



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

NINTH ASSEMBLY

2 APRIL 2020

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Thursday, 2 April 2020

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Thursday, 2 April 2020

The Assembly met at 10 am.

(Quorum formed.)

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

Sitting pattern—amendment

MADAM SPEAKER: In accordance with the terms of the resolution of the Assembly of 22 August 2019, which set the sitting pattern for the Assembly for 2020, I have received a request in writing from an absolute majority of members to amend the sitting pattern for 2020 by omitting Tuesday, 31 March and Wednesday, 1 April. I therefore table the *Gazette* notice to omit those days from the sitting pattern and a copy of the requests from members, pursuant to the resolution:

Notice amending the 2020 sitting pattern of the Legislative Assembly for the Australian Capital Territory—Gazettal notice, dated 26 March 2020.

Copies of email requests to the Speaker, requesting an amendment to the 2020 sitting pattern, from the following Members:

Mr Barr	Mr Gupta	Ms Orr
Ms Berry	Mr Hanson	Mr Parton
Miss C Burch	Mrs Jones	Mr Pettersson
Ms Cheyne	Mrs Kikkert	Mr Rattenbury
Ms Cody	Ms Lawder	Mr Steel
Mr Coe	Ms Le Couteur	Ms Stephen-Smith
Mrs Dunne	Ms Lee	Mr Wall
Mr Gentleman	Mr Milligan	

Petitions

The following petitions were lodged for presentation:

Parking—Chifley Place—petition 2-20

By Ms Cody, from 631 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:

The Chifley Place precinct is an increasingly popular area for both community recreation and small business activity throughout the week and on weekends.

This is driven by quality community infrastructure, urban densification in the surrounding area and small business investment.

The available parking at Chifley Place, Chifley does not cater for the demand in the area and is impacting on access and safety in this popular community and business precinct.

Your petitioners, therefore, request the Assembly to call on the Government to:

Look at ways to improve access and safety across the precinct and at a minimum consider the following improvements:

- *Establish an overflow carpark with 60 additional spaces on the unutilised land below Chifley Place.*
- *Place a raised pedestrian crossing between the shopfronts and the park/public amenities.*

Municipal services—Narrabundah shops—petition 3-20

By Ms Lee, from 614 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 the poorly maintained government facilities of Narrabundah Shops and the surroundings in Narrabundah.

Your Petitioners therefore request the Assembly to call upon the ACT government to undertake improvements to the number of parking spaces and street lighting in the vicinity of the shopping centre for the safety of local residents.

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

Pursuant to standing order 99A, the petitions, having more than 500 signatories, were referred to the Standing Committee on Environment and Transport and City Services.

Ministerial responses

The following responses to petitions have been lodged:

Parking—Chifley Place—petition 28-19

By **Mr Steel**, Minister for City Services, dated 20 February 2020, in response to a petition lodged by Ms Cody on 26 November 2019 concerning parking and pedestrian safety at the Chifley Place precinct.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 26 December 2019 regarding petition No 28-19 lodged by Ms Bec Cody MLA regarding parking and pedestrian safety at the Chifley Place precinct.

Transport Canberra and City Services (TCCS) manages 90 shopping precinct areas across the ACT, which includes 66 local shopping precinct areas, 19 group centres, four town centres and Civic. Canberra was designed so that 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 Commercial Zone CZ4 – Local Centre Zone. It is important to recognise that the objectives of this type of zone are different to the those for Town or Group centres.

As Ms Cody has mentioned, 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 and I am pleased to hear that the Chifley local neighbourhood shopping precinct is a busy and vibrant centre.

Various residents, community groups, and trade owners at Chifley Shops have 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.

Interim parking improvements have been presented to the Chifley trading community and Ms Taryn Langdon 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 raising this matter. I trust this information is of assistance.

Canberra Hospital precinct—petitions 29-19 and 32-19

By **Ms Stephen-Smith**, Minister for Health, dated 24 February 2020, in response to petitions lodged by Mrs Dunne on 28 November 2019 concerning traffic conditions in the Canberra Hospital precinct.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 28 November 2019 regarding petition numbers 29-19 and 32-19 lodged by Mrs Vicki Dunne MLA regarding the SPIRE Project.

The SPIRE Project is delivering a state-of-the-art new emergency, surgical and critical care facility to the Canberra Hospital. This transformational project will future-proof Canberra's main hospital facility by meeting the growing demand for healthcare, streamlining services and offering first-class clinical training opportunities, enabling us to provide the best care for Canberrans for generations to come.

The location of the SPIRE Project was based on consultation and technical work to understand the best location for this new development. This included consultation with clinicians, consideration of the space available on campus, the requirement for efficient linkages to other hospital services and the ability to keep all clinical services operational during construction – the latter being a core requirement of the project.

To date, the SPIRE Project has held numerous consultations with community stakeholders to inform service and infrastructure planning on the Canberra Hospital campus, including the scope of the SPIRE Project. These included early meetings with the Garran Primary School and Woden Valley Community Council prior to Government's funding of the project in the 2019-20 Budget. Since taking responsibility for the project on 1 July 2019, Major Projects Canberra (MPC) has undertaken further community meetings to provide project planning updates and gain an understanding of the local community's specific interests, concerns and aspirations associated with the SPIRE Project. This included meetings with the Garran Primary School and the Garran Residents' Association, a community consultation session hosted at Garran Primary School and a presentation at the Woden Valley Community Council.

In 2020, the SPIRE Project team is building on these initial consultations to ensure the community is involved in the design and delivery phases of the project. A Local Community Reference Group, established in February 2020, will work with the SPIRE Project team (and later in 2020 the main works contractor) to ensure the hospital's near neighbours are consulted on the design and construction of the project.

This group will provide a formal mechanism for the community to have their voice heard and will, in turn, ensure the community is kept informed of decisions reached through this ongoing collaboration.

Several critical aspects of the SPIRE Project's design and delivery will be the focus of the Local Community Reference Group during 2020, including parking

and local traffic, school access, urban design and consideration of delivery arrangements during the construction phase, due to commence in 2021.

Considerations surrounding traffic flow and road safety are a priority for the project in this early phase of the design process. MPC recently undertook traffic studies in and around the Canberra Hospital site to build on the work done during the concept design stage. The data from this survey is currently being analysed and will be shared with the Local Community Reference Group so that an approach can be collaboratively developed to help address community concerns on this matter.

The issue of parking is being addressed with the recent announcement of the construction of a temporary carpark near Canberra Hospital, with works due to start at the former CIT Woden campus in the coming months. The temporary carpark will alleviate parking and traffic pressures within the hospital precinct, providing approximately 1,100 spaces for hospital staff and contractors until a long-term solution is developed. Traffic impacts as well as parking demand and provision will be formally considered in partnership with the ACT Planning and Land Authority and Transport Canberra and City Services as part of the development assessment process. The Local Community Reference Group will be involved in these considerations and the local knowledge gleaned from the group will assist in ensuring optimal outcomes of these matters.

There has been significant planning work on the Canberra Hospital campus over many years, including investment in much needed infrastructure upgrades on the site, such as the SPIRE Project and the expansion of the Centenary Hospital for Women and Children. To ensure that the clinical and logistical operations of the campus are best supported by current and future capital investment projects, the ACT Government is currently developing the Canberra Hospital Master Plan. The Master Plan will look beyond the investments currently underway on site to ensure that all the new and existing health infrastructure on the campus supports the best outcomes for our community. The ACT Government is committed to ensuring the safety of hospital staff, patients and visitors and the Master Plan will include extensive consultation with clinicians, the workforce on the campus, and the local community. A design consultant to lead this work has been appointed and the full Master Plan is expected to be completed in 2020.

As you would be aware, following referral of petition 29-19 and 32-19, the Standing Committee on Planning and Urban Renewal (the Committee) has resolved to conduct an inquiry into the planning for the SPIRE Project, the Canberra Hospital Campus and the immediate surrounds. The ACT Government will put forward a Submission to this Inquiry for the Committee's consideration which provides a more detailed response to the concerns set out in the above petitions. The Submission will be available via the Legislative Assembly website at <https://www.parliament.act.gov.au>.

Thank you for raising these matters and I hope this information is useful.

Active travel policy—petitions 23-19 and 30-19

By **Mr Steel**, Minister for City Services, dated Wednesday, 26 February 2020, in response to petitions lodged by Ms Le Couteur on Tuesday, 26 November 2019 concerning active travel.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 26 November 2019 regarding petitions number 23-19 and 30-19 lodged by Ms Caroline Le Couteur MLA seeking action on transport measures to reduce carbon emissions across the ACT.

I am pleased to inform members and the community on what the Government is doing to continuously improve on our transport outcomes including reducing greenhouse gas emissions from transport in the ACT.

At the outset, I would like to highlight that the ACT Government is continually exploring ways to reduce carbon emissions from all responsible sectors in the ACT, not just emissions arising from transport. *Our Climate Change Strategy 2019-2025* outlines the next steps that we all, including our community, businesses and Government, can take as a collective to reduce the Territory's carbon footprint.

The *Transport for Canberra 2012-31* strategy supported the ACT Government in proactively meeting the City's transport needs. It supported the continued investment in Canberra's strategic road network, active travel network and public transport as well as the introduction of light rail in 2019, which has enabled Canberra to meet increasing demand and retain improve outcomes.

However, Canberra is going through considerable growth and change, so too is the transport sector. I am pleased to inform you that I have asked Transport Canberra and City Services to renew and finalise a transport strategy alongside the *ACT Planning Strategy 2018* and the *ACT Climate Change Strategy 2019-2025*. This is in recognition of the changing demands relationship between these three strategies.

The importance of transport in supporting a vibrant, liveable and zero emission city is critical to our success. This united approach will ensure our transport network complements the renewal and strengthening of inner precincts and suburbs as well as supporting the reduction of greenhouse gas emissions created through transport.

The forthcoming Transport Strategy will renew the ACT Government's focus on better coordinating land use and transport planning, which in turn will better inform our investment choices to meet the transport needs of Canberrans and address the current climate emergency.

The petitioners' have requested that the Assembly request the Government of the Territory to take several actions, to which I provide the following responses:

Setting legislated transport targets

In the ACT, we have set some of the most ambitious targets in the country to tackle climate emergency. Our *Climate Change Strategy* legislated targets and establishes a pathway for achieving net zero emissions by 2045. To support this, the ACT Government is working in concert and would like the support of the community and businesses.

Additionally, policy and targets for active travel are already outlined in the 2015: *Building an integrated transport network: active travel* (the framework). Active travel can also deliver health and wellbeing priorities through the *Preventative Health Plan 2020-2025* and economic development through the *CBR Cycle Tourism Strategy* (2018).

Following finalisation of a transport strategy, the ACT Government would like to review the framework and develop new walking and cycling strategies. In doing so, we intend to consider including region-specific targets for underrepresented demographics such as women and youth.

Active Travel Commissioner role

The current governance arrangements for active travel in the ACT include the Active Travel Office (ATO) within Transport Canberra and City Services. The ATO seeks to coordinate ACT Government action on active travel including an internal ACT Government working group and an external advisory group. These arrangements are currently under review and will take account of all the actions under the strategies mentioned above, in particular the *Climate Change Strategy*.

The Commissioner for Sustainability and the Environment is an independent statutory position. The current Commissioner has assumed a leadership role in supporting initiatives to encourage walking and cycling such as *Spoke Up!—for women's health* (women's cycling initiative). On 13 February 2020 the Commissioner released the *ACT State of the Environment Report 2019* which includes a number of recommendations related to transport. The office of the Commissioner can also conduct investigations on its own or by reference from the responsible minister.

The Government does not believe that resourcing an additional Commissioner is a greater priority than directly investing in improvements to active travel upgrades around the City.

Redirect funding towards walking, cycling and public transport infrastructure

The importance of walking and cycling as efficient transport modes are well recognised. They can move large numbers of people without requiring a large space. These modes can provide better health outcomes for our community and are environmentally friendly as they emit zero air pollution, greenhouse gas emissions and noise while improving the vibrancy of our places. They are ideal for short local trips and for connecting us to public transport journeys.

The *ACT Infrastructure Plan* (2019) sets out the future direction for our transport investments. It states the ACT Government's commitment to shifting our transport investment from expanding our road network to an integrated network of light rail, suburban bus routes, footpaths and cycleways. In line with the *ACT Infrastructure Plan*, in the coming years the ACT Government will increase the options available to community by shifting our focus to public transport, walking and cycling, while maintaining safe and reliable roads for driving and freight.

Zero-emissions electric buses

The Government has committed to a zero-emission bus fleet by 2040. Zero emission buses not only benefit our environment through reduced emissions,

they provide a better travel experience, reduce local noise, air and visual pollutants and therefore create healthier streets and increase patronage.

I am pleased to inform you that the ACT Government is currently preparing a Zero-Emission Transition Plan to identify a pathway that allows Transport Canberra to grow and improve its service while transitioning to a zero-emission fleet in a financially sustainable manner.

The transition to a zero-emission bus fleet requires detailed preparation and planning, as it is important that we do not ignore the challenges and scale of the transition. While the purchasing of zero-emissions buses is at the forefront of our community's mind, we need to ensure that there is the infrastructure in place to support the operation of every zero-emissions bus, including the charging infrastructure, in both new and existing depots, and any upgrades to the electricity grid.

The ACT Government has set up a Zero-Emission Steering Committee, which will provide strategic direction and leadership to Transport Canberra in developing a comprehensive Zero-Emission Transition Plan. It will allow our Government to make informed decisions on how we transition our bus fleet to zero emissions – including the technology, timing, risks, costs, benefits, financing and funding options. Whilst also considering how we maintain operations and economic performance, customer experience and broader public transport objectives. A just and considered transition will not only reduce emissions, but also provide economic and social benefits to the ACT and surrounding region through cleaner air, reduced noise and a more sustainable modern public transport system that is comfortable, accessible and reliable for Transport Canberra's passengers.

In late 2019, the ACT Government invested in an electric public bus to achieve a more sustainable and environmentally future for Canberra. The electric bus will provide valuable operational information to guide the preparation of the ACT Government's plan to transition to a zero-emission bus fleet.

Importantly, we are committed to enhancing our overall service which in the immediate term involves replacement of non-euro emissions standard fleet which have been in service for nearly 30 years with newer low-emissions diesel vehicles. This enhancement will support our broader efforts in reducing the number of private vehicles on our roads by increasing public transport patronage.

Additionally, the ACT Government continues to facilitate greater zero emission transport choices for staff by making electric bikes and zero emission vehicles available for business travel and allowing staff to salary-sacrifice the purchase of electric bicycles and provide associated charging infrastructure at the workplace. This approach will help us to continue to learn first-hand the adjustments needed for this transition.

The ACT Government is working closely with the community and stakeholders so that we understand people's transport needs and concerns and to ensure that we can provide reliable services at the same time as achieving our emission reduction targets.

I appreciate your assistance in presenting my response to the Assembly on this important matter.

Motion to take note of petitions

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

That the petitions and responses so lodged be noted.

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 matters of public importance being discussed this day, and to allow Members to observe physical distancing during proceedings in the Chamber.

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 Speaker tabling all committee reports that have been circulated to Members pursuant to standing order 254C, together with the extracts of the relevant minutes of proceedings, and proposing the question that the reports be noted.

Committees—Standing Committees Reports

MADAM SPEAKER: I present the following reports, which have been circulated to members pursuant to standing order 254C:

Economic Development and Tourism—Standing Committee—Report 8—*Report into Annual and financial Reports 2018-2019* (pursuant to order), dated 25 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Education, Employment and Youth Affairs—Standing Committee—Report 8 (Copy)—*Report on Annual and Financial Reports 2018-2019* (pursuant to order), dated March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Environment and Transport and City Services—Standing Committee—Report 11—*Inquiry into the supply of water to the Tharwa community* (pursuant to order), dated 11 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Environment and Transport and City Services—Standing Committee—Report 12—*Report on Annual and Financial Reports 2018-2019* (pursuant to order), dated 25 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Health, Ageing and Community Services—Standing Committee—Report 8—*Report on Annual and Financial Reports 2018-2019* (pursuant to order), dated 25 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Health, Ageing and Community Services—Standing Committee—Report 9—*Interim Report on Child and Youth Protection Services (Part 1)* (pursuant to order), dated 30 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Justice and Community Safety—Standing Committee—Report 7—*Report on Inquiry into Human Rights (Workers Rights) Amendment Bill 2019* (pursuant to order), dated 13 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Justice and Community Safety—Standing Committee—Report 8—*Report on Annual and Financial Reports 2018-2019* (pursuant to order), dated 27 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 40, dated 24 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Planning and Urban Renewal—Standing Committee—Report 11—*Report on Annual and Financial Reports 2018-2019* (pursuant to order), dated 25 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Public Accounts—Standing Committee—Report 9 (Copy)—*Inquiry into Annual and Financial Reports 2018-19* (pursuant to order), dated March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Public Accounts—Standing Committee—Report 10 (Copy)—*Inquiry into the Appropriation Bill 2019-2020 (No 2)*, adopted by Committee on 26 March 2020, together with a copy of the extracts of the relevant minutes of proceedings.

I propose the question:

That the reports so presented be noted.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee Statement by chair

MS J BURCH (Brindabella) (10.09): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure. In its report on the review of the performance of the three branches of government in the Australian Capital Territory against the Latimer House principles, the committee recommended that, following the election of the Tenth Assembly in October 2020, the government and Assembly consider the comments and suggestions of the review of the performance of the three branches of government in the

Australian Capital Territory against Latimer House principles in its development of a new committee structure.

At its meeting on Thursday, 19 March 2020 the committee resolved to undertake a review of the current committee structure, taking into account the comments and observations of the review of the implementation of the Latimer House principles in the ACT for the Ninth Assembly.

Environment and Transport and City Services—Standing Committee

Statement by chair

MS CHEYNE (Ginninderra) (10.11): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment and Transport and City Services for the Ninth Assembly relating to statutory appointments in accordance with continuing resolution 5A. I wish to inform the Assembly that during the applicable reporting period, 1 July 2019 to 31 December 2019, the committee considered a total of 19 appointments and reappointments to the following bodies: the Cemeteries Authority, the Rail Safety National Drug and Alcohol Analysts, the Veterinary Practitioners Board, the Animal Welfare Advisory Committee, and the Tree Advisory Panel. I now table a schedule of the statutory appointments considered by the committee during this period. I present the following paper:

Environment and Transport and City Services—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 July to 31 December 2019.

Planning and Urban Renewal—Standing Committee

Statement by chair

MS LE COUTEUR (Murrumbidgee) (10.11): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning and Urban Renewal. At a private meeting on 11 December 2019, the committee resolved to undertake an inquiry into planning for the Surgical Procedures, Interventional Radiology and Emergency Centre (SPIRE) and the Canberra Hospital and immediate surrounds; that is, the SPIRE inquiry. At that time, the committee set a reporting date for May 2020. In light of the developments in relation to COVID-19 and the altered operations of the Assembly, the committee has now resolved that it intends to report before the end of the Ninth Assembly in 2020.

Public Health (Emergencies) Amendment Bill 2020

Ms Stephen-Smith, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (10.13): I move:

That this bill be agreed to in principle.

I rise today to present the Public Health (Emergencies) Amendment Bill 2020 to the Legislative Assembly and update members on the actions taken by the ACT government to plan, prepare and protect the community from COVID-19.

I would, from the outset, like to recognise the collaborative engagement from all members of the Assembly during this emergency. My office, like all of our offices, is being contacted by many concerned members of the public looking for reassurance and support during this emergency.

Many in our community are feeling distressed, and at times overwhelmed, by what is happening to them, their families, their communities and the places they know overseas. The situation is developing rapidly across the country and around the world. I would like to assure the community that the ACT government is working hard to keep Canberrans safe during this difficult time.

We are working hard to communicate the latest information in a fast-moving environment. This bill reflects the fact that the extraordinary challenges facing our community and health services as a result of the COVID-19 pandemic will not be over next week or next month but will be with us for months to come.

We are facing a situation that has not been seen globally for 100 years and requires responses that have never before been considered by an ACT government. The public health and safety of Canberrans is the ACT government's first priority. That is why I declared a public health emergency in the ACT on 16 March 2020 pursuant to section 119 of the Public Health Act 1997—hereafter, “the act”.

The declaration, made on the advice of the Chief Health Officer, was based on the public health risk to the ACT community posed by coronavirus disease 2019, or COVID-19, which is caused by the novel coronavirus SARS-CoV-2. This is the first time a public health emergency has been declared in the ACT. It was not a decision that I or the government took lightly, and it reflects the gravity of the threat that COVID-19 represents.

We have seen the devastation of communities around the world whose hospital systems have been overwhelmed by this novel virus, for which there is no herd immunity, no vaccine and no cure beyond standard respiratory support. The decision to declare a public health emergency was consistent with the response of other jurisdictions and reflected the spirit of national unity that has continued through the unique national cabinet process.

Under section 120 of the act, the declaration of a public health emergency authorises the Chief Health Officer to “take any action or give any direction (orally or in writing), he or she considers to be necessary or desirable to alleviate the emergency specified in the declaration”.

The Chief Health Officer, Dr Kerry Coleman, has issued a number of public health emergency directions using these powers. The first directions were put in place on Thursday, 19 March 2020 and related to indoor and outdoor gatherings, and the requirement for travellers returning from overseas to self-quarantine for 14 days. It is hard to believe that it was just over two weeks ago that the direction was issued on the prohibition of non-essential outdoor gatherings of 500 or more persons in a single space.

Since that time, further directions have been issued reflecting the decisions of the national cabinet, which in turn is acting on the advice of the Australian Health Protection Principal Committee, or AHPPC. This committee brings together the commonwealth Chief Medical Officer and all state and territory chief health officers. Our chief health officers around the country have been working incredibly hard and very fast to respond to the COVID-19 pandemic.

The further directions include a self-isolation requirement for people diagnosed with COVID-19; restrictions on access to residential aged-care facilities; and a series of directions regarding the closure of non-essential businesses or undertakings. The latter directions have required the closure of a range of businesses and services, including pubs and clubs; gyms and indoor sporting venues; cinemas and entertainment venues; places of worship; cultural and community facilities; personal services; and, most recently, public parks, playgrounds and outdoor fitness stations.

Restrictions also apply to other businesses such as restaurants and cafes, which can only do takeaway and/or home delivery. At 11.59 pm on Tuesday, 31 March 2020, a new direction came into force to further restrict non-essential gatherings to no more than two people other than those who ordinarily live together. This is an enforceable requirement for strong physical distancing.

We know that people have had a lot of questions about this. The team is working hard to get answers to those questions up onto the ACT COVID-19 website as quickly as possible. But the general rule is: three is a crowd and if you are in doubt about whether it is allowed, do not do it.

The ACT government and the national cabinet have also provided strong guidance to Canberrans that people should only leave their homes for four reasons: shopping for essentials; medical or compassionate grounds; one form of exercise per day; or work or education when this cannot be done remotely.

This is not a direction, but our advice to Canberrans is clear: stay home if you can. Stay home if you are over 70. Stay home if you are an Aboriginal or Torres Strait Islander person over 50 or a non-Indigenous person over 65 with a condition that places you at greater risk from COVID-19. Stay home if you have a compromised immune system. Stay home to protect yourself, your family and the vulnerable members of our community who are at most risk from COVID-19.

As I stated, I declared the first public health emergency on 16 March 2020. That declaration was made for the maximum period allowed under the act: five days. Since

the end of that five-day period, I have extended the declaration every two days, as prescribed under subsection 119(4). This is clearly not a sensible way to proceed in the context of an emergency that will last for months.

This bill therefore proposes to amend the act to allow extensions of a declared public health emergency to remain in force for a period of up to 90 days when it relates to a declaration made because of the COVID-19 public health emergency, which is defined in the bill. This amendment will give the ACT community greater certainty about the anticipated need for the public health emergency declaration to continue in the context of the COVID-19 emergency.

The use of a longer extension period, rather than a longer period for initial declaration, reflects the fact that the COVID-19 emergency has already been declared. Remaking it would require reissuing directions, which creates the potential for errors and confusion.

To ensure that the extraordinary powers associated with a declared emergency are managed in an appropriate manner, the bill includes a requirement for the minister to revoke a COVID-19 declaration that has been extended or further extended if the minister decides, after taking into account any advice of the Chief Health Officer, that the declaration is no longer justified. The bill also adds a requirement for the Chief Health Officer to advise the minister at least every 30 days about the status of the COVID-19 emergency and whether the Chief Health Officer considers that the declaration is still justified.

These changes will ensure that the Chief Health Officer and her staff are able to focus on protecting the community, not on needless bureaucracy. The bill also aligns with recent amendments in other jurisdictions to extend emergency declarations for 90 days.

As a protection from abuse and in recognition that there has not been time for public consultation, these changes are specific to the COVID-19 emergency and there is a sunset clause, with the act reverting to the current arrangements for a declaration of a public health emergency at the end of a 12-month period during which no COVID-19 emergency declaration has been in force.

The bill also adds a specific authority, not currently articulated within the Chief Health Officer's broad powers during a public health emergency, to issue directions requiring the occupier of a property to place the property under the control or at the disposal of the Chief Health Officer. This mirrors an existing power of an emergency controller in the Emergencies Act 2004.

This bill has been designed to balance the extraordinary challenges that COVID-19 presents with consideration of the human rights of Canberrans. The explanatory statement for the bill highlights that a range of rights are likely to be limited during a public health emergency. It is important to recognise that the Chief Health Officer has a responsibility under the Human Rights Act 2004 to consider the human rights implications of each direction issued.

The explanatory statement notes that there is also the potential for the application and enforcement of the emergency powers to result in discrimination against vulnerable groups. I can assure the Assembly that all ministers are aware of this potential and will closely monitor any enforcement measures.

The Chief Health Officer will continue to work across government and at the national level to ensure that we have the appropriate settings in place to protect Canberrans and, if required, will issue further public health directions. The Chief Health Officer also has ultimate responsibility for health sector planning in the event of a public health emergency. Dr Coleman has recently appointed the CEO of Canberra Health Services as deputy health controller, clinical services, to implement a sector-wide clinical services plan to respond to this unprecedented challenge.

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, an increase in inpatient beds, emergency and intensive care capacity across the territory, maintenance of COVID-19 testing capacity, and the purchase of additional medical equipment and supplies. The Chief Health Officer has issued specific advice on COVID-19 to ensure 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. This includes putting procedures in place to protect the health of our staff and patients from viruses, including SARS-CoV-2, the virus that causes the COVID-19 disease.

Following endorsement by the national cabinet, the Prime Minister announced that, from 25 March 2020 until further notice, all elective surgery other than category 1 and urgent category 2 cases will be suspended. This applies to both public and private hospital systems. Alongside this measure, the ACT's public health system is reducing non-urgent and non-essential outpatient and community activity. These changes will help to contain the spread of COVID-19 and decrease demand on our health system, ensuring that our services are well resourced and staffed to respond to the pandemic.

Additional measures to help slow the spread of COVID-19 in our community include introducing visitor restrictions at key sites, including Canberra Hospital, the University of Canberra Hospital and Calvary Public Hospital. More recently, specific measures were announced in relation to maternity services.

Our top priority now is to reduce the spread of COVID-19 in our community and to keep Canberrans safe. These have been very difficult decisions to make and we know there are many Canberrans who will be impacted. But we have also seen how willingly Canberrans have adopted and adapted to the new measures, whether that is in relation to physical distancing, non-essential business closures or reducing visitor numbers in hospitals and aged-care facilities. I thank them for that.

I know that the restriction on the number of people able to attend funerals has already been hard on those who have lost loved ones during this time, and that will affect many people over the coming weeks and likely months. Yet people understand why these things are important. They know what is facing us if we do not take these difficult measures now.

I also acknowledge the enormous impact of this emergency on those who have lost their jobs or livelihoods, because this is not only a public health emergency: its effects have very quickly been felt across the whole economy and the whole community. The only way we can beat COVID-19 is with the community's continued support, combined with the professionalism and dedication of staff right across our health system and other essential services.

Thank you to the healthcare workers and other essential services staff for all that they are doing to keep our community safe. Your efforts are tireless and we know that there is still a long road ahead. This pandemic will not be over tomorrow, next week or even next month, but together we will get through this.

I commend the bill to the Assembly.

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

COVID-19 Emergency Response Bill 2020

Mr Barr, by leave, 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) (10.27): I move:

That this bill be agreed to in principle.

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

COVID-19 has killed tens of thousands of people around the world since it emerged late last year. It has compelled governments worldwide, including all Australian governments, to impose restrictions on their communities which, until recently, would have been unimaginable, and trillions of dollars have been committed to keeping economies afloat.

This emergency response bill gives urgent effect to commonwealth agreements, as well as to ensure that necessary measures are implemented to allow us to adapt and respond to COVID-19. The bill is an omnibus bill which amends a range of legislation across ministerial portfolios.

All ministers were asked to consider the immediate needs of government, and the Attorney-General has worked closely with the Justice and Community Safety Directorate to coordinate this bill. I thank the attorney and the directorate for undertaking this work in a timely manner. I note that Minister Ramsay and other ministers will briefly speak to matters relating to their portfolio responsibilities during the in-principle stage of the bill's debate.

It has rightly been said that we are dealing with two crises: a health crisis and an economic crisis. The territory government, like all governments around the country and around the world, must act decisively and mobilise the resources at our disposal to deal with both issues. We must do our part to ensure that everyone in our community understands and adheres to the critical, important physical distancing and personal isolation measures. Where necessary, we must take enforcement action to keep our community safe. We must also take steps to deal with the economic downturn which is already impacting large parts of our economy.

In the current rapidly changing environment, it is difficult to quantify the exact magnitude of the impact of COVID-19, but it is clear that there will be sharp contractions in output, in household spending, in corporate investment and, particularly, in international trade.

The OECD estimates that the initial impact of shutdowns could be a decline in output of between one-fifth and one-quarter in many economies, with consumer expenditure potentially dropping by around one-third. To put this into some kind of historical context, changes of this magnitude far outweigh anything experienced during the global financial crisis a little over a decade ago. That is why all governments are acting swiftly to enact measures like those contained in this bill.

Canberrans should be in no doubt that we are doing everything in our power across the Australian Federation to weather the economic storm in which we now find ourselves. The actions that we are taking as governments today and in the coming months will determine how quickly we are able to recover and pull through to the other side of this crisis.

We need to acknowledge, however, that there will be an adverse impact in most areas of our community, both on a personal and on an economic level. Fortunately, we have a strong and resilient healthcare system that is ready to provide high levels of care and treatment for those who need it, and we have stepped up to provide further support. We have also experienced strong economic growth in recent years and we are in a sound fiscal position to get through this crisis. We are all in this together and we will all need to play our part.

Evidence from other countries shows that if we do not flatten the curve, more people will die. We do not want our doctors and nurses to have to make the seemingly impossible decisions about who they can and cannot treat; nor are we willing to let thousands and thousands of Canberrans and Canberra businesses face the current economic uncertainty alone.

This bill is necessary to ensure that we are able to meet the legitimate policy objective of responding quickly and effectively to matters arising from the COVID-19 public health emergency. It provides the flexibility that government, businesses and individuals will need to function effectively whilst physically distancing and working from home.

The current restrictions on movements and activities other than essential services significantly hinder the ability of groups to comply with a range of existing laws—in particular, the ability to comply with requirements to undertake actions in person at a particular place in a particular way, or in a mandated time frame that may already be, or become, simply impossible or impractical.

If these requirements cannot be relaxed in a timely way, government agencies may not be able to meet their statutory duties and may need to divert critical resources from responding to the current public health emergency to meet administrative requirements. It would also mean that businesses, organisations and individuals could incur penalties or face other adverse outcomes in a situation where they are not reasonably able to comply with legislative requirements.

In that context, this bill amends the following acts: the Children and Young People Act 2008; the Corrections Management Act 2007; the Crimes (Sentence Administration) Act 2005; the Crimes (Sentencing) Act 2005; the Evidence (Miscellaneous Provisions) Act 1991; the Family Violence Act 2016; the Firearms Act 1996; the Medicines, Poisons and Therapeutic Goods Regulation 2008; the Official Visitor Act 2012; the Personal Violence Act 2016; the Prohibited Weapons Act 1996; the Supreme Court Act 1933; and the Working With Vulnerable People (Background Checking) Act 2011. These amendments create the flexibility needed in a range of different areas to either directly or indirectly keep Canberrans safe, while ensuring that government and business can continue to function properly.

On the economic front, this bill also amends the Gaming Machine Act 2004 to allow clubs to count wages and financial support paid to staff as community contributions, as a way of keeping more staff employed. It allows them to claim \$2 in community contributions for every dollar spent on preparing or providing food for emergency-affected people. It also amends long service leave legislation to allow access to portable long service leave entitlements in some cases of hardship directly resulting from the impacts of COVID-19.

The bill also makes a number of amendments to the Leases (Commercial and Retail) Act 2001 and the Residential Tenancies Act 1997 to implement important measures for both commercial and residential tenancies. These changes would, for example, allow for the implementation of a moratorium on evictions for rental arrears, through declaration, for a period of time, in accordance with the decision of national cabinet. These powers would allow the government to displace existing clauses in tenancy agreements to, for example, prevent or delay evictions for rent arrears, alter the amount of rent payable, alter the time frames for taking certain actions, prohibit the exercise of certain rights such as to inspect properties, or exempt parties from the operation of certain provisions.

This is an incredibly complex area of private law. What is being proposed here are powers that the government would not, under usual circumstances, contemplate. However, these extraordinary times are calling for extraordinary measures.

As I have said previously, and it needs to be repeated today, everyone is going to wear some pain here—governments, landlords, tenants and the banks. There is simply no way of fixing what is a very complex set of private contractual arrangements without every sector of our economy shouldering the load.

Finally, this bill amends the Financial Management Act 1996 to ensure that the Treasurer can authorise necessary payments under the Treasurer's advance provisions where it is necessary to deal with matters arising from the public health emergency.

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.

Everyone in this chamber, and indeed all Canberrans, should recognise our intention to act sensibly, judiciously and pragmatically to protect our community and its institutions during this difficult time, whilst also ensuring that we are best placed to make a strong recovery on the other side of this crisis.

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.

This city has an incredibly important role to play nationally and for our region during this period. I commend this bill to the Assembly. I thank all members for their input and cooperation in the development of this bill and look forward to its debate later today.

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

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 orders of the day Nos 1, 2 and 3, Executive business, being called on and debated forthwith.

Appropriation Bill 2019-2020 (No 2)

Debate resumed from 13 February 2020, on motion by Mr Barr:

That this bill be agreed to in principle.

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

Rates Amendment Bill 2020

Debate resumed from 13 February 2020, on motion by Mr Barr:

That this bill be agreed to in principle.

MR COE (Yerrabi—Leader of the Opposition) (10.40): The opposition will be supporting this bill. The Rates Amendment Bill makes minor and consequential amendments, with substantive changes relating to average unimproved value, or AUV. The AUV of a property is used in determining rates, the fire and emergency services levy, the city and market improvement levy, land tax and the foreign ownership surcharge.

In the 2019-20 budget the ACT government foreshadowed lengthening the period used to calculate AUV for commercial properties. This bill incrementally increases the current three-year period to five years and will cover both commercial and residential properties. The Treasurer has noted that these amendments will soften taxation increases by reducing the impact of a significant change in AUV during a single year.

The public accounts committee heard from many property owners whose rates have significantly increased as a result of their unimproved value. This increase changed the basis for their rates calculation and, in addition to the ratings factor, it forced prices up incredibly. When you have a situation where the unimproved value increases and the ratings factor increases, you have exponential growth in your rates.

While this bill will not stop increases to rates and taxes, we think that for the majority of cases it will result in the AUV being less than it might have otherwise been in the event of it being a three-year rolling average. However, it is worth noting that, in the event that an unimproved value goes down, this will mean the landowner will get a reduced benefit as a result of valuations going down. So if we get a property downturn or a stabilisation of property prices in the ACT it will be interesting to see what impacts this change has.

It is our belief that stronger and urgent action is required on rates, taxes, fees and charges in the territory. At this time of the COVID crisis we need to do all we can to support families and businesses right across the territory. We need to ease the cost of living burden that so many Canberra households are feeling right now. We will continue to push for rates relief and many other measures to support Canberrans during these tough times. As I said at the beginning, the opposition will support this legislation.

MS LE COUTEUR (Murrumbidgee) (10.43): The Greens will support this bill. Members will be aware that rates in the ACT are calculated on the basis of the average unimproved land value. The average means that while treasury works out the estimated unimproved value of your land each year, you actually pay the rates on the

basis of the average land value over the last three years. This smooths out the lumps and bumps through changes in the real estate market and the treasury's valuation process. Three years averaging of land value means that most people's rates change predictably, instead of bouncing around. Moving to a five-year averaging instead of a three-year averaging will make this effect even stronger.

An important thing from the ACT government point of view is that, because of the way our rates system works, this will not result in more or less rates being collected overall. The only effect will be to give ratepayers more predictability. It is a sensible, small change which will benefit the community in general, and the Greens will support it.

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) (10.45), in reply: I thank the opposition and the Greens for their support. As members would be aware, the Rates Act provides for a level of smoothing for individual ratepayers by averaging unimproved value over three years. This bill builds on that approach by extending the average period, first, to four years in 2020-21 and to five years in 2021-22. It is an evolutionary change. It provides a level of adjustment needed to deal with matters that were raised before the Standing Committee on Public Accounts inquiry into commercial rates. The government has listened to parties describe the impact of having to fund a sudden change in their rates due to a significant increase in unimproved property values.

This bill also recognises that changes in unimproved values are not just limited to commercial land. The changes are effective over all land types, for rating purposes, which is consistent with the current approach to the three-year AUV. Over time it is expected that the benefits of these changes will be distributed across a broad range of individuals and businesses, with effects felt across suburbs and housing types as market changes occur. I thank members for their support and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Gaming Machine Amendment Bill 2020

Debate resumed from 20 February 2020, on motion by Mr Ramsay:

That this bill be agreed to in principle.

MR PARTON (Brindabella) (10.46): I will speak briefly on this bill. I was a little surprised that it was still brought forward this week, given that it is a bill concerning gaming machines that are currently sitting idle in clubs that are closed. The cold, hard

reality is that a number of those clubs may never open their doors again. We are certainly hoping that that is not the case. I understand that we are not going to spend a great deal of time on this, but I do not know that we should be spending much time discussing the nuts and bolts of community contributions, in particular about percentages of in-kind and cash donations, for the current financial year. The current financial year is a basket case. The current financial year is a complete disaster, and I would certainly hope that no representative of this government would go chasing down and penalising a club for not fulfilling its community contributions in this financial year. Indeed, I would not expect that that would be the case.

We will not be opposing this bill, but I think we need to accept that many landscapes have been changed and will be completely changed, remarkably, in the next few months. Clubland is one of those landscapes, and I think we have seen that acknowledged by the government in terms of the bill that will be debated this afternoon. There will be no opposition from us on this bill. Let us get on with the important stuff.

MR RATTENBURY (Kurrajong) (10.48): The ACT Greens will be supporting the Gaming Machine Amendment Bill. It gives clarity to the private sector about their obligations under the act, allows for a transition of arrangements, particularly for small and medium clubs, and provides an opportunity to review. We have clearly seen the need for a review of the community contributions scheme to make sure that it is addressing community need and gambling harm, as well as working appropriately for the clubs. We included these matters in part of the parliamentary agreement, and this bill supports that agreement and that process.

The club sector is one of many enduring significant hardship in the current environment of the COVID-19 crisis. I note the assistance provided by the government in recent weeks, and I hope that the minister and the rest of the government continue to engage with the clubs and stakeholders in the sector to ensure viability of these important community hubs as we move through the pandemic and into the future. In brief, we are supporting the bill today.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.49), in reply: I am pleased to be able to close this debate on the Gaming Machine Amendment Bill. I appreciate the contributions from across the chamber—notably short ones today—in support of this bill. The spread of COVID-19 is having a profound impact on the way of life in the territory, and it will continue to do so for the foreseeable future. Over the coming months, in order to slow the spread of COVID-19, our community clubs, which play a vital role in our community, will not be able to provide a physical space for the community to gather. This is necessary from a public health perspective, but it will undoubtedly have a significant impact on the clubs industry, as it will for many other Canberra businesses.

The government has recently announced the first phase of support for ACT clubs. This includes the provision of a \$1.5 million contribution to supplement the existing \$1.8 million that is held by the diversification and sustainability support fund to assist

clubs to retain workers in the club sector. As Mr Parton has indicated, there are other measures which are contained in the COVID-19 Emergency Response Bill which support the place of clubs in the current health emergency. This bill helps position clubs to help in the ongoing role of rebuilding that will come afterwards, and that is why we are debating it today. We have shown an ongoing commitment to supporting the sustainability of clubs and we wish to make sure that we support them in and beyond this time.

This bill provides for the retention of the gaming machine tax rebate by small and medium clubs and clubs groups. The retention of the rebate supports clubs to diversify their income to reduce reliance on gaming machine revenue in order to address gambling harm. The government recognises that workers, particularly those employed on a casual basis, are at high risk during this time. The additional funds received through the rebate will support the ongoing sustainability of small and medium clubs and will help the clubs keep as many Canberrans employed as possible, once club venues are able to reopen in the future, which we are looking forward to.

The bill provides for a phased reduction in the amount of tax rebate received by small and medium clubs at a rate of 50c for every \$1 earned over \$4 million gross gaming machine revenue per annum. This phased reduction will allow clubs time to pursue their diversification efforts and to re-establish alternative revenue streams. The bill also amends the Gaming Machine Act to provide a number of minor changes to the community contributions scheme and to ensure clubs' compliance, whilst also retaining the scheme's overall integrity. The transitional periods that are contained in the bill will be for the club reporting year that starts from 1 July 2019 until the club reporting year that ceases on or before 30 June 2021.

In closing, I would like to thank the clubs for the great work that they do for the community and for the way that they are working to adapt and support people right now, at this most difficult time. I look forward to a time when clubs can once again be a place of physical gathering, where the members of our community can indeed come together and be supported in those very important places around Canberra.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Standing orders—suspension

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

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

Public Health (Emergencies) Amendment Bill 2020

Debate resumed.

MRS JONES (Murrumbidgee) (10.54): The Canberra Liberals will be supporting this bill today. The bill makes two key changes to emergency declarations and to the powers of the Chief Health Officer. Under emergency declarations the bill amends section 119, emergency declaration. Currently, emergency declarations remain in force for a period of five days and can be extended or further extended for periods of up to two days.

This clause makes no change to this in practical terms, except in the case of a COVID-19 emergency declaration. Under these changes COVID-19 declarations can be extended or further extended for periods of up to 90 days. If a COVID-19 declaration has been extended or further extended, the Chief Health Officer must advise the minister at least every 30 days about the status of the emergency and whether the Chief Health Officer considers the declaration to still be justified. If the Chief Health Officer fails to do this, it does not affect the validity of the extension or further extension.

The bill also clarifies that this change is retrospective, meaning that it applies to any COVID-19 declaration made prior to the commencement of the legislation. These COVID-19 emergency declaration powers are subject to a sunset clause which takes effect at the end of a 12-month period during which no COVID-19 declaration has been in force.

Regarding the Chief Health Officer's powers, the bill also amends section 120 to clarify the powers that the Chief Health Officer has to take action or to give a direction while an emergency declaration is in force.

The new power, which I think many of us believed perhaps already existed but is now being spelled out in law, relates to an action or directions in relation to the occupier of a property in or near any area to which the emergency relates, placing the property under the control or at the disposal of the Chief Health Officer. This is a good change that provides further clarity regarding the power of the Chief Health Officer, and I note that these changes are subject to a sunset clause.

I believe it is the opinion of both the minister and certainly the opposition that the Public Health Act has clearly not been set up for an epidemic, let alone the current pandemic. We are discovering this as it comes into effect. When this emergency is over, it is probably the view across both the government and certainly the opposition that the bill will need a thorough review and substantial changes will need to be made in a more considered way, as we usually operate here, with scrutiny and careful consideration, so that in a future epidemic it is in fact adequate for that future possibility.

I also put on the record thanks to the minister and her office for regular briefings, for briefings on this matter, for availability and openness in answering all questions from the opposition.

MR RATTENBURY (Kurrajong) (10.57): As well as speaking to the Public Health (Emergencies) Amendment Bill that is before us today, I would like to take this opportunity to speak briefly on behalf of the ACT Greens about the global coronavirus pandemic and its impacts on our community.

Novel coronavirus, or COVID-19, was generally unheard of way back in 2019, just three months ago. In January we started hearing about the virus spreading throughout China, but to most people it seemed like something happening somewhere else, and something that would not affect us here in Canberra. In fact, at the time we were much more focused on the smoke pervading our usually clean air and the bushfires throughout our region surrounding and then entering the ACT. Over the past two months, along with the rest of the world, we have watched in horror as this deadly virus has spread across the globe—more contagious and more fatal than most viruses we normally see.

On 11 March the World Health Organisation declared a global pandemic. Over the past two months, as we have watched the number of cases in Australia rise, at first slowly but now in ever-increasing numbers—today we passed the 5,000 threshold—all of our health systems and governments have sprung into serious action.

In actions designed to reduce the serious health effects and likely deaths associated with letting the virus spread throughout our community—like a flu normally would, but without a vaccine—governments have had to make many very serious decisions. We all know what these decisions are. We are all seeing them impact on our daily lives. Along with the forced closure of so many industries—far too many to list here today—we have watched as people's lives have been transformed. Many have suddenly found themselves unemployed, as their jobs have literally disappeared over the past week or two. For those who still have jobs, those jobs look different. I do not have time today to talk about the massive changes like pupil-free schools, people working from home, and people unable to leave their houses or unable to travel, sometimes even to get to their own parents' funerals.

While it is a word that can seem a little overused at times, there is no doubt that we are in unprecedented times. None of us here, or in the communities that we serve, have ever lived or worked through a time like this. This is a time of rapid change, as governments at all levels scramble to keep our society safe and to support our community to adapt to new physical distancing rules, as they put new measures in place to ensure that we can support our families and community, work safely, and interact with other people as much as possible to avoid social isolation. COVID-19 presents a significant challenge to not only our healthcare system but also how we go about living our lives. We expect that this situation may go on for many months; it is unclear. That uncertainty is part of the growing unease in our community.

In relation to the bill, the Greens understand that when the Public Health Act was written in 1997 no-one envisaged a pandemic in the proportions we are seeing around the world today. The act was simply not designed for a health minister to declare a public health emergency for such an extended period. Even if they had, no amount of watching science-fiction movies would have had them think that for public health

reasons we would essentially try to keep our entire local and global population inside as much as possible for weeks, and perhaps even months, on end.

The Greens support these simple clauses, which enable the minister, in relation to COVID-19, to declare a public health emergency for up to 90 days, where previously the legislation only allowed for a five-day declaration and two-day extensions. The government has been operating under the old legislation since 16 March, when the emergency was initially declared, and has required numerous extensions to continue it. This legislation will make such an emergency declaration period more administratively workable.

It introduces a clause which requires the Chief Health Officer to advise the minister on the status of the public health situation at least every 30 days, to enable the minister to fully evaluate whether the declaration should still be in place. The bill also allows the minister to revoke the public health emergency when it is no longer justified. The Greens will support the bill.

I have spoken briefly about some of the many impacts that COVID has had on us individually and on our community, be they jobs, education, finances, lifestyle or isolation. What is also evident is that mental health and wellbeing will be a significant issue as we battle this pandemic. We are acutely aware that COVID-19 and the implications that we are all experiencing pose a significant challenge to our mental health and wellbeing, and I suspect that there is worse to come before it gets better.

