



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

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**Tuesday, 24 September 2019**

**The Assembly met at 10 am.**

*(Quorum formed.)*

**MADAM SPEAKER** (Ms J Burch) took the chair, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **Absence of Clerk**

*Madam Speaker informed the Assembly that, due to the absence of the Clerk, the Deputy Clerk would act as Clerk.*

### **Justice and Community Safety—Standing Committee Scrutiny report 35**

**MRS JONES** (Murrumbidgee) (10.03): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 35, dated 23 September 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS JONES:** Scrutiny report 35 contains the committee's comments on nine pieces of subordinate legislation, proposed government amendments to two bills and seven government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Health, Ageing and Community Services—Standing Committee Statement by chair**

**MS CODY** (Murrumbidgee) (10.03): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing and Community Services relating to statutory appointments in accordance with continuing resolution 5A. Continuing resolution 5A was agreed by the Legislative Assembly on 23 August 2012. The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided.

For the reporting period 1 January 2019 to 30 June 2019 the committee finalised its consideration of one statutory appointment. I therefore, in accordance with continuing

resolution 5A, table a schedule of statutory appointments for the period 1 January 2019 to 30 June 2019 as considered by the health, ageing and community services committee. I present the following paper:

Health, Ageing and Community Services—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2019.

## **Health—meningococcal B vaccination program**

### **Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (10.05): I thank the Assembly for the opportunity to update the Assembly on meningococcal B vaccinations for babies in the ACT. The ACT government is committed to protecting the health of Canberrans from vaccine-preventable diseases across their lives, from birth through to older age. We have a proud record of responding to the needs of the Canberra community, funding immunisation programs to complement those available through the national immunisation program. An example of this includes the early implementation of the free vaccination against pertussis, whooping cough, available to all pregnant women during their third trimester as part of our antenatal pertussis vaccination program, and free vaccination against influenza for all children aged six months to under five years, which we have funded over the past two flu seasons.

Amongst children in the ACT, our immunisation rates are some of the highest in the country, which is also incredibly good news for the overall health of our community and a testament to the work that happens across our health services, from our early childhood immunisation clinics to our school health team and primary care practitioners and staff at the health protection service who distribute our vaccines to general practices and other immunisation providers.

That brings me to why, in 2016, a commitment was made to introduce a meningococcal B vaccination for babies, acknowledging that meningococcal disease can have very serious consequences. As members may be aware, meningococcal disease is caused by several strains of meningococcal bacteria, most commonly by A, B, C, W and Y strains. The ACT Health Directorate, along with their colleagues in other jurisdictions, have been monitoring the patterns of this disease, which have been changing significantly. What has been observed is a clear decrease in meningococcal B cases. Here in the ACT, the B strain has now become extremely rare, with only four confirmed cases of the strain since 2014. Since 2014, rates of other meningococcal diseases have increased in Australia, with this increase in cases predominantly from the W and Y strains.

Unfortunately, MenW cases in Australia are associated with a higher fatality rate. This is a trend that has also been observed in other countries and is why, in 2018, the ACT government responded to this emerging threat with the introduction of a free adolescent MenACWY vaccination program in place of a MenB vaccination for babies. The program was rolled out to year 10 students in all ACT high schools, as well as a 12-month catch-up vaccination for 16 to 19-year-old teenagers which could

be accessed through GPs and a series of vaccination clinics held at university market days and across ACT colleges. The vaccination program was targeted to this age group because the evidence tells us that older teenagers are at high risk of meningococcal disease and are also most likely to spread the disease to others.

In its first year, the MenACWY adolescent vaccination program reached close to 80 per cent of the ACT year 10 student population group. Since 2018, the number of cases of meningococcal from all strains of the disease has remained very low in the ACT, with two confirmed cases since 2018.

In November 2019 the Pharmaceutical Benefits Advisory Committee will reconsider a submission from a pharmaceutical manufacturer to list a MenB vaccine on the national immunisation program for the routine immunisation of infants and adolescents. The PBAC is an independent expert body that considers the clinical effectiveness, safety and value for money of medicines and vaccines in Australia. If MenB receives a positive recommendation following the evaluation of the evidence, the commonwealth will consider a national program.

Nationally introduced vaccination programs have significant advantages over individual state-based programs, including consistent messaging; timing of rollout and target age cohorts across Australia; improved ability to monitor, identify and respond to adverse events; and generally achieving higher coverage rates in the community.

Noting this development, the ACT government is looking forward to the PBAC assessment of the MenB vaccine. We will consider the information from this evaluation in future deliberations on the risks posed by the different types of meningococcal disease for our community. On this basis the ACT government will continue to invest in the adolescent MenACWY vaccination program while we await the PBAC review and continue to monitor the latest evidence, risk and patterns of disease.

I present the following paper:

Meningococcal B Vaccination Program for Babies—Update—Ministerial statement, 24 September 2019.

I move:

That the Assembly take note of the paper.

**MS LAWDER (Brindabella) (10.09):** I recall, back in September 2016, when this government pledged free vaccinations for Canberra babies. It appeared to be unbudgeted by treasury and was yet another one of the Labor government's un-costed back-of-a-drink-coaster plans which it is now backing away from. As we have heard, whilst the reasons for not implementing this may be entirely valid—it could be about availability; it could be about the duration of protection; it could be about the fact that the commonwealth government is now looking at it through the PBAC—the fact remains that this government cannot be trusted on health policies.

We heard this with the SPIRE project, another back-of-the-drink-coaster plan for a Brigadoon, the imaginary new SPIRE project promised before the election. This government has form in this regard. It cannot be trusted. It makes promises in this space that it either lacks the ability to back up or has no intention of backing up. It is a shame that here we have yet another broken promise on health from this government.

Question resolved in the affirmative.

## **Workplace safety performance 2018-19**

### **Ministerial statement**

**MS ORR** (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (10.11): Today I want to talk about the important issue of worker safety. Raising safety standards is a key focus area for the government, and as Minister for Employment and Workplace Safety I will be working hard to help industry improve its work safety and injury management performance.

Members may be concerned to hear that in the last financial year alone more than 1,600 ACT private sector workers were injured so badly at work that they had to take time off. In the same period an additional 200 ACT public sector workers were injured so seriously that they were unable to return to their jobs for more than a week.

Safe Work Australia has estimated that work-related injury and disease cost the ACT economy \$1.8 billion per annum. These costs are disproportionately borne by injured workers, in the order of 77 per cent. The adverse health, social and economic impacts of work injury are disturbing and hard to ignore. That is why I am pleased to report that the 2018-19 financial year saw a range of ACT government initiatives make a positive contribution to injury prevention and management performance.

In January 2019 the ACT government implemented a contractor certification scheme that requires all tenderers and contractors for ACT government construction, cleaning, security and traffic management work to be periodically audited against workplace standards. Contractors cannot submit tenders for covered work unless those audits show they are meeting their work safety, workers compensation and other workplace relations obligations. By the end of 2018-19 almost 900 businesses had been audited and verified compliant.

This scheme, which supports the secure local jobs code, is helping to build community confidence that government contracts are being managed safely and also creates a financial incentive for ACT businesses to focus on their work safety performance. I am pleased to confirm that by the end of this calendar year the scheme will be expanded to cover most large government contracts for labour.

Last year also saw the government make several amendments to work safety laws that were designed to improve safety in the construction industry. The first was an amendment to mandate a working safely with asbestos-containing materials course for people in certain high-risk occupations. As members are aware, asbestos is an ongoing risk to the community and to the health of workers.

Asbestos-containing materials remain present in a substantial proportion of buildings in the ACT due to its widespread use prior to 2003. If undisturbed, these materials do not pose a significant risk to health. However, asbestos fibres may become airborne if asbestos-containing materials are improperly handled, and exposure to these can cause serious diseases such as asbestosis and mesothelioma.

Amendments to the Work Health and Safety Regulation 2011 that commenced in July 2019 have enhanced protection for workers who may carry out minor or routine maintenance work on asbestos-containing materials by mandating the relevant training. This has helped to ensure that the people doing this work are trained in how to do so safely, reducing potential exposure to asbestos fibres.

In 2017 the Royal Melbourne Institute of Technology's Centre for Construction Work Health and Safety Research was engaged by the ACT government to independently assess the construction industry's work safety culture. The study confirmed that workers play an important role in driving WHS improvements. However, the quality and effectiveness of formal consultation mechanisms was found to be variable. In some instances consultation was perceived to be a one-way communication of information that was focused on getting workers to sign off safe work method statements and procedure documents.

In response to these findings, a tripartite ministerial advisory committee recommended that the law be changed to ensure that health and safety representatives and health and safety committees in the construction sector are appropriately trained and actively involved in safety discussions and decisions. New arrangements for large construction contracts were consequently legislated and commenced on 1 January 2019. The changes enhance collaboration between workers and their representatives by mandating consultation on the establishment of work groups as well as for the election and training of health and safety representatives and health and safety committees.

The ACT public sector employs more than 22,000 people in Canberra. As their employer, the government has a duty of care to provide healthy and safe workplaces. In March 2019 the territory took over responsibility for managing past and future workers compensation claims for ACT government employees. Consequently, it is currently providing medical, allied health and rehabilitation services to over 1,500 injured workers. These services have been specially designed to help injured people recover from injury sooner and to return to safe work as quickly as possible.

The public sector work health and safety strategy 2019-22 was launched in February 2019 and sets the direction for the ACT government's approach to improving the work health, safety and wellbeing of the public sector workforce. To deliver the strategy, officials are focusing on improving safety performance through a structured approach to work safety systems and audits, a focus on safety leadership and the development of positive performance indicators. In addition, they are managing risks to our workforce through the delivery of a suite of programs, including a mental health strategy to prevent harm from psychosocial injury or illness, the promotion of mental health support for people with mental health conditions and an occupational violence strategy.

These programs will be supported in the next 12 months by a new physical health strategy, a supported transition of staff to new government office blocks and activity-based working environments and early intervention programs to address both physical and psychosocial injury. These include an early intervention physiotherapy program, facilitated discussion services and reasonable adjustment support.

Canberra is a growing city and home to nearly 60,000 people aged between 15 and 24 years. In recognition of the fact that young workers may be more vulnerable in the workplace, the ACT government set aside \$470,000 over four years to establish a young workers advice service. The service has commenced and is providing free and confidential advice and assistance on work safety and other workplace relations matters to young workers. It does so by using a range of face-to-face and online methods.

Also in 2018-19, WorkSafe ACT conducted an apprentices and young vulnerable workers safety program. The program provided education and advice to apprentices, young and vulnerable workers to help them better understand work health and safety regulations and safety practices through education and industry engagement. WorkSafe inspectors spoke to more than 1,000 workers and employers across 200 workplaces. The program worked in conjunction with work site audits conducted by WorkSafe inspectors, identifying levels of compliance in supervision, workplace safety inductions and bullying and harassment avoidance.

WorkSafe also appointed its first dedicated psychological health officer in 2018-19. They are already working closely with employers and employees, managers and supervisors in providing mental health and safety support at information sessions and providing accessible resources and training programs. WorkSafe ACT inspectors will also receive training and access to ongoing mentoring for responding to psychological hazards. All Canberrans should have access to the information, support and services needed to maintain good mental health. WorkSafe's investment in workplace mental health and safety reflects this government's commitment to improving mental health and suicide prevention.

I turn now to the issue of silicosis. Silicosis is an irreversible scarring and stiffening of the lungs. It is a preventable occupational disease caused by exposure to silica dust. Members would be aware of the tragic stories of workers who have recently contracted silicosis as a result of exposure to silica dust at workplaces that are involved in the manufacture, finishing or installation of engineered stone products.

Throughout 2019 WorkSafe ACT has been conducting a silica dust compliance project, working with local businesses to identify and control silica dust risks. It has also published guidance material on crystalline silica dust and worked with the Cancer Council and SafeWork NSW to convene an occupational cancer for WHS managers and professionals workshop. The ACT government is also working with other jurisdictions to address silica exposure risks at the national level, including with Safe Work Australia.

In relation to labour hire, several public inquiries across Australia have highlighted the vulnerability of labour hire workers to poor treatment at work, ranging from cases of underpayment and unauthorised deductions of wages to dangerous conditions of work and substandard accommodation. The ACT government has undertaken to introduce a labour hire licensing scheme to promote integrity and encourage responsible practices, with a particular focus on work safety. The design of the ACT licensing scheme will be informed by a public consultation process, which ended in August this year, and also by the design of schemes that are already operating in some other Australian jurisdictions.

The next 12 months will also see changes to the operation of WorkSafe ACT to make it a more efficient, effective and independent regulator. The changes have been informed by the 27 recommendations of a 2018 independent review of the ACT work safety compliance and enforcement arrangements. Once implemented, they will improve the legislative, governance and administrative operations of WorkSafe ACT. In addition to making improvements to WorkSafe's governance, the reforms will increase the capacity of the tripartite ministerial advisory council on work safety to monitor and provide advice on the safety regulator's performance.

October is National Safe Work Month. This year its theme is "Be a safety champion". The theme was selected to highlight that anyone, both employers and workers from any occupation or industry, can be a champion for work health and safety. Everyone can support a safety culture at their workplace and promote best practice work health and safety initiatives.

While government can set the frameworks to support safety in workplaces, we also need industry regulators, industry groups, employers and workers to cooperate to lift safety awareness and practice to ensure that workers are able to return home safely each day. I will be working with officials, WorkSafe ACT and other safety stakeholders in October and into the future to promote this message of inclusion and shared responsibility to improve worker safety in the ACT.

The ACT government is committed to the pursuit of ethical labour standards for territory workers. Improving workplace safety and injury management is critical to that commitment. I look forward to working closely with employers, employees and their representatives to ensure that workers are able to return home safely each day.

I present the following paper:

Workplace Safety Performance—Annual statement 2018-19—Ministerial statement, 24 September 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Evidence (Miscellaneous Provisions) Amendment Bill 2019**

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

Title read by Clerk.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.24):  
I move:

That this bill be agreed to in principle.

Today I am pleased to present the Evidence (Miscellaneous Provisions) Amendment Bill 2019 to the Assembly. The bill makes positive changes to ACT legislation, following the Royal Commission into Institutional Responses to Child Sexual Abuse.

I have spoken before in this place about the importance of the royal commission. As I have said and will continue to say, the abuse of a child is a terrible crime, perpetrated against the most vulnerable in our community, which cannot be tolerated. It is a fundamental breach of the trust which children are entitled to place in adults. We must acknowledge our collective failures to protect children in the past and take responsibility for protecting them into the future.

The government has already implemented a number of recommendations from the royal commission, including legislative and non-legislative measures. This bill represents the fourth legislative implementation of the royal commission's criminal justice recommendations and will be followed by further reforms through both future bills and non-legislative reforms. Let me now turn to the amendments in this bill giving effect to the royal commission recommendations.

This bill creates the legal framework for the use of intermediaries in criminal proceedings. An intermediary is an independent communication specialist whose role is to assist a person with communication difficulties to communicate with police and the court. The bill requires intermediaries to be appointed for all child complainants in sexual offence proceedings and all child witnesses in homicide proceedings, subject to some exceptions. The bill also provides the court with a discretion to appoint intermediaries for other witnesses, including defendants, who have a communication difficulty.

The scheme will be administered by the Victims of Crime Commissioner, within the ACT Human Rights Commission. The commissioner will establish a panel of intermediaries. To be on the panel, a person must have tertiary qualifications in psychology, social work, speech pathology or occupational therapy. The bill also allows the Victims of Crime Commissioner to appoint a person who has other qualifications, training, experience or skills suitable to exercise the functions of an intermediary.

This reform addresses recommendations by the royal commission that states and territories implement intermediary schemes. The royal commission made these recommendations in recognition of the particular difficulties faced by child victims and victims with communication difficulties in accessing justice through the criminal justice system.

The royal commission heard examples of many child complainants breaking down during cross-examination due to the stress and trauma associated with giving their evidence. The criminal justice report told us that vulnerable witnesses may not have the language to describe what happened and that, even if they can articulate that something happened, they struggle to disclose this accurately to strangers in unfamiliar settings. Communication barriers may also make it difficult for children to disclose the abuse with enough detail to assist further investigation and the laying of charges.

At the most fundamental level, in order to participate in the criminal justice process, children must be able to give a comprehensible account of what has happened, understand the questions being asked of them and provide a comprehensible response to those questions. Without this, evidence of any criminal acts perpetrated against them cannot be heard and considered by the criminal justice system. Consequently, the abuse remains unheard and unaddressed.

The bill also establishes the legal framework for the use of ground rules hearings in the ACT. A ground rules hearing is a pre-hearing process where the court takes into consideration the communication, support or other needs of a witness and sets ground rules accordingly. Where an intermediary has been appointed, the ground rules hearing provides an opportunity for the intermediary to inform the court of the communication needs of the witness and for the court to make any adjustments that are in the interests of justice. This could include rules about how a witness can be questioned, whether breaks are required, directions about support animals or any other direction.

The royal commission recommended that state and territory governments ensure that ground rules hearings are held in child sexual abuse proceedings because they improve the trial process for all parties, but particularly for complainants. For the complainant, they provide an opportunity to have their needs considered and to make adjustments to the trial process that might help them to give evidence. The royal commission cited the example of a child who alleged that she was always assaulted from behind, and she was able to give her evidence in a corner, with a tent over her and surrounded by her toys. This allowed her to feel safe, in that no-one was able to approach her from behind while she gave her evidence.

While the bill is primarily concerned with improving the experience of victims in the criminal justice system, it will also deliver clear benefits to the accused, the justice system and the broader society. For the accused the bill provides the court with a broad discretion to order a ground rules hearing or appoint an intermediary for any witness with a communication difficulty, including an accused person. This allows both defendants and victims to benefit from the scheme. In addition, high quality

communication with witnesses and obtaining accurate and complete testimony can ensure that not only the complainant but also the accused experiences a fair trial.

