



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

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7 MAY 2020

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Thursday, 7 May 2020

Dr Deb Foskey (Motion of condolence)	923
Petitions:	
Legislative Assembly—sitting pattern—petition 4-20	932
Municipal services—water refill stations—petition 6-20	933
Municipal services—playgrounds—petition 7-20.....	933
Schools—online learning—petition 8-20	934
Parking—Chifley Place—petition 2-20 (Ministerial response)	935
Motion to take note of petitions	936
Schools—online learning—petition 8-20	936
Legislative Assembly—sitting pattern—petition 4-20	938
Standing orders—suspension.....	938
COVID-19 pandemic response—update (Ministerial statement).....	938
COVID-19 Emergency Response Legislation Amendment Bill 2020	944
Planning and Environment Legislation Amendment Bill 2020.....	947
Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020 ..	951
Sitting pattern 2020—amendment to resolution	953
COVID-19 pandemic response—Select Committee	954
Justice and Community Safety—Standing Committee.....	954
Planning and Urban Renewal—Standing Committee.....	955
Justice and Community Safety—Standing Committee.....	959
Planning and Urban Renewal—Standing Committee.....	962
Questions without notice:	
Schools—COVID-19.....	964
Transport—COVID-19	965
Canberra Institute of Technology—COVID-19	966
Schools—COVID-19.....	967
Education—COVID-19	967
Schools—COVID-19.....	968
Sport—COVID-19.....	969
Planning—Horse paddocks	970
Hospitals—emergency department data	971
Hospitals—performance data	972
Emergency services—COVID-19	973
Business—COVID-19	974
Papers.....	975
Light rail—stage 1 review	979
Standing orders—suspension.....	981
Planning Legislation Amendment Bill 2020.....	981
Leave of absence.....	985
Schools—attendance during the COVID-19 pandemic.....	985
Human Rights (Workers Rights) Amendment Bill 2019.....	1005
Paper	1011
Executive business—precedence	1011
Standing orders—suspension.....	1011
COVID-19 Emergency Response Legislation Amendment Bill 2020	1011
Human Rights (Workers Rights) Amendment Bill 2019.....	1027
Electronic Conveyancing National Law (ACT) Bill 2020	1027

Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020]	1027
Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020	1031
Adjournment:	
Community services—Indian community	1031
Schedules of amendments:	
Schedule 1: Human Rights (Workers rights) Amendment Bill 2019	1034
Schedule 2: COVID-19 Emergency Response Legislation Amendment Bill 2020	1035
Schedule 3: COVID-19 Emergency Response Legislation Amendment Bill 2020	1035
Schedule 4: COVID-19 Emergency Response Legislation Amendment Bill 2020	1036
Schedule 5: Electronic Conveyancing National Law (ACT) Bill 2020	1037

Thursday, 7 May 2020

MADAM SPEAKER (Ms J Burch) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Dr Deb Foskey
Motion of condolence

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (10.02): I move:

That this Assembly expresses its deep regret at the death of Dr Deb Foskey, ACT Greens MLA from 2004 to 2008, and tenders its profound sympathy to her family, friends and colleagues in their bereavement.

On behalf of the government, I rise this morning to move this motion of condolence on the passing of a former colleague and member of this place, Dr Deb Foskey, who died last week after a long battle with cancer.

Dr Foskey moved to Canberra in the 1980s as a schoolteacher and completed a master's in human ecology and a PhD in political science at the Australian National University. Dr Foskey's focus was population and analysing ways to achieve a lower ecological footprint. She was clearly ahead of her time, given that that is something that we are now all very conscious of and are all trying to work into our daily lives today.

Throughout her life, Deb was a passionate environmental activist who cared deeply about protecting and preserving Australia's old-growth forests. From her time in East Gippsland in the 70s and 80s, fighting to protect old-growth forest, to her time in the Legislative Assembly between 2004 and 2008, environmental issues were always central to Dr Foskey's political beliefs. And certainly her activism did not end after leaving this place. When she moved back to Victoria in 2008, Dr Foskey ran as a Greens candidate in numerous state and federal elections, always ensuring that those lifelong passions of environmental issues were front and centre of her political campaigns.

Time passes quickly in this place, and I think Mrs Dunne, Minister Gentleman and I are now the only remaining members of the Assembly who served alongside Dr Foskey. She was elected in that most unusual territory election in 2004 that came just after a federal election and saw, to date, the only majority government elected in the history of this place. I was not elected in the 2004 election. I narrowly missed out and so did not join Dr Foskey in this chamber until May 2006 and, although the time we spent in this place together was relatively brief, she was always very kind to me, although we did not always agree on every issue.

But within what was a fulfilling and reformist career as a parliamentarian, Dr Foskey left a lasting impression about what she stood for. The very first bill that we both voted for was the Civil Unions Bill 2006. It was the first piece of legislation that I got to vote on as a member of this place, and Dr Foskey was a strong supporter of civil unions at that time and, indeed, for equality amongst all in our community. She was most generous in her support for that legislation and her support for this community in that particular debate.

Other matters that were topical at that time related to education policy. Although Dr Foskey and I might have had slightly different views in relation to where schooling should be by 2020, she engaged constructively with the government of the day at the time and me, as education minister through that period, never stepping back from her passionate views about how our education system should operate but doing so in a manner that allowed constructive engagement.

That parliament, from 2004 to 2008, did operate somewhat differently from the way this Assembly has generally operated, with a different Chief Minister and a very different approach to the crossbench during that period. I imagine it would have been a difficult task for Dr Foskey, as a sole member of the crossbench in a small parliament, in that environment, but she never shied away from her views, expressed them strongly on behalf of her political party and was a very able and considered member of this place.

On behalf of the government and, I believe, the entire Assembly and Canberra community, I extend our sincerest condolences to Dr Foskey's family, friends and colleagues in their bereavement.

MR COE (Yerrabi—Leader of the Opposition) (10.08): The opposition joins all other members of the Assembly in paying tribute to Dr Deb Foskey. Deb's life was one of activism, conviction and compassion. As a member of this Assembly, she championed environmental causes, as well as supporting the vulnerable and disenfranchised.

She was born on 12 November 1949 in Victoria, and she worked as a farmer, teacher, environmentalist and politician. As the Chief Minister said, Dr Foskey was highly educated, with her qualifications including a doctor of philosophy in political science and international relations, a master of letters in human ecology, a diploma of education and a bachelor of arts.

Whilst I did not know her well, from what I do know, her life was the quintessential story of an altruistic activist who followed her beliefs and conviction. She campaigned against the Vietnam War and was part of the environmental movement of the 1970s and 1980s. She was a lifelong feminist, and she lived in Bonang in East Gippsland for many years. She and her then husband built an extraordinary house in the wilderness.

Her activism soon turned to campaigning against logging. Soon after moving to Canberra, on 23 November 1986, tragically, her son, Brandon, drowned at Casuarina Sands. It was reported that for an hour and a half the 13-year-old bravely held onto the weir as he waited to be rescued. Despite attempts, it was unsuccessful. I cannot imagine the trauma and impact that such an event would have on a mother.

Before joining the Greens here in the ACT, she was a member of the Nuclear Disarmament Party. As a Greens candidate in 1998 she spoke about the need for plantation timber, for pine, rather than native hardwoods. She ran for the Assembly in 2001 and in 2004. She was the fourth person elected to the Assembly in the electorate of Molonglo. She championed the role of non-executive members to scrutinise and represent.

In her maiden speech she said:

We need a committee structure that is not simply a rubber stamp, and statutory oversight mechanisms with the power and authority to investigate and make recommendations on things that are not working. Majority government should not be permitted to mean that any less care is taken over important decisions; nor should it mean that the bureaucracy is able to be less accountable for its actions in carrying out government policy.

In her final speech in the Assembly, four years later, she said:

But I hope that people here remember me as a human being; as a person and not just a politician ...

While I think that everything is political, I am not sure that I want to be a politician. I came here as an activist ... However, all of that I did, because I wanted to make a difference ... I wanted people to realise that you could actually care about something and know about it as well. That is my journey.

Her political activism continued in a formal role until recently, as a candidate for the Greens in the Victorian state seat of Gippsland East in 2018. Not surprisingly, climate change was a key issue that she championed.

As an example of her gentleness and sincerity, an email that Dr Foskey sent in her final week in the Assembly in 2008 was sent to me by Mrs Dunne. Dr Foskey wrote:

To thank you, I would like you to drop into the departure lounge for the Foskey team. The Assembly is, apart from the sitting weeks, a friendly cooperative place due largely to the people who staff it.

She was a generous person and the idea of hosting “Deb’s departure lounge” is just one example of it. As Mr Steve Pratt said of her in 2008,

She is a gentle, thinking woman.

The Canberra Liberals pay tribute to Dr Foskey. We honour and recognise her conviction and her passion. My thoughts are with the Greens, her friends and her daughters, Samara and Eleni, at this sad time.

MR RATTENBURY (Kurrajong) (10.13): On behalf of the ACT Greens, I join my Assembly colleagues in expressing condolences for Dr Deb Foskey, former ACT Greens member for Molonglo from 2004 to 2008, who died last Friday morning, on 1 May. This is indeed sad news for the ACT Greens, the Victorian Greens and the

Australian Greens, as well as for the broader ACT and East Gippsland communities, of which she was such a part. As has been highlighted, some members here know Deb personally and were also here during her time in the Sixth Assembly.

I would like to acknowledge Deb's family and friends, who, in normal times, would be able to join us here in the gallery for such an event but, unfortunately, due to coronavirus restrictions, are only able to join us via the online video stream.

Deb had a broad skill set and background. Although most people in this place would know her for her political work as a member of this Assembly, she was also known as a teacher, scholar, mother, candidate, tireless activist and campaigner. Some of her less-known talents were for being a writer, poet and philosopher and, like many former politicians, she spent her later years as a consultant. She lived to the full—selflessly, generously and inspirationally.

Deb grew up on a dairy farm in Victoria and went to Melbourne for university. Afterwards she moved to the Snowy Mountains in Victoria to forge a sustainable lifestyle. In a piece she wrote for the *Mountain Journal* she said:

I found my home on the Jingalala River in the mountains in the early 1970s. We were forerunners of the alternative lifestyle people, trying to build self-sufficiency and community in a cold, challenging place, far from services in a place where the greenies we became were often made to feel uncomfortable. At that time the region was dominated by forest destruction industries which accelerated their rate of consumption soon after we arrived and the Eden woodchip mill became the primary destination for our magnificent old growth forests. Not something to keep silent about.

Deb worked at building a self-sufficient community at Cabanandra, setting up the still-thriving Warm Corners Cooperative, based on the Victorian land settlement cooperatives scheme that existed at the time. As Caroline will tell you later, setting up a cooperative in the bush and being self-sufficient is hard work, and without enough money or job opportunities in the bush even harder.

She quickly got involved in campaigning to protect the forests of East Gippsland. When a mega pulp mill was mooted down along the Snowy River to be fed a million tonnes of East Gippsland forest logs a year, Deb and her then partner, Bob, were instrumental in starting up the local group Concerned Residents of East Gippsland. The inaugural meeting was held at their place in remote Cabanandra and attracted many Orbost locals and farmers opposed to such a damaging and water-guzzling industry in the area. She was pleased that 50 locals signed up in 1980, showing that it was not just city people who want native forests protected. Soon after the media attention, Errinundra National Park was declared. However, due to industry pressure, some of the richest and most valuable forests were omitted from the park, creating further decades of ongoing conflict.

In the end it was the lack of post-primary schooling that meant she moved to the ACT in the 1980s so that her children could attend school without a 2½-hour bus ride each day, and so that she could study and work.

Sadly, as Mr Coe noted, in 1986 a terrible event occurred when her son, Brandon, drowned in an eddy in the river at Casuarina Sands. But people who have met Deb would agree that she was a very tough and persevering woman. Although his death clearly had a major impact on her life, she found a way to keep going and to continue to put her energy into sustainability.

She undertook a master's in human ecology at ANU, focusing on a political and ecological analysis of urban development in the ACT. Human ecology is the study of humans and their myriad impacts and interactions with the planet, a holistic way of bringing all of the sciences together to better understand how we can become more sustainable. Deb became a tutor in human ecology, and through this became a mentor and an inspiration to many aspiring scientists and environmentalists at ANU in the early to mid 1990s.

Deb was involved in a number of campaigns and causes, including women's reproductive rights, foreign aid, environmental issues and forest protection. This is why the Greens were her natural home. She was not a single-issue campaigner but a well-rounded and holistic thinker with a complex but coherent vision of a policy ideal based on resources, the ecology, social care, feminism and class. She was a deep thinker and admired for her intellect and policy contributions. The Greens are certainly the only political party that she, with her passion for collaboration and participative governance, could ever have joined and helped to grow.

In 1998, while running for the Senate for the ACT, she was the Australian Greens spokesperson on population issues and worked to revise our national policy to remove our immigration limits to better move to a sustainable world while being compassionate. Her PhD looked at the role of community movements in the framing of international United Nations population programs. Through this work she became very interested in the globalisation movement. This was a time when the anti-globalisation movement was growing worldwide, sparked initially by the Seattle WTO protests, focused on free trade agreements but campaigning on the impacts on workers, the environment, women and indigenous people.

Deb established a local WTOWatch activist group here in the ACT and also singlehandedly created a national following of people to receive her regular summary of all the evolving news, events and policy development around the world relating to globalisation issues. This campaign, leading to the S11 protest in Melbourne in September 2000, was one of the earliest campaigns that truly united the usually disparate unions and environment organisations and myriad other campaign groups.

Deb was elected to the Legislative Assembly in 2004. It was the year after the 2003 fires in Canberra and during a long period of drought. During the period, she worked hard to raise issues of water efficiency and climate change; defend the Greens, who were being blamed for the fires at the time; and campaign on issues of sustainability. I note that there was even a debate at the time about whether the word "sustainability" was a real term.

She put forward legislation on a wide range of issues, including calling for a ban on caged egg production in the ACT, calling for a container deposit scheme, and successfully calling for a ban on SLAPP suits: strategic lawsuits against public participation. She pushed for triple bottom line analysis, for better annual reporting on ecologically sustainable development indicators, and for improved democratic processes. Importantly, she campaigned against unilateral decisions by the majority government on key issues like the mass school closures.

Her staff from the time proudly recall how resilient and persistent Deb was. No matter how hard the odds, no matter how many challenges and how seemingly insurmountable, she just kept going. She had great strength, motivation and integrity, and a commitment to doing things a better way and showing us a practical, viable alternative way of doing politics. Her intelligence, humour and doggedness got the Greens team through a period of majority government and her momentum took the Greens into an unprecedented balance of power.

Beyond the passion and policy intellect that most people saw, Deb was a good role model. Life threw many unfair events at her, like the death of her son, but she never used those events to explain why her life was the way it was or why she was in public housing, despite being hounded to leave. Deb held her head high and tried to fight the good fight for older women who find themselves, post-children, having given their all but without a solid base or a place of their own. In the face of threats and taunts, Deb felt she was fighting for so many other women out there who needed public housing.

She truly believed in a fair, just and better world and stood up for it, despite the personal costs. She performed her role as an MLA, on behalf of so many other women, with conviction, integrity and generosity, and for that you will see deep loyalty and respect from her Assembly staff: Roland, Clare, Sam, Indra, Andrew, Fiona and Kate.

Deb was a very modest, unassuming and down-to-earth person. After leaving the Assembly she was happy and content, settling back into her hand-built A-frame house in East Gippsland in late 2008, and she became more self-sufficient than ever, living simply, mostly from her productive garden, and involved in giving back to her local community. She worked as coordinator of far East Gippsland's country education project, taught, and again campaigned to get woodchipping out of the south-east forests, becoming an office bearer for the Friends of Errinundra National Park and Environment East Gippsland until the end.

While having enjoyed the role and privilege of being an MLA, she noted that governments move too grindingly slow to make the necessary changes for a sustainable future, preferring grassroots politics to make the region more lively and sustainable.

Deb was diagnosed with cancer just under a year ago, just after her run for the seat of Gippsland in the federal election in late May last year. However, she kept up her community work, becoming the chair of the Orbost Exhibition Centre and the independent chair of the headspace Bairnsdale consortium just late last year. She continued to be an inspiration for how to survive when life got unfair, making her

final days seem worthwhile and meaningful, despite the physical pain and feelings of hopelessness.

Throughout her challenges in life, her spirit remained strong. That glint in her eye never stopped sparkling and she continued to work for a better world. She was compassionate and supportive and, even to the end, still mentoring and inspiring people in her community. Deb was a true warrior for environmental and social causes, in the very best sense of that word.

On behalf of the ACT Greens, I thank other members for their contributions today and thank the Speaker for the offer of a morning tea to be hosted to celebrate Deb's contribution to the Assembly once coronavirus measures allow. On behalf of the ACT Greens, I offer my sympathies to her two daughters, Samara and Eleni, and to the McIlroy, Foskey and Thompson families.

MS LE COUTEUR (Murrumbidgee) (10.25): I rise today to talk about my friend Dr Deborah Foskey. Dr Foskey was a wonderful woman. She was compassionate, giving, caring, resilient, intelligent, hardworking, gracious and courageous in the face of many trials. She was dedicated to creating a better world. I am very heartened, and I am sure that her family and friends will be equally heartened, by all of the positive words that the two other parties in particular have used to speak about Deb. She deserved them all, and I wish she could have heard them. As a small aside, without Dr Foskey's contribution to this place, the Canberra community and the Greens, I have no doubt that I would not be here in the Assembly.

As other people have said, in the 1970s Dr Foskey was a forest campaigner who worked with the concerned residents of East Gippsland to establish national parks to protect the old-growth forest. She moved there in 1972, and built a house and her family. As my colleague Minister Rattenbury alluded to, she also formed a community there. She had the misfortune of forming one in a cold-weather community. I was in a warm-weather community. It is hard work, as we all know—forming communities.

Again, the same as me, she moved to the ACT in the 1980s for her and her children's education. Tragically, as has been noted—and I will not talk more about it—her son, Brandon, died at Casuarina Sands.

Dr Foskey finished her master's degree at the ANU, looking at Canberra's development through a political and ecological lens. In 2003, also at the ANU, she finished her PhD in political science, focusing on humanitarian ways to apply international population policy. Academically, I suspect that she was the most qualified MLA that we have had in the Assembly.

Of course, Dr Foskey was not just an academic. She wanted change. She wanted a better, fairer and more sustainable world. As I have mentioned, she started off as a forest campaigner in East Gippsland, but after she moved to Canberra she became involved in electoral politics as well as community politics—and, of course, with the Greens. She ran for the Senate in 1998, for the Assembly in 2001, and successfully for the Assembly in 2004.

At the time that she was elected, in 2004, she was living in public housing. She was qualified to live there because of her financial situation at the time, but because of this she was vilified and called a bludger, and worse. She was not. She was a single mother and her income when she moved in meant that she qualified for public housing. Once it increased, of course, she paid market rent. This market rent helped to fund our public housing system. She then moved into private rental.

It is possibly sad that the contribution of public housing tenants who move to a situation where they can pay market rent, thus making the housing system more financially viable for Housing ACT and providing a measure of security for people who go in and out of reasonably paid employment, is not acknowledged. You might get a contract for a year and you have enough money to pay private rent. If you lose that contract and lose your housing, you are back at the end of the waiting list. The changes are not all good.

I suspect that she was the only public housing tenant to ever be elected to the ACT Assembly, and I would think that she would be one of the very small number elected to any Australian parliament. I think that our democracy is lessened because low income people are generally not represented in our parliaments and have very little voice.

2004 saw the ACT's first and only majority government, so Dr Foskey was the only Green MLA not to have been part of a balance of power. Dr Foskey worked very hard and effectively despite that. She asked questions, raised issues and generally pushed the government to do better. She brought her considerable intellect, knowledge, compassion and generosity to her job and she supported and was supported by her staff—Roland, Clare, Sam, Indra, Andrew, Fiona and Kate.

One area where she did succeed was with the Narrabundah long-stay caravan park. Because of her advocacy, when the private owner sold the land, the residents were not evicted. The ACT government organised a land swap with the owner so that the residents could stay. Because of Dr Foskey, over a hundred households, some of which had been there for over 20 years, had and still have long-term, affordable housing. The long-stay caravan park is still part of Canberra's affordable housing.

In 2008 Dr Foskey passed, with the welcome support of the Labor Party, the Protection of Public Participation Act to stop intimidatory lawsuits, known as strategic lawsuits against public participation, or SLAPP, cases. These seem to have fallen out of fashion a bit, fortunately. These are cases which are intended to intimidate the other side and to silence critics by burdening them with the cost of a legal defence until they are forced to abandon their criticism or opposition, and possibly go bankrupt as well.

The most famous one in Australia was in 2005, when the Gunns forestry company launched a court case against 20 individuals and organisations, including, most famously, Senator Bob Brown. It was claimed that the defendants had sullied its reputation and caused it to lose jobs and profits. The defendants claimed they were protecting the environment.

Dr Foskey did not contest the 2008 election, but her hard work laid the foundation for the stunning result of four Greens being elected in an Assembly of 17, including both Minister Rattenbury and me. I think the people of Canberra saw her as a sensible, ethical, hardworking and compassionate alternative to the two larger parties, and her good work was a major reason why the people of Canberra gave us a go in 2008.

At the end of her term, Dr Foskey left Canberra. Having left her public housing tenancy and her job, she found herself unable to afford to rent in Canberra. Also, as she said to the local ABC:

I was tired, I'd put a lot into politics and I just needed to have a break in the bush. East Gippsland was my home.

She went back to her beautiful A-frame and looked after the house and garden. As they say in Zen, before enlightenment, chop wood; after enlightenment, chop wood. In an interview with her friend Shelly Nundra in 2010, Dr Foskey said:

It might be too late to change the world, but it's a way of life for me. At the broad scale, I am pessimistic about the future of our planet and the well being of its creatures, including us. But I am heartened to see small groups of people everywhere making a difference, taking their local futures into their own hands.

She continued to be involved in her community. In 2016 she became involved in electoral politics again to ensure that environmental issues such as climate change were part of the elections—first running for local council, then for the state seat of East Gippsland in 2018 and for the federal seat of Gippsland in May last year.

Very shortly after that, she was diagnosed with lung cancer. She told the world through Facebook that it looked like she could be treated, and she was thinking that she would have a life span measured at least in years at that point in time. In July that year her house burnt down, which was particularly amazing, because it had survived the East Gippsland bushfires about a year earlier, which burnt to within 100 metres of her place. After that she lived in Orbost with her daughter Eleni in a house that they were renovating. That was also a lot closer to Bairnsdale hospital, where she was being treated.

I was fortunate enough to have dinner with Dr Foskey in Canberra last year, when she came here for medical reasons. She was in fine spirits. Her health seemed to be good and her spirit was indomitable. She seemed very strong—much stronger than me. The thought that she would be dead now was inconceivable. Then came summer and the fires all through Gippsland. Despite this, her house renovations proceeded and she shared beautiful pictures of her newly renovated house, especially the kitchen doors, on Facebook only a week or two before she died. There were also, of course, her commentaries about the state of the world.

Last week she was admitted to hospital. Unfortunately, she was treated as a potential COVID-19 patient and was thus in isolation, so her daughter was not able physically to be with her for her two-day stay in hospital just before she died.

Many of us were with Dr Foskey on her Facebook page last Thursday night, less than a week ago, when she said there would be no more treatment for her. However, I thought, and I am sure most of us thought, that there would still be a lot more time for her. She wrote in her last post about how she would be writing her memoirs. She did say she was moving into palliative care, but that was not to be. On Friday morning of last week, her daughter Eleni wrote on Facebook:

This morning our wonderful powerhouse mother Deb Foskey abruptly left her body and us behind for another place. Samara McIlroy and I are left reeling but are comforted to know she had a nurse with her, and she was conscious, aware and very ready.

After being helped back into bed she calmly told the nurse “I’m just about ready now” before taking her final breath. For those of you in shock, we are too. You didn’t miss a message, it wasn’t foretold this might happen now.

Dr Foskey is survived by her two daughters, Samara and Eleni. Her Facebook page now simply says, “12.11.1949-1.5.2020 A huge life, simply lived.” I will finish with a poem that she wrote in 2002 that was quoted by Eleni in the announcement of her death. It is also the only one of hers that I can find online. I do not have her book with me at this stage. She wrote:

A message to the Very Deep

Dear Mother,

As you lay dying,

I held your hand,

Resisting the impulse to say

The words that roared in my heart

So I whisper them now

Where brothers and nurses can’t hear

When you see my son,

Say hello from me.

Question resolved in the affirmative, members standing in their places.

Petitions

The following petitions were lodged for presentation:

Legislative Assembly—sitting pattern—petition 4-20

By Ms Le Couteur, from 32 residents:

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

The following residents of the ACT draw to the attention of the Assembly their concern at the risks to the integrity of democracy in the ACT, particularly in relation to accountability for the exercise of Executive Government powers and spending public money, if the ACT Legislative Assembly meets only infrequently during the COVID-19 emergency and recovery period.

Your petitioners, therefore, request the Assembly to resume the Assembly's customary annual sitting pattern. Virtual sittings should be introduced and broadcast in the normal manner. This will reduce the risk of exposure to COVID-19 to Members and staff while ensuring our Territory parliament continues its essential role at this important time.

Municipal services—water refill stations—petition 6-20

By Mrs Kikkert, from 245 residents:

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

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

- Kippax and Charnwood shopping centres are areas of high traffic and serve as central hubs for many of the surrounding suburbs and sporting facilities;
- Neither of these shopping centres has water refill stations; and
- Kippax shopping centre does not have a container recycling facility.

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

- Install a water refill station at both Kippax and Charnwood shopping centres; and
- Install an express return point for containers at Kippax shopping centre.

Municipal services—playgrounds—petition 7-20

By Ms Orr, from 100 residents:

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

This petition of certain residents of the suburb of Ngunnawal, Australian Capital Territory draws to the attention of the Assembly that the playground in Ngunnawal at the intersection of Tipiloura Street, Burrumarra Avenue and Maynard Street has not been maintained in accordance to the Australian standards for safety and currently remains unfit and unsafe to play.

With no action from authorities, the Ngunnawal community has undertaken steps to remove and rectify obvious hazards from the playground to ensure the safety

of the community. The playground does require considerable additional work to make it safe and welcoming to the community.

Your petitioners therefore request the Assembly to order the respective authorities to

1. Immediately commence inspection of the above mentioned playground as recommended by the Australian Playground Standards (AS/NZS 4486.1 and AS 4685:2014)
2. Take necessary steps to ensure the playground is safe for community members particularly children.
3. Undertake a feasibility study in consultation with the community to replace the old play equipments with a more modern play area that is contemporary, appealing and safe for play and encouraging children to commit to active lifestyles.
4. Report to community on the action on the petition with a timeline.
5. Recommend the authorities to undertake an immediate inspection of all playgrounds in older ACT suburbs including Amaroo to check for their safety and condition.

Schools—online learning—petition 8-20

By Ms Lee, from 2 residents:

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that our children's social interactions and mental wellbeing are being negatively impacted by the ACT Government's decision to keep public schools closed for Term 2.

Your Petitioners therefore request the Assembly to call upon the ACT Government to:

- 1 accept that although there has been a lot of time and effort invested in planning for online learning for term 2, it is no longer the optimum solution for our community;
- 2 listen to the advice being provided by a well-respected infectious diseases expert, Professor Collignon, who states that keeping schools closed until Term 3 could result in more of a danger;
- 3 consider the negative mental health and social impacts to our children of keeping our schools closed, and
- 4 re-open public schools in the ACT in Term 2 2020, or as soon as possible, for the benefit of the majority of ACT residents.

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

Ministerial response

The following response to a petition has been lodged:

Parking—Chifley Place—petition 2-20

By **Mr Steel**, Minister for City Services, dated 28 April 2020, in response to a petition lodged by Ms Cody on 2 April concerning parking and pedestrian safety at Chifley Place.

Dear Mr Duncan

Thank you for your letter of 2 April 2020 regarding petition No 2-20 lodged by Ms Bec Cody MLA regarding parking and pedestrian safety at the Chifley Place precinct.

I would like to bring to your attention that the topic matter of the requests laid out in this petition is identical to the previous petition No 28-19 lodged by Ms Bec Cody MLA regarding parking and pedestrian safety at the Chifley Place precinct.

As was previously stated in the response provided in February 2020, Transport Canberra and City Services (TCCS) manage 90 shopping precincts across Canberra, which includes 66 local shopping precinct areas, 19 group centres, four town centres and Civic. Canberra was designed so people could visit their local shops for essential items and access Group Centres and Town Centres for a wider range of shops and services. The ACT Territory Plan provides for a Commercial Zone CZ4 – Local Centre Zone. The Chifley shops are in this type of zone. The objectives of this type of zone are different to the those for town or group centres.

The popularity of the local Chifley Place precinct is also driven by quality community infrastructure, which includes a central community play-space that is near the local Chifley shops. This central play-space is well positioned to serve the whole suburb. District play-spaces, such as those provided in Town or District parks are designed to serve well beyond a single suburb and cater for people travelling from a wide catchment area across the ACT.

The ACT Government recognises the important role that local centres perform for their local communities across Canberra. I am pleased to hear that the Chifley local neighbourhood shopping precinct is usually a busy and vibrant centre, although this has been impacted by the current world health situation.