The current period of COVID-19 comes hot on the heels of the worst bushfire season for Canberra since 2003, an extended period of smoke that kept people inside during holiday time, and, of course, the hailstorm, each of which had quite an impact on our community. When we think about the mental health impact of COVID-19, we must note that it comes at a time when people's resilience has already been tested.

There is high anxiety in the community over the unknown course of the COVID-19 virus. The virus is new and the next few months are uncertain. People are concerned about the impact on their health and that of their loved ones, as well as the significant economic challenges that come with job losses and financial insecurity. The coverage from other countries has at times been deeply confronting.

As the Minister for Mental Health, I have been working with the Health Directorate and Canberra Health Services on how we can help the community to keep as mentally healthy as possible. We know that Canberra Health Services and NGOs are experiencing an increase in contacts and requests for mental health information, help and support, with related anxiety, unease and confusion about the current situation.

To give additional capacity to provide in-situ care to the community, Canberra Health Services will be expanding the PACER model—the police, ambulance and clinician early response pilot—from four days to seven days a week from this Sunday. The PACER partners have recognised the capability of it in the diversion of people away from the emergency department, thereby limiting the COVID-19 exposure of healthcare workers and consumers in the hospital environment. We have also

provided an initial \$100,000 injection to Lifeline to increase their capacity, to help with the increased calls being experienced by Lifeline.

As the situation progresses, we are expecting to see an upturn in demand through our clinical mental health services. We are planning for this, as well as for how we support our vital frontline staff in continuing to deliver health services. The Coordinator-General for Mental Health and Wellbeing is currently leading whole-of-government work on the mental health response as COVID-19 develops. This planning is well underway, and I will provide updates to the Assembly as the opportunity arises.

Madam Speaker, let me conclude by observing that many people will have noticed that the COVID crisis is exposing the weaknesses in our systems—weaknesses exacerbated by the undervaluing of public systems, the relentless push for smaller government and unfettered faith that the market will fix things. As this pandemic directs a searing spotlight onto these weaknesses, you cannot help but notice the tendency for our system to privatise the profits, but, especially in times like these, socialise the losses.

There is no doubt that we have some distance to go to get to the other side of this challenging period. We must stand together to get there. In the coming months, as governments and the community turn our minds to the recovery phase of this COVID crisis, we must reflect on important lessons of this time: that collectivism is a strength, not a weakness—we are, after all, a society, not simply an economy—that ruthless economic efficiency has a huge cost, in human terms, to our society's resilience to shocks and to our environment; that government is often a solution, not the problem; and that businesses in particular need to pay a fair share of tax in the good times because they will need a bailout in the bad times.

In our own ways, each of us is already yearning for a return to normal and to emerge from these difficult times as quickly as possible. But as we emerge on the other side, let us not forget the lesson that in fact what was normal before has not been able to truly deliver what we need. This period may provide the opportunity for us to create a better normal, one that is indeed fair and sustainable.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (11.06), in reply: I thank Mrs Jones and Mr Rattenbury for their contributions and acknowledge Mrs Jones's comments about the appropriateness of the Public Health Act and, indeed, the Emergencies Act in this situation of an epidemic or, in this case, a pandemic. After this is over, we will certainly review the emergency arrangements that we have in place to cope with this type of event—which, I hope, as I am sure others do, does not occur for another 100 years. But it is important that we learn the lessons. This is a rapidly evolving situation and we are responding quickly to the changing environment. I have no doubt that, after this is over, there will be a thorough review not only of the legislation but of all kinds of structures and processes that are in place to ensure that we are as well prepared as we can be for an outbreak of disease, even if it is not of these pandemic proportions.

I want to finish by thanking everybody who has been involved in the drafting of this bill and the other legislation, the omnibus bill that is coming before us today. People have been working extremely hard right across government to understand where we might need to change things to respond rapidly to this situation. I thank the Chief Health Officer, Dr Kerry Coleman, all of her team at the Health Protection Service and everyone across government for the incredible amount of work that is going into this response. We can be really proud of our ACT public service at this time.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

COVID-19 Emergency Response Bill 2020

Debate resumed.

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

Sitting pattern—amendment

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

That the resolution of the Assembly of 22 August 2019, relating to the sitting pattern for 2020, be amended by omitting the following dates:

Tuesday, 5 May 2020

Wednesday, 6 May 2020

Tuesday, 16 June 2020

Wednesday, 17 June 2020

Tuesday, 11 August 2020

Wednesday, 12 August 2020

Tuesday, 25 August 2020

Wednesday, 26 August 2020

Friday, 28 August 2020.

COVID-19 pandemic response—Select Committee Establishment

MR WALL (Brindabella) (11.11): I move:

That:

- (1) a select committee be appointed to consider and report to the Assembly on any matter relating to the ACT government's health and financial response and any other matter relating to the COVID-19 pandemic as it relates to the ACT;

- (2) the Committee be composed of:
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Greens;to be notified in writing to the Speaker within two hours of this motion passing;
- (3) an Opposition Member shall be elected chair of the Committee by the Committee;
- (4) in conducting public hearings, the Committee shall be mindful of the Public Health Emergency declaration, including that:
 - (a) all efforts are made to minimise the time witnesses are required to be present by scheduling designated hearing times, advising in advance which witnesses the Committee wishes to call or topics that will be discussed, and other measures that minimise impact on essential government, business or organisational resources;
 - (b) where a public hearing is scheduled requiring Government ministers and/or officials:
 - (i) these are to be held no more than once per fortnight for a maximum of two hours, with no directorate to appear for more than an hour;
 - (ii) the Committee must advise of the directorates and officers required and the Committee's intended lines of inquiry no less than one week prior; and
 - (iii) hearings are not held at the same time as National Cabinet or a meeting of the ACT Government Cabinet;
 - (c) hearings are held virtually or via teleconference only; and
 - (d) the above provisions only apply during the Public Health Emergency declaration; and
- (5) for the purposes of this Committee's operation, standing order 254D does not apply.

This motion has been—and I would say the Manager of Government Business, the government whip and the crossbench whip will all agree—quite a tiresome process to work through, but we have finally got to an agreement. The opposition certainly believes that a fast and immediate government response to the COVID-19 emergency is warranted but at the same time appropriate scrutiny should still prevail. This is not a time to throw democracy out. This is a time when we need democratic processes more than ever. The Assembly will seek to establish a committee that examines the government's response to the COVID-19 pandemic, focusing primarily on health and economic recovery but also any other areas that may be impacted as a result of the pandemic.

There are a couple of provisions in here which I will speak to just very briefly which are unusual and warranted, given that we are operating under a public health declaration. They are that the committee will make sure all efforts are made to minimise the time witnesses are required to be present for hearings; that public hearings requiring government officials or ministers will not be held more frequently

than once per fortnight and for a maximum of two hours, with no directorate to appear for more than one hour. In addition, the committee will be advising directorates, as required, of the committee's intended line of questioning a week prior, to provide some clarity to directorates on which officials may need to be made available. Also, the committee will be considerate of national cabinet and ACT cabinet commitments and not schedule hearings during those periods.

Likewise, all meetings, in line with social distancing, will be held virtually or via teleconference. I think this is a mechanism that allows scrutiny far more effectively and efficiently and in a more agile fashion than bringing the Assembly together more frequently. I also note that those provisions will only be in force whilst the public health emergency declaration is in force. With that, I commend the motion to the Assembly.

MS LE COUTEUR (Murrumbidgee) (11.13): The Greens, of course, are also very strongly supportive of starting this committee. There are a lot of distressing things about what is going on at present, but one of the things that are distressing is that in some cases it looks like we are throwing out the idea that we live in a democracy. We have spent many, many years establishing how we actually try to balance all the people's points of view and all the things that we need to do to keep our society running fairly, well, equitably, sustainably and all those wonderful things.

The Greens strongly support the establishment of the select committee. We appreciate that this is a time of incredibly rapid change. If you look at what the papers said just a month ago, we are literally in a different reality. So it is reasonable that the government be required to take some steps in a hurry, and the impacts of these will be wide ranging and may not always be worked out in advance.

I appreciate that the government has just brought in emergency legislation and I appreciate that this will be passed this afternoon. But in this instance I think we can be 100 per cent confident that, without making any criticism of anyone, in relation to some of the things we think now are the best way of dealing with the situation, in a couple of months time it will become obvious that there were some other options or there were some unintended side effects. There is no way we can change how we run our society, our economy and our government so quickly without doing some things which need, at the very least, more scrutiny.

We also think that it is incredibly important that the public gets some sort of say or some sort of better oversight of what our government is doing. And that is one of the positive things about establishing a select committee. I assume that the committee, as well as talking to members of the government, will talk to members of the community, businesses and NGOs about how this emergency is affecting them and what they think the government should or should not be doing about it.

Yes, I am very pleased that the Greens have worked cooperatively with the other two parties, Liberal and Labor, in the Assembly. I am very pleased that we are not going down the routes of some other parliaments. It is very distressing that the federal parliament was planning not to sit until August and I am very pleased that it seems they may be sitting before that. I am very pleased that we are not emulating the

federal government and we are keeping oversight of what our government is doing in this incredibly trying time. Hopefully, it will lead to better outcomes for everyone.

MS CHEYNE (Ginninderra) (11.17): The government supports the establishment of this select committee and thanks the whips for the collegiate manner in which this motion has been drafted. As Mr Wall indicated, it does have some extra provisions, being mindful of the public health emergency declaration and the resources of government. We appreciate the efforts that all parties have shown in making this as workable as possible.

MR COE (Yerrabi—Leader of the Opposition) (11.17): These are extraordinary times that require extraordinary power and therefore extraordinary scrutiny. We have to make sure that all the decisions that are made in this time are evidence based and have the appropriate level of transparency, scrutiny and input. Now more than ever we need evidence-based decisions.

We are trusting the executive, we are trusting the government, with enormous powers during this period, and that is right, but we also want to make sure that they are getting as much input as possible from all parties in this place. This is a time for tripartisanship. It is a time to push politics aside and to make sure that we are genuinely working collaboratively. It means the opposition working with the government but also the government working with the opposition. It is a time for everybody to work together to ensure that we get through this crisis as quickly as possible.

I very much hope that when this committee is established it is seen as not a burden by the government but rather an opportunity to send decisions, to send ideas, to send proposals to the committee for constructive feedback. It is my preference that the default position for this committee should be public hearings and public information, but I accept that there are going to be some times, for public health reasons in particular, when there are going to need to be some confidential discussions. But I think it is very important that this committee is established and that all Canberrans can have confidence that the cabinet and the Chief Minister are being appropriately scrutinised during this very difficult period.

Finally, I want to thank my colleague Andrew Wall for setting the wheels in motion regarding the establishment of this committee. I think it is going to be a very important aspect of our governance framework over the coming months and I very much hope it is supported by the Assembly.

Question resolved in the affirmative.

Estimates 2020-2021—Select Committee Resolution rescinded

MR WALL (Brindabella) (11.20): I move:

That the resolution of the Assembly of 20 February 2020 that established the Select Committee on Estimates 2020-2021, and the resolution appointing Members to that Committee, be rescinded.

I also note that the Chief Minister and Treasurer has not made a statement to the Assembly yet. It has been indicated publicly that there will be no budget at its scheduled time in June this year. The sitting pattern reflects that now and it has also been indicated that the budget will be made post the scheduled October election, should that proceed, but by the end of the year nonetheless. With that, the opposition supports the dissolution of the estimates committee and the resolution establishing the select committee and the resolution appointing members to it.

Question resolved in the affirmative.

Committees—Standing Virtual meetings

MS CHEYNE (Ginninderra) (11.22): I move:

That standing order 229B relating to the use of audio visual or audio links be amended by omitting all words after “location”.

Just for context, standing order 229B does allow for committees at the moment to meet by audiovisual or audio links, but in doing so, at the moment, the chair or the deputy chair actually needs to be physically present to lead that meeting. That is obviously a problem in these extraordinary times and committees have all expressed a desire to be able to meet with all members, virtually or via teleconference. This is consistent with what we just put forward in the earlier motion on the select committee, but this will make it so that it applies to all committees, given that some still have a bit of work to get on with. I commend the motion to the Assembly.

MS LE COUTEUR (Murrumbidgee) (11.23): I strongly support the motion. I think that, while we have introduced it because of the current health emergency, it is something that is going to be useful in perpetuity. There is no real reason why many of the committee meetings cannot be held potentially by voice or telecommunications. While I do agree it is incredibly important that some meetings are held in person, just for a bit of flexibility it will make life a lot easier.

Question resolved in the affirmative.

Sitting suspended from 11.24 am to 2.00 pm.

Ministerial arrangements

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) (2.01): For the benefit of members, I table revised ministerial arrangements for the duration of the public health emergency:

Australian Capital Territory (Self-Government) Ministerial Appointment 2020 (No 1)—Notifiable Instrument NI2020-166, dated 19 March 2020.

Questions without notice
Business—commercial rates

MR COE: My question is to the Chief Minister and Treasurer. Chief Minister, noting the announcement that you made about an hour ago regarding supporting local businesses and the economy in this COVID-19 era, will you please advise what sectors of our economy will receive automatic commercial rates waivers for quarter 4 of 2019-20, and possibly quarter 1 of 2020-21?

MR BARR: The government has undertaken extensive steps to develop a scheme that provides relief for business tenants and owner-occupied commercial properties. There are three broad categories of businesses emerging through COVID-19. The first category is those who are partially affected or not affected at all. For those who are significantly affected, we have, generally speaking, applied the commonwealth threshold around that, which is at least a 30 per cent reduction in business income, although a couple of our measures have been a little bit more generous than the commonwealth in that regard. Category 3 is those who have shut down operations due to COVID-19 health restrictions.

There are those for whom, as part of stimulus package 1, the government provided a fixed charge waiver of \$2,622. That is the equivalent of the annual fixed charge amount to commercial property owners with average unimproved values lower than \$2 million, which I am advised is about 90 per cent of the commercial properties in the ACT. The cost of that is \$16.2 million in quarter 4. Those who are in the second category will be able to apply for a waiver, or a rebate if they have already paid annually, of commercial rates that are tied to rental relief provided to tenants. The proportional cost-sharing arrangement—

Mr Coe: A point of order.

MADAM SPEAKER: A point of order, Mr Coe?

Mr Coe: It is on relevance. I am after what sectors will receive automatic commercial rates waivers.

MADAM SPEAKER: I think there is a level of detail in Mr Barr's answer.

MR BARR: Thank you. In the first instance, as I said, businesses in categories 2 and 3 will be receiving additional assistance. The rebate that we announced as part of category 1 applies to all sectors with AUVs below the \$2 million figure. *(Time expired.)*

MR COE: Treasurer, will any sectors of the economy receive automatic rates waivers or will all businesses, if they are in category 3 or category 2, have to apply for a commercial rates waiver?

MR BARR: The national agreement is that rates waivers—in the context of the ACT, rates and land tax are combined—must be tied to that being passed on to tenants.

There are situations, of course, where the commercial ratepayer will also be the tenant; they will be effectively owner-occupied. In those circumstances it would then automatically flow on because there is not a landlord-tenant relationship.

This is, of course, incredibly complex and subject to some further national cabinet deliberations. Rather than trying to verbally describe every single possible example, we will provide detail to the opposition in relation to the application of these measures as they apply to both category 1, the first phase of our economic stimulus, and the ones that we have just announced today.

MR WALL: Chief Minister, can you be slightly more specific as to which businesses will be required to apply for the concession? For example, will a gym that has been forcibly closed as a result of these measures be automatically entitled to and receive the rates waiver or will they still be required to apply?

MR BARR: It will depend on whether the gym owner also owns their building or whether they are in a landlord-tenant relationship. In order for the rebate to apply to a landlord, they must pass it on to the tenant. That is the complex element here that we have been working through, because this should not be an exercise in rebating landlords and tenants seeing none of the benefit of that. Landlords cannot continue to charge full rent to a tenant who has no capacity to earn income, then expect to get a government benefit and still continue charging full rent to that tenant. The Prime Minister has been very clear about that throughout this process.

We will provide further detailed information to the opposition on the implementation of this. Elements of this still need to be worked through at a national level. Every jurisdiction is going through this process. It is a complex area of law, and it is a complex set of private commercial interactions that government is having to insert itself into. There have been hours and hours of meetings between treasurers, attorneys-general, first ministers, departments and key stakeholders right across the nation on this, but we are getting closer to an absolute, definitive answer. Codes of conduct between landlords and tenants have been led by those organisations at a national level. There are many complexities here, but the broad principle is that benefits from government, tax relief, should be provided to those who need them most and must be passed on to tenants. Banks and government will also be supporting landlords.

Homelessness—COVID-19

MS LE COUTEUR: My question is to the Minister for Housing and relates to emergency accommodation. Minister, what measures are being put in place for people who are homeless, particularly if they happen to be in need of quarantine or isolation? I ask this particularly given that Safe Shelter has ceased operation for this season, due to COVID-19. What will happen to the people who could otherwise have gone there?

MS BERRY: I thank Ms Le Couteur for her question. There has been a significant amount of work done on developing an alternative model, given the closure of Safe Shelter due to COVID-19. I will have more to say on that soon. We are just working through the detail with service providers in the ACT, but it will be within the next

couple of days, I hope. Of course that is an important place, where particularly men who are sleeping rough through winter can get additional support and sleep somewhere safe and dry.

What is happening across the rest of the world with respect to COVID-19 indicates that there will be an increase in people experiencing homelessness, and probably rough sleeping, as well. Again, we are working with partners, including Catholic Care, who will be immediately expanding their support through Axial Housing—the housing first program, which targets chronic rough sleepers and puts in place the wraparound supports they need to deal with some of the complex needs that they have. So there is a lot happening in this space. We are working very closely with the sector, making sure that the response is targeted and goes directly to those who are affected by COVID-19.

MS LE COUTEUR: Are there going to be specific supports for people living in congregate arrangements such as Ainslie Village and Havelock House, as well as those in private communal arrangements such as share houses? Have you been looking at the idea of these people or others taking over empty accommodation such as schoolkids' accommodation?

MS BERRY: Yes, we are considering everything, Ms Le Couteur. This is a unique and very new situation. Nobody has written a rule book on how we approach this issue, so we are looking at everything. Government ministers have been, as much as possible, talking with opposition members and the Greens about ideas that you might have to help us along this way. COVID-19 does not choose a political party. It affects all of us, our whole community, and we are open to ideas about how we can support people in better ways. But, yes, all of those things that you have suggested are being considered.

MR WALL: Minister, what preparation work has been done, in the possible event of a total lockdown, to look at how we support homeless people, and what would be the legal status of a homeless person, should everyone be confined to their place of residence?

MS BERRY: The definition of a homeless person is a national definition, so we will need to work very closely with the Commonwealth government. We have been doing that over the last couple of weeks—it feels like many, many months—on what legislative or other changes need to be made. At the moment, with regard to housing there are no legislation changes that need to be made in the ACT to make sure that people are supported. Housing ACT, for example, like a lot of other people who can move online, have moved online. They are now talking with housing tenants on the phone and are able to find out the different kinds of supports that those people need, which they may not have been aware of during their normal client visits to public housing homes.

We already know that there are around 2,000 who are particularly vulnerable Housing ACT tenants who were contacted during the bushfires and will have been prioritised as a group to be contacted to ensure that they are getting the supports that they need as well. As things are moving online, some of that is making it easier to get in touch with

people, but some of it will cause complications around isolation. But the sector is well prepared, and Housing ACT are well prepared to make sure they keep in touch with people, particularly those who are most vulnerable.

Health—COVID-19

MR HANSON: My question is to the Minister for Health. Minister, what are the government's best and worst-case projections of the number of people in the ACT who are likely to contract COVID-19 and, of those, how many are likely to require ward hospitalisation and ICU treatment?

MS STEPHEN-SMITH: I thank Mr Hanson for the question. The modelling that is being done in relation to this is being done at a national level and is being talked through at a local level. We heard publicly the Chief Health Officer from New South Wales indicate previously that 20 per cent of people are likely to get it. We have heard any estimate between 20 per cent and 60 per cent. The reality is that this modelling is changing all the time. We know that this is a rapidly evolving situation both globally and locally. Our health protection service and our Chief Health Officer are working very closely through the Australian Health Protection Principal Committee and their advisory and partner bodies, as well as with the local representatives on the modelling group, including people from the ANU, about what that modelling might look like for the ACT. But I am not going to stand here and give the opposition the number of people.

What we have been doing is looking at what that modelling means for our health system. We have been looking at the fact that what we are seeing globally is that around 80 per cent of people who contract COVID-19 have a relatively mild illness, and around five per cent need hospitalisation and very significant health support. We are working on the basis of these worst-case scenarios. That is what we are doing in terms of the additional health capacity across our hospital system. We are ramping up our intensive care capacity and ramping up our emergency department capacity, including with the investment that we announced today, in partnership with Aspen Medical, for 50 new treatment spaces in the temporary emergency department. But as part of the integrated service response we are looking at every possible space in every possible hospital. *(Time expired)*

MR HANSON: In terms of the planning for those worst-case scenarios, can you continue giving detail on the number of beds in ED and ICU, and on other capacity that is being built to cater for the worst-case scenario, should it eventuate?

MS STEPHEN-SMITH: I thank Mr Hanson for the supplementary question. In terms of ICU and ventilator capacity, there is still more work going on. As members would know, the CEO of Canberra Health Services, Bernadette McDonald, has been appointed by the Chief Health Officer to lead this work. The day-to-day capacity for intensive care units across the territory at the moment is 50. Our total capacity, using the current equipment and space, increases to 91. Then we have looked at capacity with purchases and with the Aspen model, which increases our total potential capacity to 178. We talk frequently about the need to double ICU capacity and potentially triple ICU capacity, and that is the exact work that is going on.

There is also work going on at a national level to look at how we can ensure that we have enough ventilators across the nation. That work includes work with ResMed to look at what they can do in terms of production not of invasive ventilation but of non-invasive machines that may be appropriate to support either COVID patients or other patients if we indeed reach the kind of peak where our health systems are really struggling. What we are trying to do, of course, is flatten the curve so that we do not reach that situation.

MR WALL: Minister, when will the ACT health system have capacity to meet what has been modelled as the worst-case scenario?

MS STEPHEN-SMITH: I thank Mr Wall for the supplementary question. As we announced today, the Aspen temporary emergency department that will supplement the Canberra Hospital facility will be up and running in May. Bernadette McDonald is working very closely with the private hospital sector to ensure that we really understand all of that capacity. We have already made the move to delay category 3 and non-urgent category 2 elective surgeries to free up space and to enable the health system to prepare. We are continuing to expand that capacity. By May we will have Aspen up and running and will be looking at the type of capacity that I have talked about today.

But I really need to emphasise that this is an ongoing piece of work. The numbers that I have provided today are today's numbers, but we may identify additional sources of equipment, additional spaces and additional things in the day clinics and the private surgeries that Canberra Health Services is now working with to try to build that territory-wide approach.

Hospitals—intensive care beds

MISS C BURCH: My question is to the Minister for Health. Minister, how many ICU beds are currently available for use in the broader Canberra region?

MS STEPHEN-SMITH: I do not have those figures from the Southern Health Network on me, so I will take that question on notice and come back to Miss Burch with an answer.

MISS C BURCH: Minister, how much additional intensive care unit capacity is the government planning to use in the coming months?

MS STEPHEN-SMITH: I think I probably answered that in my previous answers. I am not quite sure what further information I can provide to Miss Burch, so I refer her to my previous answers.

MRS KIKKERT: Minister, what contingency planning has been done for the possibility of our intensive care bed capacity being overstretched?

MS STEPHEN-SMITH: Again, I think I have provided comprehensive answers to the first set of questions. I am not sure that I have got much to add to that.

Disability services—carer assistance

MR MILLIGAN: My question is to the Minister for Disability. Under current social distancing rules, only two people are allowed to socialise. How do people in care who need a full-time carer move about the community to visit or socialise with friends or relatives?

MS ORR: I thank Mr Milligan for his question. I note that I have been receiving similar representations and questions from the shadow minister for disability, Ms Lee. It is a very important question and one that we are working through. We are working with the NDIA as well to make sure that we are providing suitable guidelines so that people who have caring responsibilities or are employed to have caring responsibilities and to support people with disability can go about their business and provide that support.

MR MILLIGAN: Minister, are there any exemptions to the two-person rule with people with disability?

MS ORR: In a word, yes.

MR WALL: Minister, how has such information been communicated to the disability sector and what further steps will be taken to ensure that they are kept informed?

MS ORR: I thank Mr Wall for the supplementary question. The majority of the communication has been coming through the NDIA to NDIA providers so that they have to up-to-date information. The ACT government are also looking at ways that we can support that communication to make sure it is reaching as many people as possible. I have also been on the phone, and the directorate has been on the phone, to a range of our stakeholders and our community service partners to make sure we are hearing what concerns they have and that we are responding appropriately.

Health—COVID-19

MRS KIKKERT: My question is to the Minister for Health. Minister, has the ACT reached the stage of community transmission? If not, what are the latest projections as to when we will enter that stage?

MS STEPHEN-SMITH: I have been saying repeatedly in my press conferences that, while we have no evidence of community transmission in the ACT at this time—indeed, the four new cases that we announced today all related to overseas travel, including cruise ships—it is inevitable that we will start to see community transmission of COVID-19 in our community. The Canberra bubble does not protect the ACT. It does not provide a force field around our community, and we are not immune from the effects of this pandemic.

When that will be, we do not know. We have said that we expect this to happen. I think we can reasonably expect it to happen within the next few weeks. None of us has a crystal ball in relation to this issue. Things have been moving and changing very

rapidly, and things have not necessarily developed in the way people have expected in either direction, up or down.

What I have been emphasising, and what the Chief Health Officer and the Chief Minister have been emphasising to Canberrans, is that we need to act now to ensure that we are flattening the curve. We do not want to see the start of local community transmission and sustained community transmission in our community. Once we start seeing sustained community transmission, it is much harder to slow it down and shut it down than it is to slow the spread of transmission from the low level that we have at the moment, with what are largely returning travellers and close contacts.

MRS KIKKERT: Minister, does the government know how many people in the ACT have the COVID-19 virus but were not tested because they were ineligible? If the answer is yes, how does it know?

MS STEPHEN-SMITH: As Mrs Kikkert, I am sure, would be aware, if she was reading the updates and watching our press conferences, the ACT has had almost 5,000 negative test results for COVID-19. To date, we have 87 cases of COVID-19 in the ACT. We have, of course, had one tragic death. I again send my sympathies to that woman's family and friends. We have 11 people who have recovered. But that record of almost 5,000 tests and 87 positive results is about two per cent positive. That is incredibly low by global standards. So when we are hearing people internationally saying, "Test, test, test," Australia is testing at the highest rates in the world.

When you have those very low positive numbers and you are picking up a lot of mild cases, there is a degree of confidence that you are picking up most of the cases. I will never stand here and say there is not a case of a positive COVID-19 patient out there that we do not know about. But if there were a lot of them, we would start to see them in hospital. We are testing everyone who is in hospital with an unexplained severe respiratory illness or unexplained fever, and none of those tests has so far come back positive without a known source of transmission; that is, not a local community transmission. We are also testing all health workers who are symptomatic and who seek to be tested. I encourage health workers who are symptomatic to get tested, because we want to know if there is local community transmission of COVID-19. We are not trying not to find out; and, as soon as we know, we will tell people.

MISS C BURCH: Minister, how many people have sought testing for COVID-19 but been refused because they were ineligible?

MS STEPHEN-SMITH: I will have to take the detail of the question on notice. I know that a number of people have sought testing and have not been found to meet the criteria. Again I need to emphasise that the criteria we have for testing are nationally consistent criteria, and they have also been broadened a couple of times. They have been broadened so that we can do that sentinel testing, so that we can test our healthcare workforce, and so that we can test those people in hospital. We test people in residential aged care, detention, and in other congregate living circumstances if they have symptoms as well, because we know that if there is a positive case of COVID-19 in those environments that is an environment where it can spread.

We are doing targeted testing to try to pick up if we do start to see community transmission. Our testing resources are not limitless. We literally cannot test every person in the ACT who has symptoms of a cold or flu. That is not a reasonable thing to do. Mr Coe stood here earlier today, when he was talking about the committee, and said he wanted to see an evidence-based response. That is exactly what we are doing. That is exactly what the national cabinet is doing, on the basis of the advice of the Australian Health Protection Principal Committee. We are taking the advice of health professionals and health experts in this space of communicable disease and infectious disease control, and that is what we are acting on. We continue to review. The Australian Health Protection Principal Committee and the Chief Health Officer continue to review those testing criteria every day, to determine whether we do need to start expanding those criteria.

Energy—concessions

MISS C BURCH: My question is to the Chief Minister. Chief Minister, have you asked utility companies to provide relief to small businesses and families?

MR BARR: Yes.

MISS C BURCH: Chief Minister, what modelling have you done to measure the cost of living impact for people remaining at home during the COVID-19 pandemic?

MR BARR: None at this point.

MR WALL: Chief Minister, what options does a family have if their energy is cut off as a result of non-payment during the COVID-19 crisis?

MR BARR: Their energy will not be cut off, and that is a commitment provided by the energy retailers, the ACT government and the commonwealth government.

Housing—concessions

MR WALL: My question is to the Chief Minister and Treasurer. Chief Minister, I have heard from many constituents who own investment properties in Canberra who are being adversely affected by our current health crisis. An example of this is a couple who contacted me who are in their mid-50s and live in Monash. For the purposes of this question we will call them Bill and Mary.

Currently, Bill and Mary have a significant mortgage on an investment property purchased to assist them with income in retirement. Now living on a single income as a result of one of them losing their job during COVID-19, they are struggling to meet mortgage repayments on the home they live in. Given the rent moratorium that is being canvassed, mum and dad investors like Bill and Mary will struggle to continue to cover the mortgage payments and rates on this property, as well as on the home they live in, if the tenants are no longer paying rent. What is the ACT government doing to support mum and dad investors at this time, such as Bill and Mary?

MR BARR: Firstly, Bill and Mary would be eligible for mortgage repayment holidays through their banking institution, as part of an agreement that the Australian government struck with the Australian banks. They should be able to access that for a period of, I think, at least six months. So they will not have to make any mortgage repayments on their investment property in that regard. They will also, if they are able to reach an agreement with their tenant to reduce their rent, be eligible for significant tax relief from the ACT government. Also, I understand that the federal government will be looking to provide further assistance through federal taxation arrangements.

MR WALL: Again, Chief Minister, what is the ACT government doing to support mum and dad investors such as Bill and Mary at this time, given that there has been nothing to assist them from the ACT government, despite your calls that everyone will need to shoulder some of the burden of this crisis?

MR BARR: I have just announced a significant package of tax relief for just those circumstances.

MR COE: Treasurer, who will be making the determinations on applications for rent reductions, and what role will property owners play in this process?

MR BARR: Property owners will be encouraged to work with their tenants in order to reach an agreement on rent reductions. That would then be lodged with the ACT government and we would provide the tax relief accordingly.

Government—essential services

MR COE: My question is to the Chief Minister. Chief Minister, what has the ACT government defined as essential services and how will that apply to a future further stage 4 of shutdown?

MR BARR: The same as everywhere else around the country, consistent with the national cabinet guidelines in terms of what constitutes essential. Should that change, it will be notified at a national level, noting that AHPPC advice has allowed for some variation between states and territories. The broad principles I have outlined are that we operate within the national cabinet framework with as close as possible alignment to New South Wales to ensure consistency in the Canberra region.

I do not want to speculate on whether there will be any further restrictions at this point, although it is within the purview of the national cabinet, acting on the advice of AHPPC to make further restrictions. Obviously, people will have seen over the past few weeks that where restrictions have been put in place it has been off the back of AHPPC advice to the national cabinet.

MR COE: Treasurer, what impact will such a lockdown or shut down have on private enterprise, in particular with regard to the construction sector?

MR BARR: There are certainly no proposals at this time to have any further impact on the construction sector other than what is provided through the national guidelines

around physical distancing, one person per four square metres, and all the additional health protection measures that have been advised.

The Reserve Bank and the OECD have indicated that the type of disruption to economic activity, based on the level of restrictions, means that economic output is reduced by between a quarter and a third, depending on the nature of restrictions.

The Prime Minister has been very clear in his language around lockdowns, and I tend to agree with that. The term “lockdown” is bandied about. We should be cautious in using that. Lockdown in a Chinese context meant people were physically welded into their homes and not allowed to leave. Their doors were welded shut. I cannot envisage a circumstance in Australia where that would happen.

MR HANSON: Chief Minister, what contingencies does the ACT government have in place to maintain essential services in the event of any mass staff illnesses?

MR BARR: We have seen as many redundancies as we possibly can in terms of business continuity plans but the whole purpose of the social and physical distancing measures that are in place now is to reduce the spread of the virus. We will be like any other part of the world, in that, if this epidemic gets away, it will have significant impact potentially upon services.

The measures we have put in place in terms of working from home arrangements and reducing the density of the number of people in government buildings where essential services are being delivered are good risk reduction measures. But there is no risk elimination in this environment. There is no way that we can reduce risk completely, but we can put in place sensible measures, and we have at the local level, just as other governments have.

Tourism—COVID-19

MR WALL: My question is to the Chief Minister and Treasurer. Canberra’s tourism sector was badly affected by January’s bushfire events, and the COVID-19 crisis is another significant blow. Many businesses are threatened, including much-loved institutions and attractions such as the Dinosaur Museum, Cockington Green and the National Zoo and Aquarium, to name just a few. What support has the tourism sector requested from the ACT government thus far?

MR BARR: The government has been meeting with the sector as represented by its overarching industry associations, of which there are a number in the broader tourism sector, as well as undertaking individual case management, and the businesses that Mr Wall has mentioned have been a part of that individual case management.

Because those businesses are clearly in category 3, where they have just been entirely shut down, there will be requirements for the ACT government to provide full waivers on every ACT government charge. They will be eligible for all of those. We are potentially in a situation where we may need to take an equity stake in some businesses in order to preserve, for example, the welfare of animals, but we will work very hard to ensure that the measures that we undertake, combined with those

measures undertaken by the Australian government, may be able to avoid that situation.

In the case of the zoo, I am very conscious of the animal welfare issues associated with that. If it is necessary for the territory government to assume some of the costs and some equity in that business in order to get it through this period then we would be open to that.

MR WALL: Chief Minister, can you expand on what other measures are being discussed with such institutions, beyond what has been made public so far?

MR BARR: We have individual case management plans associated with those particular businesses. Many of them have unique circumstances, the zoo being one such example. Obviously, we are not the only jurisdiction that has a zoo in this particular circumstance, so the advice I have is that the commonwealth and state and territory governments are looking at a package for those sorts of unique tourist businesses.

Clearly airlines are the subject of quite significant government bailouts, and potential equity stakes have been discussed in relation to Virgin in particular in recent times. We have been working with the hotel industry. You would note that some hotels have been utilised for quarantine arrangements; others have the capacity to be utilised for emergency accommodation, potentially for healthcare workers who need to isolate between shifts and not go back to their homes. There are a range of circumstances in which we are engaged.

Rest assured, there is a very big team within Economic Development and VisitCanberra who are working with those individual businesses, as there is obviously no tourism marketing underway at the moment and there is no prospect in the short to medium term for there to be any domestic tourism industry in Australia. In the longer term it is unlikely that we will see borders unlocked any time soon in relation to international tourism.

MR COE: Chief Minister, what assistance will the ACT government provide to help the businesses that Mr Wall mentioned—the Dinosaur Museum, Cockington Green, and the National Zoo and Aquarium—and the Canberra Reptile Zoo, the bird aviary in Nicholls and numerous others to make it through this crisis?

MR BARR: We will provide tax relief. We will provide business advice and support. We will consider, as I say, taking equity stakes in some businesses where, if they did fall over, we would be left with a significant animal welfare issue. We will work very closely with the commonwealth government. The commonwealth's JobKeeper announcement was very important. The national wage subsidy scheme will assist those businesses to keep staff on and that will be essential, particularly in the animal welfare role of the many examples that the Leader of the Opposition has given.

I do not think we want to come out the other side of this as the total owner of all of those assets, but I do recognise the importance of both the hibernation process that the Prime Minister has outlined and the extent to which both federal and ACT

governments can support that through various tax relief measures. I need to be frank with everyone: not every business is going to survive this. There is no level of government support—territory or federal—that can save every single business through this once in a century economic and health crisis. We need to be honest with people about that. But whatever we possibly can do, within reason, we will do.

Mental health—COVID-19

MR WALL: My question is to the Minister for Mental Health. Minister, I note previous discussions between Mrs Dunne and you, and the fact that mental health facilities and services in the ACT have been operating at or near capacity for a considerable period. Minister, what advice have you taken as to the need for increased mental health services during the COVID-19 pandemic?

MR RATTENBURY: I thank Mr Wall for the question. Firstly, I am pleased to be able to let Mr Wall know that, through the measures that have been put in place in recent times, the average operating capacity for the adult mental health unit for this year has been around 85 or 86 per cent, contrasting to the near 100 per cent operating capacity that it was at this time last year. So there has been improvement there. That has given us some margin, but clearly the COVID situation has the real potential to drive increased demand for mental health support services.

But it will not all necessarily be at the inpatient level. Right across the community, mental health and wellbeing are likely to be impacted. Some of that will be a lot of people who are at home who are experiencing a range of anxiety situations. In particular the amount of uncertainty that we are facing here leads to a natural sense of anxiety for many people. So a lot of the work that needs to be done, I think, is at a community wellbeing level and trying to provide some of that low-level support for a lot of people who are finding themselves in circumstances they are not used to.

In our inpatient facilities, there is a range of contingency planning being done in terms of how, if somebody is identified as being COVID positive, that will be managed within a unit; thinking about staff levels, as many other units are having to do, to make sure that we do not lose all of our staff to illness; and measures in that vein. So there is a lot of contingency planning going on at the moment.

MR WALL: Minister, what preparations has the government made for an increase in demand for mental health services both during and following the COVID-19 pandemic?

MR RATTENBURY: As I said, there has been a range of thinking going on. One of the immediate responses is that, as members will have seen, in the first ACT government economic support package one of the first measures we took was to provide additional funding of \$100,000 to Lifeline to enable them to increase the number of calls that they receive. They have been able to do that in recent times. Data I saw this week from the CEO of Lifeline suggested that they have been able to take about an additional 850 calls and they have increased their call-taking rate quite a lot in terms of the percentage of calls answered. That has been an immediate measure.

We are in the process at the moment of putting further work together on what a detailed mental health plan will look like going forward. We are assessing what the commonwealth has announced and what impact that will have because, as the Chief Minister has indicated, there is a considerable effort to coordinate between the national government and the territory government to make sure that, with the significant demands that are on our resources, we are not duplicating. Given the commonwealth announcement at the weekend, we are going through the details of that and I expect to be able to provide further information to members of the Assembly and the community in the near future on a detailed mental health plan for the rest of the year.

MR MILLIGAN: Minister, what online mental health services are you rolling out to meet the demand during the COVID-19 pandemic, and will patients continue to need a mental health treatment plan in order to be able to access those services?

MR RATTENBURY: In terms of online treatment services, if I understand Mr Milligan's question correctly, there are a range of websites and applications that are available to anybody in the community. They are designed for a range of needs. Organisations such as Beyond Blue, Lifeline, the Black Dog Institute and others have a range of resources available. Headspace has online resources targeted at younger people. They have developed a specific COVID-19 advice sheet. So in that sense the ACT government is not developing its own online resources. We are, as you can see from the COVID-19 website that the ACT government launched this week, directing people towards those other resources. There is no point in reinventing the wheel.

If I understand the other possible interpretation of the question, our health services are increasingly providing services online to people in the environment of having to have physical distancing. People are still able to have consultations through online services and online portals; similarly to organisations like Headspace, they are taking similar measures. So on both fronts there is a significant move to digital. We are seeking to adapt, as many other organisations and business are across the country, to provide more online services in the context we find ourselves.

Homelessness—COVID-19

MRS KIKKERT: My question is to the Minister for Housing and Suburban Development. Minister, you indicated earlier in question time that you are expecting an increase in homelessness and rough sleepers because of this crisis. What is your expectation of the scale of that increase?

MS BERRY: That is very hard to define at the moment. We are paying very close attention to the data that is coming in from our homelessness support services, as well as OneLink. In fact, a lot of things happened last week with regard to COVID-19, so OneLink did see a significant increase in contacts for a number of supports, including housing, but this week it has gone down to more normal numbers. We are keeping a very close eye on it.

We are also ramping up all of our existing services, such as the Axial Housing one for rough sleepers, to get more rough sleepers into accommodation, and wrapping around supports to support them through some of the complex issues they are experiencing.

We have set up a rough sleeper task force, who have already had their first meeting, to look at what are the priority needs for that particular cohort. We are also working with other homelessness support services, including the domestic and family violence support services, about what they are seeing and hearing from their clients, and working with them on what we need to do to address the situation as it comes.

MRS KIKKERT: Minister, what has been considered for the provision of basic personal hygiene for people experiencing homelessness, given that Orange Sky have ceased their operations, and the Early Morning Centre is offering a restricted service?

MS BERRY: Night Patrol and Street to Home have always provided hygiene packs to people who are sleeping rough. The hygiene packs include things like soap, shampoo, conditioner, wipes, toothpaste and combs—that sort of thing. The Early Morning Centre is still providing showers for people who are sleeping rough, while obviously keeping in mind the social distancing rules at the moment. I have not heard that there has been a need to increase that service, even though Orange Sky has stopped operating at the moment. As I said, we work very closely with and listen very carefully to the Early Morning Centre. If they are seeing a need, we will make sure we work to address that.

MR HANSON: Minister, will you consider hotel accommodation for people experiencing homelessness to protect their health and help them to self-isolate, as is proposed by the Western Australian Labor government?

MS BERRY: This year we have had an increase in emergency accommodation, probably also due to the smoke and fires earlier in the year. We have already been providing emergency accommodation for people who need it. For people who need to isolate, yes, absolutely; that is an option for us to be able to provide a safe place for people to isolate, if they are diagnosed with COVID-19, and we will support them in that accommodation.

Mr Barr: I ask that further questions be placed on the notice paper.

Answers to questions on notice

Questions 2925, 2927, 2931, 2935

MS LE COUTEUR: I have a list of questions on notice that have not been answered. I acknowledge that two came in just a few minutes ago and I have not knocked them off the list. The questions are 2931 and 2935 to the Attorney-General and questions 2925 and 2927 to the Minister for Housing and Suburban Development. I appreciate that everybody is really busy, but some of these were asked before it got quite so bad, and it would be nice to get an answer.

MR BARR: On behalf of those ministers, some of whom are not in the chamber, we are working through all of these questions on notice and answers will be provided to members as soon as possible. I appreciate that some were asked before this situation arose, but right at the moment across ACT government months of work is being done in days and weeks and the workload on ministers, particularly some ministers, is the most they have ever experienced in their working careers.

Papers

Madam Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 1/2020—Shared Services delivery of HR and Finance Services, dated 21 February 2020.

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Report for the period 1 July to 31 December 2019, dated 24 March 2020, prepared by Professor Dennis Pearce AO.

Independent Legal Arbiter—Report—SPIRE Options Paper—Disputed claim of privilege, dated 16 March 2020, prepared by The Hon Richard Refshauge SC.

Standing order 191—Amendments to:

Cemeteries and Crematoria Bill 2019, dated 27 February 2020.

Crimes (Disrupting Criminal Gangs) Legislation Amendment Bill 2019—Revised, dated 24 February 2020.

Heritage Amendment Bill 2019, dated 24 February 2020.

Magistrates Court (Infringement Notices) Amendment Bill 2019, dated 26 and 27 February 2020.

Residential Tenancies Amendment Bill 2019, dated 24 February 2020.

Unit Titles Legislation Amendment Bill 2019, dated 26 and 27 February 2020.

Workers Compensation Amendment Bill 2019, dated 26 February 2020.

Mr Gentleman presented the following papers:

Aboriginal and Torres Strait Islander Agreement 2019-2028—2019 Annual Report, together with a statement, dated April 2020.

Aboriginal and Torres Strait Islander Elected Body Act, pursuant to subsection 10B(3)—ACT Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the ATSIEB Hearings 2019—Ninth Report to the ACT Government—Government response, dated April 2020, together with a statement, dated April 2020.

ACT Women’s Plan 2016-2026—Second Action Plan 2020-22: Equity Together.

A Step Up for Our Kids—Snapshot Report—April 2020, together with a statement.

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General’s Report No 11/2019—Maintenance of ACT Government School Infrastructure—Government response, dated April 2020.

Bail Act, pursuant to subsection 44A(2)—Section 44 Statutory Review Report, dated March 2020.

Building regulatory reforms—Six monthly update.

Children and young people—Out-of-home care review—Response to the resolution of the Assembly of 18 September 2019—Statement.

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 12(4)—Annual report by independent entity—ACT Greenhouse Gas Inventory 2018-19, dated November 2019, together with a statement.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9) and Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—Annual report 2018-2019—ACT Policing Special Purposes—Minister for Police and Emergency Services—Corrigendum.

Education, Employment and Youth Affairs—Standing Committee—Report 7—*Cessation of the Music for Colleges course*—Government response, dated March 2020, together with a tabling statement, dated March 2020.

Financial Management Act, pursuant to subsection 30F(3)—2019-20 Capital Works Program—Progress report—Year-to-date 31 December 2019.

Freedom of Information Act, pursuant to section 39—Copy of notices provided to the Ombudsman—Freedom of Information requests—Decisions not made in time—

Community Services Directorate—CYF-20/23, dated 5 December 2019.

Request received in the Ombudsman's Office on 23 December 2019, dated 2 March 2020.

Mental health in the ACT—Update on the policy directions—Statement, dated April 2020.

Network 19—Issues—Response to the resolution of the Assembly of 27 November 2019, dated April 2020.

Occupational Violence Strategy 2020-2022—Canberra Health Services, together with a statement, dated 2 April 2020.

Public Accounts—Standing Committee—Report 8—*Inquiry into Auditor-General's Report No 7 of 2016: Certain Land Development Agency acquisitions*—

Copy of letter from the Director-General, Environment, Planning and Sustainable Development Directorate to the Minister for Planning and Land Management, dated 2 April 2020.

Revised Government response.

Public Sector Management Standards, pursuant to section 56—Engagements of long-term senior executive service members—1 September 2019 to 29 February 2020, dated April 2020.

Royal Commission into Institutional Responses to Child Sexual Abuse—ACT Government Second Annual Progress Report responding to recommendations, dated December 2019, together with a statement, dated April 2020.

Sexual health outreach—Response to the resolution of the Assembly of 15 May 2019, dated April 2020.

Women and girls in the ACT—Annual statement on the status.

Workplace Culture within ACT Public Health Services—Independent Review—Final Report—Biannual update on implementation of the recommendations, and Estimates 2019-2020—Select Committee—Report—*Appropriation Bill 2019-2020 and Appropriation (Office of the Legislative Assembly) Bill*

2019-2020—Response to Recommendation 75—Health Culture Survey—Statement, dated 2 April 2020.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Court Procedures Act—Court Procedures Amendment Rules 2020 (No 1)—Subordinate Law SL2020-6 (LR, 24 February 2020).

Magistrates Court Act—Magistrates Court (Heritage Infringement Notices) Regulation 2020—Subordinate Law SL2020-5 (LR, 20 February 2020).

Motor Accident Injuries Act—

Motor Accident Injuries (Insurer Communication) Guidelines 2020—Disallowable Instrument DI2020-15 (LR, 13 February 2020).

Motor Accident Injuries (Insurer Information Collection) Regulation 2020—Subordinate Law SL2020-7 (LR, 27 February 2020).