For the justice system, obtaining clear, accurate testimony improves the court's ability to deliver justice more effectively. This has been shown to be the case in other jurisdictions where similar legislation has been implemented, such as in New South Wales, Victoria and elsewhere.

For broader society, reducing communication barriers improves the ability to hold offenders to account. Child sexual abuse offences are generally committed in private. Typically, the victim is the only witness who can provide direct evidence of the abuse. Ensuring that victims can communicate their evidence is integral to prosecuting child sexual abuse offences.

Better methods for hearing the evidence of child abuse victims can also increase offender accountability by encouraging the reporting of such crime, recognising that current system failures can deter victims from making a report. In short, ensuring that victims are heard in our criminal justice system prevents and deters abuse, creating a safer community.

The ACT has a proud history of being at the forefront of reforming criminal processes to ensure that the voices of victims can be heard in our justice system. Today I am proud to be introducing another bill that takes us even further in the direction of improving access to justice for witnesses.

This bill is yet another example of this government's commitment to implementing the findings of the royal commission. We will keep working to improve our legal system, and we will keep demonstrating in our words, in our actions and in our laws that creating a safer and more just society for all is our absolute priority. I commend the bill to the Assembly.

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

## **Sentencing (Drug and Alcohol Treatment Orders) Legislation Amendment Bill 2019**

Debate resumed from 6 June 2019, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (10.33): The Canberra Liberals will be supporting this bill. We will also be supporting the government amendments. The Canberra Liberals have long been supporters of providing this sort of pathway for offenders. Its use in other jurisdictions shows that this approach is effective—effective not just for the offenders but also for families, for friends and for the entire community.

In New South Wales His Honour Roger Dive, the Senior Judge of the New South Wales Drug Court, quoted results from the Bureau of Crime Statistics and Research in February this year. He noted that the results:

... have firmly established that the Drug Court is both more effective and less expensive than gaol.

BOCSAR found that Drug Court participants (whether ultimately successful on the program or not) were 17% less likely to be reconvicted for any offence, and those who successfully completed the Drug Court program were 37% less likely than a comparison group to be reconvicted of any offence at any point during the follow up period.

A court such as this also has a financial benefit for the community. In his 2017 review, Judge Dive said:

The cost to the community by NOT providing a Drug Court program is reflected in some analysis of the 2017 year. Ninety-six (96) apparently suitable offenders were unsuccessful in the ballots conducted ...

So what happened to them? The 96 referred offenders who were unsuccessful in the ballot were sentenced in the Local Court, or the District Court ... to a total of **561 months** as their non-parole periods. Applying the average daily cost of adult incarceration of \$172.80, those sentences cost the community **\$2.91 million**.

I note that the cost per day in the ACT is a lot more. I note also that the jail is at, or close to, maximum capacity. So I believe that what is happening in New South Wales applies even more so to us as a jurisdiction. The report states:

The year in review was another year of proven success. Every performance indicator showed improvements, and records were broken:

- The number of graduates eclipsed the century mark for the first time ...
- Program entrants increased to the highest in six years ...
- Program completion was a record ...
- Participants not required to return to gaol—a record 190 or 58.28%
- Extra graduation ceremonies were frequently required at the Parramatta Drug Court, given the numbers graduating.

His Honour sums up the case for a drug and alcohol court as follows:

The Drug Court was a brave experiment 20 years ago. It is now a well-established and useful part of the justice system, providing ... people with a decent opportunity to climb out of the wretched life they have been living, and, at the same time, relieve some of our communities from drug-related crime.

I note that this was 20 years ago in New South Wales. This is certainly something that all three parties have been calling for. I welcome the fact that we are finally at this point today.

Turning to the bill itself, the legislation creates the framework for the drug and alcohol court by amending the Crimes (Sentencing) Act 2005 as well as other relevant legislation. It establishes the processes for issuing a drug and alcohol treatment order or DATO—perhaps the minister will tell me the correct pronunciation—as an alternative sentence to imprisonment.

Importantly, the process includes the following conditions and consequences: the offence must be an eligible offence and serious violence and sexual offences are not eligible. The offender must plead guilty and the offender must be assessed and examined as being suitable for the program.

In addition, treatment orders have strict conditions, including that the offender must complete a recognised treatment program, must not commit another crime, must report as directed, must receive visits from a member of the treatment team to monitor progress and must comply with any other order that the court imposes. Breaching any of these conditions means that the court can take further action, which includes a range of options from adding further conditions to imposing a custodial sentence for the original offence, plus the breaches of the treatment orders.

These are vital inclusions because this approach must not be seen as a get out of jail free card. This is a sentence alternative, not a sentence removal. On that basis, the Canberra Liberals support the drug court of the ACT. I will, however, add a note of caution. This program will only succeed with ongoing and substantive support.

Reports from interstate show that success leads to increasing demand and that demand requires funding. The problem was demonstrated in New South Wales, where reports show the inability of the drug court to provide programs to all offenders who are within the defined geographical catchment area of the court and who are both eligible and appropriate for the program. The 2017 report contained an analysis of both the cost of not providing a Drug Court opportunity and the lack of fairness in not providing a Drug Court program opportunity. The report states:

The demand for places at the Parramatta Court has, for some years now, outstripped supply, and the graph below shows the ever increasing gap between referrals and placement on program.

If this to work is to succeed, it is very important that the government provides the adequate resources so that the court can direct offenders to the appropriate programs. If those programs are not resourced, the court will not be able to do its job. I raise this because the government does have a history of announcing programs but then not providing adequate funding.

I would point to the lack of support for the DPP that was a problem for many years. It was raised in annual reports by the director himself over a number of years, as well as the removal of support for legal aid in this year's budget. I do not want to be here in the future saying, "What a shame this program is not working properly because the court is unable to direct people to the appropriate rehabilitation programs to make such a court successful." The Canberra Liberals will support this court but will also support the appropriate funding of such measures to make the court a success.

I move now to the amendments, which will be discussed in the detail stage. However, I will also discuss them briefly now. We support the amendments to this bill. There are two main areas. The first are functional amendments. They cover a range of technical, procedural and functional changes. The second relates to providing an

ability to move offenders back to their appropriate jurisdiction. I will briefly touch on these.

The functional amendments include purely technical amendments such as removing duplications, some consistency in amendments to fit the new court to powers in other acts, and procedural amendments such as a provision that states that when a DATO is completed a good behaviour order is still required to be served.

Based on various briefings, it is reported to my office that the functional amendments have arisen since the government appointed the Chief Magistrate, Lorraine Walker, as the appointee to supervise the drug and alcohol court. From feedback from various stakeholders, the government felt it would be better policy to include any suggestions in the first passage of the legislation rather than amend at a later date. We agree with this approach.

The other area of amendment is the ability for the drug and alcohol court to refer the matter back to another court, as appropriate. As initially drafted, an offender had to effectively remove their matter from whatever court they were in and then apply to the drug and alcohol court. If that offender was deemed to be not suitable for a treatment order, there was no mechanism to refer the offender back to the original jurisdiction.

While the amendment applies to all offenders, this situation was seen as particularly problematic for Aboriginal and Torres Strait Islander people, as they would lose access to the Galambany Court by choosing to apply to the drug and alcohol court. This effectively meant that they had to choose between one or the other. The government has picked up on that and proposed this appropriate amendment. The amendment allows the presiding officer of the drug and alcohol court, if and where appropriate, to refer the matter back to the original jurisdiction. We support that change.

I said a little earlier that the introduction of the drug and alcohol court will not be without some trial and error. The Canberra Liberals will not use this as an opportunity for political opportunism. These are appropriate amendments. They are things that have been picked up to improve the court. We are not going to be in this place to play gotcha politics, to criticise the government for not getting it right in the first place.

Equally, as this court rolls out, there may be mistakes made. There may be errors. We accept that. What we will look to see is that the government will then acknowledge those, will provide the correct amendments, including, perhaps, legislative amendments in this place so that we get it right. Often an innovation like this will take some time to bed down. We acknowledge that; we accept it. On this side we will not be playing gotcha politics as this rolls out.

However, I reinforce the point that I made that we will not accept a lack of funding as an excuse for the enablers of this sort of program in terms of rehab services. We are very happy to work with the Attorney-General's office and with his staff as problems arise. If we become aware of problems, we are very happy to make sure that we get

this right. This is not something that we see as a separation in terms of the philosophy between the Liberal Party, the Labor Party and, as I understand it, the Greens.

I think we are all on board with this. I think the outcomes are proven in other jurisdictions to work. We have to work together to make sure that this rolls out well. It is good that we are here at this point. I think it is something that we could have done earlier, but that is probably water under the bridge. We are here now; we have got to get it right; we have to work together on this.

I think we have to do what we can to help people who are affected by the scourge of drugs. If these people then find themselves in the criminal justice system, where appropriate we should divert them away from those drugs. In some cases it does need a coercive type element that will be provided by the courts. It may be the threat of a custodial sentence or other measures to make sure that people can go on a pathway away from taking drugs and away from crime to lead full and prosperous lives.

I think that is a good and a noble thing. We look forward to working where we can with the government to make sure that that is realised here in the ACT. I commend what you are doing here. I say to the Attorney-General: make sure you resource it properly. We will be supporting the bill and the amendments.

**MR RATTENBURY** (Kurrajong) (10.46): The ACT Greens strongly support this bill, and the government's further amendments, as collectively they represent the next step towards the completion of a key parliamentary agreement item that will serve to improve the ACT's justice system and bring practical benefits to the difficult and complex subject of substance use in our community.

The ACT Greens took the concept of a drug and alcohol court to the last election, in 2016, as it represents a strongly evidence-based approach to drug law reform and criminal justice. We were then able to secure it as part of the parliamentary agreement with the Labor Party, and I thank the Attorney-General for progressing this reform since that time.

As Mr Hanson has noted in his remarks, drug courts are not new. They operate quite differently to a traditional court and they operate in diverse jurisdictions around Australia and the world. They are deemed a successful and often essential response to substance use and offending by courts, law enforcement agencies and governments of all political persuasions.

Sometimes referred to as therapeutic jurisprudence, this approach is an interdisciplinary method of legal practice that aims to reform the law in order to positively impact the psychological wellbeing of the accused person and therefore deeply resonates not just with the ACT Greens policy on drug law reform but also with my ministerial priorities regarding justice reinvestment. I am really enthusiastic about seeking to promote this approach and ensuring that we move this forward and offer this as part of our justice landscape in the ACT.

I had the opportunity a couple of years ago, when I was attending a corrective services ministers conference in New Zealand, to spend a day at the Auckland drug court. It was very instructive, from the early morning preparations of the judge, then with the range of other stakeholders represented in the court, through to the hearings process in the afternoon. It is very different to the traditional adversarial court process. In this, a range of agencies work together to identify opportunities for changes in the course of somebody's life by helping them to tackle their underlying reasons for using drugs in a way that has led them into contact with the criminal justice system.

As a society we must reframe our views on drug use as a personal health issue that requires intervention to reduce the harms to both individuals and the community around them. We need to think about it in a different way from those perspectives. Similarly, this is the approach we need to expand to criminal behaviour more broadly. It is only by breaking the cycle of offending and reoffending that we can reduce the impact this offending has on our city in terms of the suffering of victims, the cost to our law enforcement agencies and the all too often frustrations of our legal system. This is about making our community safer and putting the lives of offenders back on track so that they too can have a better life. That leaves all of us better off.

Drug and alcohol courts are sometimes referred to as problem-solving courts, particularly in the United States. That is the key thinking behind both the government's bill and the subsequent amendments. Combined, they seek to offer a strong and transparent framework for all stakeholders and participants whilst also allowing the new dedicated presiding judge the necessary flexibility to consider the whole of the person before them and take adaptive action as the situation requires.

Substance use, addiction and addictive behaviours are not simplistic problems that can be quickly solved with punitive approaches. Problematic drug use is often informed by trauma, poverty, social isolation and complex neurological interactions, all of which can overlap and become more difficult to overcome as time and circumstances compound each other. It is a fool's errand to think that addressing these issues is easy, and that is why the legislation before us provides the courts with both time and the required support to really engage with an offender's needs.

No genuine discussion of treating addictive substance use can ignore that, for some people, it will take more than one attempt to resolve. In fact, it is highly likely that most people seeking treatment will relapse more than once. We need our new drug and alcohol court to operate under that assumption. We also know that people seeking treatment will need more than cognitive behavioural therapy—they may need support with housing, employment and finding new pro-social peer groups. They may need help reconnecting with family and loved ones or addressing underlying and often undiagnosed or poorly treated medical problems and other less obvious but associated addictive behaviours such as gambling.

The examples I provide underline the complexity of seeking to support the people we are dealing with and help them break their cycle of offending for the benefit for themselves and the whole community. In recognition of these facts and complexities, the ACT government has provided increased funding to the community sector. The

amendments being debated today have been carefully crafted to allow for a much deeper exploration of a participant's individual circumstances than would otherwise usually be available before a court.

In case there are any who doubt this approach, I will further explain that our support for this approach does not in any way undermine the respect we have for the fact that a crime has been committed and a person has been found guilty of an offence. But let me also be clear on my view that addressing a person's drug use in this way is not the easy way. Mr Hanson made these observations as well.

Anecdotally, I have heard of offenders who would rather spend time behind bars than enter into community-based rehabilitation because it can be very confronting to look into your own behaviour. It is also not an easy journey through the justice system. Participants will be subject to much greater supervision, oversight and accountability for their actions even if they are not part of the scheme and may well find themselves challenged in ways they would not be if they were simply serving a full-time custodial sentence. But as this bill and the associated programs are designed to help them overcome these challenges, I am confident we will see a reduction in both recidivism and, therefore, harm.

This approach is just one aspect of sensible drug law reform. While we must continue to call for personal drug use to be considered a health issue rather than just a legal issue, it is a leap forward that will bring the ACT closer in line with what the evidence tells us is required to prevent and treat problematic substance use in our city.

I have great optimism about the impact this drug and alcohol court can make. It will very much depend on the right contribution of resources by the government, participation by the various service providers and the strong leadership of Magistrate Walker. All these ingredients will be a really important part of making this court a successful one that meets the expectations we have for it. It is a big challenge; I again concur with Mr Hanson's remarks. I suspect there will need to be some tweaking along the way. As the rubber hits the road we may get feedback that the legislation needs adjustments or that different programs need to be provided. These will be the things we need to monitor as we go along.

I stand here today with optimism that this is a very positive policy approach in the ACT that can pick up the benefits we have been able to learn from other jurisdictions and bring a new form of justice to this territory that delivers positive outcomes right across our community. The Greens are very pleased to support this bill today.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health, Minister for Urban Renewal) (10.55): I am pleased to speak today in support of the Sentencing (Drug and Alcohol Treatment Orders) Legislation Bill 2019.

Drug and alcohol courts can make a very real difference in the lives of a group of high risk and high needs offenders. We know that, by taking a therapeutic approach, drug and alcohol courts can rehabilitate and restore dependent offenders. We also know that this cohort of offenders have high rates of recidivism, so the focus on treating the

individual has flow-on benefits for the whole community by reducing crime. I note Minister Rattenbury's comments towards the end of his speech about the importance of acknowledging that there are real victims of these crimes and that their experiences must also be acknowledged. Establishing an ACT drug and alcohol court is an important ACT government commitment, and I look forward to seeing it established to support offenders in their recovery journeys from late 2019.

The health sector will play a pivotal role in this journey. From the very beginning, potential participants in the ACT drug and alcohol court will have contact with health professionals and will be guided right through to completion of the program and graduation. When an offender is referred for assessment for a drug and alcohol treatment order in the Supreme Court, one of the first people they will come in contact with will be a Canberra Health Services clinician, who will undertake a preliminary assessment. This involves gathering information for the court about whether the person has a dependency on drugs and/or alcohol. If there are any mental health issues present, a representative of forensic mental health services will also likely be involved in the interview.

If the Supreme Court then decides that the person can be formally assessed for suitability to be placed on a drug and alcohol treatment order, their matter will be adjourned for approximately six weeks. During this period Canberra Health Services will work closely with the offender to determine, from a health perspective, whether it is appropriate that they be sentenced to a drug and alcohol treatment order.

This comprehensive assessment will involve identifying what types of health challenges the person has and deciding what treatment measures could be best put in place to assist in their recovery. For example, they may need to stay in residential rehabilitation for a period of time, or some time for withdrawal. The offender may have a mental health condition and require medication and counselling. Health clinicians will also consider the person's history and treatment history, family and living circumstances, and any significant risks such as suicidal behaviours.

The offenders who will be eligible for a drug and alcohol treatment order will need intensive support in other areas as well. This means that we need to look at their whole lives to determine what we can do to give them the best chance of success. We may find that they need stable accommodation, counselling or employment assistance. Others might need help to address behaviours connected to family violence. During the assessment for eligibility and suitability for a drug and alcohol treatment order, these support needs will be identified, and the drug and alcohol court team will work collaboratively, using a harm minimisation approach, to meet these needs in an appropriate and therapeutic way.

During this comprehensive assessment, Canberra Health Services will work closely with other members of the drug and alcohol court team, such as community corrections in ACT Corrective Services, to ensure that these wraparound services are available and that a consistent approach is taken in relation to each individual offender.

All of this will be done in accordance with the suitability and eligibility criteria outlined in the bill we are debating today. After the assessment the health clinician

will prepare a report for the court and make recommendations about suitability. Health will play an essential role in ensuring that the court has sufficient information to make a decision about whether a person can be sentenced to a drug and alcohol treatment order.

Because of this assessment process, by the time an offender becomes a participant, they will already know the health professionals on the drug and alcohol court team. Fostering these relationships from the beginning puts the focus where it should be: on harm minimisation and rehabilitation.

The ACT Health Directorate and Canberra Health Services are working very closely with the Justice and Community Safety Directorate to ensure that the necessary services are in place when the court is operational at the end of this year. In particular, ACT Health has conducted a number of workshops with the alcohol and other drug sector in the ACT to determine what level of support services are required and how they should be implemented.