Various residents, community groups, and trade owners at Chifley Shops have previously been in contact with TCCS officers and discussed the increased demand for parking and traffic safety around the Chifley Place precinct. The parking spaces that support the local shops have also been identified to be frequently used by commuters who use the carparks as they include all-day free parking. Providing shorter duration parking would likely improve the availability of parking for those using the local shops and increase business churn.

Interim parking improvements were presented to Ms Taryn Langdon and the Chifley trading community by TCCS officers in September 2019. These improvements include additional on-road parking along Eggleston Crescent, parking restrictions and line marking. TCCS engaged a contractor to undertake the minor works that were agreed by the community with completion anticipated to be before the end of June 2020.

The proposal for additional parking to support this local shopping precinct, as identified by the local community, is subject to consideration as part of the ACT Budget process. If funded, it is anticipated that public consultation would occur prior to construction as part of the design planning phase of the project. This is to ensure aspects such as the location and design layout of the project meets the expectations of the community.

Thank you for your continued interest in this matter. I trust this information is of assistance.

Motion to take note of petitions

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

That the petitions and response so lodged be noted.

Schools—online learning—petition 8-20

MS LEE (Kurrajong) (10.41): COVID-19 is a once in a generation global pandemic, and here in the ACT we are fortunate to be the envy of Australia and perhaps the world in how the community has responded to keep our case numbers low. Where we are failing is in responding to changing circumstances in the education space.

There has never been any dispute about whether it has been safe to open schools. The Australian Health Protection Principal Committee—AHPPC—the Australian Medical Association, the commonwealth Chief Medical Officer and the ACT Chief Health Officer have all been consistent in their advice that schools are safe. The AHPPC has gone further, acknowledging that keeping students out of school impacts 15 per cent of the total workforce and 30 per cent of the healthcare workforce who are not able to work all the hours they need to because their children are not at school.

In turning to the petition it is worth noting who the two signatures are from. Professor Peter Collignon is a world-renowned infectious disease physician, ANU professor and microbiologist. He has been appointed to many expert committees of the World Health Organisation and his work was recognised in 2010 with a Medal of the Order of Australia for his services to medicine. He believes ACT schools are safe and should be open, so he and his wife have signed this formal petition calling on the government to accept that, although a lot of time and effort has been invested in planning for online learning for term 2, it is no longer the optimum solution for our community and that schools should reopen in term 2 or as soon as possible.

I seek leave to table two out-of-order petitions in similar terms to this one, which have collectively received over 350 signatures online through the Change.org website.

Leave granted.

MS LEE: I table the following out-of-order petitions:

Petitions which do not conform with the standing orders—Schooling during COVID-19 pandemic—Ms Lee—

47 signatures.

173 signatures.

These online petitions have attracted a number of passionate remarks:

I have listened to the medical expertise and believe kids need to go back to school.

Another:

I have signed because the new plan is not supportive to the essential parents who need to work and our allocated school does not have before and after school care.

Another:

Sorry, this distance learning is not working for my senior high school kids, not enough teacher contact or support at a critical time in their schooling.

Another:

Kids need to be in school to learn effectively and parents need to be working effectively instead of home schooling.

And yet another:

My daughter cries almost every day because she wants to go to school and also wants to see her friends. Schooling is about far more than staring at a computer screen.

Parents have started each of these petitions out of frustration at the lack of response from government to the overwhelming evidence that schools are safe, in the absence of a response as to whose advice the minister is following in making these unworkable and unsupported arrangements.

Yesterday the *Canberra Times* published a letter sent by the Narrabundah College P&C to the Chief Minister. It set out clear, detailed evidence to support their argument that keeping students out of college is harmful and devastating and that the college can be made safe for teachers, staff and students. P&C president Jenny Grant Curnow and vice-president Renae Scott say that requiring senior secondary students to learn from home for the whole term is “detrimental to their social health and psychological wellbeing” and that “many of our children are expressing deep concern over their futures and university entrance processes that this disruption in tuition is causing”. I thank the parents who started these petitions for their enthusiastic efforts.

This is just more evidence that the government got its schools policy wrong; that it has failed or refused to acknowledge the damage it is doing to families and to students’ learning. And it is doing it without justification and with no evidence to

support its argument. It took weeks of stubborn refusal to budge, citing “impracticalities” in refusing to back down from what was clearly a wrong decision. The minister, only today, suddenly dropped the news that the government would plan a move to reopen schools to face-to-face learning, starting with 18 May.

Whilst this is a step in the right direction, it leaves thousands of students still not able to formally return to school for almost another month, and it does not acknowledge the harm it has done to our parents, students and teachers over the past few weeks in dragging out the uncertainty with mixed and incoherent messages from the minister. The garbled announcement that schools are not closed but they are pupil free confused all parents. We had the premature announcement that schools would go online for the entirety of term 2, the disaster that has been the hub schools experiment, through to dropping this bombshell now, with little detail for parents and no notice to teachers on how this return to school will roll out.

Our children’s education, development and wellbeing are paramount, particularly in these unprecedented times. The way the government have handled their management of schools throughout this pandemic shows clearly that they do not get it. (*Time expired.*)

Legislative Assembly—sitting pattern—petition 4-20

MS LE COUTEUR (Murrumbidgee) (10.46): I will speak very briefly on the petition I was honoured to sponsor, calling for this Assembly to do its normal job of meeting. I understand that later today there will be an agreement to increase the number of sittings of the Assembly, so I am very pleased to see we are doing the job we should be doing as an important part of our democracy.

Question resolved in the affirmative.

Standing orders—suspension

Motion (by **Mr Gentleman**) agreed to, with the concurrence of an absolute majority:

That standing order 79 relating to matters of public importance and those standing orders that prevent members observing physical distancing in the Chamber during proceedings be suspended for the remainder of this Assembly.

COVID-19 pandemic response—update Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (10.47): The last couple of months have been an extraordinary time for our entire community as we have dealt with the unprecedented COVID-19 pandemic. I would like to first acknowledge the significant impact this has had on our community, and I extend my sincere condolences to the families of the three Canberrans who have tragically died as a result of this virus. COVID-19 has caused a substantial amount of

distress, unease and disruption in our community, and its effects will continue to be felt for years to come as our society adapts to living with this virus.

I want to particularly acknowledge and extend my sympathies to those who have lost family and friends during this time of physical distancing. The inability to visit family members at the end of their lives, to gather and grieve together and to celebrate lives well lived, as we would normally do, will have an ongoing impact on people as they process these losses. This has been recognised in the mental health package announced yesterday, and I would encourage people to reach out if they are struggling with any aspect of COVID-19's impact on their lives. This includes the impact of losing a job or a livelihood and great uncertainty about the future for both employees and business owners. Everyone in this place has recognised the significant economic impact of the COVID-19 pandemic and we know that our economy, while relatively well placed for recovery, will not snap back overnight.

Madam Speaker, I am incredibly proud of the way Canberrans have, despite these many challenges, collectively helped to reduce the spread in the ACT by following the health advice and complying with the public health directions. We have stepped up and given our health services and community the best possible chance to minimise the impact of COVID-19. Thank you. It is this collective contribution that has helped us make substantial gains in slowing down the virus in the ACT and enabled our health system to plan and prepare for the next phases of this pandemic.

COVID-19 has brought many changes to our everyday lives that will remain for the foreseeable future. I do not think I can repeat enough that ensuring hand hygiene, good respiratory etiquette and staying home when sick are crucial behaviours now, but they should be maintained beyond this pandemic.

From the very beginning of the pandemic, the ACT government has prioritised the health and safety of Canberrans and is continuing to work to ensure that the community stays safe as we move through the various stages of the emergency response. The public health emergency declared on 16 March 2020 has been extended and remains in force. This declaration has allowed the Chief Health Officer to take the necessary actions to keep Canberrans as safe as possible through this outbreak.

As of Wednesday, 6 May 2020, 107 people had been confirmed to have COVID-19 in the ACT and almost 10,000 negative tests had been undertaken. All positive cases so far have been linked to overseas travel, including cruise ships, or interstate travel, or have been a close contact of a confirmed case, with the exception of one case which is believed to have been locally acquired from an unknown contact.

Several weeks ago we thought it would be almost inevitable that we would start to see community transmission of COVID-19 in the ACT. I am very pleased that we have been successful in avoiding this up until now, and this is due to the efforts of all Canberrans, who have followed the public health advice. It is also due to the work of our wonderful contact tracing team within the ACT Health Directorate. The community is indebted to the dedication of these disease detectives, as they have become known, for their work with positive cases to identify all close contacts and provide ongoing support to individuals during self-isolation and self-quarantine.

In saying this, the pandemic is ongoing, and we have seen in other jurisdictions that clusters can develop quickly. We must also be cognisant that there may not be a cure or a vaccine this year or next. We must all remain vigilant and continue the health and hygiene practices that have got us to this point.

Madam Speaker, public health emergency directions have been in place in the ACT since 19 March 2020. I updated members on 2 April regarding the directions that were in place, which have been necessary to protect the community from the spread of COVID-19. These directions now include: limits on the size of non-essential outdoor gatherings to two people, other than for household groups; the prohibition of non-essential indoor gatherings of greater than two people or a household group, other than for households visiting one another or two people visiting a residential premises; the closure of non-essential businesses or undertakings; the self-quarantine of returning overseas travellers; restrictions around access to residential aged-care facilities; and self-isolation requirements for individuals diagnosed with COVID-19.

These have been difficult decisions to make but are consistent with measures agreed by national cabinet. I know there are many Canberrans who have been affected by the closure of businesses and services and the resulting unemployment or underemployment.

We are carefully assessing the situation every week and closely following the expert advice of the Australian Health Protection Principal Committee and decisions of national cabinet to guide decisions on when it is safe to start easing these restrictions.

Last Friday, the Chief Minister announced that the ACT government would take its first careful steps to relax some restrictions. From 11.59 pm on 1 May 2020, the direction regarding gatherings at residential premises was adjusted to allow one household to visit another, as noted. In addition, the Chief Minister announced that Canberrans would no longer be discouraged from leaving their home for non-essential shopping purposes or outdoor passive recreation. Discussions regarding further relaxation of measures are continuing at national cabinet this week and I anticipate that there will be further announcements about plans to gradually ease restrictions.

Madam Speaker, the initial actions and measures we have taken have been successful in slowing and reversing the growth of cases and ensuring that the ACT's health system can cope with COVID-19 and has the capacity to surge when and if required.

In the last two weeks there has only been one new case notified in the ACT, and we continue to find no evidence of sustained community transmission, despite a ramp-up in our testing. We have worked to ensure that our testing and tracing surveillance systems are fully equipped to monitor the virus and put us in a position to quickly respond to and contain any further outbreak. Strengthening our surveillance provides us with further confidence that detected cases represent a very high proportion of actual infections.

The ACT government has also taken decisions to ensure that we are prepared for all eventualities. We are partnering with Aspen Medical to deliver a temporary

COVID-19 surge centre. The centre will be capable of full operations from mid-May. However, it will be activated in a staged approach, with capacity to flex up and down as demand requires. As part of our COVID-19 planning, we have prepared for a surge in cases where infections are increasing to the degree that our hospital system would quickly require additional capacity outside the current ACT hospital system to meet demand.

The COVID-19 surge centre will only become operational if the ACT sees a surge in COVID-19 infections. The facility may also be used for training or simulation exercises to ensure that staff are well prepared in the event of a surge in infections. Plans are in place to ensure that Canberra Health Services and Aspen Medical would be able to quickly deploy a workforce ready to respond to the situation.

The best possible outcome for our community would be that the spread of the virus is controlled to the extent that the facility is not needed at all. As the Chief Minister has said, it is a form of insurance against our health system being overwhelmed. But we have also said from the start that the best outcome for the community will be if that insurance is not called on.

The Garran oval location has been chosen because of its proximity to Canberra Hospital. Should the surge centre be activated, its operations will be integrated with Canberra Hospital to better manage clinical risk. The centre is approximately 1,700 square metres. There will be up to 51 treatment spaces, six of which will have resuscitation and ventilation capabilities. One treatment space is for palliative care. The centre will be removed, and Garran oval remediated, once the public health emergency has passed.

The ACT's health sector is well prepared to care for patients with COVID-19. The Chief Health Officer has appointed the CEO of Canberra Health Services as the deputy health controller, clinical services, to implement a sector-wide clinical services plan to respond to COVID-19.

The Chief Health Officer has issued specific advice on COVID-19 to ensure that health workers are well prepared and have the information they need to identify and manage any cases of this infection. The government's priority is to provide appropriate health care to those affected by this disease and to keep all healthcare workers safe. This includes putting procedures in place to protect staff and patients from viruses, including COVID-19.

On 21 April 2020, the national cabinet agreed to an easing of restrictions that had previously been placed on some elective surgeries and procedures. This followed the announcement by the Prime Minister that from 21 March 2020 all elective surgery other than category 1 and urgent category 2 cases would be suspended in both public and private hospital systems. Alongside this measure, the ACT's public health system temporarily reduced non-urgent and non-essential outpatient and community activity.

These changes were put in place to help to contain the spread of COVID-19, decrease the demand on our health system and protect the supply of personal protective

equipment in an environment of disrupted supply chains, ensuring that our services remained well resourced and staffed to respond to the pandemic. The decision to ease restrictions on elective surgeries and procedures provides for 25 per cent of capacity to be brought back online. The deputy health controller, as head of the clinical health emergency command centre, has issued guidelines to hospital facilities in the ACT for the resumption of elective surgery.

Additional measures to help slow the spread of COVID-19 in our community have included introducing visitor restrictions at key sites, including Canberra Hospital, the University of Canberra Hospital and Calvary Public Hospital. Visitor restrictions have also been introduced at residential aged-care facilities, in line with the Chief Health Officer's directions.

The ACT government is committed to providing all appropriate resources to support the ACT's public health services to continue providing essential health services to the community and to respond to the additional demands of the COVID-19 pandemic. This includes provision for respiratory assessment clinics, enabling an increase in inpatient beds and ICU capacity across the territory, maintenance of COVID-19 testing capacity and the purchase of additional medical equipment and supplies.

Yesterday the Minister for Mental Health, Mr Rattenbury, and I also announced additional funding for mental health services and our non-government partners. With more than \$6 million allocated in total, these responses will help to address the additional demand many services are seeing, enable service innovation and the shift to online and telehealth support, and provide funding for organisations whose ability to generate revenue has been affected by the COVID-19 emergency. I take this opportunity to thank the community sector for its strong engagement in our response to COVID-19.

The ACT government is aware that the pandemic may exacerbate vulnerability, and we have taken steps to mitigate these risks. On 26 March 2020, Minister Orr announced that the ACT government would work together with community partners to provide urgent food and essential items through the Canberra relief network to ensure that vulnerable Canberrans can access the food and items they need during the pandemic. This quick piece of work has been widely welcomed within the community sector and has made a real difference.

On 20 April, Minister Berry and Minister Orr announced the details of \$3 million in funding to provide support for people facing homelessness or domestic and family violence arising from the COVID-19 pandemic to relieve the pressure of additional need now and throughout winter. These initiatives were funded from the economic survival packages the Chief Minister announced on 20 March and 2 April to protect and support Canberran households and businesses.

The economic impacts of the virus will be felt for years, and this is why a phased economic response is being put in place to help our community through this incredibly difficult immediate period and onwards as we enter the recovery phase.

We understand that Canberrans want to stay informed about the situation. That is why the ACT government established a dedicated COVID-19 website for all information about the health and economic response to the pandemic in the ACT at www.covid19.act.gov.au. A number of resources are available for those who might be feeling anxious or concerned about COVID-19. Links to these resources are available at the ACT's COVID-19 website, including help and advice for individuals, families and businesses.

The ACT government has also established a helpline to assist Canberrans through the challenges of COVID-19. The helpline contact number is 02 6207 7244, and it is open between 8 am and 8 pm daily. People who are concerned and want further information on the virus can also call the Australian government's coronavirus health information line on 1800 020 080. This line operates 24 hours a day, seven days a week.

I would also encourage people who want the important news about COVID-19 and our response to it delivered straight to them on a regular basis to sign up to the *Our CBR* e-newsletter. It is always a good source of information about the ACT government's activities and initiatives, and it has never been more useful than during this pandemic.

Madam Speaker, these past months have been very difficult for all Canberrans. We have experienced the effects of catastrophic bushfires in our region, smoke, dust and hailstorms, and barely a pause before the onset of this global pandemic. I want to acknowledge the cumulative effect and the toll of these events and the impacts on people's health and wellbeing, including mental health.

I encourage Canberrans to stay focused on the practical things they can do to protect themselves, their families and the most vulnerable in our community. I also want to assure Canberrans that the government is putting in place measures to support those impacted, with increased community and mental health support. If we continue to work together, we will keep our community strong. Please continue to follow the health advice in relation to practising good hand hygiene and physical distancing.

Understanding COVID-19 can reduce anxiety. But constantly watching or listening to information about distressing events can make things feel worse. So stay informed but be kind to yourself and do not expect to have all the answers, difficult though that might be.

I would like to take this opportunity to thank staff across our health system for all that they are doing to keep our community safe. They are tireless in their efforts, and we know that there is still a long road ahead. I also thank the community for their understanding and patience during this challenging period. Together, we have flattened the curve. And we will get through this if we stay strong together.

I present the following paper:

Coronavirus (COVID-19)—ACT Government response—Ministerial statement,
7 May 2020.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

COVID-19 Emergency Response Legislation Amendment Bill 2020

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

Title read by Clerk.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.04): I move:

That this bill be agreed to in principle.

The COVID-19 Emergency Response Legislation Amendment Bill 2020 introduces necessary changes to our legislative framework to ensure that the government and the Canberra community are prepared and equipped to deal with the current public health emergency.

COVID-19 continues to impact every aspect of the social, economic and cultural fabric of the territory and, therefore, the wellbeing of all Canberrans. Because of this, every component of government operations has been considered in the construction of this omnibus bill.

These reforms are the next stage of protecting, as much as possible, the city's economy, jobs and household budgets, and the essential functions of government. This legislative action complements the ACT government's economic survival package and the commonwealth government's major stimulus and support measures. These are unprecedented times, certainly in the life of self-government and in the life of most members of our community, and they require urgent steps, such as this bill, to give our city the best path to reopening and recovery.

It is worth reflecting on some of the changes that have occurred locally, nationally and internationally since the Assembly met last month and the first COVID-19 Emergency Response Bill was passed. As the Minister for Health has outlined, we have flattened the curve to a point where, for a short period, there were no active cases in the ACT, bar one more recently. On 2 April there were 87 cases, and just over a month later we have a total of 107. In April we had one death in the ACT and, sadly, we have had two additional deaths since the Assembly last met. But, overall, the month of April was one where the hard work of the ACT community paid off.

We should be tremendously proud, as a community, of this achievement. However, because of the nature of this virus, we all need to remain vigilant and restructure our services and response measures to keep Canberra functional and safe, because we cannot afford to relax too soon.

At a national level the situation has also been encouraging. Australia had almost 5,000 cases on 2 April, and now that rate of growth has significantly flattened, with only an additional 2,000 cases added in the last month. Deaths, however, have tragically increased from 23 on 2 April to almost 100 today. Internationally, though, the figures on what has transpired across the globe since 2 April are sobering. Cases have increased from around one million to over three million. Deaths have increased from just a little over 50,000 to approaching 250,000. We can only hope that the eventual global death toll is not as high as many experts are predicting.

Our response to the COVID-19 situation has seen the community and government work together to focus on supporting Canberrans in this critical time of need. With government direction, including through the operation of the security and emergency management committee of cabinet, this action across the breadth of the public service has been led by directors-general, their deputies and the Chief Health Officer closely coordinating action on the ground and advice to assist government decision-making.

As part of that effort, resources have been focused on identifying the crucial legislative actions required to underpin our public health response, to support the community and provide for adjustment at all levels to deal with the impact of COVID-19. The legislative amendments in the COVID-19 Emergency Response Act 2020, which commenced on 8 April, were the first part of the effort to ensure the essential and necessary operation of ACT government and effective service provision over the coming period.

Since that time, the government has considered future operational requirements in light of COVID-19. Due to the significant number of changes required across government, urgent and necessary amendments are proposed in this bill before the Assembly today. Directors-general, ministers and cabinet have actively and critically examined a long list of proposed reforms and reduced that list significantly to only those that are genuinely required to change in this short time frame, for the benefit of our community, our economy, our households, and the operation of justice. Amendments that arise as the government continues to reprioritise work can be considered for inclusion in subsequent omnibus bills.

I take this opportunity to thank the team from JACS for coordinating this project. It has been an exceptional effort and has taken many, many hours of work across the first and second bills.

I have recently remarked that, beyond our national capital role, Canberra is an inclusive, vibrant and caring community, where we aim for everyone to share in the benefits of our city. We are being tested at the moment in ways that most of us have not been tested before. Elements of this bill will give us the best chance of overcoming these hurdles and working towards Canberra's recovery over the coming months and years.

The bill proposes a collection of temporary amendments prioritised as urgent and immediate to support operational responses. In that context, this bill is an omnibus bill which amends a range of legislation across ACT government ministerial portfolios comprising: the Associations Incorporation Act 1991, the Bail Act 1992, the Children and Young People Act 2008, the Corrections Management Act 2007, the Court Procedures Act 2004, the COVID-19 Emergency Response Act 2020, the Crimes Act 1900, the Crimes (Sentence Administration Act) 2005, the Crimes (Sentencing) Act 2005, the Drugs of Dependence Act 1989, the Education Act 2004, the Evidence (Miscellaneous Provisions) Act 1991, the Financial Management Act 1996, the Firearms Act 1996, the Gaming Machine Act 2004, the Gaming Machine Regulations 2004, the Human Rights Commission Act 2005, the Leases (Commercial and Retail) Act 2001, the Long Service Leave Act 1976, the Long Service (Portable Schemes) Act 2009, the Payroll Tax Act 2011, the Powers of Attorney Act 2006, the Prohibited Weapons Act 1996, the Public Health Act 1997—although the Minister for Health will move an amendment in the detail stage to omit this and to consider it in a future bill—the Public Health (Emergencies) Amendment Act 2020, the Public Trustee and Guardian Act 1985, the Rates Act 2004, the Residential Tenancies Act 1997, the Retirement Villages Act 2012, the Taxation Administration Act 1999, the Terrorism (Extraordinary Temporary Powers) Act 2006, the University of Canberra Act 1989, the Working with Vulnerable People (Background Checking) Act 2011, and the Working with Vulnerable People (Background Checking) Amendment Act 2019.

This is an extensive omnibus bill, as you can see, Madam Assistant Speaker. As part of the commitment to parliamentary transparency in these challenging times, the government, through the Attorney-General, provided a draft of the bill for review to the scrutiny of bills committee late last week. The government thanks the committee for its urgent consideration of the bill and has sought to properly consider the comments provided despite the short time frames.

The amendments contained within the omnibus bill create the flexibility needed in a range of different areas to either directly or indirectly keep Canberrans safe whilst ensuring that government and business can continue to function properly. I draw the Assembly's particular attention to the various amendments to tax laws which the government considers are necessary and vital to support the community in the face of economic impacts arising from the pandemic.

Amendments to the Payroll Tax Act 2011 exempt wages supported by the commonwealth's JobKeeper wage subsidy from payroll tax. This measure is taken to remove a potential disincentive for businesses from the operation of the JobKeeper program. I highlight that so that it is clear that federal income tax will continue to be collected on JobKeeper wage subsidy payments by the commonwealth, but the ACT government will be exempting wages supported by the JobKeeper wage subsidy from territory payroll tax.

The bill also amends the Taxation Administration Act 1999 to provide a set of consistent powers across tax types to provide relief for households and businesses through rebates, exemptions and deferrals. Like other measures in this bill, a sunset clause applies to the operation of these powers.

A change to the Rates Act 2004 permits delayed rates instalments to be gradually transitioned back to a regular schedule. This follows the government's decision to defer all instalment notices to provide cashflow support to households and businesses, as part of economic survival package measures.

Through these amendments, this government can continue its robust support for the ACT economy and its support for Canberrans' jobs, as part of the economic survival package.

It is proposed that all amendments to this bill are to expire after either the end of COVID-19 public health declarations, including any extensions or further extensions of any COVID-19 state of emergency, or 12 months after the commencement of the COVID-19 Emergency Response Act 2020 on 8 April. In some cases, provisions will need to continue for a transitional period to allow a decision or another matter to continue to have effect, or for a further period for a specified reason associated with the nature of the COVID-19 emergency response measure. I again thank the Attorney-General and his directorate for undertaking this work in a timely manner.

I take the opportunity again this morning to reiterate to all members of the Assembly what I have undertaken in writing to the Select Committee on the COVID-19 pandemic response—that is, in line with the government's commitment to transparency and accountability, the government agrees to report on measures that have created new powers for ministers and directors-general. The government's first report will be tabled on or before 31 May 2020 to cover the period from the act's commencement on 8 April through to 30 April 2020.

This bill comprises what is urgent and necessary to protect Canberra's jobs and households and ACT government functions through this time. We will adjourn the debate for a short period after I have concluded speaking, and I look forward to a constructive debate later today and for members' support of this important piece of legislation. I commend it to the Assembly.

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

Planning and Environment Legislation Amendment Bill 2020

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

Title read by Clerk.

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, Minister for Police and Emergency Services and Minister for Urban Renewal) (11.19): I move:

That this bill be agreed to in principle.

I am pleased to present the PELAB bill. This bill is part of the government's regular program of omnibus amendment bills that make minor policy and technical amendments to the statute book. Omnibus bills are an effective means of keeping the ACT's legislation up to date and to give the government the ability to respond quickly to changing circumstances.

The bill contains minor policy and technical amendments to the following nine pieces of legislation administered by the Environment, Planning and Sustainable Development Directorate; the Chief Minister, Treasury and Economic Development Directorate; and Transport Canberra and City Services—namely: the Animal Diseases Act 2005, the City Renewal Authority and Suburban Land Agency Act 2017, the Fertilisers (Labelling and Sale) Act 1904, the Fisheries Act 2000, the Gas Safety Act 2000, the Nature Conservation Act 2014, the Planning and Development Act 2007, the Utilities (Technical Regulation) Act 2014, and the Waste Management and Resource Recovery Act 2016.

I will outline the provisions of the bill and I will go, firstly, to the Animal Diseases Act. This bill makes amendments to clarify the definition of "beekeeper". It is meant to apply only to people who keep European honey bees. One of the purposes of this act is to protect markets relating to animals and animal products from the biosecurity risk posed by disease. This amendment recognises that native bees do not pose a risk to our honey bee industry and should not be subject to the same regulatory or reporting requirements. The bill also updates references to the relevant legislation in New South Wales.

The bill makes technical amendments to the City Renewal and Suburban Land Agency Act to clarify that the authority and agency chairs may directly employ their respective chief executive officers. While the act currently provides for the board chairs to appoint their CEOs, the power to employ CEOs is currently provided by delegation under the Public Sector Management Act 1994. These amendments formalise the power for the chairs to employ the CEO in the act itself and remove the requirement for the delegation.

The first amendment to the Fertilisers (Labelling and Sale) Act is to update the definition of "fertiliser". The current definition is over a century old and belongs to an era when most fertiliser sold consisted entirely of manure. It is appropriate that this definition be updated to reflect that fertiliser sold today may have significant chemical compounds. In 2015, as a member of the agricultural senior officers committee, the ACT endorsed the adoption of the Fertiliser Industry Federation of Australia codes of practice.

The second amendment to the act gives the minister the power to incorporate the codes of practice into the act, thereby allowing the ACT to harmonise with other jurisdictions which have incorporated the code into their legislation. An approval from the minister is a disallowable instrument which will allow for scrutiny by the Legislative Assembly before becoming law.

The amendment to the Fisheries Act is a technical amendment to achieve internal consistency with the types of declarations made under the act. All the declarations that are possible to make under the act are disallowable instruments, except for the declaration of the possession of limits of fish species, which is a notifiable instrument. The amendment will change this declaration from an NI to a disallowable instrument, as with the other declarations under the act.

The two technical amendments to the Gas Safety Act streamline the act, in line with the change in the Gas Safety Amendment Act 2014, which moved the regulatory responsibility from the Planning and Land Authority to the Construction Occupations Registrar. These amendments remove the last reference to the Planning and Land Authority from the act.

The first two amendments to the Nature Conservation Act are minor policy changes to sections 140 and 141 of the act. These two sections make it an offence to remove plant material from a reserve and offer it for sale. The amendments clarify that it is an offence to do so, regardless of whether the plant material is alive or dead. This is an important amendment which emphasises the important ecological role dead plant material plays in our reserves.

The next amendment is a technical amendment which removes section 178. Section 178 gives the minister the power to order the Planning and Land Authority to prepare either a planning report or a strategic environmental assessment before a draft management plan for a reserve is approved.

The issue, in this case, is that these are both technical documents which bear no relevance to reserve management plans. For example, planning reports are used primarily in relation to the granting of leases of preparation for Territory Plan variations, whereas strategic environmental assessments are a precursor document to the establishment of a reserve and are not relevant to management plans. Section 178 has never been used and it is entirely appropriate that redundant provisions are removed from the statute book in a regular legislative program, such as this omnibus bill.

The third amendment is a technical amendment to section 217, an offence provision which prohibits the use of nets in reserves for the purpose of catching animals. The amendment clarifies that it is not an offence to use a landing net while fishing. This is a commonsense amendment which makes the act consistent with the Fisheries Act 2000.

