



Debates

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Thursday, 21 May 2020

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Thursday, 21 May 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.

Petitions

Ministerial response

The following response to petitions has been lodged:

Newborn screening—petitions 21-19 and 1-20

By **Ms Stephen-Smith**, Minister for Health, dated 12 May 2020, in response to petitions lodged by Ms Le Couteur on 11 February 2020 concerning newborn screening for severe combined immune deficiency.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 11 February 2020 regarding petitions No 21-19 and 1-20 in relation to newborn bloodspot screening for Severe Combined Immune Deficiency (SCID), tabled in the Legislative Assembly by Ms Caroline Le Couteur MLA on 11 February 2020. In accordance with Standing Order 100, my response to these petitions follows.

I am advised that the Immune Deficiencies Foundation of Australia (IDFA) is advocating strongly for SCID to be included in the Australian Newborn Bloodspot Screening program to support earliest diagnosis and treatment and has started online e-petitions to Australian State and Territory governments including the ACT.

Decisions about tests for inclusion or removal in national newborn bloodspot screening are overseen by COAG Health Council on advice from the Standing Committee on Screening. ACT newborns are currently screened for 25 medical disorders. The condition SCID is not currently part of the ongoing newborn bloodspot screening program. However, I am pleased to advise that NSW is conducting a pilot SCID study and, as part of that study, ACT newborns are receiving this additional screening.

I am advised that the Standing Committee on Screening is currently reviewing SCID for inclusion in the Australia Newborn Bloodspot Screening program. A recommended ACT position on ongoing screening for SCID will be provided to

me for consideration once the advice of the Standing Committee on Screening recommendation is known and the results of the NSW SCID pilot study are available.

Motion to take note of petition response

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

That the response so lodged be noted.

Question resolved in the affirmative.

COVID-19 pandemic response—update Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (10.04): I rise today to update the Assembly on the current status of COVID-19 in the ACT and the measures put in place by the government to prepare and protect the community.

I am happy to advise you all that, as of 20 May 2020, there continue to be no active cases of COVID-19 in the ACT. This means that there remains a total of 107 laboratory confirmed cases of COVID-19 in the ACT, with three lives, sadly, lost.

Since the start of the pandemic, Canberrans have played their role in slowing the spread of COVID-19 in our community by staying at home as much as possible, avoiding non-essential travel, practising good hand and cough hygiene, and seeking testing if they are experiencing COVID-19 symptoms. We remain in a good position because of the community's cooperation and support.

The government understands that the decisions taken to protect the health of our community, at the local level, through national cabinet and by the commonwealth government, have been difficult for many. We know there continues to be a range of views in the community on these matters. As we have seen around the world, reaching unanimous agreement on any aspect of the pandemic response is not a realistic goal. But we have based our decisions to date on expert health advice and evidence, and we will continue to do so.

As members know, I declared a public health emergency on 16 March 2020, which has been extended until 7 July 2020. The ACT's public health response has followed the recommendations of the Australian Health Protection Principal Committee and the agreed approach of the national cabinet.

Yesterday I received a formal report from the Chief Health Officer, Dr Kerry Coleman, on the status of the public health emergency due to COVID-19, which I will table at the end of this statement. As Dr Coleman has advised, there are still active cases of the novel coronavirus across Australia. Each day, some jurisdictions report new cases, highlighting the need to continue to plan for outbreaks, particularly in

vulnerable population groups and high-risk settings. At a local level, the Chief Health Officer's advice is:

There is no evidence of community transmission of COVID-19 in the ACT however COVID-19 is a highly contagious disease and there is a high risk of further cases.

The bottom line, as Dr Coleman puts it, is:

While Australia has been successful in flattening the curve by significantly reducing the effective reproduction rate of the virus, it is important to remain vigilant. The global pandemic is not over and the risk of further outbreaks in Australia remains high.

Dr Coleman has advised that the public health emergency declaration in relation to COVID-19 should remain in place until 7 July 2020, subject to regular and ongoing review. She notes that, while specific mechanisms vary, all Australian jurisdictions are maintaining public health emergency status at this time and continuing to focus on the suppression of COVID-19.

The fact is that this is a global pandemic. Around the world we continue to see large numbers of cases and fatalities reported in many regions. The World Health Organisation's situation report of 18 May 2020 confirmed over 4.7 million cases and 315,000 deaths globally. While Australia's strong border measures provide a high level of protection, until there is a vaccine and/or effective treatment, we will need to adjust to a "new normal" to manage the risk of COVID-19 outbreaks.

This includes continuing to practise physical distancing, avoiding large crowds and gatherings, maintaining good hand and respiratory hygiene, and staying home if you are unwell. Continuing this vigilance will help to prevent the possibility of a second wave of infection in Australia and here in the ACT.

We know that people are eager to leave their homes and it is understandable that people want to get out and about. However, we must remember that it takes only one person with COVID-19 to come into contact with others to start a new chain of transmission and create a cluster of cases.

We do not want to go backwards, because we know just how damaging that would be to community and business confidence. It is important that people do not become complacent or careless with their actions.

Surveillance is also critical to ensure that we identify cases of COVID-19 that may appear in our community. That is why we have been strongly encouraging anyone with COVID-19 symptoms, such as fever, shortness of breath, sore throat or a cough, to please get tested. More recently, testing has been made available for people exhibiting a broader range of symptoms, subject to assessment by a health professional. These symptoms are sudden onset of loss of smell, loss of taste, runny nose, muscle pain, joint pain, diarrhoea, nausea, vomiting or loss of appetite.

Over the coming weeks and months, Canberrans can expect that the easing of restrictions will continue in a gradual and careful manner, allowing our public health experts time to assess the impact of each decision.

The most recent changes came into effect from 11.59 pm on Friday, 15 May 2020 and included: easing restrictions on cafes and restaurants, allowing venues to seat up to 10 patrons at one time if they can follow physical distancing; reopening a number of public places across Canberra, including playgrounds and outdoor fitness areas, dog parks, skate parks and BBQ areas, parks and nature reserves; reopening community centres, community facilities or youth centres, with a maximum of 10 people; reopening libraries, with a one person per four square metre rule in place; reopening commercial pools, with a maximum of 10 people per pool and one swimmer per lane; and allowing non-contact, outdoor community and social sport to restart with a maximum of 10 people.

These changes are in addition to those on gatherings which came into effect from 11.59 pm on Friday, 8 May, including that: all indoor and outdoor gatherings can have a maximum of 10 people, with larger households also allowed to visit one another; weddings can now have up to 10 people attend, excluding those conducting the ceremony; indoor funerals can have up to 20 mourners and outdoor funerals up to 30 people attend, excluding those conducting the service; religious ceremonies and places of worship can have up to 10 people attend, excluding those conducting the service; outdoor boot camps and personal fitness training, non-contact, can be held with a maximum of 10 people and no sharing of equipment; and real estate open houses and auctions can proceed with a maximum of 10 people.

The easing of restrictions will be a staged process, as we need to ensure that any changes are sustainable in the long term, and with our most vulnerable community members in mind. We will need Canberrans to continue playing their part to prevent a new wave of cases. The national cabinet has laid out a clear three-step plan for the further easing of restrictions, while acknowledging that each jurisdiction has its own circumstances that will guide the timing and order in which restrictions are eased. Some jurisdictions, of course, have closed their borders—an option that is not available to us—and have indicated that this will be one of the last measures lifted.

It is not rocket science to point out that the ACT has some unique opportunities as we consider our options in moving to step 2 of the national framework. However, as an island within a state that still has new COVID-19 cases almost every day, the mature and sensible approach is to carefully plan our path forward on the basis of the best evidence available to us.

As the Chief Minister has said, Canberra's recovery plan will see decisions on the further easing of restrictions, with the gradual implementation of step 2 of the national cabinet's framework gradually implemented from midnight on Friday, 29 May, effectively starting from Saturday, 30 May.

Madam Speaker, the ACT government has worked hard to suppress the virus over recent weeks through aggressive contact tracing of confirmed cases, timely quarantine

of contacts and isolation of cases. Our health protection service has trained more than 100 contact tracers to support the response and has initiated automated text messaging follow-up of contacts. Cases are followed up daily by public health nurses and physicians.

As of yesterday, the ACT had conducted more than 14,700 tests. Multiple testing sites are available to the public, including a drive-through testing clinic at EPIC and Canberra's main respiratory clinic site at the Weston Creek walk-in centre. The ACT's testing criteria were expanded to include all people with COVID-19 symptoms in a testing blitz conducted from 24 April to 8 May. During this period, the number of tests collected per day increased more than twofold, with 2,434 tests conducted in the first 11 days of this period at an average of 221 tests per day. Encouragingly, this has continued, with daily testing numbers regularly exceeding 300. Although we are confident that there are not large numbers of undetected cases in the ACT, this surveillance testing gives us an even better view of the situation and will help to guide decisions around the easing of physical distancing restrictions.

Critical to entering the next phase of responding to the epidemic in Australia is ensuring sufficient testing capacity to rapidly detect as many cases as possible and limit transmission through comprehensive contact tracing. Since the first case of COVID-19 in the ACT on 12 March, 339 tests have been conducted on close contacts, with 48 testing positive for COVID-19.

With the lifting of restrictions, it will be important to identify any new cases early to mitigate the risk of community transmission. As we move into the next phase of managing COVID-19 in the ACT, our priorities are enhanced surveillance in the community, and continued outbreak planning for at-risk subpopulations, including aged-care facilities, other residential facilities, healthcare workers and hospitals. The community's continued adherence to the health advice and public health directions remains crucial in the short to medium term.

Madam Speaker, in response to the COVID-19 pandemic, Canberra Health Services has implemented a number of changes to how its services are delivered. These changes minimise risk and ensure that essential services continue to be provided, while protecting the safety of consumers and staff. This is providing an opportunity to examine and improve the way we provide services to the ACT and the surrounding region into the future.

Canberra Health Services has utilised collaborative working models across medical professional groups, as well as across public and private facilities. One example is designing a process for delivering elective surgery across public and private facilities, to preserve services for people needing surgery, in the event of a surge in demand due to COVID-19.

Canberra Health Services has embraced the enhanced use of technology to deliver its services. This includes the establishment of a collaborative telehealth service across its outpatient services, across areas such as cancer, sexual health, community nursing and allied health, mental health, diabetes and endocrinology. One hundred and fifty-eight telehealth appointments were successfully held in the first week of

providing this service, with positive feedback from both patients and clinicians. This number is increasing, and we anticipate one-third of all outpatient appointments to be via telehealth in the future.

I would like to recognise the collaborative approach that New South Wales has taken, including offering Canberra Health Services access to its medical stockpile through its central medication supplier. Canberra Health Services will effectively be treated as another New South Wales local health district in this regard. This reflects the broader approach all states and territories and the commonwealth have taken during this crisis, working constructively, collaboratively and quickly to ensure that supports are in place when and where they are needed.

Madam Speaker, we are on the right track. We are on the right track because of the commitment of Canberrans to support our health services and our most vulnerable citizens during this incredibly challenging time. We are on the right track because of our exemplary public health officials and the advice of our health experts.

For the Assembly's information, I will table the Chief Health Officer's report on the state of the public health emergency due to COVID-19. This includes advice on the current situation in the ACT, in Australia and around the world. The Chief Health Officer will continue to provide formal advice to me on the state of the public health emergency in a form appropriate for public release.

I and my colleagues are also regularly kept informed of the situation through briefings, cabinet meetings and subcommittees, and the sharing of information released by the Australian Health Protection Principal Committee and national cabinet.

I thank Dr Coleman and her team for their hard work throughout this period. The ACT is in this enviable position, in large part, because of their commitment and professionalism.

I present the following papers:

Status of the public health emergency due to COVID-19—Chief Health Officer Report—19 May 2020, dated 21 May 2020.

COVID-19—Update on Government response—Ministerial statement, 21 May 2020.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Building and Construction Legislation Amendment Bill 2020

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

Title read by Clerk.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.18): I move:

That this bill be agreed to in principle.

I am pleased to present the Building and Construction Legislation Amendment Bill 2020.

The ACT government is committed to working towards the highest quality built environment in Australia which is livable and sustainable. We will raise community confidence in the built environment, including by raising the professionalism and standard of practice in the local building industry.

The ACT government is also empowering the community with more accessible information on their rights and responsibilities when building, buying or renovating. Madam Speaker, we want Canberrans to have more options for seeking redress if things go wrong while building, buying or renovating a home. The community and building industry have told us that they want a quicker, lower cost and simpler way of resolving disputes about residential buildings.

In other states, there are provisions for conciliation and other means of sorting out residential building disputes before they reach the courts or tribunals. While the courts and the ACT Civil and Administrative Tribunal will still be there for those who need them, we have been developing an alternative approach to resolving such disputes.

The Building and Construction Legislation Amendment Bill 2020 reflects these priorities. The bill creates a legal framework for introducing a new dispute resolution scheme in the ACT for residential building disputes. This framework is based on our previous consultation on building regulatory reforms, and the consideration of systems in operation in other jurisdictions.

The bill inserts a new part into the Building Act which introduces this framework, the objective of which is to facilitate constructive and productive dialogue between parties to a residential building dispute.

This new part includes definitions and concepts that are intended to capture disputes between residential building owners and commercial building practitioners or developers. It is not intended to capture disputes such as those between a commercial unit title developer and a licensed builder, or a builder and a subcontractor. Those disputes are dealt with under the security of payments regime and are not affected by this bill.

The provisions of the bill that introduce the framework for residential building disputes have a delayed commencement of two years to allow for the development of new detailed regulations which will be developed as a result of even further consultation. Over the next 12 months we will be consulting with the public and the industry to finalise the details of the scheme, ahead of its introduction in 2021-22.

The bill also introduces a power for the minister that oversees the building regulatory functions to make a statement of expectations in relation to the activities of the construction occupations registrar, who is responsible for licensing construction practitioners as well as administering and upholding standards in construction work.

This bill will allow the minister responsible for the regulatory functions of the registrar, the Minister for Business and Regulatory Services, to provide a broad statement of expectations in relation to the registrar's important work. This is not to direct the registrar in how to exercise his or her functions but, instead, to provide a formal way of communicating the minister's expectations so that they are clear to all who operate in the ACT building and construction industry. As statements of expectations are publicly available, they will increase the transparency of the relationship between the minister and the registrar. This transparency is highly desirable, as public scrutiny acts to enhance regulatory integrity.

Regulatory integrity is linked to achieving better outcomes. Regulators who operate in rapidly changing regulatory environments have to be adaptable to responding to the varying situations. This bill gives clarity to the registrar regarding governmental priorities and allows the minister and the registrar to respond formally to emerging issues.

What the bill does not do is allow directions to the registrar that relate to any particular case, person or project about how the registrar exercises his or her functions. That is because, as a regulator, the registrar requires public confidence in its independence. The registrar also has my confidence in the valuable work performed, including the step-up of enforcement and compliance activity within the construction industry. The statement of expectations provides a formal way of communicating expectations and increases transparency and confidence.

Madam Speaker, the two changes in this bill—the residential dispute resolution scheme and the statement of expectations—mark the latest steps forward in strengthening the integrity of the ACT building regulatory system. I commend the bill to the Assembly.

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

Working with Vulnerable People (Background Checking) Amendment Bill 2020

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

Title read by Clerk.

MS ORR (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (10.24): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Working with Vulnerable People (Background Checking) Amendment Bill 2020.

The working with vulnerable people scheme is an important part of the ACT's system for keeping vulnerable people safe in our community. I am confident that this bill delivers on the government's commitment to providing strong safeguards for vulnerable people in our community, particularly children and people living with disability.

The Royal Commission into Institutional Responses to Child Sexual Abuse recommended, in its *Working with children checks report* of 2015, that all jurisdictions implement agreed national standards for working with children checks and a national information exchange framework for background screening of people seeking to work with children. This bill implements these recommendations in the ACT to give added assurance to systems to keep children safe. This bill enables this high standard by better informing decisions about whether a person with a history of certain types of serious charges or convictions should be registered or maintain their registration to work with children.

The bill also introduces a high standard of background screening into areas of child-related work and regulated activities under the national disability insurance scheme, the NDIS.

The objectives of the bill are to protect children and other vulnerable people from harm by preventing people from applying to work with children, or NDIS recipients, if they have criminal records that indicate they may harm children or people with disability; establishing consistent standards for background screening for working with children and people with disability; and contributing to the awareness that keeping children safe is a whole-of-community responsibility.

This bill is part of a suite of legislation changes to keep children safe that have already been introduced by this government. These include the introduction of the reportable conduct scheme, failure to report and failure to protect offences under the Crimes Act 1900, and work to consult on child safe standards.

The bill sets out a framework for making decisions about whether a person who has been convicted of, or charged with, certain disqualifying offences should be registered to work with children. Disqualifying offences were first introduced in 2019 and applied to NDIS workers. The amendments in this bill extend the application of disqualifying offences to people intending to engage in regulated activities involving children.