Minister Rattenbury spoke of a few important concepts around therapeutic jurisprudence and problem solving. This step that we are taking today is an important one in the ACT government's commitment to building a restorative city, one that recognises the impact on victims of crime but one that also recognises the underlying causes of much crime in our community, and that we are all better served when we support people to rehabilitate, to live their better life.

Towards the end of last year I had the opportunity to visit the UK, and while I was there I visited the team at Opportunity Nottingham, a program that supports people who are very difficult to engage in the service system. To be eligible to be supported by Opportunity Nottingham, people needed to have at least three of the four factors in their lives of alcohol and other drug dependence, homelessness, mental health issues and engagement with the justice system.

It was very clear from those conversations that this work is difficult, but that it can make a real difference in individuals' lives when there is a service that can take a therapeutic approach to providing wraparound services for people, to understand their real needs and the underlying causes of their drug and alcohol challenges. In particular, for many of those people, one of those underlying causes will be a history of trauma in their life, and particularly a history of adverse childhood events and childhood trauma. Getting to those underlying causes is fundamental if we are to address people's drug and alcohol challenges and their interaction with the justice system.

Importantly, as we go forward, addressing those challenges earlier in people's lives, and having early intervention when people have experienced adverse childhood events and childhood trauma, are critical. Of course, preventing the trauma that people experience in childhood is an important part of what we do every day in the children, youth and families portfolio, and in the portfolio of preventing domestic and family violence.

By providing drug and alcohol court participants with holistic treatment and support, we are setting them up for their best chance of success, and we are continuing our journey towards a restorative city, with policies based on compassion and on the best evidence from around the country and around the world. I am pleased to support the bill and commend it to the Assembly.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (11.02), in reply: I would like to thank all of the speakers who have contributed to the debate today: Mr Hanson and ministers Rattenbury and Stephen-Smith. It is important to have strong support across the chamber for this important initiative as we take what is a step into slightly uncharted territory in the ACT but a step clearly built on good evidence not only from around Australia but from beyond as well. It has been a privilege to lead this work over the past couple of years as part of the government's focus and my focus on therapeutic jurisprudence, which fits very strongly with the overall work in developing Canberra as a restorative city.

The government introduced the Sentencing (Drug and Alcohol Treatment Orders) Legislation Amendment Bill in June. When it comes to the pronunciation of the acronym DATO, Mr Hanson, I simply say that it probably indicates more where a person has been born than anything else. I think the acronym can be pronounced either way, knowing that it will be very effective no matter how it is pronounced.

The bill supports the government's important work in reducing recidivism and reducing incarceration rates, promoting restorative practices right across our justice system. At the introduction of the bill, I provided the Assembly with an overview of why the government is establishing a drug and alcohol court and how the court will work in the territory. I also outlined what someone who is sentenced to a drug and alcohol treatment order can expect from the intensive program. Today, as we draw this debate to a close, I would like to speak about the real and tangible difference drug and alcohol courts can make in the lives of offenders, and the benefits that they can have for the broader community.

In the ACT we have the advantage of considering what our interstate counterparts have already done in this space. During the development of this bill, our government has greatly benefited from the assistance of colleagues in New South Wales, Queensland and Victoria. We have learned a great deal about what has worked and what has not worked.

In particular, Judge Roger Dive of the New South Wales Drug Court has been readily available and refreshingly frank with us about the New South Wales experience. Judge Dive has recently finalised the 2018 New South Wales Drug Court annual review. In this review he explains that the real story of the Drug Court is about the individuals who have striven to recover from serious dependence and who have returned to being participating members in society. The review provides some examples of this change in action, using pseudonyms for privacy.

We are introduced to Craig, who was initially full of self-doubt about his ability to successfully complete the program as he struggled deeply with his addiction. His desire to be a father whom his son could be proud of as a stable figure was one of his greatest motivations. When Craig's mother suddenly passed away, his perseverance shone through. He continued to attend court and did not use any substances during what was undoubtedly an intensely painful time. He walked through that period refusing to give in and to use substances. Craig graduated with his family by his side. He is living a life that he never thought he could live without drugs, and he is proud of his growth.

When I witnessed participants receiving a round of applause at the Parramatta Drug Court last year, I got to see this well-earned pride firsthand. It is an unusual thing to do in a courtroom, but it is very important that participants are acknowledged for their hard work.

Let us remember that drug and alcohol court participants have often lived incredibly difficult and chaotic lives. For many, it could be the first positive reinforcement that they have received in a long time, if ever. This form of recognition is even more important as drug and alcohol court participation is voluntary and subject to especially intensive requirements. People have to take responsibility for their actions and face some hard truths about their lives. They are tested regularly for drug and alcohol use; they are rigorously supervised; and they have to show up in both a literal and figurative way.

As Mr Rattenbury indicated, some offenders choose not to participate as they believe it is easier to be incarcerated and not challenge the behaviours that led to their offending. This is not the easy option for any.

When we get to the heart of it, redemption is what drug and alcohol courts are all about. These stories are a real testament to the strength of the drug court program in rebuilding the capacity of participants.

If we want to look purely at the numbers, the measures of success in New South Wales for 2018 demonstrate a significant upward trend in program completers and graduates since the court opened in 2013. In 2018, they had 103 graduates, and 58 per cent of participants did not have to return to prison. For this cohort of high-risk and high-need offenders, these statistics are absolutely remarkable.

The supervision element of therapeutic courts helps participants to stay on the straight and narrow. Supervision also facilitates important conversations between the court and the offender about focusing on their rehabilitation. By genuinely engaging with participants, the court can determine key motivators and use that information to assist their recovery in a holistic way. That is why we are building a strong alliance of government and non-government agencies who will each have an important role to play in assisting the offender to break their cycle of addiction and crime. We are engaging with the agencies and the providers to ensure that the necessary services are in place for the ACT drug and alcohol court to begin operating by the end of this calendar year. While this bill is an essential element, it is part of the larger project to get the drug and alcohol court established.

This government is strongly committed to ensuring the ongoing success of this initiative. Through the court, the DPP, Legal Aid, Health, Housing, Corrective Services and other agencies, we are funding support of \$6.83 million over the initial 2½ years.

The drug and alcohol court team will be led by the drug and alcohol court judge. I am pleased to say that Her Honour Ms Lorraine Walker has been appointed as an acting judge of the Supreme Court to undertake that important role. In her many years as magistrate and chief magistrate, Justice Walker has proven that she is a strong leader. She has extensive experience in dealing with vulnerable drug and alcohol dependent offenders, and I have no doubt that the court will greatly benefit from her knowledge. Already, Her Honour has been developing the drug and alcohol court team and visiting drug and alcohol courts in other jurisdictions. This was one of the key reasons that I was pleased to announce her appointment approximately six months before the first sitting of the court, which, as I say, I anticipate being before the end of this calendar year.

The Nobel Prize winning novelist Anatole France was a critic of the rigid legal system that put punishment at the centre of its goals. He offered the following advice to those who want to change things:

To accomplish great things we must not only act, but also dream; not only plan, but also believe.

The ACT drug and alcohol court is about believing that, if given the opportunity, the encouragement and the support, people can change.

The bill that we are debating today balances the need to acknowledge that addiction is difficult to overcome with the fact that the community deserves to live free from crime that is driven by drug and alcohol dependency. It recognises an offender's agency. They have to choose to undertake this sentence, accept responsibility for their actions and acknowledge the need for change.

With this bill, the government is helping offenders who know that they are on the course to get back on track and to repair the damage that they have done to their lives and also to their communities as a result of their alcohol or drug dependency. By helping to make offenders whole again, we get to see the benefits of restorative justice in action in a restorative city.

I will be seeking leave to move government amendments and I will be speaking to those in general in the detail stage. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (11.12), by leave: I move amendments 1 to 15 circulated in my name together and table a supplementary explanatory statement [*see schedule 1 at page 3805*].

The legislation that is before us proposes amendments to create the drug and alcohol court as an alternative sentence. It will be managed by Acting Justice Walker. The bill outlines a range of measures. The government has consulted broadly in preparing the bill. That included consultation through the Supreme Court working group led by Justice Burns which developed the drug and alcohol court model for the territory. Importantly, the government has also worked very closely with Acting Judge Walker, to ensure that the legislation is practical and user-friendly.

The amendments to the bill that I am proposing today will ensure that drug and alcohol treatment orders can be made to operate efficiently and effectively. These amendments address key stakeholder comments about matters arising as a result of the drug and alcohol courts being located within the jurisdiction of the ACT Supreme Court. The majority of the amendments do not alter the substance of the scheme as set out in the bill. They ensure that the provisions of the bill which deal with a unique and novel type of sentence are as clear as possible.

There is one amendment which does substantively add to the scheme that is set out in the bill. That is the amendment to allow the Supreme Court to remit a proceeding back to the Magistrates Court on application if an assessment has been undertaken and a drug and alcohol treatment order is not made. This amendment addresses the key stakeholder concerns that offenders who are before the Magistrates Court may be reluctant to elect to have their matter dealt with in the Supreme Court to enable their assessment for suitability for a drug and alcohol treatment order. That is because offenders who make this election but who are not found to be suitable for an order would then have to be sentenced in the Supreme Court.

Discussions with members of the Aboriginal and Torres Strait Islander community in particular, as well as the legal sector, indicated that this was a widespread concern. So it is appropriate to make provision for an offender to choose to have their matter returned to the Magistrates Court if the Supreme Court declines to make a drug and alcohol treatment order. This will include where an Aboriginal or Torres Strait Islander offender wishes to appear before the Galambany court.

Other amendments which will support and supplement the policy intent of the provisions of the bill will add drug and alcohol treatment orders to the definition of “community-based sentence” in section 264 of the Crimes (Sentence Administration) Act 2005; allow the modification of treatment program conditions rather than just addition and removal; clarify that cancellation of a drug and alcohol treatment order when the offender has substantially complied with the order, and when the continuation of the order is no longer necessary to achieve the objects of the order, leads to a good behaviour order being made; allow the court to amend a drug and alcohol treatment order in the absence of a breach; add additional offences to the

definition of “relevant drug offence” for the purpose of immunity from criminal liability; move the requirement that an offender subject to an order “must not return a positive test sample under alcohol and drug testing” from core conditions in section 80X(1)(e) to treatment program conditions in section 80Y(2); clarify how a drug and alcohol treatment order can be made in relation to multiple offences which are sentenced together; clarify that a drug and alcohol treatment order is not a suspended sentence order; and clarify that the court making a drug and alcohol treatment order can allow for the offender to reside outside the ACT while on the order, for example where the offender is accessing an interstate residential rehabilitation service.

I express my appreciation to stakeholders, in particular Her Honour Acting Justice Walker, for their contribution to the amendments that we are discussing today. I commend the amendments to the Assembly.

**MR HANSON** (Murrumbidgee) (11.17): At the in-principle stage I indicated that we would support these amendments. They seem sensible; they improve the legislation; they have come from people who are looking at this in detail on the front line. We will support the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Courts (Fair Work and Work Safety) Legislation Amendment Bill 2019**

Debate resumed from 22 August 2019, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR WALL** (Brindabella) (11.18): The rights of workers and safety in the workplace are important issues and anything that genuinely supports the Fair Work Act at the commonwealth level and ensures a timely access to justice for industrial disputes is a fair thing. Others in this place may try to paint a different picture of the stance of either me or the opposition on these matters but I take the opportunity to remind those opposite that I also bring with me a significant amount of experience both as an employer and a worker in the construction industry as well as someone who has had to deal with significant work place injury on their watch. That, in my view, is much more experience than many of those on the government benches.

Given the always present ideological agenda of the Barr Labor government, it has become normal for the opposition to be wary of any legislative change in the industrial relations space, particularly from an employer’s perspective. We only need to look at the secure local jobs code and the work health and safety amendments that have been brought through in this term to see this concern is real and the erosion of employers’ rights in action. These are both terrible in practice and have been criticised widely and condemned by industries as being a burden on business, both financially

and administratively. And this undue burden will ultimately cost jobs, adversely impact our economy and erode confidence in the ACT. We should be reminded that these laws were born out of a government that, as a jurisdiction, continues to try to bypass federal workplace laws in the pursuit of their own political agenda. But I digress.

This bill before us today purports, amongst other things, to make the court system more accessible for people seeking to enforce their rights to wages and entitlements by enabling the industrial court, which sits inside the ACT Magistrates Court, to hear fair work matters. By all accounts this will have a positive impact on those seeking a resolution to a matter, workers and employers alike.

I have a few concerns with the bill and again reiterate my fear that the government's use of workplace safety as a political tool to pursue its ideologically-driven agenda is again being borne out in this legislation. One red flag of course is the provision in this bill for parties in a fair work small claim to be represented by an official from an industrial association if the court grants the party leave. The most likely industrial party would be a trade union. But this of course can be interpreted as a benefit to both the worker and the employer: workers being represented by a relevant union and employers by an industry group.

However, we need to be certain that this process is not skewed more towards one party over the other and that any financial impost that this might place on an alternative party to ensure that they receive fair access to justice needs to be measured and monitored continuously. Once again, the addition of trade unions into any legislative process sends alarm bells for both me and my opposition colleagues.

I also highlight issues raised in scrutiny report No 34 around the inconsistencies of this provision and look forward to the government's response on this matter.

There are some positive steps taken by way of this bill. One is to highlight the changes in the process of resolving fair work matters to include compulsory mediation, a solution that can often be much more cost efficient than a full court hearing. We agree that the early resolution of disputes can be much more efficient, not just in cost terms but also in easing the workload of the court processes, and any steps that reduce pressure on our court system should be encouraged.

The opposition will be supporting the bill before us today. But I note that something that should be included in these types of legislative changes by the government would be to adopt an approach in bills that would include a review clause. A review clause would be an opportunity to see how this legislative change is working at perhaps a two-year point and whether or not further adjustments or tweaks are required, particularly in an industrial relations landscape where the enforcement of both federal and territory laws is constantly being monitored and the landscape continues to change.

Again, we are all aware of the political agenda that often comes with bills such as this one. I reiterate that there needs to be a balanced access to justice and neither the employer nor the employee should be given favourable treatment in the process. But

where the rules have been breached, timely and affordable resolution is critical. The opposition will continue to monitor these changes to ensure that that objective is in fact achieved.

**MR RATTENBURY** (Kurrajong) (11.23): The Greens will be supporting the Courts (Fair Work and Work Safety) Amendment Bill today. We believe that all workers should have access to a fair and equitable industrial relations system, including accessible independent systems for conciliation and arbitration of workplace disputes. We are committed to working with the ACT government to maintain workplace laws of the highest standards, to ensuring that harmonisation processes do not weaken workplace protections—the unions having the right to prosecute for breaches of work health and safety laws—and to making sure that workers receive appropriate compensation in work health and safety cases.

This bill takes steps to make court processes more accessible for people pursuing fair work claims in the ACT. It aims to make hearings faster and to provide clarity around procedures. Undertaking court proceedings for fair work cases can be fraught, and the provisions in this bill to streamline processes and to redirect to mediation where appropriate should serve to ease the financial and time burden on those involved in work health and safety cases.

The bill makes amendments that clarify the Magistrates Court's jurisdiction to hear fair work matters regardless of the amount in dispute, ensure that fair work matters will be heard in the industrial court within the Magistrates Court, provide for compulsory mediation for all fair work matters in the Magistrates Court, enable officials of industrial associations, whether the association represents employees, employers or independent contractors, to represent parties to fair work small claims matters, and introduce an objects clause that provides for the timely, inexpensive and informal resolution of fair work claims in the Magistrates Court.

Amongst the amendments to a range of acts, the change to allow ACAT to move matters involving fair work claims to the Magistrates Court makes sense, as ACAT has no jurisdiction in these matters. Importantly, the bill also includes amendments that should ensure that an offence committed by a corporation under section 31 of the Work Health and Safety Act can be tried on indictment, make corporations subject to the same procedures as individuals for offences punishable summarily, clarify that the industrial court can exercise the jurisdiction of the Magistrates Court when hearing criminal proceedings involving corporations, and clarify the definitions of relevant offence and serious offence to ensure that where a corporation is charged with an offence under section 31 of the Work Health and Safety Act the offence can be a relevant offence or serious offence.

We recognise that the scrutiny committee has raised some concerns about representation in small claims and general claims and accept that the measures taken by the directorate and the avenues available in law will mitigate any negative impacts for injured parties.

Aligning ACT and commonwealth legislation is important but harmonisation should not be at the expense of best practice and not at the expense of a fair and just court system. We note that the directorate are aware of the implications for human rights and procedural fairness. This will need to be monitored as the changes come into effect to ensure no unintended consequences.

Even where we have protections in place and a robust work health and safety system, there are still examples of things that can be done better. There are still too many stories of serious workplace accidents in the ACT, highlighting that more needs to be done to protect our workers and to compensate them appropriately when injuries occur.

This bill is part of a suite of changes to work health and safety in the ACT and we welcome the government's commitment to improving our systems and protections in this area. The Greens will be supporting the bill today

**MS ORR** (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (11.26): I am pleased to speak in support of the Courts (Fair Work and Workplace Safety) Legislation Amendment Bill 2019. As the territory's Minister for Employment and Workplace Safety I am acutely aware that territory workers need a justice system that provides a quick, efficient and cheap forum that supports them in enforcing their rights. Further, it must provide a strong framework for holding employers responsible when they breach work health and safety laws.

Canberra workers deserve to be treated fairly and to be safe at work. The ACT government is committed to supporting workers in the territory, especially our most vulnerable.

Today I rise specifically to speak to provisions contained in the bill that will amend the Magistrates Court Act, the Crimes Act, the Work Health and Safety Act and the Confiscation of Criminal Assets Act to ensure that businesses are held criminally responsible when they break the law. These amendments are being made to address a range of legal issues identified by the Director of Public Prosecutions arising from a recent court case. This includes the application of the Confiscation of Criminal Assets Act to certain prosecutions.