The final amendment to this act is a minor policy change to section 325, a provision which allows conservation officers to direct people to leave a reserve. Under the current provision, officers are required to tell people who are directed to leave that they are able to return to the reserve within 24 hours. This bushfire season has made it clear that national parks and nature reserves can be hazardous places during periods of extreme fire danger. A requirement to tell people that they can return to a reserve within 24 hours of being directed to leave is not only impractical but could potentially be quite hazardous. This amendment removes this requirement, which will allow

conservation officers to take into account real-time factors for reserve closures when directing the public to leave a reserve.

The first amendment to the Planning and Development Act is about ensuring that the comments of the newly established national capital design review panel are provided as part of development applications. The amendments which introduced the design review panel initially only required development applications to lodge their response to the review panel's comments. Lodgement of the response without the panel's original comments makes it difficult to provide context for the public who wish to engage with the development application. The amendment requires that the development proponent must include the panel's comments with a development application and that the response to the comments must be in writing.

The second amendment to the Planning and Development Act inserts a new power for the Planning and Land Authority to extend the time frame for commencing a development after the approval takes effect. The new power is to provide support to the development industry and will allow developments that would otherwise not proceed due to inflexible time frames to be extended and kept alive during periods of significant challenges, such as the COVID-19 emergency we are all currently experiencing.

The power to extend the commencement of a development will allow businesses a reasonable period to plan and resolve financing, workforce and supply chain issues. This amendment is a positive economic stimulus initiative that, I hope, will assist the development industry and local businesses to keep Canberrans employed and contributing to the territory's economy during this time.

The power will be supported by a set of guidelines which will specify the circumstances in which an application can be made, the information to be provided, and the length of extension that the authority will consider for different types of development approvals. The guidelines will ensure the power is used in unique circumstances, including affecting the timing of a development, such as impacts from the COVID-19 emergency.

The amendment to the Utilities (Technical Regulation) Act is a technical amendment to allow for the technical regulator to delegate their functions under the act. Under the current arrangements, the technical regulator is also the Director-General of the Environment, Planning, and Sustainable Development Directorate and their sign-off is required on every utility installation regulated under the act, regardless of the size. Inserting an express delegation power will allow the regulator to delegate approvals for small systems, such as rooftop solar plants, to public servants. This brings the act in line with other legislation which creates statutory positions.

The amendments to the Waste Management and Resource Recovery Act are minor policy changes to definitions in the act. This bill amends the definitions of "reverse vending machine" and "collection point" and "collection point operator" to exclude them from the regulatory requirements which apply to waste facilities. It is obvious that reverse vending machines and recycling collection points do not have the same

environmental impacts as waste facilities, and this amendment is a sensible provision to reduce red tape for operators of collection points and reverse vending machines.

In conclusion, the bill makes amendments that improve, clarify and streamline laws. While the amendments in the bill are minor in nature, the changes are necessary and worthwhile improvements to the ACT's statute book. I commend the bill to the Assembly.

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

Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020

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) (11.31):
I move:

That this bill be agreed to in principle.

I am very pleased today to present the Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020 to the Assembly. This bill responds to the community's desire to better protect vulnerable adults—the elderly and those with disabilities. The measures shine light into dark places where abuse and neglect can thrive through isolation, manipulation and fear.

A vital element of the bill is the definition of “vulnerable person”. A primary focus is to protect our elders, particularly those aged 60 and over who are reliant on the care of others and who have a particular vulnerability, such as a disability. Uniquely, the bill also includes an understanding of vulnerability to mean where a person is socially isolated or unable to participate in the life of the person's community.

This is an expansive understanding of vulnerability which has been called for by vulnerable people themselves. It is informed by an understanding that traditional definitions of abuse and the existing responses in the criminal law have been inadequate. The Australian Association of Gerontology has stressed the need for jurisdictions enacting legislation to embrace a broader concept of elder abuse, directed at the particular features which make a person susceptible to abuse.

This bill does that. This bill addresses abusive and neglectful behaviour in a way that provisions in the existing criminal law simply do not. In summary, the bill will create three new offences intended to protect vulnerable people from abuse, and creates a new sentencing consideration for the courts. This bill shifts the law to better serve the community's needs and values by protecting vulnerable people from a range of

abusive and neglectful behaviour that we more fully understand and now no longer accept.

This bill is a cultural game changer. Not only does it introduce new offences that target individuals who abuse or neglect vulnerable people; it introduces new offences which hold institutions responsible for the abuse or neglect of vulnerable people in their care or where those institutions fail to protect those persons. In doing so, the government are taking the same principle-based approach that we took when implementing the reforms from the Royal Commission into Institutional Responses to Child Sexual Abuse.

Too many of us have witnessed the neglect or abuse of a loved one who resides in an aged-care facility or another institution. Institutions have a responsibility to protect residents in their care from harm and a responsibility to deliver care for those persons. Just like those provisions that the government enacted which held institutions responsible for child sexual abuse and changes to the criminal law which better meet the community's expectations today for how trials involving sexual offences against children operate, this bill is nation leading in holding institutions criminally responsible.

This bill will create an offence for abusing a vulnerable person. A person commits this offence if they are responsible for providing care to a vulnerable person and if they engage in abusive conduct which results in physical, psychological or financial harm to the vulnerable person or a financial benefit for the abuser or someone associated with the abuser.

There are defences for this offence which ensure that a person acting in good faith, in accordance with the policies or direction from an institution they are employed at or in circumstances beyond the control of an employee of an institution, is not liable for the offence.

The understanding of abuse captures a broad range of manipulative and controlling behaviours which are directed at vulnerable people and which, until now, have not had an adequate remedy in our criminal laws.

The bill also introduces a new neglect offence that brings the ACT into line with other Australian jurisdictions. The offence relies on a failure to provide the "necessities of life" and has similar defences as those I have just outlined.

Finally, the bill also inserts a new sentencing consideration for the court which requires it to consider the vulnerability of the victim. In particular, the court will be empowered to consider if the offender knew or ought to have known that a victim was a vulnerable person, the extent of that vulnerability and the loss or harm caused to the vulnerable person. The offender's knowledge of that fact will be a factor in deciding an appropriate sentence.

During this time of uncertainty and social isolation that has been triggered by the COVID-19 emergency, the need to enact this bill and to protect vulnerable adults in our community is even more pressing. There are almost daily reports of increases in

elder abuse in Australia and overseas. In Canberra, the Older Persons Legal Service reported a substantial increase in calls this year, with elder abuse being the number one reason for people seeking help.

As minister for seniors, I have spoken about the principles supporting this bill in many fora, including the COTA AGM, the launch of the seniors card directory, the National Seniors policy forum, the Retirement Village Association meeting and even at the Alchemy Chorus concert. The overwhelming feedback from the community is, “It’s about time.”

Abuse and neglect is not the care that a vulnerable person should expect from this community. Now, more than ever, as the risks increase, it is time to act. I commend the bill to the Assembly.

Debate (on motion by **Mrs Jones**) adjourned to the next sitting.

Sitting pattern 2020—amendment to resolution

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, Minister for Police and Emergency Services and Minister for Urban Renewal) (11.38): I move:

That the resolution of the Assembly of 22 August 2019, as amended on 2 April 2020, relating to the sitting pattern for 2020, be amended by inserting the following dates:

Thursday, 21 May 2020

Thursday, 4 June 2020

Thursday, 2 July 2020

Thursday, 23 July 2020

Thursday, 30 July 2020

Thursday, 20 August 2020.

I want to thank the opposition and crossbench for helping to facilitate this government motion. We have worked cooperatively to assist the Assembly to continue undertaking its important functions while being mindful of the current public health emergency.

The good work of Canberrans in helping to flatten the curve is seeing some restrictions eased. With this in mind, this motion allows us to sit for a similar number of sitting days as were scheduled before the emergency, but in a way that is mindful of social distancing and the safety of the attendants and other staff that help this place to run.

The motion is a balanced approach and there is agreement that this ought to be the sitting pattern for the remainder of the Assembly. Madam Speaker, no doubt you and your team, the Clerk and their staff are looking forward to some certainty about future

sitting dates. I want to thank Mr Wall, Ms Cheyne and Mr Rattenbury for their assistance, and I commend the motion to the Assembly.

Question resolved in the affirmative.

COVID-19 pandemic response—Select Committee Reporting date

MS CHEYNE (Ginninderra) (11.40): Pursuant to standing order 128, I fix a future date for the moving of this motion.

Amendment to resolution

MR COE (Yerrabi—Leader of the Opposition) (11.40): I move:

That the resolution establishing the Select Committee on the COVID-19 pandemic response be amended by omitting paragraph (4)(b)(i) and substituting the following:

“(4)(b)(i) these are to be held no more than once a week for a maximum of two hours, with a minister or directorate to appear no more than once per fortnight for a maximum of one hour;”.

As per the notice today, my intention is to be consistent with the original will of this place and to have ministers and directorates appear just once per fortnight for a maximum of one hour. The change that I am putting forward today will allow for other ministers and other directorates to also be heard in the alternate weeks. It will still, in effect, mean that no directorate or minister will appear for more than an hour once a fortnight; it just will give the Assembly committee a bit more scope as to how it conducts its inquiry.

MS CHEYNE (Ginninderra) (11.41): The government is supporting this amendment. I personally want to thank Mr Coe for the slightly amended notice to provide more clarity that occurred on the papers during the week. It strikes the right balance between not overburdening any one minister or directorate in that they can appear only once a fortnight for a maximum of one hour but it does give the select committee scope to have government hearings once a week rather than once a fortnight.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 41

MRS JONES (Murrumbidgee) (11.42): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 41, dated 28 April 2020, 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 No 41 contains the committee's comments on two bills, 12 pieces of subordinate legislation, five government responses and proposed amendments to the Electronic Conveyancing National Law (ACT) Bill 2020. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Planning and Urban Renewal—Standing Committee Report 12

MS LE COUTEUR (Murrumbidgee) (11.43): I present the following report:

Planning and Urban Renewal—Standing Committee—Report 12—*Inquiry into Engagement with Development Application Processes in the ACT*, dated 29 April 2020, including additional comments (*Ms Le Couteur*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This report has been a long time in the making. The inquiry was originally started in March 2018. I have the honour, I guess, of being the only continuing member of the planning committee from the time it was started to now. I would like to thank the current committee secretary, Annemieke Jongasma, and other secretaries who have assisted in this report.

The report has 270 pages. It is a substantial report and I hope it will be given a substantial amount of scrutiny. There are 66 recommendations. Those recommendations are recommendations of the whole committee and are recommendations which, we believe, will make the DA system work better.

I have additional comments, which I will move to later, but I want to make the point that the committee listened to widespread community and industry feelings about the DA system and I think you could say that there was universal agreement that things could be done to change it. I hope and suspect that ACTPLA will read our recommendations and use them partially as the basis for the next budget request. We think that the government could do a lot better in how they run the development application system.

It is very important to note that these are unanimous recommendations. This is not a party political thing saying that it should be better or worse. It is also thinking that comes from the community and development community. Some of this is really straightforward. There are things such as having development applications up on the

ACTPLA website after the development application has been approved or otherwise. The planning committee which I was on in the Seventh Assembly called for that then. We are still calling for it. It is particularly frustrating because we are all pretty confident that ACTPLA keeps copies of all the DA documentation and it is totally unclear why it does not continue to make that available for the public.

There are lots of recommendations along those lines. I am not quite sure if I should pick out a few of my favourites. You can relax: I am not going to read out all 66. I am sure you will all thank me for that.

One of the recommendations that we most felt we had to make was about the fact that, apparently, ACTPLA cannot reject a DA just because there is something in it which is actually false. You would have thought that they would have been able to but, as members of the public repeatedly told us, and as ACTPLA noted, their legislation did not allow them to do this.

If all the recommendations are acted on, I think there will be a lot less conflict between the community and the development community because there will be better consultation. People will know why things are happening, and people will not feel that the wool has been pulled over their eyes.

The 66 recommendations were agreed to by the entire committee. They are all brilliant recommendations. I trust that the government will take them very seriously and that ACTPLA will put every financial consequence in its budget submission. The committee noted that ACTPLA now has more resources, and we think that is great, but the government's changes, while positive, have not been enough to address all the issues.

I want to turn to some additional comments that I made. I specifically made comments about development in the low-rise residential areas, the RZ1 and the RZ2 areas. These are the areas where we have a lot of community angst. We have the angst for a couple of reasons. Firstly, the procedures for doing development applications are not as good as they should be. That has been dealt with to quite an extent in the body of the main part of the report. But people also spoke at great length to us about the fact that what is being developed in the RZ1 and RZ2 areas is not what they want to see. I would like to make recommendations about what should happen in those areas, but that is outside the scope of this inquiry. However, I do make additional recommendations.

Firstly, I recommend that the government look at reforming the planning requirements so that we do not have developments which damage the amenity of existing neighbourhoods.

Even more compelling for the terms of reference of this inquiry is the fact that there are currently development application exemptions for dwelling extensions and knockdown-rebuild arrangements in existing suburbs. That should apply only to low-impact proposals, such as single-storey developments with substantial setbacks, and low site coverage that will not overshadow neighbouring developments. People were really upset when they found that next door to them there would be a big new

knockdown rebuild arrangement and they would lose their sun when they did not even know about it until, basically, it had happened.

There was also a lot of discussion about trees. It is clear that the people of Canberra love their trees. I make two additional recommendations about that. The first is about strengthening the powers of the conservator so that they can look at the value of the trees for the amenity of surrounding areas when considering whether a tree should be kept or removed. The second is a really simple, straightforward one: the government should require some sort of barrier or cage to be installed, not just around the trunk of the tree but around the drip line. We all know that if a tree is to survive and thrive, that area has to be retained. It does not work if that is used as a parking area for all the cars or bigger vehicles.

Those are fairly minor changes which the overwhelming evidence at the committee inquiry suggested a lot of the community would like.

There was also an overwhelming weight of evidence from community groups and residents that they would like to see the opportunity to appeal an approval expanded. The development industry, understandably, took the other view.

The Greens think that we would be better off in the long run if appeals were expanded. My first recommendation is that the ACT government consider expanding appeal rights in line with community feedback to the inquiry and, in particular, allow third-party appeal rights where the approval allows for the removal of a registered tree. We all remember the Manuka tree next to the cinema which was fought over for years and years. This is not the way to do it.

An appeal mechanism should also be introduced for environmental impact statement exceptions. I imagine that this would not be used very often but, in the instances where it is needed, it could make a significant difference.

Another recommendation is that the government consider legislative changes to provide wider standing for community environment groups at ACAT. This is in line with evidence from the EDO and community groups. I do not think that this is something which would be used frivolously. If anyone has ever been involved with an ACAT appeal, they will know that it takes a lot of work and resources. Community groups do not do it lightly but where there is really a need they should have their moment to explain to a—hopefully—informed, disinterested panel what should happen.

The last recommendation is about builders. A lot of people talked about builders who did not comply with the planning rules, and there was a general concern for many that the regulation of builders and developers is not strong enough to stop rogue operators from flouting the planning rules.

I am very pleased that the enforcement of building rules has improved over the last couple of years, but I do think that more needs to be done. I have a suggestion for a recommendation which would not cost anything and which, I think, would be common sense. It is that where a builder has been the subject of regulatory action by

Access Canberra, the certifier for their future projects is appointed by the ACT government. That is not onerous. There are people who argue that all certifiers should be appointed by the ACT government rather than letting the builder, in effect, decide on their own certifier. I know that officially it is the client who decides on the certifier, but in practice it is usually the builder.

I commend the report to the Assembly and, in particular, to the planning minister. I very much hope that the majority of the report, if not all, will be acted on. If that is the case, I think the level of angst and strife in the planning system will go down.

MR PARTON (Brindabella) (11.56): This report has taken far too long to come to this chamber, and it is difficult to explain why. It was always going to be a monumental process and the world conspired in a number of ways to slow this process down. I would like to put on the record my apologies, as a member of this committee, for the fact that it has taken so long. To all those who have been waiting for this, I am sorry. I thank my other committee members, past and present, for being a part of this process, the amazing Annemieke, as well as Alice and all those involved in putting this document together.

So long was this process that during the period this report has been in the making a number of its recommendations have already been adopted. The development application pipeline causes a lot of grief in this city. There are a number in the community who believe the process favours developers and that it is at the centre of everything that is wrong with planning in this city. However, if you talk to pretty much anyone in the construction industry they will tell you that the DA system with all of its red tape and all of its delays is the biggest bane of their existence.

Because of the time taken to deliver this report it must be said that a number of recommendations that the committee originally considered were somewhat out of date for a number of reasons. As we get closer to the easing of COVID-19 restrictions and, hopefully, into an economic recovery, it is abundantly clear that the construction industry will play a pivotal role.

At a time when other jurisdictions around the nation are doing whatever they possibly can—we are doing this as well but others are doing whatever they can—to free up the development pipeline, it would have been absurdly counterproductive for this committee to deliver a report recommending the creation of more red tape, more bureaucratic process and more cost burden to every DA. I can say that common sense prevailed and a number of recommendations that were considered were considered not to have their place in the final report. I thank committee members for their commonsense approach.

I have major concerns for the construction industry in our city and right around the nation. The COVID slowdown in retail and hospitality and tourism sectors has been immediate because doors were shut. That is not the case with construction because whatever was in the pipeline has been constructed. The slowdown in construction will not happen until about now.

Some amazing things have happened during this crisis in regard to individuals and organisations putting aside their political and ideological differences for the good of the community. The day that you see a joint press release from the MBA and the CFMEU you know this is a brave new world. This report is a part of that brave new world. I look forward to seeing the detail of Ms Le Couteur's planning bill later on, to see if my Greens colleague has been able to embrace this new reality.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Statement by chair

MRS JONES (Murrumbidgee) (11.59): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety in its legislative scrutiny role. As noted earlier today, report No 41 for the Ninth Assembly reports its findings on two bills introduced and passed on 2 April which established a legislative framework to deal with the COVID-19 emergency. These bills, particularly the COVID-19 Emergency Response Bill 2020, enacted a number of novel and unprecedented provisions which are now ACT law.

The Assembly, in common with other jurisdictions, enacted this legislation as an unprecedented and emergency legislative response to provide a basis for government activity and community requirements in confronting a dangerous and complex health situation.

The committee's report on the COVID legislation was tabled after the bills the subject of the report were introduced, debated and enacted without the scrutiny committee's comment on the bills. The Assembly will note, however, that the committee now fulfils its required role in seeking specific response on several matters in the bills which the committee considers should be clarified.

In introducing the COVID-19 Emergency Response Bill on 2 April, the Chief Minister drew the Assembly's attention to an important matter. He said:

It is important to put on the record that what we are introducing today is not a new normal. These amendments are designed to sunset, which means they will be phased out once our community and our economy begin to recover from this public health emergency. The government has also undertaken to ensure that any future regulations dealing with the COVID-19 crisis will be provided to the Assembly scrutiny committee at least 48 hours in advance.

He also said:

I foreshadow that these are unlikely to be the last legislative amendments needed during this public health emergency. The national cabinet meets frequently. The situation is changing, and we will continue to seek to take a nationally consistent approach, and an approach that is in alignment with New South Wales as much as possible, to ensure that we are best placed to respond effectively in this crisis to the needs not only of the ACT but of the broader Canberra region.

The committee accepts this situation but must also draw the Assembly's attention to the central role the Assembly has given the scrutiny committee. The committee is to scrutinise bills, as introduced, after their introduction in the Assembly and to report on them prior to debate so that government may respond to considered comment on proposed legislation which contains effects, burdens or unintended consequences which need a public response and an explanation, bearing in mind the committee criteria for assessing bills.

It is beyond the committee's scope and role to comment on draft bills or any other documents that may arise during the legislative process conducted prior to a bill's introduction, however administratively convenient that may be.

In accordance with the Chief Minister's 2 April undertaking to the Assembly, the scrutiny committee was last Friday provided with a copy of the draft of the COVID-19 Emergency Response Legislation Amendment Bill 2020 intended to be tabled and debated today, with an invitation from the Attorney-General to advise the government of its comments on the draft bill by midday on Tuesday, 5 May.

The bill is lengthy, comprehensive and, without canvassing its provisions in detail, it enacts considerable change to a range of important legislation, including crimes legislation and legislation applying to tenancies and to young people. The committee thanks the attorney for the courtesy of his correspondence. However, because of the committee's stated aims, we were not able to provide a formal response or report on the draft bill yesterday, for the reasons I have given.

The scrutiny committee is not in a position to comment on anything other than bills introduced to the Assembly. However, in the interests of achieving the best possible legislative outcome, the committee agreed yesterday to release to the Attorney-General and members of the Assembly advice prepared for it by our legal adviser. If the Attorney-General or the government chooses to amend the bill further, based on this advice, we have asked that the committee be notified of such changes in order that the committee's next report can take that into account.

The COVID-19 Emergency Response Legislation Amendment Bill 2020 will be reported on in the committee's next report to the Assembly, which may recommend that further consideration be given to amending the bill or explanatory statement.

The Assembly may need to consider whether it now accepts this approach to the scrutiny of legislation, even if limited to emergency legislation, during the prevailing very unusual circumstances. It is the view of the scrutiny committee that, having developed a strong, structured and systematic approach to pre-legislative scrutiny, its usual approach can be accommodated from now on to ensure that the committee's reports, comments and recommendations can be tabled prior to debate and enactment of legislation. If this required an additional sitting day or days to allow for the debate on bills, I am sure members would make themselves available for the benefit of a proper legislative process being once again undertaken.

The Assembly dealt this morning with a proposal for the addition of further sitting days, which can provide an opportunity for the conventional period between the

introduction and debate of bills. On the scrutiny committee's reading, this would allow for bills such as the COVID-19 Emergency Response Legislation Amendment Bill to be dealt with by the scrutiny committee prior to debate, in the usual and proper way. We suggest a return to this proper process from here on in.

As a final addendum, I note that the committee received a letter from the Attorney-General today outlining the steps taken as a result of the scrutiny committee's advice. We thank him for this response and for this information, which will be taken into account for our next report.

Statement by chair

MRS JONES (Murrumbidgee) (12.06): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety. Following advertisement and notification of its evaluation of current ACT Policing arrangements late in 2019, and in response to an invitation to the community and to key stakeholders, the standing committee has now advertised for, and directly invited, submissions on ACT Policing arrangements. The committee has now published and placed 10 submissions it has received on the committee website. The committee is pleased that the invited stakeholders, including government, the Australian Federal Police, the Police Association and others such as community bodies and agencies responsible for the evaluation of ACT policing, have provided submissions.

The standing committee will start a program of hearings and discussions shortly, subject to the arrangements necessary at present for the conduct of Assembly hearings and in adherence to COVID-19 restrictions. The program of hearings will be placed on the website and will be included in public announcements by the committee, which will be published and put on social media in the usual way. The committee's hearings will be as accessible as possible whilst adhering to COVID-19 restrictions. However, all interested in this important inquiry will be invited to view the proceedings online. The committee's reporting date is the last sitting day of August 2020.

Statement by chair

MRS JONES (Murrumbidgee) (12.07): Pursuant to standing order 246A, I wish to make a brief statement on behalf of the Standing Committee on Justice and Community Safety, which has decided to carry out a review of the responses by the ACT Emergency Services Agency to the unprecedented 2019-20 bushfire season in the territory. The committee's review will be conducted under the committee's general powers of inquiry into issues and events affecting all aspects of community safety in the ACT which were given to the committee by the Assembly.

The committee is conducting the review so that the Legislative Assembly and the ACT community can have a discussion prior to the 2020-21 bushfire season on responses to the 2019-20 bushfire season. Responses the committee will look at range of actions, from preparation, education and public communication to actions by agencies at the height of the bushfires over the summer of 2019-20. The committee

will canvass these matters arising in 2019-20 with the Emergency Services Agency and is also asking for community views on all factors relating to the ACT's susceptibility to fire and how the impact of bushfire was and is to be managed.

The committee has now advertised for, and directly invited, submissions to be lodged with it by 1 July 2020. The committee has also put details of the inquiry and its terms of reference on the committee website, in social media and with a range of media outlets in the ACT. The committee is seeking the views of the community and all stakeholders who have a role in the responses provided by the ACT Emergency Services Agency and other bodies during the 2019-20 season.

The committee will also be looking to invite the ESA and the government to hold discussions with the committee in public hearings later in the year, in person or via electronic means. In addition, the committee will be looking at findings by the Royal Commission into National Natural Disaster Arrangements, established on 20 February 2020; the current New South Wales review of bushfire season 2019-20; as well as the results of the review of the ACT Emergency Services Agency's experience in the 2019-20 bushfire season.

Any hearings and discussions conducted by the committee will be held in adherence to any COVID-19 restrictions or lack thereof, following consideration of submissions received by 1 July. A program of hearings will be placed on the website and will be included in public announcements by the committee, which will be published and put on social media in the usual way. The committee's report to the Assembly is due by the end of the Ninth Assembly.

Planning and Urban Renewal—Standing Committee

Statement by chair

MS LE COUTEUR (Murrumbidgee) (12.10): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning and Urban Renewal relating to petition number 31-19. This petition was received by the Assembly on 27 November 2019, and the Assembly resolved to refer the petition to the committee. The petition sought to draw the attention of the Assembly to the importance of the Coombs peninsula to residents of Coombs and to wildlife such as the pink-tailed worm-lizard and platypuses. With development planned for the Coombs peninsula, the petitioners requested that the Assembly protect the Coombs peninsula from multi-unit development.

The committee notes that the minister's response to the petition, under standing order 100, made reference to the long-held intention by the ACT government to undertake development on the Coombs peninsula and the subsequent variations to the Territory Plan and the National Capital Plan. The minister noted that the Territory Plan variation "applied a future urban area (FUA) overlay over the area and an indicative residential RZ1 suburban zoning to the Coombs peninsula". In addressing the belief, following an appeal to ACAT, that development was not going to occur on the Coombs peninsula, the minister indicated that, following the 2011 development approval:

... ACAT made a consent order in 2012, whereby the Coombs peninsula would be removed from development and that a future development application for the peninsula would not be lodged until such time as a Plan of Management that included the river corridor adjacent to the suburb of Coombs was in place. This was not an agreement that the peninsula would not be developed.

He further stated:

Now that the Molonglo River Reserve Management Plan is in place, a development application for an estate development plan can be lodged with the independent planning and land authority. It is at this stage of the process that the final zoning of land is determined (and therefore no longer indicative) in accordance with the Planning and Development Act 2007.

When a development application is lodged, the application will be determined taking into consideration the requirements of the Territory Plan, the outcomes of environmental and tree surveys, stormwater management measures to protect the Molonglo River and environmental values within the river reserve, the requirements under the EPBC Act, and recommendations of a bushfire risk assessment. The authority will also take into consideration submissions received during the development application's public notification. The public notification process will provide the community with a further opportunity to comment on the proposal.

In response to concerns about the ecological value of the area, the minister noted that extensive environmental studies were undertaken and they:

... demonstrated that, due to the past use of the area as a commercial pine plantation, the Coombs peninsula had low environmental value and was therefore not suitable for inclusion into the adjacent Molonglo River corridor reserve.

He further indicated:

... this conclusion was supported by the decision of the Australian Government to approve development of the peninsula under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), which occurred in 2010.

In relation to the specific concerns about the platypus, the minister acknowledged that, whilst not endangered, its importance in terms of the health of the ACT's waterways led to Waterwatch compiling a report, due in early 2020, on the most recent platypus survey work.

As the Standing Committee on Planning and Urban Renewal has already undertaken an inquiry into DV360, Molonglo River Reserve, which considered issues raised in this petition, the committee has determined that it will not be holding an additional inquiry at this time.

Statement by chair

MS LE COUTEUR (Murrumbidgee) (12.15): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning and

Urban Renewal relating to petitions Nos 29-19 and 32-19. The petitions were received by the Assembly on 28 November 2019 and referred to the committee under standing order 99A. The petitioners wished to draw to the attention of the Assembly that, whilst supporting access to high quality hospital facilities, they opposed the proposed vehicle access to the hospital via Palmer Street and Gilmore Crescent, particularly in terms of safety concerns, and objected to the work on the SPIRE project proceeding prior to the development of a master plan/hospital precinct plan.

The petitioners therefore requested the Assembly to call on the ACT government to:

- stop the proposed vehicle access route and ensure safe traffic flow within the Hospital Precinct;
- engage in genuine consultation with the local community in the development of both Master Plans;
- establish an enforceable plan to address parking in the Hospital Precinct; and
- ensure the impact of helicopter noise on surrounding residences and school is minimised.

The committee notes that the minister's response to the petition, under standing order 100, makes reference to the committee's current inquiry into planning for the Surgical Procedures, Interventional Radiology and Emergency Centre, or SPIRE, and the Canberra Hospital campus and immediate surrounds. This inquiry was undertaken largely in response to the matter contained in the petitions, and the committee notes that the ACT government has made a submission to this inquiry.

The committee, however, wishes to highlight that, due to developments and restrictions imposed by the Assembly due to the COVID-19 crisis, planned hearings for the SPIRE inquiry were not able to proceed and the committee was unable to hear evidence from or question representatives of the ACT government in this context. A final report will therefore be compiled using data from archival records and written evidence and tabled prior to the end of the Ninth Assembly.

Sitting suspended from 12.17 to 2.00 pm.

Questions without notice

Schools—COVID-19

MR COE: My question is to the Minister for Education and Early Childhood Development. Minister, the director-general of education has sent a letter to parents outlining the government's decision on hub school arrangements and advising what years will start returning to their usual schools. Does a return to a child's school mean a return to their usual class, with their usual teacher and their usual cohort?

