is replaced with one thousand new properties and in addition to that we intend to build on our stock of another 400 homes.

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

**MR CAIN:** Madam Speaker, my question is to the Special Minister of State. Minister, the project to deliver a new human resources and learning management system has engaged 23 contractors since 2016. Will you table in this Assembly the business cases for this project and, if not, why not?

**MR STEEL:** I will take that on notice.

**MR CAIN:** Minister, will you table the project management plan?

**MR STEEL:** I will take that on notice.

**MS CASTLEY:** Was an off-the-shelf option for a new HR system considered by the government?

**MR STEEL:** I thank the member for her question. As has already been announced, we are looking at upgrading the existing systems that are operated by the ACT government. The reviews that were undertaken found that an initial option to look at upgrading the existing systems was discounted early on in the project. That is disappointing. We believe that those options would come at less risk and cost to the territory, and that is what we are pursuing.

The HRIMS system, which is based on an SAP SuccessFactors platform, is one that is used by a range of large organisations around Australia and the world. That was something that we were looking to adopt. That was the preferred option early on in the project because the other options had been discounted at the time. Now that we have a better understanding of the options, we have made the decision, through the budget process, to upgrade our existing systems, which is at lesser scope but one that we think will be less risk for the territory.

### **Economy—budget review**

**DR PATERSON:** My question is to the Chief Minister. Chief Minister, what are some of the risks and opportunities facing the ACT economy over the next 12 months?

**MR BARR:** I thank Dr Paterson for the question. There is no doubt that our economy, whilst remaining robust and one that has a positive outlook for the coming years, does face some short-term risks associated with inflation and interest rate increases. Pleasingly, today's inflation data shows that it would appear that inflation has peaked and is now coming down.

Our territory's booming population growth, the strongest labour market in the country and an increasingly diversified economy are a very strong platform upon which to ride out these inflation pressures and the interest rate increases. Hopefully, today's inflation data will give the Reserve Bank pause for thought before issuing any further rate increases.

We note that our economic outlook does have risks associated with what happens with inflation—things beyond our control, like geopolitical instability; and, of course, that flowed through into volatility in international financial markets. But, consistent with the Reserve Bank's statement on monetary policy and the commonwealth budget this year, inflation is assumed to have peaked, and the data today, I think, confirms that it is beginning to ease.

Interest rates and cost of living pressures, though, will temper household consumption in the coming 12 months, and we think they may also impact on business investment in the short term. Pleasingly, the ACT export sector has rebounded really strongly from COVID and will play a strong role in driving economic growth for the territory in the coming year, along with robust growth in employment and wages.

**DR PATERSON:** Chief Minister, what are some of the actions that the ACT government is undertaking to address the unequal impacts of inflation?

**MR BARR:** Again, I thank Dr Paterson for the question. We acknowledge that cost of living pressures are being felt. We also acknowledge that Canberrans generally enjoy a high standard of living. But there are some in our community for whom life is very tough at the moment. That is why, in the budget, we significantly extended eligibility for the territory's single largest rebate.

We offer a range of targeted rebates, subsidies, concessions and discounts to support those in the community who need them most. Adding 12,000 additional households to the \$800 territory utilities payment, taking eligibility up to nearly a quarter of all households in the territory, will make a significant difference in the coming 12 months.

Beyond that headline measure, we have also in the budget made allowance for an additional payment of \$250 to the households on Housing ACT's priority housing waiting list. We have increased the taxi subsidy scheme's cap by 15 per cent, and we have increased the means testing of income for access to legal aid assistance, to better align with cost of living and to support more Canberrans to access legal representation. The cost of living has been a key consideration throughout the budget preparation. I thank the committee that undertook some work on behalf of this Assembly and the recommendations that it made.

Beyond the changes that we have announced in this budget, the government intends to review other aspects of our targeted assistance strategy, and we will make some further announcements regarding this process in the coming months.

**MR PETTERSSON:** Chief Minister, given we have been in a full employment environment for well over a year, what measures will the government be taking to increase labour supply?

**MR BARR:** I thank Mr Pettersson for the question. I think it is clear that continuing to have some of the best employment conditions in the country will mean that Canberra will continue to be one of the fastest growing cities in the country. In addition to investment in skills, on which Minister Steel is working very closely with Minister O'Connor, as part of the national skills agreement that we hope to finalise this year, we are also working to attract skilled migrants to Canberra to fill the job vacancies we have in our economy.

This approach is clearly working, as we are the fastest growing jurisdiction in Australia. The population is estimated to grow by 2¼ per cent in the current fiscal year, which is half a per cent higher than we thought and anticipated even back in February. In the budget we are projecting that growth will stay at or above two per cent across the forward estimates.

As I mentioned yesterday, this is a very clear indication that people are voting with their feet and want to live in Canberra. Overseas and interstate migration, along with natural increase, are all forecast to contribute to our population growth, and our task is to manage that growth; hence the focus on housing and on planning system reform.

At the last election, we were told that people were abandoning Canberra en masse; that apparently half the city was moving to Queanbeyan or elsewhere. The evidence is

clearly in that that was not true; in fact, we are seeing that this city is the fastest growing in the nation, certainly between the last two census periods. Why? Because we are a great place to live.

**Mr Parton:** It's because of my TikTok, mate.

**MR BARR:** In acknowledgement of that quality interjection from Mr Parton, I dip my lid.

**MADAM SPEAKER:** That sounds like encouragement, Chief Minister!

### **Budget—fines revenue**

**MR PARTON:** My question is to the Chief Minister, as Treasurer. The 2023-24 budget outlook states that total fines revenue will rise from \$51 million in 2023-24 to almost \$66 million in 2024-25 and then to \$104 million in 2025-26. Chief Minister, why is the fines revenue going to double in two years?

**Mr Rattenbury:** Mrs Jones is going to be driving around more? Too soon?

**MR BARR:** Speaking of quality interjections, Mr Rattenbury! Glad that one wasn't picked up on the audio, but I certainly heard it.

**Mr Hanson:** Madam Speaker, is there a new rule where, if they are good interjections, they are picked up but, if they are not good interjections, they are not picked up?

**MADAM SPEAKER:** I am not going to make a ruling on that one. I did not get Mr Rattenbury's comments. So someone will have to share that at some point. But not now Mr Rattenbury.

**MR BARR:** I think if we can raise the quality of interjections, Mr Hanson, that will go a long way to making this place—quality over quantity.

In relation to Mr Parton's question, there certainly are some new technologies that are currently being utilised in a trial phase that will go online after a period of warning for the community. And, of course, we are investing in more police, who are going to have a more active role in road safety.

**MR PARTON:** Will this increase in fines revenue impact heavily on the cost of living for regular Canberrans? It is a lot of money.

**MR BARR:** Fines are a voluntary taxation.

**Mr Parton:** Voluntary? So you do not have to pay them?

**MR BARR:** Voluntary, in that, if you do not commit the offence, you do not pay the fine.

*Opposition members interjecting—*



**MADAM SPEAKER:** Let us just put a line under the interjections competition.

**MR COCKS:** Chief Minister, what enforcement resources will be needed to produce this massive increase in revenue?

**MR BARR:** Thank you. I did obviously allude to a couple of examples in my response to Mr Parton's opening question. As I indicated, there is new technology currently in a trial phase in the territory, and we are increasing police responses with a particular focus on road safety.

### **Gaming—betting operations tax**

**MR PARTON:** My question is to the Treasurer. Treasurer, the budget papers reveal that the betting operations tax will again be increased, by 25 per cent this time, in the ACT, well ahead of every other state and territory. This decision is likely to mean that corporate bookmakers will downgrade their offerings online for the Canberra racing product which will impact turnover on our races, which in turn will severely impact revenue for our thoroughbred and harness racing clubs. Why did you not consult with the racing clubs ahead of this decision, given the huge effect that it is likely to have on their viability?

**MR BARR:** I think Mr Parton is overstating the impact of the tax increase. I do note that other jurisdictions have also increased this revenue line in this budget round.

**Mr Parton:** Not to the same extent.

**MR BARR:** No—we have some at 20 per cent now and others that are moving towards that. But I want to commend the observations of Dr Paterson on the radio this morning, both her observations on the impact across these companies' revenue streams and, indeed, her observations on what is coming federally, clearly, in relation to bans on advertising for this particular industry. That is out of control.

**Mr Parton:** Madam Speaker, on a point of order on relevance: the question has nothing to do with online advertising for gaming. It is about consultation with the race clubs regarding this change to the betting operations tax. I would ask the Chief Minister to be relevant.

**MADAM SPEAKER:** He was relevant to it. He was just providing additional information. Chief Minister, do you have anything else to add?

**MR BARR:** No. I have completed my answer.

**MR PARTON:** Chief Minister, are you trying to starve racing to death in the ACT?

**MR BARR:** No.

**MR HANSON:** Chief Minister, can you rule out the compulsory acquisition of Thoroughbred Park?

**MR BARR:** Yes, I can.

**Lower Molonglo Water Quality Control Centre—wastewater treatment**

**MS CLAY:** My question is to the minister for water. At Belconnen Community Council on 20 June, Icon Water told us about treatment at the Lower Molonglo Water Quality Control Centre in Holt. Residents raised various concerns.

Can you tell me what existing water treatment methods are in use out at the centre, and what new treatment method is proposed?

**MR RATTENBURY:** The Lower Molonglo Water Quality Control Centre was built in the mid-1970s and is currently on schedule for an upgrade. It was built to service the needs of a population of around 400,000 people. We have obviously exceeded that now, and the site has the potential to be extended to serve up to one million people.

The site can be split into primary, secondary and tertiary treatment processes, and these employ a series of techniques including physical, chemical and biological treatment processes. The treated effluent is water discharged into the Molonglo River under an environmental authorisation, which then flows into the Murrumbidgee River. They are the current methods—to go to Ms Clay's question.

In terms of the new treatment methods, there are a number of proposals that have been put forward by Icon Water to upgrade various parts of the facility. These include the replacement of the existing furnaces, which is about renewing current technology, and then upgrade of the secondary treatment bioreactors, which is very much about the population growth of the territory.

Icon Water has also commenced a sewer master planning exercise to identify how to increase the capacity of sewerage collection and treatment infrastructure across Canberra over the next 50 years—again, to deal with that question of a growing population and ensuring the quality of the treatment of the water is adequate.

**MS CLAY:** How will the centre manage odours to make sure they do not impact on residents nearby in Holt and in Ginninderry?

**MR RATTENBURY:** This is obviously a really important consideration. Whilst many people do not know where the sewerage treatment plant is, because it is quite a long way towards the edge of the city, obviously those in the nearby areas of Belconnen will have a particular interest in this question.

Odour modelling has been undertaken under the supervision of a working group comprising the Environment Protection Authority, Icon Water and the Environment, Planning and Sustainable Development Directorate. The study is overseen by a project auditor who reports to the Environment Protection Authority.

Icon Water did conduct a multi-criteria analysis of technological solutions to control odours from the odorous areas of the plant, and that work has now been completed. The projects are now at a concept design stage, with consultation with stakeholders currently underway, and they will be subject to the development of a business case and approval processes. The total cost of these projects is around \$15 to \$20 million.

Importantly, there is a buffer zone around the Lower Molonglo Water Quality Control Centre, and that is set under the Territory Plan to preclude residential development within that buffer zone. So, between the technological response of containing the odours, and the application of the buffer zone, the intent is that residents will not be affected by odours arising from the plant.

**MR BRADDOCK:** What standard is in place to protect the river downstream, and is it adequate to protect that water?

**MR RATTENBURY:** The centre is covered by environmental authorisation, which is issued to Icon Water by the Environment Protection Authority, and that sets discharge water quality criteria of the treated effluent. Performance results are reported to the EPA on a monthly basis. Treated water leaving the plant is required to meet a range of water quality criteria, including: dissolved solids, total phosphorous, nitrogen, suspended solids, ammonia, chlorine and coliform. There are quite a number of benchmarks there.

The performance of the Lower Molonglo Water Quality Control Centre is generally compliant with the environmental authorisation under normal operating conditions. Icon Water advise that the treatment processes ensure that water discharge to the Molonglo River will not affect the environment. The upgrades to the plant are intended to improve that. Again, it is obviously an aging plant, and technology has improved in the intervening years. So, these new upgrades that are being sought by Icon Water, and that have been approved through their price determination this year to enable them to spend a certain amount of capital on these projects, are very much designed to ensure those current standards are met and to use the latest technology to ensure the water being discharged from the plant is of the highest quality and does not have an environmental impact on the river.

### **Federal government—infrastructure investment**

**MR PETTERSSON:** My question is to the Chief Minister. Chief Minister, how is the commonwealth government supporting the ACT to deliver our infrastructure priorities?

**MR BARR:** I thank Mr Pettersson for the question. The short answer is they are engaged and at the table and working with us, which is a remarkable contrast to what we had experienced prior to the election of this government. The federal government respects this jurisdiction as a self-determining jurisdiction, a self-governing jurisdiction. They want to work with us, not against us, in the delivery of our city's infrastructure needs. The budget we delivered yesterday demonstrates the start of many shared infrastructure priorities between the two levels of government—whether that is through the implementation of the National Housing Accord, through co-investment in active transport projects, co-investment in light rail, co-investment in new education facilities; the commonwealth contribution towards the youth foyer and student housing at the CIT Woden is another practical example. Their support and partnership with the territory on the renewal of the AIS arena is another practical example. They partner with us in the delivery of a number of important projects across many areas of our city's infrastructure needs. It is fantastic to have a partner working with us, not against us.

**MR PETTERSSON:** Chief Minister, what are other areas of focus in federal financial relations over the coming six to 12 months?

**MR BARR:** There is a significant work program for the Council on Federal Financial Relations over the next six to 12 months. We are working closely with the federal government to ensure that across the projects that treasurers' have oversight of—housing, health, skills, environment, climate change, NDIS and transport infrastructure—we are engaged as both treasurers and through the national cabinet as first ministers on each of these important national partnerships or national reform initiatives. Resolving the federal governments position on the GST 'no worse off' guarantee though is a significant matter for the states and territories. I think it is necessary to resolve this matter in the coming financial year so as the states and territories go into their 2024-2025 budget process we can do so with confidence in relation to our single largest revenue source.

**MS ORR:** Chief Minister, how is the engagement with the current federal government different to that of the previous federal government?

**MR BARR:** It could only be described as light years apart. We get early engagement on shared priorities. The states and territories are considered a partner in the delivery of solutions, rather than the enemy. There is a willingness from the commonwealth to substantially engage with the states and territories, to work together to solve complex problems.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members.

**MR BARR:** As someone who endured 67 national cabinet meetings under the previous government and now has been able to be involved in about a dozen with the new government, light years apart, Madam Speaker.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR BARR:** Light years apart.

**MADAM SPEAKER:** Thank you, Mr Barr.

### **Transport Canberra—bus services**

**MRS KIKKERT:** Madam Speaker, my question is to the Minister for Transport and City Services. Minister, you cut over a dozen bus services in Ginninderra in the last network update. The new network now has the last bus from Civic to Belconnen leaving at 11.13 pm on weekdays. It used to be 12.17 am. MyWay data indicates that you may have left over 25 people a day who used to board a bus between those times without an affordable way home.

One of those people is Dimitri, who is here in the gallery. Welcome, Dimitri. Dimitri is a low income worker with multiple jobs. He was forced to quit his job at a pub after you cut his only affordable way home. He doesn't drive and he cannot afford late-night taxi fares, which can be as high as \$88. Minister, what replacement income or taxi fare supplement can you offer people like Dimitri after your actions caused them to lose their jobs?