Public Health Act—Public Health (‘COVID-19’ AKA ‘Novel Coronavirus’—Temporary Notifiable Condition) Declaration 2020 (No 1)—Disallowable Instrument DI2020-18 (LR, 13 February 2020).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2020 (No 1)—Disallowable Instrument DI2020-23 (LR, 5 March 2020).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 1)—Disallowable Instrument DI2020-19 (LR, 17 February 2020).

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 2)—Disallowable Instrument DI2020-21 (LR, 2 March 2020).

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 3)—DI2020-22 (LR, 2 March 2020).

Road Transport (General) Deciding Applications for Registration—Written-off Vehicles Declaration 2020 (No 1)—Disallowable Instrument DI2020-24 (LR, 12 March 2020).

Road Transport (General) Hazard Perception Test Exemption Declaration 2020 (No 1)—DI2020-20 (LR, 20 February 2020).

Road Transport (Offences) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-8 (LR, 27 February 2020).

**ACT Health—SPIRE project
Report**

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) (2.52): Pursuant to standing order 213A(j), I move:

That the Assembly authorise for publication the report of the Independent Legal Arbiter in relation to the SPIRE Options Paper tabled by the Speaker earlier today.

Question resolved in the affirmative.

Children and young people—out of home care

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) (2.52): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Children and young people—Out-of-home care review—Response to the resolution of the Assembly of 18 September 2019—Statement.

Question resolved in the affirmative.

Leave of absence

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

That leave of absence be granted to Ms Cody, Mrs Dunne, Mr Gupta, Ms Lawder, Ms Lee and Mr Steel for today, due to COVID-19 arrangements.

COVID-19 pandemic response—Select Committee Membership

MR ASSISTANT SPEAKER (Mr Parton): The Speaker has been notified of the following nominations for membership of the Select Committee on the COVID-19 pandemic response: Ms Cheyne, Mr Coe, Mrs Dunne, Ms Le Couteur and Mr Pettersson.

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

That the Members so nominated be appointed as members of the Select Committee on the COVID-19 Pandemic Response.

COVID-19 Emergency Response Bill 2020

Debate resumed.

MR COE (Yerrabi—Leader of the Opposition) (2.55): These are extraordinary times. Across Canberra, lives have been transformed, and the recovery will be long. Many people in our community at this stage are feeling more the economic crisis than they are the health crisis. My colleagues and I have been inundated by many of Canberra's employers and employees who have had their livelihoods turned upside down as a result of public health decisions.

For many, the direct personal risk of coronavirus has been compounded by the loss of their jobs, their business or their investments. Across Canberra there are local businesses who need support, particularly with fixed costs that are mounting during this period. From small cafes and retailers right across this city to the many producers that we have, the providers of services and the clubs and bars, all these businesses that we depend on are going through tough times. We are very fortunate to have people in our community who take risks, who hire staff, who pay taxes and who provide the goods and services that we need. Now more than ever we have to support them. We have to back them.

Governments, as I have said earlier, need to make evidence-based decisions. Now more than ever, we need governments that assess all the information and make wise decisions that will stand us in good stead. The opposition will provide support to the government in these tough times. This is a time for cooperation and tripartisanship. As I said earlier, such times require the opposition to work with the government but also the government to work with the opposition. If the executive need or want to get additional powers, they should be doing so in a way that is consultative and collaborative with all members of this place.

The bill before us essentially gives the government the power to change numerous important pieces of legislation. From tenancy agreements to court proceedings and many other things, all will impact Canberrans. These measures will extend long past the COVID-19 emergency period. The ministers can take it upon themselves to determine that some are required for up to a year after the emergency period ends. There is no opportunity for the Assembly to step in and review these decisions, because many of them are in the form of notifiable instruments. The Assembly cannot even disallow them.

It is concerning to many that these measures are not subject to Assembly oversight. The practical effects of the reduced sittings mean that the government could effectively hold back on tabling instruments for six sitting days, which is potentially six months or even a year away. We have to make sure that we are all vigilant during this time.

It is disappointing that the first time the opposition saw the legislation was yesterday at 3.30 pm. Had we been involved in the process beforehand, we could have given some practical advice about the legislation itself. While some of my colleagues received a briefing the day before, it was not a briefing with the legislation. It was not a briefing with application to the legislation; it was about the intent of the legislation, because the legislation was still being written.

Of course these are very busy times for the government. But, had the opposition been consulted earlier in the piece, we could have advised that disallowable instruments would have been a better way forward than notifiable instruments. As it stands, we have notifiable instruments throughout this complex legislation. It is impossible for us to go through and amend 50 pages of legislation in 12 hours. It simply cannot be done.

Even if on that threshold question somebody had contacted a member of the opposition and said, “This is the way we are heading. Here is some draft legislation. What do you think?” we could have provided information that could have then formed part of the drafting instructions. Instead we are in a situation where we have extremely significant legislation that has had hardly any scrutiny applied to it at all.

We are pleased that the government agreed to drop some particularly worrying aspects of the legislation late last night, but there are still many other components of this legislation that should be of concern to all of us. We all need to be vigilant to make sure that these powers are not abused.

In this time of crisis, transparency is critical. While decisions have to be made quickly, they should not be made without accountability. Canberrans are looking to this Assembly for transparency and scrutiny. We are talking about hundreds of millions of dollars and extraordinary powers being granted today. We need to make sure that there is transparency.

The decisions we make now will have an enormous impact on the lives of many Canberrans not just now, not just for a few months, but potentially for years to come. Some of these regulations could well stay in force for many years. The regulations do not necessarily expire with the transitional legislation. The regulations could well go on much longer than the transitional clauses that we are agreeing to today. We have to be very careful about this process.

People expect and have the right to know what their government is doing and how they are doing it. This is enshrined through reporting requirements across legislation and, importantly, in the Freedom of Information Act. We recognise the power of information and the right of people to know what their government is doing. We cannot forget the importance of this right during this crisis and we cannot overlook the consequences or significance of withholding information from the public.

The need for transparency does not disappear with a crisis; in fact, it increases. We need more transparency during this crisis, not less. If the government is going to get additional powers through this legislation today, we need to make sure that there are checks and balances and that we are all vigilant in making sure that none of these powers are abused.

Canberrans must have every confidence that any decision being made as a result of the legislation being put forward today is made with accountability and scrutiny. Unfortunately, there is pretty much nothing currently in this bill that puts any transparency measures into the process—just about nothing. Therefore we will be proposing what we think is a very reasonable amendment: that ministers must report every month on the application and impact of these special powers. If a minister is going to use these special powers, it is right that they report it to the public. It is right that they report it to members of the Assembly. This is at least a start, but we firmly believe that more is needed.

Unfortunately, we only saw this legislation for the first time at 3.30 pm yesterday, so it is impossible for us to write into the legislation all the checks and balances that are desperately needed. That is why we have the overarching amendment that we are going to be proposing, which at least calls on the government to make declarations about when these special powers are going to be used.

We agree that many of the measures are either necessary or reasonable—for example, allowing some flexibility in corrections arrangements or extending voluntary care arrangements. However, there are a number of areas where we have serious concerns about some of the measures that are being proposed.

We absolutely agree that we need to do whatever we can to help all the renters in the ACT. We also need to make sure that we have rental stock in the ACT. We need to make sure that there are rental properties available in the ACT.

I note that there are many property owners that are doing the right thing already, many property owners that are giving whatever they can to try to manage this situation with their tenants. But let us not assume; let us not have a presumption of guilt for every single property owner in Canberra. Let us try to work collaboratively with the property owners of Canberra that are providing a much-needed asset for our community, and with the renters. So many people, whether they be property owners or renters, are going through some very tough times right now, and all are worthy of our support as an Assembly.

We remain concerned about the powers given to the minister under this bill. Under the proposed amendments to the Leases (Commercial and Retail) Act 2001 and the Residential Tenancies Act 1997, the minister will be provided with wide discretionary powers regarding altering residential and commercial tenancy arrangements. Again, if this power is used carefully and reasonably, it is okay. The problem is that there is a chance that it will not be used reasonably and appropriately. We are also worried about the risk that this poses for the market. So we are supporting the legislation but we need to make sure that there is transparency and scrutiny throughout this process. I do not think that is too much to ask.

We very much appreciate the moratorium on rental evictions that was agreed to by the national cabinet. The wording of the amendments before us today goes somewhat further than that. The minister can declare that property owners will not be able to terminate leases, recover possession of premises or change any period under the lease during which someone must or may do something, and can wholly exempt a party or class of parties from the provisions within the act. Pretty much the act goes out the window. That is what is being proposed here. Again, these are extraordinary times and extraordinary decisions need to be made, but we also need extraordinary levels of scrutiny.

The minister can make a declaration changing, limiting, or preventing the exercise or enforcement of any other right of the lessor under the lease, under this act. That is a very big call for this place to make. The minister also determines the stated circumstances in which these rights will be restricted.

The Chief Minister made an announcement at his press conference this afternoon that there is nothing explicitly within this piece of legislation which provides guidance or imposes any limitations. We are totally trusting the goodwill of the government, be they ministers or public servants. Furthermore, these provisions extend past the current crisis. They can be extended for an additional three months by the minister after the crisis ends, meaning property owners could be without their rights for a further quarter after this is all over.

There are also very real questions that need to be answered about what happens to any tenancy agreement that is made during this period and what standing it has after this period. For example, if a long-term tenancy is entered into during this period under these rules, what will be the impact in several years time? There are all sorts of questions here and, unfortunately, because of this rushed process, we are unable to get answers to them all.

We are supporting the government on this legislation. I will keep reiterating that. But these questions are worthy of answers and they highlight the need for an appropriate, measured and proportionate response to these powers. We are very much of the view that tenants need to be given absolute security in these times. We just need to make sure that throughout this process everyone is being reasonable, including the government.

With regard to the serious concerns that we have about judge-alone trials, the proposed amendment to the Supreme Court Act 1933 means that the human rights of the defendant are potentially critically compromised. Once again, legislation that was the hallmark of a past Labor administration has now been tossed out the window.

In our legal system the defendant can choose whether to exercise their right to have their case heard by a jury of their peers. The effect of the proposed amendments would mean that the judge would have sole discretion as to whether someone received a judge-alone or a jury trial. We have consulted with the legal profession in the limited time that we have had, and we know that there are many concerns amongst advocates, lawyers, barristers and many others about the inclusion of this provision in the legislation. My colleagues Mr Hanson and Mr Parton will also, I gather, be addressing some of these issues later on.

We have real concerns about the potential application of this legislation. I think everybody in this place should have concerns about the potential application of this legislation. I am not saying for one minute that all these powers are going to be abused, but they could be abused. That is why, as I have said numerous times, transparency and scrutiny are absolutely vital throughout this process. So I urge all members of this place to support the amendment that we are putting forward. At the very least that will give members of this place and the public at large some visibility as to how the government are exercising these powers that we are about to grant them.

It is a significant decision for all of us to make, but I reiterate that we are supportive of the general principle of this bill. We are supportive of taking steps to ensure that the government can react quickly and effectively to emerging issues, many of which

are unknown. But that support does not extend to giving the government complete liberty to do anything and to override the rule of law. There are many good aspects and changes within this bill, but some are of significant concern. That is why we all need to be vigilant, to make sure that what we are doing is in the best interests of all Canberra taxpayers, when we oversee what the government is doing over the coming months.

MR GENTLEMAN (Brindabella—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) (3.14): I rise to speak briefly on one aspect of the bill that is before us—the proposed creation of new powers for me, as the Minister for Police and Emergency Services, to make declarations which may prevent the Registrar of Firearms from issuing licences under the Firearms Act 1996, prevent the registrar from issuing a permit to acquire a firearm under the Firearms Act, or prohibit or limit the sale of firearms, firearms parts and ammunition. This bill also contains within it a similar power to make a declaration to restrict permits under the Prohibited Weapons Act 1996.

In crafting these amendments, we have taken a balanced approach, with the view that our territory's firearms licence holders are responsible. They take their obligations as licence holders seriously and ensure that firearms are, firstly, only used for legitimate, authorised purposes and, secondly, firearms and ammunition are stored safely. However, during this public health emergency and with the uncertainty that it brings, it is prudent to ensure that we have a robust mechanism, should there be a need to restrict the supply of firearms, firearms parts and ammunition.

The set of amendments that are before us today will allow me, as the minister, to control the flow of firearms and ammunition, should there be a need to do so. If passed, these changes would only be used in circumstances where advice is provided by ACT Policing and/or other security agencies or officials that it is necessary to prevent stockpiling for the security of our citizens; if reports of stockpiling have emerged in other states and territories; or if there is a genuine need to limit access to ensure that those that have a need for a legitimate or authorised purpose can access ammunition or firearms in the event of supply shortfalls.

I want to make it clear that, if these circumstances arise, licensed firearms dealers in the ACT would be able to continue to operate to ensure that essential firearms users, such as law enforcement, primary producers and pest controllers, can access firearms and ammunition as needed—unless, of course, there is a decision of the national cabinet which requires otherwise.

There is some anecdotal evidence that there may be a national supply issue emerging regarding ammunition. This is something that officials are keeping an eye on. If supply issues were to emerge, these amendments would allow me to make a declaration ensuring that essential firearms users, farmers and other rural landholders are able to have access to limited amounts of ammunition for the purpose of pest control, farming use or other approved needs as authorised under the Firearms Act, in

an attempt to secure supply of these items. This is one example of how these amendments would work.

I recognise that this industry continues to have an important role in our community by continuing to operate, thereby ensuring the security of guns and ammunition that they hold. In drafting these amendments directorate officials liaised with some firearms business operators. It is also my intention to consult, where possible, with the firearms consultative committee, as well as advising and briefing the shadow minister in the event that declarations are needed.

I want to acknowledge and thank Mrs Jones and her office for their constructive engagement on this matter. These discussions have been very useful and have helped to craft these sensible amendments. These amendments provide a balanced approach, recognising that licensed firearms owners in our territory are responsible.

MR WALL (Brindabella) (3.18): I will speak briefly about the provisions that relate to changes to the long service leave scheme—both the portable long service leave scheme and the 1976 legislation. The opposition will be supporting this. I note that, whilst most provisions of the COVID response bill have a sunset clause, this is one of the few areas where the legislative changes will be permanent. The opposition are supportive of this in principle, but we will continue to watch the operation of it going forward, particularly with the portable long service leave scheme.

With the changes outlined to the 1976 act, which apply to everyone outside the portable scheme legislation, the 60-day waiting period will be waived. Certainly, at this time, there is an opportunity for workers to access their entitlement at short notice, by agreement with their employer. This will ensure that, where the work might not necessarily be there, there is at least an opportunity for a salary to continue to be paid.

As far as the portable long service leave scheme changes are concerned, the changes set up a framework for the minister to make determinations via a notifiable instrument. We will be very keen to see the detail of those in coming weeks. They will allow a worker to access their entitlement early, under a health or emergency declaration. There is the question of how that will operate in future under, say, a bushfire emergency declaration. The opposition will keep a keen eye on that, and on what changes will be made post the COVID response.

I note that, as has been reiterated by Mr Coe in his comments, it was very difficult to be briefed on legislation that we had not seen and did not see for many hours following the briefing. I note that some things that were articulated to me as being part of this legislation, such as sunset provisions and the like, certainly do not feature as part of the legislation. I know there has been a frantic rush to put this bill together, but earlier consultation and engagement with the opposition on such measures going forward will ensure that there is not only certainty and clarity around what is being passed but also better scrutiny and a better outcome for the community in this time of need.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (3.21): I wish to speak on the amendments to the Children and Young People Act that

are included in the omnibus bill. The COVID-19 Emergency Response Bill 2020 provides government with proportionate and necessary amendments to powers around health, justice and community services. As a number of people have said, the changes proposed reflect the extraordinary circumstances we are facing and seek to prioritise essential service delivery to those who need it most while continuing to protect the wider ACT community. This bill supports our commitment, in relation to the Children and Young People Act, to upholding the best interests of children and young people as the paramount consideration.

Amendments to section 149 in the Children and Young People Act will align the activation of emergency provisions at Bimberi with the length of time that a public health emergency for COVID-19 remains in place. This will enable the director-general to declare an emergency at Bimberi in order to restrict movements around and into the centre and enable the delegation of power to public servants and police officers if necessary. These amendments prioritise the health and safety of young detainees and staff to prevent the spread of infectious disease within Bimberi.

To protect the health of young people and the broader community, we acknowledge that in some circumstances it is very likely that we will need to place some restrictions, and further restrictions, on face-to-face contact. Face-to-face contact has already been restricted to some extent but is being maintained to the maximum level possible at the moment to ensure the mental health and wellbeing of young people in Bimberi. Further restrictions will only be used as necessary to prevent the spread of disease. The Community Services Directorate will work to keep young people connected to their families with audiovisual visits as well as additional telephone contact during this time.

The act already requires, under section 150(2), that the director-general must ensure that any action taken using the emergency powers is necessary and reasonable in the circumstances. The Community Services Directorate will continue to work closely with justice health and follow its advice in relation to any measures that need to be taken, but it will continue to be overseen also by the oversight agencies—including the Human Rights Commission, the Public Advocate and Children and Young People Commissioner—in relation to youth justice and Bimberi. As well, the official visitors, who will be conducting their work in different ways, will remain in place to oversee the operations of Bimberi Youth Justice Centre.

The bill also amends section 241 of the Children and Young People Act to grant leave to young detainees during the public health emergency to ensure their health and safety and that of other detainees and staff. Local leave provisions already exist in the CYP Act and are typically used to provide leave for young detainees towards the end of their time in custody, supporting them to reintegrate into the community. Under this amendment, the director-general will be able to extend the period of leave granted to a young detainee, either on remand or sentence, in the event of a public health emergency. This is an important amendment to prevent the further spread of disease between other young detainees and staff if there is transmission of disease within Bimberi.

The bill also amends section 399 of the CYP Act to allow voluntary care agreements for young people in out of home care to remain in place during a public health emergency, and for this time not to count towards the maximum amount of time a voluntary care agreement can be in place. This will ensure that children and young people can remain in safe and secure arrangements during a public health emergency. To be clear, this does not remove a parent's right to rescind a voluntary care agreement during this period.

The bill amends section 423 of the CYP Act to ensure that staff and parents will not be penalised if it is not possible to comply with all of the requirements of a care and protection order because of the public health emergency. For example, this may apply if a specific court ordered contact between a parent and a child in foster care is cancelled due to the COVID-19 public health emergency. Again, I draw attention to the way that this has been crafted to ensure that it is restricted to cases where it is not reasonably practicable for the person to comply with the order because of the COVID-19 emergency.

Other changes introduced by the bill include amendments to sections 384 and 454, which relate to appraisal and assessment orders. These amendments will provide the Childrens Court with the discretion to change the time frames for conducting appraisals or assessments if the availability of specialist health and therapeutic professionals is limited during a public health emergency. This will allow enough time for gathering the information necessary for an appraisal or assessment, which are key functions in understanding the family situation and determining a child's need for care and protection. The changes acknowledge that there is likely to be a reduction in critical staff available for this work, particularly as this expertise is often sought from interstate; travel restrictions may mean that people are unable to attend the ACT.

The bill amends section 410 of the CYP Act to enable the director-general to seek a two-day extension and to maintain parental responsibility following emergency action in exceptional circumstances. The extension may only be granted by the Childrens Court. As members are aware, emergency action is a direct intervention in a child's life. It may include arranging for them to stay somewhere safe, such as with a kinship or foster carer. This change will allow extra time for the director-general to file relevant material with the court, with the court's agreement, when seeking an interim child protection order during a public health emergency.

The bill amends section 514(e) of the CYP Act to allow approval for foster and kinship carers to remain in place during a public health emergency and for six months after it ceases. This change will ensure that children can remain in safe and stable care arrangements with a foster or kinship carer. The amendment ensures that children's living arrangements are stable and secure during the time of the public health emergency. Again, this is very important in the context of the potential for significantly reduced staffing to be available and the need to ensure that those staff who are working in child and youth protection services are focused on the most fundamental elements of the job, which relate to keeping children and young people safe and addressing new safety issues that may emerge.

The bill includes changes that interact with human rights across the areas of youth justice and care and protection services. These critical and proportionate amendments have been applied in the least restrictive way possible, while prioritising the best interests of children and young people and the health, safety and wellbeing of our community. I thank members of Mrs Kikkert's office who participated in a briefing yesterday in relation to these amendments and indicated that they understood the reasons that these are necessary. They asked some very sensible questions about what this might mean for contact, and I reassured them, as I have the Assembly, that we will take the least restrictive measures and that any changes that are made in relation to matters would only be made because it was not reasonably practicable to comply with orders because of the COVID-19 emergency.

I thank members here for their support for the bill. Obviously, my office will continue to be open to any questions or briefings in relation to how these measures are being implemented as we go forward.

MRS JONES (Murrumbidgee) (3.29): Since January's close of borders between Australia and parts of China, we have all been watching with awe at the changes to our world caused by COVID-19 and its health threat. I have watched in amazement at how quickly the lifestyles, freedoms and democratic practices we are used to, and have spent centuries developing, have been changed. At the home level I, as well as many others, have never lived through such enormous change and have never hugged my children and family members so preciously.

While we meet here today to make critical administrative changes, my mind is very much with my electorate and our city, the older people at home, the young adjusting to less freedom and, in particular, mums and dads thrust into full-time at home parenting, work and educating their children. I genuinely worry about how they are coping. The social change is unprecedented in my lifetime and I am very concerned about the long-term effects on the mental and emotional wellbeing of parents.

I would like to highlight, in the emergency services space, something I was informed about yesterday. At a briefing Georgeina Whelan made the statement that her staff have 24 hours in which to complete their eight-hour day when working from home. I strongly recommend that this advice be made as broadly applicable as possible and I am sure that the government would like that. But I have had some reports that that is not entirely the case and that some parents are being put under enormous pressure to work the standard work hours. So I will be very glad to see that clarified as strongly as possible.

I have at the local level seen the best in our communities coming out again. In some ways it is back to the future reality, with a focus on keeping each other buoyed up and doing the things that our grandparents did to pass the time. I have seen friendship and solidarity emerge at the suburban and regional level. People are getting to know their local and close neighbours so much better. I encourage all to look after each other and do what Canberrans do best: quietly make sure that none are left behind.

On the ominous COVID-19 bill, the details for which I have some shadow ministerial responsibilities, I start by stating that it is, of course, extremely unusual that we are debating a bill here which has not had the benefit of the scrutiny of bills committee's response and the great knowledge that we draw on there from our legal advisers. I intend, in my capacity as chair, to take this bill to the committee for any changes that could be made to the explanatory statement after the fact. The ministerial responsibilities that I have some charge of here include corrections, firearms and the changes to the medicines, poisons and therapeutic goods regime.

On corrections, the bill makes changes to the corrections space by amending the Corrections Management Act, the Crimes (Sentence Administration) Act and the Crime Sentencing Act. Key changes include: allowing the director-general of corrections to grant local leave permits for up to 28 days and leave permits of up to three months for long-term medical treatment in the palliative care space and for leave permits which were seven days to be able to be extended to 28 days; extending the power for declaring an emergency so that a COVID-19 emergency declaration in the prison can last for four days and be extended for 14 days subsequently over and over if required; also providing greater flexibility for the Sentence Administration Board to function, if necessary, with one judicial member; shorter notice periods; and more flexible working arrangements for that board. The bill also makes some changes to how the community services elements of intensive corrections orders are managed, given that many will not be able to perform their community service as part of their orders during this emergency declaration.

All these changes are subject to a sunset clause which expires 12 months after they come into effect. This is an appropriate thing to do, given the rushed nature of the drafting, debate on and passage of the bill. That being said, I think there are some things we can learn from this period about how we can improve the functions of our prison and corrective services in the future, particularly as it relates to intensive corrections orders and leave permits. In particular, I commend the instigation of virtual family visits at the prison, where prisoners are in the visits room and able to talk to their loved ones via an iPad. I would like to see this continue as an option for some people after this emergency is over. I believe it should be available for those for whom it is a better option, for various reasons.

I thank Minister Rattenbury for personally informing me of the changes, and his office for the briefings and information that have been provided to me throughout this process. In particular, I thank Jarrah.

On firearms, the bill also makes changes to the Firearms Act to create a power mechanism for the minister, if he chose to, to prevent the registrar issuing licences under the act; prevent the registrar issuing a permit to acquire a firearm under the act; or prohibit or limit the sale of firearms or firearm parts or ammunition. The bill does not make these changes; it makes these changes possible at a time in the future. It makes changes to the Prohibited Weapons Act for similar purposes. I thank the minister and his office for keeping me informed of these changes throughout this rapidly evolving process.

On the matter of these changes, I recognise that the intentions of the government are good, but I would stress that these powers should be used and exercised extremely judiciously. I ask that the opposition be consulted, should the need arise to make regulations under these powers, and that the legitimate needs of licence holders be carefully considered for those who do and have always done the right thing in this space. I note that these changes are subject to a sunset clause which expires either on the day the COVID-19 public health emergency, as declared, ends or, if the minister considers it justified, up to three months later.

I will speak to the changes to the Medicines, Poisons and Therapeutic Goods Regulation. I note that the changes that are brought in by this bill in this space relate to particular medical substances that are required for certain conditions but which have, because of some public discussions, been taken by some individuals in the hope that they will help them either prevent an infection of COVID-19 or treat one. The way that they have been has not been appropriate. The medicine is needed for other reasons. It is needed for those with certain conditions, and I totally support the addition of these particular substances to the poisons and therapeutic goods regime.

Finally, I put on record my concern for police and emergency personnel and fire and rescue personnel who currently are not a part of the open ability to be tested for COVID-19. I believe that the government is watching out for community transmission. I believe that when community transmission occurs it will ultimately be picked up by people turning up at hospital, medical centres and the like. However, my concern is that, during the period between which community transmission begins and the period in which community transmission is officially picked up, there is the possibility for the infection of police officers and fire and rescue personnel who are out in our community. If that were to occur and if they were to go back into their workplaces and unknowingly infect other people we could have a serious result for those of our uniformed personnel who serve us on the front line. I strongly recommend that the government consider going ahead of the national scheme and allowing open testing for those personnel, because we must maintain their presence on the ground and their ability to do their job during these unprecedented times.

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) (3.39): The Greens will be supporting the COVID-19 Emergency Response Bill. We acknowledge we are currently living in an extraordinary time that has resulted in significant disruption to people's everyday lives and to the normal operations of society. The COVID pandemic has revealed a range of processes that need to be altered to allow the government to appropriately respond. This legislation will allow for a range of additional protections to be put in place, largely to help prevent the virus spreading and to protect the health of people in our community.

Normally, of course, we would go through a lengthy process of tabling, consideration, consultation and debate before passing legislation such as this. I want to acknowledge to civil society and our broader community that, unfortunately, this is simply not possible at this time due to these measures being an urgent response to the global

pandemic situation that has emerged so rapidly. Nevertheless, in the time we have had and through the discussions we have had with government, the Greens believe the measures in this bill are reasonable and intended to mitigate unwanted outcomes as far as possible. They are premised on ensuring that a whole range of important and regulated processes, activities and services can operate appropriately under these pandemic conditions.

Many of these changes allow for activities to continue at an appropriate physical distance where previously the legislation did not contemplate the need for this. Several changes are made, for example, to the way courts operate to ensure that contact between people can be minimised.

The bill makes amendments to a number of acts. I will not list them all, but I note that the intention of the clauses is to allow for the operation of a number of processes which would otherwise not be able to operate in a COVID-safe environment, as well as responding to some of the potential negative impacts we have seen elsewhere around the world.

I want to focus on areas that are within my portfolio responsibility. The amendments to the Corrections Management Act 2007 expand the ability of the director-general to make a COVID-19 emergency declaration, grant local leave permits and extend the time frames for declaring an emergency. The act already has provisions in place for the declaring of emergencies, but these do not provide enough flexibility to allow the Commissioner for ACT Corrective Services to respond to the current emergency.

The bill amends section 26 of the Corrections Management Act to allow the director-general to declare that an emergency exists in relation to the correctional centre for the period associated with a COVID-19 public health emergency declaration. In effect, such declarations are made by the Commissioner for ACT Corrective Services.

The Corrections Management Act recognises that in certain extraordinary circumstances emergency measures are required to address the risks to detainees and good order. The power to declare an emergency is normally limited to three days at a time. The current duration of an emergency declaration and the extension to leave permits have been amended in the context of the expected duration of COVID-19 and ensure the need for certainty amongst detainees about the measures adopted.

Where a declaration is in place, the commissioner may take reasonable and necessary action to address the circumstances of the emergency, including restricting access to work or other activities, restricting access to parts of the centre and restricting a detainee's access to another person. We know closed environments such as prisons, nursing homes and cruise ships are particularly susceptible to the spread of infectious diseases, and these amendments will ensure that all reasonable and practical measures can be sustained in the context of the prison environment.

I pick up on the comment Mrs Jones made that we are working in a very challenging environment. We need to protect the detainees from the disease as much as possible—that is why we have taken steps to limit visits to the AMC—but equally we need to

keep the jail functioning as well as possible so that detainees are able to access as many activities as possible, have time outdoors and the like. I appreciate Mrs Jones's comments about the audiovisual visits we have implemented as a way of trying to counteract the constraint on visits.

I assure the Assembly that in the context of trying to manage the jail through this challenging period the balance we will be seeking to strike is to provide a safe environment whilst at the same time not unduly limiting the freedoms of the detainees in the context in which they live.

The amendments to local leave permits are in two parts. The first will allow the commissioner, as the delegate for such matters, to grant a leave permit for any purpose to a detainee for up to 28 days instead of the current seven days. This avoids the unnecessary administrative burden at a very busy time of having to extend the leave permits and gives certainty to detainees about the leave they will be allowed.

The second will allow the commissioner to grant a leave permit for up to three months to allow for long-term medical treatment or palliative care but only on the advice of a doctor appointed under the Corrections Management Act. Again, this provides greater flexibility to respond to the needs of offenders during this crisis. It is intended that this power would only be used rarely.

The amendments to the Crimes (Sentence Administration) Act 2005 are intended to support the efficient operation of the Sentence Administration Board. The bill allows supervisory functions of the board to be carried out by a single judicial member of the board and allows the board to refuse a parole application at the inquiry stage without holding a hearing. These amendments respond to the current emergency in circumstances where it is not reasonably practicable for the board to convene three members and will prevent unnecessary delays in making decisions about parole and intensive correction orders.

The purpose of allowing the board to refuse a parole application is to ensure that the board is not overwhelmed by the requirement to hold hearings for parole applications where the application is lacking in critical information, such as housing or support services, that would allow an offender to be released into the community. To support the interests of the offender, the amendments require the board to tell them why the application is not progressing to a hearing, and the offender will be able to request a hearing after 14 days have passed. This will give time to the offender to address the concerns raised by the board and support the prospects of success on any future application.

The amendments also shorten notice periods to offenders. This is to allow the board to hear matters as quickly as possible during the current emergency. The amendments strike the right balance between speed and fairness for offenders during this period. There is also an amendment to provisions relating to offenders serving a sentence in the community and required to perform community service work. An offender can be taken to have performed community service work under a direction for the work period, under section 46 and section 91. The maximum that can be credited towards

the offender's work obligations is eight hours per week. This provision will apply only during the COVID-19 emergency declaration.

The amendment to the Official Visitor Act ensures that new annual reporting requirements for the official visitors board align with the commencement of the next full reporting year.

Given the amount of legislation affected by the bill, I will not comment on all of it today, but one consequence of the speed of the introduction and passage of this bill is that consultation with civil society and a range of stakeholders has been limited. The presence of the various sunset clauses in the legislation is especially important in that context. However, I certainly stand ready to hear feedback from stakeholders about the operation of the clauses I have outlined, as well as the impacts of the bill in general.

Both as a Greens member and a minister in this government, I am very open to hearing about any consequences—both intended and unintended—of this bill and believe it is important that I and the government as a whole are prepared to consider further amendments in future sittings if and as required. The Greens will be listening to the community and will be keeping a close eye on how these processes play out over the coming months, mindful that it will likely be a rapidly evolving landscape as the year progresses.

MR PARTON (Brindabella) (3.48): This is an extraordinary time. We have all said that and I do not know that I want to harp on that much more. As we were preparing for this emergency bill, I was expecting an extremely complex suite of changes for residential tenancies to come before us today. I understand that things are changing extremely rapidly, and I understand that at the time this bill was being formulated national cabinet had not concluded discussions in this space, and to some extent they will be ongoing for some time. We were waiting for national clarity and a way to move forward. In the residential tenancy space, despite the announcement earlier from the Chief Minister, in this chamber, we find ourselves debating the granting to the minister during this emergency extraordinary powers which could be enacted at any time during the emergency.

As Mr Coe has made clear, we will not be opposing this; these are extraordinary times. But I urge the minister, through whatever mechanism is available now and whatever mechanism may appear during this debate, to be completely transparent when applying these powers and, where possible, to apply them only after the widest possible consultation. I urge that that consultation should include the opposition.

The other thing that needs to be said at this time is that the Real Estate Institute and a bunch of property owners are crying out for a clearly articulated and definitive position on residential tenancies. I know we got part that way today through the Chief Minister. I know the Chief Minister and Mr Ramsay are aware that some major fires are burning in this space right now, and those fires include everyone involved in the space, including renters who are not sure how they are going to keep a roof over their heads.

A large number of renters have found themselves out of work through no fault of their own, and these people have to be protected. Many of them are being protected to some extent by the doubling of the Newstart allowance for job seekers, but also by the extremely generous JobKeeper package announced by the Morrison government.

It is unfortunate that we see a growing narrative from some groups around Australia calling for a rent strike. These people are viewing the current crisis as a means of bringing forth their agenda. To some extent they have been aided by announcements from the Prime Minister—he announced six days ago that there would be no evictions in Australia for six months. That has been interpreted by some in a way that was not meant by the Prime Minister. I know agents in this town have been contacted by tenants informing the agent that they are no longer paying rent. It is easy for us to all see that that has potentially disastrous consequences. Again, I understand that we had the announcement of a framework from the Chief Minister earlier today, but I urge the Chief Minister and the housing minister to be very, very clear in their public advice in this residential tenancy space.

The banking sector has been much clearer in its indications of assistance to those who are paying commercial lease mortgages and less clear on potential concessions given to residential rental mortgages. I know the Chief Minister alluded to some of those concessions that have been given in the residential space by the banking sector, but the banking sector is made up of a large number of banks and they are not all on the same page at this stage of the game.

Those who wish to divide us along class lines and draw a line in the sand with a widespread rental strike, I think, need to have a good look at themselves. I understand that discussions are ongoing at a national level, but I put it on the record that it is extremely important for this government to provide extreme clarity and certainty in the residential tenancy space. I trust the Chief Minister is working hard to do that in coming hours, if not coming days.

In regard to the additional powers given to the minister today through this legislation, although those powers expire either at the end of the health emergency or at a time to be decided within three months of the end of the emergency, it is not clear when those new regulations will expire and what effect they will have. I look forward to Mr Coe's amendment in this space.

In regard to the gaming machine and club measures, I applaud Mr Ramsay and the government for the emergency provisions they have enacted very quickly in the club space. Clubs have been a contested space in this chamber for a number of years, and it is refreshing to see all of us arrive at a very similar position in these crisis times. That position is underpinned by the acknowledgement that clubs are extremely important to our community and they will be desperately important to Canberra's healing and recovery process once we get to the other side.

Clubs, for many people, are the primary source of social interaction and the chasm left by their closure highlights how much they are genuinely a part of Canberra's social fabric. We must do whatever we can to make sure that as many of our clubs as

possible survive the storm. If clubs fold, they will not reappear; they will be gone forever.

The COVID-19 crisis has made us reassess many things and rethink what is really important. It has made us grow up a bit, but not in every sense. During the briefing that we received on this bill from Mr Ramsay's office, one of his staff mentioned that they had been run off their feet metaphorically, engaging with so many individual clubs. I am sure it has been a logistical nightmare. If only there was an umbrella organisation. If only there was a peak body that the government, in this time of emergency, could engage with as a one-stop shop for industry feedback.

Of course, there is, and I respectfully say that if ever there was a time for this government to bury the hatchet and recommence consultation with ClubsACT it would be now. I am not trying to score political points. I am not trying to do anything other than encourage behaviour that would be beneficial to everyone in the community. Despite everything that has gone on in the past, maybe it would be helpful to be dealing with the peak body. This is an emergency.

I am hearing some wonderful reports about Danielle Perks in JACS, who has been engaging remarkably well with clubs. I am also hearing about some regulatory change which apparently does not have to come before this chamber. I am hearing that there has been some movement on water charges for clubs. I cannot confirm that; I am hoping the minister can. I am also hearing about an EGM reduction offer being put back on the table and I like the sound of that.

It is pleasing at this time to see the diversification and sustainability money being returned to clubs, although the feedback I am getting is that there are still a lot of hoops to jump through and there is still an exhaustive process go through to get that money. It was portrayed to me that the money would pretty much be going back to the clubs that contributed to the diversification fund, and that is not the story I am getting back from the sector. I know the diversification impost is being removed until April 2021 and I ask for this to be re-examined as we move forward and for that moratorium potentially to be extended at least to 2022.

It is great that emergency relief operations and potentially even the payment of wages can be included as a community contribution, but I ask that clubs be allowed to bank those community contributions for more than one year. They should be given the ability to carry over those community contributions from this period to help enable their very survival. I suggest that they should be able to carry them over to the next financial year and potentially the one after that if they have contributed enough.

As we move forward, one of the other things that must be put on the table is the removal of so-called professional men's sport being supported under the community contributions scheme. At a time when even the high-level AFL and NRL are under enormous stress, it is absurd that, when we get to the other side of this, so-called professional men's sport in a tiny city like ours cannot be considered as a community contribution.

Consideration must also be given to the suspension of at least the second gambling harm levy. I understand that, in times like this, historically there has been an increase in gambling, but it is certainly not happening in clubs. We should potentially look at a freeze in contributions to the Chief Minister's charitable fund. Our clubs are on the canvas. Decisions made in this space will determine whether they get up and fight on or whether they are down for the count.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (3.58): I am very pleased to speak in support of this important bill. I want to place on record my appreciation to both Mr Parton and Mr Hanson for their cooperative engagement with me and my office in the briefings on this bill over previous days.

I want to take a few moments to outline some of the changes in the areas that are under my responsibility as Attorney-General. This bill includes measures that will assist Canberra's community clubs. They are now substantially unable to operate, in order to comply with public health measures to slow the spread of COVID-19. The government recently announced the first phase of a support package for ACT clubs. This included the provision of a \$1.5 million contribution to supplement the existing \$1.8 million that is held by the diversification and sustainability support fund. This is to assist clubs to retain workers in the clubs sector.

I can assure members, the chamber and the community that the process by which those funds are being distributed to the clubs is very streamlined and very simple. It is, at the same time, enabling the accountability and transparency that the opposition is calling for in relation to all of the measures in the bill.

The bill amends the Gaming Machine Act to implement the following additional measures to provide relief and support to the clubs industry. Club payments to the diversification and sustainability support fund will be suspended for the next 12 months and will sunset at that stage, along with the other provisions in this bill. This will amount to approximately \$1 million that clubs do not have to pay.

Changes will also allow me to treat payment of wages and financial support to staff as a community purpose contribution where a state of emergency or public health emergency declaration has been made. Other amendments will allow clubs to claim, as a community purpose contribution, \$2 for every dollar that they contribute to charitable support by preparing or providing food for emergency-affected people. This will not only provide ongoing support for the sustainability of clubs but also help to strengthen their ongoing diversification and support people in Canberra who are doing it tough. This is, indeed, a situation where there are many winners in a very difficult situation.

The amendments to the Supreme Court Act 1933 will, for a limited period, allow certain offences against laws of the territory to be heard by a judge alone, either upon election of the defendant or where it is in the interests of justice. In the current situation, where it is clearly more than likely that jury trials will be unable to proceed

for some time, not only here in the ACT but right across Australia, these amendments will allow trials to continue to be heard without placing members of a jury, the court, the staff of the courts or the legal profession at unnecessary risk.

I am aware that there are a range of views on this, and I am aware that a range of views have been expressed. My discussions with Mr Hanson have indicated that the Canberra Liberals are taking a view which calls for a different resolution from the one in this bill. I can assure the Assembly that the government has been listening and has considered all of the views that have been expressed. It has weighed up all of the views. I do appreciate the tenor of the conversations that Mr Hanson and I have had on this matter, but justice delayed is justice denied. Delays in criminal proceedings have adverse effects and may combine with many other factors, such as the loss of evidence, to deny the accused a fair trial.

In addition, delays result in victims and witnesses waiting longer to give evidence, which can cause considerable distress or a reduction in their level of recall of particular events. Delayed trials can prolong the trauma of the survivors and make it substantially more difficult for them to be able to move on in their life. There are a range of people that we need to consider during these considerations. It is a very difficult time. It is essential for us to see their place, and the perspectives of all people, in this. Victims and survivors also have a right to a fair trial, and we need to make sure they are not traumatised by unnecessary delay.

It is important not only for the accused but for all people involved that a trial occur as quickly and fairly as possible. That is why we have weighed up all of the factors and taken them into consideration. This bill does that in a way that requires the court to consider all of the circumstances and determine matters in the interests of justice. That is, of course, what our judiciary is there for—to determine matters in the interests of justice. There is no vested interest in our judiciary; they are there to determine matters in the interests of justice while weighing up all of the considerations. The government has introduced this bill on that basis.

The amendments will also mean that accused people who might otherwise be remanded in custody, awaiting trial during the emergency declaration, will be able to have their matter heard and determined. For that reason, these amendments support a defendant's right in criminal proceedings, particularly the guarantee in section 22(2)(c) of the Human Rights Act to be tried without unreasonable delay.

To protect the right to a fair trial, which is in section 21 of the Human Rights Act, and rights in criminal proceedings, in section 22, the amendments include an important safeguard to ensure that a judge-alone trial will proceed only if it is in the interests of justice. The test will be determined by the court, following the representations of the parties.

The amendments to the Evidence (Miscellaneous Provisions) Act also provide the best opportunity for trials and hearings to continue and to be supported with the best evidence as we face this emergency. Currently, the court can create recordings of evidence, including cross-examination of witnesses in certain proceedings. These recordings can be presented in court later, reducing the need to recall vulnerable witnesses. The amendments in this bill extend those provisions to allow the court to

create recordings of evidence from all witnesses, including defence witnesses. This evidence may then be presented in court when the proceedings resume.

The purpose of this change is to allow evidence to be captured when witnesses' memories are fresh, in the event that proceedings are adjourned or delayed due to the COVID-19 public health emergency. In all of the circumstances, I am certainly satisfied that these amendments advance the right to be tried without unreasonable delay.

In relation to the Residential Tenancies Act, the amendments are crucial due to the risk of homelessness for people who are affected by job losses and other COVID-19 related financial losses. They arise out of the national cabinet. I note that the discussions and considerations of national cabinet, while advanced, and while they have indicated some of the key principles and steps, are not yet complete. The amendments will enable me, as minister, to make a declaration prohibiting the termination of a residential tenancy agreement or an occupancy agreement; prohibiting the recovery of possession of premises; limiting or preventing the exercise or enforcement; limiting property inspections, tenancy database listings and non-essential repairs to a property; and modifying a provision to allow parties to agree to temporary rent or fee reductions.

The measures will apply to private and public housing tenants alike where that person has been affected by job losses and other COVID-19 related factors, to give them the best possible opportunity to sustain tenancies during this emergency declaration. I note for the Assembly that the power to implement these measures will be enabled through a disallowable instrument, not a notifiable instrument.

On that point, I want to respond to the concern that Mr Coe raised about the scattering of notifiable instruments throughout the bill—that it would be more appropriate for them to be disallowable instruments, to enable a sense of transparency, and checking whether the Assembly itself wished to disallow them. When it comes to the issue of notifiable or disallowable instruments in the bill, I point out that the bill mentions notifiable instruments eight times, and four of those times are in notes. The others primarily relate potentially to later action under an act. There are, however, 26 references in the bill to disallowable instruments, and that is precisely for the reason that Mr Coe raised—that it is more appropriate in the circumstances, with the powers that are considered under this bill, for them to be done by way of disallowable instrument rather than notifiable instrument. The matters of transparency have been very carefully considered in the drafting of this legislation.

Finally, I want to place on record my thanks to the members of my staffing team who have worked determinedly to coordinate this work across government. More specifically, I want to acknowledge the hardworking members of the ACT public service across many directorates. I want to place on record my enormous thanks to the members of the JACS Directorate who have led the coordination work across government. I thank the incredibly knowledgeable and dedicated team at the Parliamentary Counsel's Office, led by Mary Toohey. They have worked under great pressure and for very long hours to ensure that the good workings of government and the vital operations for the people of Canberra can continue through this very difficult time. We are all indebted to them for their work. I commend the bill to the Assembly.

MR HANSON (Murrumbidgee) (4.10): I rise to speak to the aspects in this bill regarding Attorney-General issues. But I note that this bill does cover off a whole range of issues that have been canvassed. These are extraordinary times and I accept that this does then lead to extraordinary measures. I thank the Attorney-General at the outset. I agree with him that the discussions we have been having have been cooperative and collegiate, and certainly that reflects the way that we have been dealing with this issue from the outset. The Attorney-General and I have had a number of conversations and we are here to support the government in these difficult times, whilst also providing the important functions that we do as an opposition.

I thank the Attorney-General and his staff, in particular Amy, for the briefing that we received. But I note that that briefing was only about 24 hours in advance of the debate, which makes it difficult when we are considering significant changes to our legal system. And it is leading, there is no question, to less than ideal levels of consultation and scrutiny on what are very important matters.

It is my desire to be supportive of the government as they navigate these complex and difficult situations, to the extent that we will give them the benefit of the doubt, where we can, to implement the changes that they deem are necessary. But, as the Attorney-General has foreshadowed in his speech and I will discuss further, there is an issue, in that, while I accept that there are legitimate arguments both for and against when it comes to judge-only trials, we have come down on different sides of that debate, on balance. I will talk further on that both now and in the detail stage.

Just covering off on other changes though, there are changes to the Evidence (Miscellaneous Provisions) Act 1991 which introduce changes to how evidence may be given, including pre-recorded evidence. We discussed with the Attorney-General's office how these changes would operate and we, based on those initial discussions—and again I iterate the fact that we have not had the detailed consultation and deliberative discussions that we would anticipate we would normally have—will be supporting them.

The changes to the Supreme Court Act 1993 have prompted, however, widespread and, in my view, legitimate concerns. Those concerns have been expressed to me directly in conversations with the Human Rights Commissioner, the Bar Association, Legal Aid, the Law Society and others. The Law Society has outlined its position on these changes, which has been sent to the Attorney-General and me. I believe Mr Rattenbury has been given a copy as well. I think it is a very thoughtful and well-considered letter. So that I am not talking too long, I seek leave to table that letter because I think it does cover off the issues that we are discussing in good detail.

Leave granted.

MR HANSON: Thank you. I present the following paper:

Judge Alone Reforms—Fundamental Rights at Stake—Copy of letter to the Attorney-General from the Chief Executive Officer, ACT Law Society, dated 1 April 2020.

I encourage members who have an interest in these matters to read that letter. In short and in summary, the issues of concern that have been raised with us, and that I share, are as follows: firstly, there are the very important underlying legal principles of the right to a trial by jury. They date back a long time and we must, wherever possible, conform to those. What this bill does, as well, is create inconsistency with New South Wales. They have taken another approach, whereby they retain that right to jury trials where the accused makes that application.