MS BERRY: Yes. As we have outlined in the plan and described today and provided in correspondence to parents and school communities, for student cohorts, on their first transition day on Monday, 18 May, all preschool years 1, 2 and 7 students will return to their normal schools for campus learning with their normal teacher.

MR COE: Minister, will the schools be appropriately equipped with the recommended soap, handwashing facilities, sanitiser and other health protocols before schools return full time, starting on 18 May?

MS BERRY: Yes, they will. We have been working closely with school principals and schoolteachers to make sure they have what they need. I have asked schools to make sure they let the Education Directorate know how much sanitiser they need, how much of other products they need, how much soap, to ensure that they are fully stocked, overstocked, for when students and teachers return to school.

MS LEE: Minister, whose responsibility is it to ensure that all these health protocols are implemented and are being adhered to, for the protection of our teachers, parents and students?

MS BERRY: If you are referring to the protocols around personal hygiene, social distancing, coughing into your elbow, I think over the last eight weeks the community has been well informed and has learned, and generally everybody knows what they need to do to keep our whole community safe. The Chief Health Officer, backed up by the Minister for Health, has communicated this repeatedly, daily, over the last eight weeks. Our schoolteachers know what is required of them and will make it very clear to parents and students what the requirement is of them as they return to campuses, to ensure that they continue with their own personal hygiene as well.

Transport—COVID-19

MS LE COUTEUR: My question is to the Minister for Transport and relates to public transport as we come out of the COVID-19 restrictions. Minister, how is the government going to manage social distancing on public transport as patronage recovers?

MR STEEL: I thank Ms Le Couteur for her question. This is an issue that we have been considering and will continue to consider over the coming weeks. We know that currently there are not a huge number of people using public transport, but that will increase over time. Last week, we saw a 30 per cent increase compared to the previous few weeks in the number of people using public transport. We will continue to monitor that.

I have asked Transport Canberra and City Services to start preparing a recovery plan for Transport Canberra that will look at the safety measures that are required as we see more people coming back onto public transport. We also will be guided by the work of the AHPPC and their advice, and the advice of the Chief Health Officer, in relation to safe operating standards for various industries, including the transport industry, particularly public transport.

There have already been a number of guidance reports published, one by WSP in the last couple of weeks that looks at a whole range of different measures that we will consider. Also, we will be guided by what is happening in terms of international best practice through the International Association of Public Transport, UITP, which has

also published guidelines around what measures might be appropriate as we see more people using public transport.

MS LE COUTEUR: Minister, if health fears cause more people to drive and fewer of us to use public transport once restrictions lift, there will, of course, be massive traffic congestion and increasing greenhouse gas emissions. What is the government doing to avoid these problems?

MR STEEL: I thank Ms Le Couteur for her question. Yes, that would be a very bad outcome if we saw people, over the long term, move to cars and stay away from public transport. We will be looking at what measures we can take to welcome people back, at an appropriate time and when it is safe to do so. Obviously, for the time being, we are encouraging Canberrans to reassess their need to travel on public transport and those who are sick definitely not to use public transport at all. Of course, we encourage people to download the COVIDSafe app—everyone in the community but particularly those who are using public transport.

We will, at an appropriate time, need to welcome people back onto public transport and promote its use. That will be part of our plan for the recovery and how we can encourage the community and make sure that they are reassured that it is safe to use and that the measures that we have in place are those that are supported by the best medical advice.

Canberra Institute of Technology—COVID-19

MS LEE: My question is to the Minister for Tertiary Education. Minister, a casual teacher of 3½ years at CIT was told that his services were no longer required as a result of the COVID crisis. Can you confirm that some casual teachers have lost their jobs since the COVID crisis started?

MR STEEL: I thank Ms Lee for her question. I will take that question on notice. We saw CIT recommence their term on 28 April, as per the school term. Students are continuing to engage in learning, be it in a slightly different format than usual, with theory starting first and practical elements pushed towards the back of the term. Obviously, that aids the process of doing some online learning during this time. I will come back to the Assembly with some further detail in relation to the employment matters.

MS LEE: Minister, in what circumstances would a CIT staff member have been told in the last two months that they are no longer required?

MR STEEL: I thank the member for her question. I am happy to follow up and come back in relation to that, on notice.

MR WALL: Minister, what courses have ceased at CIT since the COVID-19 crisis began, and have all such courses recommenced?

MR STEEL: I thank the member for his question. There have been a range of different challenges for the vocational education and training system during this

period. With a number of courses where apprentices are engaged with employers, some of those employers have found it difficult to continue with those trainees on site, for example. I will come back with some specifics about that, and some numbers for you, Mr Wall. CIT are very confident that they have various measures in place to allow all students to continue some form of learning throughout this term.

Schools—COVID-19

MS LEE: My question is to the Minister for Education and Early Childhood Development. Minister, why did many of the ACT government schoolteachers learn that they were expected to return to face-to-face teaching only via the Canberra Times article this morning?

MS BERRY: I do not know that that is the case. I understand that there were some comments from some teachers, but I have been, and the directorate and my office have been, working closely with the teachers' representatives, their union and their council. Their communication with their members is understood to be very clear and provided often, and I am sure that the union will make sure that they do everything they can to represent their members.

MS LEE: Minister, what type of communication or consultation did you have with teachers prior to the decision to reverse the current hub school arrangement, which, even up to yesterday, you were defending?

MS BERRY: The ACT government has 8,000 employees across its schools. I obviously have not been able to talk with every individual who is employed across our schools. That is why we have been dealing with their union, which is appropriate, as the representative of teachers in the ACT, and with the school principals association directly and through their union as well.

MRS JONES: Minister, will you table all of the advice that you have received from the ACT Health Directorate, the Australian government Department of Health and all other sources around this decision by the close of business today?

MS BERRY: If that information is available and I can table it then I will do my best to ensure that that occurs.

Education—COVID-19

MS LAWDER: My question is to the Minister for Education. Minister, there are reports that ATAR assessments will be altered to accommodate the changed circumstances this year. When will schools and students know what the new assessment timetable and format will be?

MS BERRY: ATAR is a national issue, so we will need to be engaging with universities as well, as to what that will look like. The BSSS and our colleges will be communicating with students when those conversations have occurred and when more detail is available.

MS LAWDER: Minister, how will year 12 students be assessed on their community service participation requirement?

MS BERRY: Students will be assessed on what they have actually done, not what they have not been able to do because of COVID-19. This has been an incredible situation that our community has been facing, and so our schools and our colleges have been reacting appropriately to ensure that students are treated fairly throughout this, particularly years 11 and 12 students as they are entering their final years of formal education within the ACT senior secondary system.

Our colleges know best—and know our students best—how to manage and ensure that students are treated fairly, given the impact that COVID-19 has had, not just here in the ACT but across the country, on senior secondary students' education.

MS LEE: Minister, what additional supports have been or will be put in place for year 12 teachers and students to support them through this critical time?

MS BERRY: Again, I have been talking with and listening to the principals association, including college principals, and have offered any support that they need. I am sure that if they need support they will call on the directorate and it will be available for them.

Schools—COVID-19

MR MILLIGAN: My question is to the Minister for Education and Early Childhood Development. Minister, how many teachers and learning support assistants at ACT government schools have been identified as vulnerable to COVID-19 because of their age or health conditions?

MS BERRY: I do not have numbers for health conditions; that is not something that employees are required to provide to the ACT government. I can check on numbers for people who are in age categories that have been identified as more at risk of contracting COVID-19. I will get hold of that advice and provide it to the chamber.

MR MILLIGAN: Minister, how many casual teachers and casual learning support assistants are registered with the ACT Education Directorate, and how many are identified as vulnerable to COVID-19 because of their age and health conditions?

MS BERRY: I will take that question on notice as well and provide that information to the Assembly.

MS LEE: Minister, have you or your directorate surveyed all ACT government schoolteachers and learning support assistants at any point about whether they wish to continue face-to-face classroom teaching or are ready to do so?

MS BERRY: As I said, the ACT government and the Education Directorate, and my office and I, have communicated and consulted—frequently; daily in some cases—with teaching professionals' representatives, their union, as well as the school

principals association and the P&C council. That is appropriate in a situation where changes occur, circumstances change, and the ACT government can take the time to communicate with its employees through their representatives. That is normally the case for communications with people who work in the ACT government.

I know that some people will feel as though they have not had all of the information available or been consulted directly or personally by me, my office or the Education Directorate, but I have confidence in their representatives that they have represented the interests of their members.

Sport—COVID-19

MR MILLIGAN: My question is to the Minister for Sport and Recreation. On 1 May 2020, the national cabinet agreed on the framework for rebooting sport in a COVID-19 environment that was developed by the Australian Institute of Sport. This comprehensive guide provides clear advice for individual sports to undertake a staged resumption of activities. Minister, when can sports in the ACT get back to operating at levels outlined in this framework?

MS BERRY: Sport and Recreation ACT has been working closely with sports organisations on plans for a return, carefully and in a considered and managed way, to ease restrictions so that people can get engaged in sport. There is a national cabinet meeting tomorrow, where national cabinet will consider what easing of restrictions will happen nationally and what easing of restrictions will occur within states and territories. That will be decided based on advice from national cabinet at the meeting tomorrow.

MR MILLIGAN: Minister, the general assistance section outlines the steps required for commercial gyms, boot camps, yoga and so on. When will these entities be able to reopen for business and start to generate some form of income?

MS BERRY: The advice, obviously, will be dependent on health advice. The advice for indoor sports and gyms will be different from that for outdoor activities, because of the physical nature of them, the number of people in enclosed places and the risk of infection occurring in those places. As I said, we will work closely with all of those organisations as easing of restrictions occurs nationally, based on health advice and on national cabinet recommendations.

MR WALL: Minister, outside of liaising with peak bodies, what communication is being undertaken with sporting groups and sporting organisations at the grassroots level to assist them during this time?

MS BERRY: A significant amount of communication has occurred, particularly with the peak bodies within sports organisations, representing all of the various sporting groups across the ACT, from community sports clubs all the way up to elite sports. We have been—

Mr Wall: Point of order, Madam Speaker. Just to clarify, the question referred to communication outside peak bodies, not with peak bodies.

MADAM SPEAKER: The minister has a minute and a half left to answer. Continue, minister.

MS BERRY: We have been working with peak bodies, who are then providing that information to their community clubs. If they are not, I will seek to ensure that that occurs.

Planning—Horse paddocks

MRS JONES: My question is to the Minister for Planning and Land Management. Minister, why did you and the government ignore the MOU with the ACT Equestrian Association which states that any changes to horse paddocks, like the north Curtin equestrian site, will be discussed with the Equestrian Association before any decisions are made regarding changes to the use of land currently used for horse agistment?

MR GENTLEMAN: I thank Mrs Jones for her question. It is an important question when we go to looking after bodies in the ACT that use our open spaces, particularly in this case. It is certainly our intention to liaise as much as possible with equestrian groups across the ACT. Indeed, that is the role of EPSDD, as the directorate involved in that case.

The decision to acquire the horse paddocks in Curtin was a matter for the federal government, exercising its powers under the Australian Capital Territory (Planning and Land Management) Act, by declaring block 4, section 106 Curtin and approximately 70 per cent of block 5, section 121 Curtin as national land for the purposes of a new diplomatic precinct.

The federal government in the past has made similar changes to the Planning and Development Act and the Territory Plan as well. So in recognition of the impact that the change will have on paddock agistees the ACT government sought agreement from the National Capital Authority to provide for an appropriate transition period for the site. As a result, the NCA has made a commitment that the horse paddocks will continue to operate with the same capacity for the next two years. In the meantime, we will work with those agistees on another opportunity, perhaps looking for another horse paddock in the ACT.

MRS JONES: Is this how you intend to treat all MOUs regarding horse paddocks and other land use MOUs this government has in place?

MR GENTLEMAN: I think in my first answer to Mrs Jones's question I pointed out that we view the agreements between agistees, particularly the equestrian groups in the territory, and government as important memorandums of understanding. We will certainly be working with them on future opportunities for them to agist their horses. As I have just said, it was a federal government decision to acquire the land. We will certainly work as well as we can with those groups into the future.

MR MILLIGAN: Minister, why did you get involved in the secret deal to swap the north Curtin horse paddocks for West Basin, to pave paradise, without informing the citizens of this city before decisions were made?

MR GENTLEMAN: I certainly did not, Madam Speaker.

Hospitals—emergency department data

MRS JONES: My question is to the Minister for Health and refers to the *ACT public health services quarterly performance report* October to December 2019, which I note was many weeks late in being published. The figures show that there was an overall decline in ED presentations, including declines in categories 1, 3 and 4 across the board and declines in categories 1 to 4 at TCH. Minister, how do you account for this fall in ED presentations?

MS STEPHEN-SMITH: I thank Mrs Jones for the question. I note that quarter 2 for this financial year, the last quarter of the calendar year 2019, came off the back of one of the busiest winter seasons that the hospital has seen, one of the busiest flu seasons. I think that accounts for the small decline. But you also need to take into account a comparison for the whole six-month period for the second half of 2019 with the second half of 2018. If you do that, you see overall presentations increase by 2½ per cent, and a significant increase in the complexity of ED presentations is clear. Presentations grew by more than 38 per cent for category 1, resuscitation; more than 18 per cent for category 2, emergency; and more than seven per cent for category 3, urgent. For category 4, there was a fall of almost four per cent. For category 5, non-urgent, presentations fell by more than 18 per cent.

Yes, between the two quarters that are reported in this quarterly performance report—because that is how the quarterly performance report is presented—there were slight falls. But when you take the bigger picture view about what the trend is over time and you take into consideration the fact that we were coming off an incredibly busy winter season, with the biggest flu season in 10 years, that accounts for that slight decrease from quarter to quarter.

MRS JONES: Why, despite the fall in ED presentations in that quarter, are only 27 per cent of category 3 patients receiving treatment on time?

MS STEPHEN-SMITH: Obviously, the emergency department, in that quarter, was not where we would like it to be. That was the case for the whole of the second half of last year. As I said when the previous quarterly performance report was released, we know that Canberrans expect better, but I also said at that time that I would not expect to see a significant change for the quarter for which we have just released the report.

However, we know that we need to do more. That is why we invested in a 50 per cent expansion of Calvary's emergency department treatment spaces, delivering 20 per cent more emergency department treatment space capacity across the territory. I am pleased to say that that project is nearing completion, and the treatment spaces and the new waiting areas are now open.

At Canberra Hospital, the increasing complexity of ED presentations over recent years that I have just talked about has had a significant impact on performance. A range of measures commenced in late February to improve ED performance. This

included a new multidisciplinary approach to the initial assessment of patients, enabling care to commence as quickly as possible through both early clinician engagement and expanded nurse protocols. Work is also underway to streamline admission processes into wards across the hospital and sharpen the focus across all divisions on admitting patients from ED, in addition to more timely diagnostics and support services.

While the hospital has been required to focus on its response to COVID-19 over the last two months, many of these measures are still being pursued, and we continue to keep a close eye on emergency department performance. It is part of my regular conversations with Canberra Health Services.

MR COE: Minister, what is the trajectory for emergency department presentations for this winter, especially if winter sports and other activities are not taking place as they have in previous years?

MS STEPHEN-SMITH: I thank Mr Coe for the supplementary question. I hesitate to make any predictions while we are in this COVID-19 situation. We have seen a very rapidly evolving and very quickly changing situation over the last couple of months. We would not have thought six or eight weeks ago that we would be in the situation we are today.

What I can say about emergency department presentations at the moment is that those presentations have been down. That is probably in part due to people undertaking physical distancing and not undertaking sport, as Mr Coe said—so not having some of those accidents that you might have—but also probably, and concerningly, reflecting people’s reluctance to attend the emergency department when maybe in fact they should do so. We have been regularly seeking to encourage people who do need to access health care—whether that is through the emergency department, a walk-in centre or their general practitioner—to please go and get the health care that they need. Our healthcare system is a safe place to be, and we definitely want people to be getting that routine health care that they need. We will continue to monitor what we see in terms of both demand and performance in the emergency departments across both of our hospitals.

Hospitals—performance data

MR WALL: My question is to the Minister for Health. Minister, the health quarterly performance report for the second quarter was due to be released at the beginning of March. It was released in April, around Anzac Day. When did your office first receive a copy of the quarterly performance report for the second quarter of 2019-20?

MS STEPHEN-SMITH: I will take the question on notice, as to the exact day that I received it, but it was not long before it was released.

MR WALL: Minister, if it was not delivered to your office until just prior to its release, why was the report delivered so late?

MS STEPHEN-SMITH: I will take that question on notice and come back to Mr Wall with some more detail. I think he would understand that during March there were a lot of pressures across our entire health system, and that does include the digital services division within the ACT Health Directorate, who pull together the information for the quarterly performance report, which is obviously a big piece of work, as well as Canberra Health Services and Calvary, who provide that data to the digital services division.

One of the great things that DSD have been focused on is providing improved telehealth services for our outpatients. That piece of work has been delivered quickly and with priority, as part of our broad-ranging response to COVID-19. I commend them for that piece of work, and I rededicate and commit myself to ongoing transparency in terms of the quarterly performance reports.

MRS JONES: Minister, what action will you take to get reporting in a timely fashion back on track for the next quarter?

MS STEPHEN-SMITH: I think we all understand, as I have said, that COVID-19 and our response to it has had an impact right across the ACT Health Directorate, Canberra Health Services and Calvary hospital, who all contribute to the development of this report. I have no reason to believe that there will be a delay in future reporting, but I will certainly keep an eye on it.

Emergency services—COVID-19

MR COE: My question is to the Chief Minister. Chief Minister, do all frontline staff in the ACT public service who are at risk of exposure to COVID-19 have agreements with their employee representatives and the territory regarding safe work?

MR BARR: Thank you. Yes, through the various representative bodies for the different areas of ACT government employment, under their enterprise bargaining arrangements all areas of government either have instituted work from home provisions that sit within the EBA or, indeed, have managed changes in their workplace to respond to the COVID pandemic.

MR COE: Chief Minister, do all the EBAs account for such a situation or have additional agreements or additional text needed to be determined in order to make a decision about when staff can return to work or return to normal duties?

MR BARR: I will need to take that on notice. I am not across all EBAs. We are the most diverse employer in Australia, with our state and local government responsibilities and the variety of occupations that we employ. I do not think there is another employer in Australia that is as diverse as the ACT government. We have a core agreement that contains a range of measures to support flexible work arrangements, but I will take the detail of the member's question on notice.

MR WALL: Chief Minister, what direct negotiation with in-school teachers, in-hospital nurses and Transport and City Services public-facing staff was done to

determine who was eligible to stay home and who needed to attend their normal place of employment?

MR BARR: It was certainly done as a directorate-by-directorate, division-by-division response. I can get some further information for Mr Wall in relation to how that applies to the particular three examples he has given.

Business—COVID-19

MR WALL: My question is to the Chief Minister and Treasurer. Chief Minister, as the COVID-19 restrictions were introduced, you said we would be in lock step with New South Wales as decisions were made, to allow for consistency, given that a large number of businesses operate across the border and a large number of people work across the border. Will the ACT continue to mirror New South Wales as the restrictions are lifted?

MR BARR: We have certainly endeavoured to be as consistent as possible, within the national cabinet framework, and to align as much as possible with New South Wales. But, clearly, we are an independent, self-governing territory and so we have the capacity to deviate from New South Wales's approach where it is appropriate.

Examples of that have included the approach of ACT Policing, which has differed somewhat from New South Wales policing. We did not have ACT police officers chasing down people who bought kebabs after they went for a run and issuing them with fines. We did not have ACT police officers issuing fines to people sitting alone in a public park. We did not have any beaches to close. So, clearly, there are some differences between the ACT and New South Wales. We have treated our citizens like adults. The three examples I have used from across the border would appear to be a little heavy handed and I think were rightly pointed out in that regard.

New South Wales is a big state. They have a variety of different epidemiological curves and outbreaks that they have to respond to. Where it makes sense, and as much as possible, without being absolute, I have indicated that I want that consistency so as not to have radical differences between New South Wales and the ACT. But we retain the right, as always, to adopt a different approach here, as we are a self-governing territory.

MR WALL: New South Wales has lifted restrictions on property open homes and on-site auctions for the real estate industry, allowing them to return this weekend. Will it be the same case for the real estate sector in the ACT?

MR BARR: The real estate sector have put forward an approach to the Chief Health Officer. They have put forward, effectively, a COVID-safe plan to the Chief Health Officer. I understand that that was submitted about 24 or 48 hours ago. I will check on that. I hope to be able to make some further announcements on that, following national cabinet tomorrow. That will also relate not just to this weekend but also to the longer term.

MR COE: Minister, why is the ACT not following New South Wales in this decision, and what evidence do New South Wales have that you do not have that supports their decision?

MR BARR: I anticipate that we will be in a position to be able to make that change and to do so tomorrow. The evidence that is required is a COVID-safe plan for the Chief Health Officer. I understand from engagement with the industry in the last 48 hours that they were preparing that and it will be submitted and assessed. So I hope, and it is certainly our intention, that that would be allowed. I think that that is an important and manageable next step. But, of course, the decision has to be made on public health grounds. Just like in other industries, they need a COVID-safe work plan. There is some pretty clear guidance on what that should be on Safe Work Australia's website. As much as possible, we will endeavour to have consistency. I have no opposition in principle to there being open houses and auctions, with appropriate physical distancing and appropriate protocols in place. I think that that should happen, and I hope it will, by this weekend.

Madam Speaker, I ask that all further questions be placed on the notice paper.

Papers

Madam Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Report No 2/2020—2018-19 Financial Audits—Computer Information systems, dated 29 April 2020.

Legislation Act, pursuant to subsection 257(2)—Motor Accident Injuries Commission—Statement of Intent—Period 1 February to 30 June 2020.

Standing order 191—Amendments to the:

Appropriation Bill 2019-2020 (No 2), dated 6 and 7 April 2020.

COVID-19 emergency Response Bill 2020, dated 6 and 7 April 2020.

Mr Gentleman presented the following papers:

ACT Children and Young People's Commitment 2015-2025—Progress update on implementation, dated May 2020.

ACT Road Safety Strategy 2011-2020—Road Safety Report Card 2020, together with a statement, dated May 2020.

Administrative Arrangements—Administrative Arrangements 2020 (No 2)—Notifiable Instrument NI2020-249, dated 29 April 2020.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2019—Canberra Institute of Technology, dated 24 March 2020, together with a statement.

Bimberi Youth Justice Centre—Bimberi Headline Indicators Report—May 2020, together with a statement.

Canberra Week in Wellington—November 2019—Statement.

Children and Young People Act—ACT Children and Young People Death Review Committee—Annual Report 2019—Copy of letter to the Speaker from the Minister for Children, Youth and Families, dated 6 May 2020.

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

Report, dated 6 November 2019.

Government response to Coroner's findings, dated 7 May 2020, together with a statement.

Electricity Feed-in (Large-scale Renewable Energy Generation) Act, pursuant to subsection 22(5)—Community Solar feed-in tariff capacity release—

Review, dated 5 September 2019.

Government response, dated May 2020, together with a statement.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Community Services Directorate (HACT-20/27), dated 17 March 2020.

Heavy Vehicle National Law as applied by the *Heavy Vehicle National Law Act 2012* (Qld) and by the law of States and Territories—

Heavy Vehicle National Amendment Regulation 2019 (2019 No 583), together with an explanatory statement.

Heavy Vehicle National Legislation Amendment Regulation 2020 (2020 No 61), together with an explanatory statement.

Light Rail Stage 1 Review—City to Gungahlin Light Rail Benefits Realisation—Snapshot, dated May 2020—Response to the resolution of the Assembly of 31 July 2019, together with a statement.

Mr Fluffy Legacy Project: Consultation Outcomes, Report and Recommendations—ACT Government response, dated May 2020.

Nappies and personal hygiene products—Sustainable products—Response to the resolution of the Assembly of 31 July 2019, dated May 2020.

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 January to 31 March 2020, dated May 2020.

Transport Action Plan—Quarterly update—Number 3, dated May 2020.

University of Canberra Act, pursuant to section 36—Annual report 2019—University of Canberra (2 volumes), dated April 2020, together with a statement.

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 2020 (No 1)—Disallowable Instrument DI2020-41 (LR, 9 April 2020).

Building (General) Regulation—Building (General) Emergency Hospital Exemption 2020 (No 1)—Disallowable Instrument DI2020-56 (LR, 23 April 2020).

Canberra Institute of Technology Act and Financial Management Act—

Canberra Institute of Technology (CIT Board Deputy Chair) Appointment 2020—Disallowable Instrument DI2020-34 (LR, 2 April 2020).

Canberra Institute of Technology (CIT Board Member) Appointment 2020—Disallowable Instrument DI2020-33 (LR, 2 April 2020).

Court Procedures Act—Court Procedures Amendment Rules 2020 (No 2)—Subordinate Law SL2020-9 (LR, 20 March 2020).

Domestic Violence Agencies Act—

Domestic Violence Agencies (Council—Chairperson) Appointment 2020—Disallowable Instrument DI2020-47 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 1)—Disallowable Instrument DI2020-53 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020-52 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 3)—Disallowable Instrument DI2020-51 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 4)—Disallowable Instrument DI2020-50 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 5)—Disallowable Instrument DI2020-49 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 6)—Disallowable Instrument DI2020-48 (LR, 23 April 2020).

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2020, including a regulatory impact statement—Disallowable Instrument DI2020-32 (LR, 9 April 2020).

Financial Management Act, Motor Accident Injuries Act, Road Transport (General) Act and Road Transport (Public Passenger Services) Act—Motor Accident Injuries (Premiums and Administration) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-11 (LR, 2 April 2020).

Health Act—Health (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-55 (LR, 24 April 2020).

Liquor Act—Liquor Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-15 (LR, 16 April 2020).

Liquor Regulation—

Liquor (Public Health Emergency—Licence Fee Waiver) Declaration 2020—Disallowable Instrument DI2020-45 (LR, 23 April 2020).

Liquor (Public Health Emergency—Permit Fee Waiver) Declaration 2020—Disallowable Instrument DI2020-44 (LR, 23 April 2020).

Magistrates Court Act—Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020—Subordinate Law SL2020-12 (LR, 2 April 2020).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-13 (LR, 3 April 2020).

Medicines, Poisons and Therapeutic Goods Regulation—Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2020 (No 1)—Disallowable Instrument DI2020-36 (LR, 6 April 2020).

Motor Accident Injuries Act—

Motor Accident Injuries (ACAT Costs Orders) Regulation 2020—Subordinate Law SL2020-10 (LR, 26 March 2020).

Motor Accident Injuries (Authorised IME Provider) Guidelines 2020—Disallowable Instrument DI2020-25 (LR, 26 March 2020).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2020 (No 1)—Disallowable Instrument DI2020-43 (LR, 23 April 2020).

Public Place Names Act—

Public Place Names (Strathnairn) Determination 2020 (No 1)—Disallowable Instrument DI2020-26 (LR, 26 March 2020).

Public Place Names (Taylor) Determination 2020 (No 2)—Disallowable Instrument DI2020-42 (LR, 14 April 2020).

Public Place Names (Taylor) Determination 2020 (No 3)—Disallowable Instrument DI2020-54 (LR, 24 April 2020).

Residential Tenancies Act—Residential Tenancies (COVID-19 Emergency Response) Declaration 2020—Disallowable Instrument DI2020-46 (LR, 21 April 2020).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-14 (LR, 16 April 2020).

Road Transport (General) Act—Road Transport (General) Driver Licence and Related Fees Determination 2020 (No 1)—Disallowable Instrument DI2020-35 (LR, 1 April 2020).

Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) Hire Car Service—Service Standards 2020 (No 1)—Disallowable Instrument DI2020-27 (LR, 2 April 2020).

Road Transport (Public Passenger Services) Independent Taxi Service Operator—Service Standards 2020 (No 1)—Disallowable Instrument DI2020-28 (LR, 2 April 2020).

Road Transport (Public Passenger Services) Rideshare Service—Service Standards 2020 (No 1)—Disallowable Instrument DI2020-29 (LR, 2 April 2020).

Road Transport (Public Passenger Services) Taxi Service—Service Standards 2020 (No 1)—Disallowable Instrument DI2020-30 (LR, 2 April 2020).

Road Transport (Public Passenger Services) Transport Booking Service—Service Standards 2020 (No 1)—Disallowable Instrument DI2020-31 (LR, 2 April 2020).

Road Transport (Safety and Traffic Management) Regulation—

Road Transport (Safety and Traffic Management) Airservices Australia Emergency Worker Declaration 2020 (No 1)—Disallowable Instrument DI2020-40 (LR, 9 April 2020).

Road Transport (Safety and Traffic Management) Booster Seat, Child Restraint and Child Safety Harness Approval 2020 (No 1)—Disallowable Instrument DI2020-39 (LR, 9 April 2020).

Road Transport (Safety and Traffic Management) Protective Helmet for Bicycle Riders Approval 2020 (No 1)—Disallowable Instrument DI2020-38 (LR, 9 April 2020).

Taxation Administration Act—Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 2020—Disallowable Instrument DI2020-37 (LR, 6 April 2020).

Light rail—stage 1 review

MR GENTLEMAN (Brindabella—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) (2.38): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Light Rail Stage 1 Review—City to Gungahlin Light Rail Benefits Realisation—Snapshot 2020—Response to the resolution of the Assembly of 31 July 2019.