The government's intention is that the best interests of children and vulnerable people are the paramount consideration. This means that keeping children safe is more important than allowing people with charges or convictions of serious offences to work with children or people with disability.

For example, a class A offence will result in a person being automatically excluded from participating in a regulated activity involving children or an NDIS activity. The bill lists 58 offences that fall into this category. Examples include convictions for murder, culpable driving causing death, and sexual offences against vulnerable people.

A class B offence will result in a person being excluded unless exceptional circumstances exist and the applicant does not pose an unacceptable risk of harm to children or vulnerable people. Class B offences include a much broader range of behaviours and require the consideration of circumstances in which the offence occurred. Examples include convictions for manslaughter, neglect of a child, and robbery offences.

A possible consequence of this bill is that individuals who are currently registered under the ACT working with vulnerable people scheme may be deregistered, may be refused registration, or will have conditions placed on their registration due to the introduction of disqualifying offences. Access Canberra will review registration information over the coming months and, prior to the commencement of these amendments, will contact people who are likely to be adversely affected and provide information on a confidential basis.

This bill contains provisions that treat kinship carers differently, in recognition of the unique nature of the relationships in kinship care between the child, a kinship carer and the child's birth family. All kinship carers who have been convicted of a class A offence will be treated as if they have a class B offence, which will allow for a risk assessment to occur rather than automatic disqualification. This supports the government's commitment to consider kinship care as the highest priority when determining suitability of care due to the benefits in preserving family, promoting cultural identity and reducing separation trauma. Kinship care is also recognised as the preferred placement option for Aboriginal and Torres Strait Islander children, through the Aboriginal and Torres Strait Islander child placement principle.

To support the rights of children currently living in foster care, the bill contains a grandfathering clause for the very small number of children who are currently living with foster carers who have class A disqualifying offences. These foster carers will be risk assessed instead of being automatically disqualified. This approach ensures that safe foster family arrangements can continue, and the rights of these children to a stable family are upheld.

However, to keep children safe, this provision will not apply to foster carers who are currently registered and subsequently commit a class A offence. It will also not apply if these foster carers wish to care for a different child in the future. This is because foster and kinship care arrangements are different. Foster carers choose to extend their caring role to children outside their family and are therefore subject to greater scrutiny than kinship carers.

I am confident that this bill strikes the right balance between protecting children and vulnerable people, while ensuring that the rights of children to live in safe, stable and secure family arrangements are upheld.

On 15 May 2020 I received correspondence from Minister Stuart Robert outlining the commonwealth government's intention to delay the commencement of NDIS worker screening for all jurisdictions to 1 February 2021. This is, in part, related to the challenges imposed on jurisdictions by COVID-19 and their subsequent inability to meet the 1 July time frame.

The legislative changes contained in this bill, together with the amendments passed last year, will commence on 1 February 2021. This will ensure consistency for people seeking to work with children or in the NDIS. It will also provide enough time for systems to be put in place to allow for the scheme to operate effectively and efficiently.

I thank all individuals who have been involved in the consultation, development and drafting of this significant and complex bill. I commend the bill to the Assembly.

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

Standing orders—amendment

MS CHEYNE (Ginninderra) (10.31): I seek leave to move a motion concerning a proposed amendment to standing order 229B.

Leave granted.

MS CHEYNE: I move:

That standing order 229B be amended by omitting the words “When a public meeting or deliberative meeting is being conducted,”.

In relation to the very good amendment allowing committees to conduct their deliberative meetings and their public meetings in a virtual way or via teleconference, by being so specific about this, it looks as though we have the unintended consequence that it does not necessarily include in-camera hearings. Deleting these words will remove any doubt about how these meetings can be conducted. I commend the motion to the Assembly.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 42

MRS JONES (Murrumbidgee) (10.32): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 42, dated 19 May 2020, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS JONES: Scrutiny report No 42 contains the committee's comments on four bills, 39 pieces of subordinate legislation, one regulatory impact statement, two national regulations and three government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Statement by chair

MRS JONES (Murrumbidgee) (10.34): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety in its legislative scrutiny role in scrutinising proposed amendments to bills.

The committee's current practice for receiving proposed amendments to bills for consideration is that the proposed amendments should be provided to the committee at least 14 days prior to the Tuesday of the sitting week in which the amendments are proposed to be moved.

In view of the significant changes to the Assembly's sitting and legislative program which result from the COVID-19 emergency, the committee this week reviewed the current requirement for lodgement of proposed amendments for consideration.

In accordance with the amended Assembly sitting program, and as a consequence of the truncated periods between sitting days, compared to the Assembly's earlier program for 2020, and despite the additional pressure that this puts on advisers to the scrutiny committee, the committee concludes that it will need to receive proposed amendments at least seven days prior to the Tuesday of the sitting week.

This requirement by the committee will continue only until current restrictions arising from the COVID-19 emergency are removed, at which time the committee will return to the 14-day requirement for proposed amendments.

The committee has written to the Attorney-General and the Chief Minister to advise of the committee's decision.

COVID-19 pandemic response—Select Committee Interim report 1

MR COE (Yerrabi—Leader of the Opposition) (10.36): I present the following report:

COVID-19 Pandemic Response—Select Committee—*Interim Report 1*, dated 14 May 2020, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Madam Speaker, this committee has been very fast paced, with numerous public hearings and private meetings having already taken place. I am pleased to present these 24 recommendations. I would like to thank the members of the committee for working so collaboratively, and I look forward to the government responding and acting on these unanimous recommendations.

As with all committees, compromise was required. I think all members approached these hearings and this report in good spirit. The majority of our hearings have been conducted by Zoom, except for hearings that involved the ACT government, because they claimed that Zoom was not safe enough for them. Initially, the Chief Minister said he had received advice that Zoom was not appropriate, despite the fact that the committee office had complied with all the ACT government security requests. When pushed, the only advice presented to the committee was a fact sheet from the commonwealth government that advised the committee to do exactly what we were doing with Zoom. Further to this, I note that the Prime Minister is using Zoom. The reason I say this is that I am firmly of the view that Zoom is a better set-up and more reliable and, therefore, would serve the committee better.

I would like to thank the committee staff, Hamish Finlay and Danton Leary, for all that they are doing for the committee. I also want to pass on my thanks to Dennis London and Paul Crowley for all they have done to get the webstreaming working so well. They only had a few days to set up the IT for broadcasting and videoconferencing. They did so and it went without a hitch. Thank you.

Madam Speaker, it is the intention of the committee to present more interim reports. I am pleased that the ACT has this scrutiny measure in place.

MS LE COUTEUR (Murrumbidgee) (10.39): I will start by echoing Mr Coe's comments about how the committee's hearings have been conducted. I send a big thank you to the Assembly IT staff for getting it all together so quickly, to the committee staff who were involved in this, and to all the members for their flexibility. I strongly suspect that this way of working will carry on into the future—into the next Assembly, which, of course, I am not going to be part of. I think it has some significant advantages, particularly for public hearings, in terms of reducing the hassle for witnesses to come and talk to us. They do not have to come and talk to us; they just turn their computers on.

I would like, however, to make some more comments about the substance of the report because, after all, the purpose of the committee is to make recommendations, to put public scrutiny on what is happening in this COVID-19 world, and to try to make the world a better place as a result of our deliberations. We are going in that direction but there needs to be a bit more publicity. There were 24 recommendations, so I will not talk about all of them, you will be grateful to know. I will just speak on the ones that resonated more with me.

Housing is certainly the area that we most concentrated on in our interim report. We made some really positive recommendations. Recommendation 2 is for the ACT government to remove the current property limit on the land tax concession scheme

for landlords who rent their properties through a community housing provider for affordable rent for those on low and moderate incomes, and to make the scheme permanent. Members may recall that I have been banging on about this during this Assembly. Unfortunately, apart from Mr Coe, most of you were not here to remember that I was also involved in this in the Seventh Assembly. I am very pleased that we finally have the land tax exemption. I am gratified to see that it has been working so well and that there was unanimous agreement with this recommendation.

Yesterday I got a one-year report on the Rentwell scheme, which is the Canberra YWCA's implementation of the land tax exemption scheme. The report said that it now has 25 properties under the scheme, which has led to 49 tenants. It has cost the ACT government the huge sum of \$10,900 in land tax forgone but in exchange for this it has passed on rent relief equivalent to \$81,632 to the tenants. So, effectively, the landlords have donated that to the tenants. This says what I have been arguing for, for literally decades—that this is the most cost-effective way for the ACT government to do affordable housing: to leverage off the goodwill of many people in the community. I sincerely hope that, as a result of this and the committee's recommendations and the sheer sensibleness of the idea, it will become a permanent feature of the ACT affordable housing landscape.

Another obvious recommendation is recommendation 3, which basically tells the government to contact tenants and landlords about what the changes are. It is clear from discussions, particularly on Facebook, that a lot of people have absolutely no idea what the legal changes are. Recommendations 4 and 5 are about standard terms and rights documents for tenants and landlords in a transfer scheme. Legal Aid said that it was working on them. It would be very good if it were able to do this, particularly recommendation 5, to establish a more convenient rental transfer system. I am aware that this was a problem well before COVID-19.

Recommendations 6 and 7 talk about what is going to happen when the current rent moratorium is over. The basic point is that we do not know. This is expected to happen in late October. You can only say that it is "expected", because my reading of the Assembly legislation is that in the ACT it could be over a lot quicker than that—that is, when the public health declaration is over. We need to tidy this up so that at least the minimum amount of time that it will apply is clear to people. Regardless of when it is over, tenants will potentially be left with thousands of dollars in debt and no obvious way to pay it back. Landlords will potentially be left with debts that they need paid in order to pay their mortgage or other living expenses, and there is no obvious way for them to recover it.

We need some sort of process to help landlords and tenants establish a fair and equitable way of resolving the situation so that we do not have the situation where, okay, people were housed for a few months but after that there is a tsunami of homelessness. Unless we think about this a lot more, that is what we are heading for. This is obviously not a problem just in the ACT; this will be all throughout Australia. It is something that the ACT, with the other states, needs to seriously look at.

Recommendation 8 is a small recommendation but one which will help share the pain if implemented. I point out that it has been implemented in New South Wales. It

simply says that if you are a renter on a fixed-term lease, you have some reasonable way of terminating your lease, possibly giving the same sort of mechanism as if you were on a periodic tenancy. Lots of people are moving in with their partners or moving back home because they cannot afford two rentals. We should let people make these obvious adjustments instead of forcing them to pay rent and so stopping adjustments. We also have a recommendation about long-term assisting community housing providers. It is a long-term recommendation, but this emergency shows how much we need it to be better for the future.

Then there are a whole bunch of recommendations. Recommendations 10 to 14 are all about better supporting the community sector. We certainly need supporters in these hard times. There are two recommendations about the pop-up emergency department on the Garran Oval. As one of the members for Murrumbidgee, I am particularly interested in that, and I know my constituents are very interested in that. There are a bunch of recommendations about how we best prepare and facilitate the reopening of hospitality—cafes, restaurants and cultural institutions et cetera—and, I must say, that the evidence that was presented to us was that a one-size-fits-all solution was not a reasonable approach. That seemed to me to be quite sensible. The idea was that the National Museum or—as was talked about in the *Canberra Times* today—the Hellenic Club, could take only 10 people. I have been to the Hellenic Club. It is effectively broken up into a variety of sub-venues. If they were in a mall, they would look the same and they would be treated as three establishments.

The same goes for many of the bigger clubs. It would be good if the ACT government could look at this more pragmatically and flexibly. We do not want an outbreak of COVID-19 but, clearly, when there is a very large space, it might be possible to put more than 10 people in, particularly given that, as many witnesses told us, they keep the contact details of all the people who are entering their premises. They know how long they have been there. So, if there are any problems, the people can be contacted. I commend the report to the Assembly and thank the committee secretaries and committee members for their hard work, and look forward to keeping on with it.

MADAM SPEAKER: Before I put the question, I remind members of the email that I sent earlier in the week about being civic leaders and showing, by example, social distancing. I ask that either Ms Lawder or Mr Coe take another space within the chamber, as the suspension of standing orders has allowed.

Mrs Kikkert: Have you got a measure?

Ms Lawder: Have you got a tape measure?

Ms Cheyne: The Clerk has measured.

MADAM SPEAKER: Please, Ms Lawder; it is not a debate. I have made a request; very soon it is going to be a direction. Thank you, members. The question is that the report be noted.

MS CHEYNE (Ginninderra) (10.50): I want to echo, largely, the comments—not all of them—put forward by the other members of this committee from the opposition

and the crossbench. I particularly want to underline our thanks to the committee secretaries, who have done an incredible amount of work in a very fast-paced, regularly meeting committee with a very large number of witnesses in a very short period of time. It has been working incredibly well, thanks to them. I appreciate that we have been reasonably demanding of our agenda and what we have been looking to achieve in a short period of time.

I appreciate that Ms Le Couteur has summarised most of the recommendations, but I add that many of them—particularly recommendations 9 to 14, 15 and 16—are very modest ones that could make a big difference and offer a really big bang for the buck. I look forward to the government's response to these and I commend the report to the Assembly.

Question resolved in the affirmative.

Public Accounts—Standing Committee Statement by chair

MRS DUNNE (Ginninderra) (10.51): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts. I respond today on behalf of the Standing Committee on Public Accounts to recommendation 2 of the Standing Committee on Administration and Procedure's report No 16, *Inquiry into the Review of the Performance of the Three Branches of Government in the Australian Capital Territory Against Latimer House Principles—9th Assembly*. That recommendation is:

... that the matters raised in the Review in relation to the role and operation of the Standing Committee on Public Accounts be brought to the attention of Standing Committee and that the Committee be invited to respond to the Assembly on why so few reports on Auditor-General's reports had been presented. That Committee is also invited to provide its views on its preferred form, structure, membership and terms of reference for any future public accounts committee for the Assembly..

The committee considered the recommendation in its private meetings on 6 May. The committee notes that the review of the performance of the three branches of government in the Australian Capital Territory against Latimer House principles only reported on one metric: the number of Auditor-General's reports reported on. It did note in passing that, at the time of reporting, the public accounts committee met more frequently and for longer times than other committees and had held more public hearings.

Neither the review nor the subsequent report of the Standing Committee on Administration and Procedure considered what was in the pipeline at the time. One simple metric would be the number of active reports listed on the committee website. I hope that the *Hansard* can pick up the irony in my voice.

In this Assembly the committee has inquired into three very substantial Auditor-General's reports, one of which has been tabled and one that will soon be tabled—that is, as soon as I finish speaking on this. The third will be tabled in or by

August this year. In addition, the committee has reported on two references from the Assembly, on residential and commercial rates; and another Auditor-General's report, on WorkSafe ACT's management of Mr Fluffy demolitions.

Since the review report, the committee has also conducted an inquiry into supplementary appropriations, as well as the usual committee business of inquiring into annual reports. The committee is quite aware that it undertakes inquiries according to the resources available. It is axiomatic that if there were more resources there would be more inquiries.

In considering a possible model for the future public accounts committees of the Assembly, the committee recommends that the membership be greater, allowing subcommittees to be formed to undertake more inquiries, which could run simultaneously. The main committee would inquire into larger matters of note, while the subcommittees would inquire into matters which were more routine.

In this model the position of deputy chair would be given greater responsibility—that is, to chair subcommittees—and should therefore rightly be remunerated for that role. This would align more closely with the structure and operation of public accounts committees across the commonwealth. As far as the committee is aware, the ACT Standing Committee on Public Accounts has the smallest membership of any committee in Australia. This has a limiting effect on what it has been able to do in any one Assembly.

The committee also discussed whether, in its extended form, the public accounts committee should also take on the role of an estimates committee, but there was no real consensus on that point.

Correspondence from you, Madam Speaker, received by the committee, has asked for a view as to whether bills should be referred to committees of the Assembly more often than is the case. The committee agreed that it was in favour of more frequent referrals of bills, so long as committees retained a discretion whether or not to inquire, as is the current arrangement under which all reports of the Auditor-General are referred to the Standing Committee on Public Accounts. The committee also noted that such referrals would be resource intensive and there would need to be an appetite to resource the committee office appropriately.

Report 11

MRS DUNNE (Ginninderra) (10.56): I present the following report:

Public Accounts—Standing Committee—Report 11—*Tender for the sale of Block 30 Dickson*, dated 21 May 2020, including dissenting comments (*Ms Cheyne and Ms Cody*), together with a copy of the extracts of the relevant minutes of proceedings for Report 11 and Report 12.

I move:

That the report be noted.

This is one of the three very complex reports that the public accounts committee has had to deal with in this term. It comes with a companion report, which I will speak to a little later in the song. The tender for the sale of block 30 Dickson has been a matter of some contention in the Assembly and in the community and has been the subject of an extensive Auditor-General's report and now an extensive inquiry by the public accounts committee.

The committee has found that between 2012 and 2014 the economic development directorate, acting on behalf of the ACT government, conducted a sale by tender of block 30, section 34 Dickson. At one stage block 30 was called block 20, section 34 Dickson. In the course of the inquiry, it became clear to the committee that the economic development directorate, EDD, departed from good practice in a number of ways.