**MR STEEL:** I thank the member for her question. As she is aware, because I have provided her with the data on a couple of occasions, there are a small number of people who use those bus services, particularly on weekdays. There are very few people who use them during a particular time in the night. We have to balance a range of different competing factors—the Chief Minister spoke to this in answer to questions that you asked in the last sitting week—around the coverage, schedule and frequency of bus services.

We try to do our best to accommodate as many people as we can on the public transport system. We have made changes to the timetable in recent times which reflect the period that we are in, in terms of disruption on the road transport network, which has meant that we have had to adjust the schedule of bus services, operating times and also frequency to make sure that we are providing good, reliable services, particularly at peak times, when most people are using the public transport system.

I certainly acknowledge that a small number of people have been affected. You would have seen in the budget yesterday that there has been extra funding for recruiting more bus operators, as we look towards a new timetable, which is currently being worked on by Transport Canberra, where we will look to address, based on community feedback on the current bus timetable, some of the issues that you have raised, as well as many others that we try to address on an annual basis.

**MRS KIKKERT:** Minister, should people who rely on late-night bus services for transport to and from work be worried about their job security, given that you can just cancel their bus services whenever you want, without providing an alternative?

**MR STEEL:** I thank the member for her question. We do adjust timetables every year. We do so based on community feedback. We look at the data, through our ticketing system, on when people are using services. We try and accommodate as many of those needs as possible. We certainly acknowledge that some people may not be able to access public transport systems because some of them are working late at night, for example. They will have to seek out other types of transport that are available.

We will continue to look at how we can accommodate as many people as possible, whilst also making sure that we provide frequent and reliable services to encourage even more people to use public transport. We have seen people coming back onto public transport since the impacts of the pandemic. We are looking at further improving that with the budget funding that we announced yesterday.

**MR PARTON:** Minister, why isn't your government able to retain enough bus drivers to operate these late-night services?

**MR STEEL:** I thank the member for his question. We are in the same situation as many other bus operators right around the country, with the very low unemployment rate and workforce shortages, particularly in the transport sector. We are currently out recruiting more bus drivers. We have been more successful than other jurisdictions in doing that, but there are certainly still challenges in that. Providing them with good rates of pay and conditions is part of that.

We are engaged in an enterprise bargaining negotiation at the moment, which is not over and which we are looking forward to concluding, potentially providing better pay and conditions to that workforce so that we can have bus drivers available to deliver services at times when Canberrans want to use them. We have heard that Canberrans want to use them at the weekend and late at night. We want to provide more frequency during those times. That has been a major topic of discussion, as part of that interest-based bargaining process that we have been going through with the Transport Workers Union and other employee representatives.

### **Yerrabi Pond—lighting**

**MR BRADDOCK:** My question is to the minister for city services. Minister, I am very grateful for the budget announcement to increase lighting around Yerrabi Pond. Can you please provide some further detail on this and on how people will be able to walk, ride or scoot their way around the pond safely?

**MR STEEL:** I thank Mr Braddock for his question. This brings together two of his passions—Yerrabi Pond and lighting—into one question. Yes, I was pleased to announce \$3.2 million in upgrades to Yerrabi Pond, delivering on some of Labor's election commitments to improve parking around the pond, better picnic facilities, new toilets on both sides of the lake, and some more lighting. I am informed that the intent is to provide lighting right around the lake so that people can engage in recreation, walking, cycling and other activities all the way around the beautiful Yerrabi Pond. We are looking forward to delivering those, and I look forward to updating Mr Braddock on the designs as they progress, before construction begins.

**MR BRADDOCK:** Minister, will this include lighting for the skate park, as I called for in a petition?

**MR STEEL:** I thank the member for his question. I am happy to consider that request, as part of the design. We are certainly aware that it is not just about people walking and cycling on the existing paths around the pond; there are other activities happening. I am happy to consider that request.

**MS CLAY:** Minister, can you tell me whether you will be improving lighting around Lake Ginninderra?

**Mr Hanson:** Madam Speaker, that is two in a row calling for announcements of policy. They are both out of order.

**MADAM SPEAKER:** The minister is yet to answer, but I am sure he can answer within scope and without breaking the standing orders.

**MR STEEL:** I will not speak to the point of order, but I did actually announce this yesterday in the debate on the lighting question. As part of the work that has been done on feasibility of improvements to the active travel paths around Lake Ginninderra, lighting was certainly part of that. The funding that has been provided as part of the active travel package, a \$26 million package in the budget for improvements to the paths around Lake Ginninderra, will also include some lighting improvements. We will be going through a period of design on that project. Again, I am happy to update the member once we have progressed through that design process.

### **Energy—electricity grid**

**MR COCKS:** My question is to the Minister for Energy. Minister, at the recent Assembly hearing into Canberra's electric vehicle transition, you stated that your government had in 2022 commissioned research from GHD and ACIL Allen into just what effect the combination of the gas transition and the growing uptake of EVs would have on the ACT's electricity grid.

What has prompted you to now seek fresh modelling less than a year on from the first set of data? Is there a concern that the network will not be able to sustain and deal with the peaks in coming months and years?

**MR RATTENBURY:** As I outlined in the hearing when I was discussing this matter the other day, the reason for retesting the modelling is that we have seen a very significant increase in the rate of purchase of electric vehicles in the ACT.

As members will have seen, for this calendar year so far, one in five new vehicles being registered in the territory is an electric vehicle. This has more than doubled the uptake in the rate of the rest of Australia. So real kudos to the Canberra community for getting behind this technology of the future.

Given that rate of uptake, we want to rerun the modelling to consider whether there is any further work that needs to be done. I think it is very important that we do this to seek to stay ahead of the curve.

Right across the country, governments are contemplating what these changes will mean, and energy ministers nationally are working together to identify the sorts of rule changes we might need for the national electricity market and to share knowledge on the infrastructure challenges that this is raising. So I think it is quite prudent to continue to do this, because we are working in a fast-moving environment. Seeing that, in Australia, the ACT is at the front of this transition, that raises questions that we need to make sure that we are thinking about.

**MR COCKS:** Minister, why did Evoenergy's evidence at the Assembly hearing contradict yours with regard to the impact that EV uptake will have on the electricity grid?

**MR RATTENBURY:** I do not accept the premise of the question. The ACT government has been working very closely with Evoenergy. Both organisations are doing a range of modelling and there is some diversity in that, including, for example,

on the cost impact, where Evoenergy has predicted an annual cost impact of around \$7 needed to upgrade the grid in the ACT, and the ACT government modelling shows a band from savings of around \$10 a year to an increase in around \$10 a year. These are not wildly different numbers. They are different, but they are not wildly different.

What it also reflects is that there is a range of factors here. Population growth is probably the biggest impact on what is happening to our electricity grid, how much we need to upgrade it and the different infrastructure to be put in place. But, obviously, the uptake of electric vehicles and the intent to electrify the city will also have impacts.

What I can assure the community is that the ACT government is working very closely with Evoenergy. They are a key partner in this transition.

**MS CASTLEY:** Minister, can you guarantee that there will be no brownouts in Canberra in coming years as a consequence of our rapid transition to EVs?

**MR RATTENBURY:** I will take that question in two parts, so that I am absolutely accurate for the Assembly. The government cannot guarantee that there will be no brownouts, because they have happened in recent years. We have seen it where coal-fired power stations in New South Wales have shut down because of extreme heat, and that has an impact on the electricity grid and it impacts the ACT.

**Mr Parton:** So we needed the coal?

**MR RATTENBURY:** Mr Parton interjects saying that we need coal. I know that that is his view of the world, that we need coal. But the reality is that it is the coal-fired power stations that are shutting down—

**Mr Parton:** Is your view that we do not need coal anymore?

**MADAM SPEAKER:** Members, the question has been asked.

**Mr Parton:** Is it your view that we no longer need coal?

**MADAM SPEAKER:** This is not a discussion.

**MR RATTENBURY:** To go to Ms Castley's question, which is what I was trying to answer, the point is that we have seen various issues with the electricity grid in recent years—so these will happen. In terms of her question on whether that will be driven by electric vehicles and/or the transition from gas to electricity, I do not believe it will. Those factors are being taken into account.

We are also seeing a number of changes in the electricity grid. With the installation of solar panels and the installation of batteries, we are seeing a decentralisation of our energy supplies. So the old style thing where you have loss of a transmission or the shutdown of a coal-fired power station impacting large suburbs will be ameliorated by the new technology that is coming through, particularly if we can also get electric vehicles plugged in through vehicle-to-grid technology. That will actually provide more reliability, and the areas that do suffer blackouts or brownouts will actually be smaller as a result of the decentralisation of the electricity grid.



**Budget 2023-2024—fiscal strategy**

**MS ORR:** My question is to the Chief Minister. Chief Minister, the budget you delivered yesterday showed a \$400 million improvement. Can you please update the Assembly on the fiscal position and medium-term strategy taken by the government?

**MR BARR:** I thank Ms Orr for the question. The \$400 million improvement in the territory's fiscal position in this budget builds on the \$800 million improvement in the last budget. The government is now projecting our headline net operating balance to reach surplus in the fiscal year 2025-26 to the tune of around \$140 million, and then that surplus to increase to around \$212 million in the fiscal year 2026-27. Importantly, the territory's operating cash surplus is forecast to reach \$712 million in 2026-27. We are particularly focused as we make important investments in services now and we invest in the infrastructure that our growing city will need, but also in undertaking fiscal repair. This budget, building on the last budget, sees a \$1.2 billion cumulative improvement in the forward estimates period for the territory.

**MS ORR:** Chief Minister, how does this \$400 million improvement build on previous fiscal repair after the impacts of COVID-19?

**MR BARR:** As I mentioned, there was the \$800 million improvement last year and the \$400 million improvement this year, and there were earlier improvements from the peak of the COVID impact. What is driving this improvement is economic growth and a more accurate count of the territory's population. What the Australian Bureau of Statistics found when they did the census in 2021 is that they had been chronically undercounting Canberra's population. They got it wrong by five per cent. The effect of that is that, for several years previously, the ACT was being duded hundreds of millions of dollars of GST revenue. We are working closely with the ABS to address the methodology of their assessment of the estimated residential population.

To the great credit of the ABS, they are very good at knowing who was born and who died in any given year. They are also very good at knowing who has come into the country. They are less good at understanding, once people are in Australia, which state or territory they live in, so that is the area that we are focusing on. That is important because, largely, the reason they were undercounting our population was that they were assuming that more people were leaving the territory than were coming in—perhaps an assumption that the Canberra Liberals made last time in a bit of a political mistake, clearly. What has actually been happening is that our population has been growing rapidly—the fastest of any state or territory. That feeds into our GST revenue and it feeds into our revenues from the commonwealth for health, education and skills. The larger the population, clearly, the more revenue the territory receives.  
*(Time expired.)*

**DR PATERSON:** Chief Minister, what is the fiscal strategy to reduce debt as a share of gross state product beyond the forward estimates?

**MR BARR:** In the short term, we will use those large operating cash surpluses as the means to fund a lot of our infrastructure—our health, school and transport infrastructure projects. Looking forward beyond the next four years and into the

early 2030s—that is, within the next decade—the government will have fully funded the territory’s superannuation liability, so it will no longer be required to make a large annual budget appropriation equivalent to the benefit payments for that scheme. What this means is that the money that we currently use to meet that long-term superannuation liability will be available for other purposes, including paying down debt or financing future infrastructure.

To give people a sense of the size of that, over the next four years that budget appropriation is \$1.7 billion. So, as we get into the 2030s, we will have fully met that liability. We will also have completed tax reform over its 20-year journey by the early 2030s and the territory will be well set up in the next decade and beyond, with the government having invested in 50-plus-year infrastructure assets that meet the needs of our growing city. That is the fiscal strategy: investing now, with a long-term plan to address the territory’s fiscal sustainability.

On that note, I award Mr Parton and Mr Rattenbury jointly the best interjections of the day, and ask that all further questions be placed on the notice paper.

## **Answers to questions on notice**

### **Questions 1139 and 1176**

**MS STEPHEN-SMITH:** Yesterday I provided an update for Ms Castley in relation to some outstanding questions on notice. I said yesterday that, in relation to question 1176, I thought I had seen that. I was actually thinking of 1139, which I had in fact signed. I have checked with my office and 1176 is subject to Canberra Health Services and the Health Directorate working to ensure that they are providing a response to the question on a consistent basis. We will get that to Ms Castley as soon as possible. I can confirm that that question will also cover off the question to Ms Davidson, so it will cover off both health and mental health when it is received.

## **Supplementary answer to question without notice**

### **Housing ACT—asset stock**

**MS BERRY:** I want to correct something I said earlier in response to a question by Mr Davis. I said that housing would be under construction in 2024; they will be under contract in 2025, and the whole program will be realised in 2027, when we will see a 20 per cent renewal of our public housing stock, as well as a four per cent increase.

I also want to mention additional funding that is coming our way through the federal government for more social and affordable housing in the ACT, which is through the \$50 million accelerator fund from the federal government, which we have talked about previously in this space. I will be developing a plan to present to cabinet for the Chief Minister to take to first ministers, about how we spend that \$50 million to enhance our existing public housing growth and renewal program. I also note—

*Mr Hanson interjecting—*

**MS BERRY:** I would prefer to build housing at the moment, Mr Hanson.

*Mr Hanson interjecting—*

**MS BERRY:** But you are standing in the way of it, so this is the issue. I noted this morning that Mr Rattenbury said on ABC radio that they would like to have seen more investment in public housing, which boggled my mind because the federal Greens are standing in the way of more social and affordable housing funding. As I am allowed to provide more information—

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

**MADAM SPEAKER:** A point of order?

**Mr Davis:** Madam Speaker, is it appropriate for ministers to bring new debating points when answering questions?

**MADAM SPEAKER:** Mr Davis, sit down; there is no point of order. Ms Berry, you have the floor.

**MS BERRY:** Usually, I will grit my teeth and roll my eyes, but this is an important issue, when we have 3,147 people on the waiting list. I know that is something that greatly troubles me, as well as Minister Vassarotti, and we want to build more homes for people who need them most.

The Housing Australia Future Fund would bring some great opportunities here in the ACT to build even more social and affordable homes. We have already been in discussion with the federal government about how that funding could be spent, pending its flow to the ACT. I very respectfully ask the Canberra Liberals and the Canberra Greens to get out of my way so that I can build more houses.

## **Bail Amendment Bill 2023**

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

Title read by Clerk.

**DR PATERSON** (Murrumbidgee) (2.57): I move:

That this bill be agreed to in principle.

Today I present an important piece of legislation to the Assembly, the Bail Amendment Bill 2023. This bill seeks to shift the presumption of bail for three crimes. Currently, most crimes fall under presumption for bail, and some of these crimes that impact the community or cause the most significant harm either sit with a neutral presumption of bail—that is, no presumption—or a presumption against bail. This amendment bill shifts the presumption to a neutral presumption for three crimes: culpable driving; driving at a police officer; and furious, reckless, dangerous driving.

I appreciate the opportunity through this bill to address a pressing public safety concern regarding dangerous driving in our community. I begin by expressing my deep conviction that there is a time imperative on this matter. Dangerous driving offences have plagued our community, presenting an all-too-common circumstance in

which individuals have intentionally posed significant risk, harm or death to innocent people on our roads. Many of these people are repeat offenders out on bail for very similar, often aggravated, dangerous driving offences. This amendment will require the judiciary to not presume bail and to assess all of the available evidence in the bail application as to the public safety risks that this person may present.

Shifting the presumption of bail to a neutral one for these most serious offences will position these crimes alongside manslaughter, sexual assault crimes and drug trafficking crimes. Considering the changes to these crimes in an increase of penalties and greater police powers that passed in the Assembly in the last sitting, it is imperative that amendments to legislation that address how the courts deal with these offences are addressed in a timely way.