MR MILLIGAN (Yerrabi) (2.39): The way this report has been framed as the government's 12-month review of the benefits from light rail is a slap in the face for residents and, most importantly, local businesses that endured two years of construction to get to this point. The Canberra Liberals have brought three motions into this chamber trying to get this out-of-touch government to acknowledge the impact its project has had on local businesses.

Twelve months on and, yes, there are a few—and I say just a few—businesses that might be benefiting, such as the odd coffee shop near a light rail stop or perhaps the dry cleaners where commuters drop off their clothes before hopping on the tram. But the rest are seeing higher rents and a lack of patronage as Gungahlin becomes a commuting stop and not a true town centre. And that does not cover the fact that Mitchell, one of the ACT's largest economic hubs, still has no light rail stop and suffers from very poor public transport links.

This report is just a repeat of previous documents put out by this government. There was no consultation with local businesses. There was no review of the economic impact beyond land values. There was no honest reflection of the impact the two years of roadworks, boarded-up pavements and lack of patronage have had on many businesses. This is simply not good enough.

The Canberra Liberals will continue to advocate for local, small and family run businesses. We know that in the current climate this is even more important than ever before. We will ensure that businesses in the community of Yerrabi know that if they want to see their role in society valued and the contribution they make to our economy recognised they will need to vote Liberal in October.

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel, Minister for Tertiary Education and Minister for Transport) (2.41): My response to Mr Milligan is that he should read the report tabled today and look at the methodology. That methodology was tabled last year, in response to a motion in the Assembly, and we have gone out and engaged with businesses. It has not been an ideal time to engage, after one year of operation, because of the COVID-19 pandemic, but we have, and that is outlined in the report, if Mr Milligan would like to read it.

We have surveyed businesses and have listened to the feedback they provided. The lessons learned are spelt out very clearly in the report, and we will take on board those lessons for future stages of light rail down to Woden and beyond. We will also look around Australia at what we can learn from similar projects elsewhere.

We saw an increase in the number of businesses in Gungahlin over the period of construction and after, and that is a very good thing. We have seen an increase in the footfall in the Gungahlin area in particular. We are committed to building the Mitchell light rail stop and we have committed to provide better integration of our bus system with the light rail route. That is one of the learnings from the review we have done. That will be implemented as part of the update to network 19 in the future, at an appropriate time.

We have taken on board a range of learnings as a result of engagement with business. One is to engage early, and we are doing that in relation to stage 2 of light rail. We have already started to engage with businesses and stakeholders along the stage 2A route. We will be taking many of the learnings from businesses in Gungahlin and Mitchell on board.

I know Mr Milligan has a lot of interest in this, but I ask him to digest the report. We will continue to engage with businesses along the stage 1 alignment as we go forward because we know there are still more learnings to come. We want to know what the benefits are, because this is a long-term infrastructure project. Many of the benefits are yet to be realised and will be realised over the many years and decades to come.

Question resolved in the affirmative.

Standing orders—suspension

Motion (by **Mr Gentleman**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent items of Private Members' business, as ordered by the Standing Committee on Administration and Procedure, being called on and debated on each sitting Thursday, immediately following the presentation of papers, for the remainder of the Ninth Assembly.

Quorum formed.

Planning Legislation Amendment Bill 2020

Ms Le Couteur, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS LE COUTEUR (Murrumbidgee) (2.48): I move:

That this bill be agreed to in principle.

First, my apologies to members who had to come down to the chamber for a quorum. We had misunderstood the order of business, and we got it wrong, obviously.

Moving right along, the planning system needs substantial reform. It needs to play a much bigger role in fixing climate change and reducing the environmental impacts of development. It needs to substantially improve the quality of development, including better protection for trees and green space. It needs to get much better at helping residents who are impacted by development proposals to have their say and to be heard.

It needs to deliver on one of the other big challenges of our time—housing affordability. The planning and development system in Canberra currently does not deliver decent, affordable housing. Instead, it delivers huge, unaffordable homes and often damages the amenity of local suburbs in the process.

I constantly hear about these problems from constituents and community groups. Many people contact me, concerned about the concreting of Canberra and the loss of trees and green space. Many people contact me to complain about their interactions with the planning system. I hear every day on social media the voices of younger people who are angry about housing affordability. I am confident that all other members hear these concerns as well.

As part of this, I urge members, as I did earlier today, to take a look at the report that I tabled this morning by the Standing Committee on Planning and Urban Renewal in its inquiry into the development application system. It is an excellent summary of the issues that people face when interacting with the planning system.

The Greens have been trying to get the problems with the planning system fixed for a long time. We have put forward legislation, moved motions, made submissions, supported community groups and exerted pressure behind the scenes, but action has been very slow.

I did have very high hopes that in this term of the Assembly we would see major progress on addressing some of these problems. I am afraid that has not been the case. There have been a few good developments, like Minister Rattenbury's living infrastructure plan, and, hopefully soon, the stopping of mandatory connection of gas to all new developments. But action has remained frustratingly slow, and the term is almost over. Action cannot wait forever, so today I have put forward a part of the solution. My bill will introduce 12 simple, practical changes to reduce the climate change and environmental impacts of development, help residents impacted by development processes to have their say and be heard, and improve the quality of development.

All three parties in this Assembly have publicly committed to action on climate change. The government has taken strong action on this, most recently with my Greens colleague Minister Rattenbury, as the climate change minister, setting excellent policies and targets for climate change to guide government actions. But there are still gaps across government when it comes to the implementation of these policies, and one of the biggest gaps is in the planning system.

The government needs to make individual decisions and individual policies, and take individual actions across the different portfolios that are all consistent with the stated goal of zero emissions by 2045. Looking at the planning system, at buildings and other things that are approved today, they will often last—usually, in fact, you would want them to last—for at least 50 to 80 years, which is well beyond the 2045 target, which is only 25 years away. Every building approved now needs to function in the zero net emissions future, but very few of them are being designed with that in mind.

Currently, the planning system does not even require this. In fact, the planning system, unbelievably, does not address greenhouse gas emissions at all. There is no mention of emissions in the Planning and Development Act. There is very little mention of it in the documents that sit under it—most importantly, the Territory Plan. The planning system is largely blind to emissions.

My bill will fix that gap somewhat. Firstly, the ACT's legislated emissions targets will be added to the matters that have to be considered when merit and impact track developments are being assessed. Secondly, greenhouse gas emissions will be added as a trigger for an environmental impact statement, or EIS, so that high emitting development proposals get the scrutiny required to understand how compatible or incompatible they are with net zero emissions by 2045. The greenhouse gas trigger in my bill is premised on the carbon budget for the ACT; that is, the amount of carbon we can emit as a jurisdiction to stay on track for our climate change goals.

I want to make it clear that this will not have any impact on any single residential building—firstly, because those buildings simply are not big enough to trigger this

and, secondly, because an awful lot of those will be entirely electrically powered. As we are all aware, the ACT has committed to purchase 100 per cent renewable electricity; so while it is not absolutely zero emissions, it is very close to it.

The third simple, practical change in this bill is a change to the Residential Tenancies Act. When a residential property is advertised for rental, a current, valid energy efficiency rating must be disclosed in the advertisement. If landlords do not have a rating, they do not have to disclose it. To be current, a rating must be no more than six months old. In practice, of course, very few landlords produce a rating specifically for their rental property, so the only rental ads that have ratings are those for properties that have just been sold. So there are some, but my bill will mean there are more energy efficiency ratings in rental ads, with no additional cost to landlords. It will do this by allowing existing ratings to be used for rental properties for up to 18 months after they were first created. This will cover more rental properties, allowing renters to choose energy efficient homes and putting market pressure on landlords to upgrade.

My bill also responds directly to the concerns that constituents and residents groups have raised with me about trying to engage with the planning system. I am frequently contacted by people and groups who feel aggrieved by a development proposal and are finding it difficult to have their say and be listened to. These difficulties are amplified by gaps and shortcomings in the planning system that can be easily fixed but have not yet been fixed.

My bill introduces a number of simple, practical changes to fix these problems. For example, my bill will deal with the yearly problem of development applications being out for consultation over Christmas, which means that neighbours only find out about them when it is too late to make a submission. It will extend the consultation period for development applications over the Christmas-new year period by around three weeks to ensure community members do not miss out on a chance to make a submission. No development application consultation will close between 20 December and 10 January inclusive.

People in my electorate have complained to me that, because they live in the Molonglo Valley, development in their area does not have to hold any pre-development application consultation. They are right; sadly, this is the case. While larger developments in older parts of Canberra have to hold pre-development application consultation, larger developments in several new suburbs like Wright, Coombs, Lawson and Moncrieff do not. This can mean that the first time a resident knows about an eight-storey building being proposed across the road from their single-storey dream home is when the directorate's notice sign goes up. By that stage the developers have spent a lot of money on design and are very reluctant to substantially reconsider their proposal. My bill will fix this problem by removing the exclusion for larger developments in new suburbs when the development is within 100 metres of a home. This will be of significant benefit to my constituents in Wright, Coombs and Denman Prospect.

In direct response to the concerns of residents and environmental groups, my bill will fix a large number of these sorts of problems. It will introduce ACAT appeal rights

for approvals of EIS exemptions. This will respond to the concerns of environmental groups.

It will restore third-party appeal rights for development approvals that permit the removal of a registered tree. This change is in response to the controversial removal last year of a registered plane tree from Franklin Street, at the Manuka shops. I am sure members will remember the huge local upset that it caused. Registered trees have the highest level of protection under the Tree Protection Act because they are the trees that are of most significance to the community. Out of the one-million-plus trees in Canberra, there are only a very small number of registered trees. Given their special status, they need better protection.

My bill will require the planning directorate to keep key information about development applications available on the internet, rather than just through visiting the directorate's office. For example, the directorate will be required to keep development applications online for five years. This responds to concerns expressed not only by residents groups but by members of the development industry over many years about the impact that a lack of reasonable access to basic information has on their ability to organise community input on development. Way back in the Seventh Assembly, the planning committee commented on this. It is almost unbelievable that ACTPLA has not fixed that problem yet.

It also responds to community concerns about dodgy development applications with incorrect information like faulty overshadowing diagrams and inaccurate plot ratio calculations. The bill will allow the directorate to reject a development application that contains false or misleading information. Frankly, when this problem was pointed out to me, I was utterly amazed that the directorate did not already have that power.

The final three simple, practical changes in my bill include, firstly, more public consultation when development applications change significantly at the "further information" stage of the assessment process. Secondly, there is better design of larger retail developments. This is important because large retail developments are expected in coming years in Mawson, Kippax and Cooleman Court, to say nothing of Molonglo itself, eventually. Unless they are well designed, these will have a big negative impact on existing traders and the local community. Thirdly, there should be more Assembly oversight of controversial decisions such as deconcessionalisation and call-ins of development applications. These would both be made disallowable instruments.

In conclusion, the planning system needs significant reform. My bill is one part of the solution. It introduces 12 simple, practical changes that will reduce the climate change and environmental impacts of development, help residents impacted by development proposals to have their say and be listened to, and improve the quality of development. I urge all members to back the views of their constituents by supporting my bill in its entirety.

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

Leave of absence

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

That leave of absence be granted to Mrs Dunne and Mrs Kikkert for family reasons for today.

Schools—attendance during the COVID-19 pandemic

MS LEE (Kurrajong) (3.03): I move:

That this Assembly:

(1) notes:

- (a) our children's education, development and wellbeing, particularly during these unprecedented times, is paramount;
 - (b) the advice consistently provided by the experts, including by the Commonwealth's Chief Medical Officer, the ACT Chief Health Officer and the Australian Medical Association throughout the pandemic, has been that our schools are safe and they should be open;
 - (c) that COVID-19 has placed additional mental health pressures on many families; many children have struggled with the disruptions and social isolation; and their educational wellbeing is suffering as a result of this ongoing uncertainty;
 - (d) that parents with multiple children and who are also trying to work from home are finding it increasingly difficult to manage the many competing issues such as space, access to computers, family harmony and work output;
 - (e) that numerous reports on remote learning impacts conducted by leading Australian universities have found that up to half of all students will be adversely affected by a move to remote learning and that vulnerable students' already identified educational disadvantage will be exacerbated further;
 - (f) that Year 12 students are particularly anxious about how assessments will be done and whether their access to university and/or other tertiary education options will be compromised the longer the current educational arrangements continue; and
 - (g) that the hub school arrangement is causing confusion for families and students and is creating an additional and unfair burden on teachers; and it was a decision not based on any current medical advice;
- (2) further notes that, like any workplace, appropriate health practices should be implemented at all schools to provide a safe working environment for teachers and school staff, including supporting particularly vulnerable teachers to work safely from home; and
- (3) calls on the ACT Government to allow all ACT parents to send their children to their regular school if they wish to.

The ACT declared a state of health emergency on Monday, 16 March. This was the first time a public health emergency had been declared in the ACT. It is readily acknowledged that the community's response to COVID-19 restrictions is one of the major factors in the territory having an impressive and enviable record of managing this pandemic.

ACT schools responded quickly, with fetes, sporting carnivals, assemblies and excursions all put on hold, and the Education Directorate started planning for digital delivery of lessons. That was seven weeks ago.

As of yesterday, the ACT had 107 confirmed cases of COVID-19, with 103 people recovered and an impressive 9,995 negative tests. As of yesterday, we have no locally acquired cases, with the overwhelming majority of people acquiring it from overseas. The ACT is in an enviable position.

While many people continue to choose to work from home, it is evident that workplaces are adapting to heightened hygiene protocols, social distancing and general consideration of other people's space. You see it in the shopping malls and the supermarkets and in this workplace.

The Legislative Assembly is a particularly positive example of how a workplace can adapt to a safer working environment. The team responsible for introducing and maintaining these new arrangements should be congratulated. This new norm for following a heightened awareness of hygiene and social distancing is also being recognised and realised by families. Many parents who initially were asked or chose to work from home are now feeling a little more comfortable about returning to the office. We see more than just supermarkets believing they can manage under the new rules.

People in the ACT get it. They understand what they need to do to stay safe and they understand, from very detailed and extensive medical advice, what the risks are. This, of course, is not to be complacent; we must remain vigilant and heed the advice of our medical experts.

And so we come to the issue of the situation with ACT government schools. At first, parents were asked in March to keep children at home. It is probably fair to say that that was the preference of many parents anyway in those early uncertain times. On 22 March it was announced that all ACT schools would go pupil free from Tuesday, 24 March through to the school holidays and that they would be preparing to transition to alternative teaching models from term 2.

The education minister assured parents that government schools were especially well placed for this transition, after investing significantly in devices for students and in digital capability over recent years. The minister also promised that there would be options for school-age children whose parents and carers needed to continue delivering essential services and that the government was also making arrangements to ensure that vulnerable children would be able to attend school in person.

Fast-forward to 8 April, when another ministerial media release confirms that ACT government schools will move to remote learning in term 2, beginning on Tuesday, 28 April. It stated:

This will be different from what families have experienced over the last few weeks, while teachers have been developing a new kind of learning.

Whilst the words were designed to make term 2 sound like an adventure, the bubbling uncertainty that was already starting to build placed an even greater burden on an already stressed community. Parents were told that most government school students would learn remotely at home but that, for families who could not keep their children at home, due to work or other needs, the ACT government would provide supervision at a reduced number of government school sites. The minister also stated:

Additional supports will be in place for vulnerable students studying from home, including appointments with school psychologists.

In theory this sounds all well and good, and in such a fast-changing environment, during a once in a generation global pandemic, there are no easy decisions. However, it is in times like these, and particularly in times like these, that community leaders step up and are able to show clarity, decisiveness, empathy and transparency. What we got was none of the above.

We had many school communities confused; no idea of the location of the hub schools until just before the start of term 2; no clear process for registration; no clarity as to transport options; no clear solution for before and after school care; no answers as to what would happen to children in learning support units; no assurances about how students as young as five and six would be able to effectively learn online, either at a school site or at home; no plan as to how year 12 students would be given the best opportunity to ensure that their final year of school would be what they expected and should expect; no thought given to already stressed families raising concerns about how they would juggle supervising their children at home whilst working; and no explanation as to why and how this decision was made.

This plan was doomed to fail from day one. That same media release said, quite categorically, that all government school students would be learning remotely, whether at home or at a school site—note the term “school site”, not a school—and that if students turned up unexpectedly they would not be turned away.

We still do not know where the origins of the hub school arrangement developed, but every parent I have spoken to, every teacher I have spoken to and every medical expert I have spoken to raises significant and consistent questions. Why is it that nine schools which were now going to be full of teachers, learning support assistants, allied health professionals, out of school care workers and students from all across Canberra can be deemed safe but local schools, each with a unique and known school community, are not? Why is it preferable for students from all across Canberra to congregate in one combined hub rather than have them at their local school with a known cohort of their own school community? On what medical advice was the hub

school arrangement based? What were the assessed risk factors? Why were the acceptable risk factors able to be developed for staff at these schools but could not be applied at all?

The ACT is unique in using this hub school arrangement. As we come to the end of week 2 of term 2, from the experiences of families and teachers it is abundantly clear, from the hurried and sudden news drop we saw this morning, that it was always a flawed model, an experiment that every parent, student and teacher is paying a price for. No wonder every other state and territory in Australia steered well clear of it.

The host of unknowns I outlined earlier in relation to the hub school model are no clearer now than when the plan was first announced. We still have parents confused about the registration process, clearly demonstrated by the huge numbers of students turning up at their regular school or their nearest hub school without a registration. We still have ongoing issues with transport to and from hub schools and to and from before and after school care. We still have no satisfactory answer as to how students with individualised learning plans are being supported. We still have no answer as to why hub schools are preferable to opening up all local schools, given the greater mixing of different groups, making contact tracing near impossible in the unlikely event that there is an outbreak. We still have no acknowledgement of the additional and sustained burden on parents, students and teachers. We still have no transparency on why this decision was made in the first place.

On 9 April I wrote to the minister, asking on what advice the hub school arrangements had been made. On 6 May, yesterday, the minister responded. Her answer is baffling at best and condescending at worst. The letter states:

While the advice of the Australian Health Protection Principal Committee and chief medical officers is informative, the government remains independently accountable.

Informative? Is that the net worth of the collective years of expert and professional advice to government? Merely a source of information? Independently accountable? We can all wonder: accountable to whom? If it is to the parents, the students and the teachers, this government is not listening.

The letter goes on to say that the government accepts the health advice that schools are safe but that the government has to consider matters such as “practicalities of administering school education in the current environment”. Let us be clear here. At no time have health professionals suggested that our schools are unsafe. If they need to balance the “practicalities of administering school education in the current environment”, perhaps this government should have listened to the medical advice from the beginning and not shut down our schools to face-to-face teaching in the first place.

If the AHPPC advice is merely “informative”, when you add it to the same advice provided by the commonwealth Chief Medical Officer, the Australian Medical Association and the ACT’s own Chief Health Officer, you have to wonder why all these experts and their collective years of knowledge have been swept aside.

All workplaces have risk factors. We know that frontline staff in hospitals and ambulances, tram drivers, bus drivers, cleaners, supermarket staff, garage attendants and even Bunnings staff are all working hard because we, as a community, need them to. We are seeing more and more people returning to work because people see and believe that the ACT can be a safe place and can remain safe if we follow the appropriate protocols. We are also seeing non-government schools, first, not shutting off completely to face-to-face teaching and, second, announcing firm plans to return to the classroom.

I remain intrigued as to why this government, with all its economies of scale and the force of its extremely hardworking and professional directorate, was not in a position to develop safety workplace plans to protect our teachers in their essential work environment until today. I remain intrigued as to why this government thinks a mixed population hub school is perfectly safe but a local school with a consistent and known school community is not. And I remain intrigued as to why this government thinks that schools are risky enough to shut down to face-to-face teaching and yet early childhood education centres are fine, particularly given that it is even harder to practise social distancing and extra hygiene practices there. It is not just me that is intrigued by these still unanswered questions. These questions also remain on the tongues of many parents, teachers and early childhood educators.

I have stated many times, and I say it again, that teachers and any other staff members in our schools have the same rights as any other employee in essential services. Vulnerable teachers and other staff members have every right to be safe in their workplace; and if they need to, they should be supported to work safely from home. I also know many teachers who just want to be back doing what they do best. They miss their students; they are concerned about their students' educational wellbeing; they want to be able to deliver education in the best way, and that is in the classroom with face-to-face teaching.

My motion acknowledges the reality that COVID-19 has placed additional mental health pressures on many families. Many children have struggled with the disruptions and social isolation, and their social, emotional and educational wellbeing are suffering as a result. My motion further outlines that parents with multiple children who are also trying to work from home are finding it increasingly difficult. Once again, there is independent expert advice to support the contention from parents that their children's education is suffering.

Recent research by five leading Australian universities, commissioned by the federal education department, has found that up to half of Australian children stand to be adversely affected by the move to remote learning. One paper initially focused on traditionally vulnerable students, but the cohort was expanded because of rapid job losses and limited home internet access, circumstances exacerbated by the rush to remote learning.

Another key report, from the Mitchell Institute at Victoria University, written by Professor Lamb—very familiar with ACT education—found that vulnerable students could fall weeks behind in their schooling. Professor Lamb found:

... across one term there will be close to three and a half weeks of learning lost in numeracy for children from low socio-economic backgrounds, similar for Indigenous students and about half that from language backgrounds other than English. In numeracy, it's about 13 weeks across a full school year of learning that will be lost basically ... for literacy and reading skills it's slightly lower but it's still about nine to 10 weeks.

They are sobering facts indeed. Education expert Professor John Hattie said in a recent article that while time away from school may not result in devastating learning outcomes, equity is a far more concerning factor. He said:

Students who come from well-resourced families will fare much better than those from lower resourced families. The effect of home resources is powerful. I have rarely met a parent who does not want to help the child, but some do not have the skills. Remember, we made schooling compulsory because teachers are better at teaching than parents.

I have serious concerns about the educational wellbeing of children from our migrant communities: children whose parents do not speak English well, who find it difficult to navigate permission slips, let alone navigate a plethora of online platforms to supervise their children's learning whilst not understanding the instructions. This is asking them to do the impossible. I know because I have been there.

I finish with the words of some of the numerous parents who have contacted me in severe distress at what they are seeing happen to their children's education. One said:

My husband and I are both essential workers; our children are 5 and 6 years old. I visited the allocated safe and supervised school site for our children and was enormously disappointed to see children sitting in classrooms with headphones on and simply clicking through online packages. The hub school model is not the face to face education that our children deserve.

Another said:

My children did not have access to or know where to access hand sanitiser; my Year 2 student spent most of his time playing on a chromebook with about 15 mins of actual learning; my year 5 student waited for nearly an hour to get help to access the hub school wi fi. He also has a respiratory and heart condition which the hub school knew nothing about.

There are many more, but there is one overriding truth: all these issues, difficulties and distress could have been avoided or at least ameliorated had this government heeded medical advice, listened to parents, and supported teachers to do what they do best—teaching our children, inspiring and directing their learning in a face-to-face, engaged environment.

I will address Ms Berry's proposed amendment in the summing up.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister

for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (3.18): I can inform members that today I announced a carefully considered plan to return ACT public schools to on-campus learning. The community's fantastic response to the pandemic means that we can be more confident now to transition back to school campuses, alongside the easing of other restrictions.

Yes, of course the health advice was important but there were other factors, based on local need, that were taken into account in the government's decision-making around our schools and a transition to online education, and now a transition to school campus learning.

Our public schools will begin a staggered return to on-campus learning, starting on 18 May with kindergarten, preschool and years 1, 2 and 7, with senior secondary students and colleges doing a combination of on-campus and remote learning. On 25 May years 3, 4 and 10 will join them. All students will be back on 2 June.

This is a carefully planned and considered approach—listening to parent representatives through their P&C councils, to teachers and school principals through their unions and to the Education Directorate, and keeping in mind what is happening across the rest of the country as well—back to a campus education. That is exactly what the Chief Minister and I said in last week's joint announcement that we were considering if the circumstances changed and allowed us to do that.

With the easing of restrictions across the ACT and across the country, and more to come after national cabinet tomorrow, we can take these carefully measured steps for our schools to ensure that they can continue education and a return to campus education. The safe and supervised sites will stop operating on 18 May. Students who were attending those sites will attend their usual school for supervision and remote learning until their year group returns.

There were a number of reasons why those safe and supervised hubs were delivered in the ACT. One was that our geography allowed it and there was not too much of a distance to travel for parents and children to attend those schools. It was the best option for us to deliver a high standard of education to everyone at one time, with the outlook which, back seven or eight weeks ago, was six months or more of lockdown. It would have been very difficult to adequately staff 89 schools while also providing a high standard of remote learning. The hubs allowed for a more orderly and managed approach to supervision for the students who needed it.

I was not going to ask our teachers to attempt to deliver two models of education. That would be unfair. Our hub schools, the safe and supervised sites, allowed for an orderly and managed approach to support parents and carers who needed supervision for their students and children while learning remotely.

I understand that the safe and supervised school sites did not work for everybody. Of course I understand that. This is a complicated issue that we are addressing together as we navigate our way through an international health pandemic. It has been a difficult time for everyone—I understand that—with heightened levels of anxiety, which

meant that people needed additional support at those schools. I was assured that those schools did have those additional supports in place. However, I understand that parents and families have had some difficulties at those sites. Of course I understand that.

I hear from those opposite who would have us rushing back to school straightaway. But, as the Chief Minister has said time and again, this is not a race. Today's announcement is not in response to the opposition's media line. It has been, rightly, informed by consultations with school communities and health experts.

As I committed to publicly last week, I have spent this week working with teachers, their union, the ACT Council of P&Cs and the Principals Association, and the Chief Health Officer as well, to plan an approach that will work for all of our community. It has become clear that, due to the hard work of our community, the conditions in the ACT will allow us to start transitioning back to school in a carefully considered way. I had committed to giving schools and families as much notice as possible, so I was happy to be able to make this morning's announcement, which does give that notice.

While this government has always listened to and accepted the health advice around schools, as I said, a range of other factors need to be taken into account when making decisions about school administration. For example, schools are also workplaces. The government has made staff and student health and safety paramount in its decision-making. Schools have a high proportion of workers who are more vulnerable to illness. We also expect the highest possible quality of education for our children, which would have been nearly impossible if teachers had been asked to teach remotely and on campus simultaneously.

The opposition have used public schools as an opportunity today to score a political point. I do not understand why they would want to do this during this challenging time. Doing this confuses the community and distracts from the great work that public school educators are doing every day with our kids. This kind of behaviour is disappointing and a disservice to public school families.

The amendments that I am proposing to Ms Lee's motion correct some inaccuracies and portray a complete and balanced view of the factors at play in the government's decision-making. Despite the efforts of the commonwealth government, the ACT government is responsible for running public schools in Canberra. This government is proud to be making decisions informed by local voices, our local circumstances, and the needs of our communities.

I acknowledge that, just as it has been hard work for teachers and school staff to transition to remote learning, it will also be hard to transition back to on-campus learning. Similarly, students, parents and carers will also now be making another change. That is why it is so important that this Assembly acknowledge and thank teachers, their unions, school staff, early childhood education and care workers, out of school hours care staff, Education Directorate staff, school cleaners, building service officers, transport staff, community service organisations, the Council of P&Cs, Catholic and independent schools, the emergency services association and, of course,

students, parents and carers. Everyone has chipped in under these extraordinary circumstances to get the best possible education outcomes for our kids.

I have always said that the ACT is the best prepared jurisdiction in the country to respond to this pandemic because of our nation-leading investments in technology-enabled learning. The work that our teachers have done over an incredibly short period of time has proven that. It is their professionalism and creativity that gives me certainty that we are ready for this next stage of the ACT's response to COVID-19.

I move:

Omit all words after "That this Assembly", substitute:

"(1) notes:

- (a) that the COVID-19 pandemic has posed unprecedented challenges to global society with substantial effects on Australian societal and economic norms that are being experienced by the whole community, including school communities;
- (b) the ACT Government made decisions about continuing school education based on the best available information, including non-health and health information, at a time when it was expected that the COVID-19 pandemic would result in restrictive social distancing for an extended period;
- (c) the ACT community has been very disciplined in its adoption of social distancing restrictions during the COVID-19 pandemic which has limited the spread of the virus and allowed restrictions to be lifted much sooner than initially anticipated; and
- (d) while remote learning and remote learning hubs have met a need, this experience has been challenging for some students, staff and parents and carers;

(2) further notes that the ACT Government:

- (a) ceased on-campus school education during term 1 2020 due to increasing concern among school communities about the health risks to students and staff, and declining student attendance;
- (b) established remote learning hubs for term 2 2020 to ensure that supervised learning could continue for those students who need it while also balancing a range of factors, including school viability, industrial considerations, and health advice;
- (c) has been best placed to provide remote learning for school students because of its nation-leading investment in technology enabled learning;
- (d) can assure senior secondary school students that their Australian Tertiary Admission Ranking will not be disproportionately compromised;
- (e) has had an acute focus on providing support to vulnerable students and families, and those with additional needs; and
- (f) is planning for a return to on-campus delivery of school education as soon as it is sensible;

- (3) acknowledges and thanks:
- (a) teachers and their union, school staff, early childhood education and care workers, and out of school hours care staff for their resilience, dedication and effort to sustain learning in incredibly difficult conditions;
 - (b) staff in the Education Directorate, who have worked without break for many months to ensure that school education could continue, and have designed and planned an entirely new approach to learning;
 - (c) school cleaners and building services officers for their work providing safe and clean schools, and for undertaking additional work while schools are unoccupied;
 - (d) transport staff for their assistance and adaptability in providing safe transport to the remote learning hubs;
 - (e) community services organisations, who have stepped in to support the Government's delivery of learning for those students who have been unable to learn remotely from home;
 - (f) the ACT Council of Parents and Citizens Associations, who have been actively engaged in assisting the Government to work through difficult decisions about arrangements for school education;
 - (g) Catholic and independent schools, for their cooperation in aligning with the Government's approach to school education where possible;
 - (h) the Emergency Services Agency for their reliable and effective logistical assistance, for example, delivering Chromebooks and internet access devices to families; and
 - (i) students and parents, for their flexibility, patience and understanding through a difficult, rapidly-changing and uncertain environment; and
- (4) notes that the ACT Government has announced a staged return to on-campus learning commencing on 18 May, when remote learning hubs will cease to operate.”.