First, the EDD advertised the request for tender before it was authorised by cabinet to do so. Second, it negotiated terms with the successful tenderer, the Canberra Tradesmen's Union Club, the Tradies, that were significantly different to those which were offered at the time of the tender, and thus offered different terms to the Tradies from those offered to other parties—in this case, Fabcot Pty Ltd—in contrast to an expectation under common law that the government would deal fairly with parties expressing interest in a tender.

Third, in offering distinctly different terms to the Tradies, the sale, in effect, became a direct sale—again, because the terms of the sale diverged so much from those of the request for tender. This was despite the fact that the ACT government had earlier, on three separate occasions, refused applications for a direct sale of the land to the Tradies, and it was contrary to the government's stated objective that the tender should be open to all interested parties and fully transparent.

Fourth, the negotiations appear to have had significant effects on the value of block 30, in effect, increasing the value of the block while the normal purchase price remained the same, representing a potential financial advantage to the Tradies and a subsequent financial loss to the territory.

Fifth, due to significant changes in the terms of the transactions from those offered under the request for tender and due to legislative constraints on direct sale of land by the ACT government, there are questions about the legal validity of the outcome of the sale. Sixth, the record keeping was consistently poor throughout the entire process.

The terms negotiated by the economic development directorate included a land swap which had previously been ruled out by cabinet on three separate occasions. As a result of the land swap, the ACT government at this point in time has paid the Tradies for the land it surrendered, while the Tradies has yet to settle on the sale of block 30, section 34. The audit report says that the ACT government will likely end up paying the Tradies \$414,000 to complete the exchange.

The sale has highlighted gaps in ACT legislation regarding the conduct of tenders and the disposal of land held by the government. There is surprisingly little guidance in

ACT legislation on these matters, in contrast to, for example, the commonwealth. The report includes recommendations that this be addressed. In this case, in the absence of such guidance, the economic development directorate negotiated and entered into contracts as if they were a private rather than a public entity, with negative effects on openness, transparency, and accountability.

There are a number of other recommendations in this report. Because there are matters beyond the committee's capacity to adjudicate, and because the committee has not been able to establish the truth in every instance, one recommendation is that the ACT Integrity Commission inquire into the sale.

There are a number of things which are quite disturbing about this report. As I have said, the main thing is the bureaucratic failure of record keeping and to follow procedures. To depart so significantly from what was set out in the request for tender, and the sudden onset of a land swap without government approval—and, in fact, you could say, in the face of government disapproval—shows that there are many aspects of this sale which are entirely problematic.

It has been a difficult process. There was also a complaint against the Auditor-General which the committee had to deal with. I will speak about that on the next report that I table, but it has to be put in this context as well. This was an extraordinarily complex process. There was a lot of evidence. There was a lot of conflicting evidence. Without a proper paper trail it is very hard to get to the real truth of the matter.

It has also been a tortuous process to negotiate the finalisation of this report. I think that as a chair I am a pretty accommodating person when it comes to trying to get a consensual report. I take particular pride in having reports where people do not feel the need to have dissenting comments. It is the right of members to have dissenting comments if they do not feel that their issues are being accommodated. However, this report would have been available probably a fortnight or three weeks ago, had it not been for the fact that I was asked to make substantial changes to accommodate the wishes of some members of this committee.

I went into that process in good faith. There was considerable work done by me and other members of the committee to bring together what I thought was a report where the majority of members could agree to the majority of what was there. One member, Ms Cody, had made it clear that she had serious concerns about the inquiry from the outset. She had at one stage expressed a desire to dissent entirely from the report. We negotiated that. Ms Cody has made some dissenting comments, which I have not had a chance to read as yet. I will not comment on those, only to say that they are there. But it was very disappointing to find that when it came to the final moment, literally the final moment, the Labor members put their partisan shirts back on.

John Hargreaves used to say that when you are on committees you are not a politician; you are a parliamentarian and you leave your political affiliations at the door. I thought we were doing that. It was very disappointing, at the eleventh hour, to find that the Labor members of the committee basically got back into lock step and took the view that if one person was dissenting from one thing then they both had to.

I think that it does everyone a disservice, because most of what is in this report was agreed by consensus, by most of the committee members. All the recommendations, some of which had been modified to accommodate the wishes of members of the committee—I now find at the very last minute that half the committee is dissenting from those comments, after we had been through those recommendations and on a number of occasions recrafted them.

It is a less elegant report because of the last-minute changes made by some members, which I think are not in good faith and do not reflect the good faith in which I conducted negotiations to have a consensus report. It is disappointing. This is a serious matter. It is a serious failure of administration. There is no doubt that this is a serious failure of administration.

It is ironic that when the Auditor-General's report was tabled the minister for planning, Mr Gentleman, said, "That's it. It's all over. It's all done. Everything has been put to bed." No, it has not. The extensive inquiry conducted by this committee shows that these matters have not been put to bed. They are not fully answered. It may be that we can never fully answer them, because the record keeping was so appalling in the EDD that there are countless occasions for which there is just no paperwork.

There are also problems about people's memories. It is fair enough, to some extent: some of the witnesses are former public servants who do not have access to their diaries and their paperwork and are relying on their memory. Some people had great memories and other people had very hazy memories. There were almost comical occasions when people said, "No, we had nothing to do with this," but when we did have clear paperwork their signatures were on it.

Some people claimed to have no memory of being involved in tender evaluations and this, that and the other. The litany and the description of looking for the paperwork would have been comical if it were not so serious. It was a like a *Carry On* movie: *Carry On up the Directorate*. It could have been cast with Kenneth Williams and the like, and Hattie Jacques. It was comical.

But it is also tragic that in a 21st century, First World country where you are conducting negotiations on territory land—not land owned by the ACT government, land for which the ACT government is the custodian, but land owned by the Australian taxpayer—the results are so opaque, so unclear. The lack of probity, the lack of oversight, shows that there are serious matters that still need to be answered and that could not be answered by the public accounts committee.

It is a great regret to me that the public accounts committee could not get to the bottom of all the things we covered. We know that we have not got to the bottom of it because of the conflicting evidence we heard over and over again. It is really a matter of who you believe. I do not know who to believe in individual cases. But what I do know is that there was a process that started out and went off the rails very soon after it was signed off. In fact, it went off the rails even before cabinet had signed off, because it was advertised before cabinet had agreed to it. Again, a comedy of errors: "Very embarrassing but we advertised before cabinet had formally made a decision."

There are many things about this process which are unclear. I understand, and we do note, that previous members of the committee and some current members of the committee have affiliations with the CFMEU, who are the beneficiaries of the Tradies club. Those issues were highlighted. I have always had the concern that when you say, “I’ve got a conflict of interest,” when you speak it, you have to also be careful that you do not act on your conflict and then say, “Well, I’ve already talked about it, so I’m fine.” There are clear issues of concern, especially with people who at the last minute could not bring themselves to agree to the committee report, which is as even-handed as we could possibly make it. I fear that it is because of their affiliations with those unions.

MS CODY (Murrumbidgee) (11.10): I would like to begin by thanking all of the witnesses that spoke to us, at the committee’s request. Many of them had retired or moved on from the public service and were relying, as Mrs Dunne has already noted, on memories that were eight years old. I do not know about you, Mr Assistant Speaker, but I often cannot remember what I had for breakfast yesterday, let alone what I did eight years ago, and what my exact signature on a piece of paper meant. Nevertheless, we talked to those witnesses; they were put forward and they were asked to provide their recollection of things that had happened eight or more years ago.

We listened to what they had to say. Yes, there were some differences of opinion and there was some information that was not exactly as each member had put it. The transcripts reflected that very clearly. Unfortunately, for me, I do not believe that the report reflected that. The initial report, when it came to it, as Mrs Dunne has already spoken about, did not reflect the evidence that was provided in the transcript. I went over the transcripts again and again, to see whether maybe I was misreading them, but I do not feel that I did. So, yes, I made it clear that I did not agree with the original report in any way, shape or form.

Thanks to the work that was done, mainly by Ms Cheyne but also by Mrs Dunne—I will praise her here; not that she ever praises us in PAC, but I will do so—they worked tirelessly together to produce a report that members of the committee, on the whole, would feel comfortable with. I repeat: on the whole.

When we started down this path of agreeing to the PAC report—I note, Mr Assistant Speaker, that you were at some of the very early hearings—I did make my feelings known in those hearings, in that some of what was discussed by members of the committee was not even part of the Auditor-General’s report. When I read the report that has been tabled today, it reflects some of those conversations. It reflects information that had nothing to do with either the sale of block 30 or the Auditor-General’s inquiry into the sale of block 30, yet there is a very big statement made in this report that has been tabled today. I could not stand by that information. I did not stand by it in the hearing, I did not stand by it in the deliberations and I will not stand by it today.

On another point, I would like to thank Mrs Dunne for yet again raising in this chamber my affiliation with unions. I am a proud member of three unions in this

town—three unions that work for their members and stand up against bullies in the workplace. They stand up against unfair dismissals; they stand up against being told that they cannot get fair wages and conditions for their employees and their members.

I am a very proud union member, and I have made that very clear on every public interest disclosure form, every time I am asked about it in this chamber and at every committee hearing that I am asked about it. I have never once denied the fact that I am a proud union member. Does it colour my vision of the world? Maybe. Does it change my opinion about evidence that is put in front of me? No, never. If the evidence is there and if the evidence is true then it is true. No matter what my feelings are, it is about the evidence that is provided, and I do not feel that the parts of this report that I have dissented from—Ms Cheyne has also dissented—reflect evidence of fact. It has nothing to do with me being a union member; it has nothing to do with me standing up for the rights of workers. It has to do with factual information being provided, and I do not believe that, in parts of this report, there is factual evidence to support the recommendations that we have dissented from and the evidence provided.

I believe there was a little bit of a problem this morning with the printing of this report. I assume that the copies that Mrs Dunne will table will contain the updated corrections, but I am only making assumptions. Parts of the comments that Ms Cheyne and I made are provided throughout the report. Ms Cheyne made it very clear, in many of the minutes and at many of the meetings, where she disagreed.

I reiterate that Mrs Dunne and Ms Cheyne worked tirelessly. They worked on weekends; they worked after hours. After a meeting that I was unable to attend, due to a conflicting committee meeting, Ms Lawder could not get the technology to work successfully, so she also could not attend. Ms Cheyne and Mrs Dunne worked together, during that time that we had all set aside for that meeting, to come up with ways to make this report more accurate—not more palatable but more accurate. I think that is where we continue to disagree—as to where the report was not accurate.

I will leave my comments there because I know that Ms Lawder will probably have something to say; I can feel it in my bones. So be it. I was a proud member of this committee, and I appreciate the work that Mrs Dunne and Ms Cheyne did to get this report to where it got to. I have moved from dissenting from the whole report to dissenting from parts of the report. It comes nowhere to representing the inaccuracies in the original version that was brought to the committee, as opposed to the report that has been tabled today, which is a consolidated effort and represents a lot of hard work done by all of us on the committee.

MS LAWDER (Brindabella) (11.18): I am pleased to talk today about the Auditor-General's report *Tender for the sale of Block 30 Dickson*. In my view it was quite a damning report from the Auditor-General, especially with respect to record keeping and probity relating to the sale of that particular block. PAC undertook an inquiry into the Auditor-General's report. It was quite an extensive inquiry involving a lot of public hearings, as well as considerable hours of deliberations.

The recommendations and findings in the PAC report speak pretty much for themselves, if you read them. It is very much about conflicting accounts of what took

place, exacerbated by poor record keeping. We should not be relying on the memories of the people involved. That is the whole point about record keeping; it is about accountable and transparent government. It is about dealing with public moneys and public assets in a transparent and accountable way. In my view, this did not happen with this particular transaction.

I would like very much to express my appreciation to Dr Brian Lloyd and other committee personnel, and to Mrs Dunne, the chair, who put in an enormous amount of work—Ms Cheyne as well, and Ms Cody, as members of the committee. There were issues with some of the technology, including a lack of appropriate hardware in Assembly provided material, which, in fact, at times made the deliberations of the committee more complex and more stressful than they needed to be. I hope that the Assembly is addressing those issues because we should be able to undertake these committee hearings by virtual means. It has worked quite well in a number of instances that I have been a part of.

About seven years ago, when I first joined the Assembly, I went onto the PAC committee. I was very fortunate to have the benefit of the experience and advice of two people that I will name. The first was Brendan Smyth, who had been a member of the Assembly for quite a long period of time and was a very experienced committee chair. The second person was Dr Andrea Cullen, an enormously knowledgeable, experienced and well-read committee secretary. They explained to me the role of committees. I have always said to people who visit the Assembly and who ask me about my work as a politician or a parliamentarian how important the work of committees is.

It was explained to me—and it is something that I have always tried to keep in mind when I walk through the door to attend a committee meeting—that it is not about politics; it is about being a parliamentarian and being accountable to the people of the ACT and your fellow Assembly members. You are supposed to leave your political allegiance at the door. Occasionally, there are very well known and understood reasons why this is not the case. Estimates is probably the most logical example of that.

I talk to school groups, University of the Third Age and other groups who visit the Assembly, and I have always spoken about the non-partisan, bipartisan or tripartisan approach of committees to their work. I used to say that members of committees took their responsibilities seriously. I do not think I can say that anymore. I am pretty sad, as someone who has been a member of a range of different committees, that in seven years I have never seen such disrespect for the role of committees. Unlike Ms Cody, I can no longer say that I am a proud member of this committee, because I am not. I am deeply saddened by what happened with this particular report.

This report, as Mrs Dunne mentioned, could have been finalised weeks ago, but some members of the committee, quite rightly, were putting forward very well-researched, well-considered suggestions for changes to the report. Mrs Dunne, especially, took a very consensual view to incorporating those comments and suggestions. But I do not feel that some members of the committee were honest and upfront about their intentions during this process. That is exactly what deliberations are. That is exactly

why you have a chair's draft that is presented to the committee, to go through those deliberations—in this case for weeks on end. Otherwise the chair would just write it and present it. That is not the way it works. You have to start with something to discuss, and not everyone is going to agree. That is the way it works on just about every committee of which I have been a member—in fact, not “just about” but on every committee. You start with a chair's draft, and everyone makes suggestions and amendments.

It is quite clear that one member of the committee was against this from the start. They were against the inquiry as a whole. They were against the Auditor-General's findings. They made that quite clear from the outset. When they dissented from the vast majority of the report, this was no surprise to anyone because it was quite clear right from the start. Of course, I am talking about Ms Cody, who is a paid-up member of and advocate for the CFMMEU. At times, I felt her comments were grubby and sordid. Ms Cheyne, who I felt was approaching this deliberation process with an open mind and a genuine intent to improve, ended up demonstrating her duplicity, her dissimulation and her deception at the last minute. It seemed as though she was genuinely interested in—

Ms Cheyne: Mr Assistant Speaker—

MR ASSISTANT SPEAKER (Mr Pettersson): Ms Lawder, could you resume your seat?

Ms Cheyne: A point of order. The Deputy Leader of the Opposition has made a series of imputations which are unparliamentary. I ask her to withdraw them all.

MR ASSISTANT SPEAKER: Thank you, Ms Cheyne. Ms Lawder, I ask you to withdraw.

MS LAWDER: Which part?

MR ASSISTANT SPEAKER: Duplicity.

MS LAWDER: Duplicity? I had such alliteration there. Okay, I will withdraw the word “duplicity”.

Ms Cheyne: And “grubby”.

Ms Cody: And “grubby”.

Ms Cheyne: And “sordid”.

MS LAWDER: I return to—

Ms Cody: A point of order.

MR ASSISTANT SPEAKER: A point of order, Ms Cody.

Ms Cody: I also ask that the deputy opposition leader withdraw “grubby” and—

Ms Cheyne: “Sordid”.

Ms Cody: “sordid”.

MR ASSISTANT SPEAKER: Thank you, Ms Cody; bear with me.

Ms Cody: Just to clarify the point of order, it was reflecting on a member of the Assembly. It was not just about talking in general terms; it was directly associated with me. Therefore, I request that the opinion be withdrawn.

Mr Wall: Mr Assistant Speaker, while you seek some advice, could the clock be stopped, please?

MR ASSISTANT SPEAKER: Thank you, Mr Wall. Stop the clock. Ms Cody, thank you; we are seeking some advice. Thank you, everyone, for your patience. Ms Lawder, I ask that you withdraw “grubby”.

MS LAWDER: I think I said Ms Cody’s comments were grubby, not that Ms Cody was grubby. Am I not allowed to describe her comments?

MR ASSISTANT SPEAKER: With that terminology, yes. I ask that you withdraw it.

MS LAWDER: The word “grubby”? I feel that I would be untrue to my own belief if I withdrew that term.

MR ASSISTANT SPEAKER: Could you repeat that, Ms Lawder?