A substantial proportion of the fatalities and injuries on our roads are people who have been killed by dangerous drivers. I want to acknowledge the families of those killed on our roads so unnecessarily. Many of those families have been advocating tirelessly for reform. I hear you and I will continue to advocate for reform.

Operation TORIC, a major police initiative that aims to reduce dangerous driving incidents on Canberra's roads, started in August 2022. The operation has been hailed a major success by ACT Policing, as it has resulted in hundreds of charges targeting recidivist dangerous driving.

The data presented by Operation TORIC is alarming. Between 1 August 2022 and 25 April this year, the police had apprehended 248 offenders and charged them with a staggering 596 offences. Shockingly, more than 40 per cent of these apprehended offenders were on bail, and an additional 22 per cent were under good behaviour obligations, such as drug and alcohol treatment orders, good behaviour orders, parole and intensive correction orders.

In one case, a recidivist offender deliberately rammed a police vehicle with a stolen vehicle and committed further offences, and yet was still granted bail by the court. The DPP opposed bail, with the special magistrate hearing the case agreeing that there were real and significant public safety concerns. Despite all of this, the offender, who has an extensive criminal record, including matters of serious dangerous driving offences, was granted bail. This is just one of the many cases in which people who have been charged with serious offences over and over again are released on bail and they go on to commit further dangerous driving offences, putting our community's lives at risk.

Another similar case took the life of well-respected citizen and disability campaigner Sue Salthouse. The driver was granted bail on two separate occasions of culpable and dangerous driving and was scheduled to be sentenced. This, however, was abandoned when the accused was taken into custody on separate drug-related driving charges for a third time. Against the prosecution's objections, a 12-month good behaviour order on the accused was made for the drug offences and fines and a second good behaviour order for the other traffic offences.

These cases highlight the flaws in the bail system and how the recidivist drivers continue to break the law and put community lives at risk. We also saw the incident a

couple of years ago of a man who drove his vehicle at police, seriously injuring three police officers who were merely doing their job.

As everyone in the chamber is well aware, the Standing Committee on Justice and Community Safety conducted an inquiry into dangerous driving. The inquiry recommended that “the ACT government introduce legislation for a neutral presumption of bail for serious dangerous driving offences, such as driving of a motor vehicle at police and serious recidivist motor vehicle offenders”.

During the inquiry the committee received a substantial amount of evidence of high-risk recidivist offending while out on bail on our roads. The committee heard substantial evidence from victims of dangerous driving in the ACT and the catastrophic impacts on lives that this behaviour causes.

The primary objective of these amendments introduced today is that bail applications for these people who commit the most serious dangerous driving crimes receive the scrutiny they deserve. By introducing a neutral presumption of bail, this will allow the court to evaluate each bail application on its own merits, with no presumption for bail.

It is essential to acknowledge the significance of human rights in our decision-making processes. International human rights law obligates governments to respect, protect and fulfill the rights of individuals within their jurisdiction. In developing these amendments, due regard was given to their compatibility with the Human Rights Act. These amendments positively engage with the Human Rights Act, particularly sections 9 and 18. Section 9 of the Human Rights Act asserts the right to life, stating that “everyone has a right to life, in particular, no-one may be arbitrarily deprived of life”.

These amendments seek to expand and improve the Bail Act, ensuring that sufficient scrutiny is applied to bail applications for individuals charged with the most serious driving offences that pose a higher risk to our community. By doing so, we aim to protect and preserve the right to life for all individuals.

Section 18 of the Human Rights Act safeguards the right to liberty and security of a person. It states that anyone who is arrested or detained on a criminal charge must be promptly brought before a judge or magistrate and has a right to be tried within a reasonable time or released.

These amendments align with the right to liberty by establishing a neutral presumption of bail. This is neither a leaning towards granting of bail nor a denial of a grant of bail; rather, it places the decision-making power firmly in the hands of the judiciary. It is their responsibility to carefully evaluate the merits of each bail application and make informed decisions that balance the rights of the accused with the safety of our community.

I am proud that we live in a jurisdiction that prioritises early intervention, and that understands that a strong community sector and government supports and programs are essential and should be a priority in reducing offending in the ACT. The ACT government has a focus on and significant targets for reducing recidivism and supporting individuals to end cycles of crime.

Later this afternoon, I will move a motion about expanding restorative justice in the ACT. I strongly support justice reinvestment, restorative justice and investment in prevention. However, these objectives should be balanced with the level of risk that offenders pose to innocent people in the community. This is the balance that our criminal justice system needs to address. The dangerous driving committee recommended multiple initiatives, such as specific high-risk offender programs, because there is a very clear profile of offending that is occurring on our roads.

I implore this Assembly to support the Bail Amendment Act 2023. By removing the presumption of bail for serious dangerous driving offences, we will improve public safety on our roads. Finally, in speaking to the victims of dangerous driving in the ACT, I am so sorry for your loss, and I will continue to keep fighting for reform.

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

## **Justice—restorative**

**DR PATERSON** (Murrumbidgee) (3.07): I move:

That this Assembly:

(1) notes that:

- (a) within the ACT Government, there are a number of programs and initiatives underway to work towards making Canberra a restorative city;
- (b) a “restorative city” is based on the principles of “restorative practice”. According to the 2019-2020 ACT Restorative City Vision, restorative practice is “all about recognising that relationships are central to our wellbeing, community and society. Restorative practices can be used as a shared approach to problem solving based on equal respect, accountability and support.”;
- (c) restorative justice is a process used across the world as a process of independent, facilitated contact, which supports constructive dialogue between a victim and a person who has harmed, arising from an offence or alleged offence;
- (d) restorative justice can work alongside the criminal justice system, or as an alternative pathway to the formal criminal justice system. It is often noted that restorative justice offers a process that is empowering for victim-survivors of crime;
- (e) the most common forms of restorative justice programs operating in Australian criminal justice systems are victim-offender mediation, conferencing (for both adult and young offenders) and circle sentencing;
- (f) the ACT was the second jurisdiction in Australia to introduce restorative justice for prosecutable offences in 1994, primarily for youth offenders (aged 10-17 years old);
- (g) restorative justice is legislated in the ACT through the *Crimes (Restorative Justice) Act 2004* (the Act). The Restorative Justice Unit (RJU) is part of the Justice and Community Safety Directorate and

- administers the Restorative Justice Scheme in collaboration with other referrers, including courts, policing, corrective services and victim support;
- (h) the Act allows for less serious offences to be referred as a diversion or in conjunction with criminal charges. It limits the referral of serious offences to only after criminal proceedings have commenced and once the offender pleads or is found guilty of the offence;
  - (i) the current Restorative Justice Act (2004) applies to a serious offence committed by a young offender or an adult offender if the offender:
    - (i) is charged with the offence; and
    - (ii) either pleads guilty to the offence; or
    - (iii) is found guilty of the offence (whether or not the offender is convicted or sentenced for the offence);
  - (j) since 2018, the RJU has accepted referrals for cases of sexual assault and family violence. In order to be eligible for restorative justice, a matter currently must be referred to the RJU at some point along the criminal justice system journey, including at the point of police caution, in court at the pre-sentence stage, or post sentence;
  - (k) the 2021 *Charter of Rights for Victims of Crime* requires justice agencies to advise victim-survivors at multiple points in the criminal justice system about their rights and options around accessing a restorative process;
  - (l) the needs of all survivors are diverse and multi-faceted and change over time. Work by advocates and survivor-led initiatives demonstrates a widely held desire for a restorative justice option;
  - (m) in cases of sexual assault, it is critical to have a survivor centres and trauma-informed approach to restorative justice;
  - (n) the *National Plan to End Violence against Women and Children (2022)* recommends including restorative justice as an option for survivors of sexual abuse and family violence; and
  - (o) the 2021 *Listen. Take Action to Prevent, Believe and Heal* report noted that existing protections, designed to ensure family violence and sexual assault matters did not escape the oversight of the courts, limited victims' choices in when and how they can access a restorative justice option. It recommended expanding restorative justice processes to address this;
- (2) further notes that:
- (a) in response to the 2021 *Listen. Take Action to Prevent, Believe and Heal* report, the Government will research and pilot an expansion of restorative justice processes for sexual violence. The ACT Government is committed to supporting the expansion of victim-survivor options to have their needs met in the aftermath of sexual violence, and as a result will engage a researcher to investigate what this could look like and what is happening in other jurisdictions, making recommendations to government about the best ways to do this;
  - (b) the ACT Government has also partnered with the Australian Institute of Criminology to perform a process and outcomes evaluation of the ACT Restorative Justice Scheme's operation with respect to family violence and sexual assault, including quantitative and qualitative methods; and

- (c) the ACT Attorney-General is commissioning a review of the ACT Restorative Justice Scheme, with terms of reference currently under development, noting that 2024 marks 20 years since the passage of the *Crimes (Restorative Justice) Act 2004*; and
- (3) calls on the ACT Government to:
  - (a) in the work set out above, consider possible reforms including:
    - (i) amending the qualifying criteria to access restorative justice in the ACT;
    - (ii) options for expanding restorative justice services as an alternative pathway to the criminal justice system;
    - (iii) the potential for community based restorative justice services in the ACT;
    - (iv) options for developing survivor-led and survivor-oriented restorative justice practices for sexual violence; and
    - (v) opportunities for greater awareness and education around access to restorative justice, what it means, and victims' rights in the ACT; and
  - (b) provide an update to the Assembly on progress of this work by the last sitting day of 2023.

Restorative justice is something that I have been passionate about for a long time. Firstly, I would like to thank the advocates, academics and those that work in our criminal justice system or engage with it through support for victim survivors in our community for all of their hard work in advocating for restorative justice practice in the ACT. I would also like to acknowledge the work of the Restorative Justice Unit in the ACT government, and their tireless commitment to best practice restorative outcomes for victims in our community. At the heart of restorative justice is the simple principle that, whilst crime harms, justice should heal.

Restorative justice is not a novel concept or a new practice. There are both Indigenous and Western routes to restorative justice. As the movement grounds itself in truth and liberation for all, both of these routes should be recognised. However, part of the difficulty in tracing restorative justice back to specific practices within Indigenous communities is that they do not typically hold restorative justice as a program or a model; rather, it is part of their lives and embedded in their culture. Many indigenous communities across the world practice restorative justice in different ways. Part of honouring this work means that we must stay humble, in Australia and the ACT, knowing that these practices are not new; they came before us and will outlast us.

Restorative justice aims to work with communities affected by crime, with the intention of raising up and building strong communities. Professor Miranda Forsyth, the Director of the ANU Centre of Restorative Justice, stated:

Restorative justice is an approach to crime and violence that focuses on healing the harm to all impacted by the incident. It can occur alongside, after or instead of other justice approaches, such as a criminal prosecution.



Restorative justice is based on dialogue, and provides space for the victim survivor to talk about how they have experienced the harm, and to contribute to a dialogue about what needs to happen to make things better in the future. It also allows those who have caused harm to take active responsibility for making amends and seeking to repair the harm. The ACT is a world-leader in restorative justice and should continue to deepen its engagement in this space.

Restorative justice in Australia began in the 90s and has seen fantastic success nationally, and especially here in the ACT, where it has been used for 20 years. According to the 2021-22 JACS annual report, the ACT's Restorative Justice Unit facilitated 52 conferences involving 63 victims and 69 offenders. Of these, nearly 90 per cent of cases satisfied the needs of the victims. It is clear from the evidence that, when restorative justice is used as an alternative to the justice system, it has been successful in achieving outcomes for victims.

Canberra can pride itself on being a restorative city based on principles of restorative practice. According to the ACT Restorative City Vision, restorative practice is all about recognising that relationships are central to our wellbeing, community and society. Restorative practices can be used as a shared approach to problem solving, based on equal respect, accountability and support.

The ACT was the second jurisdiction in Australia to introduce some form of restorative justice for prosecutable offences in 1994, primarily for youth offenders aged 10 to 17 years old, although the principle of restorative justice was not legislated here until the passage of the Crimes (Restorative Justice) Act in 2004, which established the Restorative Justice Unit as part of the Justice and Community Safety Directorate.

The act allows for less serious offences to be referred as a diversion or in conjunction with criminal charges. However, the act limits the referral of serious offences to only after criminal proceedings have commenced, and once the offender pleads or is found guilty of an offence. Currently, under the restorative justice act, the offender, whether it is a young offender or an adult offender, must be charged with an offence and either plead guilty to the offence or be found guilty of an offence.

Since 2018 the Restorative Justice Unit has accepted referrals for cases of sexual assault and family violence. In order to be eligible for restorative justice, a matter currently must be referred to the unit at some point along the criminal justice journey, including at the point of police caution, or in a court at a pre-sentence stage or a post-sentence stage. These developments in 2018 to include referrals for sexual assault and family violence are fantastic progress, but I believe we can do more.

We know that sexual violence is a significant problem in this country and around the world. The UN's latest Gender Social Norms Index report issued on 12 June this year showed that there had been no improvement in the level of prejudice shown against women over the past decade, with almost nine out of 10 men and women worldwide still holding significant biases. The report revealed that 25 per cent of people believe it is justified for a man to beat his wife.

Whilst we may look at these statistics and think they do not apply in Australia, I am sorry to say that we still have a long way to go. The latest National Community Attitudes Towards Violence Against Women Survey conducted by the Australian National Research Organisation on Women's Safety, ANROWS, in 2021 showed some concerning trends. Many people's knowledge of and attitudes to violence against women are out of step with the evidence and with women's experiences.

While more than 90 per cent of respondents agreed that violence against women was a national problem, far fewer—only 47 per cent—believed it was a problem within their own suburb or town. One in five respondents believed that women who said they were raped had led the man on and then had regrets, and an equal number said female victims who do not leave an abusive partner are partly responsible for the abuse continuing.

These attitudes are deeply troubling when, according to the ABS, approximately one in four women in Australia have experienced intimate partner violence, and one in five have experienced sexual violence since the age of 15, the majority of which goes unreported.

There are many reasons why women do not report sexual violence, and the criminal justice system is a significant barrier to this. The ACT Women's Legal Centre said that women experiencing gender-based violence, including life-threatening family violence and sexual assault, face a myriad of challenges when confronting the justice system. Many are dealing with the trauma of assault, the stress and confusion of multiple related legal proceedings, the financial and emotional cost, the complexities of a loved one—potentially a loved one—facing imprisonment, as well as the frustration of an uncoordinated and bureaucratic reporting and justice system.

Victim survivors have often described the criminal justice process as confusing, frightening and traumatic, and an alarmingly low number of sexual offence complaints—2.8 per cent—proceed to a charge within an acceptable period of time, according to the last JACS annual report. This is shocking. The traditional justice pathway is not working for many victim survivors, and we need to try to think outside the box, and to be thinking of multiple pathways, multiple methods, whereby victim survivors can pursue justice.

Across the world there are many alternatives for victim survivors, one of which is a pathway of restorative justice. Whilst we currently have this pathway here through the criminal justice system, I am proposing through this motion that the ACT government looks at the potential of expanding restorative practice to a community practice pathway.

Restorative justice through community practice is strongly supported by many groups internationally, and particularly here in the ACT by the Canberra restorative justice community action group, as well as many researchers who work in this space across Canberra.

In 2021 the ANU held a symposium on survivor-initiated restorative justice as a pathway to justice for sexual assault. Unfortunately, this was held during the COVID-19 lockdowns, so it was held on Zoom. Fortunately, that means it is online, and everyone can still watch it today.

Meredith Rossner, Professor and Deputy Director of the Research School of Social Sciences at the ANU, said:

There is a strong international evidence base that restorative justice can help in the aftermath of sexual harm.

There is increasingly a recognition that, in order to best meet victim survivors' needs, restorative justice programs need to be available in a range of contexts, including for victim survivors who choose not to pursue a formal criminal justice path. Restorative justice practitioners and other support services across Australia and New Zealand have developed safe and effective models for the delivery of restorative justice, both inside and outside the criminal justice system.