The case in question involved a death on a construction site and had nine defendants. One defendant was charged with manslaughter, while the remaining defendants, two of which were corporations, were charged with reckless conduct under the Work Health and Safety Act 2011. The court found that under current provisions of criminal and workplace safety law the corporate defendants could not be committed to trial to the Supreme Court alongside the individual defendants as under the WHS Act the penalties applying to body corporates are financial and therefore not indictable.

In addition to concerns about duplication of proceedings, this decision has implications for the confiscation of criminal asset scheme as the COCA provisions are

dependent on offences punishable by imprisonment. The recent decision may mean that COCA provisions would not apply to corporations charged with a category 1 WHS Act offence. Accordingly, the bill amends the Magistrates Court Act, the Crimes Act, the Work Health and Safety Act and the Confiscation of Criminal Assets Act to allow corporations to be tried on indictment in the Supreme Court as an individual would be and allow corporations' assets to be confiscated where the law provides.

This bill will ensure that our justice system is responsive to the needs of Canberra's workers so that they may enforce their rights quickly and efficiently. Further, the bill will strengthen existing legislative protections by ensuring that corporations are held accountable for their actions and will suffer the full extent of the law as a result. I commend the bill to the Assembly.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (11.29), in reply: I thank each member for their contribution to the debate today, noting that there was, by his own admission, a level of digression in Mr Wall's speech, but I do thank all members for their support of this important bill. I also want to thank the scrutiny committee for their helpful comments, and note that I have responded directly to the scrutiny comments and addressed those matters there.

The Courts (Fair Work and Work Safety) Legislation Amendment Bill will enhance the ability of the ACT Magistrates Court to hear eligible fair work matters in an efficient and cost-effective way. The legislation will assist Canberrans to enforce their rights under the commonwealth fair work scheme in a way that is timely and informal.

By providing this avenue of inexpensive dispute resolution, the government is delivering on its commitment to supporting workers in the territory, especially our most vulnerable. The amendments contained in this bill are key in the fight against wage theft in the ACT and are a further example of this government acting to address this serious issue. ACT workers deserve to be treated fairly and to be safe at work, and this government will keep working to ensure our courts and our justice system are there to support them. The bill achieves this by making a number of key amendments to the Magistrates Court Act to support the conferral of the fair work jurisdiction in the territory.

The government is committed to increasing access to justice for all Canberrans. This bill contains amendments to existing courts legislation to improve the accessibility of the Magistrates Court for Canberrans who are seeking to uphold their rights and to resolve their fair work disputes. By increasing access to the ACT courts in fair work matters, the government is acting on the concern expressed amongst the community that wage theft is happening too often, and that workers' rights must be upheld in a forum that is quick, inexpensive and local.

This government recognises the significant impact that unresolved legal disputes can have on individuals and on their families. The amendments increase access to justice by providing an alternative pathway to the federal courts to resolve certain fair work

disputes. Fair work disputes are about people's livelihoods and their access to entitlements that they have earned from a fair day's work. Delay in accessing justice, particularly in relation to underpayment of wages, can result in a family without food or medical attention; it can result in bills that are not paid. This is simply unacceptable, and while there is more work to do, through this bill the government has acted to ease the way that people in Canberra can access justice. The sooner disputes are heard and resolved, the sooner individuals can move forward with their life.

One of the mechanisms that this bill introduces to ease the way for the resolution of these disputes is the requirement for parties to all fair work claims to attend mediation. Imposing compulsory alternative dispute resolution has significant benefits for all parties. Mediation provides a more equal forum in which employers and employees can discuss their dispute and have a meaningful dialogue towards reaching an agreed outcome. It provides an opportunity for parties to resolve their dispute early, reducing legal costs and time spent in the court system.

As I mentioned when I introduced this bill to the Assembly, mediation involves a neutral third party who assists parties in dispute to try to negotiate an agreed solution. A mediator's functions can include encouraging settlement of the dispute, promoting the open exchange of information between parties, and providing information to the parties about the operation of relevant laws. They can also be used to clearly identify the areas of dispute between the parties so that if the matter cannot be resolved without further litigation then the litigation can be focused on the really important issues and keep legal costs arising out of the dispute to a minimum.

The government considers that the provision of compulsory mediation plays a pivotal role in ensuring that our justice system responds appropriately to the needs of Canberrans in enforcing their rights in fair work claims. The amendments confirm and clarify that fair work claims can be made as either fair work small claims or fair work general claims. Fair work small claims are those claims seeking up to \$20,000. The proposed amendments provide the Magistrates Court with the ability to handle these claims in an efficient and informal way by allowing workers to be represented by officers of their union, and businesses by industry associations.

Providing this option in relation to small claims is consistent with the commonwealth approach. It reflects the fact that a small claims procedure has distinct features, including that the claim needs to be under \$20,000 and that the court is not bound by the rules of evidence. Noting this, it is appropriate for parties to have the option of being represented by an officer of an industrial association. In contrast, the formality and potential monetary applications of a fair work general claim mean that it could be inappropriate for a non-lawyer to represent a party to those proceedings. These measures strengthen the ability of the Magistrates Court to handle small claims matters in an efficient and effective way.

The bill amends the ACT Civil and Administrative Tribunal Act 2008 to allow the tribunal to remove matters involving a fair work claim to the Magistrates Court. Pursuant to the commonwealth Fair Work Act, the tribunal does not and cannot have jurisdiction to hear fair work claims. However, occasionally during the course of a civil dispute in the tribunal a fair work matter may arise. These amendments will

allow the tribunal to remove the civil dispute and fair work matter together to the Magistrates Court for resolution. This new process will allow matters that revolve around the same issues to be heard together. Running matters together in this way will increase the efficiency of resolving disputes in both the tribunal and the court.

As I mentioned on its introduction, the bill also contains amendments to support the government's efforts to hold corporations criminally responsible when they breach work health and safety laws. The bill amends the Magistrates Court Act, the Crimes Act, the Work Health and Safety Act and the Confiscation of Criminal Assets Act in a range of legal issues involved in the prosecution of corporations. As a result of the provisions that this bill will introduce, as Minister Orr has spoken about, corporations may be committed to the Supreme Court for trial on indictment, just like individuals. These amendments will ensure that when corporations commit criminal work safety breaches, the proceeds of those crimes can be seized under the ACT's confiscation of criminal assets legislation.

The government is committed to providing accessible justice to all Canberrans and making each person's engagement with the justice system as efficient and as effective as possible. Together the measures in this bill are aimed at providing further protection to our workers, most notably our young and vulnerable, through ensuring that they can enforce their rights in a forum that promotes the timely, inexpensive and informal resolution of their dispute.

Through the amendments contained in the bill, the government has shown its commitment to delivering stronger protections for workers. Because of that, I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Health Amendment Bill 2019**

Debate resumed from 15 August 2019, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (11.38): The opposition will be supporting the Health Amendment Bill 2019. It is intended to reduce regulatory red tape for nurse practitioners by including nurse practitioners as a class of health practitioners that may be reviewed and credentialed for clinical privileges by a scope of clinical practice committee. Nurse practitioners play an important role in our health system. By undertaking additional studies, nurse practitioners can practise in specialist areas and, as such, they can provide patient care in an advanced and extended clinical role.

As is the case for other health professionals, national regulatory and governance structures are in place to oversee the work of nurse practitioners. The scope of clinical practice for an individual nurse practitioner is subject to agreement with their employer. This bill will expand the range of services available in the ACT's health system. As such we are pleased to support this bill today.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.39): I also support this amendment bill. The proposed amendment to the Health Amendment Bill 2019 will allow the scope of clinical practice of all nurse practitioners in the ACT including mental health nurse practitioners to be reviewed and credentialed for clinical privileges by a scope of clinical practice committee. Obviously I take a particular interest in this matter from the perspective of the role of mental health nurses and the opportunities it opens up to make better use of their skills for the benefit of Canberrans.

Mental health nurse practitioners are educated and endorsed to function autonomously and work collaboratively with doctors and health professionals in multiple services and settings in advanced and extended clinical roles. They are a valued profession within the healthcare system, and this addition to regulatory practice and governance has benefits to reducing administrative duplication for the purpose of quality and safety care.

Nurse practitioners in mental health care is a developing area within the Australian healthcare system and has grown rapidly over the past few years. Mental health nurse practitioners are registered nurses with specialist skills and education that enable them to provide patients with quality mental health which can improve access to mental health services.

A mental health nurse practitioner must be registered as a registered nurse and endorsed as a nurse practitioner with the Nursing and Midwifery Board of Australia. They can assess and diagnose patients across the life span from children and adolescence to the elderly and provide psychotherapy and prescribe medication. Mental health nurse practitioners can treat patients with diagnosed disorders as well as those with family histories or other factors that increase the likelihood of potential mental illness, such as post-traumatic stress disorder following childbirth.

As for nurse practitioners in the ACT the proposal will reduce regulatory and administrative duplication in relation to the governance of mental health nurse practitioners. I support the amendments the bill brought forward by the Minister for Health. I have focused, as you might imagine, specifically on the role of mental health nurse practitioners; it is an area of particular interest in my portfolios. But, of course, the changes apply to nurse practitioners across the board. I am sure the minister will add some further remarks on this, but they have tremendous scope to offer more services to our Canberra community and to use their considerable skills and experience to improve our health system. This bill will make it easier for them to offer that experience to our community, and that is why we are pleased to support it.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Disability, Minister for Employment and Workplace Safety, Minister for Health, Minister for Urban Renewal) (11.42), in reply: I thank colleagues in the Assembly for their support of this bill. The ACT government is committed to building a strong, sustainable nursing workforce and nurse practitioners with their collaborative model of care are and will be an integral part of responding to increased service demand and enhancing community satisfaction with our health services in both our hospitals and community settings.

A nurse practitioner is a registered nurse who is experienced in their clinical speciality and has attained higher education and endorsement by the Nursing and Midwifery Board of Australia to provide patient care in an advanced and extended clinical role. Nurse practitioners provide high levels of clinically focused nursing care for people and communities with health concerns of varying complexity.

Nurse practitioners play a vital role in providing safe, effective, health services, improving healthcare access, enabling positive health outcomes for consumers and enhancing consumer satisfaction with healthcare delivery. The nurse practitioner role represents just part of the complex response to our dynamic and evolving healthcare environment, providing highly skilled clinical leadership with increased autonomy for nurses working within a collaborative model of care.

The nurse practitioner role also assists in the recruitment and retention strategy for nursing, providing a career pathway that recognises advanced and extended nursing practice roles. It is therefore vital that we recognise this valuable nursing role while providing the necessary supports required for role implementation within all levels of healthcare services.

The nurse practitioners collaborative model of care responds to building capacity to reduce health vulnerability. The healthcare environment is characterised by dramatic changes and increasing pressures experienced across all jurisdictions. Nurse practitioners have a role in strengthening the Australian health workforce capacity to meet increasing demands and community expectations.

The ACT government is committed to the delivery of safe, appropriate and high quality health services that respond to the community's needs. National standards for practice credentialing by an employer ensure that nurse practitioners can provide high quality, patient-centred care. Nurse practitioners will be credentialed by their employer and have a defined scope of clinical practice to support the delivery of safe and high quality health care within the ACT.

In 2017 the ACT government commissioned an independent review of governance arrangements for nurse practitioners. That identified that the existing governance and policy infrastructure duplicated other regulator responsibilities and increased the financial and administrative burden for consumers, employer organisations and individual nurse practitioners.

Today we are formalising the clinical governance arrangement for nurse practitioners, that is, to include the term nurse practitioner in part five of the Health Act 1993. This amendment proposed by the Health Amendment Bill 2019 will allow the scope of clinical practice of nurse practitioners in the ACT to be reviewed and credentialed for clinical privileges by a scope of clinical practice committee. This amendment aligns the ACT government with the clinical governance standard 2017 of the Australian Commission on Safety and Quality in Health Care and the national safety and quality health service standards guide for hospitals.

The proposal will, as Ms Lawder noted, reduce regulatory and administrative duplication in relation to the governance of nurse practitioners in the ACT. Removing this legislative burden will assist employers to develop new and innovative positions that better serve the public's needs.

The amendments to the Health Act 1993 as recommended are technically feasible. There is also a minor technical amendment that updates the section 2 note in the Sex Work Act 1992 due to changes to the Health Act 1993 relating to nurse practitioners. As I mentioned when introducing the legislation, the note previously referred to a definition of authorised nurse practitioners in the Health Act. However, that definition was omitted in 2017.

During the bill's development due regard was given to its compatibility with human rights as set out in the Human Rights Act. Consultation on the changes was extensive and the proposed changes were accepted by all stakeholders. I acknowledge and thank the scrutiny committee for their consideration of the bill. I note their commentary around the lack of commentary in the explanatory statement about human rights compatibility, and I table today a revised explanatory statement to the bill.

The ACT has over 45 nurse practitioners registered in the ACT. This means that there are 10 nurse practitioners for every 100,000 people in the ACT. This represents the highest uptake of nurse practitioners in Australia, and I am delighted to be able to bring forward this bill and, in a small way, recognise the vital role that nurse practitioners play in the delivery of safe and effective health services in our city. I commend the bill to the Assembly and again thank colleagues for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 11.48 am to 2.00 pm.**

## **Questions without notice**

### **Education—public to private school transfers**

**MR COE:** My question is for the minister for education. Minister, since 2016, how many children have transferred from their local ACT public school and enrolled in an independent or Catholic school in the territory?

**MS BERRY:** I do not have that information at hand, so I will take the question on notice and provide the information to the Assembly when I can get it.

**MR COE:** Minister, do you have any long-term trend information about transfers to and from independent and Catholic schools?

**MS BERRY:** Again I will have to take that question on notice. What I can say is that there has been a significant increase in enrolments in ACT government schools. It is something that the ACT government is extremely proud of, that there is great confidence in our public schools and people are choosing to attend their local school.

**MR WALL:** Minister, have the capacity issues in a number of north side government schools had any impact on an influx of enrolments into non-government schools?

**MS BERRY:** No, I do not believe so.

### **Justice—cannabis**

**MS LE COUTEUR:** My question is to the Attorney-General and relates to the government's response to the HACS committee report on the cannabis bill. The government's response to recommendation 11 says that it will "consider appropriate steps to ensure that the intent of the bill is delivered on as implemented". What do you consider appropriate steps and what practical assistance and direct support will the government provide if a matter concerning the amounts of cannabis covered by the proposed bill comes before the courts?

**MR RAMSAY:** I thank Ms Le Couteur for the question. Practically there have been a number of steps that have been taken in relation to the development of the bill. Certainly that has meant that there has been engagement with the commonwealth. There has been engagement with the AFP. There has been engagement across the ACT government in terms of the matters that will be before the Assembly tomorrow, and I do not want to pre-empt the debate that is happening tomorrow.

Certainly in relation to matters that may or may not appear before the court I can let Ms Le Couteur know that if there is at some stage in the future a prosecution in an ACT court under a commonwealth law for cannabis possession and the defendant seeks to rely on what may be passed tomorrow then, as the ACT Attorney-General, I can intervene in those proceedings as of right under the Court Procedures Act 2004. If a person is prosecuted under a commonwealth law in a commonwealth court then the ACT Attorney-General can only intervene under the judiciary's right if there is a constitutional matter raised, otherwise it would be a matter of leave of the court.

Whether or not any intervention is justified or appropriate in any particular circumstance would clearly depend on the facts of those particular cases and it would be unhelpful to be speculating on hypotheticals at this stage.

**MS LE COUTEUR:** The bill's proponent, Mr Pettersson, and the media have described the bill as legalising cannabis. Does the government believe that this is the

case given the commonwealth laws, and can you explain any legal barriers which stop the ACT making its own laws with respect to drugs?

**MR RAMSAY:** To the extent that that is asking for a legal opinion, I will move beyond it to an area of legal policy. Certainly constitutional matters are being considered as to whether a bill is consistent with commonwealth legislation and the constitution and therefore the extent to which commonwealth law would take precedence. That is part of the work that has been happening in terms of the drafting of the legislation and the government amendments.

Without pre-empting where the debate may or may not go tomorrow, the government's view has been all the way through that the intention of this bill is not to make it so that cannabis is easier to use but rather what should or should not be considered by the criminal justice system. We believe that the possession of small amounts of cannabis is rightly and primarily a matter of health rather than a matter for the criminal justice system and we are dealing with the matter accordingly.

### **Education—class sizes**

**MR MILLIGAN:** My question is to the minister for education. Minister, how many primary school classes in the ACT are above the maximum capacity set out in your agreement with the Education Union?

**MS BERRY:** The Education Union and the Education Directorate are working very closely together to ensure that ratios within our classrooms are applied as per the enterprise agreement. Sometimes with team teaching that will mean that there will be a number of teachers and a number of students within an area, but the ultimate goal is that teachers are not under pressure and can provide children with the best possible learning outcomes.

**MR MILLIGAN:** Minister, can I ask you the question again: how many primary school classes in the ACT are at or above the maximum capacity set out in the agreement with the Education Union?

**MS BERRY:** I do not have the information on the particular question today. I can find out what is happening today, and provide information back to the Assembly on that, if that is the case, although, as I said, the Education Directorate, the union and my office are working very closely together to ensure that teachers have the best possible teaching spaces and experiences to provide our children with the best learning outcomes.

**MR WALL:** Minister, what is the educational impact of overcrowding in classrooms in government schools?

**MS BERRY:** Sorry, I will have to get him to repeat the last bit. I did not quite hear it. He was sitting down at the end of the question and I just could not hear it.

**MADAM SPEAKER:** I will ask him—

**MR WALL:** Minister, how are educational outcomes being impacted by overcrowding in government classrooms?

**MS BERRY:** I do not accept the premise of that question and there is no overcrowding in ACT government schools.

### **Economy—AAA credit rating**

**MS CODY:** My question is to the Chief Minister. Chief Minister, can you please update the Assembly on recent economic data and credit rating updates that demonstrate how the government is creating more jobs for Canberrans?