MS LAWDER: I feel I would be untrue to my own belief that it was grubby if I withdrew it.

MR ASSISTANT SPEAKER: Ms Lawder, I have asked you to withdraw it and you have not done that. I will have to name you unless you withdraw it. Ms Lawder, you are named. Pursuant to standing order 203, I propose the question:

That Ms Lawder be suspended from the service of the Assembly.

The Assembly voted—

Ayes 7

Noes 6

Ms Berry
Ms Cheyne
Ms Cody
Mr Gentleman

Ms Orr
Mr Pettersson
Mr Rattenbury

Mrs Dunne
Mrs Jones
Mrs Kikkert
Ms Lawder

Mr Milligan
Mr Wall

Question resolved in the affirmative.

Ms Lawder was suspended at 11.33 am for three sitting hours in accordance with standing order 204, and she withdrew from the chamber.

MS CHEYNE (Ginninderra) (11.33): I also note the conclusion of an incredibly complex and lengthy process, made no easier in that we were inquiring into decisions and behaviours of close to a decade ago and that the lack of record keeping, a problem in and of itself, meant we have had to sift through complex verbal evidence.

Like Ms Cody, I would not have agreed to the first draft of this report, but I want to put on the record how much I have appreciated—as I always have when working with Mrs Dunne on committees—her willingness to discuss evidence; to look at things with fresh eyes; to consider phrasing and the meaning of words and to consider whether we might need to have more evidence reflected.

There has been a genuine, good faith effort by all committee members to attempt to reach consensus. That has been led by the chair because she set the tone for that, and I really want to thank her. We have worked together very well, as we commonly do when we are doing committees together.

The vast majority of the report is agreed, and I think the comments of Mrs Dunne and Ms Lawder today have distracted from that. It is long and it is complex. There are 632 footnotes and more than 200 pages to this report. Every time I have looked at it with fresh eyes there has been something new to consider or something that has sat differently with me. I do not just think every single member of the committee has been through that same process—I know they have.

As recently as late last week we were requesting documents, new documents, as a committee. The minutes throughout this entire process reflect that for every member of the committee, and to single out members or to single out one meeting is unfair and not reflective of the broader, good faith approach that has been applied throughout.

Reflecting on one meeting is disproportionate and undermines the incredible effort of the report as a whole. In particular, Ms Lawder reflecting on the character of members undermines the report and genuinely undermines Mrs Dunne's efforts as chair. I hope Ms Lawder reflects on how her behaviour today has distracted from the good work that forms the majority of this report.

I thank the committee for the approach which, while tedious, has also been, for the most part, collaborative and open. This is especially so given that all the deliberations on this report have been completed via teleconference or videoconference. I think that is a first in the history of this Assembly—if the interim report had not beaten us to it. We have worked through it over many hours, and the minutes reflect that. I genuinely believe it is a credit to the committee that we have a report of 205 pages that is agreed by all members with just a handful of areas where Ms Cody and I have dissented. This has been an enormous amount of work, and I thank Dr Lloyd for his many drafts and good nature as we worked through the deliberations.

The process for the negotiations around this block were complex and the report underlines that there were and remain various views about valuations, what something might be worth, what the definition of a substantial variance is and whether the EDD should have operated with the scope it did.

The private sector approach that some officials brought to the agency, combined with the lack of record keeping, means it has been a bit of a challenge to piece some things together. However, this report, when read as a whole, is a time line which provides some detail and explanation where the audit report raised questions.

For a report of its considerable length there are not many recommendations, but I believe the recommendations Ms Cody and I agree with are meaningful, reflect the evidence and provide some guidance on how we can ensure that future tenders are conducted to a sufficient standard to give the public utmost confidence in the process.

In particular, the sales highlighted gaps in ACT legislation regarding the conduct of tenders and the disposal of land held by the ACT government. In this example, this lack of guidance led to EDD freely negotiating and entering into contracts as if it were a private entity. And record keeping, record keeping, record keeping. It is necessary. It goes without saying—or it should go without saying—but especially when something is complex, and we have made recommendations as an entire committee to address this.

There are a handful of areas in the report where Ms Cody and I have dissented. We have gone to some lengths to provide comments to explain these within the report and with the summary at the end of the report. These are largely where we believe evidence was erroneously conflated or where conclusions have been drawn or commentary made without considering all the evidence available or without, in our view, considering all the evidence fairly.

I particularly draw attention to footnotes 105, 564, 577 and 620. I think the report does not make a strong enough distinction between the difference regarding decisions about the release of a block of land and who is responsible for and involved in that, compared to decisions regarding the negotiations of a sale and who is responsible for and involved in that. It is regrettable that something which I think is obvious from the evidence has not been taken into account in the report.

I also think it is unconscionable, and likely unprecedented, that the committee has insisted on including evidence which a witness had clarified was not in response to the question being asked. I am disappointed that this has been included, and it is regrettable.

I note that I think there is still a typographical error in the executive summary. It reads that Ms Cody and I do not agree with all the recommendations, when it is simply the case that we do not agree with some and that we do not agree with the second sentence in that paragraph. But rather than printing it all again or doing an addendum, I hope my comments here clarify that. The report, read as a whole, makes that quite patent.

Again, my sincere thanks to Dr Lloyd and the broader Assembly team for their efforts in getting us to this point. For the most part, I thank the committee members for all of their efforts in getting us to a point where the vast majority of the report is agreed, something that we have been able to table today as a committee. Again, I thank Mrs Dunne in particular for her efforts and willingness to engage as chair. It is genuinely commendable and I have appreciated it.

MRS DUNNE (Ginninderra) (11.41), in reply: This is such an important report that I hope the events in the chamber today do not overshadow that. Ms Cheyne has gone to particular lengths to try to draw a distinction between the people who made the decision to start the process and the people who put the process into action. One of the things that have been overlooked is that this is a Westminster parliament. When cabinet makes a decision that a certain thing will happen, cabinet or its agents have a responsibility to ensure that cabinet's decisions are carried out. Cabinet's decisions, in this instance, were not carried out. Specific decisions were not carried out. Other specific decisions were effectively countermanded by the bureaucracy. That is a failing in the Westminster system.

There is a multitude of responsibilities in the chain. Cabinet effectively made a decision on three separate occasions that there would not be a land swap for the Dickson and Downer blocks. Three times cabinet made that decision, but some of the officials who made the recommendations to cabinet that there should be a land swap were in charge of the process of negotiating the sale of the Dickson block of land. It is incumbent upon the Westminster system that, if the cabinet makes those decisions, the cabinet essentially has to oversee the process. You cannot just say, "Oh, well, I've made the initiating decision and after that it's not my responsibility." It is.

Part of the problem I have with Ms Cheyne's concerns is that they do not reflect the reality of a minister in the ACT in the 21st century. Planning ministers in the ACT in the 21st century—I know because I have worked for one—are regularly briefed on what is going on in the planning system. If they had a sale that was going on for two years, they were being briefed. There is no paper chain to that. I hope that does not create plausible deniability. But it is clear from the way the Westminster system operates that ministers would have been briefed.

The ministers may have been briefed badly, but that is also their responsibility. It may have been said, "Don't tell them too much," but that is also their responsibility. It is the responsibility of ministers, the planning minister in this instance, to oversee and ensure that the decision made by the cabinet—which was to sell a block of land through a request for tender with certain conditions on it—did not become derailed and did not become something that cabinet had specifically ruled out. That is the problem with this whole saga—that it became derailed.

It is unclear who derailed it. Many people gave evidence that they were very proud about the land swap because it was going to be a really good deal for the ACT. They threw figures around, but we could not find the paperwork that supported those figures. The land swap was also dependent upon the acquisition of other contiguous land in Downer, which has not been acquired. The land owned by the Tradies in

Downer is valuable, but it would be more valuable if other land contiguous to it had been acquired. It has not been acquired, according to the advice provided by the agency to the committee secretariat as recently as last week.

This whole system is a farrago. Decisions were made which were specifically countermanded by the bureaucracy, and there was no oversight to bring it back on track. No-one, throughout this inquiry, could tell us who first suggested the land swap after the request for tender. No-one. The Auditor-General could not get to the bottom of when the issue came up. The Tradies could not tell us. The officials could not tell us. No-one could tell us. We do know that the request for tender was finalised in December 2012, but by March or April 2013 the land swap was back on the table, even after the government, in August the previous year, had ruled it out for the third time.

There is something wrong in this process, and because of the poor record keeping and the poor recall of these important things we cannot get to the bottom of it. It is the case that we are talking about things that happened eight years ago, but at the same time we are also talking about things that some people can remember very clearly. They can tell you how much money they were going to make for the ACT government and ACT taxpayers out of this land swap, even though they did not have any papers to support that. So sometimes their memories were pretty damn good and at other times they were pretty appalling. That is why this is such a monumental report, that is why it is so important and that is why this Assembly and this community need to take it very seriously indeed.

Question resolved in the affirmative.

Report 12

MRS DUNNE (Ginninderra) (11.48): I present the following report:

Public Accounts—Standing Committee—Report 12—*Complaint regarding Auditor-General Report No 3 of 2018*, dated 21 May 2020.

I move:

That the report be noted.

One of the distinctive features of the previous inquiry into the tender for the sale of block 30, Dickson, and the Auditor-General's report was the receipt by the committee of a complaint from a person involved in the sale of block 30, expressing a grievance about the Auditor-General's conduct during the performance audit. The committee's second report that I have just tabled addresses this matter.

After giving this some consideration, the committee agreed that there could be a clearer distinction between the first and second phases of the negotiation, which is talked about in the previous report. As a result, the committee's main report on the sale of block 30 details the two phases of the negotiation to show distinctions between them more clearly. However, the committee does not find the complainant's other

arguments persuasive and, on reflection, does not consider the complainant to have been unfairly dealt with by the Auditor-General.

In light of its experiences in dealing with the complaint, the committee recommends that the Assembly develop and implement a protocol for dealing with complaints against the Auditor-General and other officers of the Assembly. In this instance the committee, and indeed the Assembly, were starting from scratch, which is not an ideal situation.

Since we began this process, the strategic review of the Auditor-General which is required in each term has made recommendations that the standing committee in future deal with complaints against the Auditor-General as part of its normal program of inquiries. But the committee is strongly of the view that the committee should consider whether similar arrangements need to be in place for other committees and other officers of the parliament. The committee is firmly of the view that there needs to be a protocol, a set of rules, for how to deal with this because everyone was caught off guard.

The initial complaint against the Auditor-General was directed to the Speaker. The Speaker had no means of dealing with this and could not really refer it to the public accounts committee because it was an ongoing inquiry. For many reasons, there was a very unfortunate delay in dealing with this complaint. The matter I regret the most is that it could only be dealt with in the context of dealing with the larger inquiry. The complainant will, I suspect, feel aggrieved that it has taken so long for this matter to be dealt with.

Complaints of this nature are unusual and rare, but we should be prepared for future complaints. We have now had this experience, and the likelihood of a complaint being lodged against the Integrity Commissioner or the Electoral Commissioner or the Auditor-General should be countenanced. We should have a proper protocol for dealing with that. I commend the report to the Assembly.

MS CHEYNE (Ginninderra) (11.52): I want to echo the committee chair's comments. This is a very high quality report, I have to say. The complaints were complex and were presented with a great deal of complexity as well. Dr Lloyd, and especially the chair, have done an extraordinary job of making sense of them in a methodical way so that anyone in the community or in this place can pick up that report and understand what the complaints were and how we have dealt with each of them.

It is regrettable that there was a time delay, but the chair has explained why that occurred. A considerable amount of effort has been devoted to this, in the context of the broader efforts around this Auditor-General's report. I, too, commend the report to the Assembly.

Question resolved in the affirmative.

Sitting suspended from 11.54 am to 2.00 pm.

Questions without notice

Business—COVID-19

MR COE: I have a question for the Chief Minister. What estimates have you received about the number of ACT businesses that will not reopen as COVID restrictions are lifted?

MR BARR: I have not received any formal estimates on that matter, but clearly there will be businesses that will not reopen. In order to extrapolate data, you would need to compare what would be the normal course of business openings and closings—ABNs might provide some basis on which to do that for what would be the normal level of activity—and then assess that against this period. But it would be too early to tell exactly. We do know that a little over 10,000 ACT businesses, as registered by their ABNs, have applied for JobKeeper payments. That would be one in three businesses in the territory, or thereabouts.

MR COE: Chief Minister, have you surveyed or modelled small businesses in Canberra regarding the likelihood of them reopening? If not, is it something that you are planning?

MR BARR: Early in the process of public health directions being enacted, the economic development directorate did undertake some survey work with local businesses. There are also other surveys that are conducted by other reputable organisations for whom information is provided to government, and it is also publicly available. So yes, survey activity has taken place. As to whether it has been as explicit as “Will you not reopen because of COVID-19?”, I do not believe that that direct question has been asked, but it would seem a little premature for some, given that various restrictions are likely to be eased in coming weeks, provided the public health outcomes continue on the trajectory that they are at this point.

MR PARTON: Chief Minister, how many jobs are projected to be lost to the ACT economy?

MR BARR: The estimates vary. Those that have been undertaken by the Reserve Bank and the commonwealth treasury have talked about an unemployment rate of around 10 per cent. That would have been 15 to 20 per cent without the wage subsidy scheme. The ACT’s figures are lower than the national averages or the national expectations, due to the much higher proportion of public sector employment. The initial labour market data shows almost no impact on full-time employment, but a very significant impact on part-time and casual employment, particularly amongst younger people.

The expectations are that the ACT’s unemployment rate will increase. It has gone from 2.9 per cent prior to COVID-19 to 4.2 per cent as measured by the ABS in the most recent data. It would be anticipated to increase again. In terms of total numbers, about 9,500 jobs that were there pre-COVID, when we had a little over 240,000 jobs, were not there in the latest ABS data, which had the total level of employment for the territory at 231,500.

We are, of course, watching this. The ABS provide some initial data, and obviously they have their monthly reports, plus we are looking at activity as it relates to total hours worked in the economy and the level of wages that are being paid. That has, it seems, at this point, bottomed out and is now starting to increase, so more hours are being worked and more wages are being paid. But this would be the most significant downturn that the Australian economy has experienced since the Great Depression. *(Time expired.)*

Housing—rent arrears

MS LE COUTEUR: My question is to the minister for housing and relates to Housing ACT's policies around tenants' rental arrears during the COVID-19 pandemic time. I have seen a copy of a letter sent this month to an ACT Housing tenant threatening legal action because of arrears. Minister, can you please explain how threatening legal action for arrears sits in the context of the public statement that there is an eviction moratorium for all Housing ACT tenants in this time?

MS BERRY: It might assist in providing support for the tenant that Ms Le Couteur is seeking to represent in this place to provide that information to my office so that we can follow up with the actual situation that is going on there. But the situation remains that, further to the declaration, there would be a three-month moratorium on terminations of public housing tenancies. That will continue and will continue to be the case. I can confirm that again in the Assembly. I encourage Ms Le Couteur to get in touch with my office or have the constituent that she is representing contact my office so that we can follow up that situation.

MS LE COUTEUR: Notice to the tenant took over a week to arrive and by the time it arrived he was quite distressed because he had to ring back that day, which he did. Given that Australia Post is currently taking longer than usual to process and deliver mail, will Housing ACT consider some other method of getting in touch with tenants or at least giving them a much longer time period for response before they are threatened with legal action?

MS BERRY: In fact Housing ACT have been working very hard over the past four weeks or so to contact individually by phone, if at all possible, every single housing tenant in the ACT. Over 12,000 phone calls are being attempted to get in touch with tenants in the ACT and over 5,000 have been contacted by phone and had personal contact with a person from Housing ACT specifically to deal with the rebate of \$250 that is being offered by the ACT government and get that into their accounts as soon as we possibly can.

In addition to those phone calls updating details and finding ways to get that money into our housing tenants' accounts and into their pockets, they have also been able to support tenants who have experienced other issues. For example, one of the stories that I have heard from an housing manager is that they had got in touch with a tenant early during COVID-19 who was experiencing quite significant isolation, and the housing manager was then able to put the tenant in touch with a bunch of different community service organisations around food and other supports because of that phone contact that had been made by Housing ACT.

Like other areas in the ACT government and other workplaces, Housing ACT are adapting to a new environment which means that a lot of their work is now happening online and via phone. But it is proving to be significantly beneficial for both housing tenants and Housing ACT to understand better the needs of housing tenants in Housing ACT properties.

MR PARTON: Minister, has there been any progress or consideration as per the recommendations from the COVID committee to establish some sort of officially sanctioned framework to guide repayments of rent arrears as framed by Ms Le Couteur?

MS BERRY: The government will consider the recommendations of the committee. One of the issues in getting the money—the \$250—into the pockets of housing tenants is that some of them are paid through Services Australia. It has been about how we work collaboratively with that department as well to make sure that we can get that money into tenants’ pockets. The government will consider the recommendations of the committee, and the commitment from Housing ACT is that they do not evict people who are in Housing ACT properties into homelessness, and I think that that is the point that needs to be made. Tenants who have in the past had debts to Housing ACT are not evicted into homelessness. They might end up in other crisis accommodation. At the moment, with the moratorium, that still continues during COVID-19.