The same sentiment was echoed in the ACT's 2021 Sexual Assault Prevention and Response Steering Committee report. The committee's final report supports restorative alternatives to the traditional justice pathway and acknowledges that the current justice system does not sufficiently support victim survivors, stating:

The key mechanism for holding perpetrators to account is traditionally through the criminal justice system, the figures ... make clear that this mechanism is currently not effective in most cases.

The committee proposed that "government explore options to appropriately expand access to restorative justice processes for victim survivors, including by amending eligibility criteria". The government has agreed to the recommendation in principle, and now it is time to deliver an alternative pathway.

Further support for restorative justice is found as a recommendation in the 2022 National Plan to End Violence Against Women and Children, which recommends including restorative justice as an option for survivors of sexual abuse and family violence. That is why today I am calling on the ACT government to explore options for expanding the current criteria and explore alternative pathways to restorative justice.

At its core, restorative justice is about relationships. It is based on the philosophy that we are all interconnected, that we live in relationship with one another, and that our actions impact one another. Grounded in this idea of interconnectedness, restorative justice is able to provide an alternative pathway of addressing wrongdoing.

We all know the lifelong impacts of sexual violence on individuals. If there is an opportunity to provide perpetrators of this violence with an understanding of how they have harmed someone, the impacts of their actions, so that they may take action in their own lives to never perpetrate acts of violence again, I believe that we are getting somewhere in our society.

We have a great opportunity here in the ACT to be leaders, nationally and internationally, in restorative justice, leading the way as an effective alternative to the traditional criminal justice pathway. The JACS Directorate's Restorative Justice Unit is doing fantastic work and it is time to provide greater awareness and education around access to their services and what it means for victims.

We can make Canberra a truly restorative city and highlight our status as Australia's most progressive jurisdiction. The justice system is so much more than court dates, juries and prisons. We have an excellent opportunity to expand on what we think of when it comes to justice. Restorative justice can be an integral part of that, and together we can create safer communities.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.20): I thank Dr Paterson for her motion asking the government to consider possible reforms to the restorative justice scheme. Restorative justice is a very important part of the ACT's justice system. As Dr Paterson's motion outlines, the government is currently undertaking a series of proactive reviews and analyses of our restorative justice program and, through this, will consider a range of possible reforms, expansions and improvements, including the issues that Dr Paterson has raised.

My view is that it is important to review and refresh this program over time to ensure it remains in line with community needs and that it continues to serve victims, perpetrators and the justice system as a whole.

The ACT's restorative justice system has really led the way and set the standard for restorative justice, and it has been a great success. It has been 20 years since it commenced, and we are doing a lot of pieces of work as part of a 20-year review of the program.

I would like to take this opportunity to update the Assembly about the positive impact that the restorative justice scheme in the ACT has had on the lives of participants, as well as speaking about work that is already underway or is planned to improve the responsiveness of the scheme to the needs of the ACT community.

This is also a timely moment for us to think about restorative justice as a justice reinvestment initiative that offers an innovative approach to addressing harm in our community. I have spoken a great deal recently about justice reinvestment initiatives, such as raising the minimum age of criminal responsibility and increased funding for the Drug and Alcohol Court. Restorative justice is another such worthy measure, designed to redirect offenders from engaging in further harm, thus preventing more victims from being created, while also meeting the needs of the victim.

The ACT's restorative justice scheme is governed by the Crimes (Restorative Justice) Act 2004 and is administered by the Restorative Justice Unit within the Justice and Community Safety Directorate. The scheme was one of the most ambitious of its kind in 2004, when it launched, and it continues to serve as a model for other jurisdictions in Australia and overseas. It was designed to be implemented across three phases as experience and confidence in the scheme grew.

Phase 1 included working with young people and less serious offending. Phase 2 included adults and more serious offending, and phase 3, which commenced in November 2018, included criminal offences involving family and sexual violence.

An evaluation of phase 1 of the scheme conducted by the Australian National University and the Australian Institute of Criminology in 2018 found that 98 per cent of victims, young people and respective support people found the process satisfying. They also found that young people who participated in restorative justice were less likely to reoffend or reoffend less often compared with non-participants with similar characteristics. I think that members will agree that those are very positive results and give us great confidence in the impact that this scheme has had.

By the end of 2022, phase 3 of the scheme had facilitated referrals for 21 victim-survivors of sexual violence and 195 victims of family violence, with high rates of satisfaction having been reported in relation to referrals that proceed to a restorative justice conference.

These excellent statistics give me confidence in the system and reflect the calibre of the ACT Restorative Justice Unit's work in the space, as well as being testament to the participation of parties in their conferences. However, as I have said, despite the success, we must always look for ways to improve.

Some of the recent work on restorative justice has occurred in relation to the minimum age of criminal responsibility reforms which are currently before this Assembly and will soon be debated. Under the proposed legislation, the ACT government will support continued access to restorative justice for victims of crime where young people are over 10 years of age.

There are advancements occurring elsewhere in response to a deepening understand of what works in restorative justice, and new opportunities emerging for the scheme to contribute to the wellbeing of communities.

The Restorative Justice Unit and stakeholders have noted changes in the utilisation of the scheme—increasing calls to assist in meeting criminal justice objectives relating to offenders, opportunities to rely more strongly on other initiatives, including justice reinvestment, and increasing calls for the scheme to respond to harm occurring outside the criminal justice system.

The Restorative Justice Unit has again partnered with the Australian Institute of Criminology to perform an analysis of the scheme's operation with respect to matters involving family violence and sexual violence. A report and recommendations are expected to be finalised later this year.

The Restorative Justice Unit has recently engaged in further specialist training on best practice restorative justice conferencing of sexual violence and domestic and family violence matters. This training included restorative justice conveners who are experienced in practising with these types of offences and new conveners. As a result of the training, the number of qualified conveners who are able to facilitate restorative justice conferencing in sexual and family violence matters has been increased. The training was also offered to referrers and community partners to build greater knowledge and awareness of sexual and family violence and restorative justice.

The Restorative Justice Unit has additionally been developing and actioning a coordinated justice sector stakeholder engagement plan to build greater knowledge of restorative justice and encourage greater referrals of matters.

As noted in the motion, the *Listen. Take action to prevent, believe and heal* report has identified gaps in the availability of restorative justice for victim-survivors of sexual violence, particularly in cases where they do not wish to or cannot access a traditional criminal justice system response. It recommended that the government research and pilot additional mechanisms to hold perpetrators to account, including by expanding restorative justice availability, as well as alternative civil justice regimes.

The ACT government agreed to this recommendation in principle and has committed through the 2023-24 budget to fund \$100,000 for an independent researcher to conduct this work. The researcher is expected to survey other models across Australia and internationally, explore academic literature, consider implementation concerns and unintended consequences, and identify potential models for any pilot here in the territory. The results of this work, along with the findings and recommendations of the AIC evaluation of the scheme's existing work with sexual violence, are expected to inform future reform.

Dr Paterson also noted that I am commissioning a broad review of the scheme as we approach 20 years since the passage of the Crimes (Restorative Justice) Act 2004. The proposed review will be conducted by an external consultant, to be procured with funds from the confiscated assets trust, and it is expected to report back to government in 2024.

I note Dr Paterson's motion calls for increasing the availability of restorative justice outside the criminal justice system and for efforts to support increased awareness and understanding of restorative justice in the territory. These issues will be considered for inclusion as part of crafting the terms of reference for the review.

I thank Dr Paterson for this opportunity to update the Assembly on the restorative justice scheme and work that is currently occurring in the space. It very much speaks to the success of the scheme that there is interest in refining it in response to learnings from nearly two decades of operation, and that there are calls for its expansion, including to respond more effectively to the needs of victim-survivors of sexual violence.

I look forward to the results of the work of the independent researcher and the external consultant. I expect these results to arm government with the information and insights it requires to take meaningful steps towards potential reform, increase the impact and effectiveness of the restorative justice scheme and increase the opportunities for victim-survivors of sexual violence to access meaningful accountability in the aftermath of violence.

I will gladly provide an update to the Assembly before the last sitting day of 2023, as called for in the motion. I again thank Dr Paterson for the opportunity to present this update to the Assembly and I look forward to further work in this space.

**MR CAIN** (Ginninderra) (3.29): I certainly want to echo the sentiments expressed both by the Attorney-General and Dr Paterson and thank Dr Paterson for bringing this motion before us.

There is no question that restorative justice is a very, very important part of the arsenal of repairing relationships, creating an opportunity for a victim to really explain the impact of harm and, hopefully, giving the offender an opportunity to see the impact of their actions and, who knows, perhaps take them away from a life of harm going forward.

The Canberra Liberals support this motion. Making Canberra a restorative city is a very worthy policy aspiration, and I look forward to the government's response on the last sitting day this year.

We understand the importance of victim discretion—that it is not something that victims need to feel they are forced into, which is a very important principle that is worth preserving—and a trauma informed approach to allow an offender to see the impact of the harm they have caused and hopefully to change their perspective radically.

I note that Dr Paterson touched on particular culturally sensitive approaches for our Indigenous community. Our First Nations people obviously need to be a special focus in terms of respecting their cultural approaches and their own sense of what it means to be part of a community, obviously with the goal, within that community, of not allowing harm to happen.

Again, I thank Dr Paterson for bringing this motion forward. Human relationships are something that we are all familiar with—if I can put it that way—and healthy human relationships make for a civilised and successful community. So I do, again, thank Dr Paterson for bringing this motion, and we will be supporting it.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (3.32): I also would like to thank Dr Paterson for raising this important topic. I would also like to thank Minister Rattenbury for his significant contribution to this body of work over many years, currently as Attorney-General and previously as Minister for Corrections and Minister for Justice Health.

As Minister for Youth Justice, I have a particular responsibility for young people within the justice system. Minister Rattenbury has spoken about the impact that restorative justice has had in the ACT in the 20 years or so that it has been a feature of the ACT. We have seen some very significant change over that period, particularly in the impacts on likely future harmful behaviour, and we will continue to work towards reductions in harmful behaviour through restorative justice practices.

This is particularly true for young people, who the Australian Institute of Criminology found are less likely to engage in harmful behaviour when participating in restorative justice. Clearly, this is a strong testament to the value of the program.

It must be acknowledged that in every case where restorative justice techniques are employed there is a victim—there is someone who has been impacted by harmful behaviour. Despite the good work of restorative justice, those impacts may be long-lasting. This is why victim support is so important and it is why we must maintain our commitment to preventing harmful behaviour.

A key part of the work to raise the minimum age of criminal responsibility is to identify the early signs of harmful behaviour and to address those behaviours so that valuable services like restorative justice are hopefully required a bit less. It is really easy to think of the raising of minimum age reform as raising a numerical figure, an age, in the Crimes Act, moving it from 10 to 12 and eventually to 14. Of course, that is a really significant part of it but it is only part of the story. Whilst changing the legislative age is a crucial step, that change alone does not influence the life journey and the risk factors of people who may engage in harmful behaviour.

Minister Rattenbury is leading an important piece of legislative reform which I am very proud to support. As Minister for Youth Justice I am leading the development of a service system that responds to emerging needs and risk factors in young people that will address the drivers that lead young people to engage in harmful behaviour and assist in providing different and more positive pathways for young people throughout their life.

That may relate to mental health, disability, alcohol or drug use, homelessness, domestic and family violence, experience of trauma or other issues. Those issues might exist for the young person or for their families or carers or both. These are young people with very complex circumstances and we cannot hope to change their life path without addressing those circumstances.

This will be a large body of work, and it is a one that I, along with my colleague Minister Stephen-Smith, have already started, as the budget papers make clear. The ACT government is investing \$10.4 million over four years to continue reforms required to raise the minimum age of criminal responsibility and for broader service responses to young people who engage in or are at risk of engaging in harmful behaviours. This strategy will address gaps in support services for children and young people with complex needs and challenging behaviour and identify effective approaches to achieving positive outcomes for children and young people.

This investment also delivers on a commitment in the Parliamentary and Governing Agreement for the 10th Legislative Assembly to raising the minimum age of criminal responsibility as a legislative priority for the ACT. Raising the minimum age of criminal responsibility will have a significant, positive impact on the long-term wellbeing of at-risk children and young people, their families and the broader community, making our whole community safer.

Integral to this reform are early supports and services for children and young people that address the underlying causes of harmful behaviour, making the community safer by changing children's pathways and reducing the likelihood of that behaviour as those children become adults. Reforms proposed will establish wraparound services for young people and their families to proactively address their behaviour. These reforms will also benefit families and the broader community.



Through the 2023-24 ACT budget, the government will continue reforms required to raise the minimum age of criminal responsibility and for broader service response to young people who are engaging in these behaviours. This will include funding for programs such as the Functional Family Therapy Youth Justice program for young people.

This is an evidence-based program that has achieved a global footprint across 350 sites, including the US, New Zealand, Singapore, Canada, England, Scotland, Denmark, Chile, Norway, Sweden and Australia. The program, for young people aged 11 to 17 years, aims to strengthen family supports and community connections to decrease young people's involvement in criminal activity and reduce their risk of engagement with the youth justice system. This strength-based program works with the whole family and helps support circumstances where there is complexity or multiple issues for families.

In 2022 the Functional Family Therapy Youth Justice program was independently evaluated by Youth Coalition ACT. The evaluation examined the pilot program in the ACT that was delivered by OzChild between 2021-22. The evaluation examined the delivery and early outcomes of the pilot program, including how well it engaged with the intended target group. It identified key learnings and factors to inform the development of an appropriate service system response that meets the needs of young people at risk of involvement with the justice system and their families.

In doing so, it supported the ACT government to determine that Functional Family Therapy is an effective program to use as part of a service system response to meet the needs of the ACT community. As a result the government has provided ongoing funding to procure a provider to deliver this program through the 2023-24 ACT budget.

It is the quality of service responses such as this, as much as changing legislation, that will determine the success of the minimum age of criminal responsibility reform. While there is still a lot of work ahead to further develop a service system that helps young people, it should be noted that a range of services already exist, and we will seek to build on what we know already works.

**DR PATERSON** (Murrumbidgee) (3.38), in reply: I would like to thank all colleagues here, particularly the Attorney-General, Mr Cain, and Minister Davidson for speaking in support of this motion today. I really hope that we can see the ACT sit at the forefront of our nation in leading approaches to restorative justice.

As Mr Cain pointed out, this really must always be victim centred and victim driven and needs to account for the fact that victims are diverse, their experiences multifaceted and their needs may change over time. Work by advocates and survivor-led initiatives demonstrate a widely held desire for a restorative justice option that is especially poignant here in the ACT.

I would like to acknowledge Holly Northam, Convenor of the Canberra Restorative Community, and end with a quote from her today. She states:

The Canberra Restorative Community strongly support the proposed motion and see this as a vital step forward to build on the powerful work of restorative justice that sees Canberra as an international leader in this area.

This supports the global evidence supporting the use of restorative justice to provide positive outcomes for communities. In addition, there is powerful evidence that restorative practice and justice can be used to anticipate and prevent harm and enable flourishing communities.

I hope this motion today goes some way in providing an alternative, trauma informed, empowering process for justice for victims in the ACT.

Question resolved in the affirmative.