**MR BARR:** I thank Ms Cody for the question. Members may be aware that last month Standard & Poor's once again confirmed the ACT's AAA credit rating, the highest possible credit rating. We are now one of only three states and territories in the nation that hold that highest credit rating. This recognises the territory's very strong fiscal position and the release of the territory's 2019-20 budget. The Standard & Poor's commentary in relation to the territory's rating was:

Our ratings on the ACT are underpinned by its robust financial management, high-income economy, and exceptional level of liquidity.

I can also advise that the ACT's unemployment rate was recently reconfirmed as the lowest in the country. It dropped by a further 0.1 per cent to 3.5 per cent, considerably below the national figure, which has been rising in recent times to 5.3 per cent. In simple terms, that means more jobs for Canberrans. I can advise the Assembly that an all-time record 232,200 Canberrans are in work today.

The government has a clear and comprehensive economic plan that we are successfully implementing. We will certainly continue our focus on economic growth and fiscal sustainability for the territory into the long term.

**MS CODY:** Chief Minister, why is maintaining a AAA credit rating so important to fund our extensive infrastructure program?

**MR BARR:** The government is implementing a significant program of infrastructure investment. Next month we will release our long-term infrastructure plan for the territory, making significant investments that are required to cater for our growing population. Maintaining a AAA credit rating helps us deliver this program to invest in the hospitals, schools and transport infrastructure that our city will need through the next decade.

It is vital work to continue to provide high quality services to ensure that Canberra remains the world's most livable city. It means that the ACT government will continue to invest in health and education, hiring more staff and building new infrastructure—hospitals, health centres and schools—and keeping our public assets strongly in public hands.

Maintaining our AAA credit rating ensures that our spending on infrastructure is more efficient. Our recent bond offering was fully subscribed—oversubscribed—and was secured at a historically low rate of interest. Standard & Poor’s has acknowledged our responsible strategy, noting that the ACT is budgeting for a large infrastructure program but our economic management means that our key fiscal metrics remain strong and worthy of the highest possible credit rating for semi-governments in the world.

**MS CHEYNE:** Chief Minister, how does the government support skills development to fill the job vacancies being created?

**MR BARR:** With so much growth we are seeing more jobs being created across our city’s economy. This is, of course, contributing to high demand for skilled workers to fill those jobs. Through the skilled capital program Skills Canberra is providing a range of supports for certain qualifications where there is an identified need. Skills Canberra works with industry and with employees to identify those skill needs.

We are also supporting inclusion and skills development in our workforce through a variety of grants programs. The mature workers grants program aims to address barriers experienced by mature workers seeking to reskill to take up a new job. The women in trades grants program is a significant investment that aims to boost the number of women in trades and to provide reskilling and upskilling opportunities for mature workers.

The ACT’s participation in the skilling Australians fund is supporting apprenticeships and traineeships, and over the past four years the ACT has demonstrated growth in apprenticeship commencements against a backdrop of a continuing national decline. Over that time period we have been the only jurisdiction in the nation to experience a growth in apprenticeship numbers. That is worthy of repeating: the only jurisdiction in Australia in recent time to experience a growth in apprenticeship numbers.

As our city grows we are expecting demand across industry to grow, and the government is focused on harnessing this growth to further diversify our economy and to give Canberrans from all walks of life the skills to participate in our growing economy.

### **Tuggeranong CIT—women’s return to work program**

**MR WALL:** My question is to the Minister for Tertiary Education. Minister, the Tuggeranong CIT campus has for many years offered adult numeracy and literacy courses as part of a number of programs, including the return to work for women program, a program aimed at increasing skills for women returning to the workforce after an extended absence. Minister, will this course continue to be offered at the CIT campus in Tuggeranong?

**MR BARR:** I will seek advice from the CIT in relation to their intention about that course and course delivery locations. It is obviously not a ministerial decision but one that is taken by the institute.

**MR WALL:** Minister, what consultation with you as the minister or your department has been undertaken with CIT as to a winding back of programs being offered at the not so long ago established Tuggeranong CIT campus?

**MR BARR:** As I have indicated in my response to the previous question, ministerial decisions are not required in relation to where the CIT delivers courses, and it is in that very fine level of detail that we engage, through the directorate and indeed through the regular briefings I have with CIT, in relation to their broader approach to the delivery of publicly funded training across the territory.

But this has not been the subject of a specific discussion, the specific course that Mr Wall referred to. I am happy to have that conversation with the CIT. I am not aware of any desires to change that particular delivery, and they are of course focused on ensuring that their course delivery meets the needs of students right across the city.

**MS LAWDER:** Minister, why did teachers first know about the cessation of this program because it was omitted from the 2020 CIT course guide?

**MR BARR:** I will not take at face value that an omission from a course guide means that that was the first engagement on that specific question, or whether in fact this is a decision that has been taken by the institute. It is not something that has been raised with me. I will engage with them on this specific issue and seek an explanation in relation to that matter. But I do stress that it is not a ministerial decision as to which courses the CIT offers, and where they offer them, in that fine detail. I will seek some information on the matter.

### **Health—meningococcal immunisation program**

**MRS KIKKERT:** My question is to the Minister for Health. I refer to your ministerial statement on 24 September on meningococcal B vaccinations for infants. How widely available was the meningococcal B vaccine when the government made the promise in 2016?

**MS STEPHEN-SMITH:** I understand that the availability of the meningococcal B vaccine in 2016 was probably the same as it is now. My understanding is that it is available to people through their GP if they are able to pay for that. It is not on the national immunisation program. The decision was made by the ACT government at this stage not to pursue the introduction of meningococcal B vaccination.

This was the result of further information that was provided and further evidence that was provided by the ACT Health Directorate in relation to the prevalence of meningococcal B. As I said in my statement, there has been a decrease in meningococcal B cases, with only four confirmed cases of the B strain in the ACT since 2014, which makes it extremely rare.

By contrast, rates of meningococcal diseases have increased across Australia, particularly in relation to the W and Y strains, which was why, in the 2017-18 budget, the ACT government invested in the implementation of the meningococcal

ACWY immunisation program, which has subsequently been included on the national immunisation program. In the 2019-20 budget, we committed funding for our share of the cost for the ongoing implementation of that meningococcal vaccination.

**MRS KIKKERT:** Minister, what other information did the government have about the duration of protection of the vaccine and the impact on the operation of the vaccination program when it made the promise?

**MS STEPHEN-SMITH:** In the incoming minister's brief in 2016, which the opposition has access to under FOI, there was some information in relation to the duration of protection afforded by meningococcal B vaccine, which was that the duration of protection was currently unknown due to the limited data; that it was not known at that time whether there was a requirement for an additional booster dose at four years of age or in early childhood; and that if future evidence indicated that a booster dose was required for ongoing protection, that would also need to be implemented.

The incoming minister's brief in 2016 also identified some additional risks in relation to the meningococcal B vaccination which would need to be taken into account were a vaccination program to be implemented, in particular the association of the meningococcal B vaccination with the risk of high fevers post administration of the vaccine, and that those high fevers could lead to febrile convulsions. It noted particularly the importance of sustaining public trust in government-funded vaccination programs.

We have acted on the basis of the evidence that is available and in relation to both the prevalence of the meningococcal B virus and meningococcal W and Y, and have therefore taken the decision to support the implementation of the meningococcal ACWY vaccine, which, as I said earlier, is now also on the national immunisation program. We will continue to monitor the Pharmaceutical Benefits Advisory Committee's upcoming review of meningococcal B.

**MS LAWDER:** Minister, why then did your government promise the vaccine in 2016?

**MS STEPHEN-SMITH:** Evidence evolves over time, and I am certainly very aware that the makers of the meningococcal B vaccine have been strongly promoting their product. They have reapplied to the Pharmaceutical Benefits Advisory Committee for reconsideration by PBAC of the appropriateness of adding the meningococcal B vaccine to the national immunisation program.

The evidence available prior to the 2016 election would have evolved. Obviously the information available in the incoming minister's brief after the 2016 election and then the subsequent information about the prevalence of different strains of meningococcal all fed into the decision of the government to proceed with the meningococcal ACWY vaccine program, to which we committed \$1.4 million in the 2017-18 budget and committed ongoing funding to our share of the cost to deliver that program in the 2019-20 budget.

## **Government—women’s return to work program**

**MS CHEYNE:** My question is to the Minister for Women. Minister, how is the ACT government helping women return to the workforce?

**MS BERRY:** I thank Ms Cheyne for the question. Each year the Community Services Directorate provides up to 160 women with \$1,000 dollar grants to support them to re-enter the workforce. The program is targeted towards women who have been away from paid work for an extended time due to caring responsibilities and who may experience significant barriers when they try to re-enter the workforce. This includes Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, women with disabilities, young women and older women requiring assistance in returning to paid work.

Grants are available year round and can be put towards anything that will help women returning to work, which includes child care, clothing, laptops and training courses. Women who receive return to work grants can also access one-on-one mentorship through a relationship manager at UnitingCare, Kippax, to better link them to vocational education and training opportunities as well as employment pathways.

**MS CHEYNE:** Minister, how has the government expanded the program?

**MS BERRY:** This year the Community Services Directorate has secured a future skills for future work grant from Skills Canberra for over \$175,000 which will enable the continued investment in initiatives that support women returning to work. Through this grant CSD has partnered with UnitingCare Kippax to provide return to work grant recipients with additional one-on-one mentoring and wraparound support with a relationship manager to better link them into employment pathways.

CSD has also funded Ginninderry’s training and employment initiative, SPARK, to run a series of workshops with the Career Shop across the ACT to prepare local women to return to the paid workforce. A series of workshops is being developed in both north and south Canberra for up to 80 women.

These free workshops and individualised sessions support women to gain the skills and confidence they need to get back to work, including advice on employment options, resume writing classes, how to apply for jobs, job interview techniques, and personal presentation. Child care and transport are offered so that women have every opportunity to attend. On completion, all participants will have access to one-on-one career development support from the Career Shop.

**MR PETTERSSON:** Minister, how do these programs offer opportunities for vulnerable women to be linked with their communities?

**MS BERRY:** The expanded return to work program provides opportunities for women to be linked with their communities. The mentoring aspect of the program is run out of UnitingCare Kippax, a local not-for-profit organisation located in West Belconnen that provides multitudes of programs as well as support for vulnerable people.

Women who receive return to work grants meet with the relationship manager at UnitingCare Kippax to facilitate the opportunity to link with other support programs if needed, including group programs. The relationship manager also provides women with links to other agencies and programs in the community.

The SPARK workshops provide an opportunity for women to make connections and link with each other. Through the workshops women have given feedback on the benefits of the friendships and networks that they have developed with other participants. The workshops are now being held in both north and south Canberra to allow women to make connections with people in their local community.

### **Canberra Hospital—medical training**

**MISS C BURCH:** My question is to the Minister for Health. Minister, what concerns has the Royal Australasian College of Physicians raised with Canberra Health Services about the quality of training provided to doctors at the Canberra Hospital?

**MS STEPHEN-SMITH:** I will take the detail of Miss Burch's question on notice and come back to the Assembly with any specific detail in relation to concerns raised by the Royal Australasian College of Physicians. I recently met with the Royal Australasian College of Surgeons. I have not yet had a chance to meet with the college of physicians. Certainly, the Royal Australasian College of Surgeons raised with me some concerns in relation to the availability of clinical training—training—spaces. As part of the SPIRE project, a new demountable building will be constructed on the site of building 8. That will include some new training spaces, which will address some of the specific issues that the Royal Australasian College of Surgeons raised. They are probably some of the same issues that the Royal Australasian College of Physicians have been raising in relation to those clinical training spaces.

**MISS C BURCH:** Minister, what problems did the Royal Australasian College of Physicians identify with the training programs?

**MS STEPHEN-SMITH:** I am guessing that Miss Burch is drawing some questions from previous incoming minister's briefings. I do not have, obviously, the relevant pages in front of me that the opposition is looking at. So I will go back to see whether there is some specific further information that I can provide to the Assembly on notice in relation to that matter, and at what stage that that was provided.

**MS LAWDER:** Minister, what plans have you put in place to improve the quality of training provided to doctors at the Canberra Hospital?

**MS STEPHEN-SMITH:** I thank Ms Lawder for the supplementary question. As I just mentioned, the new building 8 that will be part of the decanting and staging for the SPIRE project will include some new clinical training spaces but, most excitingly, the ACT Health Directorate has established the partnership board with Canberra Health Services, Calvary and the two universities—ANU and the University of Canberra—to really talk about how we reinvigorate both education and research in the health space.

ANU has also made a commitment, which was announced in relation to the SPIRE project, to a major new investment on the Canberra Hospital site to again reinvigorate their education and training. Internally within ANU, the vice-chancellor has made a significant commitment to the health and medical elements of the ANU's program.

Of course I have been meeting regularly with the head of the medical school, Imogen Mitchell, who is also the chair of the clinical leadership forum that was established in response to the findings of the culture review about the need to improve clinical engagement, and I am looking forward to continuing to engage with that group of senior clinicians from across all different disciplines around how we continue to improve the opportunities for education in health and in medicine across the ACT.

### **Canberra Hospital—hydrotherapy pool**

**MRS JONES:** My question is to the Minister for Health. Minister, what is your present plan for the future of the hydrotherapy pool user agreement with Arthritis ACT beyond its expiry on 30 September this year?

**MS STEPHEN-SMITH:** I thank Mrs Jones for the question and her ongoing interest in this matter. I spoke to the CEO of Arthritis ACT yesterday and I understand that that agreement has already been extended until the end of October. I advised her and the ACT Health Directorate yesterday that that agreement should be extended to the end of November.

We have received some information from Arthritis ACT in relation to alternative options for pool availability for their groups and classes across the south of Canberra. That detail is just being worked through between the Health Directorate and Arthritis ACT. I expect to be briefed on that, probably when I return from leave in a few weeks. I have asked that that agreement in relation to the use of the Canberra Hospital pool be extended so that we have time to work through all of those issues that have been identified by Arthritis ACT and come to agreement.

**MRS JONES:** Minister, has the government set a new date for the closure of the hydrotherapy pool at the Canberra Hospital? If so, what is that date?

**MS STEPHEN-SMITH:** I thank Mrs Jones for the supplementary. As I have repeatedly said, we have not set a date. We are committed to the closure of the Canberra Hospital pool; it is a safety issue. But we are also committed to ensuring that alternative options are identified for the current users of the Canberra Hospital pool and the Arthritis ACT groups that are using that pool. That is the process that we are currently going through with Arthritis Act. Once we have reached a resolution on that then we will announce the closure date for the pool.

**MS LAWDER:** Minister, has the government identified other suitable locations that can offer hydrotherapy services to users on the south side of Canberra when the Canberra Hospital facility is closed? If yes, what are they? If no, why not?

**MS STEPHEN-SMITH:** I thank Ms Lawder for the supplementary question. We have been working with Arthritis ACT, which has done some of the work to identify those pools. There is a pool just down the road, probably less than a kilometre from Canberra Hospital, at Stellar, the new Southern Cross facility.

**Mr Wall:** It is not warm enough.

**MS STEPHEN-SMITH:** That is an appropriate pool. It is currently at 34 degrees. The temperature does get turned down in summer in response to feedback from consumers at that pool who like it to be warmer in winter and cooler in summer. There is also another pool further south that we are looking at, as well, as an alternative option. There is a range of hydrotherapy pools in the south and it is a question of identifying which ones are going to be available and most appropriate for different types of classes and groups. But that is the work that we are currently doing with Arthritis ACT.

I particularly thank Arthritis ACT for the close way that they have engaged in this work and the CEO of Arthritis ACT for her public acknowledgement that the Canberra Hospital pool does have to close and her very dedicated work in trying to work through an alternative solution until we have conducted the market sounding that we have committed to in relation to a new public community-based hydrotherapy pool in Canberra's south.

### **Work safety—National Safe Work Month**

**MR PETTERSSON:** My question is to the Minister for Employment and Workplace Safety. Minister, how will the ACT government be supporting working Canberrans during National Safe Work Month?

**MS ORR:** I thank the member for his interest in workplace safety and for asking about National Safe Work Month, which begins next Tuesday. This government is committed to promoting and maintaining safe workplaces for all Canberrans all of the time. National Safe Work Month in October is a time for public events and public discussion about our responsibility, and our commitment to safety.

Attention to safety is critically important to our workers personally and to our economy. On top of the human cost of injuries in the workplace, nationally, work-related injury and disease cost the Australian community \$61.8 billion a year. Poor work health and safety costs \$5,000 per worker each year and equates to 4.1 per cent of Australia's gross domestic product.

During work safety month I will be reaching out across Canberra's diverse workplaces. The construction industry, the public service and airport workers are just some of the groups I will be joining during safe work month. I will be joining WorkSafe ACT and our Work Safety Commissioner at these events to put a spotlight on safety. Training seminars, panel discussions and expos have been set up to help people in these workplaces to learn more about safety and to encourage more participation.

**MR PETTERSSON:** Minister, what are some of the priorities as part of this year's National Safe Work Month?

**MS ORR:** This year's National Safe Work Month theme is "Be a safety champion". Everyone in a workplace—both workers and employers—has a shared responsibility to be safe and promote safety. We all can and should be safety champions. My goal during this month's event will be to encourage even more people to learn about and promote workplace safety. One area that I will be emphasising and which deserves a spotlight in work safety month is mental health.

I will be joining WorkSafe ACT at events which have a strong focus on psychosocial health. Work-related psychosocial injury is expensive. It is estimated that poor psychosocial health and safety costs Australian organisations \$6 billion per annum in lost productivity. With one in five Australian adults experiencing a mental health condition in any given year, it is important that workplaces create an environment that is safe, positive and productive.

WorkSafe recently appointed a dedicated psychological health officer. As Minister for Employment and Workplace Safety I am pleased to see a dedicated resource to look at more ways to prevent psychosocial injuries in the workplace. I encourage everyone in our community to make physical and mental safety a priority not just in October but each and every day.