There are fundamental human rights principles at stake. There are concerns that have been raised about the constitutional validity of removing trial by jury. Indeed, that goes to my last point, and that is: the real risk that this will not actually have the effect that it seeks. We have heard from those in the profession who have stated to me, “Any decision under these provisions will be appealed. They will be appealed.”

What that means is that potentially there will be a judge-only trial that will then be subject to appeal, potentially to much higher courts, given the constitutional arguments at stake here, which will actually cause much more significant delays than awaiting a jury trial. I will go into some of these in more detail in the detail stage.

We understand that these are extraordinary times that require changes to the way that we do things. However, we should not be discarding long-held and important legal rights if there is an alternative. We believe, and indeed the legal profession and the legal community believe, that the New South Wales model has struck the right balance and provides that alternative.

That is why I foreshadow that we will be moving an amendment to this section which is modelled on the New South Wales provision. I will speak more about it in the detail stage, but I reiterate that that way forward is the one that is supported by the Human Rights Commission and the broader legal community.

MRS KIKKERT (Ginninderra) (4.16): I wish to speak briefly to three separate parts of this bill. First, this bill proposes to amend the Working with Vulnerable People (Background Checking) Act to make sure that workers and volunteers can remain lawful during the COVID-19 emergency period. Registration for those whose certification will expire during the emergency or in the six months thereafter will be automatically extended until six months after the emergency period ends. Those whose registrations have expired in the past 12 months may be eligible to have their credentials renewed by the commissioner if this is deemed appropriate. These are reasonable responses in the current situation.

This bill proposes similarly reasonable amendments to the Family Violence Act and the Personal Violence Act. These changes include allowing the court to extend interim orders for a period of not more than six months. In addition, when parties are required to be present in court this can now be done by telephone or other electronic audiovisual means. Consent may be given in the same way and undertakings may be given in writing. These are excellent amendments and, when this crisis ends, making these changes permanent probably should be explored.

This bill proposes a much larger raft of amendments to the Children and Young People Act. Many of these provide time extensions, considering the difficulties that may occur because of COVID-19. Extensions to carer approval and voluntary care agreements are certainly reasonable, as are court-determined extensions to certain government activities such as appraisal and assessment orders. In these last cases it will be necessary, however, to monitor these processes to make sure they are not unduly blowing out time-wise. There are, after all, very good reasons why these processes have very strict time limits in current legislation. It is likewise reasonable for this bill to exempt people from being subject to the offence provision if the emergency makes it impossible to comply with the order.

Two other amendments to the Children and Young People Act proposed by this bill relate to Bimberi Youth Justice Centre. The second of these empowers the director-general to issue a leave permit to detainees because of the COVID-19 emergency, and this permit can be longer than current law allows. As we know, places of detention are at risk of outbreaks of infection, and the ability to remove young people to protect them is wise.

The other proposed amendment would empower the director-general to make an emergency declaration in relation to COVID-19, essentially locking down the detention centre and granting emergency powers. This lockdown could last for the duration of the public health emergency. This is a very serious business.

Currently, our legislation limits the length of an emergency declaration to three days, for very good reason. The research is clear that locking down a youth detention centre for a long period is harmful to young people and increases the chance of riots and other serious troubles. Having pointed that out, I understand that it could be necessary, for health reasons, to exercise the power allowed under this amendment.

But the government must be very cautious in exercising this power. It is a decision that must be subject to intense scrutiny. Emergency powers include restricting activities, blocking access in and out, and cutting off communications—all very serious actions with enormous impacts on our young people.

When concerns were raised in a briefing with the minister, she gave an assurance that the director-general would take only reasonable steps and pointed out that the Human Rights Commission would be overseeing the whole process. Unfortunately, this is an area where public trust in this government has been significantly eroded. For some time now Bimberi has been characterised by regular lockdowns because of poor staffing levels and other issues. And the impact has not been too good. Unfortunately, oversight by the Human Rights Commission is no longer much comfort in the ACT, where those opposite increasingly pay no heed to the commissioners.

In a submission to a committee hearing last year, the Human Rights Commission noted that they were struggling to get needed child protection information from this government and were being sidelined when it came to exercising their oversight responsibilities for young people. Just this morning all four human rights commissioners issued a signed letter, along with 12 other experts, reprimanding this

Labor-Greens government for “denying vulnerable children and their families their basic human rights”. In such a context, oversight by the Human Rights Commission sadly means little to Canberra’s families. I take the opportunity to put this government on notice that the Canberra Liberals will be keeping a close eye on their management of youth justice under these proposed changes.

Finally, it was confirmed in a briefing with the minister that COVID-19 is interfering with children in the territory’s care and protection system who have regular contact with their birth families. I understand the health reasons behind this and I have been assured that the government will be putting alternative contact arrangements, such as video chats, into place. But this is another area where this government simply cannot get this wrong. Alternatives need to be genuinely robust. Again, the Canberra Liberals will be keeping a very watchful eye on whether the current ACT government rises to this challenge.

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) (4.23), in reply: I thank members for their contribution across a wide range of areas, as this bill obviously canvasses so many different aspects of government operations. I will make a few general closing remarks, particularly in response to some of the observations of the Leader of the Opposition and Mr Parton in relation to how certain elements of work are progressing through the national cabinet process. I want to assure the opposition that there is a tremendous spirit of bipartisanship and that interjurisdictional working groups are developing the national model approach for tenancy legislation and for dealing with many of the issues that they raised.

I have never, in 15 years in politics, seen this kind of close working relationship between jurisdictions and ministers of very different political persuasions and very different backgrounds and experiences. The way that this has been working has been small and large jurisdictions working together and Labor and Liberal jurisdictions working together.

If those opposite want any reassurance that the views of the Liberal Party are being ably represented through their stakeholdings and at a federal level, I encourage them to make a quick call to their New South Wales, South Australian, Tasmanian or federal colleagues for a sense of the bipartisanship that is being applied through all of this work on the very complex matters in relation to both commercial and residential tenancies. This has been an issue that treasurers at a state and territory level have been collaborating on and putting forward ideas and solutions to the commonwealth. The commonwealth has been providing feedback and input—then further state and territory collaboration, then back to the commonwealth, then back to the states and territories and then back to the commonwealth.

I have sat in, I would say, 16 hours of teleconference meetings between state and territory treasurers and the commonwealth, between them and the national cabinet, back and forth on this issue just in the last week. Everyone appreciates the incredible complexity of these matters. And there has never been, in modern Australian history, more bipartisanship and more work between Labor and Liberal ministers across the

states and territories and the commonwealth than I have witnessed in the last two weeks. If you do not believe me, just pick up the phone and ring one of your colleagues, because this is a truly collaborative piece of work.

At times, if you were observing from outside and did not know who was team red or team blue, you would not be able to tell. Sometimes people's positions on these things will actually surprise you and might in fact belie your belief as to where you think they might stand on issues. I have learnt a lot about small business Liberals as opposed to big business Liberals in the context of this experience, and also Labor Party treasurers and first ministers who might view particular issues through the lens of a tenant or a business owner or from a small business perspective or a larger business perspective. It has been, on one level, fascinating to see those discussions play out and to be part of that.

I want to assure everyone in this chamber that this has been a painstaking process with the views of everyone—stakeholders, small and large states and territories, Labor and Liberal, federal and state and territory—all working towards a common goal here, which is to get people through to the other side of this. The hibernation, the building the bridge, trying to get there—I have never seen any level of collaboration like this in my entire time in politics. I want to reassure the Assembly on that point.

In relation to the response from particular stakeholder groups to what we have announced today, I thank those stakeholder groups for their input and discussion with the government in the lead-up to what we have announced today and for their strong support of what we have announced. I signal that we will continue to engage closely with them on the detailed implementation of a number of these measures. That group of stakeholders includes the Property Council, the MBA, the Canberra Business Chamber, ClubsACT, Canberra Community Clubs and the broader community sector. There are hundreds of organisations who are providing input to us.

Thank you to the 2,000 new people who follow me on Facebook who have been providing hundreds of comments and suggestions in the last two or three days. Again, I have never seen so much engagement from the community in relation to particular issues. I cannot respond to every comment across every social media platform, every email and every telephone call that we are receiving, but we thank people for their engagement. Sometimes there are very diametrically opposed views on particular issues. But we are working towards finding solutions on the topics that are of particular concern to the community. One of them the Prime Minister has today made a pretty significant statement on, in relation to free access to child care. That is one that has been raised with me regularly.

If you had asked me a few weeks ago whether we would see the doubling of Newstart, an effective universal income scheme, the nationalisation of the private health system, and free child care—which a couple of years ago, in the last federal election, was being described as communist in nature—now being implemented in Australia, I would have said no. I did not think that situation was highly likely. We do indeed live in strange times.

We have an extraordinary challenge to respond to: the greatest challenge, I think, of any of our professional careers. This is a once in a century experience. But governments of all levels are demonstrating their critical value to communities at this time. It is important that we continue to work closely together at all levels of government as we respond to this challenge.

I thank members for their support of the bill in principle. I foreshadow that the government will be supporting, with one amendment, the amendment that the opposition leader has moved. I am very keen, as we complete this process today, to have as much unanimous decision-making by this place as possible. I recognise that it will not always be possible in every instance, but we will strive for compromise as much as we can.

I commend the bill to the Assembly.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR COE (Yerrabi—Leader of the Opposition) (4.31): I seek leave to move an amendment to this bill that has not been considered by the scrutiny committee and was not circulated pursuant to standing order 178A.

Leave granted.

MR COE: I move amendment No 1 circulated in my name [*see schedule 1 at page 820*]. The amendment being proposed by the opposition will introduce some transparency measures to help ensure that ACT government decisions throughout this period are proportionate and can be examined. Whilst I do not think this is enough, it is the best we could do, given the very short amount of time that we had between seeing the legislation and debating it today. Under the amendment put forward, a monthly report would be provided to the Assembly by the relevant minister on measures introduced in response to COVID-19. This would allow the Assembly to monitor the effectiveness of the measures and the impact that they are having on our community.

We of course recognise the rapidly evolving nature of this public health situation and we know that significant decisions need to be made but we are firmly of the view that significant decisions need significant scrutiny. As democratically elected officials, it is important that there are transparency measures to ensure that all the actions being taken are in the best interests of our community. The ACT government has essentially written into this legislation unchecked regulations. The powers do not necessarily end when the COVID-19 emergency declaration ends. The minister can extend this power in some circumstances for up to 12 months following. There is nothing in this bill that requires ministers to report or to otherwise inform members of the Assembly or the public at large about the COVID-19 measures and the impact that they are having on our community.

There is zero transparency written into the proposed legislation as it stands. Canberrans deserve to have every confidence that government decisions throughout this crisis, whether they relate to the coronavirus or not, are appropriately scrutinised. Today, we have already agreed to establish an Assembly committee, but we need to go further.

I note that the Chief Minister has cited an example of bipartisanship—a Labor Chief Minister working with a Liberal Prime Minister. Bipartisanship must extend to this chamber as well. It means making sure that we have some input into stimulus measures and are able to provide our thoughts on stimulus measures in advance. It means getting legislation much earlier than 18 hours before it is introduced into the Assembly. It means simply picking up the phone or sending an email and asking what the opposition thinks about something. It is not hard. Some ministers have done a good job, but there are others who certainly have not.

We are living through a pretty extraordinary period, and there is no doubt that what is taking place is having a big impact on the lives and livelihoods of hundreds of thousands of Canberrans. We need to make sure that everything is proportionate, that everything is evidence based and that there is scrutiny and transparency. I look forward to the Assembly's support.

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) (4.35): I move amendment No 1 circulated in my name:

Omit 2A(1)(b).

The amendment I move seeks to remove section 2A(1)(b) of the amendment moved by Mr Coe, which is quite a vague requirement of the impact of the measure. I think removing that section gives a little more clarity about the sorts of information that the government would provide.

I need to put on the record that it would not be the government's intention, every time a court uses one of the new evidence provisions contained within the amendment or every time a leave permit is given to a young detainee, to report that. We could report that the provision had been used, but I would not envisage providing potentially hundreds of reports on each individual instance. I need to be clear that we will interpret this as providing a summary, not providing a report on every single instance in the case of those provisions. Clearly, through the committee process and other reporting mechanisms these measures will be the subject of considerable interest and scrutiny.

Of course it is important that there is scrutiny of these measures. I do not think it gives anyone any comfort; no-one wants to be in the position of having to have these measures in place. It is not the government's choice that we are facing a once in a century pandemic. We are not debating this legislation because we really want to impose these sorts of restrictions on people. I have been very clear in saying that I hope none of the extreme measures that have been put in place by Australian

governments in recent times would ever be in place in normal circumstances, and that they must be removed once we move beyond this public health emergency.

I need to be clear with everyone, though, that the best advice available to the national cabinet is that we are going to be in this situation for some time, as the Prime Minister has said multiple times. There is no quick fix to this and, ultimately, unless there is a vaccine or a significant proportion—at least 60 per cent—of the world population contracts the virus and develops a degree of immunity to it, we are going to be living with this situation. So it is a long haul and the measures that we put in place need to be proportionate and sustainable. That is the battle and the balance that the national cabinet grapples with every single day. It is not an easy task; I want to assure everyone of that.

I note the goodwill, collaboration and cooperation that is being demonstrated in the national cabinet, and all of the working bodies reporting to that overarching decision-making body of the federation are working incredibly hard. I want to take the opportunity today to acknowledge all our public servants, who are working sometimes to extraordinarily tight time frames and not in ideal circumstances. They are having to conduct meetings via telephone or telepresence with technology in a national broadband network that is sometimes not meeting their needs and the level of demand. These are challenging circumstances for everyone. People are tired; people are emotional; people are concerned. I understand that, and we will continue to work methodically and calmly through this crisis.

The invitation that I have previously extended to the Leader of the Opposition and to others is that, at any point, any suggestions are welcome. I cannot promise that I will adopt everything that people suggest, but at no point have I said that suggestions are not welcome. I want to make that clear and public now so that there is no confusion at all. But I cannot share the agenda of the national cabinet or the deliberations of the national cabinet. There are no oppositions involved in the national cabinet, at the federal level or in any other state or territory; I need to be clear about that.

The opposition's ideas and suggestions are always welcome, but I cannot promise that they will all be adopted either locally or by the national cabinet. That is a fact and a reality of the situation we find ourselves in. Governments have to govern, but we are seeking to do so as collaboratively as possible. As I have said, the interests of the Liberal Party are very well represented in the national cabinet on all these national issues, and most of these issues are nationwide. There might be slight differences in terms of their local application, but the issues that we are dealing with in relation to commercial tenancies and residential tenancies are the same as all of the other states and territories. Through this process, with governments working together, we are seeking to find a way through this. I commend my amendment to Mr Coe's amendment and signal that should that be supported we will then support the amended amendment and have an agreed bill.

MR RATTENBURY (Kurrajong) (4.42): The Greens will be pleased to support Mr Coe's amendment today, along with the Chief Minister's amendment to Mr Coe's amendment. We will be supporting both of the proposed amendments. As Ms Le Couteur touched on this morning, and I think the phrase has been used a

number of times recently, in these challenging times democracy is more important than ever and transparency is more important than ever. It is something that we have really grappled with in recent weeks, as we have sought to move incredibly fast in the work that needs to be done to meet the deadlines that have to be met, and to be as open as possible about it.

We have also been very conscious of the need for input from others. Certainly, I have been very open in my calls to the community and in the phone calls I have made to members of the opposition, the shadow ministers that I relate to. I have said that, as a minister, I am not seeing everything that is happening in the community because there is so much happening that there are things happening that we have not anticipated. So I am very open to hearing about those things.

That is why, in today's sitting, we were very happy to support the establishment of a committee. That was passed today. With the reporting that Mr Coe has proposed here, we are very happy to accept it. It provides an opportunity for members of the Assembly to look at what is going on. It also gives members the opportunity to ask questions and help to keep an eye on our community as we move through these times that none of us have experienced before.

On that basis, as I say, we are happy to support it. We will need to think about what the reporting looks like. In some areas it may be as simple as having no activity. If we do not give any leave permits then that will be the answer. But if some are used then we will think about the right way to report that. With some of these things, because we have not done them before, we do not necessarily have datasets on them. We will need to do a little bit of thinking about it. It is important that we continue to have that degree of transparency; and, as we move quickly, we also need to balance that with members having the right to ask questions and the right to seek information. That is why we are happy to support this amendment today.

MR COE (Yerrabi—Leader of the Opposition) (4.44): I welcome and appreciate the support from the Labor Party and the Greens for this amendment. We are happy to support Mr Barr's amendment to my amendment, given the questions about what the definition of "impact" might be with regard to this reporting. Mr Rattenbury flagged that there are still some questions or issues to resolve regarding what reporting looks like. This is a good one on which to chat with the opposition and with others to try to work out what is the best way of depicting the previous month's activities. The opposition is very happy and very willing to be involved in this process.

Mr Barr cited national cabinet as being a reason why it is very hard to work collaboratively with the ACT opposition. I simply note that there are some ministers here who are doing a very good job of working collaboratively with members of the opposition, so that excuse does not stand. It just does not stand: saying that everything is commercial-in-confidence and everything is cabinet-in-confidence. It just does not work that way. There are many things that are not.

The ACT government has extraordinary scope to liaise with the opposition. How is it that the government can come in here and say, "We've been chatting with the MBA, the HIA, the Property Council, the Planning Institute et cetera," but they cannot chat

with the opposition? If it is cabinet-in-confidence, why are you telling the MBA about it? We just want some common sense here. We do not think it is too much to ask for ministers to pick up the phone and chat about some things. That is all we are asking for, and I thank the ministers that are doing that.

Mr Barr's amendment to **Mr Coe's** proposed amendment agreed to.

Mr Coe's amendment, as amended, agreed to.

MR HANSON (Murrumbidgee) (4.47): I seek leave to move an amendment to this bill that has not been considered by the scrutiny committee and was not circulated pursuant to standing order 178A.

Leave granted.

MR HANSON: I move amendment No 1 that has been circulated in my name [*see schedule 2 at page 821*]. This is an important amendment, and in my previous speech I foreshadowed many of the aspects as to why that is the case. It goes to a fundamental right; that is, a trial by jury. The change that has been proposed by the government to the Supreme Court Act removes the right for a trial by jury regardless of the wishes of the accused, and that is a very significant step to take.

I accept that there are valid arguments on all sides of this, particularly to do with timeliness. The Attorney-General made that case both here in the chamber and in the discussions that we have had and that I have had with his staff. We have sought input from a wide range of stakeholders, and the views that we have received have been consistent and clear. While we all accept that there is a need for change, and that these are extraordinary times, the change that is proposed in this bill is a step too far.

Our amendment is intended to allow judge-only trials when appropriate, to retain the right of an accused, where necessary, and this remains consistent with New South Wales. There is also a provision which holds that, if a prosecutor does not agree to a judge-alone trial, the court must consider it to be in the interests of justice for a case to be tried by a judge alone. In all cases the court must be satisfied that the accused person has sought and received proper legal advice. This is an important distinction, in that a judge-alone trial may only proceed with the accused's consent. It is a distinction that recognises that, even in extraordinary times, some rights should be protected.

I will outline the reasons why we have moved this amendment and the reasons that it should be supported. In the letter that I tabled earlier, and that has been received by the Attorney-General and Mr Rattenbury, the Law Society talked at length about the importance of this right. They state:

It must be understood that what is protected by the existence of jury trials is both actual justice for an accused and the perception of justice being administered. That both must be achieved is a fundamental tenet of the rule of law.

They cite the High Court, which has said that jury trials are “the chief guardian of liberty under law and the community’s guarantee of sound administration of criminal justice”. They cite further the High Court cases to support the doctrine that “trial by jury is a right, and trial by judge alone must be understood as a waiver of that right, that waiver being the right of the accused”. That is the right that is being abandoned today under this bill.

These serve as context for what we are discussing: the removal of a crucially important, fundamental right. We have received communication across the spectrum from legal, human rights and social justice groups. As well as that detailed communication from the Law Society, we have received representations from many parties. The CEO of Legal Aid ACT wrote a letter, and I will quote from it:

Trial by jury is a fundamental right of an accused person, and it is for the accused person to waive this right. Legislation that purports to remove such a fundamental right would need to have reasonable limits that could be demonstrably justified in a free and democratic society.

I note that they support the amendment that has been moved. I have spoken to Mr Stephen Whybrow of the Bar Association, who expressed very similar concerns and supports the amendment. I have spoken to Dr Helen Watchirs, the Human Rights Commissioner, who has expressed the same sentiment. Everybody that I have spoken to—leaders in the legal community, in the human rights community—has expressed the same concerns and supports the amendment that is before us today. When that happens, when all of those bodies together are expressing the same concerns, as an Assembly it behoves us to listen.

Clearly, removing the right to a jury trial raises human rights considerations. Dr Watchirs has personally confirmed this to me. What is critical here are the factors for consideration when the Human Rights Act is engaged. One of the most fundamental factors of the Human Rights Act is that, if a restriction of a human right is applied, as is being proposed here by the government, and that is the right to a jury trial, it would only be compliant if there were no less restrictive means available. If there is another way of doing this that is less restrictive, and if you are not doing that, this is not consistent with the Human Rights Act.

Indeed, there is a less restrictive way, and that is the way that the New South Wales government has dealt with this issue. This is noted by Legal Aid in their correspondence. They state:

The recent amendment to the Criminal Procedure Act 1986 (NSW) provides an example of a less restrictive means, reasonably available to achieve the purpose of the limitation it seeks to achieve.

So there is a less restrictive means of resolving the obvious problems that we are all facing. If there is a less restrictive means, and that is what we are being advised by the Human Rights Commissioner, Legal Aid, the Law Society and the bar, this change cannot be consistent with this Assembly’s legal rights obligations under the Human Rights Act.

Another important point is consistency with New South Wales laws. The Chief Minister has clearly stated that consistency with New South Wales, as we make these changes, is crucially important. I have heard him say that. It is hard to think of a more fundamental inconsistency than the fact that a person will retain a right to trial by jury in New South Wales, in Queanbeyan, but will not have that right here in Canberra. It does not accord with the statements that have been made by this government about consistency with New South Wales.

Lastly, and this is a very important point, this bill risks not doing what it intends to do. The intent is to limit delay. I acknowledge the points that have been made by the Attorney-General, particularly in regard to victims when it comes to legal cases. There is truth in what he says. However, the removal of a jury trial is so fundamental that it is open to appeal. This point has been raised by the Law Society in their letter:

The proposal brings with it the significant likelihood of challenges to the laws on the basis that they are unconstitutional or do not accord with Australia and the ACT's human rights obligations. Given the fundamental nature of fair trials, it is also likely that individual determinations by judges that a trial ought to proceed by judge alone would be subject to appeals to the ACT Court of Appeals.

I have been advised by members of the legal community that they would appeal these matters. Therefore it may take longer. I understand the Attorney-General's intent, but the problem is that what will most likely happen is that it will be delayed because you will have a judge-only trial that will subsequently lead to appeal and the whole appeals process; then, quite likely, there will be another trial.

I appeal to members to support this amendment. As I have said, this is a removal of a fundamental right to a trial by jury. There is overwhelming opposition to what is being proposed by the government, from the Law Society, the bar, Legal Aid ACT, the Human Rights Commission and a number of other prominent members of our legal community that have spoken to me. There is an inconsistency with New South Wales that gives their citizens more rights than ACT citizens. There are doubts raised by the legal profession about whether this would be constitutionally valid or certainly whether it is consistent with our Human Rights Act. It creates potentially worse problems of delay because of appeal cases, and there is another way forward, as has been put into the amendment that is before us today, that is consistent with New South Wales.

This is not simple point scoring from the opposition. (*Extension of time granted.*) These issues have come from the legal community, and I have outlined those concerns. They have not emanated from the opposition, although of course we agree with them, after our own considerations.

I appeal to members to support this. I get the vibe that the amendment will not be supported. I must say I am somewhat disappointed and somewhat surprised, after the very public comments from all of those members of our legal community and the Human Rights Commissioner, that the government and the Greens would not now support this amendment. Regardless, I think this is a misstep. I understand that this is urgent and I understand that there are problems. I understand the grave and dire

situation we find ourselves in. But we must proceed with caution, and where there is a better way let us acknowledge that. Let us learn from what New South Wales is doing and let us listen to the legal fraternity. I commend the amendment to the Assembly.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (4.59): I thank Mr Hanson for moving the amendment, although the government will not be supporting it. He has picked up that vibe. I acknowledge the intent and the motive behind the amendment; I do not question that in any way. I note that I spoke in my earlier speech about most of the substantive comments around the issues of delay and the importance of justice being brought forward in a timely way.

I remind the members of the Assembly that it is a matter of balancing a number of factors here. Mr Hanson has argued for a particular view from a particular perspective; it is not the only perspective. Important issues have been expressed to me by the court, the Chief Justice and people involved with matters in supporting victims and the traumatisation that can happen with delay. This involves an important weighing of a range of views, a range of perspectives and a range of interests. They are difficult to weigh. As I said earlier today, the balancing the government has done has brought us to the provisions in the bill.

We have considered the New South Wales provision. We have looked at that from the perspective of what it would achieve and what it would not achieve. At a recent meeting of the Council of Attorneys-General, which was joined very generously by the chief justices from around Australia, it was acknowledged that jurisdictions were applying similar and in many ways identical principles but embodying them in different ways. Jurisdictions are taking different decisions around how they respond because of their particular circumstances.

I note that for the equivalent of the bill we are debating today New South Wales has gone significantly further than the ACT in a number of ways. It is simply not the case that all jurisdictions are working in exactly the same way, even though we are clearly seeking to live out the same principles.

It is also the case, as I am sure Mr Hanson is aware, that within another jurisdiction in Australia already a court can order a judge-alone trial without agreement of the accused. So it is not the case that the ACT is out of kilter with other jurisdictions on that. Mr Hanson talked about the fact that the Human Rights Act includes the right to a jury trial. It is important to make sure we are accurate in this. The Human Rights Act does not have a right to a jury trial.

Mr Hanson: I didn't say that.

MR RAMSAY: My apologies then. The Human Rights Act provides for a right to a fair trial, and we have very deliberately and carefully thought through what is involved in the right to a fair trial, including the High Court declarations as to what is involved. There is no constitutionally enshrined right to a jury trial other than in

commonwealth matters. This legislation has been carefully drafted to make sure it does not tread into those spaces. Therefore, on constitutional grounds we are very confident that this legislation stands strongly.

We do not believe that following the New South Wales model is the best model for the ACT. Obviously different criminal offences apply between New South Wales and the ACT; you get prosecuted for different things. The courts already have a range of different processes. So in that sense there are already different legal rights for people who live in Queanbeyan and those who live in Canberra. We are looking at how in this particular circumstance we can make sure there is the best access to justice for the people of the ACT.

The ACT Supreme Court and the Magistrates Court are nation leading with their facilities. The audiovisual and remote witness links place us in one of the best positions in Australia for the ongoing work of our justice system. That is a really important thing for us to affirm and to be able to support. We obviously cannot predict where things may go with the COVID-19 epidemic, but we are in a position to be able to keep our trials going, potentially longer than other jurisdictions, and that is important.

The views that have been shared today are important and I acknowledge them. I acknowledge that people have expressed their views to Mr Hanson. Clearly some of the people who have expressed their views to me have not also expressed their views to Mr Hanson. We have been balancing these very carefully. We are looking to do things appropriately, in the interests of justice in society. On the balance of all of the considerations, we will not be supporting the amendment. However, if passed, we will monitor the way the legislation is implemented and I will continue to see how it is that the ongoing rights and protections of the people of the ACT are best upheld.

MR RATTENBURY (Kurrajong) (5.05) This is an issue for which there is not a single answer, as Mr Hanson alluded to in his remarks. There are countervailing arguments about the merits or otherwise of this approach. We must endeavour to try and anticipate human behaviour in response to legislative change and ensure that the justice system continues to operate, and in a way that is fair.

This provision does two things: firstly, it allows matters that are currently excluded offences to be conducted as judge-alone trials. That provision does not appear to be controversial. It will enable trials for a range of serious offences to be held under a judge-alone trial where currently they cannot be. That seems a useful and practical measure at a time when, because of physical distancing rules, it seems jury trials will be nigh on impossible to conduct.

Secondly, subsection (3) allows for the court to order a trial to be judge alone if the court is satisfied that the order will ensure the orderly and expeditious discharge of the business of the court and that to do so is otherwise in the interests of justice. The interests of justice test is the crucial factor, in my view. A number of factors will need to be considered and each case will have its own characteristics.

The judge will need to consider the view of both the prosecution and, in particular, the defendant. They will need to consider how long a defendant might spend in custody if the trial is deferred for perhaps 12 months or more. And if the trial is to be deferred for that long, is it appropriate to release someone on bail? I am sure defence counsel will apply for bail as a result of the prospect of delay; it is almost certain. But, given the serious nature of some of these excluded offences, will the community see bail as an appropriate option?

Another key factor for me, and the one that has ultimately decided our view on this, is the potential impact on victims if trials do not go ahead. A significantly delayed trial requires a victim waiting to give evidence to have to wait even longer. That outcome can increase trauma because it makes a victim wait longer for resolution. I have sought advice, and I understand from the DPP that 19 matters are listed for hearing between now and the end of June. That is a lot of victims of crime whose matters could be deferred. I am sure Mr Hanson and his colleagues would not want this outcome.

I am also interested to know what outcome Mr Hanson would want for an accused person charged with a serious crime but who does not accept a judge-only trial. Should this person go on remand and wait for what may be an unknown amount of time? Or should the person be released back into the community on bail, despite being charged with a serious crime, because there is no prospect of a trial in the near future? That may be the outcome if Mr Hanson's amendment were accepted, and I am not sure we know the answers to those questions. Delaying trials also makes it more difficult to run the trial, as there is a greater chance that witnesses will not be available or that their memories will fade or other intervening factors will occur.

Subsection (4) also requires the judge to receive and consider submissions from the defence and prosecution before making a decision to hold a judge-only trial when it would usually be a jury trial. This is a key moment for the judge to weigh up the balance in the interests of justice. If the defendant has a strong and clear preference for a jury trial, these arguments can be presented to the judge through this process.

I have listened to the views of the Law Society, the Bar Association, Mr Hanson, the Attorney-General, the Human Rights Commission and the Victims of Crime Commissioner. In the end, on a finely balanced and complex matter for which there is not a single answer, we are opting to support the formulation in the bill as presented.

As I said, victims also need matters to be dealt with in an expeditious, fair and reasonable way. A jury trial is not in itself a prerequisite for compatibility with the right to a fair trial. In this unique set of circumstances where it seems jury trials cannot be held, defendants accused of serious crimes will be able to have judge-only trials, but their cases will still be able to be delayed until a jury can be constituted if the court decides that this is the appropriate approach in the interests of justice.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 7

Miss C Burch
Mr Coe
Mr Hanson
Mr Milligan

Mr Parton
Mr Wall

Mr Barr
Ms J Burch
Ms Cheyne
Mr Gentleman

Ms Orr
Mr Ramsay
Mr Rattenbury

Amendment negatived.

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

Bill, as amended, agreed to.

Appropriation Bill 2019-2020 (No 2)

Debate resumed.

MR COE (Yerrabi—Leader of the Opposition) (5.14): The opposition will be supporting this appropriation bill and the amendments that the Treasurer is proposing. COVID-19 poses significant health and economic challenges for the nation and for each state and territory. The amendments being put forward today provide an additional appropriation of \$63 million in total for the ACT's local hospital network and the Health Directorate. Bolstering the capacity of the health system is obviously required, as per all the minister's statements. The amendments also increase the Treasurer's advance from \$53 million to \$220 million. This is required in order to meet the costs of the assistance measures that the ACT government has announced.

I note that, although it seems like a long time ago, when the public accounts committee was reviewing the appropriation bill there were a number of concerns that were highlighted in those hearings, most notably the fact that it did seem that on several occasions some of the money that is being appropriated today has indeed already been spent. That was of concern to the committee, as I recall, not being on it. Certainly, members of the committee did express concern in their questions to establish those facts. That is a worry. Having said that, there are, of course, many other issues that we are dealing with at the moment.

I am pleased that the appropriation bill did get a chance to go before the public accounts committee, unlike much of the other spending that we are seeing at the moment. That is why the new committee that has just been established will play a very important role in scrutinising expenditure, particularly from the Treasurer's advance but from any other appropriations that are brought forward.

The Canberra Liberals are supportive of allowing the government flexibility in responding to this evolving crisis. But, as I have said on many occasions today, it is dependent upon having proper scrutiny and transparency measures. We want to work collaboratively with the government to ensure that we get the best possible

expenditure and the best possible outcomes when we are using taxpayers' money and their rights.

MR RATTENBURY (Kurrajong) (5.17): The Greens support the outcomes of the budget review, as well as the additional initiatives in the COVID emergency response funding, and will be supporting this bill and the government amendments. I will briefly touch on the COVID emergency response packages, which are covered by the government amendments to the bill. I note that a second package was released at lunchtime today, and I am sure the Treasurer will tell us more about it when he stands to speak. This bill will enable its expenditure.

Through the two emergency response packages that have been released so far, the ACT Labor-Greens government is delivering strong support for our community through this challenging time. I will not touch on all the measures in the packages but I particularly highlight some of the initiatives in my portfolio of mental health.

As I touched on in question time, the first package provided an extra \$100,000 to Lifeline ACT. These extra funds are already helping them field up to 1,000 extra calls each month. As of two weeks ago, Lifeline had experienced a 25 per cent increase in calls, and since receiving the funding provided they have been able to answer 23 per cent more calls to their service. They have reported back to us that in the past three weeks 100 per cent of their calls have touched on COVID-19 in some way.

The second package expands this, with \$135,000 in funding for two other frontline community mental health providers: Perinatal Wellbeing Centre and Menslink. This funding will help these organisations meet the increase in demand that they are experiencing in these challenging times. I think we also need to acknowledge the range of community organisations that have also lost important fundraising opportunities. Not only are they seeing increases in demand but some of the revenue they would have expected to otherwise see is not coming in. So there is a dual challenge there for some of our NGOs, and we will continue to do our best to support them to meet those dual challenges.

The first package's additional \$7 million for local community services like emergency and food relief services is an example of this critical support for those with few resources to fall back on as we go through this crisis. In the second package I am particularly pleased with the extra support for renters and those doing it tough. For example, for renters who have lost their jobs or had their hours cut there are incentives from the government to landlords to reduce rents for up to six months. I think this is a welcome and substantive initiative that will make a real difference for people who are struggling to get through this difficult period from an economic perspective.

More specifically on the budget review, in normal circumstances the Greens would give a detailed commentary on the initiatives in the budget review. But I will limit myself to briefly listing what we see as the highlights. The funding increase of \$63 million for Canberra Health Services is vital for health services to meet growing demand in the territory. As health services around the world reach a tipping point, this funding is an important commitment towards ensuring that our health services have

the capability to meet demands as they arise. We all know that our health system has been working very hard over the past month to prepare and respond to the impact of COVID on our systems.

It is important to keep in mind that, while we are currently all rightly focused on the COVID-19 crisis, our minds will need to return to the climate emergency once the COVID matter passes. The Greens are very pleased that the budget review provides an extra \$4 million over the next four years to help reduce the territory's greenhouse gas emissions. The funding will pay for important initiatives such as implementing the minimum energy efficiency standards for rental properties and installing electric vehicle charging stations.

I am also pleased that the review extends until 2023 the land tax exemption for private landlords who rent their properties at 75 per cent or less of market rent through community housing providers. This was both a Greens and a Liberals idea originally. However, I note that it is still referred to as a pilot. The scheme represents excellent value for money in terms of affordable housing outcomes. The Greens believe it should be made permanent to give it a fair go and allow for serious take-ups of it so that landlords can have confidence that the scheme will continue to exist into the future.

The review also includes important transport funding. The Greens support this continued investment in improving our public transport network in the ACT. In conclusion, the budget review and the COVID emergency response packages include important initiatives for the Canberra community. The Greens are pleased to support the bill today.

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) (5.22), in reply: I thank the opposition and the Greens for their support for the legislation. Obviously, the bill has changed somewhat in the last few weeks. The bill's main focus now is on providing additional resources and capacity to quickly respond to the impact of COVID-19. The single largest initiative funded through the appropriation bill, namely the additional \$186 million for health services, which includes the \$63 million in increased commonwealth funding through the national partnership, does provide the territory with a strong capacity to respond to COVID-19.

The bill provides a total of \$144 million for net cost of outputs appropriation, of which \$132.8 million relates to funding support for the growing demand for health services. That is excluding the \$63 million, which is the commonwealth's funding contribution. The bill also supports an increase in available funding of \$220 million, which is held as Treasurer's advance funding, so that the government can respond to the urgent needs of directorates dealing with the stimulus package or economic survival package and the community health impacts related to COVID-19.

The new programs announced in the budget review will still of course go ahead and are provided for in the bill. That is the funding to Venues Canberra; the funding for the Winnunga Nimmityjah Aboriginal Health and Community Services; the additional support for vulnerable children and young people in the out of home care system; the

public transport initiatives; the fit-out of some leased office buildings for various agencies; the new Woden bus depot; the funding for the work health and safety regulator, establishing WorkSafe ACT as an independent entity and increasing the number of WorkSafe ACT inspectors, which will be important to safely manage the construction sector in particular during this period; and the expansion of the Aboriginal and Torres Strait Islander functional family therapy child welfare program, to be delivered by OzChild in partnership with Gugan Gulwan. They are important initiatives.

We have the sustainable energy policy initiatives and accelerating work on the licensing scheme for property developers and the building regulation reform program. On the capital injection side, the smart technology ticketing system for integrated public transport is an important project to continue during this time, as is the new cloud-based digital platform to deliver more efficient customer services, as clearly at the moment a lot of government transactions are taking place online. The other important initiative to highlight is the provision of on-call forensic medical services for ACT Policing. Additional funding will support services such as medical assessments for people in custody, and coronial and criminal investigations.

In conclusion, I thank the public accounts committee for its time and commend the bill to the Assembly, noting that I will be moving the amendments circulated in my name and providing the supplementary explanatory statement in the detail stage of debate.

THE SPEAKER: Are you tabling a response to the public accounts committee?

MR BARR: I present the following paper:

Public Accounts—Standing Committee—Report 10—*Inquiry into the Appropriation Bill 2019-2020 (No 2)*—Interim Government response, dated April 2020.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

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) (5.26): I seek leave to move amendments that have not been considered by the scrutiny committee.

Leave granted.

MR BARR: I move amendments Nos 1 to 5 circulated in my name together [*see schedule 3 at page 822*]. I table the supplementary explanatory statement to the amendments and present the following paper:

Budget 2019-2020—Financial Management Act, pursuant to section 13—Amended Supplementary Budget Papers.

As I indicated in my closing remarks, these amendments go to providing additional funding in response to COVID-19, both for health and economic support measures and in relation to the Treasurer's advance.

Amendments agreed to.

Bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

The Assembly adjourned at 5.28 pm until Thursday, 7 May 2020, at 10 am.

Schedules of amendments

Schedule 1

COVID-19 Emergency Response Bill 2020

Amendment moved by Mr Coe (Leader of the Opposition)

1

Proposed new clause 2A

Page 2, line 11—

insert

2A Reports for Legislative Assembly

- (1) For each month that a COVID-19 declaration is in force, the responsible Minister for a COVID-19 measure must prepare a report for the Legislative Assembly on—
 - (a) the application of the measure; and
 - (b) the impact of the measure.
- (2) The Minister must present the report to the Legislative Assembly—
 - (a) 1 month after the end of the month to which the report applies; or
 - (b) if the 1-month period coincides with part of the pre-election period for a general election of members of the Assembly—on the second sitting day after the election is held.
- (3) If a report to which subsection (2) (a) applies has not been presented to the Legislative Assembly before the last 7 days of the 1-month period, and there are no sitting days of the Legislative Assembly during those 7 days—
 - (a) the responsible Minister must give the report, and a copy for each member of the Legislative Assembly, to the Speaker before the end of the 1-month period; and
 - (b) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the day the responsible Minister gives it to the Speaker; and
 - (c) the responsible Minister must present the report to the Legislative Assembly—
 - (i) on the next sitting day after the end of the 1-month period; or
 - (ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.

- (4) In this section:

COVID-19 measure means an amendment mentioned in schedule 1 as passed.

Note In the Act as passed, schedule 1 (COVID-19 emergency response—Amendments) contained amendments of the following legislation:

- *Children and Young People Act 2008*
- *Corrections Management Act 2007*
- *Crimes (Sentence Administration) Act 2005*
- *Crimes (Sentencing) Act 2005*
- *Evidence (Miscellaneous Provisions) Act 1991*
- *Family Violence Act 2016*

- *Financial Management Act 1996*
- *Firearms Act 1996*
- *Gaming Machine Act 2004*
- *Gaming Machine Regulation 2004*
- *Leases (Commercial and Retail) Act 2001*
- *Long Service Leave Act 1976*
- *Long Service Leave (Portable Schemes) Act 2009*
- *Medicines, Poisons and Therapeutic Goods Regulation 2008*
- *Official Visitor Act 2012*
- *Personal Violence Act 2016*
- *Prohibited Weapons Act 1996*
- *Residential Tenancies Act 1997*
- *Supreme Court Act 1933*
- *Working with Vulnerable People (Background Checking) Act 2011.*

pre-election period—see the *Electoral Act 1992*, dictionary.

responsible Minister, for a COVID-19 measure, means the Minister allocated responsibility for the Act in which the measure is made under the administrative arrangements under the *Public Sector Management Act 1994*.

Speaker includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; and
- (b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is **unavailable** if—

- (a) he or she is absent from duty; or
- (b) there is a vacancy in the office of Speaker or Deputy Speaker.

Schedule 2

COVID-19 Emergency Response Bill 2020

Amendment moved by Mr Hanson

1

Schedule 1, part 1.19

Amendment 1.68

Proposed new section 68BA (3) and (4)

Page 46, line 21—

omit proposed new section 68BA (3) and (4), substitute

- (3) The court may order that the proceeding will be tried by judge alone only if—
 - (a) the accused person consents to be tried by judge alone or, for a joint trial, all the accused people consent to be tried by judge alone; and
 - (b) if the prosecutor does not agree to the accused person being tried by judge alone—the court considers it is in the interests of justice for the accused person to be tried by judge alone; and
 - (c) the court is satisfied the accused person has sought and received advice from a legal practitioner in relation to the effect of the order.

Schedule 3**Appropriation Bill 2019-2020 (No 2)**Amendments moved by the Treasurer**1****Clause 6 heading****Page 2, line 17—***omit the heading, substitute***6****Additional appropriations of \$430 124 000****2****Proposed new clause 6 (2)****Page 3, line 3—***insert*

- (2) The amount mentioned in schedule 1, part 1.11 (Treasurer's Advance), column 5 is appropriated to the Treasurer's Advance for the Financial Management Act 1996, section 18.

3**Schedule 1, part 1.1****Page 4—***omit part 1.1, substitute*

Part 1.1			
ACT Local Hospital	120 746 000		120 746 000
Network			

4**Schedule 1, part 1.5****Page 4—***omit part 1.5, substitute*

Part 1.5			
ACT Health	4 385 000	7 700 000	12 085 000
Directorate			

5**Schedule 1****Page 5—***omit*

<i>Total appropriations</i>	81 001 000	57 679 000	8 444 000	147 124 000
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substitute

<i>Total appropriated to territory entities</i>	144 001 000	57 679 000	8 444 000	210 124 000
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Part 1.11

220 000 000

Treasurer's Advance

<i>Total appropriations</i>	144 001 000	57 679 000	8 444 000	430 124 000
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Answers to questions

Transport Canberra—bus lanes (Question No 2885)

Miss C Burch asked the Minister for Transport, upon notice, on 14 February 2020:

- (1) What requests have been made by the public for additional bus lanes around Canberra.
- (2) Have any of the requests referred to in part (1) successfully informed the Minister's policy on additional bus lanes.
- (3) Were any of the requests referred to in part (1) rejected; if so, why.
- (4) What requests have Transport Canberra made to the Minister's office for additional bus lanes around Canberra.
- (5) Have any of the requests referred to in part (4) successfully informed the Minister's policy on additional bus lanes.
- (6) Were any of the requests referred to in part (4) rejected; if so, why.
- (7) What requests have been made by Transport Canberra bus drivers for additional bus lanes around Canberra.
- (8) Have any of the requests referred to in part (7) successfully informed the Minister's policy on additional bus lanes.
- (9) Were any of the requests referred to in part (7) rejected; if so, why.
- (10) What further detail can the Minister provide about the various requests made for additional bus lanes around Canberra.

Mr Steel: The answer to the member's question is as follows:

1. Since the introduction of Network 19, there have been no requests received by Transport Canberra from the public for additional bus lanes.
2. No, as no requests have been received.
3. See response to Question 1.
4. Nil.
5. N/A.
6. N/A.
7. Since the introduction of Network 19, no requests have been made by Transport Canberra bus drivers for additional bus lanes.
8. N/A.
9. N/A.

10. As part of the planning for transport infrastructure projects across Canberra, consideration is given to whether dedicated public transport initiatives can be included.

For example, as part of business as usual approach, when a project to improve the road network is being developed, the benefits of providing bus lanes, or bus priority solutions is considered and evaluated, and where benefits are identified, they are included in the project scope and delivered.

Transport Canberra—assaults (Question No 2886)

Miss C Burch asked the Minister for Transport, upon notice, on 14 February 2020:

Can the Minister provide the number of (a) verbal and (b) physical assaults reported by Transport Canberra bus drivers and transport officers in (i) 2018 and (ii) 2019.

Mr Steel: The answer to the member's question is as follows:

Reported incidents of verbal and physical assaults against Transport Canberra bus drivers and transport officers at Table 1.

	2018	2019
Verbal	165	187
Physical	100	127
Total	265	314

Bus Operations provide training that encompasses responses to issues of violence and aggression. It is delivered to new (Bus Driver Training) and existing bus drivers (Driver Continuity Training) as well as field supervisors (Transport Officer Continuity Training) who encounter the travelling public. Training sessions aim to introduce, or reiterate and reinforce, job relevant skills and operational policies, procedures and other standards applicable to their job. Topics include:

- Customer service and active listening skills for effective communication with customers, particularly in circumstances where grievance resolution is needed;
- Conflict resolution training that emphasises de-escalation skills, strategies, and professional responses by staff rather than emotive responses to difficult customers and situations;
- ACT Government Respect, Equity, Diversity Framework for the purpose of acknowledging the diversity of cultures in the community and workplace.
- Incident management and responsibilities for effective and supportive responses to accidents and incidents in the workplace.

All vehicles and transport officers are equipped with radios which have a duress function once activated makes a recording and identifies the position of the incident. This enables the Communications Centre operators to dispatch transport officers and if required emergency services. This relates to all operating hours.

**Government—invoices
(Question No 2887)**

Mrs Dunne asked the Treasurer, upon notice, on 14 February 2020 (*redirected to the Minister for Government Services and Procurement*):

- (1) In relation to the Notifiable Invoices Register, why are there inconsistencies in the date formatting between the reporting of the dates invoices are received and paid.
- (2) Why are there inconsistencies in the date formatting within the reporting of the dates invoices are paid.
- (3) Will the Treasurer instruct his directorate to use the format dd/mm/yyyy for reporting of the dates invoices are received and paid after 31 December 2019; if not, why not.

Ms Orr: The answer to the member's question is as follows:

To support the ACT Government's Open Government policy and in accordance with the *Government Procurement Act 2001* the details of notifiable invoices are published within 21 days after the end of the month during which the invoice was paid.

Action has been taken to rectify inconsistencies in the way dates are recorded in the register, and all entries from late 2019 were checked.