Aboriginals and Torres Strait Islanders—mental health

MRS JONES: My question is to the Minister for Corrections and Justice Health. I refer to my correspondence beginning 8 May 2020, when I wrote to you after learning about repeated self-harm attempts by an Aboriginal inmate, and requested that he be transferred to Dhulwa secure mental health unit. On 9 May I requested that he receive an independent psychiatric assessment, fearing that he would self-harm again. You refused this request.

On 13 May the inmate attempted suicide again, and was rushed to the intensive care unit of the Canberra Hospital. Two days later he was returned to the AMC. Minister, why did you refuse my request at the time for an independent psychiatric assessment, despite my now-confirmed fears that the inmate would self-harm again?

MR RATTENBURY: This is a very complex matter relating to this detainee. That is why, in seeking to answer Mrs Jones’s question I will be as complete as I can, mindful of the detainee’s right to some degree of privacy in these matters. In terms of Mrs Jones’s specific question, I do not know that my email specifically refused to seek an independent assessment. Mrs Jones has made that email available to the media. At least the media have their hands on it, so it is a document that people have seen. It says that ACT Corrective Services had sought input from New South Wales, as well.

Mrs Jones: But not from a psychiatrist.

MADAM SPEAKER: Mrs Jones, allow the minister to answer, please.

MR RATTENBURY: The point is that there has been a range of clinical advice and clinical services provided to this individual. The role of Justice Health Services is to seek that input and, in partnership with Corrective Services, they work closely to provide a high level of care for this detainee. It is well understood that this detainee has very complex needs. I have been very pleased by the level of collaboration between Justice Health and ACT Corrective Services in trying to provide a high level of care to the detainee with considerable needs.

MRS JONES: Given that the New South Wales assistance did not involve psychiatry, will you now provide this inmate with an independent, in-person psychiatric assessment to assess whether he is better suited to be housed at the Dhulwa secure mental health unit?

MR RATTENBURY: My role as minister is not to decide where somebody should be placed. It is not my role to say to clinicians what their professional judgment should be. My job is to make sure that I am asking the questions and ensuring that there is a level of due diligence, that the right services are being provided and that the right assessments are being made. I am able to inform the chamber that I have asked the Chief Psychiatrist to do a review of this matter. The Chief Psychiatrist is an independent officer in the ACT health system. She is now working with the treating teams in light of her analysis.

MR MILLIGAN: Minister, why did you refuse to act to help save the life of an Aboriginal person in custody?

MR RATTENBURY: I absolutely refute that question. I find it deeply offensive.

Mrs Jones: Well, it is offensive that he ended up in hospital.

MADAM SPEAKER: Mrs Jones, enough!

Mrs Jones: Someone nearly died.

MR RATTENBURY: It is an absolutely offensive suggestion. There has been enormous effort put into the care of this detainee to ensure his safety as much as possible. For others to come in here and say, “My personal view is that he should have been treated in such-and-such a way,” is disrespectful to the considerable effort that has been put in place by our clinicians, who are trained and are dedicated to supporting detainees as best they can. These are complex matters, and even amongst the clinicians there will be different views. So I do not consider the line of questioning to be appropriate. Does that mean there cannot be many ways to look at that? That is fair enough; that is a fair question, and that is why I asked the Chief Psychiatrist to review this matter.

Aboriginals and Torres Strait Islanders—incarceration rates

MRS JONES: My question is to the Minister for Corrections and Justice Health. In 2011, Greens Senator Rachel Siewert published a media release titled “Greens send clear message on deaths in custody—enough is enough”. Senator Siewert said that

state and territory governments “have a key role to play in implementing change in their prisons” to end Aboriginal over-representation and deaths in custody.

In 2012, the next year, you were appointed minister for corrections. In your eight years in this role you have overseen record rates of Aboriginal incarceration and the death of an Aboriginal inmate, and now repeated suicide attempts by another Aboriginal inmate, and you have refused to have him moved to another place.

Why, as the minister for corrections and the only Greens minister in the country, have you failed to address Aboriginal over-representation and our death in custody?

MR RATTENBURY: I have a great level of concern about the over-representation of Indigenous people in our corrections system. Of course Corrective Services takes people who are sent to us by the courts. So Corrective Services cannot directly influence how many Aboriginal people are sent to jail. That is a broader, system-wide question that, right across government, we need to address. However, I can say from a Corrective Services point of view that we are striving to provide the best possible support to Indigenous detainees.

I have taken the decision, for example, to have Winnunga Nimmityjah Aboriginal Health Service as an actual health partner in the ACT jail. It is the only place in Australia where we formally have an Aboriginal health service operating in our jail. That was a recommendation given to us. It was actually a recommendation made first in 2010 but it was not acted on at the time. As minister I acted on that advice and have put that in place.

As minister I put a proposition to my cabinet colleagues that we should not expand the jail; that we should focus our resources on building communities, not prisons. If we had simply expanded the jail, more and more people would have been sent there and there would have continued to be an over-representation of Indigenous people. We are taking the policy decisions that seek to address many decades of injustices and many decades of problematic decisions. This is not an easy fix—

Opposition members interjecting—

MADAM SPEAKER: Members!

MR RATTENBURY: but we are dedicated to doing our best to try to turn that trend around.

MRS JONES: Minister, why, when given the opportunity to provide an in-person proper psychiatric assessment of this Aboriginal inmate, with mental health care that he needed, did you deny that opportunity to prevent the self-harm? Why did you fail to act at the time? He then ended up in hospital.

MR RATTENBURY: Mrs Jones’s question implies that this work was not being done already. There has been significant clinical effort directed towards this detainee.

Mrs Jones: On a point of order, Madam Speaker, the question was not about “broad clinical effort”, which are words the minister is using to not answer the question. On relevance, the question was why he did not get the person an independent psychiatric assessment. He is not answering that question.

MADAM SPEAKER: He is referring to the care provided to this individual and to his role as the responsible minister.

MR RATTENBURY: Madam Speaker, I can assure you that I am coming to Mrs Jones’s point. The interjections make it difficult to get there. The point is that I have received significant clinical advice that the detainee had an extensive care plan and that that care plan was appropriate. That was the best clinical advice that I was receiving. I have received considerable updates on this matter and I continue to take a strong interest in it, because of the complexity of the individual involved.

MR MILLIGAN: Minister, why have you failed to send a clear message on Aboriginal deaths in custody? When will you admit that the Greens are simply full of empty words?

MR RATTENBURY: We are absolutely committed to trying to address these matters. That is why we have put in place a series of both policy decisions and funding initiatives to try to address Indigenous incarceration. That is not just through my portfolios but also in portfolios across the government. No death in custody is acceptable. We work incredibly hard to keep detainees safe at the jail. Things have gone wrong in the past; that is why we have had inquiries and we have implemented the outcomes of those inquiries.

Opposition members interjecting—

MADAM SPEAKER: Members, I remind everybody not to make interjections while a member is on the floor talking.

Mental health—patient follow-up

MR MILLIGAN: My question is to the Minister for Corrections and Justice Health and Minister for Mental Health. New South Wales coroner, Harriet Grahame, recently reported on her inquest into the death of a young Aboriginal man from Canberra at Junee prison in 2018. In July 2017 an ACT magistrate, refusing bail for this man, remanded him in custody at the AMC pending a mental health assessment at the Canberra Hospital. After being admitted, he walked out of the hospital and fled to New South Wales. There, he was subsequently tried, convicted of an offence and jailed. Tragically, while in custody, he later died by suicide. Minister, why was this man able to walk out of Canberra Hospital?

MR RATTENBURY: The coroner went through that in some detail in her report. For the sake of accuracy, I will take that question on notice, so that I can provide the details to Mr Milligan.

MR MILLIGAN: Minister, to what extent did the overcapacity and understaffing of the adult mental health unit contribute to this man being able to escape?

MR RATTENBURY: I do not believe the coroner made any findings along those lines, but I will once again check the coroner's report and if I have anything further to add to my answer I will provide it to Mr Milligan on notice.

MRS JONES: Minister, why didn't the ACT seek the extradition of this man, given that he was facing charges in the ACT and had escaped from lawful custody in the ACT?

MR RATTENBURY: That is not a matter for ACT Corrective Services.

Planning—development applications

MR PARTON: My question is to the Minister for Planning and Land Management. We have received positive feedback from industry on your efforts to stimulate the construction industry through accelerated processing of development applications primarily for smaller developments that are simpler to access. We are told that approval of larger and more complex developments within the impact track category have not been sped up despite these being a driver for larger numbers of jobs and economic activity which will be crucial to post-COVID recovery. Minister, what will you do to expedite approval of development applications outstanding within the merit and impact track categories?

MR GENTLEMAN: I thank Mr Parton for his question. It is an important question. Of course, this government has invested in extra support staff to ensure that we can provide speedy decision-making for the independent authority. I can advise that as of 8 May, 166 active DAs are in the process. That is the lowest number since 2016. It is the lowest number because of the investment that we have made in the directorate.

Some 43 applications were received that week, including amendments and endorsements and 53 applications were determined that week. So you could see the graph that there are more applications being decided now than are actually being received by the directorate, which is a very good sign.

I would say, too, that the DA numbers that we are receiving are still consistent with pre-COVID numbers. Some 40 to 50 DAs are lodged each week. Six additional assessors were funded in the 2019-20 budget and 10 staff members relocated from elsewhere in EPSDD.

The change team structure allows faster processing, particularly in the residential sector. But there are bigger development applications that take time to fully decide and we need to make sure that we have all of the information available so that our planners can make the right decisions.

MR PARTON: How many of those DAs that you mentioned, minister—the ones that are still on the books now—are impact track?

MR GENTLEMAN: I will have to take the detail of that on notice but I can advise that those that are in impact track require additional consultation, and more often, with other parts of the ACT government, other directorates and agencies and also with the public.

MISS C BURCH: Minister, what action will you take to consult with industry to ensure that development applications are properly completed to speed up processes and will you commit to reporting back in the next sitting of this chamber on the actions you have taken to expedite impact track categories?

MR GENTLEMAN: We meet with industry regularly. I meet personally with the Property Council and their members on a regular basis. Our planning group meets with PACICERG, which is the group that represents planners across the ACT and those in the housing industry as well. I regularly attend their meetings. We take on board their comments and, indeed, we have acted on them in the past and will into the future.

In regard to reporting back on actions that will occur in the not-too-distant future, I am not sure if I can do that before the next sitting. Because of COVID restrictions we tend to do many of these new meetings online wherever possible that fits into not only my diary and those of the planning officials but also the industry officials as well.

Clubs—COVID-19

MR PARTON: My question is to the Minister for Health. Minister, why are community clubs with multiple restaurants, such as the Hellenic Club in Woden and the Woden Southern Cross Club, only allowed to provide meals to a total of 10 people at any one time rather than 10 people per restaurant?

MS STEPHEN-SMITH: I thank Mr Parton for the question. As we have said multiple times, we are guided, in the decisions that are made in relation to the directions, by the Chief Health Officer. In fact, she is the person who makes the public health directions that guide what are non-essential services and how services are able to operate in response to the public health emergency. We have been operating in line with the national cabinet's three-step framework towards a COVID-safe Australia. As the Chief Minister has previously indicated, further decisions in relation to that, and further announcements, will be made on 29 May, with an expectation that those step 2 changes would be considered from midnight on 29 May, effectively from Saturday, 30 May.

In response to Mr Parton's particular question, I would note—and the Chief Minister made this clear in announcing the new arrangements for cafes and restaurants of a maximum of 10 patrons not having takeaway—that for most cafes and restaurants this would not be an economically viable proposition. While I take the point that Mr Parton is making, I do not believe that having 10 people per restaurant in these large venues would necessarily be particularly economically viable for them. I can assure him that this is a matter that the Chief Health Officer is considering and we are currently awaiting some further advice in a formal way from the Chief Health Officer around what those next steps will be.

MR PARTON: Minister, what actions will you take to ensure that a more tailored approach is taken to suit the circumstances of the particular venue and this jurisdiction, given that the advice from the Prime Minister was that these restriction phases should be tailored per jurisdiction?

MS STEPHEN-SMITH: Again, I thank Mr Parton for the question. I think it has been clear all the way through that the ACT government and the ACT Chief Health Officer have been making decisions specific to the circumstances of the ACT. I note that the opposition has at times compared the decisions that the ACT has been making with the decisions that, for example, the Northern Territory has been making, a territory that is in a very different position from the ACT, that can close its borders and that has had even fewer cases, but that does not have an open border surrounded by a state that has new active cases of COVID-19 nearly every day.

We are taking our decisions in line with what is most appropriate for the ACT, as we have been the entire way through. Sometimes we have taken decisions to move ahead of other jurisdictions; sometimes we have waited to see what New South Wales, particularly, or Victoria might do and responded to that. We have done that in accordance with what is most appropriate for the ACT, taking advice from the national cabinet, the Australian Health Protection Principal Committee and our own Chief Health Officer, and then understanding what the individual circumstances of our particular public services might be and how we would need to ensure that those could operate safely in a COVID-19 environment. All of those considerations are taken into account. It is not rocket science to point out that the ACT is a unique jurisdiction that needs to make decisions in accordance with its own circumstances, and that is exactly what we have been doing throughout this pandemic.

MS LE COUTEUR: Minister, you talked about tailoring things for ACT circumstances. Have you looked at tailoring whatever the definition of “venue” is? Looking at the Hellenic Club example, if the restaurants there were a couple of hundred metres away on Bradley Street, they would clearly be separate venues, but they are in the one building. Can we have a better definition?

Ms Stephen-Smith: Is there a supplementary question here?

MS LE COUTEUR: My supplementary question is: how do you define “venues” in this context?

MS STEPHEN-SMITH: I thank Ms Le Couteur for the extended supplementary question. I have given a shout-out to the Hellenic Club over the past few weeks. They have continued to operate on a takeaway basis and they have continued to provide a service to the Woden and ACT communities. A number of clubs and larger organisations have made decisions about how they will operate in their own environment. As I said to Mr Parton in response to the first question, even if those restaurants were spread out along a strip and were able to have 10 patrons seated inside them, that is unlikely to be an economically viable proposition, as the Chief Minister has indicated.

Yes, the Chief Health Officer provided us with this specific advice in relation to this specific step of implementing the national framework, and yes, we took the Chief Health Officer's advice as it was provided, as we have been operating in line with advice. But to give an example of where we have taken an ACT-specific approach, I would point to the reopening of our public libraries. We looked at what our libraries can do, how they can operate, and determined that things like reading sessions could not have more than 10 people but that libraries would open in a very tailored way. That is taking into account the national framework but also taking into account our individual circumstances. That is exactly an example of how we have been working through this entire process.

Canberra Hospital—infrastructure

MISS C BURCH: My question is to the Minister for Health: has ACT Health, Canberra Health Services or any other ACT government agency received any engineering reports relating to building 1, the tower block, at the Canberra Hospital? If so, who carried out the work and in what way was it done?

MS STEPHEN-SMITH: I thank Miss Burch for the question. I am sure that over the extended period that building 1 has existed at Canberra Hospital there have been engineering reports received by Canberra Health Services, ACT Health Directorate and its predecessors. I will take the detail of that question on notice.

MISS C BURCH: Minister, what does the most recent report tell us about building 1, the tower block, at the Canberra Hospital?

MS STEPHEN-SMITH: Even if I had that information in front of me I imagine it would be a very long answer that would well exceed two minutes, so I will take that question on notice.

MRS JONES: Minister, will you table the most recent engineering report related to building 1 in the Assembly on the next sitting day?

MS STEPHEN-SMITH: Given that I will need to get some advice on that, I will take that question on notice.

ACT Health—SPIRE project

MISS C BURCH: My question is to the Minister for Health. Minister, I refer to a story in the media of 12 March in relation to the latest changes to the SPIRE project. Ms Fiona Carrick, the president of the Woden Valley Community Council, said, "This is a bandaid solution to a poorly planned project." Minister, why has the government adopted a bandaid solution that does not solve the problems caused by the SPIRE project?

MS STEPHEN-SMITH: While I thank Miss Burch for the question, I completely reject the premise of it; we have not done that.

MISS C BURCH: Minister, what is the government's response to the claims from the Woden Valley Community Council of poor planning?

MS STEPHEN-SMITH: I thank Miss Burch for the question. I have had the pleasure of attending the Woden Valley Community Council to talk about the SPIRE project. I am happy to do so again. I think we were there for about two hours last time. Obviously, the chair of the Woden Valley Community Council has her own views about how development at Canberra Hospital should progress. In line with the views of the Canberra Liberals, she would have liked to see us go into this pandemic with a big hole in the middle of Canberra Hospital: demolish building 3, create a big hole in the middle of Canberra Hospital, reduce the overall capacity of Canberra Hospital through a three or four-year build period, and provide no surge capacity for the ACT's public hospital system whatsoever.