**MR GUPTA:** Minister, can you outline how the government will continue to support working Canberrans?

**MS ORR:** National Safe Work Month is an opportunity to celebrate our comprehensive, ongoing commitment as a government to promoting work safety. Everyone has a role and everyone can be a champion in creating safer workplaces. We are creating a stronger policy and regulatory environment to support our workers.

Following an independent review of work safety regulation by Nous consulting, this government has been hard at work taking steps to establish an even stronger regulatory framework for work safety by establishing an independent work safety commission.

All of us within this government understand how important a safe and secure job is for all Canberrans who can work. As a government, we are delivering the public services that Canberra needs and we can guarantee that as our city grows we will employ more people in secure jobs. We will continue to support working people right across the ACT, including apprentices, trainees and public service workers. Canberrans can trust that this government will always value safe and secure employment in this city.

### **Mental health—cannabis**

**MR HANSON:** My question is to the Minister for Mental Health. I refer to the Australian Institute of Health and Welfare cannabis information page, and I quote from it:

Ongoing and regular use of cannabis is associated with a number of negative long-term effects. Regular users of cannabis can become dependent and commonly reported symptoms of withdrawal include anxiety, sleep difficulties, appetite disturbance and depression.

The AMA has warned that cannabis use can lead to a five-fold increase in psychosis amongst some users. Minister, what actions have you taken to reduce cannabis use amongst young adults in the ACT?

**MR RATTENBURY:** Mr Hanson of course has run this line of questioning in here before and, as I have indicated in this place, there are mixed views and there are different analyses on the impacts on people.

**Mr Hanson:** What about the AMA? The AIHW?

**MR RATTENBURY:** There are mixed views and I have read different reports and I have received different advice to that which Mr Hanson has. I have never denied in this place that, for some people, cannabis is clearly not good for them because of other conditions that exist for them and the like. This is an area—

**Mr Hanson:** On a point of order on relevance, the question was: what has the minister done to reduce cannabis use amongst young adults in the ACT? It is not about where the evidence may have come from. If he has not done anything to reduce it he should say so.

**MADAM SPEAKER:** You were interjecting within 30 seconds of the minister being on his feet. I will allow him to continue on the policy line to the question. Minister for Mental Health.

**MR RATTENBURY:** Thank you. The point I was coming to before I was interrupted several times by Mr Hanson simply was that there is information available from ACT Health and certainly through organisations like headspace which I have seen and which makes very clear to young people the risks involved in cannabis use.

I think an important part of having this conversation is to be factual, to present the information and to make young people aware of the potential risks of cannabis use rather than taking the approach that Mr Hanson wants to, which is to simply say, “Don’t do it because it’s bad.” I think we should have a mature, adult conversation with young people and make them very aware of the risks. I think this is the key to minimising the harm of drug use.

**MR HANSON:** Minister, are you aware of any individuals or organisations in Canberra that have been promoting cannabis use despite the evidence that it may cause long-term mental illness?

**MR RATTENBURY:** Not specifically, no.

**MRS JONES:** Minister, will reducing penalties for cannabis use lead to increased cannabis usage, as has happened in other jurisdictions overseas?

**MR RATTENBURY:** I am not aware of that evidence that Mrs Jones is alluding to. The advice I have is that jurisdictions overseas where the rules around cannabis use have been changed have not seen a significant uptake in the use of cannabis. In fact my view is that, in having an environment in which it is not so taboo, or where there is a decreased legal risk, people are more likely to seek out medical help, which I think will be better for people overall.

### **Animals—dangerous dogs**

**MS LAWDER:** My question is to the Minister for City Services. Late last year, domestic animal services investigated a dog attack on a police officer in Narrabundah. Subsequently, the dog bit a child and was reported to DAS. I wrote to you on this matter on 11 February this year. You replied four months later, by which time the dog had been seized and then released back to its owner following a further attack. I wrote to you again about this dog on 2 July and again on 5 August. You have not replied to either of those letters. Meanwhile the same dog has allegedly been involved in further incidents, most recently allegedly involving multiple DAS and police officers in yet another seizure. Minister, how many times does the government allow a dog to attack humans or pets in Canberra before it takes firm action?

**MR STEEL:** I thank the member for her question. I reject the premise of her question but I will go back and look in relation to the letters that she has written to me and provide a response to those matters. Domestic animal services investigates dog attacks with a significant amount of seriousness. I will come back to the Assembly and Ms Lawder with some further information about this particular case.

**MS LAWDER:** Minister, how many combined hours have DAS and the police spent dealing with this one dog?

**MR STEEL:** I thank the member for her question. I will take that on notice.

**MISS C BURCH:** Minister, how many times has this dog attacked, how many times has it been reported to DAS or the police, how many times has it been seized and how long has it been held in the pound?

**MR STEEL:** I think that there were about five questions in that one. I am happy to come back to the Assembly with answers to those.

### **Government—veterans employment strategy**

**MR GUPTA:** My question is to the Minister for Seniors and Veterans. Can the minister update the Assembly on the work that the government has been doing in the area of transition to employment for veterans?

**MR RAMSAY:** I thank Mr Gupta for his question. The government is committed to making Canberra a place where veterans feel that they belong, feel valued and have the full opportunity to participate. Part of that is ensuring that those who leave the Defence Force are able to find a job on civvy street, if that is what they want to be able to do.

We know that the average age of people departing from or separating from the Defence Force is relatively young, at around 31 years old. We also know that those who do exit the Defence Force are some of the most highly trained and skilled members of the workforce available. Many of them are natural leaders, able to perform highly complex work under high pressure.

That is why the government launched its veterans employment strategy in late 2017. That strategy focuses on assisting veterans as they transition from the ADF into civilian employment. The government's vision is to make the ACT public service a leader in the recruitment and retention of veterans.

We want to model this behaviour to businesses and companies across the ACT and the region. It is my firm belief that employing veterans will be beneficial not only to the territory as a whole but also to individual businesses as well. That is why we have trialled a veterans connect event, which matched veterans to real job vacancies in the defence industry and professional services.

It provided practical assistance in explaining military skill sets and terminology in terms that civilian employers could understand. The government will continue to provide practical resources and programs to veterans to help them make the transition from the ADF to civilian employment.

**MR GUPTA:** Can the minister update the Assembly on the results of the ACT public service veterans employment program?

**MR RAMSAY:** I thank Mr Gupta for the supplementary question. This government's vision is to make the ACT public service a leader in the recruitment and retention of veterans. We have developed guides to translating military skills to the language used by the ACT public service to help veterans express this in a way that civilian employers understand. We have also been increasing the experience of our public service. We sent a number of officers to Exercise Executive Stretch. This week the head of Access Canberra has been sent to Operation Boss Lift, where he has been spending a few days in the Navy to experience what they do and what skills they bring. These programs help our public service to know the skills and abilities that our ADF members have, and start to break down some of the language barriers between ADF members and civilian employers.

We also attend the ACT Australian Defence Force transition seminars and soldier on pathways events, and actively work with interested veterans to match them to vacancies within the ACT public service. As part of the program we maintain a register of interested veterans and their skills to ensure that they are made aware of jobs that they might be interested in applying for.

Since launching the strategy, veterans have been able to self-identify on our HR system. In early 2018, 97 employees identified as being veterans. I am pleased to advise that this number has now increased and there are currently 131 ACT public service employees who identify as being veterans.

We are currently establishing a veterans mentoring program for launch later this year. The program will be open to veterans and their spouses who are employed in the ACT public service.

**MS CODY:** Minister, can you update the Assembly on the results of the recent Veteran Connect event?

**MR RAMSAY:** I thank Ms Cody for the question. The ACT government, in partnership with the University of New South Wales Canberra, hosted a new initiative to match veterans with the ACT defence industry. We want to ensure that we are attracting and retaining the skills of our ACT veterans in Canberra. The event provided a unique and innovative program for our highly skilled veterans to connect with leading defence, cyber, space and related industry employers, including ACT academic institutions. The skills, training and experience that our current and former serving ADF members can bring to this or any industry are highly desirable.

The event, delivered on 8 May, hosted 58 veterans, 10 veteran mentors and 18 ACT defence industry organisations. Defence industry recruitment specialist Ironside Recruitment worked to match the veterans' skills and capabilities with actual job vacancies on offer. Over 30 live jobs were available with 54 structured 10-minute interviews taking place at the event. Veteran mentors provided support with pitch coaching, translations and help in selling the unique skills and experience of our ADF members ahead of the interview rounds.

One hundred per cent of veterans in attendance said that they would attend that style of event again, that the event gave them access to tangible job opportunities in Canberra's defence industry, and that they had an increased awareness of potential employers in the industry. Over 10 follow-up interviews have taken place since the event resulting so far in three job offers secured by attendees.

We will continue to see how we can provide these events into the future. Importantly, they are good for people seeking to transition out of the defence force and they are good for the Canberra economy as we attract and retain some of the most capable workers on offer.

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

### **Supplementary answer to question without notice Sport—controlled sports**

**MS BERRY:** I want to correct the record regarding a question that Miss Burch asked me last question time regarding the outsourcing of controlled sports functions to Victoria. At the time of preparing the budget papers, this was considered to be the most viable option to ensure efficient operations. However, after further discussions with Victoria, it was decided by the ACT government to approach and train Access Canberra inspectors to deliver that function locally, with support and training from both New South Wales and Victoria. Access Canberra staff have already attended a number of events as observers to learn the scope of their duties, and will formally

commence on 11 October. I take the chance now to thank the promoters and sporting bodies that have accommodated this training for us.

## Leave of absence

Motion (by **Mr Wall**) agreed to:

That leave of absence be granted to Mrs Dunne and Mr Parton for this sitting week to attend the Commonwealth Parliamentary Conference.

## Papers

**Mr Gentleman** presented the following papers:

Auditor-General Act, pursuant to section 21—Auditor-General’s Reports—

No 5/2019—Management of the System-Wide Data Review implementation program—Government response.

No 6/2019—ICT Strategic Planning—Government response.

Network19—Impact on students—Response to the resolution of the Assembly of 15 May 2019.

### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act and Financial Management Act—ACT Teacher Quality Institute Board Appointment 2019 (No 1)—Disallowable Instrument DI2019-207 (LR, 9 September 2019).

Emergencies Act—Emergencies (Strategic Bushfire Management) Plan 2019—Disallowable Instrument DI2019-206 (LR, 12 September 2019).

Government Procurement Act—Government Procurement (Secure Local Jobs) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-24 (LR, 12 September 2019).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-23 (LR, 12 September 2019).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 9)—Disallowable Instrument DI2019-208 (LR, 2 September 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 10)—Disallowable Instrument DI2019-209 (LR, 5 September 2019).

Utilities (Technical Regulation) Act—Utilities (Technical Regulation) Listed Dams Determination 2019—Disallowable Instrument DI2019-205 (LR, 29 August 2019).

## **Auditor-General's report No 5 of 2019—government response**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (2.50): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Auditor-General's Act, pursuant to section 21—Auditor-General's Report No 5/2019—Management of the System-Wide Data Review implementation program—Government response.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (2.50): I am pleased that the government's response to the recommendations of the Auditor-General's report on the management of the system-wide data review implementation program has been tabled today.

Earlier this year the Auditor-General reviewed the effectiveness of the program management arrangements that were supporting the implementation of the outcomes from the 2017 system-wide data review. The audit also examined the project management arrangements for the ACT Health Directorate's data repository population project, which is the largest project under the system-wide data review implementation program.

While the audit made two recommendations for improvements in program governance arrangements and program planning, it also noted that the data repository population project demonstrated well-established processes and a thorough and mature approach to project management.

Mature and effective program management arrangements are integral to the timely delivery of the outcomes from the system-wide data review. The government welcomes the early review of the arrangements for this multiyear implementation program and agrees with both audit recommendations. These recommendations are already being actioned by the ACT Health Directorate as part of the government's ongoing commitment to the continuous improvement of health data quality, analysis and reporting.

The ACT Health Directorate has already embedded international best practice arrangements for the delivery of healthcare technology-based projects, programs and portfolio management. To support these arrangements, tailored delivery frameworks have been developed and are available on the ACT Health website. The delivery frameworks have been used successfully to deliver dozens of technology-based projects and programs, including the recently-launched DAPIS online remote access, or DORA, website for secure online prescription monitoring across the ACT.

A dedicated system-wide data review program management team has been established, with an experienced program manager and program support. This team has been

revising the governance arrangements and re-baselining the program plans to ensure that they comply with the program delivery framework. Compliance will be separately assured through the directorate's technological governance hub for ICT and data-related programs.

More effective program management oversight has already been established through a whole-of-public-health system program management board, the ACT public health system data governance steering committee. This committee has top-level representation from the ACT Health Directorate, Canberra Health Services, Calvary Public Hospital, Bruce, and the Health Care Consumers Association. It provides leadership and oversight of data management, use and reporting within the ACT public health system, ensuring the importance of accurate health data for the delivery of efficient and high-quality care to the ACT community.

In closing, I thank the Auditor-General's office for their work on this report and commend the team in the ACT Health Directorate that is implementing the outcomes of the system-wide data review and these recommendations.

**MS LAWDER** (Brindabella) (2.53): The Auditor-General's report on the government's management of the system-wide data review implementation program was damning. The Auditor-General found that both the governance of and planning for the implementation program were not effective. Let us pause a moment, repeat that and think about it: the Auditor-General found that both the governance of and planning for the implementation program were not effective. This illustrates yet again the Labor-Greens government's whole approach to our health system. They cannot be trusted on health.

The lack of reliable data meant that the AIHW and the Productivity Commission could not report on the ACT's performance for 2015-16, and data was unreliable and even fraudulently manipulated for a long time before that. The government may try to say it made no difference, but we all know that access to reliable data allows more effective planning for better and more efficient outcomes in our health system.

In its 19 years in government, the Labor-Greens government outcomes include things such as higher costs of care, longer wait times in its emergency departments and elective surgery, a toxic workplace culture, overcrowding in emergency departments, mental health and maternity, ambulance bypasses, inadequate training programs, poor accreditation outcomes, failing and poorly maintained infrastructure, fires and patient evacuations, infrastructure planning on the back of a drink coaster, and broken thought-bubble election promises.

These are the outcomes we have seen under this government. Anything that this government says it will do to improve its performance must be taken with extreme caution. There is a real danger it could be little more than spin, as we have seen time and time again. Based on its past performance, this Labor-Greens government cannot be trusted to deliver a public health system that benefits the people of the ACT.

Question resolved in the affirmative.

## Transport Canberra—network 19

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (2.56): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Network19—Impact on students—Response to the resolution of the Assembly of 15 May 2019.

**MS LE COUTEUR** (Murrumbidgee) (2.56): I want to speak briefly about weekend bus patronage, given that this report is on bus patronage. Despite the widespread service cancellations, weekend bus patronage has been the highlight of network 19 so far. From June 2018 to June 2019, weekend bus usage was up 30 per cent on Saturdays and 40 per cent on Sundays, which is a huge increase in patronage. The people of Canberra voted with their feet for the better weekend bus services which were originally delivered and have been promised by network 19.

But starting from next weekend, local bus services are being cut back to one bus every two hours, and that is simply not good enough. It just does not work for people on weekends. It does not work if you are going for an appointment and it does not work if you are going to the movies. It really does not matter; it does not work. It is a complete disaster for anyone who is trying to connect from one local service to another. It is too inflexible for people who just want to go out on the weekend.

I fear that this will have a large negative impact on weekend patronage. The biggest stand-out plus of network 19 will be shredded. The government must restore full weekend bus services as soon as possible. The rapids, I believe, are going to survive this cut, and for that we can be thankful. But local bus services are important, and one every two hours is a joke.

On a different note, I suspect that the data that has been tabled today, which is slightly invisible at this point in time, will not be broken down by districts. However, data that I received through a question on notice for the month of June did look at each district separately. It showed that even in my electorate there were huge variations. For example, there was a five per cent fall in the average number of weekday journeys starting in Woden, but for Weston Creek there was a nine per cent increase.

This is a reminder to the minister and the directorate to look carefully at how network 19 is working for each different area of Canberra and make adjustments where needed. It is also a reminder, as the weekend bus numbers show, that where people are given a better bus service they will vote with their feet and use it. The quality of the service is really important when it comes to public transport use. I look forward to spending more time on this subject tomorrow.

Question resolved in the affirmative.

## **Child abuse—reporting**

### **Discussion of matter of public importance**

**MADAM SPEAKER:** I have received letters from Ms Cheyne, Ms Cody, Mr Coe, Mr Gupta, Mr Hanson, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Mr Milligan and Mr Pettersson proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Pettersson be submitted to the Assembly, namely:

The importance of Canberrans understanding their obligation to report suspected child abuse following implementation of the Royal Commission recommendation.

**MR PETTERSSON (Yerrabi) (3.00):** The calling of the royal commission into child sexual abuse was a watershed moment for Australians. Former Prime Minister Julia Gillard implemented a commission, despite resistance from certain areas of the community. The commission highlighted the harrowing experiences of child abuse victims as well as the failings of governments and institutions, either by design or neglect, to protect children from abusers. The royal commission made it clear that governments must do more to combat child abuse and that the legal regime has failed children. As we have seen in countless distressing cases, children are being abused and are falling through the cracks in the system. We need rigorous safeguards in place to protect children.

The ACT government was quick to respond to the recommendations made by the commission and accepted 290 of the 307 recommendations, the ones relevant to our jurisdiction. The new laws brought in by this government followed the recommendations from the royal commission and are a necessary and important step in protecting children. As these laws are now in effect in the ACT it is important for Canberrans to understand what their obligations are.

Importantly, these laws create a new criminal offence for failing to report child abuse to the police. Anyone over 18 years of age who reasonably believes that a child has experienced sexual abuse must report it to police. This law is not just in relation to those who come into contact with children—people like nurses, teachers or coaches—but all Canberrans. Failure to do so can result in jail time. A reasonable belief is when you believe that it is likely that a sexual offence has been committed against a child and that if you gave someone else the information that you have they would think so too.