MR COE (Yerrabi—Leader of the Opposition) (3.26): I rise to support the position of the Canberra Liberals and Ms Lee that schools should be open in Canberra for the families that need them. This is a position that is not new. It is a position that we have been stating for a long time. We firmly believe that there are many families in Canberra that are stressed and many kids in Canberra who are not getting the education that they need. As has been remarked by numerous people during this debate, it is some of the most vulnerable kids and some of the most disadvantaged kids who are set to lose the most as a result of this online learning model.

We firmly believe that you need to follow the health advice when it comes to dealing with the pandemic. We firmly believe that the health advisers, the doctors and all the experts should be informing the policy. It seems that that is so for the vast majority of portfolios. In fact, perhaps the only portfolio where the health advice has not been strictly followed is in the education portfolio. Why is it that the health advice is current and applicable for all the other portfolios but not for education? Even today in question time we heard the transport minister say that he was going to listen to the commonwealth health advice and to the ACT health advice regarding public transport. That is a sound thing to say. It also highlights the contrast between the two ministers.

The transport minister is listening to the health advice, but the education minister was not.

The Canberra Liberals support our teachers. We recognise the very important role that they play. That is why we want kids to be back in the classroom: because we value them so much. Online learning is not as good as having a dedicated teacher delivering tailored strategies for children in a classroom. That is the optimal model of education and that is something that we should be striving for. That is why we are disappointed that so many kids are not receiving the benefit that our wonderful, dedicated Canberra teachers provide in classrooms.

I believe there are some things that can be reasonably done to manage the risk of COVID-19 in schools. The government should not be surprised that we are in this situation. The government were very quick to turn schools off but they seem very reluctant to turn them on. There was confusion at the beginning, there was confusion in the middle and there is still confusion about what this really means.

Do we really think that kids in years 5, 6, 8 and 9 should have to wait three more weeks before they can have normal classroom teaching? I just do not think it is fair to those kids or to their families that they still have weeks to wait before they get the education they need. The ACT Human Rights Act says that kids are entitled to an education. Unfortunately, I just do not think an online education is anywhere near as good as face-to-face classroom teaching. That is the power and the benefit of our wonderful teachers. That is why we want kids in the classrooms with those teachers.

I very much commend Ms Lee for her consistent advocacy, her consultation and her communication. This is not about politics. It is about advocating for Canberra's families. It is about advocating for the best interests of Canberra's children. We will continue to do everything we can to make sure that every child in Canberra gets the education that they deserve.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.32): I thank Ms Lee for bringing forward the motion. It is important to have these discussions. I thank those who have spoken and indicate, obviously, the government's support for the amendment that the Deputy Chief Minister has moved.

This pandemic has forced all governments in Australia and, indeed, around the world to take immediate and drastic actions to protect our citizens against a deadly virus—a virus that we still do not know enough about and a virus that will be with us for months and years to come. There is no vaccine and there has been not much effective treatment possible around the world, particularly in extreme cases and particularly for those most vulnerable.

The contrast in the approach here in Australia to that elsewhere in the world and the effectiveness of the approach here in Australia, in contrast to the rest of the world, has been very clear. We have achieved this through a clear, concise governance framework; important coordination and collaboration between the states and

territories and the commonwealth; and in large part, with a couple of notable exceptions, a big degree—a strong degree—of bipartisanship in many instances.

We should not forget that the different stages of this pandemic are still being measured in days and weeks and we are still a long, long way away from this pandemic being over. It is not over, but there is now at least a glimpse of light. We have got to this point, a point that has exceeded expectations, because of the early and decisive action that was taken nationally and locally. I thank every Canberran for their efforts in making this happen.

But we cannot let our success so far lull us into a false sense of security. As history shows, pandemics come in waves, and not taking the time to plan for future waves would be tantamount to negligence. It would be putting peoples' lives at risk and it would put our economy at further risk, due to longer shutdowns.

When it comes to schools, teacher engagement with professional learning in the final weeks of term 1 enabled the rollout of remote learning for term 2. We put in place a contingency that we would be able to continue to deliver education throughout term 2 in the circumstances of a strict and ongoing lockdown or equivalent restrictions and to ensure that there was learning continuity for students in such an environment. Due to the success of the suppression efforts locally and nationally, as we indicated several weeks ago and clearly outlined last Friday, we are in a position to begin a transition back. The ACT, like other jurisdictions on the eastern seaboard of Australia, has been working through these issues.

I have the benefit, obviously, of sitting in the national cabinet, so I get the benefit of those discussions and deliberations with the New South Wales, Victorian, Queensland and Tasmanian premiers that relate to issues on the eastern seaboard. Tasmania being somewhat different, I would hasten to add for the benefit of those opposite, Tasmania are not in a position where they are going to even begin a process of reopening their schools. But we have been talking and collaborating and working together within the national cabinet framework. Those discussions have also involved a degree of flexibility for jurisdictions to respond to their local circumstances.

This has been an important part of the functioning of the national cabinet and the decision-making processes. With a couple of notable exceptions—Minister Tehan's brain explosion on *Insiders* on Sunday morning that, thankfully, he walked away from within several hours, by lunchtime on Sunday, and the Prime Minister initially saying one thing but then being very clear that in each state and territory parents should listen to their state premier, chief minister and education ministers—this very vexed issue of schooling has been well managed in Australia. Again, compared to other countries and other circumstances, we have done very well.

This is a once in a century global pandemic. It is not a political point-scoring opportunity and it should not be used as such. It is not a party-political decision around when schools go back. The evidence for that, obviously, is the decision of a Liberal premier in Tasmania and a Labor premier in Victoria who have made the same decision based on the epidemiology in their jurisdictions.

What is so fundamental through this process of extreme anxiety for our community is that, as much as possible—recognising that we are all political creatures, we are all politicians and we have all run for office—we try to give clear and consistent messages to our community. At times that means giving a little, compromising and working within that framework, which is exactly what the ACT has done within the national cabinet context and in our relationship with New South Wales.

I do not always agree with everything that Premier Berejiklian says and some of the decisions that they have implemented, but I have tried incredibly hard to work collaboratively, both with her government and within the national cabinet context, and there have been times when that has not been appropriate: fining people for buying a kebab after they have been for a run and sitting in the park by themselves. That is where we have clearly been different. But what we have been doing is working together, all the jurisdictions in the national cabinet, on an approach to schooling.

Where we stand today, there are no children at school on the eastern seaboard, but progressively, over the next three to four weeks, students will be returning. The process that the Deputy Chief Minister has outlined gives people notice and is very clear. Yes, it is important that we can get things back to normal as soon as possible, but normal living with COVID-19 is different. We have to be cognisant of that in our future planning. And this is a fast-changing environment.

The process that we will be going through in the coming days, weeks and months will be about tentative steps forward, making some changes, testing, evaluating, seeing what happens and, hopefully, being able to take the next step forward. That is what all governments in Australia are working towards. That is what we hope to achieve in education, just as we do in every other industry sector and every other area of life. This is a once in a century event. It requires mature, adult leadership.

We are very lucky in this country, compared to some others in the world, including some of our close allies. We do not have our political leaders suggesting that you might inject disinfectant and that might be a cure-all, and we do not have people on the streets carrying guns and demanding the end to lockdowns. We should be very thankful that we live in this country and that, through the national cabinet, we have a good process, one of the best in the world, to manage this pandemic as it relates to schools. I commend the approach of the Deputy Chief Minister and support the amendment.

MR RATTENBURY (Kurrajong) (3.42): The Greens welcome the motion on the provision of public education to Canberra's students because it is important that these matters are discussed. We know it is an issue of real interest to our community, and it requires careful consideration of and reflection on what we can and cannot do, what we should or should not be doing. It is certainly something that our community is very focused on.

It is no exaggeration to say that the decisions of the government regarding schools and education have been some of the most momentous in a time of a lot of unprecedented firsts, as we as a nation and a territory respond to the challenges of a public health

emergency and the COVID-19 pandemic. It has been a matter of fierce and passionate debate amongst parents, carers, grandparents and education staff, as well as politicians of course. It has seen the national consensus threatened and driven the most political discussions we have probably seen over the past month. Picking up the Chief Minister's recent comments, I think that, amongst all of the political efforts to have consensus on this, this has been the one place that has seemed to be the closest to fracturing.

The bottom line is that it is simply a really important issue in the lives of our city's children and young people. Having previously been an education minister and spent a lot of time with students across the year groups, there is no question that they will be having discussions about this themselves. And I am getting a lot of feedback from parents, who are saying that their kids have really strong views on this. We know that this is a real topic of conversation in our community.

The questions raised by Ms Lee's motion are representative of the great challenge that has been presented to Minister Berry and the Education Directorate to provide something for every child, every student, in a time of uncertainty, when every day brings new information and new expert advice. To be clear, I believe Ms Lee's motion has turned out to be timely. It is certainly relevant to the concerns of many parents and carers in the ACT and is focused on perhaps the most difficult aspect of the government's response. It is also representative of the, frankly, unenviable complexity of seeking to work with commonwealth-funded agencies in a local government context, and pulling together internal and external agencies and stakeholders in a single cause when each is individually struggling to find a new normal.

That is why the ACT Greens are very supportive of the overall approach the minister has taken. In our view, that approach has been to provide a baseline of care and learning to all students and, beyond that, to offer a new and innovative approach to teaching and learning wherever possible.

The Education Directorate needs to be congratulated for its efforts. My office has heard of some issues and concerns, which I will come back to, but the overwhelming feedback has been in support of teachers, learning support assistants, administrators and officials, who have clearly done their absolute best to respond to the community's expectations and students' diverse needs. Even on the issues of concern, such as the hub and feeder model, many are still talking about the engagement with education as positive, of teachers and principals doing their best to answer the questions and concerns at a local level even when it has been hard to understand the broader policy for some. I think it is fair to say that the hub and feeder model, whilst designed in a pragmatic sense as the best thing that was available at the time, has been very challenging for all concerned.

There have been the issues of out of hours school care; the broader difficulties of engaging with commonwealth-funded early childhood care and education providers; and the issues around school transport, which were not really the responsibility of the Education Directorate but were obviously part of the story. We have had feedback on all of these things as being really challenging.

The Greens have been very conscious of balancing health precautions with the desire to return to face-to-face learning as quickly as possible. Finding the right answer on this is extremely difficult. We think that the staggered return seeks to strike the right balance and allows for all the practicalities and logistics that need to be worked out.

I listened to Minister Berry on radio this morning and heard the text messages that were coming in. People have lots of practical questions, and question time today illustrated that. The opposition were asking whether there will be soap, whether there will be this or that. There is some work to be done. The staggered approach gives the capability to put all those practical and logistics questions in place and have an orderly transition back to having our students in school.

I was struck by the sheer blind confidence of Ms Lee in her position. Only weeks ago, Australia faced two very different trajectories. Were we heading down the path of the UK or were we going to end up on the path that we have ended up on? That is the context in which the minister, the Education Directorate officials and school principals had to try and take decisions. To come in here and rattle it off as though it was a linear process that we should have all known the answer to weeks ago is, frankly, surprising. It is not a linear situation. The words also fail to recognise the very diverse views in our community only weeks ago: some were urging us to close schools much faster; others wanted to continue to send their children there. People were uncertain.

We need to come to this debate recognising the decision-making environment that we have been operating in. The Chief Minister outlined that in terms of looking at where the different states are at. I think his point there was valid, in that we are seeing different decisions being taken in different jurisdictions. I am really conscious that it is not just about the children; it is also about having a safe environment for adults that go to the school spaces: the staff, the parents and various others. It is an enormously complex decision-making process. As I said, I think the simplicity with which it was presented by Ms Lee was somewhat surprising.

I want to finish by making a few acknowledgements. I have touched on the directorate and the staff already. They have done an amazing job to rapidly design and implement a new online curriculum. It has been an enormous change to the way education is delivered.

I have heard a mixture of feedback. I know that some parents think it has been problematic. I have heard other parents talk about the fact that their children have found it very engaging and that some children have felt that it has been quite beneficial to them because they have been less distracted. Again, this reflects the diversity of views that are out there. But the impressive part has been the shift, and I want to acknowledge that. A lot of people have worked extremely hard to put that in place.

I also want to acknowledge the challenge that parents have faced. That has come up in today's discussion. Again, I have heard quite a mixture of feedback. Some parents have, frankly, found it really stressful and found it very challenging, particularly those

who are trying to work from home and fit in the demands of work and the need to support their children's education. As the mental health minister, I have had some significant feedback where parents are really stressed and, in some cases, feeling inadequate because they feel they cannot do it all. My message to them is: you cannot expect to do it all; we just have to cut ourselves a bit of slack. We are all operating in a really challenging environment.

I have heard from some parents who have taken real delight in this process. It has given them a chance to really connect to their children's education. A few people have said, with a wry grin, that their admiration for teachers has gone up enormously during this period because they just are blown away by what their kids do each day and some of the behavioural challenges that teachers face. They have had much greater exposure to that in this period, and it will be interesting to see how that flows back into what happens, going forward. It is important to acknowledge the challenge that some parents have faced, but the bottom line is that all parents have been doing their very best to support their children's education.

In conclusion, we will be supporting Minister Berry's amendment. One of the things that I am struck by is that there is an opportunity here to learn from what we have gone through in recent weeks, to perhaps capture some of the positive elements of remote learning. People are flagging that there are things that are beneficial. Just as we are reflecting on the fact that, for some people, working from home has presented opportunities, some people have seen opportunities in remote learning. I encourage teachers and the Education Directorate to keep an eye on those things and, as we come back into what has been the traditional environment, think about what we can bring back with us from this period we have gone through that can help us continue to innovate and make sure that the ACT has a world-class education system.

I thank Ms Lee for the opportunity to discuss these matters. As I said, the Greens will be supporting Minister Berry's amendment.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (3.51): I rise to speak in support of Ms Berry's amendment. This is a very important issue. The issue of education has been, as others have said, one of the most difficult and one of the most contentious in terms of responding to the COVID-19 pandemic. I would like to take the chamber back through a bit of a time line because I think that Ms Lee and Mr Coe are being very wise in hindsight and are not really taking account of how much uncertainty we have faced since the end of January and the beginning of February.

On 30 January 2020 the World Health Organisation declared the novel coronavirus as a public health emergency of international concern. On 27 February the Prime Minister activated the Australian health sector emergency response plan for novel coronavirus, or COVID-19. On 12 March the World Health Organisation Secretary-General announced that COVID-19 could be characterised as a pandemic. On 16 March the ACT declared a public health emergency, along with every other state and territory, in their own ways, across the country. By today, 7 May 2020, the Australian Health Protection Principal Committee, the ACT Chief Health Officer, the

commonwealth Chief Medical Officer, the national cabinet and the World Health Organisation have not stated that the pandemic is at an end. It is, indeed, far from that, as the Chief Minister has said.

When the government made the decision to move to remote learning on 22 March, we were faced with modelling that estimated that up to 80 per cent of the population might contract COVID-19 over time. On 12 March Dr Kerry Chant, the New South Wales Chief Health Officer, gave evidence at New South Wales estimates that COVID-19 could result in about 20 per cent of the state's population, or about 1.5 million people, becoming infected in the first wave, according to the modelling.

The modelling showed that the ACT could experience a sustained outbreak over a period of 25 to 30 weeks. Across the country, the community was calling for governments to act, and act fast, to prevent the spread of COVID-19. Many people, in calling for action, were calling for closing schools, closing schools, closing schools. That was the most obvious action for governments to take on their part.

The government made our decisions and, together with the ACT community as a whole, we have successfully flattened the curve. But as people would have seen from the modelling that was released by the Prime Minister a few weeks ago, flattening the curve did not mean getting to where we are today. That still meant a wave of COVID-19 in our community. That still meant busy hospitals, busy emergency departments and busy ICUs, which is why, across our health systems, we were investing in doubling and tripling capacity. Those measures had the support, I understand, of those opposite, and we were certainly being urged to continue with those actions.

As I said, Ms Lee and Mr Coe are, of course, very wise in hindsight. Ms Lee at one point said that perhaps we should not have shut down schools in the first place. Ms Lee, with the wisdom of hindsight, perhaps we should not have shut down schools in the first place, but you cannot operate in that way in a global pandemic. I would like to point out to those opposite that in a letter copied to Mr Coe and sent to me by the shadow health minister on 18 March, four days before the government announced its steps forward in relation to schools, she said:

I know that the decisions about schools are difficult, but some families are already making that decision on an individual basis. Going early, and even exercising, as UK officials put it, what may turn out to be an excess of caution, may save many lives and relieve the undoubted stress on our hospitals and our frontline staff.

Obviously, Mrs Dunne did not have the wisdom that Ms Lee and Mr Coe now have with hindsight.

Ms Lee also, in her typical fashion, set up a straw man to create her argument. She talked a lot about hub schools and why we have them. Her argument was, "The government has claimed that schools aren't safe, but they're claiming that the safe and supported environments of the hubs are safe." The government never claimed that schools were not safe. The government has always recognised the advice of the AHPPC on this matter, and the evidence presented. We have also recognised that that

evidence has grown over time in relation to whether or not children are vectors of COVID-19. It was not as strong a month ago as it is today.

We also recognised the anxiety in our community in mid-March—anxiety from parents and teachers, and the anxiety that is reflected in Mrs Dunne’s letter as well. It was certainly reflected in much of the correspondence between Mrs Dunne and me. AHPPC have recognised that as well, and that is why they have provided guidelines and guidance, and have taken a much more cautious approach than Ms Lee would seem to indicate.

Indeed, parents are still split on this matter. Ms Lee would like you to believe that every single parent in the ACT is urging their children back to school and wants to see schools open tomorrow. But one journalist asked Minister Berry today during a press conference, “What about the 25 per cent of parents in a recent survey who are still saying schools should stay closed for the rest of term 2? Will they be required to send their children back to school?”. As I said, Ms Lee makes out that her position is shared by all parents and all teachers, and this is clearly not true.

I would strongly encourage Ms Lee, if she has not already done so, to watch Monday’s *Four Corners* program, tracking the experience of healthcare workers. Their anxiety, while specific to their work, was reflected in the wider community over the period from early to mid-March through to today. I thought the *Four Corners* program really drew out very well how much things have changed and how quickly things have changed, and the fact that we are not today where we thought we would be. We were on an exponential curve, like so many other countries, when this decision was made, and we did not know whether we would be able to flatten that curve. We certainly did not know that we would be able to flatten it in the way that we have.

Ms Lee asks: why have hub schools? It is for the very reason that these support our steadfast commitment to equity and to supporting those students who are not able to learn at home. We repeatedly made the point that any student was welcome to come to those safe and supervised hub environments and be supported to learn; that if parents were not confident or were not able to support their children to learn remotely, or needed to go to work, or if their children needed, for their own learning reasons, to come to another environment, all of our students were welcome to do that.

We kept our specialist schools open and we continued to support the most vulnerable young people in our community. As Minister for Children, Youth and Families, that was incredibly important to me. I was incredibly aware of how vulnerable some of our children are when they are not seen in our community. It was incredibly important to me that they have safe and supervised places to go to, and that was exactly what we created for them. I commend the Deputy Chief Minister and the Education Directorate for their creativity in coming up with a solution in a very short time frame to deliver remote learning, which of course has not been perfect, but we were the best set up in the country to do it, and also to deliver safe and supervised sites for those people who could not appropriately access that.

Is it hard to communicate complex messages in this very rapidly moving environment? Yes, it is. Is it even harder when commonwealth ministers for education,

and sometimes the Prime Minister, contradict chief ministers, while at the same time telling parents that they should listen to their first ministers? Mr Rattenbury referred to the radio this morning, and one caller said, “We’re damned if we do and we’re damned if we don’t,” and that is right.

I want to finish by saying thank you. Thank you to teachers and their unions, thank you to parents, and thank you to the Education Directorate and Ms Berry.

MS LEE (Kurrajong) (4.02): In closing, I find it quite interesting that the three ministers who spoke to my motion all went on to say that it is an important issue but clearly only when they are discussing it. According to them, the motion that I moved here today is not worthy of debate in this chamber because it is “political pointscoreing”. That was a quote from the Chief Minister. It is an enormous disrespect to the thousands of parents, students and teachers who this government has failed. I will not stop being a voice for those people, and I will bring their voices here again. One parent said:

My husband and I are both working full time, and we would like to send our kids back to school; they are desperate for social contact. However, their local school is closed, and we just don’t think it’s an acceptable option to send them to an entirely new school with people they don’t know and with carers they’ve never met before. That is entirely different from what we thought was going to happen.

Another said:

For the last three weeks of the school term the ACT public schools went pupil free. During this period we tried to perform our jobs from home whilst at the same time supporting our children through their online learning. It was almost impossible to do both. So for term 2 we have no other option but to send our children to one of the schools that will be open in the ACT. This has created enormous pressure in our family as well as anxiety in our children.

Another said:

My son was diagnosed last year as having autism spectrum disorder. Due to successive failures by the school, my son has only recently been provided an individual learning plan. He is now several years behind his peers in skills such as handwriting and written expression, plus social development. We were pinning hopes on the changes and support due as part of the ILP on him being able to regain some of that learning delay this year. To do this my son absolutely needs face-to-face teaching and he absolutely needs it to be consistent.

Another said:

Given the schools have remained open to assist those of us who must still attend our place of work, most of us being in health and emergency services, we just do not have the flexibility, and especially at short notice. A few of our parents are ED nurses. They work long shifts and found out today they have no after-school care. All this government has done is add stress on families who are already quite stressed due to COVID.

Another said:

I am not sure what the reason for the hub sites is. That concept makes no sense to me. I just mean that schools are remaining open supposedly to help us, but it has actually just become a whole lot more difficult because of the hub sites concept.

The association of P&C councils provided this very frank and fearless feedback to the minister:

Hubs aren't working for families or the kids. A lot of parents withdrew because not happy with how they were working. They lacked the usual support network of schools for students and parents.

They went on to say:

Parents feel that the last six weeks haven't really been about the kids. The focus has been on logistics and making practicalities work. Parents now want to see kids and learning at the centre. Families have made a lot of concessions and taken on a lot of inconvenience and difficulty to make it work so far but are not so willing to continue this indefinitely.

Madam Speaker, when you have a government that supposedly has the best interests of Canberra's families at heart, that supposedly is concerned about issues of equity in the education system and has bumbled its way through to announce a plan that was doomed to fail from the beginning, particularly in addressing the issues of equity and access, you know that its interests are not with our children's wellbeing—social, emotional or educational.

In terms of the minister's proposed amendment, whilst we do not agree with everything, we do acknowledge and thank every single person who has worked in our education system and who this government has let down—our teachers, staff in the Education Directorate, cleaners and building services workers, bus drivers, community services organisations looking after the before and after school care at short notice, the ACT Council of Parents and Citizens, non-government schools, and even emergency services. In particular, our students have been let down by this government.

There is no doubt that in moving forward, as we need to, to get back to normality, our focus will be on ensuring that this timetable that the minister has set is rolled out, keeping in mind all of the vulnerabilities and distresses that our families, teachers and students have faced. We will not be opposing the amendment for that reason, because it has at least provided some certainty to parents. It is a step in the right direction. However, we acknowledge the ongoing distress of thousands of families who are still being locked out of access to face-to-face teaching for up to almost a month.

We will also be keeping an eye on the support that this government provides to teachers to ensure that their safety and protection are looked after. It is their workplace and they have the right to that, just like any other employee in essential services. We also need to make absolutely sure that no child is left behind after the

period of chaos, upheaval and uncertainty created by the mixed messaging and toing and froing from this government. That goes additionally to our more vulnerable children. After this period of uncertainty, the focus must now be on the safest and most sustainable route back to normal school life. That is something that we will be keeping a very close eye on.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Human Rights (Workers Rights) Amendment Bill 2019

Debate resumed from 27 November 2019, on motion by **Ms Cody**:

That this bill be agreed to in principle.

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) (4.10): With my ministerial responsibility for this portfolio, I am representing the government today. The government will be supporting this bill. However, I intend to move some minor technical amendments, which I will come to later in the debate.

The proposed Human Rights (Workers Rights) Amendment Bill 2019 will amend the Human Rights Act 2004 to provide workers with a number of work-related rights, including the right to work; to join a work-related organisation, including a trade union; to enjoy just and favourable conditions of work; and to enjoy these rights without discrimination.

When enacted as Australia's first legislative bill of rights, the Human Rights Act 2004 contained only rights drawn from the International Covenant on Civil and Political Rights and did not incorporate economic, social and cultural rights. That was because the ACT government committed to a measured approach and to assessing the impact of the Human Rights Act before considering the inclusion of economic, social and cultural rights.

In 2010 an Australian Research Council linkage project between the Australian National University and the Justice and Community Safety Directorate examined the feasibility of introducing economic, social and cultural rights into the Human Rights Act. The final report of the project recommended the introduction of a range of economic, social and cultural rights into the Human Rights Act, including the right to housing; the right to health; the right to education; the right to take part in cultural life; and the right to work, including the right to enjoy just and favourable work conditions and the right to form and join work-related organisations.

The government response to the project report noted that an incremental approach to the adoption of economic, social and cultural rights was preferred, with the right to education being the initial focus but with the potential for further economic, social and cultural rights to be considered over time.

As members will undoubtedly recall, in 2012 a new part 3A, “Economic, social and cultural rights”, was added to the Human Rights Act. The first economic, social and cultural right, the right to education, was added as section 27A.

Amending the Human Rights Act 2004 to add a new section 27B, as this private member’s bill from Ms Cody will do, will protect the right to work and other work-related rights. This bill represents another step forward in this incremental approach to the adoption of economic, social and cultural rights.

I turn now to my technical amendments. I will cover them in this in-principle debate so that members are aware of what is coming, although the issues were raised in the inquiry into this bill. I will be moving the amendments on behalf of the government; they align the bill with the current structure and approach of the Human Rights Act. Importantly, the amendments also clarify the sources of the provisions as a matter of international human rights law; the applicability of section 28 in relation to when limitations on these new rights are permissible; and the obligation of progressive realisation in relation to these rights.

The overwhelming majority of submissions to the justice and community safety committee inquiry into this bill, which I referred to earlier, were supportive of the ACT taking this step to further protect rights.

This bill will strengthen existing protections for the right to work and other important work-related rights in the ACT in a manner consistent with international human rights law. That is why the government is pleased to support this bill.

MR WALL (Brindabella) (4.14): The bill clearly illustrates that Ms Cody has made the pledge to deliver for the unions and repay a debt to them. She is most certainly intending to repay that debt today with this piece of window-dressing. This is an ideologically driven bill. We need only look at what Ms Cody’s presentation speech had in it to notice the political motivation. Could you expect anything else?

Ms Cody interjecting—

MR WALL: I think this serves both of us equally. Ms Cody has become a member for unnecessary legislation and takes the cake when it comes to adding layer upon layer of superfluous laws to our territory’s statute books. Most of the ones that she brings to this place are an unnecessary, ideologically driven, political point-scoring exercise. There is nothing of substance from this Labor member. Would you expect any more?

The Canberra Liberals see no need for this legislation. We reject outright the premise that there is a need to include workers rights in the Human Rights Act and we reject the idea that workers rights are not adequately covered in existing commonwealth and territory legislation. We find it hard to believe that these rights did not already exist.

The Fair Work Act is the pre-eminent law in this country when it comes to a person’s right to work and their rights in work, and there is no compelling reason to overlook

this. The fundamental of workplace relations is that the commonwealth has jurisdiction over this area, and rightly so. It ensures consistency across the country and across jurisdictions, creating efficiencies for businesses that encourage more jobs in our economy. The new section of this bill outlines the exact same provisions that are covered in the Fair Work Act. All Ms Cody is seeking to do is to duplicate existing legislation. Not only does the Fair Work Act cover workplace relations in a way that boosts productivity; it is fair to employers and workers alike.

Australia's international labour obligations are well covered in the act, as are protections against discrimination of any kind in any workplace. The act also protects freedoms of association in a robust way—that is, both the choice to associate and the choice to not associate with a labour organisation.

ACT legislation of recent times has seen significant changes to the Work Health and Safety Act. Many of the changes that have been made in this term of the Assembly have been introduced to have exactly the same intent as the bill before us.

On many occasions in this place I have stated my view on trade unions and the undue influence that they have on the Barr government and its decision-making—a heavier influence in this Assembly than in Assemblies before it. One needs only to look at the debacle that has been the reopening of public schools to realise just how many strings the union movement pulls when it comes to ministers opposite.

What I object to most about this influence is the impact the ideological pursuits of those opposite have on the ability of a business to get on with the job and the impact these laws have on their ability to employ. I also reject the view that a stronger, more regulated union presence on a worksite will make a workplace safer. We know that every time safety is used as an IR weapon, safety suffers most.