## **ACT Health—health workforce**

**MS CASTLEY** (Yerrabi) (3.40): I move:

That this Assembly:

- (1) notes that:
  - (a) a 2021 ACT Government evaluation of recommendations and outcomes from nurse practitioner reviews between 2002 and 2018 found that almost half of the recommendations had not been met and that advice to the Minister acknowledged that “These barriers are leading to workforce uncertainty and unhealthy workforce growth.”;
  - (b) in 2023, 59 Australian National University (ANU) Medical School graduates commenced with Canberra Health Services (CHS) despite CHS offering 94 spots;
  - (c) the *Medical Training Survey 2022* shows the ACT had the lowest rating of all jurisdictions on every top-level measure of trainee doctors’ feedback about their workplace;
  - (d) nurse-to-patient ratios are still not compliant across both public hospitals;
  - (e) since 2018-19 to 2021-22, there has been a 28 percent increase in work health and safety incidents despite having the *Work Health and Safety Strategy 2018-2022* in place;
  - (f) the Australian Nursing and Midwifery Federation (ANMF) recently said that improvement in CHS’ workplace culture in recent years had been “minute”; and
  - (g) evidence given by the University of Canberra (UC) during the Inquiry into Recovery Plan for Nursing and Midwifery Workers (IRPNMW) stated that “There is a shortage of midwives, and the number of midwifery graduates is insufficient to meet the demand for new graduate positions.”;
- (2) further notes, at a time when CHS’ staff are overstretched, the compulsory acquisition of Calvary Public Hospital is causing more disruption to the ACT’s front-line health workforce, with many staff not expected to transition to CHS, putting even more pressure on already overstretched front-line staff;

- (3) acknowledges that:
- (a) the ACT Government failed to implement phase 1 of nurse-to-patient ratios by their own deadline of 1 June 2022;
  - (b) the ANMF said during the IRPNMW that they have been calling for a workforce strategy for “6-7 years”;
  - (c) the Australian Medical Association said during an interview on 2CC that they have been calling for changes for junior doctors for “some time now”;
  - (d) the ACT Government in 2021, had still not met recommendations from as early as 2002 to increase nurse practitioners’ scope of practice;
  - (e) less students are choosing to study nursing and midwifery at UC and fewer ANU medical graduates are accepting offers from CHS;
  - (f) a “holistic and robust” health workforce strategy has not been delivered because “Current health workforce data in the ACT is inconsistent and insufficient for health planners to have a clear understanding of the current workforce.”; and
  - (g) the ACT Government failed to achieve a 30 percent reduction in musculoskeletal and general incidents as listed in the *Work Health and Safety Strategy 2018-2022*; and
- (4) calls on the ACT Government to:
- (a) acknowledge that it has failed to improve the necessary conditions to attract and retain a health workforce and provide adequate public healthcare services for the Territory; and
  - (b) table by the end of the sitting week:
    - (i) a table tracking the implementation or progress, to date, of all budgetary measures for the health and wellbeing portfolio since 2014; and
    - (ii) the most recent Parliamentary and Governing Agreement and Election Commitment Reporting for the health and wellbeing portfolio.

On 14 June, I attended the Standing Committee on Health and Community Wellbeing’s inquiry into a recovery plan for nursing and midwifery workers. In this inquiry, we heard from the Australian Nursing and Midwifery Federation. The branch secretary, when answering a question about why the ACT has failed to attract nurses and midwives, said:

There are all sorts of areas in the health services that have been neglected for too long, and that has had an impact on how nurses and midwives feel valued or not and whether they are supported to provide the care they need to provide.

The ANMF peak body for nurses and midwives has said that the government has neglected health services for too long. An example of this would be Mr Daniel’s response to my question asking how long the union had been calling for a health workforce strategy. His answer was, “Around six to seven year.”—six to seven years for the government to finally start thinking about workforce planning.

If the government had listened to its stakeholders in this space, the ACT would be more than halfway through implementing the strategy. Instead, the minister still does not understand how many frontline staff are due to retire or are due to take leave, which is impacting staff numbers in the hospital today, or how her own workforce strategy puts it, “current health workforce data in the ACT is inconsistent and insufficient for health planners to have a clear understanding of the current workforce, support anecdotal reports of service gaps or deliver holistic, robust, workforce plans”.

In a pre-budget media release about the health workforce the minister said, “We are committed to their wellbeing and we know that a better supported workforce can deliver even better health services for Canberrans.” I know that the Barr-Rattenbury track record with the word “commitment” is dodgy at best, but how can the health minister say that she is committed to supporting the workforce when the ANMF have been calling for a strategy for almost six to seven years—and it has not been implemented? Then, when the minister does finally release a strategy, it is not a solution at all; it is just a plan to have a plan.

The government has known that there have been issues around current workforce data for several years. The workforce strategy goes on to say:

Better quality data and intelligence capability will also assist with ongoing evaluation of the ACT’s health workforce policy and program settings across the other strategic priority areas.

So, in addition to not delivering a more robust or holistic health strategy, the government also admit that any workforce policy or program that they announce is undermined by the fact that they do not hold better quality data or intelligence. How short sighted!

A good example of the government’s neglect, and another demonstration that it is not committed to supporting the workforce, is the drawn-out exercise to increase the scope of practice for nurse practitioners. On 10 March 2021, a brief was provided to the minister on the Nurse Practitioner Professional Practice report. This was a very detailed piece of work. Among many things, this work conducted an evaluation on recommendations and outcomes from previous nurse practitioner reviews in the ACT.

The government has been involved in seven previous reports, between 2002 and 2018. Going through all the recommendations, I was astonished to find, that in 2021, 45 out of the 96 recommendations had not yet been met. What is equally shocking is that three recommendations from the 2002 report were still considered only partially met. Almost 20 years after the report was released, the government has still not met these recommendations.

The comments on the report noted:

... much of the current legislation either acknowledges nurses but does not specifically mention nurse practitioners, or only mentions medical practitioners, which precludes an NP from working to their full scope of practice. For example, the Births, Deaths and Marriages Registration Act 1997 ...

I think it is very clear that waiting almost 20 years to meet recommendations does not demonstrate a commitment to support the health workforce.

The brief to the minister on the 2021 nurse practitioner study noted:

... nurse practitioners across both public and private health sectors have ongoing difficulties in performing care and supplemental activities due to legislation and policy barriers. These barriers have impacted clinical efficiency and the sustainability of the nurse practitioner workforce.

When the Chief Minister and the health minister talk about attraction and retention initiatives in their pre-budget announcements, I cannot help but think of the missed opportunities over the past 20 years.

Last year, in the 2022-23 budget, the government attempted to increase nurse practitioners in our walk-in centres because there was an insufficient number to cover every shift. It is my understanding that this is still the case a year later.

So, while the minister signs a brief that notes “legislative and policy barriers have impacted clinical efficiency and the sustainability of the nurse practitioner workforce,” the minister has not endeavoured to make changes to the scope of practice for nurse practitioners that would encourage attraction and retention and meant that our walk-in centres could be staffed for each shift.

It is well known that the culture in parts of Canberra Health Services is not conducive to attracting or retaining staff. The Australian Nursing and Midwifery Federation recently told the inquiry into the recovery plan for nursing and midwifery workers that improvements in CHS’s workplace culture in recent years had been “minute”.

Yet, we have the health minister telling Canberrans that the latest CHS staff survey showed a significant improvement in culture year on year and that a December survey had returned CHSs best results on workplace culture, despite these results being statistically invalid due to a low response rate from frontline health workers, as only 35 per cent of CHS staff responded to this survey, which is down 52 per cent in 2019.

An internal CHS memo stated that CHS needed to reach a 40 per cent response rate for the results to be statistically valid. Moreover, CHS divisions with an interest in a positive result of course had high responses as opposed to frontline hospital employees.

The strategy, policy planning and people and culture divisions of CHS had among the highest response rates, with 83 per cent and 81 per cent. Whereas the lowest response rates were from the division of nursing and midwifery patient support, at 23 per cent, and the division of surgery, 24 per cent. The minister wants to pretend that the culture is improving, but the fact is that more frontline staff are becoming disengaged than ever.

ACT ANMF Secretary Matthew Daniel recently confirmed that nurses and midwives actively boycotted this survey. The survey in question only tested employees’ engagement or satisfaction with CHS. It was what is called a Pulse survey. It was not

the full-blown culture survey of the key elements of CHS's workplace culture, which was planned for March this year. We have not heard anything of the more comprehensive survey since.

If the minister wants new staff to stay, she must make real improvements to CHS culture, as stakeholders have suggested. A recently released survey of doctors in training, shows the ACT had the lowest rating of all jurisdictions on every top-level measure of participants' feedback about their workplace. Doctors in training were asked if they would recommend their current training in their workplace and how they would rate the quality of their supervision orientation, teaching sessions and training, to raise patient safety concerns.

On all these high-level measures the ACT scored the lowest of every Australian state and territory. Twenty-nine per cent had experienced and 41 per cent had witnessed bullying, harassment and discrimination and/or racism in the last 12 months, compared to the national average of 22 per cent and 30 per cent respectively. Only 78 per cent agreed that racism was not tolerated in their workplace, compared to the national average of 85 per cent.

Failure to improve the scope of practice is not the only failure this government is responsible for when it comes to our crucial frontline staff. The government began implementing phase 1 of the nurse-to-patient ratios in February 2022. The plan was to be compliant by July 2022. I am sure this will come as no surprise, that this turned into another broken promise from the minister.

In estimates last year I confirmed that, throughout July, when it was supposed to be implemented and all good, Canberra Hospital was compliant across only 73 per cent of the shifts. The question that follows this is: did the minister then meet the 2023 February deadline? No—is the answer that I received to a question on notice—CHS had 259 compliant shifts between 6 February and 12 February.

I am sure the minister will say that there have been difficulties in staffing due to influenza, COVID and RSV. She may also say that there have been national shortages of nurses and unforeseen challenges for our health system. Yet Queensland, who publicly report their compliance with nurse-to-patient ratios, had a state-wide compliance rate of 99 per cent in March 2023.

Again, the minister has come out with big commitments for nurse and patients by committing to implement ratios and has failed to deliver. Somehow, though, she still says that she is committed to delivering wellbeing and support to staff.

Some of the submissions I read in the health committee's inquiry were shocking. I encourage every member to read the submissions from nurses and midwives and weigh up if you think what the minister says in budget press releases, ministerial statements, media and speeches match what is in these submissions.

Also read the ANMF's submission. There are comments from staff at the back of that one. Watch the inquiry video and see if you think that the ANMF have confidence that this government does not just make a lot of statements. Our frontline health staff

deserve better. The ANMF indicated that ratios have helped address staffing shortfalls. Imagine how much better conditions could be for our hardworking staff if the minister was compliant with her promise.

Another area where the government has failed to protect staff is work health and safety. CHS developed a strategy for WHS 2018 and 2022 which aimed to achieve a 30 per cent reduction in musculoskeletal and general incidents by 2022. Since 2018 through to 2022 there has been an increase in incident rates resulting in one or more weeks off work. The number of new five-day claims lodged by employees has increased from 201 to 375. That is a 46 per cent increase—not a 30 per cent decrease.

The same can be said for the musculoskeletal disorders resulting in five days off work. In 2018-19 CHS had 102 new five-day claims resulting in five days off work. In 2022 there were 210 claims, which was an increase of 51 per cent. It is worth noting that this is just looking at the five-day claim rate. If you look at the total number, you will see a 27 per cent increase in that time period.

A question on notice on the completion of mandatory training shows that the completion rates for the course *Speaking Up for Safety*, in some of the clinical divisions, is woeful. In the division of medicine, 34 per cent of employees have not completed the mandatory training. In the divisions of surgery and women, youth and children, 32 per cent and 39 per cent have not completed this training. Whether this is because, as they report, employees do not have enough time to complete the training, it is certainly another area where the government have failed their staff.

Another area of concern for staff safety can be found in the minister's briefs for the 2020-21 annual reports. Between 21 July and 31 December, 1,335 incidents were lodged by staff. For all the different classifications, mental stress accounted for almost 40 per cent of staff incidents logged in that period. Shame!

Last year, the minister announced a new budget initiative to embed a positive safety culture, which was due to be complete by February 2023. Yesterday's budget shows that this will not be complete until June 2024. How is that for this Labor-Greens government—this whole shebang! There is no commitment to the staff. Everywhere you look this government has failed to support staff and their wellbeing.

We heard from midwives and UC that there are not enough students to fill graduate positions. I have heard from stakeholders that fewer nurses are choosing to study nursing and many are leaving. Fewer ANU graduates are accepting offers from CHS to work in the system.

The ACT, under this Barr-Rattenbury government, has become an unattractive place to work because of the years of underfunding, neglect and failure to deliver on their promises. Our frontline health staff deserve so much better from this government.

Bushfires, pandemics and consistent staffing shortfalls have meant that they have to work more hours. The annual report last year highlighted that the recruitment rate is staying the same while the separation rate increased from 7.3 per cent in 2019-20 to 10.8 per cent in 2021-22.

These are all only a selection of the failures that we know about, and I think that we can agree there is probably a lot more to uncover. This government cannot continue to pretend that it is committed to the wellbeing and support of the workforce because the facts do not show this.

**MR DAVIS** (Brindabella) (3.55): I move:

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

“(1) notes that:

- (a) e-Petition 19-22 requested the Assembly to call on the Government to develop a recovery plan for nursing and midwifery workers, including:
  - (i) substantial and beneficial workforce planning;
  - (ii) improvements to workplace safety including ensuring safe staffing and meeting Mandated Minimum Nurse/Midwife-to-Patient Ratios;
  - (iii) practical and effective well-being initiatives; and
  - (iv) real and constructive improvement to workplace culture;
- (b) e-Petition 19-22 received 2,697 signatures, the largest petition to date in the 10th Assembly;
- (c) Johnathan Davis MLA sponsored e-Petition 19-22 (Recovery Plan for nursing and midwifery workers), tabled in the Legislative Assembly on 3 August 2022;
- (d) the Standing Committee on Health and Community Wellbeing resolved on 9 August 2022 to inquire and report on e-Petition 19-22 (Recovery Plan for nursing and midwifery workers);
- (e) the Standing Committee on Health and Community Wellbeing received 15 submissions to its inquiry into a recovery plan for nursing and midwifery workers and conducted public hearings on 14 June 2023; and
- (f) the Standing Committee on Health and Community Wellbeing is currently deliberating on the evidence it received as part of the Inquiry and will present its report to the Assembly in due course;

(2) further notes:

- (a) in the lead up to the 2020 ACT election, all ACT Greens and ACT Labor candidates signed the Australian Nursing and Midwifery Foundation (ANMF) ACT pledge *Nurse and Midwife Ratios Save Lives*, while no Canberra Liberals candidates signed the pledge;
- (b) successive ACT budgets have committed funding to health workforce initiatives including:
  - (i) \$50 million to implement phase one of Mandated Minimum Nurse/Midwife-to-Patient Ratios, fully funding 90 full-time equivalent positions;
  - (ii) \$16.3 million to expand the allied health workforce;
  - (iii) \$8.5 million to deliver better support to Junior Medical Officers;
  - (iv) \$3 million to expand the Nurse Practitioner workforce in ACT nurse-led Walk-in Centres;



- (v) \$8.7 million to establish a co-designed Wellbeing and Recovery Fund;
  - (vi) \$7.2 million to embed a positive safety culture; and
  - (vii) \$8.1 million for health workforce planning and clinical governance;
- (c) the framework for Phase two of ratios is currently being negotiated with the ANMF ACT as part of the Enterprise Agreement process;
  - (d) the *ACT Health Workforce Strategy 2023-2032* sets out the Territory-wide approach to building a sustainable health workforce in the ACT and the 2023-2024 Budget includes almost \$2.2 million for strategy implementation; and
  - (e) all health workers are highly valued and need to be supported during the current international health workforce shortage;
- (3) further notes:
- (a) on 10 May 2023, the ACT Government announced that it would build a new more than \$1 billion northside hospital on the current Calvary Public Hospital site in Bruce;
  - (b) on 31 May 2023 the Legislative Assembly passed the *Health Infrastructure Enabling Act 2023*, enabling the ACT Government to acquire the Calvary Public Hospital land and transition existing Calvary Public Hospital staff and assets to the Territory;
  - (c) acquisition of the public hospital will occur on 3 July 2023 with the transition of staff and assets to the Territory occurring up to and following the acquisition;
  - (d) on 14 June 2023, following the ACT Supreme Court dismissal of the legal case brought by Calvary Health Care, CEO Martin Bowles said Calvary would comply with the legislation to transition Calvary Public Hospital to Canberra Health Services;
  - (e) by mutual agreement, it was announced on 26 June 2023 that Clare Holland House will transition to Canberra Health Services;
  - (f) as part of the northside hospital early design a freestanding birth centre is being considered; and
  - (g) Ms Jo Clay MLA tabled two petitions and a motion to the Assembly calling for a freestanding birth centre, identifying that the midwife continuity of care model in a freestanding birth centre could help recruit and retain a midwifery workforce;
- (4) calls on the ACT Government to:
- (a) continue engaging in good faith with the Standing Committee on Health and Community Wellbeing's inquiry into a recovery plan for nursing and midwifery workers; and
  - (b) update the Assembly by the end of the August 2023 sitting week on the progress of the election commitment to implement Mandated Minimum Nurse/Midwife-to-Patient Ratios; and
- (5) calls on Members of the Legislative Assembly to promote supports that are available to staff transitioning from Calvary Health Care to Canberra Health Services."