The ACT government took the advice, as there was work through the building 2/3 project, that this would result in a reduction in capacity in Canberra Hospital for a number of years and instead has taken a different route. We are instead making the biggest investment in healthcare infrastructure since self-government in the SPIRE project. It is a well thought-through project that is being closely engaged not only with clinicians but with consumers and with the local community.

As members would be aware, last year I established the local community reference group to work through with the community some of the concerns that they had expressed. It was also about ensuring that we continue to get community input to deliver the best possible outcome for the Canberra community from this major infrastructure project: the delivery of a new emergency surgical and critical-care facility for the Canberra Hospital. The chair of the Woden Valley Community Council is a member of that community reference group and can put her views forward in that as well as through the public realm.

MRS JONES: Minister, how many further versions of the SPIRE project does the government expect to release before the next ACT election?

MS STEPHEN-SMITH: I thank Mrs Jones for the supplementary question. I have said multiple times in this place that we are in an ongoing design process for the SPIRE project. This is a major investment in health infrastructure—a modernisation and expansion of Canberra Hospital. It is really important that this is done with the engagement of clinicians, consumers and the local community. The decision to connect the SPIRE building to building 2, across Hospital Road, was a direct response to the community feedback and to the evolving design elements of the SPIRE project, and to the challenges that were going to be faced in terms of how Hospital Road would operate, with the two buildings on opposite sides.

We are continuing to think through those detailed design processes. I participated in the most recent consumer reference group meeting just last week, where the architect, Silver Thomas Hanley, who was consulting with Major Projects Canberra and the project board in relation to this project, went through their current thinking in relation to the design with the consumer reference group. They have been closely engaged in this project. As we work through the request for tender process, which will close in

about a month, we will then bring in our early contractor involvement partner, who will continue to work with consumers, clinicians and the local community to ensure that the biggest investment in health infrastructure since self-government delivers exactly what our community needs.

Sport—COVID-19

MR MILLIGAN: Minister, noting that I wrote to you about providing support to the community sport and recreation clubs to assist with phase 1 of easing restrictions, will there be assistance for local clubs to access things like hand sanitiser or cleaning equipment?

MS BERRY: All sports will be required to fill in a COVID plan for returning to sport as restrictions are eased. Part of that will probably include ensuring that there are hand soaps and sanitisers. At the moment, of course, with the restrictions as they are, there is no access to any pavilions or toilets or change rooms, so it is wash before you arrive and then wash when you leave—get in, train, get out.

There is no formal play at the moment, but we are in continuous conversation with the sports community about what their needs are and what a plan for a return to sport and recreation in the ACT looks like as the government makes decisions around further easing of restrictions.

MR MILLIGAN: Minister, as we work towards phase 2 of easing restrictions which will allow for more indoor sports to return, will pools managed by the ACT government be reopened?

MS BERRY: Some pools are having some significant maintenance and upgrade work, for example, Tuggeranong pool, which was part of the ACT government's stimulus package announcements last week. In addition, the Stromlo pool is not quite ready to open yet. The Gungahlin and Erindale pools are both receiving maintenance and upgrades during the period that they are closed.

I will have to take on notice the time frame of when that maintenance and upgrade work is completed and whether or not that aligns with future easing of restrictions as they occur.

MR COE: Minister, what resources are being developed to help community sport manage with phase 2 and emerge from this pandemic with strong participation numbers?

MS BERRY: As I said, we are working very closely with the community sports and social sports communities across the ACT about a re-engagement plan for the community to get back into sports and recreation.

Business—COVID 19

MR WALL: My question is to the Minister for Business and Regulatory Services. Minister, local businesses have contacted me about their inability to secure

procurement contracts or even supply products to the ACT government or government agencies during the COVID-19 crisis and before. Why is it acceptable for a Victorian-operated company to be providing hand sanitiser to ACT government agencies at a price that is 25 per cent higher, excluding freight, than what has been offered by a Canberra-owned and operated business employing Canberrans?

MR RAMSAY: Noting that the responsibility in terms of procurement matters sits with Minister Orr, not me, I will take that question on notice.

MR WALL: Minister, as this is an ongoing situation, particularly given the impacts on many locally owned and operated businesses during the COVID crisis, what is your government doing to ensure that local businesses can compete for current opportunities to supply the ACT government on a local-first basis?

MR RAMSAY: Again I will take that question on notice, given that it is not my responsibility.

MR PARTON: Minister, why does your government continue to ignore the benefits of the ACT government buying local and supporting locally grown and operated businesses?

MADAM SPEAKER: Mr Barr, you are taking this?

MR BARR: I will take this and point out to Mr Parton that the ACT government has for some time now had a local procurement policy that does provide a positive weighting towards local SMEs, as defined, within the Canberra region. Of course we are subject to various commonwealth agreements and international trade agreements that require there to be a level playing field in relation to procurement. But on this specific issue of hand sanitiser we will investigate the particular question and the procurement in question.

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

Papers

Madam Speaker presented the following papers:

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Assault of a detainee at the Alexander Maconochie Centre on—

5 December 2019 (CIR 03/19), dated 15 April 2020.

13 January 2020 (CIR 01/20), dated 15 April 2020.

Standing order 191—Amendments to:

COVID-19 Emergency Response Legislation Amendment Bill 2020, dated 11 May 2020.

Human Rights (Workers Rights) Amendment Bill 2019, dated 11 May 2020.

Mr Gentleman presented the following papers:

Electoral Act, pursuant to subsection 10A(3)—Effect of Commonwealth Electoral Act amendments on the ACT funding and disclosure scheme—A special report by the ACT Electoral Commission—Government response.

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 March 2020.

Freedom of Information Act—Freedom of Information (Accessibility of Government Information) Statement 2020 (No 1)—Notifiable Instrument NI2020-262, dated 6 May 2020.

Inspector of Correctional Services Act—Report of a Review of a Correctional Centre by the ACT Inspector of Correctional Services—Healthy Prison Review of the Alexander Maconochie Centre 2019—Government response, together with a statement, dated May 2020.

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 366 to the Territory Plan—Franklin Grasslands Environmental Offset Site, dated 18 May 2020, including associated documents.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Commissioner for Sustainability and the Environment Act—

Commissioner for Sustainability and the Environment (State of the Environment Report—Reporting Period and Reporting Date) Determination 2020—Disallowable Instrument DI2020-90 (LR, 11 May 2020).

Commissioner for Sustainability and the Environment Appointment 2020 (No 2)—Disallowable Instrument DI2020-83 (LR, 30 April 2020).

Government Agencies (Land Acquisition Reporting) Act—Government Agencies (Land Acquisition Reporting) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-16 (LR, 30 April 2020).

Leases (Commercial and Retail) Act—Leases (Commercial and Retail) COVID-19 Emergency Response Declaration 2020—Disallowable Instrument DI2020-92 (LR, 11 May 2020).

Legal Profession Act—Legal Profession (Bar Council Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-85 (LR, 30 April 2020).

Long Service Leave (Portable Schemes) Act—Long Service Leave (Portable Schemes) COVID-19 Emergency Leave Determination 2020 (No 1)—Disallowable Instrument DI2020-116 (LR, 20 May 2020).

Medicines, Poisons and Therapeutic Goods Regulation—Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2020 (No 2)—Disallowable Instrument DI2020-88 (LR, 4 May 2020).

Motor Accident Injuries Act—Motor Accident Injuries (COVID-19) Guidelines 2020—Disallowable Instrument DI2020-94 (LR, 12 May 2020).

Public Place Names Act—Public Place Names (Whitlam) Determination 2020 (No 1)—Disallowable Instrument DI2020-89 (LR, 7 May 2020).

Road Transport (Safety and Traffic Management) Regulation—

Road Transport (Safety and Traffic Management) Guidelines 2020—Disallowable Instrument DI2020-82 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 1)—Disallowable Instrument DI2020-57 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 2)—Disallowable Instrument DI2020-58 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 3)—Disallowable Instrument DI2020-59 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 4)—Disallowable Instrument DI2020-60 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 5)—Disallowable Instrument DI2020-61 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 6)—Disallowable Instrument DI2020-62 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 7)—Disallowable Instrument DI2020-63 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 8)—Disallowable Instrument DI2020-64 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 9)—DI2020-65 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 10)—Disallowable Instrument DI2020-66 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 11)—Disallowable Instrument DI2020-67 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 12)—Disallowable Instrument DI2020-68 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 13)—Disallowable Instrument DI2020-69 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 14)—Disallowable Instrument DI2020-70 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 15)—Disallowable Instrument DI2020-71 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 16)—Disallowable Instrument DI2020-72 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 17)—Disallowable Instrument DI2020-73 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 18)—Disallowable Instrument DI2020-74 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 19)—Disallowable Instrument DI2020-75 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 20)—Disallowable Instrument DI2020-76 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 21)—Disallowable Instrument DI2020-77 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 22)—Disallowable Instrument DI2020-78 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 23)—Disallowable Instrument DI2020-79 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 24)—Disallowable Instrument DI2020-80 (LR, 30 April 2020).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 25)—Disallowable Instrument DI2020-81 (LR, 30 April 2020).

Unit Titles (Management) Act—Unit Titles (Management) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-17 (LR, 30 April 2020).

Utilities Act—Utilities (NERL retailers—Application of Industry Codes) Determination 2020—Disallowable Instrument DI2020-87 (LR, 4 May 2020).

Utilities Act and Legislation Act—Utilities (Electricity Feed-in Code) Determination 2020—Disallowable Instrument DI2020-86 (LR, 4 May 2020).

Veterinary Practice Act—Veterinary Practice (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-84 (LR, 30 April 2020).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People (Background Checking) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-18 (LR, 5 May 2020).

Births, Deaths and Marriages Registration (Tissue Donor Acknowledgment) Amendment Bill 2020

Debate resumed from 19 February 2020, on motion by **Ms Cheyne**:

That this bill be agreed to in principle.

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) (2.47): I was being courteous and letting the opposition respond first, but they are obviously not ready to or going to, so I will speak now.

I thank Ms Cheyne for bringing the bill before the Assembly, a bill that amends the Births, Deaths and Marriages Registration Act to ensure that families of organ and tissue donors can seek formal recognition of their loved one's life-saving gift. As Ms Cheyne has previously outlined, this bill will allow a next of kin to request in writing, with verifying information, that the ACT registrar-general include in the death register a statement that their loved one was a tissue donor. By doing so, a family can then apply for a death certificate that recognises their loved one as a tissue donor.

I understand that for many families the formal acknowledgement of their loved one's tissue donation will be significant, but it might not be for everyone. Like organ and tissue donation itself, this decision is, of course, a deeply personal one. That is why it is important that this process is entirely optional and it is also important that the process is not time sensitive.

Some next of kin may wish to make a written request soon after their loved one has died. Some families may not be ready and may wish to do so at a later date. Others may not be sure. There will be no deadline for when a written request can be made. This also allows a next of kin to seek formal acknowledgement of a loved one's donation, even if it occurred before this legislation comes into effect. This bill ensures that every donor family has a say in deciding if, how and when they wish to recognise their loved one's donation.

I also highlight my commitment to responding to any requests for a letter on behalf of the ACT that acknowledges the significance of an individual's organ or tissue donation. I understand that this will not form part of the legislation. However, we will ensure that there is a process in place to respond to any requests for an acknowledgement letter as soon as possible. In doing so, we will work with donor families on the appropriate wording for these letters, as it is important that we get this right. I again thank Ms Cheyne for this bill and commend it to the Assembly.

MR HANSON (Murrumbidgee) (2.50): I am pleased to say that the Canberra Liberals will be supporting Ms Cheyne's private member's bill. I just want to highlight that it is a private member's bill. Mr Barr wondered why he was resuming debate. That is because he adjourned this legislation, and it is customary, if the government adjourns

a bill that is from a Labor backbencher, that then they resume debate, not the opposition. I would expect that you recall that Mr Barr but nonetheless!

This is a short bill but, no doubt, for some people this will make a big difference. It will provide for the official recognition of the gift of life from an organ or tissue donor. Often that gift grants life to more than one other person. It is a gift that can be provided in no other way and it is often made at a time of extreme emotion.

It is also a gift that currently has no official forum for recognition. And this bill will do that. It holds that, on request by a next of kin, the official register will include a statement that recognises and acknowledges that gift. As Ms Cheyne acknowledged in her presentation speech, the bill does not cover every single aspect of this complex and difficult matter, but it does provide a formal recognition for those families who choose this way to commemorate the gift their loved one has provided.

It is also a matter that drafting a bill like this has led to some amendments that are coming forward from the government. I can indicate that we will be supporting those amendments as well. They include a delay to ensure that the systems are in place to operate properly; a clarification of definitions; and removing the clause about receiving a letter from the Chief Minister, as I believe that can be done administratively and not necessarily through legislation.

As I said, we acknowledge the gift that is given in these circumstances. I think that this is an appropriate way to recognise that gift that is made and I thank Ms Cheyne for bringing this forward. I think all of us in this place recognise and acknowledge the significant thing that is done when a loved one makes a donation. It is a difficult time. And if this goes some way to helping and acknowledging the contribution that has been made by those individuals, then I think that is a good thing and I am very pleased to support this legislation.

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) (2.52): This bill provides important recognition of the priceless gift that is made by tissue donors in our ACT community. For many family members, the knowledge that their loved one was able to help others to live full and happy lives can give meaning to an untimely and tragic death. The ability to receive formal recognition of this contribution can be hugely important, both to grieving families and to our community to express our gratitude for this gift and to raise the profile and support for tissue donation.

The government is supporting the bill, with some amendments to ensure that it can be implemented appropriately. The bill allows families of tissue donors to apply for a new death certificate from the registrar-general of births, deaths and marriages which specifically recognises that the deceased was a tissue donor. The bill would also allow the families to ask for a letter of acknowledgement from the Chief Minister. When presenting the bill, Ms Cheyne noted that not all donor families will want this formal recognition but, for those who do, a death certificate and a letter of acknowledgement will have real significance and meaning.

The government strongly supports the intent of this bill. The amendments which follow are made to reduce the complexity of the bill, to avoid unintended impacts and to allow it to be successfully implemented. Firstly, the amendments would refine the definition of “tissue donor” for the purpose of the bill so that the amendments will apply to deceased tissue donations and not extend to living tissue donations made during the person’s lifetime. This amendment is necessary to address the complex nature of tracing living tissue donations.

A particular complexity of living donations is the scope and number of these donations, which can include by-products of joint replacement surgeries such as hip or knee replacements. In 2019 this form of tissue donation constituted about 90 per cent of all living tissue donations in Australia. During a donor’s lifetime, tissue donations may have been made at a place outside the ACT or even outside Australia. Significant time may have passed between the tissue donation and the registration of the donor’s death in the ACT.

The scope and timing of living donations create a range of difficulties for the registrar-general in verifying these donations. Nationally there were 3,504 living tissue donations in 2019 alone, compared to 548 deceased tissue donations. Another obstacle in accurately identifying living donations is that states and territories have inconsistent interpretations of the term “tissue”, with some jurisdictions having very broad definitions which would include breastmilk donation, while others have much narrower definitions.

While the government acknowledges that living tissue donations are also altruistic and worthy of recognition, these donations are not so intimately connected with the death of an individual. It is not consistent with the functions of the registrar-general to record health information across a person’s lifetime in a register entry relating to death. Limiting the operation of the bill to deceased tissue donation would make verification of donations more straightforward and preserve the integrity of the register.

A death is registered in the ACT if it occurs in the ACT. For all deceased tissue donations in the ACT, I understand the donors’ next of kin will receive an acknowledgement letter from DonateLife, which may be provided to the registrar-general as evidence of the deceased donor status.

The second amendment the government is moving will remove from the bill a process of obtaining a letter of acknowledgement from the Chief Minister. While the government supports this policy and the Chief Minister has just indicated his personal commitment to it and the government’s commitment to it, we believe that this can be better implemented as an administrative process through the Chief Minister’s office, which does not require the involvement of the registrar-general.

It is important to note that a letter of acknowledgement and a change to the register recording deaths are two distinct processes and need not necessarily be linked. It may be important to a family to have a letter from the Chief Minister, but they may not wish to change the register entry. These families need not have to go through an

additional step. A direct request would also avoid potential privacy issues in sharing this information and facilitate the sensitive handling of confidential health information.

Finally, the government amendments would delay the commencement of the bill for a maximum of 12 months to allow Access Canberra to make necessary changes to its operations before accepting applications. The families of donors deserve an application process that is carefully designed and accords appropriate dignity to the deceased. The government is grateful to Ms Cheyne for her contribution in her first private member's bill and appreciates the significance of the subject matter that the bill is addressing.

Tissue donors and their families make an invaluable contribution to our community and it is appropriate that this contribution is recognised and honoured. I think this is a moment to reflect on, also, the regular message we receive to encourage more Canberrans to sign up as donors if they feel personally comfortable with that, because each donation can make a very significant impact on somebody else's life.