As there is an existing instruction in place, entries from 31 December 2019 onwards will continue to be recorded as dd/mm/yyyy. Any inconsistencies from 31 December 2019 may be due to an individual error at the data entry point.

**ACT Health—accreditation
(Question No 2888)**

Mrs Dunne asked the Minister for Health, upon notice, on 14 February 2020:

- (1) What accreditation services were provided by the Royal Australasian College of Surgeons for the payment of \$70 461.95 made on 24 October 2019.
- (2) To which office of the College was the payment made.
- (3) Has the Government received the accreditation report; if so, will the minister provide a copy; if not, why not.
- (4) What accreditation level did the audit grant.
- (5) What findings and recommendations were made in the accreditation report.
- (6) What was the Government's response to the report.
- (7) What consultancy services were provided by Barmco Marna McMurray Pty Ltd for the payments made to that company of \$45 294.59 on 10 October 2019 and \$60 064.57 on 24 September 2019.

- (8) What is the total value of the consultancy contract.
- (9) What work remains to be completed.
- (10) Has the consultant provided a report to the Government; if not, when will it.
- (11) If a report has been provided, what was the Government's response.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) The payment was made for the provision of the ACT Audit of Surgical Morbidity.
- (2) The payment was made to the ACT Branch of the Royal Australian College of Surgeons through the Deed of Agreement held with ACT Health.
- (3) The report is not an accreditation report and is readily available in the public domain via the follow link
https://issuu.com/maxgecko/docs/actasm_annual_report_2017_final
- (4) See response to Q3.
- (5) Recommendation one related to infections. It was recommended that a system be developed and implemented in line with National Safety and Quality Health Service Standard one, and that it include processes for reporting, investigation and analysing the management of pneumonia and align these systems and processes with organisational risk management strategies.

Recommendation two indicated that surgeons should be encouraged to share learning with surgical colleagues. The finding and recommendation should be discussed at relevant meetings.

Recommendation three recommended that surgeons and other clinicians should carefully consider whether their patients would benefit from admission to a critical care unit.

- (6) The Government's response to this report was to note the recommendations and to allow the ACT Health Directorate, who were responsible for the oversight of both public hospitals at the time the report was published, to develop the systems required to address recommendation.

Recommendation two and three relating to clinical management improvements are directed to the individual surgical craft groups for consideration and action and are not for the ACT Health Directorate or the individual public hospitals to address. Each craft group conducts regular meetings where morbidity and mortality is presented and reviewed.

- (7) The services provided by Barmco Marna McMurray Pty Ltd related to the Critical Asset Upgrade Electrical Distribution Audit works.
- (8) Total value of the contract is \$196,790 inclusive of GST.
- (9) Following the September 2019 and October 2019 invoices, the remaining works were the completion of the inspections and production of the audit and condition reports.

(10) As at 14 February 2020, a draft report was received by Canberra Health Services and is currently being verified by stakeholders for factual accuracy.

(11) The draft is under consideration by Canberra Health Services.

Hospitals—commonwealth funding (Question No 2889)

Mrs Dunne asked the Minister for Health, upon notice, on 14 February 2020:

In relation to the key issues cabinet brief dated June 2019 and titled 2019 20 Commonwealth Hospital Funding Estimates, what (a) estimated hospital activity did the National Health Funding Body use to determine the Commonwealth's contribution to the ACT's public hospital expenditure, (b) was the Commonwealth's provisional contribution based on that estimated hospital activity, (c) was the actual hospital activity, (d) adjustment payments did the Commonwealth make and (e) were the principal reasons for any differences more than 5% between the estimated and actual hospital activity figures for the financial years of (i) 2014-15, (ii) 2015-16, (iii) 2016-17, (iv) 2017-18 and (v) 2018-19.

Ms Stephen-Smith: The answer to the member's question is as follows:

(1)

(a) 2019-20 National Weighted Activity Units (NWAU) provided to the National Health Funding Body (NHFB):

Activity Stream	2019-20 Estimated NWAU (NWAU19)
Admitted Acute	101,247
Sub-acute	12,340
Admitted Mental Health	9,824
Emergency	19,590
Non-Admitted	20,758
Total Estimated NWAU	163,759

(b) As the 2018-19 reconciliation is not yet completed, finalised funding information for 2018-19 is currently unavailable. The Key Issues Brief *2019-20 Commonwealth Hospital Funding Estimates* of June 2019 outlines provisional funding of \$411.8 million.

2017-18 finalised funding information from NHFB annual report.

Financial Year	Estimated NWAU	Final NWAU	Actual Funding \$'000	Provisional Funding \$'000
2017-18	153,649	154,569	330,797	N/A
2018-19	163,759	168,377	N/A	411,800

(c) 2018-19 patient activity submitted to the Independent Hospital Pricing Authority (IHPA) and NHFB:

Activity Stream	Total NWAU's (NWAU19)
Admitted Acute	100,937
Sub-acute	10,918
Admitted Mental Health	10,435
Emergency	18,836
Non-Admitted	27,250
Total Estimated NWAU's	168,377

(d) The below adjustment payments were made to the ACT as per the 2017-18 NHFB's annual report:

Payment Type	Payment Amount \$'000
Payments in respect of 2016-17 services	7,341
Payments in respect of 2014-15 & 2015-16 services	15,307

(e) Estimated and actual hospital activity summary from 2014-15 to 2018-19:

Financial Year	Estimated NWAU	Final NWAU	Variance %
(i) 2014-15	133,800	139,417	4.1
(ii) 2015-16	140,066	148,426	5.96
(iii) 2016-17	143,666	155,081	7.9
(iv) 2017-18	153,649	154,569	1
(v) 2018-19	163,759	168,377	2.81

Please note the below with NWAU comparisons:

- NWAU estimates are provided to the NHFB prior to end of the financial year based on the data that's available at the point of reporting;
- NWAU's are finalised as more data becomes available towards the end of September for the end of year reporting to IHPA and NHFB; and
- NWAU calculation models change every year and therefore year-on-year comparison is not advisable.

Aboriginals and Torres Strait Islanders—residential rehabilitation facility (Question No 2890)

Mrs Dunne asked the Minister for Health, upon notice, on 14 February 2020:

- (1) In relation to the answer to part (2) of question on notice No 2843, did the Minister fail to answer this specific question given (a) the appropriation of money in the 2007-2008 Appropriation Bill (No. 2) for a “culturally appropriate residential drug and alcohol rehabilitation facility in the ACT, servicing the adult Indigenous population”, which would “provide for up to 16 participants to participate in a holistic community with a therapeutic program aimed at supporting them through the rehabilitation and recovery process and assisting with the transition back into the community”, (b) the statement made by former Chief Minister and Treasurer, Mr Jon Stanhope, in his presentation speech for the Appropriation Bill 2008-2009, in which he stated, “We have committed resources to initiatives such as an Indigenous drug and alcohol residential rehabilitation facility” (Hansard, 6 May 2008, p1456] and (c) a media release former health minister, Ms Katy Gallagher, issued on 3 March 2009, in

which it was announced that the site for the Ngunnawal Bush Healing Farm had been purchased “for an alcohol and drug rehabilitation service”, which will “accommodate 16 people, including accommodation for family members”;

- (2) If so, why did the Minister fail to answer the specific question asked.
- (3) Will the Minister now provide an answer to the specific question asked; if not, why not.

Ms Stephen-Smith: The answer to the member’s question is as follows:

- (1) No, the question was answered. For the Member’s interest, further advice is below.

The ACT Health Directorate is working with the Advisory Board, including members of the United Ngunnawal Elders Council and the Aboriginal and Torres Strait Islander Elected Body, to ensure that the NBHF is a place of spiritual and cultural healing for Aboriginal and Torres Strait Islander peoples. This is in line with the description from the 2007-2008 Appropriation Bill (No.2) of a “therapeutic program aimed at supporting [Aboriginal and Torres Strait Islander people] through the rehabilitation and recovery process and assisting with the transition back into the community”.

As I stated in the Assembly in response to a similar question from Mr Milligan on 12 February 2020:

“The Ngunnawal Bush Healing Farm is operational and continues to provide a place of healing for Aboriginal and Torres Strait Islander people to feel safe and supported while making ongoing and meaningful changes to their lives. That is at the further end of the continuum of rehabilitation.

There is not one single thing that you do to rehabilitate when you have a drug or alcohol addiction. It is a complex matter that requires a range and a continuum of supports.

The programs at the Ngunnawal Bush Healing Farm provide clients with the opportunity to participate in a range of cultural activities such as land management, mindfulness, music, yarning circles and a healing program. The directorate is currently finalising the procurement for some providers to deliver services as part of the therapeutic programs for the Ngunnawal Bush Healing Farm for 2020, and planning is underway. Importantly, the Aboriginal and Torres Strait Islander Healing Foundation has progressed the healing framework to be delivered at the farm, with facilitation of two knowledge circles with the United Ngunnawal Elders Council to identify the healing vision for the Ngunnawal Bush Healing Farm.”

- (2) Not applicable.
- (3) See response to (1) above.

Government—invoices (Question No 2891)

Mrs Dunne asked the Minister for Health, upon notice, on 14 February 2020:

- (1) In relation to payments disclosed on the Notifiable Invoices Register, what works were undertaken, or products or services supplied under the description “Buildings & Fitout – WIP” by (a) Benmax Pty Ltd (invoices received 3 and 5 December 2019), (b) Complete Constructions Aust Pty Ltd (invoice received 29 November 2019), (c) Hospital Products Australia Pty Ltd (invoice received 19 December 2019), (d) Manteena Commercial Pty Ltd (invoices received 27 November 2019 and 18 December 2019) and (e) Solution Energy Services Pty Ltd (invoice received 22 November 2019).
- (2) Why is more detail not disclosed for the payments described as “Buildings & Fitout – WIP”.
- (3) What is the “Capital Works Project” being undertaken by Shaw Building Group Pty Ltd, represented by the four invoices, totalling \$3 833 512.03, received on 2 December 2019 and what works were undertaken, or products or services provided under each invoice.
- (4) Why is more detail not disclosed for the payments described as “Capital Works Project”.
- (5) What “Health Care Service” was provided by Central Adelaide Local Health Network Incorporated (invoice received 10 December 2019) and why could the service not be provided either (a) in-house or (b) locally.
- (6) What “Technical and Management Support Services” were provided by Silver Thomas Hanley (Aus) Pty Ltd (invoices received 2 and 4 December 2019) and why is more detail of the service not disclosed.
- (7) Why was the payment of \$1 037 491.28 to Manteena Commercial Pty Ltd on 12 December 2019 made six days before the date on which the invoice was received (18 December 2019).

Ms Stephen-Smith: The answer to the member’s question is as follows:

- (1) The works undertaken by the five listed suppliers are related to construction milestone payments linked to the current capital projects. Details are provided in the table below.

Supplier		Project	Amount (Inc GST)	Works undertaken
a	Benmax Pty Ltd	UMAHA - Heating Ventilation Air Conditioning	\$534,144.03	These progress payments are related to the associated costs to bring the Canberra Hospital Building 1 chiller online.
a	Benmax Pty Ltd	UMAHA - Heating Ventilation Air Conditioning	\$469,677.46	
b	Complete Constructions (AUST) Pty Ltd	Clinical Services Redevelopment 3 - Mental Health Ligature Minimisation Work	\$80,900.55	The payment relates to the replacement of carpet in the Canberra Hospital Building 25.
c	Hospital Products Australia Pty Ltd	Weston Creek Walk-In Centre	\$45,188	The payment relates to the purchase of furniture for the Weston Creek Walk-In Centre.
d	Manteena Commercial Pty Ltd	Weston Creek Walk-In Centre	\$522,344.97	These are construction progress payments to fitout the Weston Creek Walk-In Centre.
d	Manteena Commercial Pty Ltd	Weston Creek Walk-In Centre	\$1,037,491.28	
e	Solution Energy Services Pty Ltd	Critical Asset Upgrade - Building 12 UPS Upgrade	\$30,870.40	The payment relates to the upgrade and relocation of the uninterrupted power supply.

- (2) Canberra Health Services (CHS) categorises notifiable invoices into broad categories for the purposes of reporting. This categorisation is consistent with the approach used by several ACT Government Directorates and balances transparency with efficient business processes.
- (3) Upgrading and Maintaining ACT Health Assets and Sterilising Services - Relocation and upgrade projects were undertaken by Shaw Building Group Pty Ltd in relation to the four invoices paid. Further details are provided in the table below.

Supplier	Project	Amount (Inc GST)	Works undertaken
Shaw building Group Pty Ltd	UMAHA - Electrical Main Switchboards Replacement	\$2,661,499.77	Progress payments related to Building 2 ancillary works, Building 12 variation requests, business continuity switchboard purchases, cabling works and subsequent energisation.
Shaw building Group Pty Ltd	UMAHA - Electrical Main Switchboards Replacement	\$1,089,144.97	
Shaw building Group Pty Ltd	Sterilising Services - Relocation and upgrade	\$36,295.51	Progress payments related to the backfill work to construct a tutorial and sleep room.
Shaw building Group Pty Ltd	Sterilising Services - Relocation and upgrade	\$46,571.78	

- (4) CHS categorises notifiable invoices into broad categories for the purposes of reporting. This categorisation is consistent with the approach used by several ACT Government Directorates and balances transparency with efficient business processes.
- (5) The invoice related to Central Adelaide Local Health Network Incorporated was incorrectly classified as "Health Care Service". On investigation it was determined that the invoice related to an employee's entitlements following a change of employment.
- (6) Silver Thomas Hanley invoices are related to the capital project Expanding the Centenary Hospital for Women and Children as provided in the table below. CHS categorises notifiable invoices into broad categories for the purposes of reporting. This categorisation is consistent with the approach used by several ACT Government Directorates and balances transparency with efficient business processes.

Supplier	Project	Amount (Inc GST)	Works undertaken
Silver Thomas Hanley (AUS) Pty Ltd	Expanding the Centenary Hospital for Women and Children	\$231,307.45	Payments related to technical and support services provided which includes consultancy fee on the preliminary sketch plans and a range of standard design changes and option analysis to Neonatology, adolescent mental health, maternity and postnatal wards.
Silver Thomas Hanley (AUS) Pty Ltd	Expanding the Centenary Hospital for Women and Children	\$50,992.70	

- (7) Investigation of the payment identified that the invoice date was incorrectly recorded on the register. The invoice date for the payment of \$1 037 491.28 was 4 November 2019 not 18 December 2019.

Canberra Health Services—radiology services (Question No 2892)

Mrs Dunne asked the Minister for Health, upon notice, on 14 February 2020:

- (1) In relation to the budget estimates brief dated 11 June 2019, titled Improving Timeliness of Access to Radiotherapy Services, on what dates were the two end-of-life machines de-commissioned from service.
- (2) Have both machines been replaced; if no, why not and when will they be replaced; if so, on what dates were the new machines commissioned to service.
- (3) What did each replacement machine cost, including supply, installation, testing and commissioning to service.
- (4) What research and assessment of the replacement machines were made before the end-of-life machines were de-commissioned from service.
- (5) On what dates were the replacement machines ordered.
- (6) Why were the replacement machines not commissioned to service at or before the end-of-life machines were de-commissioned from service.
- (7) What percentage of (a) palliative care patients started treatment within two weeks and (b) radical care patients started treatment within four weeks, during 2018-19.
- (8) What is the target for the percentage of (a) emergency patients starting treatment within 48 hours, (b) palliative care patients starting treatment within two weeks and (c) radical care patients starting treatment within four weeks, for 2019-20.
- (9) What percentage of (a) emergency patients started treatment within 48 hours, (b) palliative care patients started treatment within two weeks, and (c) radical care patients started treatment within four weeks, for the period 1 July to 31 December 2019.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) Linear Accelerator (Linac) 2 was decommissioned on 8 February 2019 and Linac 3 was decommissioned on 16 October 2019.
- (2) Both Linacs are being replaced under the current program of works. Linac 2 was replaced and commenced patient services on 11 September 2019. Linac 3 replacement is currently being commissioned and is expected to be ready for provision of patient services in May 2020.
- (3) The replacement of the Linacs cost \$11 million. This amount includes the new linacs, the bunker refurbishments, building services rectification work, migration to cloud hosted infrastructure, implementation of a new treatment planning system, and an upgrade to the oncology information system. The breakdown of costs is not publicly releasable as this information relates to commercial contracts and is therefore commercial-in-confidence.
- (4) The two vendors that supply Linacs; Varian Medical Systems and Elekta, were sent a request for quotation (RFQ) given the specific requirements around integration with existing technology used in the Radiation Therapy Department and functionality required for the future. Both vendors were invited to visit the site and present on their latest equipment and provided an opportunity to assess the bunkers for required refurbishment work.

An evaluation panel assessed the RFQs and deemed the Varian Medical Systems TrueBeam technology to be most suitable for the Radiation Therapy Department.

- (5) The order for both TrueBeam Linacs was placed on 24 September 2018.
- (6) Patient treatment and radiation safety requirements mean that the location of the new Linacs is within the same footprint as the previous machines. Therefore, each machine must be decommissioned, and the bunker refurbished prior to installation and commissioning of the new Linac.

The commissioning process is highly technical and comprehensive and must be done insitu, hence, the long commissioning timeframe.

- (7) Between July 2018 to June 2019:
- (a) 73 per cent of palliative patients commenced within two weeks of their ready for care date.
- (b) 45 per cent of radical patients commenced within four weeks of their ready for care date.
- (8) Between 1 July 2019 to 30 June 2020 the target for patients commencing treatment is:
- (a) 100 per cent of emergency cases to be treated within 48 hours
- (b) 90 per cent of palliative cases to commence within two weeks and
- (c) 85 per cent of cases to commence within four weeks.

Canberra Health Services anticipates meeting these targets.

- (9) Between 1 July 2019 to 31 December 2019:
- (a) 100 per cent of emergency cases were treated within 48 hours
- (b) 79 per cent of palliative cases commenced within two weeks and
- (c) 69 per cent of radical cases commenced within four weeks.

Budget—arts funding (Question No 2893)

Mrs Dunne asked the Minister for the Arts, Creative Industries and Cultural Events, upon notice, on 14 February 2020:

- (1) In relation to the answer to question on notice No 2812, what attendance figures for ticketed and non-ticketed events did (a) each key arts organisation and (b) each program funded organisation, report in their funding acquittals for the calendar years of (i) 2014, (ii) 2015, (iii) 2016, (iv) 2017 and (v) 2018.
- (2) Will the Minister provide a table of the collated data referred to in the answer to part (2) of question on notice No 2812; if no, why not.

Mr Ramsay: The answer to the member's question is as follows:

The request requires the release of information that has been provided by a third party and is not published. In order to provide the requested information, the ACT Government will seek agreement to provide data from affected parties and provide a response by 8 May 2020.

Cultural Facilities Corporation—appointments (Question No 2894)

Mrs Dunne asked the Minister for the Arts, Creative Industries and Cultural Events, upon notice, on 14 February 2020:

- (1) Did the Minister, via Disallowable Instrument 2020-8, change the term of appointment for the deputy chair of the Cultural Facilities Corporation governing board from 27 November 2018 – 30 June 2021 to 24 January 2020 – 31 December 2022; if so, why.
- (2) Did the Minister, via Disallowable Instrument 2020-9, change the term of appointment for a member of the Cultural Facilities Corporation governing board, from 27 November 2018 – 30 June 2021 to 24 January 2020 – 31 December 2021; if so, why.
- (3) Did the minister, via Disallowable Instrument 2020-10, change the term of appointment for a member of the Cultural Facilities Corporation governing board, from 27 November 2018 – 30 June 2021 to 24 January 2020 – 31 December 2021; if so, why.
- (4) Given all three appointments, originally made under Disallowable Instruments 2018-276, 2018-277 and 2018-278 respectively, provided for term expiries more than eight months into the 10th Assembly, why did the Minister commit a future government to

Mr Ramsay: The answer to the member's question is as follows:

- (1), (2) and (3) Yes. The changes were put in place in response to a request by the Cultural Facilities Corporation board for a better sequencing of appointment terms of board members. The request was prompted by a situation that had occurred, whereby five of the six appointed members on the board were replaced at the same time.

The board suggested that a better sequencing of appointment terms would facilitate a smooth transition between departing and incoming members and would promote continuity in board operations. The three changes already made to appointment terms, together with the timing of one new appointment and further planned changes to the terms of two other members, are designed to achieve this better sequencing, so that for the six appointed members, there are three appointment conclusion dates, each for two members.

- (4) The changes were made for the reasons set out above. The changes were made according to the usual procedures for statutory appointments, including consultation with the ACT Legislative Assembly's Standing Committee on Economic Development and Tourism.

Arts—fitters' workshop (Question No 2895)

Mrs Dunne asked the Minister for the Arts, Creative Industries and Cultural Events, upon notice, on 14 February 2020 (*redirected to the Minister for Community Services and Facilities*):

- (1) How much money did the ACT Government spend on (a) maintaining and (b) upgrading the Fitters' Workshop during the financial years of (i) 2008-09, (ii) 2009-10, (iii) 2010-11, (iv) 2011-12, (v) 2012-13, (vi) 2013-14, (vii) 2014-15, (viii) 2015-16, (ix) 2016-17, (x) 2017-18 and (xi) 2018-19.
- (2) What is the amount budgeted to be spent in 2019-20 for (a) maintaining and (b) upgrading the Fitters' Workshop;
- (3) What are the budgeted upgrade works either completed, in progress or planned for 2019-20.
- (4) How much of the 2019-20 budget has been spent on (a) maintenance and (b) upgrades, to the date this question was published on the Questions on Notice Paper.
- (5) What upgrade works were undertaken in relation to the expenditure identified in the answers to parts (1) to (4).
- (6) What future upgrades are planned for the Fitters' Workshop, when is it planned that those future upgrades will be undertaken and what is the estimated cost for those upgrades.

Ms Orr: The answer to the member's question is as follows:

- (1) (i)-(iii) Prior to 2011 the Fitters Workshop property was in the Suburban Land Agencies (SLA) portfolio. The information immediately available to SLA suggests that no costs were incurred in relation to the Fitters' workshop apart from revaluations. The SLA does not have ready access to detailed records going back to 2008-09 to 2010-11 and that this would require substantial time to work through archives.

The Fitters Workshop was transferred to ACT Property Group (ACTPG) on 30 June 2011. ACTPG spent the following amounts on maintaining and upgrading the building:

		(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)	(xi)
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
(a)	Maintenance	Nil	Nil	\$160	\$625	\$3,242	\$10,756	\$20,472	\$16,897
(b)	Upgrades	Nil	Nil	Nil	Nil	Nil	\$28,510	\$9,478	Nil

- (2) (a) Nil. There is no identified Repairs and Maintenance budget.
(b) Nil.
- (3) See 2(b).
- (4) (a) \$10,710.
(b) See 2(b).

- (5) The upgrade works that have been undertaken in the 2016-17 and 2017-18 financial years included:
 - a. Installation of new Fire Panel; and
 - b. Removal of hazardous materials and make good.
- (6) There are no future upgrades planned at this stage, however a building conditions assessment/report is scheduled for 2020/21.

Mental health—admission delays (Question No 2896)

Mrs Dunne asked the Minister for Mental Health, upon notice, on 14 February 2020:

- (1) What was the average occupancy at Dhulwa Mental Health Unit as to the (a) acute unit and (b) rehabilitation program for the months of (i) August 2019, (ii) September 2019, (iii) October 2019, (iv) November 2019 and (v) December 2019.
- (2) How many people were on waiting lists for admission to (a) an acute bed and (b) the rehabilitation program, as at 31 December 2019.
- (3) How many days has each person been on the waiting list.
- (4) What is being done to ensure people on waiting lists are not adversely affected while they wait for admission to an acute bed or to the rehabilitation program.
- (5) How many referrals for admission to (a) an acute bed or (b) the rehabilitation program, were being considered by the Assessment and Admission Panel (AAP), as at 31 December 2019.
- (6) How many days has each referral been under consideration by the AAP.
- (7) What was the estimated waiting time for admission after the AAP approves referrals for such admission, as at 31 December 2019.
- (8) What is being done to ensure people, whose referrals are being considered by the AAP, are not adversely affected while they wait for the referrals to be considered and then wait for admission to an acute bed or to the rehabilitation program.
- (9) Is a proposal being developed to open non-commissioned beds at Dhulwa; if not, (a) why not and (b) when will it be; if so, (a) how many beds are proposed to be opened and (b) for which budget will the proposal be submitted for consideration.

Mr Rattenbury: The answer to the member's question is as follows:

- (1) Dhulwa Mental Health Unit Occupancy rates were as follows:

Bed Occupancy	Rehabilitation	Acute	Total Occupancy
(i) Aug-19	102%	76%	87%
(ii) Sep-19	97%	97%	97%
(iii) Oct-19	98%	98%	98%
(iv) Nov-19	89%	97%	94%
(v) Dec-19	95%	96%	96%

- (2) As at 31 December 2019, there was one person on the waiting list for an acute bed and no-one on the waitlist for the rehabilitation program.
 - (3) The person had been on the waitlist for an acute bed for 13 days.
 - (4) People who are waitlisted for admission to Dhulwa are all engaged and supported by other clinical mental health teams until transfer can be accommodated. These teams may include but are not limited to the Forensic Mental Health Services (FMHS) team at the Alexander Maconachie Centre (AMC), Community Mental Health Teams (CMHT) and/or other mental health inpatient units.
 - (5) There were no referrals listed for consideration for either an acute or rehabilitation bed by the AAP as of 31 December 2019.
 - (6) All referrals are considered by the AAP within the week, however urgent acute referrals can also be considered out of session by the AAP.
 - (7) Once accepted for admission to Dhulwa, all patients are transferred at the first opportunity. Bed availability can be influenced by occupancy at the time of referral, the existing patient cohort, the clinical acuity of the patient being referred and the safety and security of the unit.
 - (8) Refer to the response to question 4.
 - (9) Dhulwa has eight non-commissioned rehabilitation beds. Currently, there is no proposal to open these non-commissioned beds.
 - (a) The demand on service has not exceeded capacity. It is imperative that these beds are commissioned through informed strategic projections to ensure that future demand can be accommodated.
 - (b) Consideration will be given to open these beds when clinical demands exceeds current service capacity.
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**Mental health—youth services
(Question No 2897)**

Mrs Dunne asked the Minister for Mental Health, upon notice, on 14 February 2020:

- (1) In relation to the answer given to question on notice No 2860, under the funding agreement with the Commonwealth for development of an online youth navigation portal, how much money was or is to be paid to the ACT in (a) 2018-19, (b) 2019-20, (c) 2020-21 and (d) 2021-22.
- (2) Given the funding arrangement began in 2018-19, what work was done under the funding agreement during that year; if none, why not.
- (3) Why did work on Stage 1 of the deliverables not begin until November 2019 (some 17 months after the funding agreement began).

- (4) Do the timing dates, outlined in the table in the answer at part (2) of question on notice No 2860, accord with the timing dates as agreed in the funding agreement with the Commonwealth when it was signed; if not, what were the timing dates as agreed in the funding agreement when it was signed and what negotiations took place to vary the terms of the agreement to reflect the new timing dates.
- (5) In relation to the answer to part (3) of question on notice No 2850, has a provider now been procured to scope the requirements for the online youth navigation portal; if not, why not and when will they be; if so, (a) on what date did the provider begin their work, (b) who is the provider and (c) what qualifies the provider to do this work.
- (6) How much money did the ACT Government commit to this project for (a) 2018-19, (b) 2019-20, (c) 2020-21 and (d) 2021-22; if none, why not.

Mr Rattenbury: The answer to the member's question is as follows:

(1)

(a) 2018-19	\$84,258
(b) 2019-20	\$1,550,401
(c) 2020-21	\$760,001
(d) 2021-22	\$779,614
TOTAL	\$3,174,274

- (2) Funding was committed by the Commonwealth on 30 June 2019. Given the timeframe of the commitment, no work was undertaken on the project during the 2018/19 financial year.
- (3) Recruitment for project management staff to manage this project commenced in July 2019, followed by the development of project management and procurement documentation for Stage 1.
- (4) Yes, the dates align to the funding agreement with the Commonwealth.
- (5) Yes, a provider has been procured:
- (a) 25 February 2020 – this was delayed from early January 2020 due to the unexpected work surrounding the bushfires and contract negotiations.
 - (b) The Australian National University (ANU).
 - (c) The Centre for Mental Health Research at the ANU have extensive expertise and current projects on youth mental health in the ACT, implementation of digital health tools, and the mapping of mental health services.
- (6) The ACT Government has not committed any project funding towards this project. Future funding beyond the agreed project term will be subject to the standard ACT Government funding processes.

Mental health—step-up, step-down services (Question No 2898)

Mrs Dunne asked the Minister for Mental Health, upon notice, on 14 February 2020:

- (1) Were there instances of mental health patients being accommodated at step-up step-down facilities when the adult mental health unit could not accommodate them

and they were not clinically suitable for accommodation in other hospital wards during the periods 2018-19 and 2019-20 to the date in which this question was published on the Questions on Notice Paper; if so, how many (a) instances were there in each period and (b) patients were involved in each instance.

- (2) In these circumstances, what assessment is made of a patient to determine whether they are clinically suitable for accommodation at a step-up step-down facility.
- (3) In these circumstances, were there instances of the operators of step-up step-down facilities rejecting patient referrals on the basis that they had assessed the patient as being unsuitable for accommodation at their facility; if so, (a) how many patient referrals were rejected in each period and (b) what alternative accommodation arrangements were made.

Mr Rattenbury: The answer to the member's question is as follows:

- (1) There have been no instances of people being accommodated at a Step-up Step-down (SUSD) facility when the Adult Mental Health Unit (AMHU) could not accommodate them.
- (2) See response to question 1.
- (3) See response to question 1.

Mental health—services (Question No 2900)

Mrs Dunne asked the Minister for Mental Health, upon notice, on 14 February 2020:

- (1) In relation to the answer to question on notice No 2845, when can mental health patients expect to see (a) more standardisation of treatment pathways and (b) system navigators to provide on-the-ground support and assistance, to make the mental health system less daunting, complex and confusing.
- (2) If those services referred to in part (1) are in place already, why are people suffering mental health conditions still “giving up” trying to navigate the system or seeking treatment interstate.

Mr Rattenbury: The answer to the member's question is as follows:

- (1) (a) Mental health service system improvements, including standardisation of care pathways, are an ongoing process. The mental health system is broader than public mental health services and includes community agency providers, primary care and private sector health professionals amongst others. Hence, any approaches to standardise pathways or improve service navigation require a cross-sector approach. For example, this is reflected in the Framework for the ACT Regional Mental Health and Suicide Prevention Plan, which has specific focus on improving integration between services across the sector.

The Fifth National Mental Health and Suicide Prevention Plan recognises that across the nation there is a need for better integration of services, and it commits state and territory governments to work with Primary Health Networks (PHNs) and Local

Health Networks (LHNs) to implement integrated planning and service delivery at a regional level.

In the ACT, Capital Health Network has led the development of the ACT Mental Health and Suicide Prevention Plan 2019 – 2024 in partnership with Canberra Health Services (CHS), ACT Health Directorate (ACTHD) and sector stakeholders.

An overarching framework has been finalised and an accompanying Implementation Plan and Monitoring and Performance Plan are due for completion over the next few months.

The framework document outlines the priorities that will be actioned locally between 2019 and 2024 to promote better integration and coordination, including clearer pathways for people who use mental health services and resources to help people to navigate the system more easily.

For example, stakeholders will collaborate and partner in the planning, funding and delivery of services, opportunities will be explored for co-location and interdisciplinary ways of working, and actions to promote increased awareness of mental health programs and services in primary care and community services.

Another example of standardised treatment pathways across the mental health system can be found in the Health Pathways that were developed in partnership between the Primary Health Networks of ACT and South Eastern NSW, as well as health services of ACT Health and the Southern NSW Local Health District. These standardised health pathways are available for various health professions and cover a range of health conditions, including mental health. These pathways were specifically designed to support; (a) assessment, management and referral of patients using evidence-based practice and (b) the navigation of inpatient, outpatient and community services within local health systems.

Public mental health services position/philosophy is ‘no wrong door’ and supports multiple access points into the system (including Walk-in Centres, Emergency Department presentation, community health centres and phone lines) where the person will be guided to the most appropriate service.

(b) While there is no specific plan currently for further ‘system navigators’ to be introduced as part of ACT’s public mental health services, efforts continue to make services more accessible and to streamline processes. For example, as part of the redesigned Adult Community Mental Health Services (ACMHS) program, the Access Mental Health Team was introduced in November 2018 and provide a 24-hour, 7 day a week centralised phone intake, assessment and referral service with a free call number (1800 629 354) which any person can call to seek advice, information or assistance. Access Mental Health Team assists people to connect with the most appropriate mental health service or other treatment, care and support as indicated. This team also has dedicated phone lines for General Practitioners and Emergency Services.

- (2) Without any specific data, it would be speculative to hypothesise the various reasons why a person may decide to (or not) follow through on seeking assistance or alternative treatment options interstate.

ACTHD is developing a Territory-wide Health Service Plan (the Plan) that is expected to be completed by mid-2020. The Plan will identify priorities for health

service development and redesign across the ACT. It will be based on a comprehensive assessment of health service needs across the care continuum on a geographic basis and for priority population groups. It will consider the range of public health services provided by CHS, Calvary Public Hospital Bruce and other organisations in the community, inclusive of priorities for mental health services development and redesign. Key considerations of the planning process will be:

- aligning services with need;
- a focus on prevention;
- improving integration of services; and
- embracing technology.

The Office for Mental Health and Wellbeing is developing an Online Youth Navigation Portal that will consolidate mental health and wellbeing information for young people into one location. It is anticipated to have a triage function that will allow an individual to be supported (via individualised online and phone services) to access the right information and/or service. This will remove significant barriers experienced by young people, their family members or friends when seeking help for mental health concerns.

The online resources and triage function will provide a clear pathway to assist an individual to make an informed decision as to when to seek support online or in person or which service in the ACT is the most appropriate for their needs. The Online Youth Navigation Portal will be developed and designed between November 2019 and October 2020. The building and implementation of the approved design of the portal, and recruitment of relevant staff, will commence in October 2020, with an aim to launch in January 2021.

Suburban Land Agency—mingle program (Question No 2901)

Mr Milligan asked the Minister for Housing and Suburban Development, upon notice, on 14 February 2020:

In relation to the Suburban Land Agency's Mingle Program as referred to in the answer to question on notice No 2827 received on 20 December 2019, what is the expenditure breakdown of each of the following events (a) Yunggaballi Park Naming held on 21 October 2018 in Moncrieff, total expenditure \$3 116.50, (b) Diwali Event held on 11 November 2018 in Moncrieff, total expenditure \$9 000.00, (c) Christmas Event held 7 December 2018 in Moncrieff, total expenditure \$3 827.53, (d) Games and Music Day held 23 March 2019 in Moncrieff, total expenditure \$3 274.66, (e) Astronomy Night held 4 May 2019 in Moncrieff, total expenditure \$1 774.68, (f) Live Life Get Active (Launch event, 40 week fitness program) held 13 May 2019 in Moncrieff, total expenditure \$24 062.50, (g) Joey Park Housewarming Picnic held 16 September 2018 in Throsby, total expenditure \$2 910.43, (h) Throsby Twilight Sounds held on 16 December 2018 in Throsby, total expenditure \$1 726.60, (i) ACTSmart Session held on 15 August 2019 in Moncrieff, total expenditure \$990.10, (j) Book Box Launch held on 7 September 2019 in Moncrieff, total expenditure \$7 268.15 and (k) Pets in the Park held on 14 September 2019 in Moncrieff, total expenditure \$4,292.77.

Ms Berry: The answer to the member's question is as follows:

The expenditure breakdown of each event is provided in the following table:

Event	Total Budget	Budget Breakdown
Yunggaballi Park Naming held on 21 October 2018 in Moncrieff	\$3,116.50	Welcome to Country - \$600.00 Indigenous Performance - \$300.00 Road sign printing and installation - \$1,342.00 Plaque for Park - \$874.50 Total - \$3,116.50
Diwali Event held on 11 November 2018 in Moncrieff	\$25,288.28	Marketing materials - \$308.00 Signage printing and installation - \$1,886.50 Craft supplies - \$294.25 Fireworks - \$5,000.00 First aid - \$450.00 Lighting game - \$48.00 Waste management - \$297.00 Photography - \$500.00 Cutlery and crockery - \$258.48 Sparklers - \$30.00 Lighting - \$167.40 Gas lighter - \$18.05 Food (traditional desserts) - \$1,500.00 Drinks - \$100.00 Toilet hire - \$1,375.00 Traffic management - \$1,028.50 Cleaning - \$240.00 Live performances and music - \$625.00 Furniture and equipment hire - \$4,111.10 AV hire - \$7,051.00 Total - \$25,288.28 (adjusted from \$9,000 which was 2019 event – see end of table)
Christmas Event held 7 December 2018 in Moncrieff	\$3,827.53	Gingerbread activity - \$200.00 Lollies for Santa, bags, containers – \$191.45 Christmas decorations and craft - \$100.00 Live music - \$350.00 AV/sound - \$2,062.50 Toilet hire - \$573.10 Santa suit - \$240.88 Ranger gate access - \$109.60 Total - \$3,827.53
Games and Music Day held 23 March 2019 in Moncrieff	\$3,274.66	Live music - \$350.00 Games and activities hire - \$1,560.00 Road sign printing and installation - \$1,254.00 Fresh fruit - \$82.66 Table tennis supplies - \$28.00 Total - \$3,274.66
Astronomy Night held 4 May 2019 in Moncrieff	\$1,774.68	Coffee van hire - \$330.00 Park hire fee - \$106.90 Road sign printing and installation - \$1,089.00 Glow sticks, lanterns and lights - \$248.78 Total - \$1,774.68
Live Life Get Active (Launch event, 40 week fitness program) held 13 May 2019 in Moncrieff	\$24,062.50	Program Fee for fitness program - \$24,062.50

Event	Total Budget	Budget Breakdown
Joey Park Housewarming Picnic held 16 September 2018 in Throsby	\$2,910.43	Coffee van hire - \$150.00 Welcome to Country - \$400.00 Craft supplies - \$75.34 (adjusted from \$75.43) Waste management - \$283.00 Road sign printing and installation - \$1,254.00 Kangaroo art images - \$198.00 Live music - \$440.00 Giant games hire - \$110.00 Total - \$2,910.34 (adjusted from \$2 910.43 which was a manual typo in original reporting)
Throsby Twilight Sounds held on 16 December 2018 in Throsby	\$1,726.60	Live music - \$400.00 Waste management - \$221.10 Road sign printing and installation - \$1,105.50 Total - \$1,726.60
ACTSmart Session held on 15 August 2019 in Moncrieff	\$990.10	Actsmart delivery fee of exclusive workshop for new residents - \$990.10
Book Box Launch held on 7 September 2019 in Moncrieff	\$7,268.15	Construction - \$337.00 Materials - \$212.65 Installation - \$968.00 Purchase of Indigenous books - \$53.35 Indigenous suppliers – Welcome to Country, storytelling and catering - \$3,350.00 Photographer - \$715.00 Coffee Van - \$220.00 Marketing materials - \$1,074.15 Total - \$6,930.15 (variance from original due to reduced costs incurred from original estimate for materials)
Pets in the Park held on 14 September 2019 in Moncrieff	\$4,292.77	Food van - \$500.00 BBQ supplier - \$250.00 Children's activities hire - \$895.50 Furniture hire - \$592.20 Coffee van - \$220.00 Live music - \$540.00 Fresh fruit - \$78.22 Raffle items (pet giveaway) - \$130.05 Photographer - \$715.00 Road sign printing and installation - \$426.80 Marketing flyers - \$660.00 Total - \$5,007.77 (additional photography costs incurred since last report totalling \$715.00)
Diwali Event held on 26 November 2019 in Moncrieff (event cancelled due to weather)	\$9,000.00	Furniture hire - \$1,515.70 AV hire - \$5,000.00 First aid - \$778.80 Venue hire fees - \$270.00 Marketing materials - \$188.10 Signage - \$296.00 Total - \$8,048.60 (adjusted from \$9,000 estimate)

Schools—interstate students (Question No 2902)

Ms Lee asked the Minister for Education and Early Childhood Development, upon notice, on 14 February 2020:

- (1) On what basis/criteria are students from interstate accepted into ACT government schools and can the Minister provide a copy of any protocol or related document.
- (2) What conditions are placed on their enrolment in a particular school.
- (3) Are there any exceptions for students to attend a school not designated to accept interstate students; if so, what is/was the reason for any exceptions?
- (4) How many students from NSW are enrolled in ACT government (a) pre schools, (b) primary schools, (c) high schools and (d) colleges, broken down by school, for the school years commencing (i) 2017, (ii) 2018, (iii) 2019 and (iv) 2020.
- (5) What NSW regions do interstate students come from.

Ms Berry: The answer to the member's question is as follows:

- (1) The Education Directorate website provides the criteria on which schools can consider applications for ACT government schools. This is available at: Enrolling in a public school: www.education.act.gov.au/public-school-life/enrolling-in-a-public-school. Information for NSW residents applying for ACT public schools is provided at: www.education.act.gov.au/public-school-life/enrolling-in-a-public-school/nsw-resident-enrolments; and www.education.act.gov.au/public-school-life/enrolling-in-a-public-school/frequently-asked-questions-nsw
- (2) As per the response to question 1.
- (3) As per the information on the links provided in response to question 1, where there are compelling exceptional circumstances based on student wellbeing, NSW applicants can be considered at non-NSW pathway schools.
- (4) Table 1 in Attachment A provides counts of NSW residents enrolled in ACT public schools by schooling level for 2017-2019. Data for 2020 is not currently available as processing of the Census of ACT 2020 is not yet completed.
- (5) Table 2 in Attachment A provides regional counts of NSW residents enrolled in ACT public schools by region. Data for 2020 are not currently available as processing of the Census of ACT 2020 is not yet completed. Northside and Southside zones (towns close to ACT) are based on coding the suburbs as detailed in this hyperlink: https://www.education.act.gov.au/__data/assets/pdf_file/0006/1130559/Canberra-Public-Schools-Pathway-Zones-2019.pdf.

(A copy of the attachment is available at the Chamber Support Office).

Ginninderra—public barbecues (Question No 2903)

Mrs Kikkert asked the Minister for City Services, upon notice, on 14 February 2020:

- (1) How many public barbecues in the Ginninderra electorate are currently still standing but have been decommissioned, and where are they located.
- (2) Why were the barbecues referred to in part (1) decommissioned.
- (3) How many public barbecues in the Ginninderra electorate are powered by gas, and where are they located?
- (4) Are there plans by the ACT Government to decommission any gas barbecues in the Ginninderra electorate; if so, (a) which gas barbecues will be decommissioned, (b) when will they be decommissioned and (c) will they be replaced by electric barbecues.

Mr Steel: The answer to the member's question is as follows:

- (1) Nil.
- (2) N/A.
- (3) Nil.
- (4) No.

Multicultural affairs—English language training (Question No 2904)

Mrs Kikkert asked the Minister for Multicultural Affairs, upon notice, on 14 February 2020 (*redirected to the Chief Minister*):

In relation to English as a Second Language training for ACT Government staff in the ACT, what development opportunities are in plan for 2020, or have already been provided, in each ACT government directorate to further develop written and spoken English in the workplace.

Mr Barr: The answer to the member's question is as follows:

In 2020, the ACT Government Training Calendar will continue to offer a range of training programs designed to enhance staff members' skills and confidence communicating in English, with a focus on the workplace. This includes the 'Essential Writing' suite:

- Editing;
- Government Emails and Letters;
- Plain English;
- Supporting Actions and Decisions; and
- Managers.

The 'Essential Writing – Plain English' course was run four times in the 2019 calendar year with 55 employees participating.

In 2020, ACT Public Service staff will also continue to have access to the 'Influential Communication Skills' and 'Minute Taking Skills' programs through the ACT Government Training Calendar.

Additionally, directorates can negotiate with the training panel of providers to develop courses to meet identified professional development needs. Individual Performance Agreement reviews are one mechanism for identifying the professional development needs of staff for whom English is their second language.

The Community Services Directorate also requires all new staff to complete its 'Writing for Government' training and recently introduced an 'Easy English' training program to share the principles of using Easy English, plain English and clear written communications.

The ACT Government also funds a part-time Multicultural Learning Coordinator through Libraries ACT to deliver services to the ACT community, including free English conversation classes.

The *ACT Language Services Policy* outlines the ACT Government's commitment to acknowledging the use of language services by staff is a justifiable and necessary expense. Each Directorate has an obligation to plan and budget for interpreting services to ensure services are available when the individual need arises.

Disability services—government employment (Question No 2905)

Ms Le Couteur asked the Chief Minister, upon notice, on 14 February 2020:

- (1) How is the ACT Public Service (ACTPS) Inclusion Employment Program incorporating agreed recommendations from the Standing Committee on Health, Ageing and Community Services inquiry into the employment of people with disabilities.
- (2) How many ACT government directorates have disability employment action plans; if not all directorates have plans, which directorates have disability employment action plans.
- (3) Do the action plans have clear lines of accountability, monitoring and evaluation and how are they being reported on.
- (4) Have disability inclusion champions and disability employee networks been initiated in each directorate; if so, which directorates have initiated these networks.
- (5) What supports exist for people with mental illness or psychosocial disabilities in ACTPS workplaces.
- (6) Has a practitioners' network been established across all directorates and agencies, as per the Standing Committee on Health, Ageing and Community Services recommendation.

Mr Barr: The answer to the member's question is as follows:

- (1) The Workforce Capability and Governance Division (WCAG) Inclusion and Diversity Team in Chief Minister, Treasury and Economic Development Directorate (CMTEDD) continues its strong focus on expanding Whole of Government (Whog)

inclusion employment initiatives in providing diversity employment resources to support Directorates to increase the employment of People with Disability across the workforce.

In line with Recommendation 9 of the Standing Committee on Health, Ageing and Community Services inquiry into the employment of people with disabilities Final Report, CMTEDD has continued to deliver successful initiatives at identified entry points, including the graduate and traineeship programs.

Over 250 applications were received for the 2018 Inclusion Vocational Employment Program (VEP). Interviews were held in July 2018 and eight participants commenced between September and November 2018. Six participants successfully completed the program. One participant is currently still completing the program and one participant resigned during the program year to undertake further studies.

In 2018-19 the pool of suitable applicants for the VEP was shared with the Australian Public Service (APS) to increase the scope of employment opportunities for applicants.

The 2020 VEPs were advertised in October 2019. A total of 226 applications were received across both the Aboriginal and Torres Strait Islander Vocational Employment and People with Disability Vocational Employment Programs. Interviews are scheduled for March 2020.

CMTEDD manages the ACT Public Service (ACTPS) Graduate program and provides pastoral support to graduates who identify as people with disability. In 2020, eight graduate program participants identify as People with Disability. Adjusted eligibility criteria were introduced in 2019 for people with disability to encourage greater applications to the ACTPS Graduate program and support Inclusion Employment across the ACTPS.

CMTEDD organises the annual Disability Employment Services Provider Expo. This is an avenue for members of the community and new school leavers to link in and meet with local providers that support the employment of People with Disability. Attendees are also able to meet potential employers from the ACT Government including the ACTPS VEP team, and representatives of the APS. The Expo has been held in August each year since 2017. A significant level of positive feedback from both attendees and employers has been noted following each event. The 2020 Expo is scheduled for 28 August.