I seek to amend Ms Castley's motion, but I do not question the commitment that Ms Castley brings to her advocacy in this policy space. However, when the Notice Paper was first released on Monday this was a particularly challenging motion to be able to engage with in good faith. It seeks to make many different points with very isolated datasets. In an effort to achieve many outcomes, it ultimately achieves nothing.

What I am seeking to do through my amendments is to lay out clearly some chronological dates and times to give people an understanding of the Standing Committee on Health and Community Wellbeing's Inquiry into Recovery Plan for Nursing and Midwifery Workers; the government's acquisition of Calvary Public Hospital Bruce; and recent government announcements that relate to the nursing midwifery workforce. This is to try to give some more context to the political points that Ms Castley sought to make in her motion. We know that these workforces—nurses, midwives and frontline healthcare workers everywhere—are experiencing challenges. The pandemic has placed significant strain on these workforces, particularly on nurses and midwives on our front lines, throughout the entire country through the COVID crisis.

The health sector is also experiencing significant worker shortages. Again, the ACT is, sadly, not immune. Nobody in this place has denied that Canberra Health Services has experienced culture issues. Though that is not unique to our health system, there is an acknowledgement of the work that needs to be done. Our nurses and midwives are exhausted and burnt out, and they do need better support. It was for this reason that I was pleased to support the largest petition presented to this Assembly so far this term, of 2,697 signatures, which was tabled on 3 August by the Australian Nursing Midwifery Federation and calls for a recovery plan for nursing and midwifery workers, with a focus on their health and wellbeing.

What happened next was that that petition was referred to the Standing Committee on Health and Community Wellbeing, of which I am chair, and we resolved to host an inquiry into the matters raised in that petition: the Inquiry into Recovery Plan for Nursing and Midwifery Workers. The inquiry's terms of reference include: workforce planning; staffing issues, including work hours and staff-to-patient ratios; skills and training; workplace culture and safety; and impacts on patients. You can see that, through my amendments to Ms Castley's motion, I have sought to include details of this time line of events to demonstrate that the health and wellbeing of nursing and midwifery workers is taken very seriously by me and by the Standing Committee on Health and Community Wellbeing.

There are currently active investigations into that recovery plan and any other solutions that may support our nurses and midwives. That inquiry received 15 submissions and held public hearings on 14 June. We note that Ms Castley knows that Ms Castley sought to attend those hearings, and much of the evidence that Ms Castley has produced in her motion today came about through those public hearings. It was in the spirit of transparency and a willingness to collaborate across this Assembly that the committee members and I approved the request for Ms Castley to participate in our hearings. She asked many questions of witnesses, and that was much appreciated.

It is important to stress and underline, though, that the committee's inquiry is ongoing. Public hearings were held little more than a fortnight ago. That evidence has not yet been consolidated into a report for considerations by all members of that standing committee, including Ms Castley's own colleague Mr Milligan. While Ms Castley is not a member of the committee, the committee members—her Canberra Liberals colleague Mr Milligan, Mr Peterson and me—are engaging earnestly with this work. I do hope that the evidence received as part of the inquiry that has been presented here in Ms Castley's motion does not impact on the ability of all committee members to consider the chair's report frankly.

As per the standing orders, the committee will put its recommendations to the ACT government regarding the terms laid out in that petition from the Australian Nursing Midwifery Federation, after which the ACT government will formally respond to any and all recommendations that the committee seeks to make.

My amendments to Ms Castley's motion also note that, since the inquiry was initiated, the ACT government has initiated some solutions to resolve challenges for nursing and midwifery workers, and I enthusiastically welcome announcements from recent ACT budgets, including the one tabled on Tuesday, for new funds to expand the nurse practitioner workforce, establish a wellbeing and recovery fund and implement the Health Workforce Strategy. I do not want the implementation of funding and solutions that can improve the lives of nurses and midwives to be put on hold until this committee has finalised its deliberations and tabled its report. I will not pre-empt the outcome of the ongoing inquiry, and I ask all members of this Assembly to not pre-empt the outcomes of the ongoing inquiry.

Needless to say, any existing solutions by the ACT government have been put to the committee for consideration as part of our inquiry, and they will be considered on their merits in how they substantively address the real issues that our nursing and midwifery workforce are facing.

I understand that these initiatives will continue to be delivered while the transition of Calvary Public Hospital Bruce and Clare Holland House to Canberra Health Services is ongoing. The health and wellbeing of nurses and midwives, both during and after this transition has taken place, are of the utmost importance, and I believe everybody in this Assembly can agree on that.

As a member of the health and community wellbeing committee, I know that the committee takes very seriously its important role to scrutinise government decision-making. It is in this regard that the committee has instigated regular briefings with Minister Stephen-Smith and the senior officials from Canberra Health Services who are overseeing the transition of Calvary Public Hospital Bruce. I understand it is the committee's intention to release communiques from these briefings so that the community can be assured that the committee is exercising its scrutiny function, while appreciating the sensitivities and immediate challenges of staff and patients during this transitioning period.

My amendments call on the ACT government to continue their engagement in good faith with the health and community wellbeing committee's Inquiry into Recovery Plan for Nursing and Midwifery Workers. The ACT government has participated in good faith to date, and I sincerely hope and trust that will continue.

Given the critical importance of implementing the mandated minimum nurse/midwife-to-patient ratios outlined in Ms Castley's report, I also have called on the ACT government to update the Assembly by the end of the August 2023 sitting week on the progress of this implementation.

It is important to note, as I have additionally outlined in my amendments to Ms Castley's motion, that every single member of the ACT Labor caucus and the ACT Greens party room represented in this place made a commitment to the Australian Nursing Midwifery Federation prior to our election that we would commit to mandating minimum nurse/midwife-to-patient ratios. I think it is unfortunate that that commitment was not made by Canberra Liberals candidates or MLAs prior to the last election, but I am inspired by their renewed and recent advocacy on the question.

Finally, these health workers need our support; they need it now and they need it more than ever. Given the high stakes—but incredibly important and necessary—transition that is currently underway, most importantly my amendments call on all members of this Assembly to actively and earnestly promote the supports that are available to staff transitioning from Calvary Health Care to Canberra Health Services.

I think it is incredibly important and disappointing that many, many staff of Calvary Public Hospital Bruce and Clare Holland House, who are understandably at varying degrees of angst based on the transition, have not had members of this place and the broader community avail them of the supports that are available to make sure that their questions can get answered and their immediate, medium- and long-term needs can be met. I understand that the transition team that has been set up for just this purpose is doing those things. I think it is incredibly important that all 25 members of this place, in our capacity as members who will inevitably have nurses, midwives, doctors and other allied health professionals in these facilities contacting us, are supporting them by referring them to the services that have been established to do just that—not manipulating their grievances and not further inflaming their concerns, but doing what we as members are supposed to do in providing support to our constituents.

Most of all, it is important that we support those constituents who work at Calvary Public Hospital Bruce and at Clare Holland House through this necessary and important transformative decision, to provide the people of the ACT with an integrated, well-resourced and well-functioning public healthcare system.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (4.05): Labor members in this place will be supporting Mr Davis's amendment to Ms Castley's motion. I think he makes some very fair and accurate points about Ms Castley's original motion—a grab bag of random data-ish things, and some pretty wild statements that Ms Castley made during her speech. I will put some facts on the table and repeat some of the things that we have said before to Ms Castley.

I think it is instructive that Ms Castley did not really talk a lot today about the transition of Calvary Public Hospital, soon to be North Canberra Hospital, to Canberra Health Services. I will take this opportunity to provide a very quick update

on the numbers of staff who have indicated that they want to transition to Canberra Health Services. Far from the doom and gloom that those on the other side of the chamber were spouting three weeks ago and in the media consistently, I can inform the chamber that, as of around 3 pm today, 1,745 Calvary Health Care ACT staff had registered for the transition to Canberra Health Services, and 1,384 offers had been accepted. That is hardly a workforce that did not want to come and work for Canberra Health Services and was going to leave Calvary Public Hospital Bruce short-staffed, as the opposition had scaremongered in the community about.

Ms Castley has spoken a fair bit about the Health Workforce Strategy. Of course, we have one. We have an ACT Health Workforce Strategy, and she is right that the Australian Nursing and Midwifery Federation had been raising that issue for some time. I can tell her that when the Australian Nursing and Midwifery Federation have raised issues with me about workforce, I have listened to them, and I have listened to other stakeholders who have said, “Do you know what? We need a better workforce strategy, but it doesn’t need to cover just one part of the workforce, or just public health care in the ACT.”

The ACT Health Workforce Strategy is a 10-year strategy that takes a very comprehensive approach to strengthening and building our workforce. It aims very clearly to attract and retain talented students to remain in the ACT and to recruit and retain new and experienced healthcare workers.

Going to Ms Castley’s point, we heard that the workforce wants to work at full scope of practice. They want to have career pathways and they want the technology to be embraced. The strategy reflects all of those things and is being implemented and funded in this budget.

Ms Castley talked about workforce data. There are two points to make about that. The first point, which we did make in the hearing that Ms Castley attended, was that we have pretty good data from the Nursing and Midwifery Board of Australia general registration numbers. We can see in that data the considerable efforts that have already been made to increase the numbers of nurses and midwives in the ACT.

For the 1 January to 31 March 2023 reporting period, there were 7,984 nurses and midwives with general registration in the ACT, compared to 6,649 in the same period prior to the pandemic. Of course, the largest proportion of those work in our hospitals. The data we often struggle with is data that is not related to registered professions. It is data that looks at unregistered professions, non-government organisations and data in private health services. Ms Castley is right: within our own health services, we do need to do more in our people and culture divisions to understand the structure of that workforce. As she is well aware, because we have talked about it before, that work is underway.

I have talked about the funding that we have delivered to implement the Health Workforce Strategy. In the budget that was delivered yesterday evening by the Chief Minister and Treasurer, we have committed more than \$2 million—\$2.16 million over four years—to deliver some key actions under the ACT Health Workforce Strategy 2023-32. We have invested in workforce data modelling. This is ongoing investment in data modelling capability in the ACT Health Directorate.

We are investing in increasing workforce planning staff, with a further expansion of the ongoing workforce strategy team, to build on the investment that was made in the 2022-23 budget. We are delivering on a key element of the third annual review of the culture implementation program by funding stakeholder workshops in 2023-24. We are taking steps to improve attraction and retention, with additional funding to develop improved attraction and retention approaches; promoting career pathways to secondary and tertiary students; and boosting the Aboriginal and Torres Strait Islander workforce, which we know is something that is in need of boosting in the ACT.

This is, of course, part of a total recurrent health portfolio spend in 2023-24 that will reach \$2.3 billion, and \$9.9 billion over the forward estimates, and new initiatives and recurrent funding of \$78 million in 2023-24 and \$289 million over the four years. Those new initiatives will fund an additional 248 full-time equivalent staff across the health portfolio in 2023-24. This reflects our ongoing commitment to grow the health workforce. We, of course, took a commitment to the 2020 election to grow our health workforce by at least 400 FTE. We have already more than delivered that and we are continuing to deliver.

Of course, we are also continuing to support career pathways and growth, with an emphasis on providing leadership and training opportunities across the workforce. As one example, 60 Canberra Health Services staff are currently participating in the Leader's Mindset program run by the Australian College of Nursing. Postgraduate scholarships are funded by the ACT government and provided through various universities. Key areas are midwifery, mental health and critical care—areas that we know we have some staffing challenges. Again, we are not alone in that.

The ACT Nursing and Midwifery Scholarship Scheme provides \$877,000 per annum to enhance the ongoing professional development and skill levels of nursing and midwifery personnel across the public health services, and scholarships are offered twice a year.

Canberra Health Services recently launched the Clinical Learning and Teaching Strategy, which sets the direction for how Canberra Health Services will train workforce, develop staff and give them the opportunities that they have said they want to grow their careers. This sits alongside both the ACT Health Research Strategy and the Canberra Health Services Research Strategy, which very clearly recognise that health research is not just about medical research and clinical trials—although they are very important, and they are also sometimes nurse-led—but also about multidisciplinary research and the engagement of nurses, midwives and allied health professionals in research.

Canberra Health Services is also launching a national recruitment campaign in July, inviting registration of interest against key roles from experienced health professionals. The campaign will build on the work that the Chief Minister, Treasury and Economic Development Directorate has done about the benefits of living in Canberra, while also talking about the benefits of working at Canberra Health Services. It is about looking to promote Canberra Health Services as an employer of choice, promote Canberra as a great place to work and live, and build CHS talent pools for future growth of the organisation, which of course we are committed to.

This builds on the existence of the CHS talent acquisition team, which has been focused on the attraction and onboarding of roles to ensure that CHS goes into the very tight skills market—which everyone is facing across the country and around the world when it comes to healthcare workers—with real expertise in talent acquisition, and that is already paying dividends. That is being supported by the organisation and, as I say, by the Chief Minister, Treasury and Economic Development Directorate, in terms of the wider campaign.

Ms Castley touched on the nurse practitioner work. She seems to have made a big deal of this in her motion as well, which surprised me, because the Canberra Liberals, and indeed the federal coalition, are not generally known to be the largest supporters of work in the area of nurse practitioners and nurses working at their full scope of practice.

Nurse practitioner work is, indeed, detailed and complex, and much work relies on collaboration with the commonwealth. Many of the rules around scope of practice are actually joint rules. Of course, we saw 10 years of neglect at the federal level when it came to supporting the work of nurse practitioners, and health practitioners generally, working at their full scope of practice.

This has already changed since the election of the Albanese Labor government. We have seen the health minister, Mark Butler, and the assistant minister for health, Ged Kearney, actively engaged in conversations about how we can ensure that our valued healthcare workers are working to their full scope of practice.

Ms Castley also said that she was surprised that our budget measure from last year, which funded nurse practitioners in walk-in centres, had not already delivered a nurse practitioner on every shift in every walk-in centre. Well, it was not intended to. It was very clear in the budget papers that this would grow over time.

But do you know what it will do? In this term of government, it will deliver on our election commitment to have a nurse practitioner on every shift in every walk-in centre by the end of this term of government—an election commitment that was not made by the Canberra Liberals because Mrs Dunne was too busy denigrating and undermining walk-in centres during her entire period as shadow health minister. It is nice to see that Ms Castley has come on board with the importance of nurse practitioners and working to full scope of practice. We welcome that change of heart from the Canberra Liberals, but it is a bit rich, given what they have been saying for many years before that.