The government, the Greens and I support this bill. I will be moving the amendments shortly in the detail stage of the debate.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (2.58): I rise today to speak in support of Ms Cheyne's private member's bill seeking to amend the Births, Deaths and Marriages Registration Act 1997. In supporting the bill, I would also like to acknowledge the energy and commitment that Ms Cheyne makes in the organ and tissue donation policy space. Ms Cheyne has been a passionate advocate for and supporter of increasing the rates of organ and tissue donation. She regularly raises the issue with me, in my capacity as Minister for Health, and through her prolific social media and public presence. The Births, Deaths and Marriages Registration (Tissue Donor Acknowledgment) Amendment Bill 2020 is further evidence of Ms Cheyne's commitment to this policy area and is based on her extensive engagement and consultation with the families and friends of organ and tissue donors.

Donating an organ or tissue is gifting someone another chance to be with their family and to continue contributing to society. It can change a life or it can save a life. In recognition of the importance of organ donation, Australian governments have been working collaboratively to endeavour to increase registrations on the organ donor register. Since 2009 there has been a doubling of organ donation registrations and there are almost twice as many people receiving transplants. This collaborative effort and focus by all governments has driven an increase in the number of registrations on the organ donor register and, resultantly, an increase in donations.

The ACT government actively participates in the national program to increase the donation registration through the Organ and Tissue Authority. Locally, we also support Gift of Life, which organises, among many other worthy activities, the annual DonateLife walk. Earlier this year, on 26 February, Ms Cheyne and I joined around 2,000 other Canberrans—back in the day when you could join 2,000 other Canberrans—on the 14th annual DonateLife walk to raise awareness of organ

donation. I am pleased that the ACT government continues to support the Gift of Life's important work of getting the message out to people and to the community, and promoting the Australian organ donor register.

I encourage all members, when we are able to gather again, to attend the next DonateLife walk. It is a powerful reminder of the importance of registering for organ donation. I also encourage all members to consider registering as organ donors if they have not already done so, and to have conversations with families and friends. The Gift of Life slogan states, "Have the chat that saves lives." We know that when donation is possible, the main reason families decline to allow the donation to proceed is because they were unsure of the wishes of their loved ones. We need more Canberrans to talk about organ and tissue donation with their families and to register their donation decisions on the Australian organ donation register.

Increasing organ donation registration is critical because less than two per cent of people who die in hospital can donate an organ. Increasing the number of people register to donate increases the likelihood of saving lives. Since 2009 there have been 133 organ donors in the ACT. In 2019 the ACT had 10 organ donors, resulting in life-saving transplants for 32 Australians. Nationally, over the past 11 years more than 13,000 Australians have received an organ transplant, thanks to the generosity of more than 4,500 donors. However, at any given time across Australia there are around 1,600 Australians on transplant waiting lists, and a further 12,000 people on dialysis. There is more to do.

In 2019 there were 554 deceased donors across Australia. Their lasting contributions should be recognised and the donors' families afforded the affirmation that their mother, father, brother or sister, son or daughter saved countless others. The bill before the Assembly would amend the act to allow the next of kin the option to request formal acknowledgement of the deceased's donation of organs and tissue on the death register. This proposed amendment provides an additional avenue for the family and loved ones of the deceased to honour and recognise the deceased for their generosity. The proposed amendment to the act may provide further comfort to family and friends, which we know is critical to increasing our organ donation rates across the country. It provides another avenue for the community to formally recognise the gift provided.

Any change that can support families and recognise the individuals' contributions to society is worthwhile. I acknowledge the amendments that have been foreshadowed by Minister Rattenbury, which we will be supporting. I understand that Ms Cheyne will also support the amendments, which will remove the recognition by the Chief Minister from legislation and make that an administrative process. The fact that Ms Cheyne thought that it would be an appropriate acknowledgement for families to have a letter from the Chief Minister, through whatever process is most convenient and appropriate for families, is a really important move forward for families of organ donors. It also reflects how deeply she cares about these issues and how hard she has worked to engage with families on what is going to work for them. I thank Ms Cheyne for bringing this bill to the Assembly and I commend it to the chamber.

MS CHEYNE (Ginninderra) (3.04), in reply: Acknowledging organ and tissue donation on a death certificate may seem like a simple gesture, but for some families whose loved ones, in death, gave the ultimate gift, this simple gesture will mean the world.

Madam Assistant Speaker, when I introduced the Births, Deaths and Marriages Registration (Tissue Donor Acknowledgment) Amendment Bill 2020 earlier this year, I briefly spoke about Helen Day. You might recall that Helen's son, Stewart, tragically died in a motorcycle accident in Canberra in 2012, four days shy of his 24th birthday. It is every parent's worst nightmare—losing a child. Stewart's death was sudden and unexpected. Amid the shock and grief, Helen, as Stewart's next of kin, needed to make a significant decision—whether to consent to Stewart's organs and tissue being donated to others. Ultimately, it is the family that is left behind that makes this decision, one that has the power to change numerous lives.

Helen knew Stewart would have wanted to be a donor, so she provided her consent. In death, Stewart went on to save six lives. Helen wants Stewart to be remembered as a man who gave back, in life and in death. It would mean so much to her to have greater acknowledgement of her son's legacy.

She is not alone. Many donor families and advocates in the ACT and across Australia have told me that there are few tangible opportunities to formally acknowledge the significance of organ and tissue donation, and that the significance of the gift for some families is under-recognised.

This bill proposes amendments that would give families like Helen's an avenue to gain greater recognition of their loved one's donation—if they wish, if it is right for them. The bill is primarily about families having the option to have that their loved one was a tissue donor included on their loved one's death certificate. Why is including it on a death certificate so important? It is not just because it is a permanent record. It is also because a death certificate is, in some ways, the formal summation of someone's life. It can contain the vital statistics about a person. It follows, then, that it should accurately reflect their final, most generous act.

Three principles have guided me throughout the approach I have taken to this: that the opportunity to have this recognition on the death certificate be optional, entirely up to the family and not time limited. My aim has been to give each family control and agency in deciding if, how and when they wish to have their loved one's donation recognised. I believe that the bill achieves this.

As has been flagged, the government is proposing three amendments, each of which I support. I do not intend to speak to them in the detail stage, so I will address each of them briefly now.

One is to delay the start date by a maximum 12 months. While I would like what is in this bill to begin immediately, I do appreciate that there is a bit of work behind the scenes in the directorate and with the registrar-general to give effect to the legislation, ensuring that the practicalities behind making sure the process of requesting that the

acknowledgement be recorded are as smooth as possible. That is really important to get right. This needs to be as straightforward as possible for families and not overly bureaucratic. I am happy to support this amendment so that we can get it right. That said, I will be frustrated, and I will be knocking on the minister's door, if it does take a full 12 months for this to be carried out. While I accept the amendment, I do hope it is much sooner than 12 months time.

The second amendment that has been proposed removes the legislative provision regarding the family being able to request, through the registrar-general, a letter of acknowledgement from the Chief Minister. As Minister Rattenbury has flagged, this is something that does not need to be a legislative provision. It can be done through an administrative change with the Chief Minister and his office and directorate, and it will be simpler if the request is direct rather than linked to the registrar-general. Importantly, in doing so, it allows people to request the letter whether they wish to have the acknowledgement on the death certificate or not. It separates those two processes.

I do not want to have something in legislation simply for the sake of it. On the basis that the Chief Minister has been clear in his support of this, and that this is something he will do, I accept that this does not need to be provided for in the legislation. I acknowledge his commitment today that he will work with donor families and the broader network on what the most appropriate and acceptable form, or forms, of words may be for this acknowledgement letter.

The third amendment relates to the definition of "tissue donor", thus who will be eligible to have "tissue donor" recorded on the register and on their death certificate. In this case, the amendment will provide only for those who donate organs or tissues on the occasion of their death. In agreeing to this amendment I acknowledge that the heart of the intent of the legislation has been kept, and I appreciate the lengths to which Minister Rattenbury explained in his speech the issues around including living tissue donation at this stage.

What is not changing is that the opportunity for recognition on a death certificate remains optional, entirely up to the family and not time limited. Families will be able to make the written request at any time, but it is a matter for each family to decide for themselves if it is something that works for them. This removes any urgency in needing to make a decision about it and takes into account that what might be right for each family can change over time. It also means that families whose deceased loved one was an organ or tissue donor before this comes into effect will have this opportunity, too—families like Helen Day and so many others.

This is, to the best of our collective knowledge, an Australian first. However, ACT residents are not the first to push for it. This is a national issue for donor families who wish to have this option. I again want to acknowledge the incredible work of so many, but especially Penny Mitchell in Victoria, who, after 10 years of effort, sitting outside shopping centres and farmers markets, getting handfuls of signatures at a time on her petition, until she got thousands and thousands—a tedious process but such an important one—got the Victorian government to sit up and pay attention to what she hoped to achieve.

In Victoria it fell over, I believe, because that government looked at it too narrowly. There are genuine issues relating to the very strict privacy of health records and the obligations of health professionals in managing those records, particularly as they relate to organ donation. I understand why the Victorian government was apprehensive about pursuing this and, indeed, believed it could not. However, with a bit of lateral thinking and with the support of donor families and the drafting office, I have been able to approach this from another angle. With the agency behind this resting entirely with the family, the issue that halted Victoria's consideration has, I believe, been avoided.

I want to thank all of those who have viewed, reviewed and scrutinised the bill in the spirit in which it was intended, including those who have had to consider it from a public policy and implementation perspective, and with the practical lens that has been applied at each stage. It is because of this collective attitude that we are making history in the ACT today. I know donor families across the country, like Penny, are hopeful that this legislation might serve as a template for other states and territories to follow suit.

I have been overwhelmed by the generosity of families, advocates and experts who have shared their expertise, knowledge and, in some cases, their very personal experiences with me. My thanks go to Penny Mitchell, Leanne Campbell, Marjorie and Michael Taylor, Helen Day, Mel Bezear and others. My thanks go to the Gift of Life board, especially David O'Leary and former member Genevieve Jacobs. I thank Donor Families Australia, especially Bruce McDowell, and Professor Holly Northam, who was unfailingly generous and responsive with her time and expertise. I thank Mary Toohey and the scrutiny committee. As I said in my presentation speech, legislation is hard, and this has been drafted with a very small team. We are grateful to have had the expertise provided by the drafting office and the scrutiny committee.

My sincere thanks go to Minister Rattenbury, his office and the directorate that sits behind them, who have worked on providing these very sensible amendments. I thank the Chief Minister and his office and the health minister and her office for their support from the outset, when I first came knocking on their door well over six months ago. Thanks very much to the opposition for their support and, again, for the openness with which they have approached this.

I thank my colleagues for the priority it has been given in being able to be debated and, it seems, passed today. I thank my superb staff, Emma, Nick and Jemma. You know how much work you do and how much that means to me. I thank all of those who have recognised that this is good legislation that is worth supporting.

It is an honour to bring forward my first piece of legislation in this place, on an issue that I am so passionate about, that has tripartisan support and that will be an Australian first. But the greatest honour has been to give a voice to Australian donor families in this place. I say to the donor families: this is for you; most importantly, this is for the donors, past and future, who you love so much and to whom we as individuals and as a society owe so much. I commend the bill and the proposed amendments to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Kurrajong) (Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (3.17), by leave: I move amendments No 1 to 3 circulated in my name together [*see schedule 1 at page 1140*]. I also table a supplementary explanatory statement to the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Housing—residential rates

MR COE (Yerrabi—Leader of the Opposition) (3.18): I move:

That this Assembly calls on the ACT Government to apply the \$150 rebate (or credit) to residential rates for the fourth quarter of 2019-20 rather than in 2020-21.

The Canberra Liberals know that so many people in Canberra are doing it tough. Unemployment is on the rise, underemployment is increasing, businesses are struggling and households are doing it tough. About six or so weeks ago the ACT government announced that a \$150 rebate would be issued to ACT households. However, the fine print was that the rebate does not kick in until August, September or October, depending on what tranche of rates you are in. Therefore, for this very modest sweetener, this very modest amount of support, a household has to wait six months.

It is, of course, no coincidence that at the same time this modest rebate kicks in an ACT election campaign will be taking place. I do not think it is too much of a conspiracy theory or too outlandish to suggest that there is a correlation.

A rebate of \$150 is not much, but it is something, and Canberra households that are doing it tough need that support now. For a household to which \$150 will be significant, it is going to be significant now. The household that can ride out the next six months without that \$150 could, arguably, be nowhere near as needy as the ones that need it right now. It is poor form at the height of COVID for the government to make this big announcement about a \$150 rebate but then in the fine print say it is not coming for six months.

This government has been very, very slow when it comes to supporting Canberrans, supporting businesses and getting our economy going again. We were the last jurisdiction to put together a stimulus package, and even then so many of the measures were months and months in the making.

My proposal can be easily achieved. I expect the Chief Minister will say it is just too hard because some rates notices have been sent. When you go onto the revenue website and you type in your account number, it tells you how much you owe. It would not be very difficult for the ACT government to reduce that amount by \$150 or, in the event that somebody has paid the full year, to give them a \$150 credit or refund.

This is exactly the same process the government would have gone through with regard to the commercial rates fixed amount rebate. The fixed amount of \$2,600 would have been paid by many businesses and those that paid upfront would have got a credit or a refund. That is exactly the same thing that could happen right here. Why can they not simply attach a \$150 credit to every single rates notice or every single rates account?

I do not think this should be in the too-hard basket, as I expect the Chief Minister will say. Canberrans need this support now. The idea that you have to wait six months to get a \$150 rebate is unreasonable, and the fact that it ties in with an election is pretty outrageous. My motion is a simple one: it recognises that Canberra households are doing it tough and that Canberra households need that \$150 now.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.24): I move:

Omit all words after “That”, substitute:

“this Assembly notes that:

- (1) the ACT Government determined that providing the general rates rebate of \$150 for households in Q1 2020-21 best aligned with support payments provided by the Commonwealth, as well as other family and household assistance initiatives announced as part of the ACT Government Economic Survival Package, including:
 - (a) a \$200 increase in the Utilities concession in Q4 2019-20;
 - (b) contributing up to \$250 000 with utility providers to assist households severely impacted by COVID-19;
 - (c) delaying the provision of Q4 2019-20 rates notices by four weeks;
 - (d) freezing the Fire Emergency and Safety Levy at 2019-20 levels in 2020-21 for all ratepayers; and
 - (e) freezing car registration, parking fees and MyWay fares until the end of 2020-21;
- (2) rates notices for Q4 2019-20 have already been provided to a number of households;

- (3) a proportion of residential ratepayers pay general rates annually as opposed to quarterly or via direct debit arrangements; and
- (4) any commercial or residential ratepayer in the Territory can currently access an interest-free deferral of their rates bill if they have experienced a reduction in their income due to COVID-19 by contacting the ACT Revenue Office.”.

The ACT government announced two economic survival packages, on 20 March and 2 April, with more to come. The first two tranches of our economic survival support totalled more than \$350 million, as part of a multistage response to this very significant public health and economic shock.

The major initiatives included, as Mr Coe has indicated in this motion, a rebate on residential general rates—in effect, a reduction in those rates for the coming fiscal year; a rebate on commercial rates fixed charges; a rebate to small businesses on their electricity bills; the waiving of payroll tax for six months to businesses closed due to COVID-19 health restrictions; and a significant expansion of hardship deferrals for ratepayers, both household and commercial, and businesses experiencing difficulty.

We fast-tracked infrastructure and maintenance projects. We provided tax relief for landlords to reduce rents under a cost-sharing arrangement and provided additional support for the community sector. We have frozen a range of government taxes and charges, the fire and emergency services levy amongst those. Vehicle registration, parking and public transport fees have been frozen.

We established the jobs for Canberra fund to allow the ACT public service to employ additional workers. Importantly, to provide cashflow relief and assistance we delayed the issuing of rates notices altogether. So with no bill before households, that extra month of delay plus the extended payment terms available to households certainly provide immediate relief. Not sending someone a bill is, indeed, relief, and deferring payment for a month was the immediate assistance provided in relation to household general rates.

The government considered the timing of the \$150 rates rebate and determined that the first quarter of fiscal year 2021 was the most appropriate for a number of reasons. Firstly, it ensured that it best aligned with support payments being provided by the commonwealth, as the initial support payments to households were provided in March and April and the JobKeeper payments started in May. There were and remain a range of administrative complexities associated with changing nearly 170,000 notices that make it both impractical and inequitable to provide the rebate in quarter 4 of the 2019-20 fiscal year.

The government was able to use other levers to provide more immediate financial support to more vulnerable members of the community, particularly increasing the utilities concession by \$200 for bills in this final quarter of fiscal 2019-20. This goes to more than 30,000 households in the ACT. So 30,000 households who previously received energy concessions of around \$700 to \$750 a year will now get an additional \$200.