Further, in line with recommendation 21 of the Standing Committee on Health, Ageing and Community Services inquiry into the employment of people with disabilities Final Report, CMTEDD secured Budget funding in 2019 to deliver leadership and career development programs for ACTPS employees who identify as People with Disability. The Leadership Development Program for People with Disability was delivered between September and November 2019 with 18 participants.

The Career Development Program (ASO6 and SOG level staff) for employees with Disability was delivered between October and November 2019 with 15 participants.

Training on mentoring People with Disability in the workplace was also delivered to 60 participants in September 2019 through the budget initiative. This training was open to people with disability, and to employees who do not identify, and included content which addressed unconscious bias.

Other programs and initiatives being undertaken by CMTEDD on a Whog level for Disability Inclusion employment include:

- Australian School Based Apprenticeships;
- development, maintenance and promotion of inclusion employment policies and guidelines (for example, the Reasonable Adjustment Policy and the Australian Network on Disability's *Manager's Guide: Disability in the Workplace*);
- review and re-development of the Respect Equity and Diversity (RED) Framework;
- pastoral care and support to VEP and Graduate Program participants (who identify as People with Disability) and their managers and work areas;
- monitoring and reporting on inclusion employment numbers and initiatives;
- creation, implementation, development, coordination and ongoing support of the ACTPS Inclusion Practitioners Network; and
- promotion of the ACTPS commitment to inclusion employment at public events including expos, forums, schools, organisations and broader community.

- (2) Three ACTPS Directorates have disability employment action plans currently in place. These directorates are: Chief Minister, Treasury and Economic Development Directorate (CMTEDD); Education Directorate (EDU); and Justice and Community Safety Directorate (JACS).

Of the directorates that do not currently have a disability employment action plan in place, five are actively developing a disability employment action plan or strategy which are expected to be finalised later this year. These Directorates are: ACT Health Directorate (HD); Canberra Hospital and Health Services (CHS); Transport Canberra and City Services (TCCS); Community Services Directorate (CSD) and Environment, Planning and Sustainable Development Directorate (EPSDD).

Major Projects Canberra (MPC) is a newly established agency and is currently in the process of developing and implementing appropriate governance documentation including action plans and policies. MPC does not, currently, have a disability employment action plan, inclusion champions or employee networks.

MPC engaged in the 2018 19 Inclusion (people with disability) Vocational Employment Program. MPC are fully supportive of all ACTPS inclusion and diversity programs and strategies.

- (3) The *CMTEDD Diversity and Inclusion Strategy 2018-2020* is supported by an Executive Champion, Deputy Director-General Economic Development, Kareena Arthy. The Executive Champion is supported by a dedicated diversity and inclusion officer within CMTEDD Corporate. The strategy also provides for the establishment of a Diversity and Inclusion Forum, and regular updates are provided to the Executive Management Group.

EDU's Access and Inclusion (Disability) Employment Action Plan 2019-2023 has clear measurable targets, actions and areas who are responsible for each initiative.

JACS Employment Action Plan for People with Disability has four main objectives such as Attraction; Retention; Building Capability and Monitoring and Evaluation.

The Plan's overall objectives are to collect and report on appropriate data on disability employment, recruitment and retention, as well as professional development.

- (4) Four ACTPS Directorates have initiated inclusion champions and/or disability employee networks. These directorates are: CMTEDD, EDU, JACS and TCCS.

CMTEDD established a disability employee network in 2019, engaging the Australian Network on Disability to assist with establishing its Terms of Reference and initial work plan. The CMTEDD Enable Network met five times during 2019 and has 20 members. The Network's Executive Sponsor and Champion is Kareena Arthy, Deputy-Director General Economic Development.

EDU has a Disability Executive Sponsor and a Disability Advocacy Group.

JACS currently has six Executive Champions across six specific cohorts this includes a People with Disability Champion. Along with this the Champion is supported by the Respect Equity and Diversity (RED) Executive Sponsor and the Chief Human Resources Officer. Day to day management is the responsibility of the Assistant Director, Workforce Inclusion. The Directorate is developing a network for staff and hope to have this in place by July 2020.

TCCS has an executive disability inclusion champion, however, it does not have an established disability employee network.

HD advised that staff networks provide organisational and collegiate supports for staff in partnership with providing a consultative forum for the development of targeted diversity and inclusion employment action plans.

Directorates not specified above advised they are currently developing disability employment action plans or strategies and noted that those strategies will include a framework for disability inclusion champions and disability employee networks.

- (5) The ACT Government is working to prioritise mental health in all aspects of our business. A Whog strategy has been developed to focus and coordinate our efforts to improve mental health and wellbeing in our workplaces. The *Healthy Minds Thriving Workplaces Strategy 2019 - 2022* focuses on preventing psychosocial harm in our workplace, supporting those experiencing a mental health condition and promoting good mental health and wellbeing for all staff. The strategy will build on existing approaches for continuous improvement in how we support people with mental health conditions to participate fully in ACT Government workplaces. Existing supports for people with mental illness or psychosocial disabilities are:

- access to Employee Assistance Program (EAP) services;
- tailored assistance through individual case management approaches for compensable and non-compensable health conditions;
- provision of reasonable adjustments to support work participation;
- access to flexible working arrangements in alignment with enterprise agreements
- supports through Whog programs to facilitate early intervention, including approaches to address workplace relationship breakdown and assist managers to implement psychosocial reasonable adjustments;
- training and resources for managers to assist them to support staff with mental health conditions;

- various initiatives to promote awareness and reduce stigma, such as World Mental Health Day, RU OK Day, Mental Health Guru; and
- workplace support networks for staff who identify as having a disability, including a psychosocial disability e.g. CMTEDD's Directorate Enable Network

(6) The ACTPS Inclusion Practitioners Network was established by WCAG in 2017. Since that time the network has evolved as a resource for HR members and Inclusion Managers from across the Service to share ideas, discuss policies, and provide guidance to each other on issues relating to inclusion employment. While in 2019 the network has operated primarily as an avenue to share information electronically, further formal meetings are planned for 2020.

Land—valuations (Question No 2906)

Ms Le Couteur asked the Treasurer, upon notice, on 14 February 2020:

- (1) Which classes of land are (a) assigned and (b) not assigned a financial value as asset?
- (2) Are the following types of ACT Government-owned land assets assigned a financial value as an asset, (a) land with a conservation status that would restrict or prohibit development, such as nature reserves, (b) urban land with a zoning that would permit development but used as a surface car park or road reservation, (c) urban land with a zoning that would permit development but is unused, (d) land under a Future Urban Area Overlay with a zoning suitable for development (eg future suburb) which is not listed on the Land Release Program and (e) land under a Future Urban Area Overlay with a zoning suitable for development (eg future suburb) which is listed on the Land Release Program.
- (3) If any of the land assets referred to in part (1) are assigned a financial value as an asset, by what method are they assigned.
- (4) At which point/s of the land release and development process (eg listing on the Indicative Land Release Program, transfer to the Suburban Land Agency, valuation in preparation for sale, servicing) is the value of land transitioned from a non-development land basis to a raw land basis and a serviced development land basis.
- (5) What is the financial value per hectare for (a) Coombs block 12 section 52 (parts with residential zoning), (b) Molonglo Valley Registered Rural block No 15, (c) Molonglo Valley Registered Rural block No 6, (d) Molonglo Valley Approved Rural block No 71 (parts with residential zoning), (e) Mawson Block 11 section 58, (f) Kingston block 1 section 30, (g) Kingston block 1 section 31, (h) Kingston block 1 section 32.

Mr Barr: The answer to the member's question is as follows:

- (1) All classes of land are assigned a financial value as an asset.
- (2) All of these land types are assigned a financial value.

- (3) The financial value of land is assessed by a professional valuation service on a 1-3 year rolling basis or as deemed necessary due to material changes in fair value. The valuers use their expertise to assess the fair value of the land to enable accounting for land in their Financial Statements under current accounting standards.
- (4) The Environment, Planning and Sustainable Development Directorate (EPSDD) initially hold the land which is transferred to the Suburban Land Agency (SLA) and other agencies at the undeveloped land value for future development and subsequent sale. The value is determined as the market value at the time of the transfer by several valuers.
- (5) Mawson block 11 section 58 is held for pedestrian parkland by Transport Canberra and City Service (TCCS) and has a land value of \$120,750. All other blocks are held by agencies for future land sales and development, due to the commercial-in-confidence nature of the future transactions, values have not been disclosed.

Schools—gender equality (Question No 2907)

Ms Le Couteur asked the Minister for the Prevention of Domestic and Family Violence, upon notice, on 14 February 2020 (*redirected to the Minister for Education and Early Childhood Development*):

- (1) In regard to the ACT response to the Fourth Action Plan to Reduce Violence Against Women and Their Children, under national priority one, Primary Prevention is Key, it states the Education Directorate supports ACT public schools to create gender equality and respectful behaviour in schools to contribute to the primary prevention of domestic and family violence, why does this not specifically include sexual violence.
- (2) How specifically does the Education Directorate support ACT public schools to create gender equality and respectful behaviour.
- (3) Is the Minister monitoring how and how many schools are creating gender equality and respectful relationships.
- (4) What evidence does the Minister have that any of this work is contributing to the prevention of domestic, family and/or sexual violence.

Ms Berry: The answer to the member's question is as follows:

- 1) As part of gender equality education, the ACT Education Directorate supports ACT public schools in the delivery of education aimed to address attitudes that condone sexual violence. This includes through promotion of relevant resources that support teachers to address topics such as consent. From the time children enter the school system (preschool) onwards, children learn content about protective behaviours and personal and social capabilities that form the basis of understanding concepts such as respect and consent. The ACT Government is co-contributing funding to two national primary prevention campaigns "Stop it at the Start" and the development of a new sexual violence prevention campaign with the Commonwealth, state and territory governments.

- 2) Schools work in a range of ways to assist students to build the skills, values and attitudes required to develop and maintain positive, healthy and respectful relationships. The Positive Behaviours for Learning (PBL) whole school framework establishes clear, shared expectations for respectful behaviour that is explicitly taught for different school settings. All schools are also required to deliver Social and Emotional Learning approaches that form an excellent starting point from which to teach subject matter that more specifically explores gender norms, gender identity and respectful relationships.

The ACT Education Directorate supports ACT public schools in the delivery of this education, for example a centralised PBL team works with schools to develop and implement their PBL approach. This approach includes providing training and resources to schools, tailored to each school's individual needs.

The ACT Education Directorate also promotes resources that support teachers to address topics such as respect in relationships and consent. ACT teachers may also access professional learning to increase their skills and confidence in delivering sexuality and relationship education in schools. This is available through the ACT Education Directorate and also community organisations such as Sexual Health and Family Planning ACT (SHFPACT) who provide a calendar of professional learning for teachers and related resources.

As required, the Directorate will also develop resources, training or focussed events for schools to address needs as they arise. For example, following legislative changes relating to non consensual capturing and distribution of intimate images, a factsheet and information were provided to schools to assist teaching and learning in this area. In 2019 the Directorate coordinated an International Women's Day event to empower students and their teachers to work with their school communities to promote issues such as gender equality and respectful behaviour. This event ran again on 6 March 2020.

The Education Directorate, through its school psychology service, Network Student Engagement Teams and Student Wellbeing policy support, also assists schools to support individual students, families and wider school communities to address sexist and/ or disrespectful behaviour.

- 3) The Education Directorate does not collate information centrally about the resources and external organisations that schools individually engage with to facilitate respectful relationships education. At this point in time, 59 schools have commenced implementation of the PBL framework.
- 4) Currently, schools and providers manage their own evaluations, as such this information is not held centrally. At a population level, the National Community Attitudes towards Violence against Women Survey (NCAS) is the most comprehensive data set available to understand violence against women, community attitudes towards it, what influences these attitudes and if there has been a change over time.

Environment—platypus population (Question No 2908)

Ms Le Couteur asked the Minister for the Environment and Heritage, upon notice, on 14 February 2020:

- (1) What is the current status of platypus populations in the ACT.
- (2) Are platypus numbers known to be dropping; if so, are there figures on this.
- (3) What effect have recent drought and fire conditions had on ACT platypus habitat and populations.
- (4) Have any recent studies been undertaken to determine the status and health of ACT platypus populations.
- (5) What steps are being taken to protect ACT platypus populations in view of the increasing threat to their viability posed by climate change and habitat loss.
- (6) What is the directorate's budget for research on and support of platypus populations and habitat in the ACT.
- (7) What plans are there for future work on maintaining the health of platypus populations and habitat in the ACT, in the light of their increasing vulnerability.

Mr Gentleman: The answer to the member's question is as follows:

- (1) The exact population of platypus in the ACT is unknown however the platypus is protected by legislation in all states and territories that it inhabits. Individual platypus cannot be captured or killed, except for scientific research.

The platypus' conservation status has been officially listed as "Near Threatened" both in Australia and internationally (as described in the International Union for Conservation of Nature) since 2016. The platypus' "Near Threatened" listing has been applied on the grounds that an overall decline in numbers has occurred – although the decline is not clearly defined and is inconsistent across the platypus' range.

- (2) Definitive advice is difficult due to a lack of baseline data. This is because the only dedicated work currently being conducted in the ACT on platypus is through citizen science programs such as Waterwatch. While these programs are effective in raising awareness and increasing knowledge of platypus at key monitoring sites, the data is not extensive enough for any definitive trend analysis or commentary on an assessment of population densities.
- (3) The platypus has been listed by the Threatened Species Bushfire Recovery Panel (the body established to advise the Prime Minister on bushfire recovery measures) as a priority species for recovery.

In the ACT region, the 2018 and 2019 Upper Murrumbidgee Waterwatch Citizen Science program platypus surveys (which monitors platypus populations at three, one kilometre stretches of river, and provides an indication of emerging issues rather than definitive trend analysis) showed a slight reduction in platypus numbers over the period. It is felt that this is a result of the dryer conditions possibly limiting breeding success. 2019 data appeared to suggest that platypus were moving into the more permanent water bodies as the smaller tributaries were drying up. Details from the 2019 surveys can be found at: <http://www.act.waterwatch.org.au/Platypus.html>

Platypus have been sighted in Namadgi National Park within the burnt area. It is likely that ash entering the river would have an adverse impact on food (invertebrates)

availability for platypus and may have inundated burrows with the consequent rainfalls. This is mainly a problem if young are still in burrows. At the time of flooding, young would have been close to leaving the nest. It is expected that they will be able to recover when ash levels in the streams decrease, which has started to occur already.

- (4) The Waterwatch program has run a Platypus Month in August for the last six years where it conducts group surveys with community volunteers. In August 2019 they conducted 22 group surveys across the ACT region with over 160 volunteers. These surveys are designed to provide an indication of platypus populations in three, one kilometre stretches of river.

The Australian Platypus Conservancy last year set up the Australian Platypus Monitoring Network to encourage the community to do regular monitoring at dedicated stretches of river. The purpose is to try to understand the status of certain platypus populations. This can be found at www.platypusnetwork.org.au/home. This program is in its infancy but has sites at Queanbeyan and the ACT.

Tidbinbilla Nature Reserve has volunteers monitoring the population located at the 'Sanctuary' wetlands. Eight individual platypus were recently moved from these wetlands to Taronga Zoo as a precaution from the fires and will be returned when appropriate.

- (5) To protect platypus, Opera house yabby nets have been prohibited for use in ACT public waters since 2000. These traps are notorious for killing air-breathing aquatic animals. The *ACT Fisheries Act 2000* has now been updated to also prohibit the use in private waters. The ACT Government will be conducting a net exchange so that people who have opera house nets can exchange them for traps that are safe for air-breathing animals. I am also continuing efforts nationally to prohibit the sale of these nets.

Stream rehabilitation actions that are undertaken in the ACT for a variety of reasons including fire recovery, river habitat improvement, riparian zone re-planting will all benefit platypus in the ACT.

- (6) The ACT government recently announced a further three years (\$350,000 per year) of funding for the Waterwatch program. This will enable the program to continue their valuable work monitoring platypus populations and raising awareness in the community about the threats and conservation needs of platypus.
- (7) Platypus are protected under the Nature Conservation Act anywhere in the ACT. Careful management of ACT Conservation areas for all species also protects and cares for platypus. In addition, all river sections downstream of water supply dams are subject to environmental flow allocations which help to maintain water availability for all aquatic species, including platypus.

Stream rehabilitation actions that are undertaken in the ACT benefit platypus in the ACT.

Waterwatch recently provided a submission to the new Special Purpose Reserve on the Molonglo River that overlaps with one of their platypus surveys sites. Waterwatch highlighted potential threats on platypus that managers could avoid plus ways to improve platypus habitat within that section of river. Waterwatch also release a report every year on the condition of the waterways in the ACT region - the Catchment

Health Indicator Program (CHIP) report card. The report breaks the river up into smaller individual report card that can be used as a guide for areas requiring improvement. This is a useful document to guide work on platypus habitat.

Planning—development (Question No 2909)

Ms Le Couteur asked the Minister for Planning and Land Management, upon notice, on 14 February 2020:

- (1) Given that The Canberra Times article <https://www.canberratimes.com.au/story/6540875/controversial-coombs-development-to-go-ahead-with-amendments> state that “POD Projects and the ACT Planning and Land Authority reached an out-of-session agreement whereby the developer is required to make amendments to its design”, what were the reasons for this agreement being reached, rather than continuing to defend the appeal in ACT Civil and Administrative Tribunal.
- (2) How often do “out-of-session agreements” between developers and the ACT Planning and Land Authority take place.
- (3) How are the details of such agreements made public.
- (4) How are the final agreed plans made available to the public.

Mr Gentleman: The answer to the member’s question is as follows:

- (1) The out-of-session agreement referred to in this article is the mediation process directed by the ACT Civil and Administrative Tribunal (ACAT). Through the ACAT mediation process, the applicant, POD Projects, provided a revised development proposal. After considering the revised proposal, the independent planning and land authority concluded and advised the Tribunal that the revised proposed development outcome had improved to such an extent that it would be consistent with the relevant provisions of the Territory Plan. Therefore, the authority agreed to the ACAT making a consent decision to provide conditional approval for the revised proposal. The revised proposal includes improved outcomes for amenity, streetscape, landscaping, and reduced bulk and scale for the subject site.
- (2) The out-of-session agreements you refer to are ACAT directed mediations. Mediation is an ACAT process to help parties resolve a dispute. At the initial directions hearing for an ACAT appeal of a decision on a development application, the ACAT will discuss with the parties whether to hold a mediation.

As a model litigant, the planning and land authority will always consider whether a mediated outcome can be achieved. This will depend on the original refusal reasons and the extent of changes required to the application for it to be approvable. If a revised proposal presented at mediation meets the requirements of the Territory Plan, the planning and land authority will support a consent decision to approve the development. If the proposal continues to be non-compliant with the Territory Plan, or if a revised proposal does not meet the requirements of the Territory Plan, the authority will not agree to its approval by the ACAT.

The Environment, Planning and Sustainable Development Directorate's Annual Report, and Half Yearly Performance Report, list an accountability indicator for the percentage of development application appeals resolved by mediation. This sets a performance target of 35 per cent of all ACAT appeals being resolved by mediation.

In 2018-19, the authority reported an actual result of 35 per cent (see Output 1.1: Planning Delivery, EPSDD Annual Report 2018-19, page 241).

While this provides an indication of the authority's willingness to positively engage in mediation, as mentioned above, the authority will only agree to a mediated outcome where the proposal meets the requirements of the Territory Plan.

- (3) The publication of consent decisions is a matter for the ACAT, however, the authority always seeks for the decision and specific orders to be publicly available to ensure transparency in the planning process.
- (4) Once a consent decision is issued by the ACAT after a successful mediation, the applicant must follow the orders made in the decision. The applicant is required to submit plans satisfying any conditions imposed or amended by the ACAT pursuant to section 165 of the *Planning and Development Act 2007*, for approval by the planning and land authority. Once the plans satisfy all the conditions of the decision, the plans are stamped as approved and are available on the public register for inspection by contacting the planning and land authority.

ACT Policing—drug detection (Question No 2910)

Ms Le Couteur asked the Minister for Police and Emergency Services, upon notice, on 14 February 2020 (*redirected to the Acting Minister for Police and Emergency Services*):

- (1) Does ACT Police currently utilise strip searches at public events or in public spaces; if not, have they ever and where and why did it cease; if so, how many times and where did this occur in (a) 2018-19 and (b) 2017-18.
- (2) Does ACT Police currently utilise drug detection dogs at public events or in public spaces; if not, have they ever and where and why did it cease; if so, how many times and where did this occur in (a) 2018-19 and (b) 2017-18.

Mr Ramsay: The answer to the member's question is as follows:

1. Strip searches are not routinely undertaken by ACT Policing at public events or in public spaces. Strip search are only conducted under very specific circumstances in accordance with the legislation. A strip search of persons in custody is ordinarily conducted in the privacy of the ACT Policing Watch House and can only be authorised by a police officer of the rank of Superintendent (or above), or with a person's consent if they are over 18 years of age.

Under s228 of the *Crimes Act 1900* (ACT), there are stringent procedures that must be followed whenever a strip search is conducted. These rules are designed to ensure that any person who is being subjected to a strip search is treated with respect so the

indignity of being subjected to a strip search is minimised. These rules include the requirement for the search to be conducted in privacy, by a member of the same sex and must not be able to be seen by a person of the opposite sex. In the case of a transgender or an intersex person, they may request the gender of the officer to conduct the search.

Strip searches may also be conducted under s186 and s188 of the *Drugs of Dependence Act 1989* (ACT). These searches may be undertaken to prevent the concealment, loss or destruction of evidence connected with an offence. Under the legislation, a police officer is authorised to search the person or the clothing that he or she is wearing and any property under his or her immediate control.

Due to limitations in ACT Policing's case management system Police Real-time On-line Management Information System (PROMIS), ACT Policing is unable to quantify the number of times and locations of strip searches conducted by ACT Policing in 2017-18 and 2018-19.

2. ACT Policing does not have a dedicated drug detection dog unit, however ACT Policing has the ability to utilise drug detection dogs from the Australian Federal Police (AFP) Specialist Response Group.

ACT Policing does not use drug detection dogs at public ACT events and historically have not used detection dogs to screen patrons at public events. In many cases, ACT Policing use drug detection dogs when executing search warrants at premises where police believe drugs may be present.

The AFP uses drug detection dogs at major airports, however in the ACT this duty is not undertaken by ACT Policing officers.

Municipal services—footpaths (Question No 2911)

Ms Lawder asked the Minister for City Services, upon notice, on 14 February 2020:

- (1) On 30 January 2020, I received through an Freedom of Information request, 11 government documents stating the times the footpath running east west along Muntz Street, Chisholm, approximately opposite 26 Muntz Street, was repaired recently. The first 10 documents showed a series of repairs to this footpath, the total cost of which reached \$10 143 and the final document stated nine suburbs for footpath repair, the total cost of which reached \$179 432, in relation to the final sum stated (\$179 432), is this a summary of all the costs of footpath repairs in those areas over the period of a year.
- (2) Can the Minister provide an itemised summary of how this final sum was reached.
- (3) Is the \$10 143 worth of repairs to Chisholm included in this sum or is it an additional cost.
- (4) Why was asphalt used for one of these repairs.
- (5) If the \$10 143 is not included, what further work was conducted on footpaths in Chisholm.

- (6) When was this footpath first built.
- (7) Can the Minister provide information, from the last five years, as to (a) how many inspectors have been sent to the Muntz Street path to inspect the path, (b) how many separate orders for repair have been made, (c) how many different contractors have been used in these processes and (d) what is the total cost for all these processes.

Mr Steel: The answer to the member's question is as follows:

- (1) Yes. The figure is an estimated cost summary for a works package (including Chisholm).
- (2) The cost estimate includes labour, materials, construction management and traffic control costs.
- (3) See response to Question 1.
- (4) 'Coldmix' asphalt was used to remove an immediate safety trip hazard in December 2019.
- (5) See response to Question 1.
- (6) The path network in Chisholm was constructed between 1974 and 1977.
- (7) (a) Three.
(b) Six.
(c) One.
(d) \$18,859.40.

Asbestos—non-residential sites (Question No 2912)

Mr Coe asked the Minister for Planning and Land Management, upon notice, on 14 February 2020 (*redirected to the Minister for Employment and Workplace Safety*):

- (1) How many (a) commercial, (b) mixed use or (c) other non-residential sites in the ACT have been identified as still containing loose filled asbestos, such as Mr Fluffy and what are the block and section numbers, and street addresses for each site.
- (2) In relation to part (1), how many (a) commercial, (b) mixed use or (c) other non-residential sites have been listed on the Affected Properties List available on the Asbestos Response Taskforce website.
- (3) For those properties which have not been listed on the website, why have they not been included.
- (4) Is there an intention to make the location of these sites publicly available; if not, why not and why are these properties treated differently to residential sites; if so, when and where will the locations be published.
- (5) How many (a) commercial, (b) mixed use or (c) other non-residential sites in the ACT have loose fill asbestos removed and are not on the register and what are the block and section numbers of these blocks.

Ms Orr: The answer to the member's question is as follows:

- (1) (a) Two commercial properties were identified as containing loose fill asbestos insulation:
- ARANDA – Block 11 Section 1 (11 Bindel Street): WorkSafe ACT advise that this site has been demolished, fully remediated and a clearance certificate has been issued.
- AINSLIE – Block 1 Section 27 Unit 1 (1/1 Edgar Street): WorkSafe ACT advise that this site is part of the Ainslie Shops and is operating under an approved Asbestos Management Plan.
- (1) (b) & (c)
- Other non-residential sites in the ACT have been identified as containing friable asbestos, such as sprayed limpet. This is a coating, most commonly sprayed into warehouses as thermal insulation or fire protection from the 1950s until the late 1970s, made up of asbestos, adhesives and resins.
- ACT Government-owned sites identified as containing asbestos are managed through asbestos management plans (or asbestos contamination reports), with demolition works being undertaken as and when appropriate. Remediation action has been taken, or will be taken, at the following sites:
- CAMPBELL – Block 3 Section 29 (Campbell Primary School, 25 Chauvel Street): One affected building was demolished in January 2018.
- NARRABUNDAH – Block 1 Section 87 (Narrabundah College, 20 Jerrabomberra Avenue): Three affected buildings were demolished in January 2019.
- PHILLIP – Block 17 Section 1 (former WODEN CIT, 160 Ainsworth Street): Demolition contract awarded in February 2020.
- WATSON – Block 1 Section 13 (Canberra Technology Park, 49 Phillip Avenue): The buildings on the site are known to contain residual asbestos. The Government and tenants are aware of existing asbestos in the buildings and ongoing use of the buildings is currently managed in accordance with an Asbestos Management Plan.
- (2) None. The Affected Residential Premises Register (the Register), which is published on the Asbestos Response Taskforce website, identifies any remaining ACT residential properties affected by Mr Fluffy loose fill asbestos. The list of residential properties that have been remediated is also available on the website for historical purposes.
- Non-residential properties affected by loose fill asbestos insulation (Mr Fluffy) are not managed through the Scheme and are not listed on the Register.
- (3) The Affected Residential Premises Register relates only to residential properties affected by Mr Fluffy loose fill asbestos insulation.
- (4) The one remaining Mr Fluffy commercial site at Ainslie Shops is well known to the public.

There is currently no intention to publish a list of non-residential sites containing friable asbestos. The owners of non-residential sites have a range of obligations around keeping the members of the public informed about the presence of asbestos in their buildings, as part of their obligation to provide a safe working environment in accordance with Work Health and Safety laws. This includes keeping a register of any asbestos in the property, noting the location and condition. This asbestos register must be readily accessible to any worker, health safety representative, tradesperson or any person leasing the premises.

This enables tradespeople to access the information they need to make a fully informed decision about any work they are asked to conduct at the premises.

- (5) As noted in the response to question 1) there is only the one commercial site that has had loose fill asbestos insulation removed.

ARANDA – Block 11 Section 1 (11 Bindel Street): WorkSafe ACT advise that this site has been demolished, fully remediated and a clearance certificate has been issued.

Asbestos—home owners (Question No 2913)

Mr Coe asked the Minister for Planning and Land Management, upon notice, on 14 February 2020 (*redirected to the Minister for Employment and Workplace Safety*):

- (1) How many Mr Fluffy properties have yet to be acquired or have declined to take part in the Loose-Fill Asbestos Insulation Eradication Scheme and how many of these properties have not signed a surrender deed with the task force.
- (2) Are negotiations taking place with those owners who have not signed a surrender deed; if so, who is negotiating with the owners and what is the scope of negotiation; if not, why not.
- (3) In relation to those owners referred to in part (2), have any penalties or enforcement action been taken against owners; if so, what actions have been undertaken and what penalties have been imposed; if not, why not and what time limits have been given to owners before enforcement action is undertaken.
- (4) What are the costs associated with complying with the Asbestos Management Plans – including management run initiatives and all other regulatory requirements and are there any concessions available for owners; if so, what are the details of the concession; if not, why not.
- (5) What are the requirements for financial assistance.
- (6) How do owners pay back the financial assistance.
- (7) When does the financial assistance need to be paid back by.
- (8) Is interest included in paying back the financial assistance; if so, what rate of interest is charged.

- (9) Can the Minister provide a copy of correspondence sent to Mr Fluffy owners since November 2019?

Ms Orr: The answer to the member's question is as follows:

- (1) As at 27 February 2020 there are 35 properties affected by loose fill asbestos insulation that remain privately owned. Of these, there are:
- 23 who have joined the voluntary buy-back Scheme and have a nominated settlement date up to 30 June 2020;
 - 1 recently identified property waiting on valuations to decide whether they will participate in the Buyback Program; and
 - 11 who are not currently participating in the Scheme.
- (2) The Asbestos Response Taskforce (Taskforce) Personal Support Team and the Executive Group Manager continue to engage with all remaining homeowners, whether currently participating in the Scheme or not. Eligible homeowners not currently participating can reactivate their buyback process, picking up from the point at which they previously exited the Scheme.

The Taskforce continues to provide information to assist homeowners to explore all their options and find solutions to any barriers they may have to managing their affected property through the Scheme or privately. Discussions aim to provide flexibility to support homeowners' circumstances, including through the recently announced Transition Assistance, but the buyback offer price is not negotiable and is determined by valuation experts.

- (3) Participation in the Scheme is voluntary, and participation in the scheme is unrelated to the need for Asbestos Management Plans.

In relation to Asbestos Management Plans (AMP), which are required for affected properties whether the homeowner is participating in the Scheme or not, WorkSafe ACT issued four Improvement Notices in 2019. These Improvement Notices required the homeowner to implement an approved AMP for their homes. Three homeowners complied with the Improvement Notice and the regulatory sanction was removed. One homeowner remains non-compliant with the Improvement Notice and WorkSafe ACT are considering enforcement options in relation to this matter.

- (4) Asbestos Management Plans generally cost between \$400 - \$1000 dependent upon the company engaged to undertake the work, the size and condition of the affected property, the number of samples that need to be taken and tested, and the scope of any works required for compliance.

In circumstances of financial hardship, the Taskforce can facilitate the early release of relocation assistance grant funds equal to the cost of obtaining a compliant AMP.

- (5) Eligible homeowners facing financial hardship can apply for early release of their relocation assistance grant by completing the Relocation Assistance Form, available on the Taskforce website, and requesting release of funds for the purposes of obtaining an AMP.

Homeowners are eligible for relocation assistance if they occupied the affected property as at 28 October 2014 (the date the Scheme was announced).

- (6) (7) (8) Residents are not required to repay the Relocation Assistance Grant.
- (9) A template of the letter sent to all remaining owners of Mr Fluffy affected properties on 19 November 2019 is at Attachment A. For privacy reasons, other correspondence between the Taskforce and individual remaining homeowners will not be provided.

The Taskforce also sent a newsletter on 26 November 2019 to all people currently subscribed for Taskforce communications. A link to Edition 66 of the newsletter is available below.

<http://www.asbestostaskforce.act.gov.au/About-Us/communications-and-engagement/newsletter/edition-66-26-november-2019>

(A copy of the attachment is available at the Chamber Support Office).

Planning—gassless suburbs (Question No 2914)

Mr Coe asked the Minister for Planning and Land Management, upon notice, on 14 February 2020 (*redirected to the Minister for Climate Change and Sustainability*):

- (1) What (a) evidence was relied upon and (b) consultation occurred, prior to the ACT Government's announcements of gasless suburbs.
- (2) In relation to gasless suburbs, what modelling has been undertaken on (a) expected peak usage and demand throughout the year and (b) necessary power generation and storage from solar and battery power.
- (3) How does the peak usage from only electrical sources compare to peak usage of both gas and electricity.
- (4) How has the ACT Government modelled the phasing out of gas and the impact it will have on the (a) electricity demand, (b) renewable targets and (c) costs and can the Minister provide a copy of the modelling.
- (5) How many households had a gas connection, whether or not in use, during each of the previous five financial years to date.
- (6) Further to part (4), how many households who had a gas connection used gas during each of the previous five financial years to date.
- (7) What is the (a) rate of connection, (b) number of connections and (c) number of dwellings, broken down by (i) multi-unit complexes and (ii) single dwellings, in (A) Moncrieff, (B) Casey, (C) Wright and (D) Coombes.
- (8) What is the average gas usage for ACT households for each of the previous five financial years to date.
- (9) How do gas usage peaks differ from electricity usage peaks.
- (10) How has the efficiency of gas products been included in energy efficiency analysis of products, appliances and buildings.

Mr Rattenbury: The answer to the member's question is as follows:

- (1) The ACT Government has not announced or made a commitment to 'gasless suburbs'. As part of the *ACT Climate Change Strategy 2019-2025* (the Strategy), the Government committed to amending planning regulations to remove the mandatory installation of reticulated gas in new suburbs. This does not prevent its installation should customers continue to value the service.

Action 4.5 of the Strategy commits the Government to developing a plan for achieving zero emissions from natural gas use by 2045. This action is due by 2024.

In developing its position on the future of natural gas, the ACT Government recognised the inconsistency of ongoing natural gas use with achievement of emission reduction targets. The Government also assessed a number of factors affecting the ability to move away from natural gas use including:

- The mandatory requirement for new developments to be connected to natural gas, was relatively new, introduced into the Territory Plan on 5 July 2013 (Variation 306), and that removal of this mandatory requirement will make the ACT consistent with all other Australian jurisdictions.
- The resilience of the ACT electricity network to support an increased proportion of stationary energy consumption, noting Australian Energy Regulator analysis that the ACT's electricity network utilisation is currently low and has very low average outage levels and frequency per year.
- The past experience of the electricity network accommodating over the past decade the installation of 21,000 solar PV systems and 1000 battery systems, and a population increase of around 20 per cent, with minimal negative effects.
- The economics of household energy consumer choices. This includes analysis by the Commonwealth's Equipment Energy Efficiency (E3) Program, modelling for the Ginninderry project, and Alternative Technology Association analysis indicating that all-electric options can be significantly lower cost than mixed gas and electric over product lifecycles.

Consultation supporting the development of the Strategy was conducted in 2017 and 2018. Almost 60 individual engagement events together with social media reached over 65,000 people. Suggestions received were overwhelmingly positive, demonstrating a high level of public support for action to reduce emissions. The engagement report is available at: www.act.gov.au/climatechangestrategyreport.

(2 and 4)

The Government commissioned energy demand modelling as part of the consultation process for the Strategy. This is available online at: https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.act-yoursay.files/4415/1305/1355/Stationary_Energy_Modelling_Report.pdf.

(3 and 9)

Natural gas is used mostly for space heating in the ACT. This means that demand is subject to seasonal variation peaking in winter. Electricity demand in the ACT is subject to peaks in both summer and winter. The summer peak reflects the use of electricity for air conditioning.

Evoenergy publicly releases information on the ACT electricity network and peak usage in its Annual Planning Report.

(5 and 8)

Most current available data is:

Year	Residential connections	Proportion of ACT population connected	Average consumption (GJ)
2011	104,952	69%	47.7
2012	108,198	69%	46.4
2013	113,427	71%	44.8
2014	117,736	72%	38.8
2015	120,986	74%	36.8
2016	124,117	75%	38.9
2017	127,892	74%	40.5

(6 and 7)

The ACT Government does not have access to this information. While the ACT Government works closely with Evoenergy to understand energy usage in the ACT, Evoenergy is not obligated to provide information to the ACT Government at the level of detail required to respond to this question.

(10)

Product efficiency standards are coordinated at the national level through measures such as Commonwealth's Equipment Energy Efficiency (E3) Program. The ACT Government has considered the relative performance of different products in the development of the Strategy and supporting programs, such as the ACT Energy Efficiency Improvement Scheme.

For example, analysis under the E3 Program indicates that electric water and space heating appliances are more cost effective than gas appliances when lifetime fuel costs are considered. Additionally, modern electric appliances such as electric heat pumps are considered more efficient than gas at delivering heat for residential applications.

Planning—transmission lines (Question No 2915)

Mrs Kikkert asked the Minister for Planning and Land Management, upon notice, on 14 February 2020 (*redirected to the Acting Minister for Planning and Land Management*):

- (1) In relation to the answer to question on notice No 08 from the Standing Committee on Planning and Urban Renewal's inquiry into 2018-19 annual and financial reports, can the Minister provide a document that accurately shows the final location of the transmission line towers as agreed to by Woodhaven and the Belconnen Golf Club, as referenced in the answer to part (1)(b).
- (2) On what dates did TransGrid begin and complete the audit of fences that do not comply with earthing requirements, as referred to in the answer to part (2)(b).

- (3) How many non-compliant fences were identified through this audit both within and outside the easement.
- (4) How many residential properties have non-compliant fences.
- (5) Who will pay for rectification work to residents' fences that require earthing.
- (6) What will be involved in earthing residents' fences, what disruptions to residents and/or property will this cause and how will these disruptions be mitigated.
- (7) Why were residents not informed of earthing requirements before they constructed new fences on their properties.
- (8) Why were non-compliant fences within the easement approved.
- (9) Given that the answer to part (2) refers to "existing and future transmission lines" in the easement that bisects Ginninderra Estate, what future transmission lines will be built in this easement, and when will construction begin.
- (10) What are the specific information technology system limitations that required a number of blocks to be manually removed from the database, as noted in the answer to part (3)(a).
- (11) On what date were these blocks manually removed from the database.
- (12) How frequently are blocks removed from the database.
- (13) Have other blocks mistakenly not been re-entered into the database before; if so, how many, for how long and how was it determined which blocks would be manually removed from the database.
- (14) Who was responsible to enter the removed blocks back into the database.
- (15) What are the updated operating procedures designed to avoid making this error in future.
- (16) Besides lease conveyancing reports, what other reports, information searches and/or information services may have been affected by the absence of these data.
- (17) How did the missing data affect the public notification of this development application itself.
- (18) On what date was Access Canberra made aware of this error, as referenced in the answer to part (3)(a).
- (19) On what date was the information in the planning database updated to reflect all the subject blocks, as referenced in the answer (3)(a).
- (20) What specific steps has the ACT Government taken to notify leaseholders in Ginninderra Estate of the missing data and which leaseholders have been and/or will be notified.
- (21) How many lease conveyancing reports were issued that should have included the missing data but did not?

Mr Steel: The answer to the member's question is as follows:

- (1) The drawings in Attachment 1 show the final proposed location of the electrical transmission lines and towers and was provided to representatives of Woodhaven Investments Pty Ltd and the Belconnen Golf Club on 13 November 2017. The survey plan in Attachment 2 shows the actual location of the constructed electrical transmission lines and towers as surveyed on 19 September 2019. These plans show that construction has occurred in accordance with the proposed plans.
- (2) The site assessments were conducted on 13 November 2019 and the report issued on 22 November 2019.
- (3) The earthing requirements for fencing are detailed in TransGrid Fencing Guidelines. These Guidelines detail the earthing requirements based on several criteria including the length of metal fencing, proximity to the transmission lines and transmission towers. On the residential fencing along the golf course easement, earthing of the fences is required at 3 sites. The golf course fence and gates require earthing at 8 sites.
- (4) As stated above (3), earthing is based on the length of fencing not individual fences.
- (5) The ACT Government is engaging with the utility around responsibilities.
- (6) Earthing of a residential fence will require an earthing electrode drilled to a depth of approximately 1650mm and bonded/attached to the metal fence with 16mm copper cable. There should not be any disruptions to residents as the earthing electrode will be just outside the residential boundary. Residents adjacent to any earthing works will be advised prior to the earthing works being undertaken.
- (7) Earthing requirements come about from the presence of nearby electrical infrastructure. As houses were constructed prior to the electrical infrastructure being constructed, the earthing was not required at that time.

Earthing is a relatively simple and low cost activity that only needs to be undertaken prior to the lines being energised.

- (8) Residential fences are not located within the easement. Rather, they are located on blocks adjacent to the electrical easement and separated from the easement by a strip of public land.

Most residential fences are exempt from requiring development approval under schedule 1 of the *Planning and Development Regulation 2008*. As part of the exemption criteria, a fence must comply with utility requirements and is the responsibility of the person installing the fence.

As per (5), government is engaging with the utility about responsibilities.

- (9) The statement 'future transmission lines' was in reference to the ACT Second Electricity Supply Project as they are currently under construction and not yet operational.
- (10) The public notification system currently used by Access Canberra to perform this service was developed in the 1990's and was not designed to incorporate development applications (DAs) where the total area of the subject block(s) is over a

very large area. Access Canberra is working closely with the Office of the Surveyor-General to implement a more modern solution for public notification.

For complex DAs over large areas containing many blocks, block and section data must be 'linked' to the particular DA for the public notification process. Given the complexity and number of blocks involved for this DA, the public notification process was broken down into a number of smaller subsets. To facilitate notification for each subset, some block and section data is unlinked to allow for smaller, more manageable searches. At the end of the notification process, all blocks should be re-linked back to the DA, however this did not occur and only the final notification subset was re-linked. The data is not removed from the database at any time, rather the link to the DA is removed temporarily.

The fact that the block and sections were not re-linked to the DA led to the error when the lease conveyancing search was run. The error did not affect public notification.

- (11) The public notification process took place between 28 February to 1 March 2018 and the use of the database occurred during this time.
- (12) Development applications of this size and complexity are uncommon. The linking process described above is only undertaken to assist the public notification process.
- (13) I am not aware of any other instances and I am advised that this is the first time this matter has been raised with Access Canberra.
- (14) A notification officer within Access Canberra.
- (15) The operating procedure has introduced a peer review process for any public notification where a block needs to be unlinked from a DA to facilitate the notification process to ensure that the block is re-entered before completion of the process and mitigate the risk of user error.
- (16) The ACTmapi development map may have also been impacted during this period of time.
- (17) The Draft EIS and DAs were correctly notified, as concurrent applications, between 5 March 2018 and 26 April 2018. Over 500 letters were sent to lessees of blocks adjacent to the proposed development and 12 notification signs were erected along the boundary of the development site. The error in the system occurred after the notification period and therefore did not affect the public notification process. At the time of notification, the letters were sent to the current lessees which, for Ginninderra Estate, was the developer as the estate was not finalised at the time.
- (18) Access Canberra was made aware of the matter on 25 November 2019 and discovered the cause on 26 November 2019 after looking into the matter.
- (19) The error was rectified on 26 November 2019.
- (20) The lease conveyancing enquiry report is prepared at a point in time upon request and advises of DAs on adjacent properties in the last two years.

In these instances, the reports were prepared upon request by the estate developer not the current lessees.

Given that the estate developer was aware of the DAs and construction works are nearly complete, there does not appear to be any benefit in notifying anyone of the administrative error.

(21) 29 blocks were affected across the extent of the whole proposed development.

(Copies of the attachments are available at the Chamber Support Office).

**Municipal services—accessible toilets
(Question No 2916)**

Ms Lee asked the Minister for City Services, upon notice, on 21 February 2020:

- (1) How many public toilets in the ACT are designated for use by people with a disability.
- (2) Of those toilets referred to in part (1), how many have an adult change table and hoist for use by people who use wheelchairs.
- (3) Is there any regulation or standard applicable in the ACT that requires such facilities to be available.
- (4) How do visitors to the ACT source what accessible toilets are available, their location and the range of facilities they provide.

Mr Steel: The answer to the member's question is as follows:

- (1) 41.
- (2) Nil.
- (3) No.
- (4) Through the National Public Toilet app or website at www.toiletmap.gov.au

**Government—zero emissions vehicles
(Question No 2918)**

Ms Lee asked the Minister for Climate Change and Sustainability, upon notice, on 21 February 2020:

- (1) What percentage of the total ACT Government fleet (a) is classified as zero emissions vehicles currently and (b) will be classified as zero emissions vehicles by the end of 2021.
- (2) What types/categories of vehicles are not “fit for purpose” for zero emissions vehicles (a) currently and (b) by the end of 2021.
- (3) What is being done to find “fit for purpose” zero emissions vehicles for the type/category of vehicles that cannot realistically be zero emissions.

- (4) How can the Government reach its objective of zero net emissions through the “Carbon Neutral Government” if it is still using internal combustion engine vehicles where zero emissions vehicles are not “fit for purpose”.
- (5) What is the current make up of types of electric vehicles (PHEV, BEV, BEV + REx, FCEV) in the ACT Government fleet currently.
- (6) What is the planned make up of types of electric vehicles (PHEV, BEV, BEV + REx, FCEV) in the ACT Government fleet for the end of 2021.
- (7) What is the number of electric vehicle chargers in the ACT currently according to the categories of (a) slow chargers, (b) fast chargers and (c) rapid chargers.
- (8) In relation to the answer to part (7), how many of these chargers were installed by the (a) Government and (b) private sector.
- (9) What is the number of electric vehicle chargers in the ACT planned by the end of 2021 according to the categories of (a) slow chargers, (b) fast chargers and (c) rapid chargers.
- (10) In relation to the answer to part (9), how many of these chargers were installed by the (a) Government and (b) the private sector.

Mr Rattenbury: The answer to the member’s question is as follows:

- (1) (a) 9% of passenger vehicles within the ACT Government fleet are currently zero emission vehicles (ZEVs). This figure refers to passenger vehicles only and does not include operational vehicles such as utility vehicles, mowers and street sweepers.
(b) As a guide only, there are 350 petrol powered passenger vehicles with leases expiring between now and December 2021. If all of these vehicles were replaced with zero emission alternatives this percentage could rise to 60%.
- (2) (a) Vehicles such as light commercial trucks, Parks and Conservation 4WDs, mowers, tractors and excavators are currently not considered fit for purpose.
(b) Technology is rapidly advancing to meet the needs of the ZEV market. It is unclear at this point which vehicles will be fit for purpose in Dec 2021.
- (3) The ACT Government is looking to expand the range of fit for purpose vehicles available to the territory by trialling new all-electric and hydrogen vehicle technology:
 - a. The Transport Canberra and City Services (TCCS) directorate will soon be trialling an all-electric waste collection truck –anticipated to arrive during 2019-20.
 - b. TCCS have also completed a trial for an all-electric mower and an evaluation report is currently being completed.
 - c. The Justice and Community Safety directorate is developing a project for an all-electric fire truck.
 - d. In a trial to further explore hydrogen fuelled vehicles, the ACT Government is to incorporate 20 hydrogen fuelled vehicles into its fleet. This is anticipated to occur in 2020.
- (4) The ACT Government, through the Zero Emissions Government Framework, has set a target of zero emissions within its own operations by 2040. This goal will be achieved through a transition process in which it is anticipated that current fit for purpose limitations will be solved through innovation and industry development.