Ms Castley talked about ratios and said that they were not implemented by February. That, again, is not accurate. Were they 100 per cent compliant? No. Compliance is indeed another matter. It is true that Queensland publicly reports, but Queensland reports only on the actual ratio of one to four or one to seven, so one to four morning and afternoon shift, and one to seven at night shift. In the ACT, of course, it is one to six.

Queensland does not report on the requirement to have a team leader on shift, and it does not report on skills mix. In the ACT our ratio framework—in addition to having

the one to six ratio overnight, not one to seven—also requires a supernumerary team leader to be on shift, and it requires a 75:25 registered nurse to enrolled nurse skills mix ratio as well. It is very often, as Ms Castley knows, the element of skills mix that brings compliance down, particularly on the aged care wards where you do see, quite legitimately, more enrolled nurses.

To get technical about it, the legislated ratios in Queensland set the minimum number—also known as the baseline of staffing—of nursing staff that a hospital and health service must provide on a prescribed ward during a morning, afternoon or night shift. It is not an apples with apples comparison. Yet again—and quite usually for the opposition—they are trying to draw parallels where there are none. Of course, we are committed in an ongoing way to not only implementing stage 1 of ratios, which we have done, but also seeing compliance continue to improve.

Ms Castley also said something about a March survey that Canberra Health Services was supposed to do but had not done—a culture survey. Ms Castley, that was a March survey that was for the ACT Health Directorate, which is a different organisation, and it did happen. I wanted to correct the record there and make sure that accurate information is recorded in the *Hansard*, because Ms Castley's motion, as Mr Davis said, has drawn from a grab bag of data to provide a very misleading picture of what is going on in the ACT in supporting our healthcare workforce, and particularly our nurses and midwives.

I would commend people to have a look at the budget, have a look at the investments that we are making, have a look at Mr Davis's amendment, and particularly paragraph (2)(b) of that amendment, which outlines all of the investments that we have made and what we are actually delivering for the people of the ACT.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (4.20): I would like to speak briefly today in support of Mr Davis's amendments to Ms Castley's motion. As I have spoken about numerous times in this place, I am committed to getting on with the job of improving mental health services in the ACT. In practice, this means ensuring that people can get the mental health support they need, when they need it, over the long term. A crucial part in realising this vision is supporting our mental health workforce to deliver care to Canberrans.

I believe that the ongoing work in the ACT Mental Health Workforce Strategy will provide this support in the areas where it is needed most. As Ms Castley would be aware, A Framework for Change: ACT Mental Health Workforce Strategy was tabled in the Legislative Assembly in September of last year. The strategy framework outlines the ACT mental health sector's objectives, values and principles, and priority areas for reform and desired outcomes for the ACT mental health workforce. These priority areas have been agreed upon by the ACT mental health sector, unions and professional bodies and reflect the most important areas of need.

Consultations are currently being undertaken across the sector to identify key actions under the priority areas. One of the things that we know we really want to work on



more closely in the ACT and embed in the strategy is how we work with lived experience and the peer workforce. Peer workers bring authentic lived experience to the sector while providing highly valuable skills in community-based mental health support. I am pleased that we are already making progress in this area. For example, we are allocating funding to establish two new mental health lived experienced positions at the director level in the Office for Mental Health and Wellbeing and in Canberra Health Services.

The ACT Mental Health Workforce Strategy and first action plan will also consider the unique needs of the community-managed mental health workforce, which plays a critical role in the ACT mental health service system. The community-managed mental health workforce delivers a very broad range of mental health services, including population-level promotion and prevention activities; social and emotional wellbeing activities; early interventions; supported accommodation; individual support; step up, step down services; safe spaces; telephone crisis support and some clinical services.

Additionally, CHS is leading work to support the sustainability of our speciality mental health workforce, who play an important role in delivering clinical mental health services in the ACT. We know that speciality mental health workers are in short supply in the ACT, nationally and internationally. At the same time, we have seen a growth in services and service demand. To address these workforce challenges, CHS is leading initiatives such as workforce redesign, capacity building, stronger education and professional development, strategic recruitment and the retention of staff across the service areas.

We are continuing to work collaboratively with our federal partners to ensure that we have a long-term plan to retrain, recruit and retain the professionals that we need to deliver mental health services in the face of shortages of staff. The ACT is not alone in facing the challenge of meeting demand in this area. Given the increasing demand for mental health services, especially after the outbreak of COVID, every government in Australia is struggling to support everyone who needs help with their mental health. To give members an indication of these challenges, the commonwealth has identified a 32 per cent shortfall in mental health workers nationally. As part of addressing these workforce issues, the ACT Health Directorate is participating in a national mental health workforce advisory group, which is tasked with overseeing this important work at a national level.

I note Ms Castley's concerns about the impact of the north-side hospital transition on staff wellbeing. As I have already stated, Calvary Public Hospital staff welfare remains at the forefront of my mind throughout this transition period. I know that Canberra Health Services have been working extremely hard to ensure a smooth and safe transition of services, with the aim of minimising disruption for staff, patients and carers as much as possible. We know that more than 84 per cent of staff at Calvary Public Hospital have completed the form to transition their employment to Canberra Health Services, including the highly skilled and caring members of the mental health workforce at Calvary Public Hospital. This tells me that staff are supportive of the transition and feel that they can continue to do what they do best, which is caring for the health needs of the people of Canberra.

I recognise that change can be challenging, but I know that now is the right time to make this change and invest more than \$1 billion in the new north-side hospital, which will benefit future health outcomes for our whole community. As Minister for Mental Health, I am committed to getting on with the job of improving mental health services in the ACT. The mental health services landscape in the ACT includes a mix of service providers and provides a range of different services, including wellbeing and prevention services, primary care, ongoing care for chronic health conditions, and acute care.

Some of those services will be delivered in the community and some will be delivered in hospitals. It is crucially important that we support and empower staff to provide care for Canberrans, no matter where they work. I believe that what we are doing is making strides to strengthen our mental health workforce. I look forward to updating members of the Assembly with progress on this important work. For this reason, I will not be supporting Ms Castley's motion today, but I will be supporting Mr Davis's amendments to the motion.

**MS CASTLEY (Yerrabi) (4.25):** It is telling that the Labor-Greens coalition will not be supporting this motion, which lists their failures in the health workforce space and calls on them to account for these failures. They are obviously scared witless at having to list the deficits between what they have promised and what they have actually delivered.

I think it is also telling that in the budget the government has a strategic indicator for the satisfaction of staff in the ACT Health Directorate but not for the frontline staff in Canberra Health Services. Even then, ACT Health is not meeting their own targets for staff satisfaction; but it is incredible that there is not a single indicator that has been reported for CHS. I am sure that this will be the same for the Australian Institute of Health and Welfare's review of state and territory health services and for the Productivity Commission—all of which is shameful.

The budget papers suggest that this data cannot be obtained because of issues with DHR. The budget papers suggest, as I said, it is not available. It begs the question of how the minister can give these issues that are trending in such areas like workforce safety, performance, the hospital, waitlists or any kind of measurable health outcome—how can the minister report on this, if she does not have the data, and say that things are going well? We know from previous reports that many of these outcomes are poor. Some are the worst in the country, and yet we are all meant to think that this budget somehow addresses the major challenges in health.

I have been looking through the budget papers that we got late yesterday afternoon, and I have counted at least 19 projects that have been delayed between CHS and ACT Health, some of which include: embedding a positive safety culture in the ACT public health system, the cancer research centre, upgrading and maintaining health assets and a new rostering system for CHS. All of these big health announcements—they had great fanfare—that the minister made in the last budget, are delayed. Mr Davis and Ms Stephen-Smith talk about these budget announcements, but they do not want to talk about budget delivery. Why is that? It is because they would then have to own up to the fact that much of what has been previously announced is delayed,

underperforming and undelivered to the point where staff do not feel like improvements are being made at CHS.

As all have mentioned it, and I have not yet, let us talk about Calvary. At the time when CHS staff are already overstretched, this compulsory acquisition is causing more disruption to our frontline workforce. We got updated figures, which are good to know, about how many staff have accepted or filled out transition forms, but it is not the full 1,800 yet, and I note that the Australian Nursing and Midwifery Federation has said that even the loss of one nurse or midwife in the ACT government's takeover of Calvary Hospital Bruce will have real implications. Staffing levels are so thin that even the loss of one nurse or midwife has real implications for a ward or a clinical unit. This increases the pressure on an already existing staff shortage, and it is widespread.

Listening to the minister and the government statements about the health workforce makes one incredulous. Take the ACT Health Services Plan 2022-2030. It contains a forward by the health minister, who describes the plan as a "... roadmap for the next eight years ..." Under the heading "Workforce", the plan says:

Without a skilled and supported workforce, health services simply cannot be provided.

Gee whiz! Top marks for stating the obvious! Then it says:

The ACT Government seeks to attract and retain highly trained and experienced medical practitioners, medical researchers, nurses, midwives, allied health professionals and non-clinical staff by providing a positive work environment and access to the latest technologies and clinical solutions.

I have already detailed the government's failures on this front. Then we go on to read:

The ACT Government will progress workforce reform to future proof health services in the ACT, including through:

- A Health Workforce Strategy—

Well, we have seen the latest; it is just a plan to have a plan. Then we hear:

- Support for the professional development ...
- A pathway for students to progress into the workforce within the ACT health system.
- A strong culture of respect and safety for staff through embedding the lessons from the Independent Review of Workplace Culture and engaging closely with staff and their representatives to continuously improve processes and outcomes for all staff.

As an employer, this is the bare minimum. This is what is expected, and yet this is what we hear touted as how amazing we are. How is it going, Minister? I think I have already covered how most young doctors and nurses are declining opportunities for offers to work in Canberra Health Services, and the minute improvements in culture that the ANMF talked about.

The Canberra Liberals cannot support the amendments circulated by Mr Davis. While they may contain statements which are, in isolation, true, and the “calls on” might not be objectionable, they completely ignore and whitewash the problems afflicting Canberra’s public health workforce. It is another example of this Labor-Greens government not even recognising the problems that it has created for our hardworking health workforce, let alone providing or being able to implement the right solutions to fix them.

So, to Mr Davis’s point on pre-empting the inquiry: this motion is not a grab bag at all; it is a holistic view of many of the areas in which this government has failed our health workforce. It is not just nurses; it is across the board. It is much more than just about the recovery plan for nursing and midwifery workers.

As shadow health minister, I can talk about the health workforce as much as the minister can. The minister encouraged us all to look at the budget. Minister, we have and, unfortunately, it is more of the same: promises and no assurance that these things will be delivered.

In conclusion, I have to ask: how does the government expect to adequately staff the new \$1 billion north-side hospital in 2031 when it cannot, due to a litany of failings, attract adequate staff at the moment, here, in 2023? We will not be supporting Mr Davis’s motion.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 15

Noes 7

Ms Berry  
Mr Braddock  
Ms Burch  
Ms Cheyne  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Gentleman

Ms Orr  
Dr Paterson  
Mr Pettersson  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith  
Ms Vassarotti

Mr Cain  
Ms Castley  
Mr Cocks  
Mr Hanson  
Mrs Kikkert  
Mr Milligan  
Mr Parton

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

## Adjournment

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

That the Assembly do now adjourn.

### **Multicultural affairs—Canberra Malayalees Association**

**MRS KIKKERT** (Ginninderra) (4.37): The other night I gathered together with Canberrans to celebrate a beautiful cultural night hosted by the Canberra Malayalees Association. It was a truly joyous occasion as we witnessed an enchanting display of talent and traditions from kids, teenagers and adults. As we embraced the vibrant heritage of Kerala, India, the performances transported us to a world of colour, rhythm and togetherness. From mesmerising classical dances to energetic folk dances, each performance captivated our hearts and ignited our spirits.

The young ones prepared tirelessly for their performances, and I want to acknowledge how amazing they were. Their dedication shone through as they showcased their skills in various art forms. Their innocent smiles and infectious energy reminded me of the importance of nurturing our cultural roots and passing them on to the next generation.

Those in attendance not only witnessed the brilliance of the performers but also experienced the unity and camaraderie of our community. It is a testament to the power of cultural exchange, bringing us closer together and celebrating the diversity that enriches our lives.

I extend my deepest gratitude to Joby George, the President of the Canberra Malayalees Association, and his incredible team for organising the event, providing a platform for talent to shine and fostering a sense of belonging within our community. Their hard work and dedication are truly commendable.

To the performers, both young and young at heart, I applaud their commitment and passion. Their performances on the night inspired us all—those who were in attendance—to cherish our cultural heritage and embrace the joy of sharing it with others.

May the culture night be a reminder of the beauty that lies within our traditions, the strength that comes from unity, and the invaluable role of art in bringing communities together.

### **Armenia-Azerbaijan—conflict**

**MR PETERSSON** (Yerrabi) (4.39): At this moment civilians in the enclave of Artsakh, located within Azerbaijan, are facing a humanitarian crisis. Artsakh, or Nagorno-Karabakh, has been a source of tension between Azerbaijan and Armenia since the fall of the Russian empire over 100 years ago.

The region falls within the borders of Azerbaijan, but operates autonomously, with its own elections and constitution. The population of the Artsakh region is overwhelmingly made up of ethnic Armenians.

Since the conflict between Azerbaijan and Armenia in November 2020, this region has been partially occupied by Azerbaijan and access to Armenia has been restricted. Reports suggest that since 12 December last year the Azerbaijani authorities have blockaded the Lachin corridor, the only road connecting Artsakh to Armenia. This has

left 120,000 residents of the region without access to essential goods and services, including health care.

Vulnerable people, including 30,000 children and 20,000 elderly people, have been deprived of the most basic necessities. Electricity and gas supplies are extremely limited as supply to the region has been disrupted. Some 1,100 residents, including 207 children, who were outside the region at the beginning of the blockade have been stranded and are unable to return home.

This situation is very concerning, so much so that the International Court of Justice has ordered that Azerbaijan reopen the Lachin corridor. Human rights organisations such as Amnesty International and Human Rights Watch have declared this to be a humanitarian crisis and called for an end to the blockade. The international community, including the United States and European Union, have also called for free movement to be restored along the Lachin corridor.

It is important for members of this place to speak up and bring awareness to issues of human rights around the world. We must stand in solidarity with civilians suffering under blockade, which is why I join with Canberra's Armenian community in calling for the immediate cessation of the blockade. I remain hopeful that there will be a peaceful resolution soon.

### **Gaming—online gambling and advertising**

**DR PATERSON** (Murrumbidgee) (4.42): I want to acknowledge that today the federal parliamentary inquiry into online gambling handed down its report after its very extensive inquiry. For someone who has worked in this area for a long time—all of my adult working life—and seen how these gambling ads and online gambling companies have pervasively invaded every aspect of our media and our sport online, it has felt like an endless, uphill battle.

These ads have become more and more pervasive. I remember in particular in 2013-14 the Tom Waterhouse ads that were literally one after the other. That really started it and set the tone for what has been a decade of incredibly pervasive advertising on our TV. I think there is a gambling ad on Australian TV every 90 seconds. That is how bad things have got.

The online gambling market in Australia has boomed, as you can imagine, because advertising works. We are now seeing an entire cohort of men, particularly men under the age of 40, who are experiencing very high rates of gambling harm, largely to do with sports bookmaking.

I am very pleased that all of the recommendations are amazing, best practice and evidence based. I very much agree with the call by one minister in the federal government to address this policy. Currently, there are about three ministers that work across different areas of online gambling policy. The committee ultimately recommended a complete ban of all gambling advertising across all forms of media, which I think is outstanding and should be supported.