Adding more hoops to jump through for business is simply not helpful. It does nothing but add to the ever-increasing burden on businesses, especially in our current economic crisis. Our businesses are doing it very tough; now is not the time to be introducing more legislation in this space.

Legislatively speaking, this is the latest in a long line of bills that have sought to enshrine union affiliation in ACT law. What about legislating for the ability for workers not to be associated with a trade union? It seems that Ms Cody is more interested in the freedom to associate than in the choice to not associate.

The Canberra Liberals believe firmly that choosing to be or not to be a member of a union should never be an impediment to getting a job, having a job or keeping a job. I maintain my view that this is unnecessary legislation, pushed forward in line with a political agenda in a last-minute attempt to shore up union support just before an ACT election. Once again, the opposition sees significant issues with this bill. Those opposite have failed to convince us of its merit or its necessity at this time. The opposition has significant concerns about its introduction.

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) (4.18): I rise in support of Ms Cody's bill and the government amendments to be moved by Minister Rattenbury. Workers rights are human rights and this government is committed to supporting and protecting working Canberrans. I welcome the timeliness of today's debate, as it highlights the fundamental right to a secure job and the benefits that come with it during a time in which millions of Australians are facing significant uncertainty in their employment. The COVID-19 pandemic has challenged our entire community and it is vital that working people are provided with continued support throughout this crisis.

As a government, we have been focused on delivering much-needed support by providing emergency access to leave entitlements, creating new jobs to keep people employed and ensuring that work health and safety obligations are being upheld across all industries and sectors. Thousands of Canberrans are accessing the commonwealth government's JobSeeker and JobKeeper payments. However, our government recognises the responsibility we have in delivering additional support to Canberrans across the public and private sectors.

We are all aware of the long-term damage that COVID-19 will cause to our economy and the workers who keep the economy running. Unemployment is set to increase dramatically over the coming months, and our government will do everything we can to keep Canberrans in their jobs, create new, secure jobs right across the territory and deliver financial support quickly to those who find themselves out of work.

This bill acknowledges that workers have the right to the enjoyment of just and favourable conditions of work, a right which this government is proud to uphold and protect. The ACT secure local jobs code provides the government with mechanisms to ensure that workers engaged in government procurements experience the highest ethical and labour standards. We will continue to do business only with employers that are proven to treat their workers properly, as we recognise the community's expectations that public money be paid to employers who do the right thing by their workers.

As an employer of 22,000 Canberrans in the ACT public service, the ACT government take its responsibility to uphold workplace obligations seriously. Many of the workers engaged in the ACT public service are engaged in service delivery roles, including nurses, firefighters, rangers, bus drivers and teachers. Those workers and their public service colleagues support our community each and every day. It is only fair that they are engaged in a secure job with workplace conditions that protect them.

As a minister in this government, I support the inclusion of the rights outlined in this bill in the ACT Human Rights Act. To me, it is a no-brainer that we should ensure that all workers are empowered with the fundamental right to work, with the enjoyment of just and favourable conditions of work and an entitlement to enjoy these rights without discrimination.

This bill includes the declaration of the right to join a trade union, with the objective of promoting or protecting their economic or other social interests. It continues further to declare that everyone has the right to protection against acts of anti-union discrimination in relation to their employment. These are rights that I wholeheartedly

support and this government will always stand for. Trade unions have fought for decades to achieve the social and economic advancement of working people. Just last week we celebrated May Day, a day in which all unionists and allies of working people celebrate the hard-fought workplace benefits we enjoy today. I am pleased to support this bill and stand with my colleagues in the government who are wholeheartedly committed to improving the lives of workers within the ACT.

In closing, I acknowledge Ms Cody's continued advocacy for working people in this city and thank her for bringing this important bill to the Assembly. As Labor members, we are here to represent the interests of workers throughout the ACT and this bill contributes to this objective. I commend the bill and Minister Rattenbury's proposed amendments to the Assembly.

MS CODY (Murrumbidgee) (4.22), in reply: I start by thanking everyone who was involved in the development of my bill, particularly those workers who will benefit from it. I take a moment to thank the justice and community safety committee for their report that they handed down in support of these amendments and in support of my bill moving forward. It was a wonderful committee to work on and it was a great opportunity to examine the bill in its fullest form.

When I started this journey, who would have thought that we would be dealing with the current COVID-19 pandemic? Whilst the pandemic has caused so many things to change rapidly, as leaders of our community it is important that we maintain our focus on ensuring that the things that should stay the same do. Our respect for each other should not change. Our focus on delivering for the people of Canberra should not change. Our commitment to democracy should not change. And our focus on the rights of all people should not change. My commitment to workers rights has not changed.

The priority this bill has been given has demonstrated this Labor government's commitment to workers rights. Not only has our commitment to workers rights stood strong through the pandemic; it has reinforced to me that including workers rights in the Human Rights Act is necessary. Our newspapers are filled with stories of bad bosses, including those across the lake, attempting to use the pandemic as an excuse to rip workers off.

The Canberra Liberals are at it as well. Just last week I saw the opposition yet again attack a union for trying to protect its members. The AEU, according to Mr Coe, have now won the trophy as Canberra's most powerful union. I hope the CFMEU are not too disappointed that they have lost that trophy. Who knows? Maybe Mr Coe was just a little confused. I hear Mr Hanson could provide him with some guidance about leadership and defaming unions. Mr Coe informed the Canberra community that teachers do not deserve to be protected from workplace hazards, which is just the sort of thing we are used to hearing from the Canberra Liberals.

The majority of members of this place say that workers should not be exposed to deadly devices, poisons or diseases at work. Having failed at getting our hardworking teachers exposed to disease, what will be next? Poisons or devices? Maybe he will take a leaf out of Donald Trump's book and go for bleach. My apologies,

Madam Speaker, the enthusiasm for denying workers rights I see in the opposition has distracted me.

This bill will set a new standard for workplace rights in this territory, in this country. For those with their eyes on history I am told we are doing something here today that the greatest of American presidents, Franklin Delano Roosevelt, failed at with the second bill of rights, his workers bill of rights in 1944.

By enshrining workers rights in the Human Rights Act we are saying that workers rights are basic human rights. We are recognising that the right to a decent job, decent conditions and decent pay, the right to dignity, the right to provide for a family—all these things are fundamental. We are saying that these things should come before the speculator, the investor, the banker and the balance sheet.

Unions fought for the golden 8-8-8—eight hours of work, eight hours of play, eight hours of rest. Today we see that the eight-hour day is a rarity. We spend more time in our workplace than most anywhere else in the world does and, therefore, we need to make sure that workers are protected. For years we have been trying to patch up our federal industrial relations scheme. Those rules are continuing to fail to protect working people. By using the Human Rights Act to protect workers rights we are reconfirming that workers have rights.

I agree that maybe there are some things in my bill that could be done better, and I look forward to supporting the government amendments that Mr Rattenbury will be moving shortly. I think they strengthen the bill and I think they provide added protection for workers.

Expanding the Human Rights Act will cost good bosses nothing but will make bad bosses pay. The law should not be a protection racket for wage thieves or those who would risk the lives of their employees—wherever. However we can, we should be protecting workers rights, and we will. I am about protecting workers. Those opposite are about attacking workers. This bill will protect workers.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (4.29): I seek leave to move amendments to this bill which have not been circulated to members pursuant to standing order 178A.

Leave granted.

MR RATTENBURY: I move amendments Nos 1 to 3 circulated in my name together [*see schedule 1 at page 1034*]. I table a supplementary explanatory statement to the amendments. Just briefly, as I mentioned earlier, these are largely technical amendments. They seek to highlight the origin of the provisions and link them clearly to international law so that in the interpretation process there is a clear chain and clear connection to the international precedence and origins of these sorts of provisions.

Amendments agreed to.

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

Bill, as amended, agreed to.

Paper

Mr Gentleman presented the following paper:

Bimberi Youth Justice Centre—Copy of letter to the Discrimination, Disability, Health and Community Services Commissioner responding to the Commission Initiated Review of Allegations, dated 7 May 2020.

Executive business—precedence

Ordered that executive business be called on.

Standing orders—suspension

Motion (by **Mr Gentleman**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent the COVID-19 Emergency Response Legislation Amendment Bill 2020 being called on and debated forthwith.

COVID-19 Emergency Response Legislation Amendment Bill 2020

Debate resumed.

MR COE (Yerrabi—Leader of the Opposition) (4.32): The opposition recognises the urgency of the legislation that is before us today. I thank the government for giving us more notice for this piece of legislation than they did for last month's piece of legislation. Generally speaking, I think this is a better bill. It looks to me to be reasonably sound and strike the right balances.

Of course, there is still close monitoring and scrutiny that is going to apply to this piece of legislation and to how it is carried out by the government. But we do recognise the urgency and the importance and the need for this sort of power in these extraordinary times. As I have said before, extraordinary times require extraordinary

power and therefore extraordinary scrutiny. That is what the opposition will do, in our job as legislators and also on behalf of ACT taxpayers.

There are many pieces of legislation that are amended as a result of this bill. Many, especially those in my portfolio space, relate to giving the government flexibility with regard to the financial schemes that are in place to support businesses, primarily, and also households with the various schemes the government has on offer. That is why we think the mechanism in the Taxation Administration Act in particular is well worthwhile. Having the three schemes for exemptions, waivers, and deferrals is, I think, a clean way to deal with the schemes that have been announced already and also any possible future scheme that is yet to be announced. Having those three schemes, those three frameworks, is a good mechanism to cleanly allow those schemes to be operational.

One of the concerns I have about the legislation is that much of what is being put forward comes by way of disallowable instruments. Whilst we appreciate the fact that they are disallowable instruments, and the intention that this Assembly can therefore disallow and scrutinise those instruments, the nature of the Legislation Act, in conjunction with our sitting calendar, means that the disallowable instruments may not be presented to the Assembly in a way that allows the Assembly to appropriately scrutinise them. Later I will be moving an amendment to the Legislation Act that will give additional opportunity for the Assembly to scrutinise the disallowable instruments and subordinate legislation that gets put forward as a result of the bill before us.

In conclusion, the opposition is supportive of the legislation that is before us. But, like all things, it is going to depend on how it is applied. We will make sure that we do our job in scrutinising everything the government does with these extraordinary powers.

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) (4.36): The ACT Greens will be supporting the COVID-19 Emergency Response Legislation Amendment Bill. That is our general party position.

As a minister, I have a range of important amendments that occur in a number of my portfolios, including to the Corrections Management Act, the Crimes (Sentence Administration) Act, the Human Rights Commission Act and the Retirement Villages Act. I will touch briefly on those because the Chief Minister was not able to cover all of the provisions in his introductory remarks. I want to take the time to set out a little more of the thinking and the intention behind these amendments.

In terms of the Corrections Management Act, one of the amendments is for an extension of time in police custody. The bill amends section 30 of the Corrections Management Act to extend the time a person may be held in police custody, in a police cell, from 36 to 48 hours. Currently people taken into custody over the weekend must be transferred from the police lock-up to the Alexander Maconochie Centre if they are to be held for longer than 36 hours, before being taken to court at the earliest opportunity. In some cases this has seen people assessed, inducted and

housed in the AMC for a very short period of time before then being transferred back to the court cells for a Monday morning bail hearing which may result in bail being provided.

This amendment will therefore reduce the risk of transmission of COVID-19 into the AMC by reducing the number of people with whom the detainees may come into contact through transportation and processing requirements while they are waiting to appear in court. The idea, basically, is that at the moment someone could well be taken to the AMC on a Sunday afternoon, processed through the entire system then brought back to court on Monday morning to then be given bail by the Magistrates Court. The approach we are trying to take here is that we feel that this is an unnecessary transfer. Whilst somebody will spend longer in the police cells, I think that, with the choice most people would have, they would probably rather just sit in the police cells for a little longer than be processed into the AMC.

While the legislation will be passed today, with the support of members of the Assembly, the provisions will commence by ministerial declaration, to allow time for ACT Policing and ACT Corrective Services to draft any required new policies and procedures. The amendment seeks to support the continued best practice operations of ACT Corrective Services during the COVID-19 pandemic. It really is focused on the health and wellbeing of detainees and reduces the need for detainee transport and unnecessary exposure to jail processes.

Whilst this measure clearly engages human rights, there are safeguards built into the bill to ensure that people in police custody will be cared for appropriately. At-risk detainees will still be transferred to the AMC if it is deemed that jail can provide the most appropriate level of care. I will be seeking the ongoing feedback of advocates and service providers, as well as monitoring this change to ensure that it is not adversely impacting vulnerable people in the justice system.

I turn now to the section of the bill that inserts a new part into the Corrections Management Act to create an extended leave permit scheme to allow the director-general to grant leave towards the end of an offender's sentence. This provision, which will only commence by ministerial declaration, applies only during the COVID-19 period, to reduce the likelihood of the outbreak or spread of the COVID-19 virus in our jail.

I highlight that the director-general will be required to publish guidelines on the ACT legislation register to ensure effective and appropriate use of this provision and to ensure that the community is aware of the rationale and operational thinking that will guide the use of this provision if it is ever triggered.

The World Health Organisation has spoken about the threat within prison settings for transmission of the virus and the opportunity for prevention and control. In a recent decision, the Victorian Supreme Court heard and accepted evidence that in the event of the COVID-19 virus entering the prison it would spread more quickly than in the community, due to the closed environment. This has been recognised in a number of overseas jurisdictions, including the UK, which have implemented early release schemes.

If an offender is granted COVID leave they will be supervised by ACT Corrective Services and supported within the extended throughcare pillars of basic needs, accommodation, employment training and financial sustainability, community connections and support, and of course health, particularly with respect to access to appropriate housing.

There are of course legislative safeguards built into this proposal. These include that the scheme will only be commenced if required. I will be advised in this regard by ACT Corrective Services, ACT Health and Canberra Health Services. Offenders who are serving a sentence for a serious violent offence, sexual offence or family violence offence are not eligible for this scheme.

Offenders will only be released for a maximum of 60 days for sentences of less than one year, and 120 days for sentences of one year or more. Leave permits will be subject to a range of conditions, such as having suitable accommodation. It is also important to note that detainees who are under these leave conditions are still under sentence. This means that if they breach any of the set conditions or commit a fresh offence they will be returned to lawful custody to complete the remainder of their sentence.

This bill also seeks to amend the Crimes (Sentence Administration) Act by introducing an administrative sanction scheme for alleged breaches of good behaviour orders, intensive correction orders and parole. The change will avoid minor or low-level instances of non-compliance with orders. They can be dealt with appropriately, rather than being automatically referred to the sentencing court or Sentence Administration Board. This will allow the justice system to function effectively during this time and reduce opportunities for the spread of COVID-19 in the event that appearances are required before the court or board.

This amendment also supports the effective case management of orders, as formal breach proceedings can disrupt an offender's progress on the order and lead to their disengagement. As with the other amendments, there will be new policies and procedures developed, and I will be seeking regular briefings on the use of these discretions to ensure consistency.

The bill makes amendments to the Human Rights Act to introduce an information-sharing mechanism to allow Human Rights Commission commissioners to share information as part of their functions and to give the Human Rights Commission a complaint-handling power for matters relating to abuse of vulnerable people. It is important to protect vulnerable persons, especially during the COVID-19 pandemic.

Enhanced information sharing between the commissioners will ensure that complainants can get the assistance they need and do not need to provide the same information to different areas of the Human Rights Commission. The amendments do engage and potentially limit some human rights, particularly the right to privacy. However, safeguards are in place to ensure that sharing of information can only occur within the Human Rights Commission's functions, which are focused on the protection of some of the most vulnerable people in our community.

The complaint-handling amendment expands the functions of the ACT Human Rights Commission so that it can consider complaints in relation to the abuse of vulnerable people. After the commencement of the amendment, a person who is concerned that a vulnerable person is being abused, neglected or exploited, or the vulnerable person themselves, may complain to the Human Rights Commission and have the matter dealt with through that mechanism. It is not dissimilar to some of the powers that the commission already has, where they can use an escalating series of interventions to seek an effective outcome without necessarily needing to take a matter to a judicial environment as such.

Finally, the bill amends the Retirement Villages Act 2012 to allow annual budget meetings and annual management meetings at retirement villages to be postponed until after the COVID-19 emergency, to authorise that a meeting of residents can be conducted through means other than in person, and to provide that there will be no limit on the number of residents a person can act as proxy for. These amendments are designed to ensure good governance and legislative compliance without compromising the health and safety of retirement village residents.

At the moment, the act requires that a meeting must take place, must take place in person and must take place by certain dates. This is designed to recognise that the practicalities of the pandemic situation require that, particularly with retirement villages which contain residents who are perhaps in the more vulnerable categories, we can bring some flexibility to the process of having their annual meeting but at the same time ensure that there are continuing governance processes and rules so that residents have access to budgets and the like as these meetings take place.

In conclusion, these amendments are designed to support the continued operations of various ACT government agencies during the COVID-19 emergency and protect vulnerable members of our community whilst maintaining a degree of oversight and a degree of legislative conditions. I think that they will provide the right balance. A number of them will not be used unless necessary. Certainly, with the current situation in the ACT, I would not anticipate activating some of these provisions, as I have referenced earlier in my remarks. But, should we see a spike or an outbreak in the ACT, we are now in a position where we have the provisions in place if we need to activate them quickly during the current public health emergency.

I commend the bill to the Assembly.

MR HANSON (Murrumbidgee) (4.46): I will comment on various aspects of this bill, primarily the Attorney-General's area. The bill seems to be focused on the practical measures needed by frontline operators to continue to deliver essential services during this difficult time. It was put to us in our briefings that provisions were included in this bill only if they related to urgent and operational matters. It is also worth noting that each section is limited to the COVID emergency period, although that exact timing seems to differ as required in each case.

With that in mind, I will briefly touch on some of the key areas, and the first is the change to the Associations Incorporation Act 1991. The substantive change is, as

Mr Rattenbury just said, that the committee may authorise that a meeting be held using a method of communication or a combination of methods of communication that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence. This is an important change in the days of social distancing.

I am aware that many clubs and associations have been seeking clarity, and this approach provides a practical way forward. I am also aware that some organisations, such as strata management companies, have already made public statements in support of these changes. As a practical solution to the current restrictions, we support this change.

The next changes are those to the courts or the criminal justice system, which allow for those areas to operate in a socially distant environment. These changes include to the Bail Act 1992, which will allow that an undertaking may be taken in writing or given before the court, and to the Crimes Act 1900, which will allow for information on oath to be given by an electronic version or affidavit. There are similar changes, for example, to the Drugs of Dependence Act. In general, we support these types of changes, especially noting that they are all time limited.

There are slightly more complex matters, such as those in the Court Procedures Act 2004. The court may adjourn a proceeding for a period longer than 15 days if the court considers it appropriate in the circumstances. I know this raised some questions, including from my colleague Mrs Kikkert. In our briefings from Mr Ramsay's office we were informed that these were requested because staff have found they cannot physically get all the material together for hearings within the normal 15 days during COVID-19 restrictions, and we accept that reasoning.

It is similar with the Public Trustee and Guardian Act 1983, in that it raises slightly more complex issues. Currently, the public trustee and guardian may only delegate the function of acting as a guardian or manager when appointed by the ACAT or applying to the ACAT for an appointment of a person as a guardian or manager. This will be replaced with a clause that allows the public trustee and guardian to delegate the following functions: making a decision in relation to medical treatment involving treatment, care or support under the Mental Health Act 2015; buying, selling, realising or mortgaging real property, or granting a lease of real property; or borrowing money, with or without security.

At first this appears to give the public trustee substantially more delegated powers. This was confirmed in the briefing from the A-G's office. However, we were also advised that this followed a request from the public trustee to meet the increased calls on their services. In their words, there will just not be enough people to do everything needed otherwise. It is worth noting that other jurisdictions have similar delegations for the same reasons. In the circumstances, we support this change.

The last area worth noting is one that has crossover with an important, ongoing policy challenge. The change to the Human Rights Commission Act 2005 inserts provisions that relate to vulnerable persons. The change will allow a person to apply to the commission when a person believes on reasonable grounds that the vulnerable person

is subject to or at risk of abuse, neglect or exploitation. A vulnerable person, in this instance, includes a person with a disability or a person over 60 with an impairment. This is related to the elder abuse issue, and I note that legislation on that has been tabled today.

In our briefing we were informed that the government has been undertaking consultation and that public feedback indicated the need for this type of mechanism. Furthermore, we have been informed that there has been a spike in cases without any available complaint process. This is worsened by the fact that ACAT are not hearing any matters until at least October. Together, they combine to make a compelling case for these changes, even if some parts are linked to a broader policy goal, and so we support them.

In conclusion, given the advice that these changes are limited to urgent and operational matters and that they have come from frontline staff and agencies and are limited in time, we accept that these changes are in line with being operational clauses to deliver services during the COVID period. I thank the Attorney-General's staff for the briefing they provided to us in a timely fashion.

MS LEE (Kurrajong) (4.52): The Canberra Liberals have been very vocal about the need for the government to get right the messaging and the arrangements for students returning to school. I am not sure, with today's changes, whether the government has learnt that lesson. Given the debate, perhaps not.

We acknowledge the importance of keeping our teachers safe, our school environments safe and our students safe. Everyone with a child at school knows how hard it has been to educate and supervise their children at home, and I am just as sure that the last few weeks of uncertainty around schools have created an enormous burden on our hardworking teachers.

The purpose of these amendments to the Education Act 2004 is to ensure that the operation of schools can continue legally and with minimum distraction with regard to the administrative processes involved in a school's re-registration and that they will not fall foul of certain provisions regarding attendance, primarily during this COVID-19 emergency.

At any given time, a number of schools, both government and non-government, fall due for re-declaration or re-registration. During this current period, there are something like nine non-government schools that would in other circumstances be preparing for registration or re-registration. The process of affirming, assessing and measuring the school's performance against a set of standards is a vital body of work in the accreditation process and it is one that must be done thoroughly.

Given the fluidity and uncertainty of the current circumstances, it is only appropriate that the minister give an extension of registration requirements to schools that fall due during this time so that school boards, principals and teaching staff can concentrate fully on delivering learning in an effective and efficient manner and prepare their school leaders, their staff and their students for a return to face-to-face classroom teaching without the distraction and pressure of re-accreditation.

Three new sections—84A, 88AA and 153B—allow the minister to provide an extension to schools so that their registration is covered and that school principals and school boards can be protected against any accusation of not meeting the Education Act’s requirements in respect of such things as student enrolment and attendance, classroom lesson delivery, compulsory education age, and keeping of registers. The new sections will come into effect by way of disallowable instruments that have the ability to be extended to sunset in 12 months or earlier, with the expiry of the COVID-19 emergency.

The Canberra Liberals have no issues with these new sections, except to flag a minor point that the amendments do not remove the right of a parent to keep their child at home without risk of penalty in current circumstances. In any reasonable circumstance, a parent’s excuse for doing so would be acceptable. However, I hope these additional powers under this disallowable instrument give some certainty that a parent who chooses to keep their child at home during the COVID-19 emergency will not fall foul of the Education Act.

At the same time, with the announcement in the *Canberra Times* this morning that schools will be reopening for face-to-face education, it is appropriate that all requirements under the Education Act, including attendance requirements, become applicable to its normal operation as soon as possible. I have consulted with the non-government schools sector—I understand the government has done the same—and they, too, are comfortable with and understanding of the need for these measures during the COVID-19 emergency.

Given the rapidly changing direction for schools, the 12-month sunset appears likely not to be needed, with the removal of an ACT-wide health emergency under which these amendments apply likely to occur perhaps—perhaps—sooner. We all hope that in the ACT and, indeed, across Australia we can return to normal school life, but it must be firmly based on expert medical advice and with the rights of our children’s education, development and wellbeing front and centre.

MS LAWDER (Brindabella) (4.56): I thought I would take the opportunity to speak briefly on the amendments proposed for the Retirement Villages Act 2012. During these difficult and unprecedented times, it is more important than ever to ensure that our older Canberrans, our senior Canberrans, are protected and assisted as much as possible.

Seniors in our Canberra community are resilient and they have faced tough circumstances many times in the past. But it is important, from the territory government perspective, that everything is being done to keep seniors healthy and in good spirits and to keep their living arrangements, including their relationship with their retirement villages, in good order.

The COVID-19 pandemic has put significant pressure on retirement villages and their continued efforts to keep their residents safe. I would like to thank all the retirement and aged-care village personnel in Canberra who are working during this pandemic to assist their residents.

Although these amendments may be only temporary in nature, it is important that, as with all legislation that comes to this place, we scrutinise them carefully. It is vital that social distancing restrictions are in force, and these amendments assist in removing some of the obstacles in the way of social distancing at retirement villages.

We have all seen the importance of enforcing restrictions during this pandemic, but it may be interesting to see how this is going to work in practice. If a residents committee chooses to authorise a meeting of residents, it must be held using forms of communication other than in person, and it is the responsibility of the operator of the village to ensure that residents have access to the necessary facilities in order for them to participate. This may mean a laptop; it may mean wi-fi, a smartphone or a range of ways to ensure that residents can participate in a virtual or remote meeting.

This is something that many of us here in this place take for granted every day. However, we still face technical issues. Older people often express to us their concerns about accessing technology, especially new technology. We have all had to learn how to use videoconferencing equipment in this place. Sometimes that is easier than at other times.

Whilst there are helpful resources available to seniors, and training and support, I hope that all operators will be very conscientious about providing residents with technology support and advice. While they are social distancing, of course, there is another added challenge to that.

When considering these amendments, I spoke with a number of stakeholders in the area, including the Retirement Village Residents Association, members of some residents committees and some in the industry. While the general consensus was that the amendments are fair and appropriate, one point that was a matter of some discussion was the number of proxy votes a person will be able to hold on behalf of a resident.

The change is a necessary but temporary measure, I agree, but I am concerned about how this may be used. It is important that as many residents' voices as possible are heard in meetings, especially if residents are unable to attend a meeting in person. Residents are already concerned about the recent change, and a previous change, to the legislation about the number of proxies per participant.

Many of us have loved ones in retirement villages and aged-care facilities. Some retirement villages are co-located with aged-care facilities. In Canberra we have worked hard and well to stop the spread and flatten the curve, but we acknowledge that there is a serious risk to older people in our community. Something that the retirement village industry have raised with me is their interest in understanding more about the process, the implementation of the relaxing of social distancing measures. Their population is generally at high risk, not only from age but because of comorbidities or existing health conditions.

As we have already spoken about, we must all take responsibility ourselves in respect of retirement villages. We must not go and visit our loved ones if we are not well

ourselves. We must get our flu shot, if we have not already. I hope everyone has. And we must continue to do what we can to stop the spread of the COVID-19 virus.

We will be supporting the amendments, and I thank Mr Rattenbury for bringing these amendments forward.

MRS JONES (Murrumbidgee) (5.02): I rise to speak on the changes in the bill that relate to corrections and to foreshadow that I will be moving amendments to the bill which have been circulated in my name.

Firstly, I go to the changes to the Corrections Management Act. As Mr Rattenbury pointed out, the bill changes the time that a person can be held in police custody, in the holding cells, from 36 to 48 hours, until the next sitting of the Magistrates Court. While I have some concerns about people sitting around in the watchhouse for a long period, it reduces the number of instances where a person is taken into custody at the AMC and I can understand the rationale behind the change.

I hope that the police staffing can handle it if there is an increase of people at the weekend. I understand that people will be fed by corrections whilst they are in there for the additional hours; that makes this change workable. It also allows for the process of the Sentence Administration Board to be, in a sense, bypassed, by empowering the director-general to grant leave to inmates for COVID-19 reasons. My understanding is that if these changes are enacted, it will only be in the case that there is in fact a COVID-19 need and that we will be made aware of that through the chamber. This is something that can take place only in the last 60 or 120 days of someone's sentence, depending on the length of their sentence, and does not apply for offenders with violent or sexual or domestic violence offences.

Secondly, I go to the changes to the Crimes (Sentence Administration) Act. The bill provides that small administrative breaches of community-based sentences, such as intensive correction orders and good behaviour orders, do not have to be reported to the Sentence Administration Board. The community corrections office will be given discretion as to what it reports—minor breaches or not—which is designed to reduce the administrative burden on the courts and the Sentence Administration Board if these kinds of misdemeanours are not actually taken into account when decisions are being made. I trust that it will be used carefully. I will be interested to see how we report on the use of this at the end of the COVID-19 period.

Then there are the changes to the Crimes (Sentencing) Act. This change is essentially an administrative change and allows both pre-sentence reports and intensive correction assessments to be considered by the court at one time. That seems a sensible change to me and perhaps should have been there in the first place. I imagine that is just an artefact of history and how these laws have come to be.

All these changes are subject to a sunset clause, which is right and just, given the rushed nature of the passing of the bill. I have raised with the minister's office that it may be reasonable to keep some of the changes in the longer term. I have suggested that these laws be reviewed at the end of the COVID-19 period and that such changes might be continued if they are working well.

I note that there are minor changes in definitions in the Firearms Act and Prohibited Weapons Act, all of which are technical and administrative in nature.

To speed up the process tonight, I will quickly speak to the amendments that have been circulated in my name. They make a change to the Crimes Act and the Magistrates Court (Crimes Infringement Notices) Regulation 2008.