- (5) The current make up of ZEVs within the ACT Government passenger vehicle fleet is 25 battery electric vehicles (BEVs) and 28 plug-in hybrid electric vehicles (PHEVs).
- (6) The make-up of zero emission vehicles in the government fleet at the end of 2021 is difficult to estimate with precision. Internal factors such as the operational demands of government and external factors such as vehicle availability will influence the make-up of the fleet at any point in time.
- (7) According to PlugShare <https://www.plugshare.com/> there are currently 59 electric vehicle (EV) charging stations available to the public across the Territory. These include (a) 10 slow chargers, (b) 34 fast chargers and (c) 15 rapid chargers.

In addition, the ACT Government has a secondary charge network for its fleet of electric vehicles comprising a further 52 EV chargers. However, these chargers are unavailable to the public as they are mostly located in secure government carparks.

- (8) The public charge network in the ACT has been installed by the private sector.
- (9) The number of chargers available to the public by the end of 2021 is uncertain as it will be driven by market demand. The Government will explore policies and incentives to support and accelerate this expansion to keep pace with growth in EV ownership.

The ACT Government anticipates that the private sector will continue to respond to market demand and facilitate the need for public charge facilities.

- (10) The ACT Government has provided \$1.029 million over three years (2019-20 to 2021-22) to support the installation of a further 122 EV chargers for the ACT Government fleet.

Hospitals—north side hospital (Question No 2919)

Mrs Dunne asked the Minister for Health, upon notice, on 21 February 2020:

- (1) In relation to a possible green fields site for a north side hospital, what (a) progress has been made in studying potential sites for a northside hospital and (b) what is the expected date for the completion of the study.
- (2) Are consultants conducting this benchmarking study; if so, (a) which consultants are undertaking this study and (b) at what cost.
- (3) What sites have been or are being considered in this study.
- (4) What consideration is being given to private and public transport links to any proposed facility in this study.
- (5) What consideration is being given to car parking issues in this study.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) (a) An options analysis, based on due diligence completed to date, is currently under procurement; and

- (b) The study is expected to be completed mid-late 2020.
- (2) The options analysis will be supported by consultants.
 - (a) The preferred consultant has not yet been identified; and
 - (b) The costs are not yet known.
- (3) The options analysis has not yet commenced; however, the existing Calvary Public Hospital Bruce campus will be included, with consideration of both a staged redevelopment option and a new build option.
- (4) The options analysis will include an evaluation of site accessibility, including private and public transport links associated with any site options identified.
- (5) Parking requirements will be considered once a preferred site has been identified, and the project has moved into a feasibility and design phase.

Hospitals—bushfire season preparedness (Question No 2921)

Mrs Dunne asked the Minister for Health, upon notice, on 21 February 2020:

- (1) How many presentations to ACT emergency departments during (a) December 2019, (b) January 2020 and (c) February 2020 were attributable: (i) wholly to poor air quality or (ii) partly to poor air quality.
- (2) How many admissions were made to (a) The Canberra Hospital and (b) Calvary Hospital during (i) December 2019, (ii) January 2020 and (iii) February 2020 attributable (A) wholly to poor air quality or (B) partly to poor air quality.
- (3) How many additional beds were made available in (a) The Canberra Hospital and (b) Calvary Public Hospital during (i) December 2019, (ii) January 2020 and (iii) February 2020, for treating patients admitted due (A) wholly to poor air quality and (B) partly to poor air quality.
- (4) Is Canberra Health Services developing a bushfire plan like the flu season plan; if so, when will the plan be made public.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) It is not possible to determine whether an Emergency Department (ED) presentation is wholly or partly attributable to air quality in our data holding.

Clinical coding in ED is limited to a set of primary conditions and does not cover the entire spectrum of the International Classification of Diseases (ICD) codes. This is known as the ED ICD Short List. For example, a patient could present to ED with respiratory distress and be coded as such. However, it is not possible to attribute the condition to poor air quality or other environmental factors with the limited ICD codeset.

The connection between an ED presentation and air quality can only be established on a case by case basis with review of patient's files by clinical experts. An extensive

clinical review would need to be undertaken by the relevant medical experts to determine if these presentations were in fact, due to some sort of poor air quality.

Canberra Health Services has been actively recording presentations to the ED that were and are smoke related as stated by the patient since 20 December 2019. However, this information is volunteered by the patient and not diagnosed by a medical professional and therefore this measure can only be seen as a patient reported indicator rather than a clinical indicator.

- (2) A significant portion of admitted data is not yet coded for January and February 2020, as clinical coding can take up to 6 weeks from the date of separation to finalise. For this reason, responses cannot be provided to part (ii) and (iii) of this question.

For December 2019, fewer than five patients had an admission with some sort of exposure to air pollution at each public hospital in the ACT. However, it cannot be confirmed whether their conditions were partly or wholly attributable to poor air quality. The connection can only be established on a case by case basis with review of patient's files by clinical experts.

- (3) There were no extra beds made available for treating patients admitted due to poor air quality at Calvary Public Hospital Bruce during this period.

No additional beds were required at Canberra Hospital, as this incident was during the Canberra Health Services Summer Plan period, with traditional low patient activity and beds available.

- (4) There is no plan to develop a bushfire plan similar to the Winter Bed Management Plan which is enacted during the flu season. Canberra Health Services has a Bushfire Operational Plan for the management of facilities that reside on land declared as bushfire prone.

Canberra—city precinct renewal program (Question No 2922)

Ms Le Couteur asked the Chief Minister, upon notice, on 21 February 2020:

- (1) In relation to the City Precinct Renewal Program,
https://www.act.gov.au/__data/assets/pdf_file/0007/1385863/City-Precinct-Renewal-Program-2.pdf
www.act.gov.au/__data/assets/pdf_file/0007/1385863/City-Precinct-Renewal-Program-2.pdf, page 13, which states that “Intervention by the ACT Government to allow changes to leasehold and tenure arrangements within the precinct will also contribute to renewal and attract significant private investment”, what intervention is intended.
- (2) What sites/areas will be affected.
- (3) When is this intended to commence.

Mr Barr: The answer to the member's question is as follows:

- (1) For its portfolio of property assets, the City Renewal Authority (the Authority) examines opportunities to support the renewal of the city centre through design and delivery requirements for designated development sites within the precinct.

- (2) An example is the site described as City Section 63 which is currently occupied by a cloverleaf road connecting Commonwealth Avenue and London Circuit. To facilitate the site's development the Authority has prepared an Estate Development Plan which includes a new subdivision plan with specific design and leasing requirements.
- (3) Planning work is ongoing as opportunities are identified. The timing of development projects is in accordance with the timeframes approved by Cabinet and the Indicative Land Release Program 2019-23.

Taxation—definitions (Question No 2923)

Ms Le Couteur asked the Chief Minister, upon notice, on 21 February 2020:

- (1) In relation to the taxation and regulation of business, what definition of “employer” is used for the purposes of (a) payroll tax, (b) workplace health and safety regulation, (c) long service leave portability, (d) working with vulnerable people regulation, (e) anti-discrimination regulation and (f) anti-bullying and harassment regulation.
- (2) What definition of “employee” is used for the purposes of (a) payroll tax, (b) workplace health and safety regulation, (c) long service leave portability, (d) working with vulnerable people regulation, (e) anti-discrimination regulation and (f) anti-bullying and harassment regulation.

Mr Barr: The answer to the member's question is as follows:

The definitions of employer and employee are provided below noting that where they are not expressly defined in respective legislation the terms employer and employee, if used, would take on their ordinary meaning at common law.

- (1) What definition of “employer” is used for the purposes of (a) payroll tax, (b) workplace health and safety regulation, (c) long service leave portability, (d) working with vulnerable people regulation, (e) anti-discrimination regulation and (f) anti-bullying and harassment regulation.

- (a) Payroll tax — under the *Payroll Tax Act 2011* an employer is defined in the dictionary as:

Employer means a person who pays or is liable to pay wages, and includes—

- a. the Territory or a territory authority; and
- b. a person taken to be an employer under this Act; and
- c. a public, local or municipal body or authority constituted under the law of the Commonwealth, a State or Territory unless, being an authority constituted under the law of the Commonwealth, it is immune from the operation of this Act

A person who is taken to be an employer under the *Payroll Tax Act 2011* includes:

- a contractor under section 33; and

- employment agents under section 38.
- (b) Workplace health and safety regulation — under the *Work Health and Safety Act 2011* the term employer is not defined, rather the work health and safety duties are applied to a person conducting a business or undertaking to ensure all workplace arrangements are caught by the duties and obligations contained in the Act. A person conducting a business or undertaking is defined under section 5 of the *Work Health and Safety Act 2011* as:
- (1) For the purposes of this Act, a person conducts a business or undertaking—
 - a. whether the person conducts the business or undertaking alone or with others; and
 - b. whether or not the business or undertaking is conducted for profit or gain.
 - (2) A business or undertaking conducted by a person includes a business or undertaking conducted by a partnership or an unincorporated association.
 - (3) If a business or undertaking is conducted by a partnership (other than an incorporated partnership), a reference in this Act to a person conducting the business or undertaking is to be read as a reference to each partner in the partnership.
 - (4) A person does not conduct a business or undertaking to the extent that the person is engaged solely as a worker in, or as an officer of, that business or undertaking.
 - (5) A regulation may specify the circumstances in which a person may be taken not to be a person who conducts a business or undertaking for the purposes of this Act any provision of this Act.
 - (6) A volunteer association does not conduct a business or undertaking for the purposes of this Act.
 - (7) In this section: volunteer association means a group of volunteers working together for one or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.
- (c) Long service leave portability — under the *Long Service Leave (Portable Schemes) Act 2009* an employer is defined in section 7 as:
- (1) An employer, for a covered industry, is a person engaged in the industry in the ACT who—
 - a. employs someone else (whether in the ACT or elsewhere) to carry out work in the industry; or
 - b. is declared to be an employer for the industry under section 12 (Declarations by Minister—additional coverage of Act).

- (2) Also, a person is an employer for a covered industry if—
- a. the person employs or engages someone else (a worker) to carry out work in the industry for another person engaged in the industry in the ACT for a fee or reward; and
 - b. there is no contract to carry out the work between the worker and the person for whom the work is carried out.

Note This section does not make an employment agent the employer of those for whom the agency finds work if the workers are engaged directly by the person for whom the work is to be carried out.

- (3) However, the following are not employers:

- a. the Territory;
- b. the Commonwealth;
- c. the Australian National University;
- d. the University of Canberra;
- e. for a stated covered industry—an entity prescribed in the covered industry schedule for the covered industry;
- f. a person declared not to be an employer for the industry under section 13;
- g. a person prescribed by regulation.

Note 1 Covered industry schedule—see the dictionary.

Note 2 Power to make a statutory instrument (including a regulation) includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see Legislation Act, s 48).

- (d) Working with vulnerable people — under the *Working with Vulnerable People (Background Checking) Act 2011* an employer is defined under section 11 as:

In this Act:

employer, in relation to a regulated activity, means an entity for whom a person engages in the activity.

Examples—employer

- 1 principal contractor is an employer of a subcontractor
- 2 charitable organisation is an employer of a volunteer
- 3 religious organisation is an employer of a minister of religion

Note 1 Entity includes an unincorporated body and a person (including a person occupying a position) (see Legislation Act, dict, pt 1).

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (e) Anti-discrimination — under the *Discrimination Act 1991* an employer is not defined except in relation to an unpaid worker which is defined in the dictionary as:

employer, in relation to an unpaid worker, means the person for whom the unpaid worker performs work.

- (f) Anti-bullying and harassment — employer is not defined for the purposes of bullying and harassment regulation, to the extent that bullying and harassment is covered under work health and safety legislation and other legislation the relevant definitions in those statutes would apply.
- (2) What definition of “employee” is used for the purposes of (a) payroll tax, (b) workplace health and safety regulation, (c) long service leave portability, (d) working with vulnerable people regulation, (e) anti-discrimination regulation and (f) anti-bullying and harassment regulation.
- (a) Payroll tax — under the *Payroll Tax Act 2011* an employee is not defined for the purposes of payroll tax except to include persons supplying services under contracts and employment agency contracts as being taken to be employees under section 34 and section 39 respectively.

References to employees throughout the Act may have specific meanings for specific sections within the Act. Examples of this can be found in section 17 (Wages includes superannuation contribution) and section 24 (Inclusion of shares and options granted to directors as wages). Rather than defining what an employee is, these sections state what is included within the meaning of an employee for the purposes of the relevant section.

- (b) Workplace health and safety regulation — under the Work Health and Safety Act 2011 the term employee is not defined, rather the work health and safety legislation defines a worker, which includes and employee, under section 7 as:

- (1) A person is a worker if the person carries outwork in any capacity for a person conducting a business or undertaking, including work as—
 - a. an employee; or
 - b. a contractor or subcontractor; or
 - c. an employee of a contractor or subcontractor; or
 - d. an employee of a labour hire company who has been assigned to work in the person’s business or undertaking; or
 - e. an outworker; or
 - f. an apprentice or trainee; or
 - g. a student gaining work experience; or
 - h. a volunteer; or
 - i. a person of a prescribed class.

Note Power to make a regulation includes power to make different provision for different classes (see Legislation Act, s 48).

- (2) For the purposes of this Act, a police officer is—
 - a. a worker; and
 - b. at work throughout the time when the officer is on duty or lawfully performing the functions of a police officer, but not otherwise.
- (3) The person conducting the business or undertaking is also a worker if the person is an individual who carries out work in that business or undertaking.

(c) Long service leave portability — under the *Long Service Leave (Portable Schemes) Act 2009* an employee is defined in section 9 as:

- (1) An individual is an employee for a covered industry if the individual—
 - a. is—
 - i. employed by an employer for the industry (whether in the ACT or elsewhere); or
 - ii. declared to be an employee for the industry under section 12; and
 - b. is not declared not to be an employee for the industry under section 13.

- (2) In this section: employed includes employed as—
 - a. a full-time employee; or
 - b. a part-time employee; or
 - c. a casual employee; or
 - d. a person remunerated at piecework rates or completely or partly by commission; or
 - e. an apprentice.

Note For this Act, an individual declared to be an employee of a stated employer is taken to be employed by the employer (see s12(5))

(d) Working with vulnerable people — under the *Working with Vulnerable People (Background Checking) Act 2011* an employee is not defined.

(e) Anti-discrimination — under the *Discrimination Act 1991* an employee is not defined.

(f) Anti-bullying and harassment — employee is not defined for the purposes of bullying and harassment regulation, to the extent that bullying and harassment is covered under work health and safety legislation and other legislation the relevant definitions in those statutes would apply.

Housing ACT—commercial tenancies (Question No 2924)

Ms Le Couteur asked the Minister for Housing and Suburban Development, upon notice, on 21 February 2020:

- (1) How many noise complaints have been received from ACT Housing tenants about the My Local Gym premises in a public housing building in Amaroo.
- (2) Are leasing arrangements for the commercial premises in the building managed directly by ACT Housing, or through a service provider, eg real estate agent.
- (3) Did ACT Housing approve the gym tenancy; if so, when.
- (4) Does ACT Housing have procedures in place to ensure that commercial tenancies in buildings in which ACT Housing tenants live will not compromise the wellbeing of tenants.; if so, can the Minister provide details of the procedures.

- (5) What is the duration and expiry date of the gym's current lease.
- (6) Has ACT Housing consulted with Access Canberra or the Environment, Planning and Sustainable Development Directorate on environment protection aspects of the impact of gym noise on residents; if so, when.
- (7) How does ACT Housing plan to resolve the conflict between My Local Gym and its residential tenants in the building.

Ms Berry: The answer to the member's question is as follows:

1. Housing ACT has received only one complaint from Housing ACT tenants in relation to the My Local Gym in Amaroo.
2. Housing ACT owns the residential properties within the building. The commercial properties are privately owned and are under strata body corporate management.
3. No as advised in question two, Housing ACT does not own the commercial properties in the building.
4. Standard dispute resolution processes are in place. If Housing ACT tenants raised complaints about the commercial tenancies in the building, Housing ACT would represent these concerns with the strata body corporate manager.
5. The gym's lease is a commercial matter between the gym and the strata manager for the commercial properties. It is not something that Housing ACT is able to comment on.
6. On 28 February 2020, Housing ACT established contact with the Environment Protection Authority (EPA) about the impact of gym noise on residents and is continuing to work with the EPA regarding this issue.
7. Consistent with the procedures outlined in Question 4 above, tenants are requested to advise Housing ACT of their concerns and they will be represented to the strata manager responsible for the commercial properties. In relation to noise, tenants are also encouraged to contact the Environment Protection Authority (EPA) directly. The EPA has responsibility for investigating and responding to noise complaints in the ACT. As advised in question six, Housing ACT is working directly with the EPA in relation to this matter.

Domestic and family violence—accommodation (Question No 2926)

Ms Le Couteur asked the Minister for Housing and Suburban Development, upon notice, on 21 February 2020:

- (1) In relation to the answer to question on notice No 5, Standing Committee on Health, Ageing and Community Services inquiry into referred 2018-19 annual and financial reports, how is the figure of \$689 per night arrived at for hotel accommodation provided by the Domestic Violence Crisis Centre (DVCS) Christmas program in 2018-19, noting already that this is the total cost of \$42,737 divided by the total number of nights (62).

- (2) What other explanation is there for the figure referred to in part (1).
- (3) Does this figure include supports provided and the cost of DVCS workers.
- (4) How many children were supported through this program.
- (5) Did any families require more than one room; if so, how many.
- (6) Are the rooms for the Christmas program, scaling up from two to six over the period, booked and held in advance regardless of whether they are used.
- (7) Were any families turned away during the Christmas program.
- (8) What is the average cost per night of hotel accommodation provided through OneLink in 2018-19.
- (9) How many nights of accommodation were provided through One Link for the period 2018-19.
- (10) How many clients were assisted through One Link's brokerage for hotel accommodation services.
- (11) Why has the total cost of hotel accommodation provided by One Link more than doubled from the previous year.
- (12) Are there specific times of the year where there is more demand for homelessness accommodation services.

Ms Berry: The answer to the member's question is as follows:

1. In the 2018-19 program, \$42,737.78 was expended on motel accommodation and \$689 per night is the average expenditure for up to six motel apartments booked over the duration of the program (62 nights). This is not the average cost of each apartment per night.
2. Another explanation for the figures referred to in part (1) is the actual cost of each apartment per night. This figure varies from \$157 to \$199 per apartment per night depending on the size of the apartment and other factors. During the 62 night duration of the program, there were apartments booked to provide 263 nights of accommodation. The average cost of these apartments is approximately \$162.40 per apartment per night.
3. No, this figure covers motel accommodation only. An additional \$25,114 was expended to cover participating services' referral, assessment, coordination and case management support hours, (DVCS, Toora, Beryl, Doris and St Vincent de Paul) as well as brokerage including food vouchers and bus tickets.
4. The 2018-19 program supported 20 children.
5. None of the families required more than a two-bedroom apartment.
6. Yes, the apartments are booked in advance and held throughout the program to facilitate easy access to the accommodation.

7. No families at immediate threat of domestic violence were turned away by the Domestic Violence Christmas Program.
8. The average cost per night of hotel accommodation provided through OneLink in 2018-19 is \$129.11. This figure is calculated by using the total cost (\$13,298) divided by the total number of nights (103).
9. The total number of nights of accommodation provided through OneLink for the period 2018-19 is 103 nights.
10. In 2018-19, 28 families were assisted through OneLink's brokerage for hotel accommodation services. Noting that some families were brokered for on multiple occasions.
11. In 2018-19, OneLink were provided additional funding to deliver the wide range of service provision they undertake, including establishing a weekend service. The service funding agreement does not dictate where funds are specifically expended and OneLink have used some of this funding to increase their brokerage services.
12. OneLink data in 2018-19 indicated more demand for accommodation in winter months of July, August, and September.

Environment—bird deaths (Question No 2928)

Ms Le Couteur asked the Minister for the Environment and Heritage, upon notice, on 21 February 2020 (*redirected to the Acting Minister for the Environment and Heritage*):

- (1) In relation to bird deaths through impacting on buildings, for example, <https://theconversation.com/buildings-kill-millions-of-birds-heres-how-to-reduce-the-toll-130695><https://theconversation.com/buildings-kill-millions-of-birds-heres-how-to-reduce-the-toll-130695>, does the ACT Government collect, or have access to, data on bird deaths due to impacts with buildings in the ACT; if so, can the Minister provide details.
- (2) How many reports did the ACT Government receive from the community of bird deaths due to impacts with buildings during 2019.
- (3) Are bird deaths due to impacts with buildings recognised as a threat to any threatened species.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) No, the ACT Government does not collect data on bird deaths due to impact with buildings.
- (2) The ACT Government is not aware of any reports.
- (3) No.

Environment—noise complaints (Question No 2929)

Ms Le Couteur asked the Minister for the Environment and Heritage, upon notice, on 21 February 2020:

- (1) How many noise complaints were received in regard to noise from gyms in residential mixed use buildings in (a) 2017, (b) 2018 and (c) 2019.
- (2) Can the Minister provide a breakdown of these complaints by the suburb the gym is located in for 2019 only.
- (3) What do these complaints most commonly relate to, eg vibration, music, early start hours.
- (4) Will any of the changes made in the Unit Titles Legislation Amendment Bill 2019 address issues around noise from gyms in residential mixed use buildings.
- (5) Is the Government considering further regulatory changes to reduce the level of conflict between gyms and residents in the same building; if so, can the Minister provide details.

Mr Gentleman: The answer to the member's question is as follows:

- (1) (a) 12
(b) 39
(c) 95
- (2) Please see the below table containing a breakdown of complaints by gym location for 2019:

Suburb	Complaints Received
Braddon	82
Bruce	7
Amaroo	3
Torrens	1
Ngunnawal	1
Kingston	1

- (3) The most common complaints were related to loud thuds, banging vibration or reverberation from gym equipment especially in early morning and late evening sessions. This accounts for 84 percent of all complaints received. Please see the below breakdown.

Figure 1: Noise complaints from gyms for 1 January 2019 – 31 December 2019.

(Available at the Chamber Support Office).

It should be noted that:

- at least 55 of the 95 complaints (58%), possibly more, came from the same complainant; and
- of the 59 complaints received in Braddon, 55 were from the one complainant.

- (4) The Managing Building Better reforms have been developed to improve the governance, management and administration of units plans in the ACT. The *Unit Titles Legislation Amendment Bill 2019* was passed in the Legislative Assembly on 18 February 2020 and includes a number of changes to better support the development and management of units plans, with a particular focus on mixed-use buildings.

The amendments include new requirements for developers to disclose to buyers potential uses of commercial units within a development, such as a bar, cafe or gym. Buyers will also be updated on the uses of the commercial units during construction of the building. These new disclosure requirements will give buyers better contractual rights to rescind contracts if they do not agree with significant changes to the development. In addition, developers will be able to restrict uses within the building, providing further assurance to buyers.

- (5) The Entertainment Action Plan, which was released in October 2019, includes actions to consider addressing the management of noise from commercial activities in mixed-use developments, including gyms.

It takes into consideration the particular noise requirements for mixed-use developments that are needed to support the functioning of a variety of commercial tenancies while maintaining acoustic privacy for residents.

It also includes policy direction for supporting appropriate building design and materials to enhance diverse user experiences, such as gyms, within mixed-use developments. A copy of the plan is available online here https://www.planning.act.gov.au/__data/assets/pdf_file/0007/1437289/Entertainment-Action-Plan.pdf

Planning—lease variations (Question No 2930)

Ms Le Couteur asked the Minister for Planning and Land Management, upon notice, on 21 February 2020 (*redirected to the Acting Minister for Planning and Land Management*):

In regard to Lease Variation Charge charged under section 277 of the Planning and Development Act 2007 (before and after values) over the last three financial years, can the Minister provide a list of lease variations approved that added residential use or increased the number of dwellings permitted, and for each variation approved, include the (a) increase in number of dwellings permitted, (b) lease variation charge paid and (c) any remissions that applied.

Mr Steel: The answer to the member's question is as follows:

Please refer to Attachment A for response.

(A copy of the attachment is available at the Chamber Support Office).

**Government—energy efficiency rating scheme
(Question No 2932)**

Ms Le Couteur asked the Minister for Building Quality Improvement, upon notice, on 21 February 2020:

- (1) In relation to the Energy Efficiency Rating (EER) disclosure rating scheme, is it correct that the FirstRate software required to conduct EER disclosure ratings is no longer available to new assessors, as it is no longer supported by the supplier; if not, how can potential assessors access the software; if so, what is the Government doing to ensure that the number of building energy assessors remains at a level to ensure adequate competition for this service.
- (2) How many assessors are active at present, and is this number declining.
- (3) What is the Government doing to ensure the ongoing viability of the EER disclosure system, given the age of FirstRate.

Mr Ramsay: The answer to the member's question is as follows:

- (1) The versions of FirstRate software used for the assessment of existing dwellings for energy efficiency rating statements are no longer provided by the software developer. However, potential assessors may be able to access the software from people in the private sector who have copies. There is a licensing pathway for people to obtain an endorsement in the relevant versions of FirstRate.
- (2) In general, the cohort of assessors who undertake assessments of existing homes for mandatory disclosure at sale or lease of premises focus on those assessments rather than assess new building work for compliance with building laws. At present, there are approximately 25 assessors who are licensed to operate versions of FirstRate used for energy efficiency rating statements of existing homes. Some previous assessors no longer operate, and some licensed assessors do not assess existing homes for sale of premises ratings. However, new assessors have been licensed to operate the software and are active in the market.
- (3) The Government is currently reviewing the existing system, including to determine the most appropriate replacement for the current software that provides suitable functionality for assessing existing buildings and use in a mandatory system.

**Transport Canberra—MyWay payment system
(Question No 2933)**

Ms Le Couteur asked the Minister for Transport, upon notice, on 21 February 2020:

- (1) In relation to the proposed replacement for MyWay cards, will cash fares remain an option.
- (2) Will concession fare payers and students be able to access reduced-cost fares when tapping on with a credit card.

- (3) Will there be an additional fee for people who tap on with a credit card.
- (4) Will MyWay balances be transferred when the current system is closed.
- (5) Will there be a transition period during which MyWay cards and new cards will both be accepted.

Mr Steel: The answer to the member's question is as follows:

- (1) Yes.
- (2) Concession fare payers will be able to access reduced cost fares in the new system.
- (3) The Territory continues with the current broader procurement process which is confidential until completed. Once that process is complete an announcement will be made with more detail on the system.
- (4) During the transition between the old and the new ticketing system, there will be some changes to how passengers switch to the new system. This will be fully communicated closer to the time.
- (5) See response to Question 4.

Transport Canberra—patronage (Question No 2934)

Ms Le Couteur asked the Minister for Transport, upon notice, on 21 February 2020:

- (1) In relation to public transport patronage from suburbs served by regular public transport services, as measured by MyWay journeys, what was the daily average weekday patronage between September and November (inclusive) for (a) 2019 and (b) 2018, by originating suburbs.
- (2) What was the daily average weekend patronage between September and November (inclusive) for (a) 2019 and (b) 2018, by originating suburb.

Mr Steel: The answer to the member's question is as follows:

- (1) The table below (Table 1) sets out the daily average number of journeys on Transport Canberra bus and light rail services, originating in each suburb which were recorded by the MyWay ticketing system on weekdays, for the periods from 1 September 2018 to 30 November 2018 and 1 September 2019 to 30 November 2019.

All figures are rounded to the nearest whole number and exclude boardings for which an originating suburb cannot be determined (such as transfers by passengers using a paper ticket).

This data is based on the location of the bus or light rail stop where a person using a MyWay card taps on for the first time as part of a public transport journey. This means that it does not accurately reflect journeys made by residents of a particular suburb, as a person may walk, drive or cycle across a suburb boundary to get to their bus or light rail stop.

Transport Canberra does not have reliable or complete information about the residential address of MyWay card users.

Table 1

Suburbs	Daily average number of journeys on weekdays - 1 September to 30 November 2018	Daily average number of journeys on weekdays - 1 September to 30 November 2019
Acton	882	548
Ainslie	306	290
Amaroo	263	298
Aranda	219	207
Banks	160	161
Barton	766	925
Belconnen	3,474	3,370
Bonner	235	227
Bonython	158	137
Braddon	494	556
Bruce	2,206	2,258
Calwell	262	313
Campbell	370	397
Canberra	10,047	11,527
Capital Hill	48	71
Casey	173	165
Chapman	97	82
Charnwood	126	82
Chifley	45	48
Chisholm	267	224
Conder	326	338
Cook	181	185
Coombs	254	333
Crace	170	119
Curtin	309	254
Deakin	691	616
Denman Prospect	12	37
Dickson	1,132	2,465
Downer	278	359
Duffy	156	197
Dunlop	245	242
Evatt	217	245
Fadden	134	119
Farrer	88	93
Fisher	101	103
Florey	648	630
Flynn	150	140
Forde	260	231
Forrest	369	364
Franklin	380	943
Fraser	131	115
Fyshwick	273	254
Garran	378	373
Gilmore	62	44
Giralang	176	166

Suburbs	Daily average number of journeys on weekdays - 1 September to 30 November 2018	Daily average number of journeys on weekdays - 1 September to 30 November 2019
Gordon	316	332
Gowrie	109	60
Greenway	1,351	1,413
Griffith	693	639
Gungahlin	2,467	3,188
Hackett	173	177
Harrison	603	834
Hawker	306	266
Higgins	81	74
Holder	145	169
Holt	443	435
Hughes	140	112
Hume	9	0
Inner North (Rural)	2	0
Inner South (Rural)	2	0
Isaacs	66	87
Isabella Plains	327	304
Jacka	0	3
Kaleen	633	543
Kambah	800	768
Kenny	111	0
Kingston	518	579
Latham	283	223
Lawson	80	49
Lyneham	882	397
Lyons	268	293
Macarthur	5	2
Macgregor	262	274
Macquarie	514	452
Majura	194	281
Mawson	98	82
McKellar	145	107
Melba	254	193
Mitchell	107	395
Monash	169	162
Moncrieff	90	140
Narrabundah	550	613
Ngunnawal	506	440
Nicholls	500	504
O'Connor	370	290
O'Malley	25	36
Oxley	45	37
Page	226	161
Palmerston	397	304
Parkes	666	700
Pearce	818	779
Phillip	2,935	2,754
Pialligo	27	13
Red Hill	247	209
Reid	196	205
Richardson	128	93

Suburbs	Daily average number of journeys on weekdays - 1 September to 30 November 2018	Daily average number of journeys on weekdays - 1 September to 30 November 2019
Rivett	120	106
Russell	206	244
Scullin	142	120
Spence	137	173
Stirling	43	48
Symonston	83	47
Theodore	132	105
Throsby	13	41
Torrens	388	390
Turner	614	197
Taylor	0	36
Wanniassa	990	984
Waramanga	217	239
Watson	352	627
Weetangera	90	89
Weston	412	489
Wright	67	40
Yarralumla	227	211
Total	52,234	55,204

- (2) The table below (Table 2) sets out the daily average number of journeys on Transport Canberra bus and light rail services originating in each suburb which were recorded by the MyWay ticketing system on weekends and public holidays, for the periods from 1 September 2018 to 30 November 2018 and 1 September 2019 to 30 November 2019.

All figures are rounded to the nearest whole number and exclude boardings for which an originating suburb cannot be determined (such as transfers by passengers using a paper ticket).

This data is based on the location of the bus or light rail stop where a person using a MyWay card taps on for the first time as part of a public transport journey. This means that it does not accurately reflect journeys made by residents of a particular suburb, as a person may walk, drive or cycle across a suburb boundary to get to their bus or light rail stop.

Transport Canberra does not have reliable or complete information about the residential address of MyWay card users.

Table 2

Suburb	Daily average number of journeys on weekends and public holidays - 1 September to 30 November 2018	Daily average number of journeys on weekends and public holidays - 1 September to 30 November 2019
Acton	269	202
Ainslie	61	49
Amaroo	27	22
Aranda	41	24

Suburb	Daily average number of journeys on weekends and public holidays - 1 September to 30 November 2018	Daily average number of journeys on weekends and public holidays - 1 September to 30 November 2019
Banks	19	19
Barton	50	76
Belconnen	1,447	1,365
Bonner	42	36
Bonython	19	17
Braddon	114	224
Bruce	652	696
Calwell	44	54
Campbell	51	57
Canberra	2,671	3,700
Capital Hill	5	6
Casey	34	31
Chapman	12	12
Charnwood	35	12
Chifley	6	6
Chisholm	25	28
Conder	32	40
Cook	34	25
Coombs	43	67
Crace	45	20
Curtin	46	38
Deakin	54	47
Denman Prospect	0	9
Dickson	291	871
Downer	88	128
Duffy	20	28
Dunlop	30	57
Evatt	28	43
Fadden	5	8
Farrer	12	11
Fisher	20	15
Florey	77	110
Flynn	27	29
Forde	21	15
Forrest	3	25
Franklin	108	367
Fraser	19	16
Fyshwick	141	141
Garran	65	67
Gilmore	5	5
Giralang	34	33
Gordon	38	41
Gowrie	8	5
Greenway	412	410
Griffith	123	131
Gungahlin	823	1,251
Hackett	38	29
Harrison	163	358
Hawker	25	19
Higgins	25	11
Holder	16	22

Suburb	Daily average number of journeys on weekends and public holidays - 1 September to 30 November 2018	Daily average number of journeys on weekends and public holidays - 1 September to 30 November 2019
Holt	88	108
Hughes	19	15
Hume	2	0
Inner North (Rural)	2	0
Inner South (Rural)	4	0
Isaacs	10	17
Isabella Plains	29	24
Jacka	0	1
Kaleen	177	128
Kambah	157	139
Kenny	48	0
Kingston	146	188
Latham	29	42
Lawson	18	14
Lyneham	177	87
Lyons	60	66
Macarthur	0	1
Macgregor	65	68
Macquarie	73	55
Majura	53	64
Mawson	16	13
McKellar	35	20
Melba	31	16
Mitchell	31	204
Monash	26	30
Moncrieff	18	26
Narrabundah	108	149
Ngunnawal	95	65
Nicholls	51	55
O'Connor	73	63
O'Malley	4	5
Oxley	7	5
Page	26	25
Palmerston	84	58
Parkes	145	169
Pearce	74	73
Phillip	825	753
Pialligo	15	10
Red Hill	28	12
Reid	22	26
Richardson	12	19
Rivett	23	14
Russell	3	5
Scullin	27	23
Spence	27	51
Stirling	7	12
Symonston	9	11
Theodore	20	11
Throsby	5	7
Torrens	69	74
Turner	149	78

Suburb	Daily average number of journeys on weekends and public holidays - 1 September to 30 November 2018	Daily average number of journeys on weekends and public holidays - 1 September to 30 November 2019
Taylor	0	8
Wanniassa	109	117
Waramanga	24	17
Watson	89	233
Weetangera	15	16
Weston	81	122
Wright	7	12
Yarralumla	97	54
Total	12,193	14,806

Environment, Planning and Sustainable Development Directorate— firefighters (Question No 2936)

Mrs Jones asked the Minister for the Environment and Heritage, upon notice, on 21 February 2020:

- (1) How many firefighters were employed by (a) ACT Parks and Conservation or (b) the broader Environment, Planning and Sustainable Development Directorate as at 30 June for each of the past 10 years.
- (2) How many, if any, of these firefighters were considered non-operational.

Mr Gentleman: The answer to the member's question is as follows:

- (1) The Environment, Planning and Sustainable Development Directorate (EPSDD) and ACT Parks and Conservation (PCS) do not employ firefighters – we do employ staff that undertake fire management as part of their normal land management duties. Nearly all field-based staff and the majority of office-based staff within PCS are trained and skilled to undertake land management fire duties as required.

PCS maintains a fire readiness roster of a minimum of 140 fire trained and fit employees. This has been the case for at least the last 10 years. The current rostering system shows that there are currently 156 available fire trained workers from across EPSDD.

- (2) Nil as EPSDD and PCS do not employ firefighters.

Planning—Coombs shops (Question No 2937)

Mrs Jones asked the Minister for Planning and Land Management, upon notice, on 21 February 2020:

- (1) In relation to section 36, Coombs, did the ACT Government change the contract specifics for the Coombs Shops from allowing a 1500 sqm supermarket to a 1000 sqm

supermarket shortly before going to auction; if so, why and how long before the auction was this change made.

- (2) Has the Coombs Shops always been categorised as a CZ4 zone; if so, why were the Coombs Shops at any point promoted as allowing for a 1500 sqm supermarket site.
- (3) What is the rationale for taking section 38 in Wright, which allows for a 1500sqm supermarket, to market so soon after the sale of the Coombs Shops.
- (4) What was the decision-making process for determining the maximum size of the supermarkets allowed on the blocks in Coombs and Wright and who was responsible for making these decisions.
- (5) Have any studies been done regarding possible traffic congestion around section 38 in Wright once the proposed development is completed; if so, what were the findings.

Mr Gentleman: The answer to the member's question is as follows:

- (1) Yes. The change in the maximum size of the supermarket to 1000m² was made to the sales and marketing material on 25 February 2015. This was to ensure that the resultant development on the land would be consistent with the pending new requirements of the Territory Plan for local centres.

The Coombs shops (Block 3 Section 36 Coombs) was sold on 4 March 2015.

- (2) The Coombs local centre has been zoned by the Territory Plan as CZ4 (local centre) since the estate development plan (subdivision) development application was approved. The Coombs shops was initially advertised for sale allowing a supermarket of up to 1,500m² gross floor area with a net selling area limited to 1000m². This reflected the requirements of Draft Variation to the Territory Plan No. 304 (Commercial Zones) at the time of initial advertising.
- (3) The Coombs local centre was taken to the market in the 2014-15 financial year (March 2015). Section 38 Wright was taken to the market in the 2017-18 financial year (December 2017), which was approximately 2½ years following the sale of Coombs local centre.

The 2-year buffer following the release of the Coombs local centre was considered a reasonable amount of time for the local centre to be developed and in operation. Any further delays in site releases were not considered to be in the interest of the Molonglo community.

- (4) The reduction in the maximum size of supermarkets at local centres was in response to submissions received during public consultation on Draft Variation to the Territory Plan No. 304 (Commercial Zones) in 2013. There was no change to the maximum size of supermarkets in CZ5 (mixed uses) zones through the draft variation process.
- (5) The two development applications lodged for Block 1 Section 38 Wright were both supported by traffic impact and risk assessment reports, prepared by experienced transport planning engineers.

The reports, prepared in October 2018 and December 2018 respectively, both considered a range of transport related issues in the immediate area, including possible traffic congestion.

The reports' findings included that an inspection of the existing local road network had indicated that there is adequate capacity to accommodate the traffic generated by the proposed development. It was also noted that traffic modelling analysis undertaken at the basement access points showed negligible queuing.

**Bushfires—controlled burns
(Question No 2938)**

Mrs Jones asked the Minister for Police and Emergency Services, upon notice, on 21 February 2020 (*redirected to the Minister for the Environment and Heritage*):

- (1) How many days were considered suitable to conduct hazard reduction burns in 2019-20 to date.
- (2) On how many days were hazard reduction burns conducted.
- (3) How many days were considered suitable to conduct hazard reduction burns for each of the financial years since 2010-11.
- (4) On how many days were hazard reduction burns conducted.

Mr Gentleman: The answer to the member's question is as follows:

1. Every day is a potential day to undertake prescribed burning, subject to a range of factors. Each and every prescribed burn is only undertaken when the conditions enable the burn prescription to be met. The following factors must be taken into account before any decision can be made as to whether the day is suitable for conducting a specific hazard reduction burn:
 - i. Burn locations and extended durations
 - ii. Fuel moisture both within and outside the proposed burn area
 - iii. Forecast temperature – current and over the following 7 days
 - iv. Forecast wind speed – current and over the following 7 days
 - v. Forecast wind direction – current and over the following 7 days
 - vi. Forecast humidity – current and over the following 7 days
 - vii. Forecast fire dangers – current and over the following 7 days
 - viii. Atmospheric stability and convective potential
 - ix. Drought conditions
 - x. Vegetation type
 - xi. Aspect
 - xii. Seasonality
2. Hazard reduction burns were undertaken on days that met prescriptions and where it was safe to do so. Conditions in the 2019-20 fiscal year have been limited due to a range of the above factors, particularly fuel moisture.
3. EPSDD undertake burns on days that are deemed suitable for the burns that are on the current annual Bush Fire Operational Plan. On numerous occasions multiple burns are undertaken on the same day to make best use of suitable conditions.

Each year is broken into the following:

Fiscal Year

- Suitable days of burning (based on the proposed burns for the given year, noting that multiple burns can occur on a given day)
 - Number of prescribed burns completed
 - Represents the total number of days burning, noting that multiple burns can occur on a given day; some burns last multiple days.
- 2012/2013:
 - 29 suitable days
 - 33 Burns completed
 - 70 total days
 - 2013/2014:
 - 17 suitable days
 - 27 Burns completed
 - 37 total days
 - 2014/2015:
 - 22 suitable days
 - 26 Burns completed
 - 48 total days
 - 2015/2016:
 - 25 suitable days
 - 38 Burns completed
 - 68 total days
 - 2016/2017:
 - 8 suitable days
 - 11 Burns completed
 - 17 total days
 - 2017/2018:
 - 20 suitable days
 - 35 Burns completed
 - 58 total days
 - 2018/2019:
 - 22 suitable days
 - 41 Burns completed
 - 81 total days
 - 2019/2020:
 - 4 suitable days
 - 3 Burns completed
 - 5 total days

4. Refer to question 3 response.

**Housing—affordable rental scheme
(Question No 2941)**

Mrs Kikkert asked the Minister for Housing and Suburban Development, upon notice, on 21 February 2020:

- (1) How many rental properties were available to older people on low incomes through the Affordable Rental Scheme (ARS) for each year between 2014–15 and 2018–19, inclusive.
- (2) How many of these properties were rented out in the years referred to in part (1).
- (3) How many applications were made for rental properties through the ARS for each year between 2014–15 and 2018–19, inclusive.
- (4) How many of these applications were deemed ineligible in each year referred to in part (1).
- (5) How many of these applications resulted in the applicants' immediately obtaining a rental property through the scheme in each year referred to in part (1).
- (6) How many applications were placed on a waiting list in each year referred to in part (1).
- (7) What was the average number of applications on the ARS waiting list for each year between 2014–15 and 2018–19, inclusive.
- (8) What has been the average length of time that applicants to the ARS have waited to obtain a property through the scheme over the past five financial years.
- (9) How many applications were withdrawn from the waiting list by the applicants in each year referred to in part (7).
- (10) What was the household income limit for the ARS for (a) one person and (b) two people for each year between 2014–15 and 2018–19, inclusive.
- (11) Has the household income limit for the ARS been set at 75 percent of ACT average weekly earnings over the past five years; if not, what was the percentage for each year.
- (12) On what date each year is the new household income limit (a) announced and (b) implemented.

Ms Berry: The answer to the member's question is as follows:

1. In 2014-15 and 2015-16, there was a total of 40 properties under the Affordable Rental Scheme (ARS). In 2016-17, this number rose to 43 properties as at 30 June; in 2017-18, there were 52 properties as at 30 June; and in 2018-19, there were 57 properties as at 30 June 2019.
 - Four properties became available for rent in 2014–15;
 - Seven properties became available for rent in 2015–16;
 - Five properties became available for rent in 2016–17;
 - Eleven properties became available for rent in 2017–18; and
 - Seven properties became available for rent in 2018–19.
2. All of these properties were rented out each year.

3.
 - Five applications for ARS properties were received in 2014-15;
 - Seven applications for ARS properties were received in 2015-16;
 - Five applications for ARS properties were received in 2016-17;
 - Twenty applications for ARS properties were received in 2017-18; and
 - Twenty-one applications for Affordable Rental Office properties were received in 2018-19.
4.
 - One application was deemed ineligible in 2014-15;
 - No applications were deemed ineligible in 2015-16 and 2016-17; and
 - One application was deemed ineligible in 2017-18 and 2018-19.
5. No application in any of these years resulted in the immediate allocation of a property under the ARS.
6.
 - Fourteen applications were placed on the ARS housing register in 2014-15;
 - Seven applications were placed on the ARS housing register in 2015-16;
 - Five applications were placed on the ARS housing register in 2016-17;
 - Twenty applications were placed on the ARS housing register in 2017-18; and
 - Twenty-one applications were placed on the ARS housing register in 2018-19.
7. Between 2014-15 and 2018-19 there was an average of 13.6 applications on the ARS housing register each year.
8. The average waiting time for ARS applicants to obtain a property over the past five years has been about 12 months.
9.
 - Two applications were withdrawn from the wait list in 2014-15;
 - Three applications were withdrawn from the wait list in 2015-16;
 - Two applications were withdrawn from the wait list in 2016-17;
 - Three applications were withdrawn from the wait list in 2017-18; and
 - Two applications were withdrawn from the wait list in 2018-19.
10. The household income limit for each year has not changes between 2014-15 and 2018-19
 - a. For one person the limit has been \$45,956; and
 - b. For two people the limit has been \$63,535.
11. The income limits for the ARS were set at 75% of ACT average weekly earnings in 2014 and, as noted in Question 10, these dollar limits have been remained unchanged since that time.

12. As noted above, the ARS income limits have not changed since 2014.

**Crime—Ginninderra electorate
(Question No 2942)**

Mrs Kikkert asked the Minister for Police and Emergency Services, upon notice, on 21 February 2020 (*redirected to the Acting Minister for Police and Emergency Services*):

- (1) How many gang-related incidents in the suburb of Macgregor were reported to the police in the year 2019.
- (2) What months of the year were the reports received.
- (3) How many gang-related incidents in the Ginninderra electorate were reported to the police in the year 2019.
- (4) What months of the year were the reports received, and in which suburbs did the incidents take place.
- (5) How many shootings in the suburb of Macgregor were reported to the police in the year 2019.
- (6) What months of the year were the reports received.
- (7) How many shootings in the Ginninderra electorate were reported to the police in the year 2019.
- (8) What months of the year were the reports received, and in which suburbs did the incidents take place.

Mr Ramsay: The answer to the member's question is as follows:

- (1) There were two gang-related incidents reported to ACT Policing in Macgregor in 2019.
- (2) The two gang-related incidents in Macgregor were reported to ACT Policing in June 2019 and December 2019.
- (3) Please note that for the below responses, ACT Policing data for the Ginninderra electorate includes the following suburbs: Macnamara, Strathnairn, Holt, Macgregor, Dunlop, Fraser, Spence, Charnwood, Flynn, Melba, Evatt, Latham, Higgins, Scullin, Page, Weetangera, Hawker, Cook, Aranda, Macquarie, Belconnen, McKellar, Lawson and Bruce.

In 2019, there were six gang-related incidents reported to ACT Policing in the Ginninderra electorate.

- (4) Please see the below table for the number of gang-related incidents reported in the Ginninderra electorate in 2019 broken down by suburb and month.

Month Incident Reported	Suburb of Incident
May 2019	Latham
June 2019	Florey
June 2019	Macgregor
August 2019	Dunlop
October 2019	Bruce
December 2019	Macgregor

- (5) There was one incident of a shooting in Macgregor reported to ACT Policing in 2019.
- (6) The shooting incident in Macgregor was reported to ACT Policing in December 2019.
- (7) In 2019, there were two shooting incidents reported to ACT Policing in the Ginninderra electorate.
- (8) The two shooting incidents in the Ginninderra electorate were reported to ACT Policing in October 2019 and December 2019 in the suburbs of Bruce and MacGregor.

Municipal services—container refund depots (Question No 2943)

Mrs Kikkert asked the Minister for City Services, upon notice, on 21 February 2020 (*redirected to the Minister for Recycling and Waste Reduction*):

- (1) What criteria and considerations were taken into account in determining container refund depots to be installed in (a) Evatt, (b) Belconnen (two locations), (c) Jamison, (d) Hawker and (e) Charnwood.
- (2) Why were the locations referred to in part (1) chosen over installing a container refund depot at Kippax.
- (3) Are there any plans to install a container refund depot at Kippax this year; if so, when and where; if not, why not.