There are also recommendations about a national classification system for games. For anyone that has little kids, my kids play Roblox and games like that, and you can go

to the casino and get yourself chips and more money to play the game. Gambling has become a very pervasive part of all of our media.

There is also a call for more research into gambling in Australia and for the Australian Gambling Research Centre at AIFS to act as a national clearing house for gambling research, which is something that I have wanted to see for a really long time, so I am glad to see that recommendation.

I hope that all of our colleagues in the federal parliament will pay close attention to these recommendations. I call on all community members to write to federal members to implore them to support these recommendations and to really reform our system in Australia.

I would like to thank the Bets Off. Game On people who supported my campaign. I had over 1,000 people support my petition. I also thank the Canberra community, because without the support from everyone, and without the community advocating for these changes, we would not be here today. I think this is a most critical opportunity; I am very keen, and I will continue to advocate very hard to federal government to see these changes implemented.

### **Armenia-Azerbaijan—conflict**

**MR CAIN** (Ginninderra) (4.47): I rise to speak about the worsening humanitarian crisis that is currently underway in Nagorno-Karabakh region, also known as Artsakh. I want to commend Mr Pettersson for his speech about this very topic. For over 50 days, the blockade of the Lachin corridor by Azerbaijanis has restricted the importation and movement of Artsakh's 120,000 residents. The Lachin corridor is Artsakh's only access to the outside world, so the impact of this blockade on residents is enormous. Due to this enforced isolation, there are significant shortages of food, fuel, medicine and power, which is fostering a devastating humanitarian crisis.

The ACT has many hundreds of Armenian-Australians who have come from far and wide to call Canberra home, reflecting the strength and importance of multiculturalism in our city. Unfortunately, many have been and continue to be personally affected by what is occurring in Artsakh. I speak to briefly express my deepest sympathies with Canberra's Armenian-Australian community and my sympathies to those affected by this terrible humanitarian crisis. I hope and pray that humanitarian relief is provided to those who need it and that we see an end to this devastating blockade.

### **King's birthday honours—Ginninderra recipients**

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (4.47): I rise to celebrate the many people in Ginninderra who have been recognised in the King's Birthday 2023 Honours List.

Heidi Prowse has been awarded an OAM for her service to community health. From extraordinary work with Cystic Fibrosis ACT and organising the Santa Speedo Shuffle alongside her husband, Andrew, she has provided practical, financial and

emotional support to people living with cystic fibrosis and their families. Under her leadership, Mental Illness Education ACT expanded access to mental health and wellbeing education, and this was particularly important and impactful during the difficult pandemic period.

Gerard Martin has been awarded a Public Service Medal for outstanding public service in delivering advice and support to the Prime Minister and his office, and to the Department of the Prime Minister and Cabinet. Mr Martin oversaw arrangements for the transition of government following the 2022 federal election, ensuring this occurred smoothly and successfully, and demonstrated his exceptional commitment to public service as the Head of Commonwealth Protocol through the delivery of the Australian government's response to the passing of Her Majesty Queen Elizabeth II.

Fergus Gardiner has been awarded an OAM for his service to medicine. Dr Gardiner is clearly an advocate for public health and committed to emergency and military medicine. I was impressed to learn of his involvement and important work with the Royal Flying Doctor Service. His work and research are profoundly important to the wider community and in saving the lives of those in need, and we thank him.

Geoffrey Moore has been awarded an OAM for service to athletics, having been involved in ACT athletics for over 30 years, including with the Speedy Geese Running Group, the ACT Cross Country Club, and the ACT Masters Athletics Club. His work with the ACT Masters Athletics Club is providing fantastic support for those over 30 wanting to enjoy fitness, build friendships with others and form meaningful community connections.

Virginia Leitch has been awarded a Public Service Medal for outstanding public service in developing the business case for the rehabilitation of the former Rum Jungle uranium mine. The dedication she has shown in the revival of this area is invaluable and has seen First Nations traditional owners and the wider community benefit from the restorative environmental work.

Marianne Horak has been appointed an Officer of the Order of Australia for distinguished service to entomology, to taxonomic and phylogenetic research, and to philanthropic endeavours. Dr Horak is an esteemed principal research scientist with CSIRO, involved in over 40 years of entomology research. She is also the co-founder and benefactor of the Australian Lepidoptera Research Endowment and a patron of Moths and Butterflies Australia.

Jill McIntosh has been awarded an AM for her significant service to netball, particularly as a coach at the national and international level. She has had international coaching success across numerous world netball championships and the 2002 Commonwealth Games, and attracted further international acclaim as head coach of Singapore in 2009 and Northern Island in 2012. Her investment and efforts in netball for over 50 years has no doubt inspired countless athletes to start and continue playing the great sport.

Anthony Hill has been awarded the Australian Fire Service Medal in recognition of his distinguished service to the community during his remarkable career with the ACT Rural Fire Service and volunteer work with the ACT State Emergency Service.



For more than 30 years, Mr Hill has protected Canberrans from the threat of bushfires, including more than 500 hours of service on fire grounds across Australia in the 2019-20 bushfire season. Mr Hill has played a senior role in training and mentoring volunteers, in the improvement of work safety, and in his contribution to the design, selection and procurement of bushfire fighting vehicles, all of which has been invaluable.

Marlana Butters has been awarded an Emergency Services Medal, testament to tireless work as an active volunteer for the past 19 years in the ACT State Emergency Service. Mrs Butters has held several key ACTSES leadership positions and played an integral role in the coordination of teams attending the ACT 2020 hailstorm event. Her service has seen her supporting and assisting members of the wider community during countless call-outs, whether it be storms, floods, searches or fires.

Robert Ryan has been awarded a Public Service Medal for outstanding public service through excellence in Aboriginal and Torres Strait Islander affairs. His work has supported Aboriginal and Torres Strait Islander people in areas such as housing, self-determination and supporting the co-design of the Indigenous Voice to Parliament, including through over 100 face-to-face community consultations around Australia led by First Nations leaders, allowing 9,400 people to have their voices heard.

These people in my electorate have received such well-deserved recognition in this way. What is clear among all is their commitment to community and how many lives they have touched and positively influenced. I extend my heartfelt congratulations to them all.

Question resolved in the affirmative.

**The Assembly adjourned at 4.53 pm.**

## Schedules of amendments

### Schedule 1

#### Gaming Machine (Club Refuge) Amendment Bill 2022

##### Amendments moved by the Minister for Gaming

1

##### Long title—

*after*

*Gaming Machine Regulation 2004*

*insert*

, and for other purposes

2

##### Clause 3, proposed new note

##### Page 2, line 16—

*insert*

*Note* This Act also amends the *Gambling and Racing Control (Code of Practice) Regulation 2002* (see sch 1).

3

##### Proposed new schedule 1

##### Page 5, line 20—

*insert*

## Schedule 1      **Gambling and Racing Control (Code of Practice) Regulation 2002— Consequential amendments**

(see s 3)

### [1.1]      **Schedule 1, new part 1.5**

*insert*

## **Part 1.5      Club licensee obligations—club refuge declarations**

### **1.32      Application—pt 1.5**

This part applies to a club licensee if a club refuge declaration is in force for the licensee's club.

### **1.33      Meaning of *club refuge declaration*—pt 1.5**

In this part:

*club refuge declaration*—see the *Gaming Machine Act 2004*, section 166B (1).

### **1.34      Club refuge declaration—refuge area**

- (1) The club licensee must make an area in the club (a *refuge area*) available to a person who accesses the club as a refuge.
- (2) The refuge area must be separate from the gaming area.
- (3) The club licensee must not serve alcohol in the refuge area.

**1.35 Club refuge declaration—information about emergencies and refuges**

- (1) If the emergency services commissioner gives information to the community under the *Emergencies Act 2004*, section 149B about an emergency to which the club refuge declaration relates, the club licensee must make that information available to people who access the club as a refuge.
- (2) If the director-general for an administrative unit gives information to the club licensee about other places that may be accessed as a refuge while the club refuge declaration is in force for the licensee's club, the club licensee must make that information available to people who access the club as a refuge.

**1.36 Club refuge declaration—gambling contact officers**

The club licensee must ensure that a gambling contact officer for the club is present in the club.

**1.37 Club refuge declaration—direct marketing**

The club licensee must ensure a person accessing the club as a refuge does not receive direct marketing about club membership.

**[1.2] Dictionary, note 1**

*insert*

- emergency services commissioner

**[1.3] Dictionary, note 2**

*insert*

- club licensee

**[1.4] Dictionary, new definition of *club refuge declaration***

*insert*

***club refuge declaration***, for schedule 1, part 1.5 (Club licensee obligations—club refuge declarations)—see the *Gaming Machine Act 2004*, section 166B (1).

**Schedule 2****Motor Accident Injuries Amendment Bill 2023**Amendments moved by the Special Minister of State

1

**Clause 2**

Page 2, line 3—

*omit clause 2, substitute*

**2 Commencement**

- (1) This Act (other than section 11A) commences on the 7th day after its notification day.  
*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).
- (2) Section 11A commences on the later of—
  - (a) the 7th day after this Act's notification day; and
  - (b) the commencement of the *Road Safety Legislation Amendment Act 2023*, section 17.

2

**Proposed new clause 11A**

Page 4, line 6—

*insert***11A Section 48 (7), definition of *serious offence*, paragraph (c) (i)***substitute*

- (i) section 5A (Races, attempts on speed records, speed trials etc), if the offence is an aggravated offence; or
- (ia) section 7 (Furious, reckless or dangerous driving), if the offence is an aggravated offence; or

3

**Clause 12**

Page 4, line 7—

*omit clause 12, substitute***12 Section 50***substitute***50 Entitlement limited—workers compensation claimant**

- (1) This section applies if a person—
  - (a) is injured in a motor accident; and
  - (b) is entitled to defined benefits; and
  - (c) makes a claim for compensation under a workers compensation scheme in relation to the injury.
- (2) A person's entitlement to relevant defined benefits ends on the day the person's claim for workers compensation is—
  - (a) accepted; or
  - (b) otherwise settled in accordance with the workers compensation scheme, including on a without prejudice basis.

**Example—par (b)**

a licensed insurer under the *Workers Compensation Act 1951* settles a claim with the claimant by agreement to make a payment to the claimant without accepting liability for the claimant's injury (see that Act, s 133)

- (3) However, the person's entitlement to relevant defined benefits is revived if the person's claim for workers compensation is—
  - (a) withdrawn within 13 weeks after the date of the motor accident; or
  - (b) rejected.

*Note* See also the withdrawal requirements under s 73 (4).

- (4) Relevant defined benefits are not payable in relation to any benefits paid and not recovered under the workers compensation scheme before the claim was withdrawn or rejected.
- (5) In this section:

***relevant defined benefits*** means the following:

- (a) income replacement benefits;
- (b) treatment and care benefits;
- (c) quality of life benefits.

4

**Clauses 17 and 18**

Page 5, line 13—

*omit clauses 17 and 18, substitute***17 Section 73***substitute***73 Application for defined benefits—notification of claim under workers compensation scheme**

- (1) This section applies if—
- (a) an application for defined benefits (the *defined benefits application*) is made under this part—
    - (i) by a person injured in a motor accident; or
    - (ii) in relation to the injured person; and
  - (b) a claim for compensation under a workers compensation scheme (the *workers compensation claim*) is made in relation to the injury.

*Note* There is no requirement for both an application for defined benefits and a claim for workers compensation to be made in relation to a motor accident.

- (2) The claimant for the workers compensation claim must give the relevant insurer written notice about the following:
- (a) that the workers compensation claim has been made;
  - (b) whether liability for the workers compensation claim has been accepted or rejected;
  - (c) any amounts paid to or on behalf of the claimant under the workers compensation claim.
- (3) The notice must be given to the relevant insurer—
- (a) if the workers compensation claim is made before the defined benefits application—when the defined benefits application is made; or
  - (b) if the workers compensation claim is made after the defined benefits application—within 3 business days after the workers compensation claim is made.
- (4) However, if the person withdraws the workers compensation claim within 13 weeks after the date of the motor accident, the person must give the relevant insurer for the motor accident written notice of the withdrawal—
- (a) if the workers compensation claim is withdrawn before the defined benefits application is made—when the defined benefits application is made; or
  - (b) if the workers compensation claim is withdrawn after the defined benefits application is made—within 3 business days after the workers compensation claim is withdrawn.
- (5) If a relevant insurer receives a notice under subsection (2) or (4), the relevant insurer may get information about the workers compensation claim from the insurer for the workers compensation claim.

*Note* A person's entitlement to certain defined benefits ends on the day a workers compensation claim is accepted, however may be revived if the person's workers compensation claim is withdrawn within 13 weeks after the date of the motor accident or if the claim is rejected (see s 50 (3)).

5

**Proposed new clause 20A**

Page 6, line 28—

*insert***20A Who is entitled to treatment and care benefits?  
Section 112 (2) (e)***omit*

applicant

*substitute*

claimant

6

**Proposed new clause 23A**

Page 8, line 11—

*insert***23A Who is entitled to quality of life benefits?  
Section 132 (2) (g)***omit*

applicant

*substitute*

claimant

7

**Proposed new clause 64A**

Page 23, line 11—

*insert***64A Section 238***substitute***238 Motor accident claim—notification of claim made under workers compensation scheme**

- (1) This section applies if—
  - (a) a claimant makes a motor accident claim in relation to a motor accident; and
  - (b) the claimant has made a claim for compensation under a workers compensation scheme (the *workers compensation claim*) in relation to personal injury or death caused by the motor accident.
- (2) The claimant must, at the time of making a motor accident claim, give the insurer for the motor accident claim notice that the workers compensation claim has been made.
- (3) The claimant must give the insurer for the motor accident claim written notice about the following:
  - (a) the name and address of the insurer for the workers compensation claim;
  - (b) whether liability for the workers compensation claim has been accepted or rejected;

- (c) any amounts paid to or on behalf of the claimant under the workers compensation claim.
- (4) If the insurer for the motor accident claim receives a notice under subsection (3), the insurer may get information about the workers compensation claim from the insurer for the workers compensation claim.

8

**Proposed new clause 65A**

Page 23, line 24—

*insert***65A Section 239 (1) (d)***omit*

application

*substitute*

claim

9

**Proposed new clauses 66A to 66C**

Page 24, line 12—

*insert***66A Section 239 (4), definition of *successful application for workers compensation benefits****substitute*

***successful claim for workers compensation benefits***, by an injured person in relation to an injury, means a claim by the person for workers compensation benefits that—

- (a) has been made at least 26 weeks before the date—
  - (i) the person gives a notice of claim to the insurer for the motor accident claim; or
  - (ii) a WPI assessment is carried out on the person; and
- (b) has been—
  - (i) accepted by the insurer for the claim; or
  - (ii) otherwise settled with the insurer for the claim in accordance with the workers compensation scheme, including on a without prejudice basis; and

**Example—subpar (ii)**  
a licensed insurer under the *Workers Compensation Act 1951* settles a claim with the claimant by agreement to make a payment to the claimant without accepting liability for the claimant's injury (see that Act, s 133)
- (c) has not been withdrawn by the injured person.

**66B Application—pt 5.3****Section 240 (1) (a) and (2)***omit*

application

*substitute*

claim

**66C Section 240 (3), definition of *successful application for workers compensation benefits***

*substitute*

*successful claim for workers compensation benefits*, by an injured person in relation to an injury—see section 239 (4).

10

**Clause 70**

**Page 25, line 1—**

*omit clause 70, substitute*

**70 New section 241 (4) (ca)**

*insert*

(ca) section 161 (1) (c) (Final offer WPI less than 5%);

11

**Clause 73**

**Page 25, line 16—**

*omit clause 73, substitute*

**73 Compliance with certain provisions**

**New section 365 (h)**

*insert*

(h) section 412A (Notice of reportable conduct).