There are a number of offences that constitute a sexual offences. These include having sexual intercourse with a person under the age of 16; grooming a person under the age of 16; an adult who is in a position of special care, for example a teacher, an employer, or a foster parent of a person under the age of 18, who has sexual intercourse with that minor; possession or production of child pornography; and committing an act of indecency on or in the presence of a child. If any Canberran over the age of 18 believes that these offences are occurring to a child they must report it to police.

There are also changes in relation to mandatory reporters. Mandatory reporters are groups of professionals who, because of their work, have unique access to children and have expertise to identify abuse more readily than the general community. These groups are mandated under law to report their concerns regarding physical or sexual abuse when they come across it in their day-to-day business. Mandatory reporters must report if they believe on reasonable grounds that a child or young person is being sexually abused or is experiencing or has experienced physical abuse.

These new laws now include religious organisations. Information disclosed in religious confession will be subject to reporting obligations. Ministers of religious, religious leaders or members of the clergy of a church or religious denomination will be mandatory reporters. This was an important recommendation out of the royal commission. It was frequently reported that paedophile priests reported their crimes in confession. This will prevent the seal of confession being used as an excuse to not report child abuse.

Religious freedom is no excuse for failing children and, as the royal commission showed us, religious institutions have repeatedly failed to protect children and report perpetrators. It is clear that this special exception for religious organisations leads to further harm of children.

The government has also made changes in the education sector as teachers play an important role in preventing and reporting child abuse. Under the 2019 changes to the Teacher Quality Institute Act greater obligations have been placed on employers of teachers to share information with the Teacher Quality Institute regarding allegations of misconduct and results of investigations into alleged misconduct. Changes to the Ombudsman Act give the Ombudsman authority to disclose information relevant to child safety through the Teacher Quality Institute. All teachers in all Australian schools must be registered with the relevant state or territory authority. As part of the registration process all teachers must undertake and maintain a working with vulnerable people check.

The Education Directorate is currently in the process of finalising a reportable conduct policy and procedures—a revised code of conduct for teachers, school leaders and principals—and a new code of conduct for school-based employees. The Education Directorate has consulted extensively with internal and external stakeholders, including regular meetings with the ACT Ombudsman’s office in the development of the policy procedures and the codes of conduct. Mandatory training for all teachers and staff on the new reporting scheme, and their obligations, has been rolled out.

Education resources for students are also available. There is also a focus on e-safety, which is explicitly taught within the curriculum. Resources are available so that schools are properly able to teach e-safety to both children and parents. These resources are age appropriate and highlight risks and responsibilities. ACT Education is also working proactively to enhance community awareness and education around matters of e-safety through promoting teacher professional learning offered through the Office of the eSafety Commissioner, facilitating parent town hall presentations

through the AFP's thinkUknow program and through the Office of the eSafety Commissioner.

The ACT has also implemented other recommendations that came out of the royal commission, including removing the limitation periods for civil actions on child abuse; criminalising ongoing abuse, not just individual acts; broadening the offence of grooming to include persons other than the child, for example grooming parents to give the perpetrator better access to the child; and excluding good character as a factor in reducing a perpetrator's sentence if good character is what allowed them to gain access to children in the first place. These changes are designed to make the process easier and less traumatic for victims and bring our laws more in line with community expectations.

The royal commission showed that child abusers come from all walks of life. It exposed that some abusers were very powerful people who used their influence to commit abuse and to cover it up. It showed the clear, repeated and systemic failure of organisations to address the scourge of child abuse. Clearly, governments had to implement tough new laws and close legal loopholes to protect children. Mandatory reporting is necessary to protect children. Adults who become aware of child abuse must proactively report this information. Children are vulnerable. They need our protection.

It is very difficult for victims to disclose that they are being abused at the time or after it has occurred. Many victims do not come forward until decades after the fact. Some never come forward. This leads to situations where perpetrators may go undetected for years. Children may lack the capacity or ability to report abuse or take steps to protect themselves, especially if the abuser is an authoritative figure or a trusted person. It can be extremely difficult for children to be able to address what has happened to them. Often they have been manipulated by the perpetrator through fear of punishment if they were to ever tell anyone.

Perpetrators frequently have multiple victims or offend against one victim over extended periods. Failing to report abuse may lead a child to suffer repeated abuse or for more children to experience abuse. Child abuse has a huge impact on victims and its effects can last a lifetime. Supporting victims through the reporting process, no matter their age, is vital for their mental health and recovery.

These reforms are vital in protecting children in our city. We must ensure that history is never repeated and that governments do not fail children again. Australia's government institutions have failed generations of young people. Childhoods were stolen. We must ensure that perpetrators do not escape justice and that children and young people are safe. It is clear that mandatory reporting is necessary to prevent these crimes occurring. It is the responsibility of all Canberrans to ensure the safety of our children and together we can ensure that children are protected and perpetrators face justice.

**MRS KIKKERT** (Ginninderra) (3.08): I thank Mr Pettersson for raising this matter of public importance which refers specifically to the new legal obligation effective from 1 September this year that anyone over 18 years of age in the ACT who

reasonably believes that a sexual offence has been committed against a child must make a report to the police. This is a consequence of a recent amendment to the Crimes Act with section 66AA now outlining this offence and providing for a maximum penalty of imprisonment for two years. I and the Canberra Liberals supported this amendment and others that have been devised based on recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. We have supported these amendments because we are fully committed to the protection of children and young people in this territory.

Speaking personally, I believe my record on matters of child protection is abundantly clear. I raised concerns in this chamber that this government's Family and Personal Violence Legislation Amendment Bill may not adequately protect children. I asked the minister to work with nationally recognised and accredited organisations to provide all first-time parents and other primary caregivers with information packets that address how to recognise and protect against child sexual abuse, something she has not implemented despite supposedly agreeing to it in principle.

On many occasions I have raised concerns about the safety and wellbeing of children and young people in youth detention and residential care homes. I have repeatedly called on this government to implement measures to strengthen the quality of decision-making in the care and protection system by allowing for external review of decisions affecting some of the territory's most vulnerable kids. I raised this issue again just last Wednesday.

The importance of getting this area right is underscored by the fact that the single greatest cohort that contacted the royal commission to report having experienced sexual abuse were those who had been abused in some form of out of home care. With the legislation coming into effect three weeks ago it is important, as Mr Pettersson has noted, that all adult Canberrans understand their obligations to report if they reasonably believe that a child is experiencing sexual abuse.

The responsibility of the ACT government to make this understanding happen is enormous, as noted clearly in the analysis report prepared by Justice Julie Dodds-Streeton and Jack O'Connor released in January this year. First, though, it is important to point out that Canberrans overwhelmingly want to do the right thing when it comes to reporting abuse. The analysis report states that stakeholders, including ACT Policing and the Community Services Directorate, have indicated the ACT community's general willingness to report and the high level of compliance with mandatory reporting obligations. This includes ACT Policing's finding that religious institutions are now very proactive in reporting and responding to child sexual abuse.

I take this opportunity to sincerely congratulate and thank Canberrans for their eagerness to comply with child safety measures. No doubt they are also prepared to comply with the new requirements once they understand their obligations. This is a central point in Justice Dodds-Streeton and O'Connor's analysis. As the report points out, the failure-to-report offence is the only scheme that potentially requires a person who may not be professionally or occupationally qualified or in a managerial position to report. Consequently, it becomes essential that such an obligation to report be clear and readily comprehensible. The wide range of persons subject to potential criminal

liability would be entitled to clarity as to its preconditions. If this obligation is not made clear some people may not understand their obligations.

An opposite risk is that some will misunderstand their obligations. This second risk was raised by both law enforcement and the CSD. The analysis report states that ACT Policing and the Community Services Directorate all refer to the problem of over-reporting, which was increasing. Over-reporting occurs when people who do not clearly understand their obligations become, in the words of ACT Policing, hypervigilant and to, quote the CSD, begin to panic and lower the reasonable threshold for when a report is actually called for. Such a situation can result in an exaggerated number of frivolous reports that deteriorate the quality of information and end up diverting limited resources for genuinely needy areas of child protection.

For this reason ACT Policing recommended that the new legislation be accompanied by adequate resources and education packages to reduce confusion. In a similar vein the Community Services Directorate noted that education will be very important in addressing problems in context. The analysis report pointed out that existing education resources within the directorate could mitigate all of the reporting but that they would need to be revised in order to fulfil this purpose.

What this all means is that if Canberrans are to understand their obligations to report suspected child abuse this is a responsibility that rests fully with this government. What remains to be seen is whether the Barr government can be trusted to engage in the education campaign that this new law demands. My strong suspicion at this point is that very few adult Canberrans understand what is now required of them in the way that Justice Dodds-Streeton and O'Connor, ACT Policing and the Community Services Directorate have all warned is necessary.

The language used by Mr Pettersson today already suggests that he, in fact, may not understand the new legislation. He has suggested that Canberrans have a legal obligation to report suspected child abuse, but the threshold of suspicion was rejected in the analysis report specifically because of the risk it posed for engendering endangering hypervigilance and panic. Section 66AA of the Crimes Act has been drafted specifically to avoid this risk.

The Canberra Liberals will certainly be watching for evidence that those opposite have taken seriously the warnings and recommendations in the analysis report and that they are fulfilling their responsibility to educate the public with the necessary clarity.

Another necessary component of Canberrans' understanding their obligations is their ability to trust this government to respond correctly when reports are made. This matter was raised in the 2016 Glanfield inquiry. Mr Glanfield noted that one issue that arose repeatedly during the inquiry's consultations was the lack of feedback provided to mandated reporters. In the absence of appropriate feedback, people rightly or wrongly assume they have not been taken seriously. This can result in either a reduction in reporting or an increase where people continue to report the same matter on the assumption that nothing is being done. In the past this has been a problem that

has faced only mandated reporters. But with all adults in the territory now required to report, it will be increasingly important that this problem of feedback be fixed.

Finally, I note in a very serious way that a government that expects its citizens to report the abuse of a child needs to be seen as capable of dealing with those reports. As we are all too aware, there have been instances in this territory where parents, step-parents, educators and others have raised concerns that have failed to protect a child. It is my deepest wish that this government put into place the mechanisms necessary to as far as possible eliminate the possibility of this happening again.

I again thank Mr Pettersson for bringing this matter of public importance before the Assembly. It is indeed important, and I look forward to seeing the Barr government fulfil its responsibility to make sure that Canberrans clearly understand the law that has come into effect and can act in a way that will genuinely protect children..

**MS LE COUTEUR** (Murrumbidgee) (3.18): Everyone in the Assembly and almost everyone in the community would agree that children and young people should be safe from harm so of course I am pleased to support this MPI. The Greens have previously supported the Reportable Conduct and Information Sharing Legislation Amendment Bill which came about as a result of both the Royal Commission into Institutional Responses to Child Sexual Abuse and the Glanfield report on the review into system level responses to family violence in the ACT.

It is very important that where there are allegations of harm and risk to children and young people that information about their safety and welfare is made available to child protection, law enforcement and relevant oversight bodies to ensure that the best possible outcomes are achieved. The royal commission as we know all too well revealed long-term systematic child sexual abuse and cover-up of that abuse by a range of institutions which were meant to provide for the protection, safety and wellbeing of children. These include churches, faith-based organisations, residential care organisations, educational institutions et cetera.

The impacts of this abuse are far reaching and often sustained. In the long term they can be devastating and manifest in numerous ways, not least of which is the inability to trust and the undermining of self-belief of the person. Many survivors have a difficult life path, struggling to deal with the effects of the abuse which can manifest in mental health, drug and alcohol issues and, unfortunately, engagement in the criminal justice system.

The royal commission in particular has encouraged people to talk about child sexual abuse in a way that never previously existed. Firstly, people talked about it. Many disclosed their abuse for the first time, some 50 to 60 years after the fact. The stigma around talking about such things has been reduced. It is clearer to all of the community that child abuse unfortunately occurs.

We need to recognise that the majority of child abuse, be it sexual or otherwise, occurs in homes as distinct from institutions. This is why the work done on family and domestic violence is incredibly important. Families are not always the safe and loving places we believe they should be.

All adults, except a person's lawyer, have a duty to report child sexual abuse to police. Organisations do also, and something that has happened recently is that the scheme has been expanded to include more organisations. I called for this in 2017 and I am very pleased that over the past few years the ACT government and the attorney have been very busy in this area. The scheme has expanded to include religious institutions, religious instructors, organisations such as scouting groups, educational groups et cetera.

As the royal commission emphasised in its report, it is important that adults proactively report child sexual abuse. By the very nature of the offence it may be difficult for victims to talk about it to anybody let alone the police. If adults become aware of child sexual abuse and report it to police, there is the possibility that the abuse will be stopped and no more children are abused. I have to say that unfortunately it is a possibility only because, as the royal commission made clear, historically many children who reported sexual abuse have not been believed.

It is also important that we do not look just at children from this point of view; everybody deserves a life free of abuse. Unfortunately some adults do not have that, in particular, the frail aged, the disabled, or people with mental illness. We should treat everybody in our community with respect, compassion and kindness. Where we see abuse one thing we can do is report it to relevant authorities, in general, the police.

I thank Mr Pettersson for his MPI, although I am disappointed that he did not choose to listen to the contributions of other members. I hope this will remind us and the community of the need to treat everybody with kindness and respect and compassion.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (3.23): I thank Mr Pettersson for facilitating a discussion on a matter that is indeed a matter of great public importance. Noting the gravity of the subject, it is vital that Canberrans fully understand their obligation to report suspected child abuse following the implementation of the recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The ACT government and, I am sure, everyone who sits in this chamber condemn the sexual abuse of children. Through the work of the royal commission, Australia has learned about the multiple and persistent failings of institutions to keep children safe; the cultures of secrecy and cover-up; and the devastating effects that child sexual abuse can have on individual lives. This includes persistent failures by adults to report when they suspect a child has been subjected to abuse.

The royal commission clearly showed that children are unlikely to report abuse and face particular difficulties in being able to protect themselves. This makes it vital that adults report child sexual abuse if it comes to their attention. If abuse is not reported, a perpetrator may continue to abuse that child and other children.

The process of responding to the royal commission is one of acknowledging our collective failures as a community and taking responsibility. It is vital that, as

Canberrans, we acknowledge and understand our shared responsibility to protect children and our obligation to take action to hold offenders accountable. It is for that reason that I recently introduced amendments to various criminal laws changing reporting obligations. These laws came into effect on 1 September this year and include a new criminal offence for failing to report if an adult reasonably believes that a child has been sexually abused. This offence applies even when that abuse has been disclosed during a religious confession.

The offence applies to all adults, and it applies without exception. It does so for particular and important reasons, especially when considering prior exceptions for religious practices. Ultimately, when there is an obligation on all adults to act in a particular way to keep children safe, any individual or institution must have a compelling case before an exception is created.

There is clearly no compelling case for religious practices. In fact, the royal commission found that in some instances religious confession was a factor in facilitating further abuse. The royal commission also heard evidence that perpetrators who confessed to sexually abusing children went on to re-abuse and to seek forgiveness again. The royal commission's report details countless instances of adults knowing about child sexual abuse but staying silent. The testimony of survivors made clear the further abuse and trauma that were facilitated by that silence. This offence makes clear that adults must not stay silent and that they have a duty to report child sexual abuse to the police.

The report by Her Honour Justice Julie Dodds-Streeton which informed, through extensive consultation with the Canberra community, the creation of the offence outlined the importance of the new offence and explained how it will contribute to both effective law enforcement and also, and possibly more importantly, a cultural shift in how we view the reporting of child abuse.

I have spoken before about the primacy of children's right to safety and the priority that must be accorded to the right. In view of this, the offence makes clear that every single person, no matter what their job, no matter what their vocation, must report relevant information. The right to freedom of religion is not absolute, and the freedom to practise religion in a particular way must never take precedence over children's right to safety.

A failure to report abuse not only leaves that particular child exposed to repeated abuse but also exposes other children to abuse, leading to a fundamental breach of children's most basic human rights to safety and protection.

Research suggests that the effects of child sexual abuse can be lifelong. There is a strong relationship between child sexual abuse and poor mental health in later life. Victims of child sexual abuse are almost four times more likely to have contact with a public mental health facility compared with people in the general community. The research indicates that victims of child sexual abuse are more likely to abuse alcohol and other drugs. The same research indicates that children who have been sexually abused are at far greater risk of behavioural problems, more likely to run away from home and at a greater risk of committing vandalism and juvenile offences than those

who have not been abused. Running away also makes children more likely to commit survival crimes. The research also suggests that the victims of abuse experience poorer academic achievement: they are less likely to achieve secondary school qualifications, to gain a higher school certificate, to attend university, and to obtain a university degree.

As a proud Canberran, I want to know that our most vulnerable are protected and supported to succeed. I want to know that Canberrans understand their obligations to protect those more vulnerable. I want to know that they do this not primarily because there is a criminal penalty if they do not but, more importantly, because they understand the importance of keeping children safe by reporting suspected child abuse.

In my public statements in both the media and this place I have been unequivocal in my condemnation of any stance to not report abuse. I have stated that it is everyone's responsibility to report child sexual abuse, that there are no exceptions and that it is inappropriate for any leader of any institution to be finding reasons for not implementing the legislation. Responding to child sexual abuse is a tripartisan, nationally supported issue. The Prime Minister gave a commitment to survivors during the national apology, which I reiterate:

... our nation—

and in our case our society—

does not turn from shame and our nation will never forget the untold horrors  
you—

the survivors—

experienced.

It is the role of all Canberrans to understand their obligations to report abuse and to send a clear message that children's rights are paramount. We all play a part in keeping our society safe. In being aware of that obligation, Canberrans must ensure that history never repeats, that victims are never again silenced, that perpetrators of child sexual abuse are brought to justice and that our community is a safe place for children and young people to live, learn and play.