Mr Steel: The answer to the member's question is as follows:

- (1) The ACT Container Deposit Scheme (CDS) Network Operator, Re.Turn It, is responsible for selecting collection point locations. The *Waste Management and Resource Recovery Act 2016* specifies that they must be spread over industrial and residential areas of the ACT. Re.Turn It has installed 21 collection points across the ACT. This flexibility allows for Re.Turn It to select locations where they believe will enable them to collect the greatest number of containers while providing a broad range of service options for Canberrans to participate in the CDS.
- (2) See response to Question 1.
- (3) See response to Question 1.

**Waste—bulky waste collection
(Question No 2944)**

Mrs Kikkert asked the Minister for City Services, upon notice, on 21 February 2020 (*redirected to the Minister for Recycling and Waste Reduction*):

Will a free kerbside bulky waste collection will be rolled out across the ACT from July 2020, beginning in Tuggeranong and Gungahlin; if so, (a) when will collection be rolled out in Ginninderra, (b) will this service be free for all; if not, what is the eligibility criteria, ie seniors, disability etc and (c) will there be a one-time upfront fee to access this service; if so, how much.

Mr Steel: The answer to the member's question is as follows:

Yes, a free kerbside bulky waste collection service will be rolled out across the ACT from July 2020, beginning in the Tuggeranong and Gungahlin regions.

- (a) Further regions will receive the service based on the timeline outlined on the City Services website. <https://www.cityservices.act.gov.au/recycling-and-waste/collection/bulky-waste-collection>
- (b) At present, eligible concession card holders can access one free bulky waste collection per year. This service will extend to provide one free bulky waste collection per year to all Canberra households.
- (c) This is a free service that will be provided to all Canberra households. Additional services will be available such as mattress collection which will occur an additional cost for non-concession card holders.
Eligible concession cards include:
 - ACTION Gold Concession Card;
 - Centrelink Pensioner Concession Card;
 - Department of Veterans Affairs Gold Card; or
 - MyWay Seniors Card.

**Roads—upgrades
(Question No 2945)**

Mrs Kikkert asked the Minister for City Services, upon notice, on 21 February 2020 (*redirected to the Minister for Roads and Active Travel*):

- (1) What is the current status of the tender process in relation to the upgrades to the Starke Street and Southern Cross Drive intersection.
- (2) If the tender process has been completed, what is the (a) scope, (b) estimated cost and (c) start and completion dates for the upgrades.

Mr Steel: The answer to the member's question is as follows:

- (1) The design tender for Southern Cross Drive / Starke Street intersection is in progress and closed on 5 March 2020.

- (2) Design Tenders are currently being considered. Construction will be subject to a separate tender process.
-

**Roads—upgrades
(Question No 2946)**

Mrs Kikkert asked the Minister for City Services, upon notice, on 21 February 2020 (*redirected to the Minister for Roads and Active Travel*):

- (1) What is the current status of the tender process in relation to the upgrades for the Belconnen Way and Springvale Drive intersection.
- (2) If the tender process has been completed, what is the (a) scope, (b) estimated cost and (c) start and completion dates for the upgrades.

Mr Steel: The answer to the member's question is as follows:

- (1) The design tender for the Belconnen Way / Springvale Drive intersection is in progress. Tender submissions closed on 5 March 2020.
- (2) Design Tenders are currently being considered. Construction will be subject to a separate tender process.
-

**Roads—upgrades
(Question No 2947)**

Mrs Kikkert asked the Minister for City Services, upon notice, on 21 February 2020 (*redirected to the Minister for Roads and Active Travel*):

- (1) Given that new traffic signals at the Southern Cross Drive intersections with Ross Smith Crescent and also Chewings Street are expected to be tendered for design in early 2020, what is the current status of the tender process.
- (2) If the tender process has been completed, what is the (a) scope, (b) estimated cost and (c) start and completion dates for the upgrades.

Mr Steel: The answer to the member's question is as follows:

- (1) Design tender documents are currently being refined. The design tender is expected to be released in April 2020.
- (2) See response to question above.
-

**National Multicultural Festival—unsuccessful applications
(Question No 2948)**

Mrs Kikkert asked the Minister for Multicultural Affairs, upon notice, on 21 February 2020:

- (1) In relation to applications for the 2020 National Multicultural Festival, were there any applications received subsequently to the 320 stallholder applications received as at 9 December 2019; if so, how many.
- (2) How many of these applications were unsuccessful and who were the applicants.
- (3) On what grounds were they determined unsuccessful.
- (4) Were there any applications received subsequently to the 160 applications for performances received as at 9 December 2019; if so, how many.
- (5) How many of these applications were unsuccessful and who were the applicants.
- (6) On what grounds were they determined unsuccessful.
- (7) As at 9 December 2019, a total of 320 stallholder applications were received, but 25 applications were unsuccessful, who were the unsuccessful applicants and on what grounds were each of their applications unsuccessful.
- (8) As at 9 December 2019, a total of 160 applications for performances were received, but 67 applications were unsuccessful, who were the applicants and on what grounds were each of their applications unsuccessful.
- (9) Were all applications for performances considered based on suitability, availability and pricing; if so, what considerations and criteria were applied in relation to pricing.

Mr Steel: The answer to the member's question is as follows:

1. After 9 December 2019, an additional 34 stallholder applications were received.
2. Of these additional applications, all were successful.
3. Not applicable.
4. There were no additional performer applications received after 9 December 2019 as the application process had closed. The National Multicultural Festival (Festival) team received eight expressions of interest from performers between 10 December 2019 and 20 February 2020. All performers who expressed interest were informed that the application process had concluded and that the 2020 entertainment program was fully subscribed. All of these performers were advised that they had been added to the information distribution list for the 2021 Festival and were encouraged to apply for the 2021 entertainment program, once applications open.
5. Refer to answer in Question 4.
6. Refer to answer in Question 4.
7. Of the 25 unsuccessful stallholder applicants:
 - a) nine were unsuccessful due to a general lack of space on the Festival footprint and their status as a Priority 5 (Commercial and Interstate) stallholder;

- b) eleven were unsuccessful as the organisations had submitted more than one application. For seven of these organisations, another stall application was successful while the other four were from one organisation which was a commercial vendor of a product already well represented by several participating stallholders;
- c) one was deemed unsuccessful as the organisation operates a commercial premise with an outdoor eating area within the Festival footprint;
- d) the three commercial applications for stalls in Glebe Park were unsuccessful as their produce was very similar in nature to a commercial stallholder who had already been granted a stall in that part of the Festival footprint, as they were the first to apply; and
- e) one application for a stall in Glebe Park was unsuccessful as the stall was considered unsuitable for the family-focussed theme of that part of the Festival footprint.

Disclosure of the names of the unsuccessful stallholders is not in keeping with the Community Services Directorate Privacy Statement, which is in accordance with Territory Privacy Principles, set out in the *Information Privacy Act 2014*.

8. Under the 2020 National Multicultural Festival Performer Terms and Conditions, performers applying for the Festival can do so under three categories:

- a) volunteer performers;
- b) National Multicultural Festival grant recipient performers; and
- c) paid performers (which excludes headline acts).

Volunteer performers and grant recipient performers are considered a high priority and are consequently given preference in the entertainment program scheduling.

All 67 unsuccessful applicants applied under the paid performer's category.

Paid performers are assessed for scheduling into the entertainment program based on the following factors:

- cultural and entertainment relevance and value;
- available stage time across the three days;
- the duration of their performances;
- the number of 'sets' that would be performed for the requested payment; and
- alignment with the Festival's cultural entertainment program including stage placement considerations.

Based on these factors, paid performers are assigned a rating of high, medium or low for the next step of scheduling into the entertainment program.

Under the Entertainment Program, two application and assessment processes were delivered concurrently, providing community members the opportunity to apply either as paid performers or volunteer performers. Paid performers were prioritised for program scheduling; of these applications, 67 applicants did not make it.

Disclosure of the names of the unsuccessful stallholders is not in keeping with the Community Services Directorate Privacy Statement, which is in accordance with Territory Privacy Principles, set out in the *Information Privacy Act 2014*.

9. All applications by paid performers were assessed based on their suitability, availability and pricing. The factors regarding pricing are noted at answer 8 above.

**National Multicultural Festival—review
(Question No 2949)**

Mrs Kikkert asked the Minister for Multicultural Affairs, upon notice, on 21 February 2020:

- (1) In relation to an external review for the National Multicultural Festival, will an external review be conducted for the 2020 National Multicultural Festival; if so, (a) who will be conducting the review, (b) what is the estimated cost of conducting the review and (c) when will the review be published; if not, why not.
- (2) What was the total cost of conducting the external review for the 2018 National Multicultural Festival.

Mr Steel: The answer to the member's question is as follows:

1. As is the standard practice for this festival, a continuous improvement review, inclusive of community feedback, will be conducted for the 2020 National Multicultural Festival.

No external review will be conducted in 2020. Such reviews are conducted from time-to-time, as was the case in 2018. It is not considered necessary to undertake such a review this year.

2. The 2018 Spring Green Review cost \$24,035 (GST Inclusive).

**Roads—Belconnen
(Question No 2950)**

Mrs Kikkert asked the Minister for Roads and Active Travel, upon notice, on 21 February 2020:

- (1) What is the current status of the detail design for the William Hovell Drive duplication project that is due to commence in 2019-20.
- (2) If the detail design has been completed, can a copy of the design be provided as an attachment to this question.
- (3) What is the current status of construction of the arterial road between Ginninderra Drive and Barton Highway, which is programmed to commence in 2020 and what is the anticipated date for start and completion.

Mr Steel: The answer to the member's question is as follows:

- (1) The detail design commenced on 20 December 2019.
- (2) The detail design is still underway.
- (3) The Development Application has been notified, closing at the end of March 2020. Construction is scheduled to commence mid to late 2020. Construction is expected to be completed by late 2023.

**Road safety—driver education
(Question No 2952)**

Miss C Burch asked the Minister for Justice, Consumer Affairs and Road Safety, upon notice, on 21 February 2020:

- (1) Why was the preamble left out of the recent learner logbook changes.
- (2) How are driving instructors meant to recite the preamble to students four times during the process as required under the Code of Practice for Accredited Driving Instructors.
- (3) Why was the legal content required not included in the recent learner logbook changes such as the (a) students' rights and (b) auditor contact details.
- (4) Can the Minister advise if record of completion of the Hazard Perception Test is required to be present before the final drive Competency 23 and/or issue of the certificate.
- (5) Why were the elements/standards required to meet a Competency not included in the recent logbook changes.
- (6) Can the Minister advise if a driving instructor should issue a certificate if a student completes Competency 23 but does not have the required number of logbook hours; if so, what level of reassessment is required if a certificate expires under the current three-month period.
- (7) Why was Competency 21 (System of Vehicle Control) that had an image to demonstrate to the students in the previous logbook, not included in the new logbook.
- (8) Why was a competency notes/feedback section, where driving instructors could provide information about why the student was unsuccessful with an assessment, that was included in the previous logbook, not included in the recent logbook changes.
- (9) Can the Minister advise when the practise hazard perception test will be available online for students to access.
- (10) Can the Minister advise if the Code of Practise for Accredited Driving Instructors will be updated to reflect the recent changes.
- (11) Given there are numerous formatting issues in the new logbook such as (a) the numbering on one of the reviews states 18-22 instead of 1-22, (b) 1-17 Review & 1-22 Review are not listed in the table of contents and (c) Competency 6 (Steering) is not listed, can the Minister advise when these formatting issues will be resolved.

- (12) How many copies of the logbook have been distributed with these formatting errors.
- (13) What is the legal status of the logbook and is it prescribed under legislation.

Mr Rattenbury: The answer to the member's question is as follows:

- (1) The new logbook was designed to be a record of eligibility requirements for the learner driver to maintain, and all information required by the ACT Accredited Driving Instructors (ADIs) was made available by email and online.

The Directorate is considering whether the preamble required under the Code of Practice and included in the previous logbook is relevant moving forward.

- (2) The current Code of Practice requires driving instructors to read the preamble at the front of the logbook to the student prior to commencement of the first lesson and prior to each review to remind the student that the review will be conducted in accordance with the preamble.

The Code of Practice is currently under review to ensure it reflects the new licensing requirements. The Directorate is also taking the opportunity to review the document in its entirety with a goal of simplifying it so that it is clearer for ADIs and government officers to understand what it applies to and what constitutes a breach of the code, and that related red tape is reduced. A revised code of practice is expected in the next month. ADIs will be notified in advance of the new Code of Practice commencing and provided with a summary of the changes.

As part of the review, the Directorate is considering whether the preamble required under the Code of Practice and included in the previous logbook is relevant moving forward. ACT Accredited Driving Instructors will not be prosecuted for failing to read the preamble during the transition process from old to new system.

- (3) I am advised there is no legal requirement for the logbook to include any specific content. The logbook has been designed to be a record of eligibility requirements for the learner driver to maintain, and all information required by the ACT Accredited Driving Instructors was made available by email and online.

The current Code of Practice requires driving instructors to advise students of their rights if they have any issue about:

- Driver training, assessment or conduct
- Fees or service contract matters
- Discrimination

As with the preamble, the Directorate is considering the appropriateness of requiring this of driving instructors and whether this information is more appropriately provided by the Government to learner drivers.

- (4) Anyone applying for a provisional licence who was issued with a learner licence on or after 1 January 2020 must have successfully completed a hazard perception test (HPT). A learner licence holder is eligible to complete the HPT after holding their learner licence for three months.

There is no requirement for the HPT to be completed before the completion of competency 23 but it must be successfully completed before a person applies for a provisional licence in the same way as all other eligibility requirements must be met. Completion of the CBT&A process or a one-off government driving test is one of several eligibility requirements.

- (5) The new logbook was designed to be a record of eligibility requirements for the learner driver to maintain, and all information required by the ACT Accredited Driving Instructors, including the record of competencies, was made available by email and online.

The Directorate is currently reviewing the assessment standards from which the competencies are derived and working with Access Canberra to consider whether a future edition of the logbook will include the competency details once the review of the assessment standards is completed or whether a separate book will be developed for Accredited Driving Instructors with the competency details and any other information specifically required for Accredited Driving Instructors.

- (6) An Accredited Driving Instructor may issue a certificate of competency as soon as he/she is satisfied the student has met all Competency Based Training and Assessment requirements. The certificate of competency will no longer contain an expiry date. The Directorate is working with Access Canberra to remove this requirement from the certificates provided to driving instructors.
- (7) All information and images describing the competencies were removed from the new logbook and provided by email and online to ACT Accredited Driving Instructors.
- (8) The new logbook includes 5 pages with space for notes by the learner driver, or their supervisor and/or Accredited Driving Instructor. The Directorate will work with Access Canberra to consider whether further note pages are required in a future print run.
- (9) I am informed a practice test will be made available from mid-March 2020, and the formal test will be available from 1 April 2020. The Directorate is currently working with Access Canberra on developing awareness material to advise learner drivers of the requirements, including the opportunity for practice tests and the consequences of failing.
- (10) As noted above, the Code of Practice is currently being reviewed to ensure it reflects the new licensing requirements. The Directorate is also taking the opportunity to review the document in its entirety with a goal of simplifying it so that it is clearer for ADIs and government officers to understand what it applies to and what constitutes a breach of the code and that related red tape is reduced. The directorate is aiming to have the revised code of practice finalised in the next month.
- (11) The formatting issues identified in (a) and (c) of this question have been addressed in the latest print run. Inclusion of specific competencies in the table of contents is not considered necessary as the competencies are in an intuitive order from page 35 as indicated in the table of contents.
- (12) Access Canberra have advised me that 341 logbooks were issued with the error. ACT Accredited Driving Instructors were advised to handwrite the information in any logbooks they come across, and to assure their clients that the information will be accepted.

- (13) The legislation provides that the road transport authority must be satisfied that a learner driver has successfully completed all eligibility requirements prior to the issue of a provisional licence. The logbook was developed to assist learner driver to maintain this record of requirements. It is not prescribed by the legislation.

**Government—rates assistance
(Question No 2953)**

Mr Coe asked the Treasurer, upon notice, on 21 February 2020:

- (1) How many people have applied for the General Rates Aged Deferral Scheme for each financial year since 2007-08 and how many have been approved.
- (2) How many people have applied for Rates Assistance (Pensioner) for each financial year since 2007-08 and how many have been approved.
- (3) How many people have applied for Rates Assistance (Special Disability Trust) for each financial year since 2007-08 and how many have been approved.
- (4) How many people have applied for Rates Assistance (Hardship) for each financial year since 2007-08 and how many have been approved?
- (5) What is the current value of Deferred General Rates, both the charge and the interest.
- (6) How has that changed for each financial year since 2007-08.
- (7) What is the average value deferred and the length of time deferred.
- (8) What rate of interest is charged on the Deferred General Rates.

Mr Barr: The answer to the member's question is as follows:

- (1), (2) and (4) Approved Rates deferred under the Aged, Pensioner and Hardship deferral schemes since 2007-08. The ACT Revenue Office does not keep records of how many applications are received.

Year	Aged	Pensioner	Hardship
2007-08	N/A	6	1
2008-09	N/A	14	2
2009-10	N/A	4	3
2010-11	N/A	7	3
2011-12	N/A	9	2
2012-13	2	11	2
2013-14	0	15	3
2014-15	2	19	3
2015-16	0	18	7
2016-17	1	18	12
2017-18	10	35	3
2018-19	29	96	6
2019-20	16	42	2

- (3) There is no rates assistance for Special Disability Trust.

(5) The total amount of deferred rates to 26 February 2020 is \$3,158,726.79 and the amount of deferred interest to 26 February 2020 is \$292,266.16.

(6) Amounts deferred for rates and interest since 2007-08

Year	Aged Rates	Aged Interest	Pensioner Rates	Pensioner Interest	Hardship Rates	Hardship Interest
2007-08	N/A	N/A	\$97,062	\$10,292	\$118,168	\$22,627
2008-09	N/A	N/A	\$172,467	\$26,213	\$33,758	\$2,413
2009-10	N/A	N/A	\$52,741	\$3,430	\$18,641	\$5,313
2010-11	N/A	N/A	\$84,680	\$6,410	\$23,306	\$3,030
2011-12	N/A	N/A	\$124,013	\$8,550	\$25,729	\$1,298
2012-13	\$40,390.67	\$2,122.74	\$137,892	\$9,636	\$25,968	\$4,899
2013-14	\$0.00	\$0.00	\$133,123	\$5,653	\$22,398	\$1,516
2014-15	\$35,362.86	\$862.35	\$148,991	\$10,249	\$22,095	\$697
2015-16	\$0.00	\$0.00	\$169,963	\$3,134	\$29,580	\$1,714
2016-17	\$6,168.89	\$0.00	\$106,804	\$1,831	\$79,000	\$1,125
2017-18	\$91,741.29	\$1,138.82	\$197,289	\$6,833	\$15,574	\$256
2018-19	\$239,822.06	\$1,671.80	\$334,443	\$2,222	\$33,290	\$274
2019-20	\$51,283.12	\$63.29	\$83,237	\$140	\$6,149	\$15

(7) Average value of deferments and length of time deferred

	Average amount of aged deferments	Average number of years that aged deferments are in place	Average amount of pensioner deferments	Average number of years that pensioner deferments are in place	Average amount of hardship deferments	Average number of years that hardship deferments are in place
Deferred rates	\$968	4	\$430	7	\$602	7
Deferred Interest	\$12		\$22		\$60	

(8) The interest charged is referenced to the 3 month bank bill swap rate which is an Australian short term benchmark interest rate. The referenced interest rate is updated every six months for interest calculations.

Hospitals—outsourced procedures (Question No 2959)

Mr Coe asked the Minister for Health, upon notice, on 21 February 2020:

- (1) For each financial year since 2018-19 to date, what is the breakdown of the (a) total number of procedures and (b) type of procedures that have been outsourced to (i) private hospitals and (ii) private facilities.
- (2) Further to part (1), what is the average waiting time for outsourced procedures broken down by (a) type of procedure and (b) type of facility, such as private hospital or private facility.
- (3) Further to part (1), what is the average waiting time for outsourced procedures once transferred to private hospitals for each financial year from 2014-15 to date broken down by (a) type of procedure and (b) type of facility, such as private hospital or private facility.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) The table below shows the number of surgeries for public patients outsourced to private providers by specialty of surgery and by provider type.

Number of outsourced surgeries						
	2018-19 financial year			2019-20 financial year (up to 31 January 2020)		
Specialty of surgery	Private facility	Private hospital	Total	Private Facility	Private hospital	Total
Ear, Nose and Throat	0	86	86	0	22	22
General Surgery	0	16	16	0	52	52
Gynaecology	0	102	102	0	66	66
Ophthalmology	0	61	61	0	102	102
Oral-Maxillofacial Surgery	0	0	0	0	18	18
Orthopaedic Surgery	0	513	513	0	254	254
Paediatric Surgery	0	71	71	0	67	67
Plastic Surgery	0	12	12	0	15	15
Urology	0	91	91	0	77	77
Vascular	1	71	72	0	139	139
Total	1	1,023	1,024	0	812	812

- (2) The table below shows average wait time in days, from when the patient is placed on the waiting list to when they receive surgery, for surgeries outsourced to private providers by specialty of surgery and by provider type.

It is important to note that the average wait times below measure the period from when the patient was first placed on the wait list with the referring hospital. The wait times below reflect the fact that the private providers are generally used as additional capacity to address longer waiting patients.

Average wait time (in days)				
	2018-19 financial year		2019-20 financial year (up to 31 January 2020)	
Specialty of surgery	Outsourced to Private Facility*	Outsourced to Private Hospital*	Outsourced to Private Facility*	Outsourced to Private Hospital*
Ear, Nose and Throat	0	387	0	559
General Surgery	0	137	0	312
Gynaecology	0	154	0	161
Ophthalmology	0	342	0	162
Oral-Maxillofacial Surgery	0	0	0	273
Orthopaedic Surgery	0	251	0	252
Paediatric Surgery	0	204	0	197
Plastic Surgery	0	284	0	148
Urology	0	79	0	135
Vascular	399**	81	0	55

* Average wait time from addition to Elective Surgery Waiting List to removal

** Due to small sample size (eg. 1 – refer to answer to Question 1), the average wait time provided may not be meaningful. Caution is advised.

- (3) ACT Health Directorate does not report on the wait time between transfer to private providers and surgery as this is not a nationally or locally recognised indicator. Wait time in an elective surgery context focuses on the time elapsed between when the patient is placed on the waiting list and when they receive surgery, regardless of where the surgery was performed, i.e. in one of the public hospitals or a private facility.

**Canberra Hospital—radiology department
(Question No 2960)**

Mr Coe asked the Minister for Health, upon notice, on 21 February 2020:

- (1) In relation to registered imaging professionals in The Canberra Hospital for the each of the last five financial years to date, what is the (a) full-time equivalent and (b) headcount of professionals broken down by classification and (i) diagnostic radiographers, (ii) nuclear medicine scientists and (iii) radiation therapists.
- (2) Further to part (1), what is the breakdown of the number of each type of registered imaging professional by (a) classification band, such as HPO1 or HPO6, and (b) average length of tenure for each classification band.
- (3) How are these numbers expected to change during the remainder of 2019-20 and across the forward estimates.

Ms Stephen-Smith: The answer to the members question is as follows:

- (1) Canberra Health Services employs Health Professionals who are imaging professionals in the Medical Imaging Department. Table 1 contains a breakdown of these Health Professional staff based on FTE and headcount. A breakdown based on modality cannot be undertaken easily as this classification covers a broad range of modalities. Table 2 contains details of Medical Physicists and Radiation Therapists as these staff are separate to imaging staff.
- (2) Details of the breakdown of the number of staff by classification band is contained in Table 1 and Table 2. The detail on average length of tenure is contained in Table 3.
- (3) Prescriptive workforce planning has been undertaken and management are working towards a sustainable workforce model based on in-house training and development of existing staff.

Table 1– Medical Imaging FTE and Headcount by Classification

Classification	Headcount						FTE					
	17 Jun 2015	29 Jun 2016	28 Jun 2017	27 Jun 2018	29 May 2019	19 Feb 2020	17 Jun 2015	29 Jun 2016	28 Jun 2017	27 Jun 2018	29 May 2019	19 Feb 2020
Health Prof Officer 1												
Health Prof Officer 2	25	22	26	22	20		23.18	19.45	21.96	19.02	17.24	
Health Prof Officer 3	29	29	30	30	34		25.46	26.25	27.20	26.80	30.24	
Health Prof Officer 4	11	10	7	8	7		10.92	10.00	7.00	7.20	6.80	
Health Prof Officer 5	1	1	4	5	5		1.00	1.00	3.80	4.60	4.80	
Health Prof Officer 6	1	1	1	1	1		1.00	1.00	1.00	1.00	0.80	
Medical Imaging 2						20						16.77
Medical Imaging 3						28						26.95
Medical Imaging 4						9						6.74
Medical Imaging 5						5						4.80
Medical Imaging 6						1						1.00
HP & MI Total	67	63	68	66	67	63	61.56	57.7	60.96	58.62	59.88	56.26

Table 2 - Medical Physicists and Radiation Therapists FTE and Headcount by Classification

Classification	Headcount						FTE					
	17 Jun 2015	29 Jun 2016	28 Jun 2017	27 Jun 2018	29 May 2019	19 Feb 2020	17 Jun 2015	29 Jun 2016	28 Jun 2017	27 Jun 2018	29 May 2019	19 Feb 2020
Radiation Therapist 1	4	4					4.00	4.00				
Radiation Therapist 2	30	28	29	31	28	29	28.63	26.42	27.03	28.90	25.81	26.46
Radiation Therapist 3	13	7	10	7	8	7	11.22	6.06	9.23	5.78	7.89	6.44
Radiation Therapist 4	11	14	13	12	10	11	10.77	13.89	12.48	11.67	9.49	10.89
Radiation Therapist 5	2	1	1	1	1	1	1.00	1.00	1.00	1.00	1.00	1.00
Radiation Therapist 6	1	1	1	1	1	1	1.00	1.00	1.00	1.00	1.00	1.00
Radiation Therapists Total	61	55	54	52	48	49	56.62	52.37	50.74	48.35	45.19	45.79
Chief Medical Physics	1	1	1	1	1	1	1.00	1.00	0.80	1.00	1.00	1.00
Senior Med Physic Spec	2	3	2	3	2	2	1.80	2.80	2.00	3.00	2.00	2.00
Principal Med Phy Spec	5	4	4	4	4	4	5.00	4.00	3.80	3.70	3.80	3.80
Medical Physics Speciali	1	2	5	3	3	3	1.00	2.00	5.00	3.00	3.00	3.00
Medical Physics Registra	5	5	3	2	2	5	5.00	5.00	3.00	2.00	2.00	4.21
Medical Physics Total	14	15	15	13	12	15	13.8	14.8	14.6	12.7	11.8	14.01

Table 3 - Average Length of Tenure by Classification

Classification	Average Years of Service					
	17 Jun 2015	29 Jun 2016	28 Jun 2017	27 Jun 2018	26 Jun 2019	19 Feb 2020
Health Prof Officer 1	0.83	0.81	0.97	1.10	2.78	3.29
Health Prof Officer 2	7.68	7.73	8.23	9.13	8.54	8.36
Health Prof Officer 3	13.04	14.44	15.33	18.27	20.19	12.32
Health Prof Officer 4	14.21	14.37	15.70	15.69	17.14	18.12
Health Prof Officer 5	13.12	11.95	10.61	11.69	13.64	11.42
Health Prof Officer 6	14.78	14.19	14.88	12.59	11.98	14.76
Medical Imaging 2						1.22
Medical Imaging 3						9.79
Medical Imaging 4						8.92
Medical Imaging 5						13.29
Medical Imaging 6						2.59
Radiation Therapist 1	0.37	0.41				
Radiation Therapist 2	3.03	4.10	3.78	4.28	4.61	4.11
Radiation Therapist 3	7.84	12.73	11.62	10.24	15.34	16.47
Radiation Therapist 4	15.64	14.91	15.26	17.12	15.94	13.10
Radiation Therapist 5	11.49	16.73	17.73	18.73	19.72	20.38
Radiation Therapist 6	24.54	25.57	26.57	0.62	1.62	2.27
Chief Medical Physics	6.27	7.31	8.30	9.30	13.38	14.03
Senior Med Physic Spec	1.28	1.60	2.80	3.56	3.61	4.26
Principal Med Phy Spec	11.31	8.82	9.82	10.81	10.08	10.73
Medical Physics Specialist	3.55	2.83	3.86	6.50	2.71	3.37
Medical Physics Registrar	2.62	2.82	2.72	4.37	1.45	0.88

Canberra Hospital—visiting medical officers (Question No 2961)

Mr Coe asked the Minister for Health, upon notice, on 21 February 2020:

- (1) What was the total number of visiting medical officers at The Canberra Hospital (TCH) for each financial year since 2018-19 to date.
- (2) What was the total cost of facilitating the visiting medical doctors for each financial year since 2014-15 to date, broken down by (a) airfares, (b) local transport, (c) accommodation, (d) hospitality costs, (e) remuneration and (f) any other relevant category of cost.
- (3) How many visiting medical officers at TCH have come from (a) another Australian jurisdiction and (b) a country outside of Australia, for each financial year since 2014-15 to date.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) For the period of 1 July 2018 – 30 June 2019 there were 302 Visiting Medical Officers.

For the period of 1 July 2019 – 28 February 2020 there are currently 232 Visiting Medical Officers.

- (2) As advised in response to Question on Notice No. 2607, Canberra Health Services has advised that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question.

- (3) See response to question 2.

**ACT Health—staff subsidies
(Question No 2962)**

Mr Coe asked the Minister for Health, upon notice, on 21 February 2020:

- (1) What are the eligibility requirements for employees of (a) ACT Health and (b) Canberra Health Services, to receive a Vacational Childcare Subsidy.
- (2) How are Vacational Childcare Subsidies managed by (a) ACT Health and (b) Canberra Health Services.
- (3) How many (a) ACT Health and (b) Canberra Health Services employees are estimated to fit the eligibility requirements for Vacational Childcare Subsidies.
- (4) How many (a) enquiries regarding and (b) applications for Vacational Childcare Subsidies have been (i) received and (ii) approved for each of the previous five financial years to date.
- (5) Why are Vacational Childcare Subsidies classified as a General Reimbursement Claim.
- (6) What payments are covered under General Reimbursement Claims.
- (7) What is the (a) total number and (b) total value of General Reimbursement Claims paid for each of the previous five financial years to date.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) Vacation Childcare Subsidy is a common term in all of the enterprise agreements and applies to all ACT Public Service (ACTPS) employees (other than a casual employee or a temporary employee who has been engaged by the ACTPS for a period of less than 12 months) with school age children who make a timely application, with regard to work and/or rostering arrangements applying in their particular business unit, based on their accrued annual leave, purchased leave or long service leave during school holidays that is rejected.

- (2) Approval of Vacation Childcare Subsidy applications have been delegated to Senior Officer Grade A/B roles (or equivalent) and are managed locally within the respective business areas.
- (3) It is not possible to provide an estimate of how many Canberra Health Services (CHS) staff are eligible for a Vacation Childcare Subsidy as it is dependent upon a staff member having their request for annual leave, purchased leave or long service leave over a period of school holidays denied for operational reasons. Only once an application for a provision of leave over a school holiday period has been denied, the employee then becomes eligible for a vacation childcare subsidy payment.
- (4) The reimbursement of claims for Vacation Childcare Subsidy are classified by Shared Services Payroll and Finance as a General Reimbursement Claim. This is inclusive of 'Employee Expense Reimbursements', 'Other Entitlements and Benefits', 'Workplace Relations Advice and Services' and 'Other Non-Payroll Costs'. It is not possible to identify all the Vacation Childcare Subsidy payments without conducting a review of all general reimbursement claim records. Additionally, as requests for Vacation Childcare Subsidies are managed by the respective work area, it is not possible to provide figures for the amount of applications (i) received and (ii) approved.
- (5) Vacation Childcare Subsidy payments are classified as 'General Reimbursement Claims' (further details provided in response 4) on account of there being no specific payroll codes for this particular type of reimbursement. As such, it has been included in the 'General Reimbursement Claim' banner.
- (6) Other types of payments that are included in the general reimbursement claim category include, but are not limited to:
- spectacle replacement for prescription lenses
 - eye tests
 - mediation services
 - retirement or redundancy advice
 - medical expenses
 - relocation expenses
 - fitness for duty assessments
 - working with vulnerable people checks
 - conflict resolution services
 - workstation assessment
 - employee assistance
 - workplace investigation
- (7) The below table depicts the total amount of reimbursements made to staff employed in the ACT Health Directorate and CHS under each of the General Reimbursement categories outlined in the response to question (4) for each of the previous five financial years.

	2014-2015		2015-2016		2016-2017		2017-2018		2018-2019	
	Sum of Debit	Count	Sum of Debit	Count	Sum of Debit	Count	Sum of Debit	Count	Sum of Debit	Count
General Reimbursement Total	\$ 44,008.96	76	\$ 46,423.21	36	\$ 33,060.86	38	\$ 39,373.77	33	\$ 67,231.10	44

Questions without notice taken on notice

ACT Health—SPIRE project

Ms Stephen-Smith (*in reply to a question by Ms Lee on Wednesday, 12 February 2020*):

This financial year, the SPIRE Project is expected to expend the remainder of the \$6.5 million that was originally appropriated in 2018-19.

Key aspects of expenditure include progressing the Project's design, which is occurring as part of extensive consultation with clinicians, key health consumer representatives, the Garran Primary School and the local community.

Expenditure is also occurring on a series of enabling works that are required to relocate key hospital functions as part of the SPIRE Project. These functions include: clinical services, teaching and training, research and administrative services.

ACT Health—SPIRE project

Ms Stephen-Smith (*in reply to a question and supplementary questions by Ms Lee and Mrs Dunne on Wednesday, 12 February 2020*):

1. Consistent with a project of this size, the ACT Government requested additional due diligence in the 2018-19 year, which was largely funded by recurrent funding (feasibility). The capital allocation was profiled to ensure that any early works identified through the due diligence process could be addressed as needed to maintain the project timelines. Ultimately, no major capital expenditure was required in the 2018-19 financial year to meet this objective .
2. The ACT Health Directorate submitted all rollover requests, including the SPIRE underspends, for Treasury's approval in October 2019 as per the Budget process timeframe. Treasury has a rigorous approval process, and approval was provided in quarter three of the 2019-20 financial year.

Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm

Ms Stephen-Smith (*in reply to a supplementary question by Mrs Dunne on Wednesday, 12 February 2020*):

The Appropriation Bill 2007-2008 (No. 2) provided \$5.883 million for capital components for the Aboriginal and Torres Strait Islander Residential Rehabilitation Facility.

Funding was spent on feasibility, design and main construction works of the facility, which opened in late 2017, as well as consultation with the Aboriginal and Torres Strait Islander health care providers on the models of care.

All appropriated funds were expended in accordance with the *Financial Management Act 1996*.

Canberra Health Services—audit reports

Ms Stephen-Smith (*in reply to a question and supplementary questions by Mrs Dunne and Miss C Burch on Thursday, 13 February 2020*):

- (1) The procedures for credit card acquittals are unambiguous. The findings related to the timely reconciliation of ACT Government credit cards.

Canberra Health Services (CHS) implemented additional processes from November 2019 whereby cardholders are contacted directly by the Head of Internal Audit if reconciliations are outstanding for more than one month. If no response is received it is escalated to the relevant Senior Executive. CHS anticipates that this approach will meet ACT Auditor-General requirements and the recommendation will be closed.

- (2) The ACT Government implemented a new approach for salary report checking in 2019. CHS implemented this approach in August 2019. CHS anticipates that this will meet ACT Auditor-General requirements and the recommendation will be closed.

- (3) CHS is committed to resolving issues identified by the ACT Auditor General. In November 2019, CHS appointed a Senior Director, Accounting, Compliance and Business Improvement to progress resolution. All outstanding recommendations are allocated to the relevant action officer and progress is being monitored by the CHS Audit and Risk Management Committee and senior management.

Alexander Maconochie Centre—health services

Mr Rattenbury (*in reply to a supplementary question by Mrs Jones on Thursday, 13 February 2020*):

A recruitment process for Medical Officers commenced in April 2019 and interviews were held in July 2019. From this recruitment round, three suitably qualified candidates were identified. Of the three candidates, two have commenced and one declined their offer of employment earlier this month.

Justice Health Services has one permanent Medical Officer position currently vacant. Canberra Health Services (CHS) is currently in the process of arranging a recruitment process to fill the current vacancy.

In the meantime, CHS is also considering employment of Career Medical Officers and seeking locums to cover vacancies across the service.

Canberra Health Services—cost-effectiveness

Ms Stephen-Smith (*in reply to a question by Mrs Kikkert on Tuesday, 18 February 2020*):

Canberra Health Services (CHS) and Calvary Public Hospital, Bruce (CPHB) continue to focus on improving the efficiency of the health system. This was evident from the 2017-18 cost results.

Table 1 and 2 summarised below has the 2017-18 average cost information for all activity streams that includes admitted acute, admitted sub and non-acute, Emergency and non-admitted.

- Average cost per separation details summarised for CHS, CPHB, peer group hospitals and combined results for the ACT.
- This information has been sourced from the Independent Hospital Pricing Authority's (IHPA) benchmarking portal and IHPA Cost report. Please be advised the benchmarking portal excludes capital expenditure such as depreciation.

Table 1 – CHS - Average cost per Separation, 2017-18

Activity Stream	2017-18 CHS Average Cost per separation	Principal Referral Peer Group Average cost per Separation	2017-18 ACT Average Cost per separation
Acute	\$5,471	\$5,458	\$5,319
Sub and non-acute	\$12,204	\$11,534	\$11,009
Emergency	\$822	\$766	\$744
Non-admitted	\$272	\$336	\$271

Source: IHPA Benchmarking Portal & IHPA Cost report.

Table 2 – CPHB - Average cost per Separation, 2017-18

Activity Stream	2017-18 CPHB Average Cost per separation	Public acute group A Peer Group Average cost per Separation	2017-18 ACT Average Cost per separation
Acute	\$4,567	\$4,051	\$5,319
Sub and non-acute	\$8,355	\$11,975	\$11,009
Emergency	\$625	\$682	\$744
Non-admitted	\$250	\$274	\$271

Source: IHPA Benchmarking Portal & IHPA Cost report.

The annual national publications from the IHPA and the Productivity Commission (PC) are published at the jurisdiction level and not at health service level.

The 2017-18 cost summary at the jurisdiction level is available on:

- IHPA website published in February 2020 at www.ihipa.gov.au; and
- PC website through Report on Government Services 2020 at www.pc.gov.au.

Table 2 – ACT's - Average cost per Separation for 2016-17 & 2017-18

Activity Stream	2016-17 ACT Average Cost per separation	2017-18 ACT Average Cost per separation
Acute	\$5,325	\$5,319
Sub and non-acute	\$13,009	\$11,009
Emergency	\$705	\$744
Non-admitted	\$283	\$271

Source: IHPA Cost report.

Addition information on changes IHPA's peer grouping

For 2017-18, IHPA has changed the grouping of peer group hospitals. Definitions listed below:

- CHS is grouped under the peer namely Principal Referral hospital: 'Principal referral hospitals are public acute hospitals that provide a very broad range of services, have a range of highly specialised service units, and have very large patient volumes. The term 'referral' recognises that these hospitals have specialist facilities not typically found in smaller hospitals.
- CPHB is grouped under the peer namely Public Acute Group A: 'Public acute group A hospitals are public acute hospitals that provide a wide range of services typically including a 24-hour emergency department, intensive care unit, coronary care unit and oncology unit, but do not provide the breadth of services provided by Principal referral hospitals'.

Government—fees and charges

Mr Barr (*in reply to a question by Mr Hanson on Wednesday, 19 February 2020*):

There have been significant reductions in CTP premiums since the ACT Government began reforming the CTP Insurance Scheme to introduce competition in 2013, with premiums for private passenger vehicles reducing from a high of \$644 in today's dollars to \$458 under the new Motor Accident Injuries Scheme that commenced on 1 February 2020.

It is difficult to compare the costs of vehicle registration across jurisdictions for a number of reasons:

- Government fee structures differ significantly, including how vehicle specifications are taken into account.
- There are a range of administration fees and levies that apply differently in each state and territory. Discounts may also apply, depending on the specific circumstances of the vehicle or owner.
 - For example, plug-in hybrid, hydrogen fuel cell, gas and electric powered vehicles are entitled to 20 per cent discount on registration component. This discount increases to 55 per cent for primary producers with gas or electric powered vehicles.
- The overall amount paid for vehicle registration also includes compulsory third-party (CTP) insurance which typically makes up a large component of the amount. These premiums are not Government fees and charges and are on-passed to the licensed insurer selected by the motorist. There is no comparable publicly available data on CTP insurance premiums as some jurisdictions' premiums include other charges and premiums reflect the significant differences in scheme design between jurisdictions.

In addition, the tax mix in each jurisdiction is influenced by a range of factors specific to that jurisdiction. The ACT has a very narrow revenue base compared with other jurisdictions which funds services that are delivered by state and local governments elsewhere. Revenue from vehicle registrations makes an important contribution to fund the full suite of government services, including road infrastructure, education and healthcare.

Motor vehicles—registration

Mr Ramsay (*in reply to a question and a supplementary question by Mr Wall on Wednesday, 19 February 2020*):

The ACT Government is supporting Canberra vehicle owners impacted by this unprecedented event through a range of rebates to government fees and charges.

Access Canberra is administering these rebates for government and has been working hard to make the process as easy as possible. With 37,000 affected vehicles it has taken some time. An easy-to-use online form which enables affected owners to apply for these rebates is now available on the Access Canberra website.

Vehicle cancellations continues to rise with over 8,213 vehicles cancelled since the event. This is a 75% increase on the 2019 cancellations recorded during the same period.

Since the online submission to cancel a hail damaged vehicle's registration went live on 14 February 2020, 2,612 submissions have been received.

Access Canberra is doing as much as possible to accommodate inspections at Hume, and to assist affected clients resolve their individual circumstances.

Given the enormity and scale of this event, I ask the Canberra community to be patient and work with our Access Canberra staff to respond to their needs. I know our Customer Service team at Hume are committed to helping as best they can under these unprecedented circumstances. Access Canberra will accommodate people based on their circumstances, so if customers are approaching the end of their roadworthy certificate validity, I encourage them to highlight this to Access Canberra as soon as possible.

Vehicle Inspectors are working hard to accommodate motorists in a timely fashion. On Wednesday 19 February 2020, Access Canberra made 75 more inspection times available for vehicle inspections, per week. This includes nine hours on Saturdays, and two weeknight bookings timeframes on Tuesday and Thursday.

The skills required to perform vehicle inspections is specialised and a person must be authorised to perform this function. This means that the unprecedented demand for inspections is outstripping the current supply of time and resources to conduct inspections.

A roadworthy inspection certificate is valid for 30 days, from the date of issue. If motorists are concerned about the validity of their certificates, they should contact the Access Canberra Contact Centre (13 22 81) or attend the Hume Motor Vehicle Inspection Station, who will be able to advise the customer on the validity of the certificate and ensure the vehicle is still in a roadworthy condition.

The two different inspections are required to provide protections the ACT Community. A roadworthy inspection is to make sure that a vehicle is safe for road use. An identity inspection is also undertaken in an effort to reduce vehicle theft and combat illegal rebirthing of vehicles. This inspection confirms the identity of a vehicle, and any parts that were used to repair it.

Access Canberra has been reviewing and considering the risks and implications of not performing identity inspections of hail damaged vehicles.

Access Canberra has analysed data from those identity inspections already performed on hail damaged vehicles. This analysis indicates that vehicles damaged in the 20 January hailstorm are very unlikely to have widespread signs of structural damage, or significant water inundation.

Access Canberra has taken a pragmatic risk-based approach to undertaking identity inspections on hail damaged vehicles. It is for the above reasons that Access Canberra will no longer require an identify check for almost all vehicles damaged in the 20 January hailstorm event. Access Canberra has determined that some of these vehicles remain a high risk and will continue to require an identity check.

This includes those vehicles that;

- Have sustained damage other than hail damage, such as water inundation identified at the time the vehicle was placed on the written off vehicle register.
- Have been reported as stolen in the last 15 years;
- Remain on the Takata fault airbag recall list; and
- The hail damage is recorded as 'heavy structural'.

Access Canberra is contacting those customers who have an identity check booked, and no longer require the inspection to register their vehicle, or remove the written-off status. A full list of VINs who are no longer required to have an identify check is also available on the Access Canberra website. I encourage customers to check this list. Should Canberrans have a question about how best to manage their situation, I continue to encourage them to visit the Access Canberra website (www.accesscanberra.act.gov.au) and go to the 'Hail damage' tile to find useful information about the range of support for Canberrans with damaged vehicles or property, as well as advice for those consumers paying for repairs and recovery as a result of hail damage.

If further information is needed, the Access Canberra Hail team can also be contacted through 13 22 81 and asking for the 'Hail Team'.

Land—sales

Ms Berry (*in reply to a supplementary question by Mr Coe on Thursday, 20 February 2020*):

The SLA does not have blocks available for purchase priced at \$1,100 a square metre in Throsby.

Parking—Braddon

Mr Steel (*in reply to a question and supplementary questions by Ms Lawder and Miss C Burch on Thursday, 20 February 2020*):

The implementation of zoned parking in Lonsdale Street and Mort Street occurred in 2018.

Zoned parking areas apply uniform parking controls across an entire area. This is communicated to users by signage at all entry points to the zone. The benefit of this approach in high use areas, such as Lonsdale and Mort Streets, are simplicity and consistency, as well as that signage of individual bays can be removed, reducing clutter.

Motorists entering Lonsdale Street from Eloura Street pass the ‘Parking Area’ signs, either on the approach to the roundabout with Mort Street (when coming from Northbourne Avenue), or as you exit the roundabout at Eloura Street/Torrens Street.

Zoned parking has the advantage that it requires far fewer signs as the zone parking restriction applies to all parking spaces that are not otherwise signed.

Prior to converting Lonsdale Street and Mort Street to zoned parking, both these streets had a large number of restrictions and signs, which created obstacles on the adjacent paths and can be unsightly. The zone system has significantly reduced the number of signs in this area. No further changes have been made to parking in Lonsdale Street and Mort Street since the zone scheme was introduced.

Prior to any change to parking restrictions, Transport Canberra and City Services ensures that consultation with affected residents and businesses takes place. The change to parking in Lonsdale Street and Mort Street in 2018 also included parking ticket machines and so the consultation for the proposed changes was undertaken by Parking Operations in Access Canberra.

Municipal services—public toilets

Mr Steel (*in reply to a supplementary question by Ms Lee on Thursday, 20 February 2020*):

The request for a new accessible toilet at Hackett shops will be considered in future capital works programs. There are no immediate plans to upgrade the Hackett shops.

Transport Canberra—bus stops

Mr Steel (*in reply to a supplementary question by Mr Wall on Thursday, 20 February 2020*):

The table below provides information on bus stop changes in the new Network 19 Update from Term 2.

New bus stops	13
Re-opened bus stops	58
Decommissioned bus stops	8

Schools—chaplaincy replacement

Ms Berry (*in reply to a supplementary question by Mrs Kikkert on Thursday, 20 February 2020*):

1) Nil. School chaplains were not replaced with psychologists.