One amendment creates a new offence of intentionally spitting or coughing on a police officer during the COVID-19 emergency, with a threat of spreading the illness. While the offence will attract a maximum penalty of 200 penalty units or two years imprisonment, which is in line with common assault, the whole of the policy is about giving the police the power to issue an on-the-spot fine of \$1,500, similar to changes that have been made in New South Wales.

The new offence is made up of three parts: the person intentionally coughs, spits or expectorates on another person; the other person is a police officer; and the conduct would likely cause a reasonable person to fear that coronavirus could have been transmitted. We have already seen cases like this in the ACT. Should this occur, the offender can be issued with a \$1,500 fine.

Threatening our police with coronavirus is disgusting and should not be tolerated. The frontline police officers out there on the beat every day, risking their lives for our community, do not get to work from home; they do not even ask to work from home. But they do want this provision. Can you imagine going to work and having someone spit on you or cough on you or your mate and tell them that it will give them the viral illness that we have all been working so hard to prevent? It would put the fear of death into you. It would make you very concerned for your own family. It would be a traumatic and challenging experience. Police do not go around in PPE. They carry it in case they have a concern that they need it, but there can easily be a situation where someone is spat on or coughed on, as has occurred already, and they do not have PPE on.

The police themselves, through their representative organisation, the AFPA, have asked for this change. My concern is that police need a fast response to shut down such dangerous behaviours. Our police want this temporary power and it should be given to them. I cannot see why we would not give it to them. I hope that the government, when we vote on the amendment, will support it. As a parliament, it is important that we fully back our police and ensure that they have the powers and protections that they need to do their job.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.08), in reply: I thank members for their contributions to the debate and their willingness to quickly, comprehensively and constructively examine and discuss the components of the legislation. I will speak just briefly, to provide some further detail on proposed changes that I have responsibility for as Treasurer. I touched on the Payroll Tax Act elements in my introductory speech.

As members are aware, the government's economic survival plan does include a range of actions to assist households and businesses through these difficult times. This includes a range of tax relief measures, through rebates and waivers and cashflow assistance and through deferrals with interest free periods. The amendments to the Taxation Administration Act 1999 provide the government with a greater set of tools to implement these measures flexibly under changing circumstances and consistently across tax lines. It is important that the government can act with clarity so that all parties know where they stand and what support they are eligible for.

The tools for the minister are directed at measures to provide tax relief, whether by exemption, rebate or deferral. The ministerial powers are to be implemented by disallowable instrument and are subject to a sunset clause. I note the comments of the Leader of the Opposition and can foreshadow government support for the amendment he intends to move.

The measures will apply for a two-year period during which no COVID-19 emergency declaration is in force. This is important because it will allow taxpayers to transition back to regular tax settings. An example of this is: the government has announced a deferral of rates instalment notices for both residential and commercial properties. This is to provide cashflow relief for a four-week period initially. To enable instalments to eventually transition back to their original, or what you could describe as regular, timing, greater flexibility is required in adjusting the period instalments so that we do not have too many bills arriving all at once. It would be a gradual transition over a period. Accordingly, the amendment to section 19 of the Rates Act allows the minister to specify alternative periods. These amendments to tax laws are an important part of the government's continued efforts to support the community, and I thank Minister Ramsay in particular and his office and the public sector officials for their hard work on this bill.

I will say I had a wry smile on my face when Ms Lawder discussed proxy votes. I think anyone who has been in a political party will have had a discussion about the application of proxy votes at one point or another in their career. I understand the importance of the application of proxy votes and, indeed, how many could be issued at any one time. It was a good issue to raise and an important discussion to have, whether it is in an aged care or retirement village context or, indeed, in any other association.

I thank members for their contribution to the debate and foreshadow that we will be supporting Mr Coe's amendment and that the Minister for Health, Ms Stephen-Smith, has circulated an amendment in relation to an aspect of the bill that, following discussion with the shadow minister, has been agreed to be omitted from this legislation.

Again, I think this is a good example of this place working effectively. I thank all members for their contributions in the lead-up to the debate today, by way of the earlier briefings and feedback, and the way in which this debate has been conducted. It is, again, a tribute to this place and I commend the legislation to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR COE (Yerrabi—Leader of the Opposition) (5.12): I seek leave to move an amendment to this bill which has not been considered by the scrutiny committee and not circulated to members pursuant to standing order 178A.

Leave granted.

MR COE: I move amendment No 1 circulated in my name [*see schedule 2 at page 1035*]. As foreshadowed in my earlier speech, the amendment requires the government to present in the chamber disallowable instruments and regulations on the next sitting day, rather than the usual six sitting day period. This will give greater opportunity for the Assembly to scrutinise the subordinate laws and potentially move to disallow any, if the Assembly so wishes.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.13): As I foreshadowed, the government supports this amendment and thanks Mr Coe for bringing it forward.

MR RATTENBURY (Kurrajong) (5.13): The Greens will be supporting this amendment from Mr Coe. I think the points that he makes about both the unusual times and the way the sitting calendar has moved are appropriate and that this sort of additional opportunity is presented. We are happy to support the amendment.

Amendment agreed to.

MRS JONES (Murrumbidgee) (5.14): I seek leave to move amendments to this bill which have not been considered by the scrutiny committee and not circulated to members pursuant to standing order 178A.

Leave granted.

MRS JONES: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 3 at page 1035*]. As foreshadowed in my earlier speech, the police have requested the ability to issue on-the-spot fines for coughing and spitting on them in the COVID-19 emergency. This amendment gives that ability to the police.

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) (5.15): I am pleased to speak briefly on this matter and briefly on why the government will not

be supporting it. The work of our health workers and our frontline community workers, including police officers, is always challenging, and during an emergency the intensity and the risks in this work are even more elevated. Of course governments should do what we can to protect our essential service workers.

The behaviour of a person intentionally spitting on or coughing at a police officer is atrocious conduct at any time. It is unacceptable conduct whether it is committed against a police officer, a health worker or any other person in the community. It should not and will not be tolerated. The offences proposed in Mrs Jones's amendments are not changes that are appropriate at this stage. They are weaker than the existing offences which already address the same behaviours and which are being used effectively already to protect the community during this ongoing public health emergency.

ACT Policing has already charged two people recently for spitting and coughing in public while claiming to be infected with COVID-19. In both cases the victims were service sector workers and the perpetrators were charged with performing an act which causes public alarm under section 140A of the Crimes Act. The offence attracts a maximum penalty of 10 years imprisonment, which obviously is a higher penalty than the provision proposed by Mrs Jones and is an appropriate way of dealing with such an appalling action.

The amendments also impose both strict liability and absolute liability. This government and this Assembly have, rightly, repeatedly exercised significant caution before creating offences of strict or absolute liability. We obviously welcome the comments that we have received and the caution that has been displayed when bills concerning strict liability or absolute liability have been considered by the standing committee, and that is indeed appropriate.

The types of offences for which an on-the-spot fine can be issued will also be difficult to enforce and clearly run a significant risk of needing court intervention in any event. There are other existing offences which cover the behaviours in the proposed amendments: general assault provisions, public alarm offences such as common assault, acts endangering life, acts endangering health, threat to inflict grievous bodily harm and affray.

We have looked very carefully over a number of weeks at this concept and we believe that the existing provisions in our criminal law are both effective and stronger than the proposed amendments. The existing provisions already protect not only our hardworking police but also all our important frontline workers and the entire community. The additional offence is not needed or appropriate at this stage and the government will not be supporting the amendments.

MR RATTENBURY (Kurrajong) (5.18): I strongly agree with Mrs Jones that the act of threatening to spit or actually spitting on somebody and claiming you have COVID-19 and creating the sort of alarm that goes with that is a reprehensible and disgusting act, and there is no place for it in our community. Unfortunately, we are hearing reports of it, both in this jurisdiction and in others.

In terms of the proposed amendment, I am not, however, convinced that it is the right way to proceed. I note the comments from the attorney, and I have had a look at the legislation myself. Section 140A of the Crimes Act clearly is applicable in these circumstances, and I note the attorney's comment that there have already been two cases in the ACT where charges have been laid. I think that demonstrates that we have effective laws in place that can deal with this situation, so I am not convinced that a particular provision is needed in these circumstances. We evidently have suitable provisions in the laws to deal with this matter. I note that the attorney referred to other provisions as well, such as common assault.

Given that we have already seen the application of section 140A, it seems that police have appropriate, adequate and, in fact, quite strong powers, with very severe penalties at the higher end, to ideally dissuade and then provide a penalty for this kind of behaviour if somebody goes down that path.

MR COE (Yerrabi—Leader of the Opposition) (5.19): Madam Speaker, I rise to support my colleague's amendment. It is very important that we as a legislature send a message to the community that (a) we back our police officers and (b) the thought of coughing or spitting to threaten or assault a police officer during this COVID-19 emergency is reprehensible. Amongst the police officers that we have spoken to, I do not think there is clarity that there is sufficient legislation to charge, prosecute and convict somebody who does either of these things.

Given the severity of what we are talking about today, if there is any doubt at all about this issue, we are best clarifying it while we have the chance. It would be a great shame if, in the coming weeks or months, such an action were to take place—if somebody who did have the virus were to cough or spit on a police officer—and the person was unable to be convicted because of insufficiencies in legislation. That would be a tragedy. We have an opportunity to clear this up right now.

The Attorney-General has said that there is appropriate legislation right now. I note that he has said that. But the police association and many individual officers have expressed concern that they are not confident that there is sufficient coverage for them.

It is clear that this amendment is not going to get up, but I urge the Attorney-General and/or the minister for police to at least issue an advice or an instruction to police officers and the AFPA about the legal advice they have so that at least they are on the same page as the police officers. I think we owe them that.

I thank Mrs Jones for bringing forward this very thoughtful amendment. It is disappointing that we are not going to provide clarity in this space. I very much hope that the Attorney-General's advice is correct and I hope that he provides that advice to the men and women on the front line keeping us safe.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (5.23): I will speak very quickly in response to Mr Coe's comments, because the attorney cannot speak again. I would just reiterate what the attorney said: that, in fact,

people have been charged for undertaking this activity. The Chief Police Officer has spoken about this at our press conferences, which are on Facebook Live. If the police association wants further information about that, I am sure it can be provided. Police have been taking these actions incredibly seriously. People have been charged under existing legislation in relation to this, and this has been publicised.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 6

Noes 8

Miss C Burch
Mr Coe
Mrs Jones
Mr Milligan
Mr Parton

Mr Wall

Mr Barr
Ms J Burch
Ms Cheyne
Mr Gentleman
Ms Le Couteur

Ms Orr
Mr Rattenbury
Ms Stephen-Smith

Question resolved in the negative.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (5.28): I seek leave to move an amendment to this bill which has not been considered by the scrutiny committee and not circulated to members pursuant to standing order 178A.

Leave granted.

MS STEPHEN-SMITH: I move amendment No 1 circulated in my name [*see schedule 4 at page 1036*]. This amendment removes the amendment that was proposed to the Public Health Act. That amendment had the intention of deferring the biennial report of the Chief Health Officer from 2020, when it is due, to 2021 and then resuming the biennial reporting requirements. The shadow minister, Mrs Dunne, was keen to ensure that some kind of report is delivered in 2020. We were unable to reach agreement about what that might look like. We will discuss that further. I thank the opposition for supporting this path forward.

MR COE (Yerrabi—Leader of the Opposition) (5.29): In this specific instance, and in the generality, we are supportive of the government omitting clauses in their legislation. On behalf of Mrs Dunne, we thank you for the collaborative approach that you have demonstrated with this issue. I know that she is looking forward to resolving it and working out a way forward.

Amendment agreed to.

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

Bill, as amended, agreed to.

Human Rights (Workers Rights) Amendment Bill 2019

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) (5.30): In the earlier debate on the Human Rights (Workers Rights) Amendment Bill, through oversight I failed to table the government response to the report of the justice and community safety committee inquiry into that bill. I present the following paper:

Justice and Community Safety—Standing Committee—Report 7—*Report on Inquiry into Human Rights (Workers Rights) Amendment Bill 2019*—Government response, dated May 2020.

Electronic Conveyancing National Law (ACT) Bill 2020

[Cognate bill:

Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020]

Debate resumed from 20 February 2020, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

MADAM SPEAKER: I understand that it is the wish of the Assembly to debate these bills together. That being the case, in debating order of the day No 1, executive business, members may also address their remarks to executive business order of the day No 2.

MR HANSON (Murrumbidgee) (5.31): I will respond on behalf of the Canberra Liberals. I indicate that we will support both bills and the government amendment. The system proposed in these two bills creates an electronic land titles register for the ACT. The current system still requires face-to-face contact, exchanging paper documents and physically lodging registration. There is a better way in today's world.

As safeguards, the bill provides that the register cannot be changed without verification of the person's identity and proof of their authority to deal with the land. The registrar-general has the power to order audits and for parties to provide proof of identity and ownership and can refer any matters in doubt to the appropriate authority, either by their own cognition or by complaint.

While all states and territories are adopting this process, it has raised issues in the ACT context. I will briefly touch on two of those. The first is the verification of identity requirements in a human rights context. We raised this in our briefing with the Attorney-General's office and received a reply stating that the information is very similar to that already provided. It was put to us as follows:

While we are asking people to show extra information to verify they are who they say they are when transacting, for example, passport and drivers licence, we will not be storing that information on the title for people to see.

In our view, the identification requirements are balanced by the fact that information of the same type is required in the current system. There are requirements for the

protection of that information and that entire system is based on correctly identifying the actual owners. Whilst fraud has been rare, it has occurred. This seems to be a reasonable balance and it does achieve a legitimate purpose.

The second issue raised by scrutiny is the automatic adoption provision contained in the national law. This provides that a change agreed at the national level will be adopted in the ACT. The government has responded by noting that no change is to be undertaken without at least a 75 per cent majority nationally. There will be notification and transition periods and, should a national amendment really be incompatible or unacceptable, it can be changed by local amendment in the ACT.

We have had communication to the effect that the minister is happy to give an undertaking that the government will table any changes to the e-conveyancing national law, for the benefit of the Assembly. I note that the Attorney-General is nodding his head. If that is the case, it would provide an extra level of certainty and scrutiny, and we support such an undertaking. Lastly, there is the government amendment, which relates to timing to provide the best and smoothest transition, and we will support that amendment.

In conclusion, I thank Mr Ramsay's office for providing briefings, particularly Brooke Thomas and Michael White in this case. While noting the issues that have been raised and discussed, we are satisfied with the balance of safeguards that is in place, and that this will be an improved system. We hope it can be implemented effectively and quickly.

MS LE COUTEUR (Murrumbidgee) (5.34): I was thinking when we wrote this that I needed to help the Assembly to get through the rest of today's business, but I am actually confident now that we will do so. Nonetheless, I will speak very briefly on the bills.

The Greens will be supporting both of these bills, as well as the government amendment. Electronic conveyancing did seem to us to be a sensible idea when the bills were first introduced, particularly given that the rest of Australia has gone down that route. But with COVID-19 it now seems to be even more sensible. At this point in time, clearly, we must have fewer people meeting each other and passing around papers. I think this bill is very timely, and it is one that the Greens will be supporting.

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) (5.35), in reply: I am pleased to close the debate. I thank both Mr Hanson, on behalf of the Liberals, and Ms Le Couteur, on behalf of the Greens, for their support. While I may not be quite as brief as Ms Le Couteur was, I will certainly be keeping my speech short.

I welcome the opportunity for the Assembly to debate the Electronic Conveyancing National Law (ACT) Bill and the Land Titles (Electronic Conveyancing) Legislation Amendment Bill. Together they provide Canberrans with a more efficient and secure framework for their property transactions. The Electronic Conveyancing National

Law (ACT) Bill applies the electronic conveyancing national law, with some amendments to reflect the needs of the ACT. The Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020 will modernise ACT land titling laws so that they are less paper based.

The bill removes the requirement for the certificate of title to be handed over between parties in a transaction and replaces it with a stronger security measure requiring verification of identity and a party's authority to deal with land. In turn, this provides scope for the ACT to use and apply the national framework for electronic conveyancing. Madam Speaker, I present the following papers:

Electronic Conveyancing—

ACT Operating Requirements.

ACT Participation Rules.

Revised explanatory statement to the Bill.

Registrar-General's Rules—

Verification of Authority.

Verification of Identity.

The associated rules adopt and apply the nationally agreed model rules for electronic lodgement network operators, or ELNOs—another acronym that we will become familiar with—and subscribers to the ELNOs, being lawyers and mortgagee banks. I have also tabled the associated rules for in-person settlements under the Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020, which are the verification of identity rules and the verification of authority rules. I note that the verification of identity and the verification of authority rules have been amended to recognise how practitioners and their clients can adapt in the current COVID-19 environment for in-person settlements.

I would like to thank the Standing Committee on Justice and Community Safety, in their legislative scrutiny role, for their reports on the two bills. The reports included advice that we could improve the explanatory material in relation to clause 25 of the conveyancing national law bill, which we have taken up.

One of the issues that was raised by the committee in report 41 was whether the Assembly will be able to debate future changes to the e-conveyancing national law before they are automatically adopted in the ACT. I want to note for the Assembly the process for how such amendments would take place, by way of context. The ACT government would have voted on the proposed amendment to the e-conveyancing national law at a policy design stage. Further, the amending bills to the national law must be in a form that is agreed by the states and territories as giving effect to the proposed changes before it is introduced into the New South Wales parliament. Once passed by the New South Wales parliament, it will be part of the conveyancing national law which the states and territories have agreed to implement.

Given those circumstances, the government will table the changes in the law but will not automatically seek a debate in the Assembly on those changes. In doing that, we

approach the changes to the e-conveyancing national law in much the same way as we approach the changes to Australian Consumer Law.

These bills have in common safer transactions. When these bills were developed, we knew that the ACT would benefit from safer transactions. At the time we could see that this could flow through to the lessening of the chance for fraud. Both require a client's identity and authority to be verified before the transaction takes place. But now, in the COVID-19 environment, we also see that the two bills support safer transactions in a different way. They support the health and safety of industry members through introducing processes where there is less need for face-to-face contact. There will be a reduced need for parties to sign documents and for the witnessing of their signatures—both e-conveyancing and in-person settlements.

The said clients will authorise their solicitor to undertake further transactions. This authorisation can be provided electronically. It can be as simple as the client signing and scanning the relevant documents and emailing them to their lawyer. Further, the key step of verifying identity can be undertaken by video. Also, for those using e-conveyancing, there is no need for in-person visits to the land titles office to lodge the transaction for registration, although this can take place because, as we have mentioned before, we are not mandating e-conveyancing.

The change is supported by the Land Titles (Electronic Conveyancing) Legislation Amendment Bill. Stronger protections against fraud and simpler processes are valuable steps on their own. Critically, they will also allow the ACT to move to offer the option of e-conveyancing—offering this as but one option, with in-person settlements still allowed.

The Electronic Conveyancing National Law (ACT) Bill has particular context in the emergency situation in which we find ourselves. Beyond the imperative that we are currently in, the e-conveyancing bill also allows the ACT to move with the times and with five other jurisdictions who have made e-conveyancing available under the e-conveyancing national law framework. I commend the bills 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) (5.42): I move amendment No 1 circulated in my name [*see schedule 5 at page 1037*]. I table a supplementary explanatory statement to the amendment.

Very briefly, the government's amendment alters the default operation of the national law to allow e-conveyancing to be available sooner in the ACT. I am very mindful

that the COVID-19 physical distancing requirements are impacting upon the ACT paper-based land titling system. I do want to place on record my appreciation to the Law Society for the way they have continued to make the settlements room available during this time.

Our paper-based system is characterised by person-to-person meetings and the physical transfer of paper documents. But e-conveyancing provides a different dynamic. The introduction of the new subsection 25(5) to the bill ensures that the disallowable rules made for e-conveyancing prior to 1 June can come into effect the day after they are notified. This compares to the position under the e-conveyancing national law that such rules need to stand for 20 business days before they can come into effect. We do not want to see the rules being held up, which would prospectively prevent those from simply putting in an application to operate in the ACT.

I commend the amendment to the Assembly.

Amendment agreed to.

Bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020

Debate resumed from 20 February 2020, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

Question resolved in the affirmative.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

Community services—Indian community

MR GUPTA (Yerrabi) (5.44): I am delighted to rise today to talk about the wonderful community spirit we have seen in Canberra during COVID-19 and also to recognise the extent and resilience of our caring and multicultural community here in Canberra.

I want to tell a quick story about an elderly couple I know quite well who live on my street. The couple, unfortunately, have limited physical mobility. As a result, doing

simple tasks, such as the shopping every week is difficult. Add to that the global pandemic and the couple have been doing it especially tough during this time. One of my other neighbours that I also know very well, Mayank Joshi, has been helping them. I probably sound like Gladys Kravitz looking over garden fences, but I love to talk to people in my community, especially my neighbours.

Recently Mr Joshi has been doing compassionate shopping for the couple and has been using their shopping list to buy them groceries and supplies. Mr Joshi is a strict Hindu and is strictly vegetarian. His religious beliefs make it difficult for him to handle meats of any kind—even to see them or touch them. However, in order to assist his neighbours he has been spending a lot of time looking confused in the meat aisle on their behalf.

This is a brief and simple story, but I believe it conveys that our community—that includes all parts our community across different religion and cultures—have come together to support one another, indifferent to what sets us apart. During this time of crisis, people are going above and beyond to support one another.

I am happy to take some time today to recognise some groups and organisations that are performing incredible acts of community service across Canberra. I will not be able to mention every wonderful organisation, as I would be here for many days. However, I would like to mention a few.

Recently I had the pleasure of joining BAPS to help them distribute food to vulnerable Canberrans in need of support. They have been making deliveries across Australia since 16 March and have so far served 13,000 hot meals and delivered 7,000 kilograms of stable items. They have also delivered more than 500 essential care packs to vulnerable Australians. Just this weekend they prepared more than 100 meals for international students here in Canberra.

I also mention the support of Turbans 4 Australia. I recently spoke to Mr Paramdeep Nrain, who coordinates the Canberra branch of Turbans 4 Australia, a community organisation run by the Sikh community. Turbans 4 Australia started distributing groceries and other essentials to families along the South Coast during the bushfire this summer and resumed this service during the COVID-19 lockdown. They now have over 35 volunteers helping them out, and their efforts keep growing. They deliver home-cooked meals and hampers of essentials to Canberrans in isolation or who are otherwise vulnerable.

They recently approached the Indian Pantry restaurant in Florey and the owner has loaned them his kitchen to support their work. Paramdeep and his team are now providing between 80 to 130 meals per day and are delivering meals and groceries across Canberra, as well as to Yass, Murrumbateman and Braidwood.

Last week I worked with the Canberra India Council, Marie Ball Associates, Vishnushiva Mandir in Mawson and Canberra Telugu Vanni Inc to deliver food hampers to international students at ANU who have lost their income and are in need of support. It was wonderful to be part of a group of like-minded people who care so deeply about helping their community. They have been delivering rice, lentils, fruits

and other essentials to students, as well as to vulnerable families in Canberra. I thank all these organisations for making these deliveries possible.

The Federation of Indian Associations of ACT, which comprises many member organisations, has been engaging with the local community and international students during this time. Through their organisations they have set up response teams for members of the multicultural community, with a toll free number to connect them to the services. They have been delivering groceries and food items to students and emotional and moral support to members of the community. They have also been working with organisations to deliver cooked food and groceries, through cash and in kind. One of the organisations has also been fundraising and has partnered with restaurants to provide food, as well as non-financial help, such as providing advice about rental arrangements and medical health.

The India Australia Association of Canberra has been undertaking similar support efforts, in this case delivering both prepared meals and groceries to vulnerable Canberrans affected by the COVID-19 crisis, including international students, the elderly and vulnerable residents and homeless people in the territory. IAAC, to date, have undertaken a number of deliveries and so far have helped more than 300 Canberrans to access groceries and other essentials, and they are still working as hard as ever.

GOPIO are also doing outstanding work in providing dedicated support to international students in Canberra. They provide groceries, food vouchers and medicines to students in isolation or who are otherwise unable to access these vital links. (*Extension of time granted.*) The ACT Telangana Association are also providing similar support to international students, and they have been calling regularly to check in and make sure that these students know they have support during this time. Apart from these organisations, the Australian Tamil Cultural Society is also playing a similar role.

Many restaurants in Canberra have to find new and creative ways to stay open and keep cooking, but some have truly gone above and beyond in their service to community, even as they may have been doing it tough themselves. I would like to mention Namaste India in Phillip, Tikka Take in Civic and Blu Ginger. All have been providing free meals to all the international students and people in trouble in this time of crisis. These restaurants are providing much-needed service, and I urge those a little more fortunate to make a donation or pay extra for a meal so that these services can continue for as long as needed.

In conclusion, this is by no means an exhaustive list, but I hope the Assembly will join me in thanking these workers and volunteers for the incredible work they have been doing to protect the vulnerable in Canberra. The kindness, selflessness and community spirit are some of the many things that make me proud to live in Canberra and to have raised my family here. I look forward to supporting this group in future and to following in the footsteps of their selflessness and generosity in my own endeavours as a member of this parliament.

The Assembly adjourned at 5.53 pm until Thursday, 21 May at 10 am.

Schedules of amendments

Schedule 1

Human Rights (Workers rights) Amendment Bill 2019

Amendments moved by the Minister for Justice, Consumer Affairs and Road Safety

1

Clause 4

Proposed new section 27B heading

Page 2, line 11—

omit the heading, substitute

27B Right to work and other work-related rights

2

Clause 4

Proposed new section 27B (3) to (5) and note

Page 2, line 17—

omit proposed new section 27B (3) to (5) and note, substitute

- (3) Everyone has the right to form or join a work-related organisation, including a trade union, with the objective of promoting or protecting their economic or other social interests.
- (4) Everyone has the right to protection against acts of anti-union discrimination in relation to their employment.
- (5) Everyone is entitled to enjoy these rights without discrimination.

Examples—discrimination

discrimination because of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability or other status

Note 1 Section 28 sets out what must be considered in deciding whether a limit on rights is reasonable.

Note 2 Aspects of rights under this section are considered at international law to be subject to an obligation of progressive realisation.

Note 3 An international law relevant to interpreting progressively realisable rights is Article 8 (4) of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. That article provides for consideration of the reasonableness of steps taken to progressively realise rights and notes that a range of possible policy measures for the implementation of rights may be adopted.

3

Clause 5

Proposed new schedule 2, item 2

Page 3, line 8—

omit proposed new schedule 2, item 2, substitute

2	27B	right to work and other work-related rights	2 (2), 6 (1), 7, 8
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Note The primary source of the right in s 27B (4) is the International Labour Organisation Right to Organise and Collective Bargaining Convention, art 1.

Schedule 2**COVID-19 Emergency Response Legislation Amendment Bill 2020**Amendment moved by Mr Coe (Leader of the Opposition)

1

Schedule 1, part 1.6

Proposed new amendment 1.43A

Page 24, line 24—

*insert***[1.43A] New section 3A***insert***3A Presentation of subordinate laws and disallowable instruments**

- (1) This section applies to a subordinate law or disallowable instrument made after the commencement of this section under a power given under a COVID-19 measure.
- (2) The Legislation Act, section 64 (1) applies in relation to the subordinate law or disallowable instrument as if the reference in that subsection to 6 sitting days were a reference to the first sitting day.
- (3) In this section:
COVID-19 measure—see section 3 (4).

Schedule 3**COVID-19 Emergency Response Legislation Amendment Bill 2020**Amendments moved by Mrs Jones

1

Schedule 1, part 1.7

Proposed new amendments 1.44A and 1.44B

Page 27, line 14—

*insert***[1.44A] Section 7A, note 1***insert*

- s 26C (Coughing or spitting on police officer)

[1.44B] New section 26C*insert***26C Coughing or spitting on police officer**

- (1) A person commits an offence if:
 - (a) the person intentionally coughs, spits or expectorates on or at another person; and
 - (b) the other person is a police officer; and

- (c) the conduct mentioned in paragraph (a) would be likely to cause a reasonable person to fear that the coronavirus disease 2019 (COVID-19) could be transmitted to the police officer.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (2) Strict liability applies to subsection (1) (b).
- (3) Absolute liability applies to subsection (1) (c).
- (4) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID 19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (5) This section and the dot point referring to this section mentioned in section 7A, note 1 expire on the first day no COVID-19 emergency is in force.

2

Schedule 1

Proposed new part 1.20A

Page 67—

after the table, insert

Part 1.20A Magistrates Court (Crimes Infringement Notices) Regulation 2008

[1.105A] New section 15

insert

15 Expiry—sch 1, item 1A

This section and schedule 1, item 1A expire on the day the *Crimes Act 1900*, section 26C expires.

[1.105B] Schedule 1, new item 1A

before item 1, insert

1A	26C, except where individual is under 16 years old	200	1 500
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Schedule 4

COVID-19 Emergency Response Legislation Amendment Bill 2020

Amendment moved by the Minister for Health

1

Schedule 1, part 1.24

Page 73, line 15—

omit

Schedule 5

Electronic Conveyancing National Law (ACT) Bill 2020

Amendment moved by the Attorney-General

1

Schedule 1, modification 1.1

Proposed new section 25 (5) and (6)

Page 7, line 5—

insert

- (5) Subsection (1) (b) and (4) do not apply to an operating requirement or participation rule notified before the day this schedule commences.

Note An operating requirement or participation rule may be notified after this Act is notified and before it commences (see Legislation Act, s 81).

- (6) Subsection (5) and this subsection expire on 1 June 2021.
-