I am pleased to table five fact sheets that have been produced within the government regarding the reporting obligations concerning child abuse, to assist Canberrans in understanding their obligations, being aware and being able to follow through. Those fact sheets have been part of a special media, social media and public transport campaign. I am pleased that the same fact sheets have been provided to a very broad range of stakeholders. I am also pleased to have had the opportunity to speak recently at a public regional gathering of one of the faith-based institutions in this community, where I was able to explain, and discuss at great length, the obligations that all Canberrans have.

I am very pleased to have had the opportunity to speak on this matter and I thank Mr Pettersson again for bringing the matter to the Assembly. I present the following papers:

Child sexual abuse—ACT Government factsheets—

Changes to mandatory reporting.

Changes to reportable conduct scheme.

All adults must report child sexual abuse.

New laws to improve reporting of child abuse.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (3.31): We here in Canberra live in a great community where every child deserves to grow up in a safe and loving environment. However, for some children, sadly this is not the case. The ACT government is committed to implementing the findings and recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse to keep children safe. More broadly, we remain committed to continuous improvement in our processes to keep children and young people across our community safe from abuse and neglect.

This government recognises the importance of making our institutions and communities safe for children, places where every child is valued and where their rights to safety and wellbeing are respected and upheld. As outlined by the Attorney-General, under new laws that came into effect on 1 September, ministers of religion, religious leaders and the clergy of a church or religious denomination are now mandated reporters.

These laws have been introduced in response to recommendations made by the royal commission. Ministers of religion are now required to report information, including information disclosed during religious confession, if they believe on reasonable grounds that a child or young person has experienced, or is experiencing, sexual abuse or non-accidental physical injury.

A significant benefit to this change is that more individuals in our community who work closely with children, and who therefore have an ethical and professional imperative to report child sexual abuse and non-accidental physical abuse, are obliged to report and are protected in making a report to child protection services or to the police.

Mandated reporters are groups of professionals who, through their work with children, have developed expertise enabling them to identify abuse more readily than the general community. These groups are mandated under law to report their concerns regarding non-accidental physical or sexual abuse when they encounter it in their day-to-day business.

Mandated reporters can also choose to make a voluntary report concerning, for example, a risk to an unborn baby or suspected neglect or emotional abuse of a child.

The ongoing wellbeing of children in our community is a shared responsibility. Child and youth protection services in the Community Services Directorate is dedicated to protecting children and young people who are at risk of abuse and neglect.

CYPS receives, records and responds to all allegations of child abuse or neglect that occur within a family. Those reports are currently running at around 16,000 a year. It is a big job. CYPS relies on members of the community for early identification of those likely to be at risk. In particular, CYPS relies on the community to make voluntary reports of suspected child abuse or neglect and on mandated reporters, certain professionals who are required by law to report physical or sexual abuse. This means that anyone in our community, a teacher, doctor, childcare worker, relative, friend or neighbour can play a significant role in preventing child abuse and neglect and can therefore make an enormous difference in a child's life. CYPS relies on its community partners, including schools, health professionals and services, childcare providers and all those who work with families to help identify and respond to families who may be in need of support, and children who may be at risk.

In doing so, it is important that people and organisations across the community are able to provide, and are empowered do so, early support to reduce future risks to children involved if they are at risk of neglect or abuse. It is important that anyone considering making a report of suspected child abuse or neglect has a reason for their belief or suspicion. Paying attention to the warning signs of abuse and neglect and engaging and supporting families who may be struggling can prevent serious harm from occurring and ensure that the needs of the child are put first.

In the ACT we are fortunate to have access to a range of valuable services that specialise in supporting families in need. These services, together with CYPS, provide multiple avenues for children and their families to get the kind of help they need. We also have a range of safeguards in the ACT to prevent and respond to suspected child abuse. The working with vulnerable people scheme requires all employees or volunteers to undertake a background check to work with, or provide services to, children and young people.

Background checking, as part of this scheme, is one of several tools available to inform whether someone poses an unacceptable risk to children and young people using a service. In addition, organisations and individuals can provide information to assist Access Canberra to determine an individual's suitability for registration. Information can be shared between Access Canberra and other organisations to reduce or remove a risk to children and young people.

Since 1 September, as previously mentioned, all adults are required to make a report to ACT Policing if they form a reasonable belief that a child sexual offence has been committed. This requirement seeks to ensure that all adults in the ACT have a shared obligation to keep children safe and prevent child sexual abuse. Senior staff in organisations that interact with children, including foster and kinship organisations, are now also subject to the failure-to-protect offence, which came into effect last year. This offence is aimed at ensuring that staff do not fail to act to reduce and remove identified risks of institutional child sexual abuse.

Earlier this year, COAG endorsed the national principles for child safe organisations. The ACT continues to work with the National Office for Child Safety to promote and implement national principles across organisations and the community services sector that work with children and young people. Building on the national principles, conversations with the community are ongoing about the way institutions can be supported to strengthen their approaches to child safety and become safer for children and young people.

The ACT government is also working with the Australian government and with states and territories to support the development and implementation of a new national strategy to prevent child sexual abuse. Together, these mechanisms provide a suite of protections aimed at reducing the risk of, and preventing, child sexual abuse.

Madam Speaker, in relation to the royal commission, of course, the focus there was on institutional responses to child sexual abuse. I think most of us in this place have spoken more broadly about the fact that child abuse takes many forms and that we have different responses. We have specific responses in relation to child sexual abuse and that is absolutely appropriate. We also have a suite of responses in relation to abuse and neglect of young people in other forms, whether that is physical or emotional abuse.

We are constantly seeking to strengthen those. I thank the community, our mandated reporters and our voluntary reporters who, on a daily basis, put the best interests of our children first. By working together, we can support Canberra's children to have the opportunity to grow up safe, strong and connected.

*Discussion concluded.*

## **Adjournment**

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

That the Assembly do now adjourn.

## **Australia Nepal Friendship Society**

**MRS KIKKERT** (Ginninderra) (3.39): Those in Canberra's Nepalese community are warm, kind, intelligent and passionate people. This past Friday I had the pleasure of attending the Australia Nepal Friendship Society's 2019 Dashain night. This event was supported by the Canberra Nepalese Football Club, the Canberra Nepalese Cricket Club, the Canberra Nepalese Volleyball Club and the Non-Resident Nepali Association of the ACT and Queanbeyan.

Dashain is the longest and most auspicious Hindu festival in Nepal, traditionally observed for two weeks. It is enthusiastically celebrated across the entire country as well as by people of Nepalese background across the world, honouring the goddess Durga's victory over evil. Dashain emphasises the importance of family reunions. In many ways Dashain is to Nepalese what Christmas is to westerners.

At the special event last Friday night the children had opportunities to dance and perform. It was amazing to see these children connecting with their culture and heritage through dance and music. I congratulate the parents for instilling this valuable part into their children's lives. Congratulations to Khusbu Neupane, the president of the Australia Nepal Friendship Society, and her team for organising a wonderful event, one that many may describe as beautiful and inspiring.

On the weekend the Canberra-Nepalese Football Club also organised the Nepal Embassy Cup, a soccer tournament, at the Australian Institute of Sport. It was a two-day event. On the first day the weather was not too friendly, with rain and wind making it a very cold and wet day for the event organisers as well as the players. But the rain did not stop them having fun. They continued to play all day long.

The winning teams made it to the quarterfinals, semifinals and the finals on Sunday. I was there and watched the final match, an exciting game with a tied score when time ran out. The teams went into a shootout, with the result again being tied. According to the rule, they were allowed to flip a coin to determine the winner. Unhappy with the match game being determined by the chance of flipping a coin, captains from each team agreed to continue having the shootout until there was a winner. Finally, with much anticipation and excitement, we had a winner. It was an exciting game.

Congratulations to all the players and a very special thankyou to the president of the Canberra Nepalese Football Club, Ashish Sapkota, and his team for organising a fantastic community soccer tournament. We look forward to next year's tournament as well as when the Nepalese play the Socceroos next month at the GIO Stadium.

### **Neurofibromatosis**

**MS CHEYNE** (Ginninderra) (3.42): Madam Speaker, as you know, for the past three years I have been proud to be the ambassador for the Australian Children's Tumour Foundation's NF Hero event and walk in Canberra. The Children's Tumour Foundation supports children and their families with neurofibromatosis, NF1 and NF2. Tumours grow on the spine and the ends of nerves, on the brain and behind your eyes. They are entirely unpredictable.

Children with NF, though, are not unpredictable. They are, on the whole, brave and resilient heroes who we were proud to support and celebrate with an event in Glebe Park on Sunday, 8 September. As part of the event, we did an awareness-raising walk around the city.

You might remember that this time last year I brought to the Assembly's attention the journey of Libby Elliott. At four, Libby was diagnosed with NF and had tumours which required immediate action. I am pretty sure that Libby is not 10 yet—sorry if you are, Libby—but she has had tumours since then, on her spinal cord, at the base of her brain and behind her eyes.

You might also remember, though, that last year I brought your attention to Libby's broader family, particularly her father, Cam Elliott. Last year Cam raised \$11,000 by

the time of the walk around Lake Ginninderra, carrying 70 kilograms over five kilometres, aided by his friend, who carried 40 kilograms over five kilometres. By the time of the walk this year, Cam had raised over \$13,000. For every dollar raised milestone he promised to do more. As a result, he ended up walking 26 kilometres, carrying 40 kilograms for every step of that, again ably supported by his mate.

In raising \$2,500, he did the walk with hearing protection, to replicate being deaf. That is because tumours can appear in the ears of those with NF. For the \$5,000 he raised, he grew and maintained a moustache. Kids with NF often have surgery which makes them feel less than comfortable about showing their faces. For Cam, having a mo was not pretty—I can probably attest to that—and it was thus a way he could replicate that feeling about showing your face. Raising \$7,500 resulted in him maintaining a blade-smooth head to replicate the effects of chemo, again something children of NF go through. Finally, NF often has the consequence of going blind, with the development of cataracts. By raising \$10,000 Cam did the entire last kilometre of his walk with no sight, completely blindfolded, still carrying 40 kilograms, guided by his daughter Libby, as we returned to our celebrations in the city.

Cam's face at the end of the walk showed it all: pain, exhaustion but ultimately determination. In the days following the event, Cam reached his target of \$15,000 raised. But this year, he was not even the highest fundraiser nationally, with a couple from Melbourne raising \$17,000. That is something Cam and everyone else was pleased about, because it means that more people are stepping up and awareness is growing. That is the entire point of these events.

Madam Speaker, the event did not just involve a walk. There were capes for these heroes, young and old, a dance performance, face painting and an incredibly popular jumping castle.

I would like to again extend my thanks to all of those who raised an incredible amount of money individually, not least Cam. In the lead-up to the event, many people participated in an August challenge, where they raised money by doing something that was a challenge for them. Extra special thanks to Carey Russell for once again organising the event, ensuring that a very happy and fun time was had, particularly in light of quite a bit going on in her own and her family's lives.

The next event is the Cupid's Undie Run, around Valentine's Day next year. I urge everyone to continue to give this very important issue their attention and their support.

### **Sport—under-13 rugby**

**MR HANSON** (Murrumbidgee) (3.47): I rise tonight to talk about one of Canberra's great sporting teams, the Canberra Grammar under-13 rugby team. I thank the wonderful coaches of that team, Alex Sumpter and Max Bode, who have spent countless hours out with the boys on Tuesday and Thursday afternoons and on Saturday mornings on game day. I thank them for their leadership and the inspiration they have provided to all of the boys.

The under-13s had a great season. They spent the first half of the season in the first division, which was tough. They were up against some very good under-13s rugby teams that play here in Canberra. They then played the second half of the season in the second division, where they won every game and made it into the finals. They were defeated in the semifinal by one of the teams that came down from first division. They are a great group of young men who have learnt a lot this year about teamwork, courage, mateship, compassion, fitness and skill. I am sure they have enjoyed themselves and had a lot of fun along the way. We have certainly seen the spirit of rugby in evidence.

I would like to also thank the parents who have been out there, many of them turning up to training and many of them there on game day, on Saturday mornings.

I would like to particularly congratulate Tom as the best back, Robbie as the best forward, Jordan as the most improved, and Dane as players' player—and all of the players that participated and played games throughout the year: Shay, Rami, Nick, Al, Callum, Oliver, Liam, Will, Dane, Tom, Robbie, James, Kit, Jack, Duncan, Rhys, Jordan, Matt, Isaac, Owen and Hamish.

Well done to the mighty Canberra Grammar under-13 rugby team. Well done to the coaches, Alex and Max. We are looking forward to another great season next year.

Question resolved in the affirmative.

**The Assembly adjourned at 3.50 pm.**

## Schedule of amendments

### Schedule 1

#### Sentencing (Drug and Alcohol Treatment Orders) Legislation Amendment Bill 2019

##### Amendments moved by the Attorney-General

1

Clause 9

Proposed new section 82A

Page 6, line 11—

*omit*

2

Proposed new clause 9A

Page 9, line 8—

*Insert*

9A      **Meaning of *community-based sentence***  
**New section 264 (1) (a) (ia)**

*insert*

(ia) a drug and alcohol treatment order;

3

Clause 10

Proposed new dictionary definition of *drug and alcohol treatment order*

Page 9, line 12—

*omit*

, for chapter 5A (Drug and alcohol treatment orders)

4

Clause 14

Proposed new section 12A (2) (iii)

Page 11, line 23—

*after*

sentence

*insert*

except as directed by the court

5

Clause 14

Proposed new section 12A (3) and (4)

Page 12, line 18—

*omit proposed new section 12A (3) and (4), substitute*

- (3) If the court makes a treatment order for an offence (the *primary offence*), the court may extend the order to an associated offence, but only if the total period of imprisonment liable to be served under any consecutive sentences imposed for all offences to which the order relates, is not more than 4 years.

- (4) To remove any doubt—
- (a) if the court extends a treatment order to an associated offence, the offender must not be subject to more than 1 treatment order for all offences at any particular time; and
  - (b) an associated offence to which the court extends a treatment order may be an offence for which the court imposes a sentence of imprisonment of less than 1 year; and
  - (c) sentences for multiple offences may be served concurrently or consecutively (or partly concurrently and partly consecutively), subject to subsection (3).

*Note* Words in the singular number include the plural (see Legislation Act, s 145 (b)).

6

**Clause 14**

**Proposed new section 12A (9), new definition of *associated offence***

**Page 13, line 7—**

*insert*

***associated offence***, for an extended treatment order, means an eligible offence—

- (a) to which the offender pleads guilty; and
- (b) for which the offender is sentenced to imprisonment; and
- (c) dealt with in the same sentencing proceeding as the primary offence.

7

**Clause 19**

**Proposed new part 5.4A, new section 80TA**

**Page 25, line 11—**

*insert*

**80TA Court may remit proceeding**

- (1) This section applies if—
  - (a) the court declines to make a treatment order for a particular offender; and
  - (b) the offence for which the offender is to be sentenced could have been dealt with summarily by the Magistrates Court; and
  - (c) the offender was committed to the court only because the offender refused consent to the offence being dealt with summarily by the Magistrates Court.
- (2) The offender or the director of public prosecutions may apply to the court for an order to remit the proceeding for the offence to the Magistrates Court.
- (3) The court must make the order if it is satisfied that the offender refused consent to the offence being dealt with summarily for the purpose of seeking assessment for a treatment order.
- (4) The court may otherwise make the order if it is satisfied the order is in the interests of justice.
- (5) If the court makes an order under this section, the court must, as soon as practicable after the order is made, ensure that written notice of the order, together with a copy of the order, is given to—
  - (a) the offender; and
  - (b) any other person who the court considers should receive the notice.

- (6) Failure to comply with subsection (5) does not invalidate the order.

**8**

**Clause 19**

**Proposed new section 80U, new note**

**Page 25, line 24—**

*insert*

*Note* Words in the singular number include the plural (see Legislation Act, s 145 (b)).

**9**

**Clause 19**

**Proposed new section 80X (1) (e)**

**Page 28, line 12—**

*omit*

**10**

**Clause 19**

**Proposed new section 80Y (2) (fa)**

**Page 30, line 15—**

*insert*

(fa) not return a positive test sample under alcohol and drug testing;

**11**

**Clause 19**

**Proposed new section 80ZA (2)**

**Page 32, line 15—**

*after*

adding

*insert*

, modifying

**12**

**Clause 19**

**Proposed new section 80ZC (3), new note**

**Page 35, line 14—**

*insert*

*Note* A sentence of imprisonment suspended under a treatment order is not part of a suspended sentence order (see s 12 (7)).

**13**

**Clause 19**

**Proposed new section 80ZE (4), new note**

**Page 38, line 22—**

*insert*

*Note* The court must make a good behaviour order in relation to an offender who is the subject of a treatment order if the treatment and supervision part of the order ends before the sentence of imprisonment suspended under the custodial part of the order (see s 80Z).

**14**

**Clause 19**

**Proposed new section 80ZG, new subsections (5A), (5B) and (5C)**

**Page 40, line 2—**

*insert*

- (5A) The court may, on the review, confirm or amend the order as the court considers appropriate.
- (5B) If the court amends the order, the court must, as soon as practicable, ensure that written notice of the review decision, together with a copy of the amended treatment order is given to—
  - (a) the offender; and
  - (b) any other person who the court considers should receive the notice.
- (5C) Failure to comply with subsection (5B) does not invalidate the order as amended.

**15**

**Clause 19**

**Proposed new section 80ZL (4), definition of *relevant drug offence***

**Page 43, line 2—**

*omit the definition, substitute*

***relevant drug offence*** means the following:

- (a) an offence against the Criminal Code, section 618;
  - (b) an offence against the *Drugs of Dependence Act 1989*, section 162, section 164, section 169 or section 171;
  - (c) an offence against the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 26 (2), section 34 (1) or (2), section 37 (2) or section 43 (3);
  - (d) an offence prescribed by regulation.
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