The government, as has been discussed in question time today, also intends to provide a \$250 payment to public housing tenants, again, a very vulnerable section of our community. The government has provided immediate hardship deferral access for general rates, on an interest-free basis, for any ratepayer who has experienced a reduction in their income due to COVID-19. All a ratepayer need do is contact the revenue office to receive that interest-free hardship deferral.

So as a result of the timing of various payments, both commonwealth and ACT, the government decided to provide the \$150 rebate in the first quarter of 2021 to ensure that the rates system could accommodate such a change whilst smoothing the support available to households from the commonwealth and the ACT over the COVID-19 pandemic period.

Sectors 1 and 2 have already had their bills sent for quarter 4, so it is not possible to bring forward the rebate for all residential properties into quarter 4. In addition to this \$150 rebate, the ACT government have provided the \$200 utilities concession increase and expanded access to interest-free deferrals whilst providing assistance packages to households as part of our economic survival package. This includes freezing the utilities network facilities tax at its current levels, enabling utility providers to pass on savings to customers, and contributing in a matched fund \$250,000 to utility providers to assist households severely impacted by COVID-19. I particularly acknowledge ActewAGL and Icon Water and our partnership with them to support low income households. Indeed, households who are experiencing any difficulties in meeting their utilities bills are supported through this fund.

We delayed the provision of the quarter 4 rates notices by four weeks to give that cashflow assistance. We have provided incentives for residential tenancy relief, through the land tax and rates rebate, of up to \$2,600 over the next six months. We have frozen the 2021 fire and emergency services levy at 2019-20 levels for all ratepayers and have frozen car registration, parking fees and MyWay fares until the end of 2021.

These initiatives reflect the first two tranches of the ACT government's economic support package but, as I indicated yesterday, there will be more. We will be focusing particularly on those sections of the community and the business community who continue to experience economic difficulties as a result of COVID-19. I will provide a major statement to the Assembly in what would have been our budget week in June and then a full economic update in August, following the completion of the 2019-20 fiscal year reporting. This amendment to Mr Coe's motion reflects some of the government's support that has been provided.

Madam Assistant Speaker, I am having a Josh Frydenberg moment here and I note there is no water available in the chamber, I will get some in a moment; I will leave the chamber momentarily when I have finished speaking to do just that. That is not walking out on your motion, Mr Coe.

I commend the amendment to the Assembly. I have outlined the reasons why we have taken the approach that we have. I believe, in the circumstances that we face, that

there will be a need for more ACT government support. People are rightly asking what will happen after September to JobSeeker and JobKeeper, and also what will happen in terms of certainty from the ACT government. I am aware of that and I intend to address those issues in good time.

I thank Mrs Jones for her very kind act of bipartisanship in providing some water at this moment. It is not a beer, Mrs Jones, but cheers; thank you very much. I commend my amendment to the Assembly.

MS LE COUTEUR (Murrumbidgee) (3.33): The Greens will be supporting the ALP's amendment. Mr Coe's idea is, of course, very attractive on the surface: why should we not get the \$150 rebate into people's hands earlier, given that the additional cost to government would be very low?

The main problem I see with this is that some rates bills for the quarter have already gone out. It would be super confusing to send out a second bill shortly afterwards with a new amount. Members will all recall what happened when the government redesigned the rates bill two years back. It led to a wave of confusion, cranky emails, and even an amendment to a motion by me that I do not think is worth repeating.

I am sure that some people would understand they have just saved 150 bucks and be very pleased. But other people would think that they had to pay both and start panicking. Some people would just pay the first one and end up overpaying. Then there would be a considerable number of people who would think the government was a pack of idiots for wasting money and sending them two bills with different amounts on them. I just cannot see how it is going to work, basically, from a clear communication point of view and certainty to ratepayers.

I also accept the Chief Minister's point in his amendment that the timing was deliberate, with the rebate intended to provide financial relief after the effects of earlier assistance are over. Timing the rates relief for early next financial year is potentially going to be very useful, because it will come just before the federal government is scheduled to wind back the JobKeeper and the JobSeeker COVID supplement measures at the end of September.

It is also going to come, looking more locally, much closer to the time when the six-month moratorium on evictions due to rental arrears comes to an end, in October. It may be something which will help landlords and tenants reach a more amicable agreement in terms of what they should do with rent arrears, if the \$150 rebate to rates turns up during the period when they are negotiating their way out of this problem.

I know that life is starting to take early steps back to normality, but unless the federal government changes its mind on the wind-back, next financial year is going to be economically very grim. Even if you believe the rhetoric of an economic snap-back, which the Greens, along with many economists, think is highly unlikely, there is absolutely no way the ACT government will have restored all of the jobs lost by the end of September. We will still have reduced international student numbers and approximately zero international tourists. Floriade will remain cancelled, along with other large events.

Ending JobKeeper and the JobSeeker COVID supplement in late September would dump a large number of people on to the base rate of unemployment benefit. The base rate is grossly inadequate, as I have spoken about in the Assembly on many other occasions. This is the view of a lot of people, everyone from the Greens to ACOSS and, in fact, the Business Council of Australia. I think it is well accepted almost everywhere except in the federal coalition government.

In conclusion, the Greens will not support Mr Coe's idea of bringing the rates rebate forward because it would cause significant confusion to ratepayers who get two bills. It would also change the timing from an economic stimulus perspective. We agree with the Chief Minister when he points out that the timing was deliberate and quite probably very good. So we will, instead, support the Chief Minister's amendment.

MR WALL (Brindabella) (3.37): Now, more than ever, Canberra ratepayers need some sort of cost of living relief. We know that one of the biggest causes in the blowout of household budgets over previous years has been in residential rates. This has been the case for some time. The disproportionate increases in our residential rates bills over the years have hit crisis point for many households, particularly in my electorate of Tuggeranong.

The Canberra Liberals' prediction in 2012 that our rates would triple has become a reality. The cumulative impact of 19 years of Labor and the Greens at the helm, nine of those with Andrew Barr in charge of the budget, is now coming home to roost. The issue of unfair rates rises has been a topic of conversation in Tuggeranong households and, indeed, Canberra households for many years.

We had warned that it would happen via tax reform put forward years ago. Who can forget the infamous words, at the time, of Mr Barr's mentor, the former Labor Treasurer Ted Quinlan, who stated, "Tax them till they bleed but not until they die"—"them", of course, being the families paying rates across the ACT?

Now we are in a climate where over 10,000 Canberrans have lost their jobs in the space of a couple of months. Cost of living relief is a necessity; it is no longer a bonus. Assistance that will bring relief to families when they need it most, when so many Canberrans need assistance in balancing their bills, is now needed most.

The fact is that we are talking about a rates rebate of only \$150 that will have a significant impact for the families who need it most but, in the scheme of things, is only a fraction of the significant increases that have been levied over the previous years on every ACT ratepayer, simply to cover their costs. The \$150 rebate that is being offered is barely enough to cover a trolley of groceries for most families.

Again, the very least that could happen is that any rebate that is being offered be offered immediately and provide immediate relief to those who need it most. Again, we call on the government to do this as a priority and to do it immediately.

MR COE (Yerrabi—Leader of the Opposition) (3.39): The Canberra Liberals do not put this in the too-hard basket, as the Labor Party and the Greens do. We think it is quite doable in the ACT government rates system to attach a \$150 credit to everybody's account right now. It is doable. They just do not want to.

At most, a third of rates bills have been sent out. If they have been sent out, how many have been paid? Very few, and those that can pay it, and pay it within a day or two, are perhaps not the key target of this \$150 measure. The \$150 could be easily applied. Somebody that has paid it will get the credit. For somebody that has not paid it, when they log on to internet banking and to the ACT government accounts system, it will say how much is owing. That could easily be reduced by \$150 with a note. And in the event that they pay more they will get that as a credit off their next bill. It is really quite straightforward. This is exactly the same as per the commercial rates. Somebody who paid the full year upfront got a \$2,600 credit for the next rates bill. This is not too difficult. They just do not want to do it.

On one hand we have the Chief Minister saying it was deliberate. On the other hand we have Ms Le Couteur saying it would be preferable that it happen now. Well, it can happen now. Obviously you would rather it not happen now because, if you did want it to happen now, you could just vote with this and make it happen right now. You could make the ACT government send a directive to the ACT government revenue office to issue a \$150 credit to people's rates notices now.

The Greens do not want to do it. The Labor Party does not want to do it. Only the Liberals want to. It is very straightforward. It is a shame that, once again, it is struggling Canberra households that are paying the price for this very tight coalition.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 7

Noes 6

Mr Barr
Ms Cheyne
Ms Cody
Mr Gentleman

Ms Le Couteur
Ms Orr
Ms Stephen-Smith

Mr Coe
Mr Hanson
Mrs Jones
Mrs Kikkert

Mr Milligan
Mr Wall

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Crimes (Protection of Police, Firefighters and Paramedics) Amendment Bill 2019

Debate resumed from 22 October 2019, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MRS JONES (Murrumbidgee) (3.47): I am pleased to see that this frontline assaults bill is finally being debated in the Assembly. The Canberra Liberals have been pushing for these sorts of laws for a decade. Over these many years, Labor and the Greens have rejected our calls time and again. Mr Hanson first brought such a bill here in 2011, and for that I thank him. I began drafting my version of these laws, which was presented late last year, while I was on maternity leave with my child who turns two tomorrow, so even the last push has been going on for a little while.

It was not until it became apparent that we were going to do this that the government also brought forward its comprehensive frontline assault bill. Labor and the Greens are certainly late to the party, but it is welcome to see them finally arrive. As with an overdue baby, there is relief all round that the big day is finally here.

These much-needed reforms, along with my amendments, will provide police officers, paramedics, firefighters and corrections officers with additional protection from assaults. The bill also creates new laws specifically targeted at driving at a police officer or a police vehicle, something we have unfortunately seen increase over the last few years.

Some acts of violence are worse than others. Violence towards police, paramedics, firies and prison guards deserves separate and more severe treatment because of the work that they do. This is why I will be moving my amendment to increase the maximum penalty from two years for assaulting one of these personnel to five years. Keeping it at two years makes it no different from common assault in the punishments available to the courts.

Police, paramedics, firefighters and prison guards are some of the best and bravest people in our community. They work selflessly and tirelessly for us on the front lines, and they are exposed to risks far greater than what is expected of you and me. They go to work and walk into danger every single day, and they do so for us. These hardworking men and women in uniform deserve to be fully backed up by their politicians in the work that they undertake on behalf of and in service of our whole community. That is what my amendments achieve.

To the men and women on the front line, I say that I back you up 100 per cent. The Canberra Liberals back you up 100 per cent and today, I am pleased to say, the Assembly is working together to ensure that as a parliament we back you up. Thank you.

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) (3.51): As has been touched on, this bill will amend the Crimes Act 1900. The primary purpose of the bill is to ensure that the special occupational vulnerability of our police officers, firefighters, paramedics and correctional officers, as providers of important emergency and frontline services, is appropriately recognised through ACT criminal law.

The legislation is designed to protect emergency and frontline workers who routinely render assistance in volatile and dangerous situations where they are exposed to an increased risk of violence. The legislation is also designed to protect those at high risk in a correctional centre.

In the past there have been incidents at the Alexander Maconochie Centre where detainees have assaulted custodial corrections officers. Thankfully, the numbers are low. In fact, in the last number of years there have been no serious assaults by detainees on prison staff. There have been assaults. Again, those numbers, I am pleased to report, have been decreasing in recent years. This goes to the significant effort that is put into protecting corrections officers and having the right safety systems in place. I am pleased that those numbers have been falling but I am conscious that every day, when corrections officers go to work, there is a risk there for them that something unexpected could happen, just as there is for some of the other professions that we are talking about today. With my particular interest in the corrections space, it is a risk that I am conscious our staff face every single day.

The amendments also provide similar coverage for the occasions on which ACT Corrective Services seeks the assistance of interstate correctional officers. While they are performing their duties under the Corrections Management Act in this territory, they will also be covered by the proposed amendments. Our community corrections officers within ACT Corrective Services are not included in this bill, as they do not have direct contact with detainees and therefore do not come under the same provisions that are being thought about as the other staff here.

The Greens are supporting this bill today. We believe that the process of discussion that has gone on in recent months has ensured that this bill strikes the right balance. It points to the particular risks and vulnerabilities that are faced by some of these particular occupations and gives the recognition of having a particular offence, which will be useful down the line both for frontline staff, perhaps in seeing somebody's previous record, and also in sending a clear signal from this place to our community that violence against those who are seeking to assist you is not acceptable, that there is no place for it. We want to be absolutely clear, as the parties in this chamber, that we do not condone that violence and, in fact, want to see it stamped out in our community. So the Greens will be supporting the bill today and most of the amendments that are coming through.

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) (3.54), in reply: I thank Mrs Jones for working with the government. Our efforts were constructive and collaborative. I acknowledge that Mrs Jones had her own bill that had more expansive coverage. Some of those elements could not be progressed here today. However, this is a place of compromise. I think that what has been achieved by working with Mrs Jones is a balanced and considered protection of police, emergency services and other frontline workers. This is a first step. The review provisions in the bill enable the Assembly to have a mechanism to consider future changes.

Key to this review will be ensuring detailed and timely stakeholder consultation so that any government and non-government agencies interested in these reforms can meaningfully contribute to any future proposals. The amendments circulated by Mrs Jones are thoughtful. The government will support all of these amendments except for one.

Mrs Jones and the government could not agree on the change to the maximum penalty applicable to the assault provision in the bill. The advice the government has received is that amending this penalty provision will impact human rights. The territory has an obligation under the Human Rights Act 2004 to ensure that laws and policies do not have a discriminatory impact on particular groups with protected attributes, including where a proposal may have unintended disproportionate or negative impacts on particular groups.

In addition to Mrs Jones's amendments, I will be moving two amendments at the detail stage. The first will be to expand the coverage of the assault provision to cover all of those that work and volunteer with our Emergency Services Agency, ESA. My second amendment will seek to change the commencement date of the provisions to 14 days after notification of this amendment act, rather than the day after notification. The need for this minor change was raised by stakeholders, following the introduction of the bill. It will allow certain system changes to be put in place to support the implementation of new offences.

Overall, this bill ensures that protections for police and other frontline workers are more in line with community expectations. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

MADAM ASSISTANT SPEAKER (Ms Cody): Members, as clause 1 and the proposed amendment relate to the name of the act and the amendment is contingent on other amendments being agreed to, if there is no objection I propose that consideration of clause 1 be postponed until immediately before consideration of the title. That being the case, the question is that clause 2 be agreed to.

Clause 2.

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) (3.57): I seek leave to move amendments to this bill that have not been considered or reported on by the scrutiny committee.

Leave granted.

MR GENTLEMAN: I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the amendment [*see schedule 3 at page 1145*]. This amendment is minor; it is only in relation to the timing of the commencement of the legislation. The amendment proposes that the commencement be charged from the day after notification to the 14th day after notification. The need for this amendment became apparent through consultation with agencies, following the presentation of the bill in the Assembly. The proposed commencement timing will allow all affected agencies to put in place communication strategies ahead of the changes, and will allow ACT Policing to make the necessary changes to their data management system to support the operation of new offences.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

MRS JONES (Murrumbidgee) (4.00): I seek leave to move amendments to this bill that have not been considered or reported on by the scrutiny committee.

Leave granted.

MRS JONES: I move amendment No 2 circulated in my name [*see schedule 2 at page 1141*]. This is regarding the terminology of “emergency worker” being changed to “frontline community provider”, which is the agreed form of words to be used in this bill. I propose that we support this amendment.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5.

MRS JONES (Murrumbidgee) (4.03), by leave: I move amendments Nos 3 to 9 circulated in my name together [*see schedule 2 at page 1141*]. Clause 5, amendments 3 to 9, deals with the same minor change as clause 4, which is the definition of “emergency worker” being made “frontline community provider” for the bill.

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) (4.04): The government supports these minor and technical amendments as they relate to the title of the amendment act and the term used to classify workers protected by the assault offence. These changes relate to a further amendment that will be proposed by Mrs Jones,

which, as I mentioned, the government intends to support. That amendment is about including additional occupations to be protected under the new assault clause.

Amendments agreed to.

MRS JONES (Murrumbidgee) (4.04): I move amendment No 10 circulated in my name [*see schedule 2 at page 1142*]. We are seeking a five-year maximum penalty for those who have been found to have assaulted an emergency worker—a police, ambulance, fire or corrections officer—while the government has settled on a two-year maximum penalty.

Despite the advice that the minister has been given, as the chair of the scrutiny committee I am very au fait with our human rights compliance legislation. In order for legislation to be human rights compliant, and not to affect some people in an unexpected way, it is required to be justified, as many ministers in this place are aware. I have justified the change as it pertains to my original bill. There were no problems found as a result of the human rights scrutiny of this change to my original bill. In fact, it was considered to be reasonably well justified because these personnel put themselves in harm's way on a daily basis. If a crime is committed against them—a very callous and cold-blooded offence—the judge would have the option of going to a five-year maximum, which is higher than the average normal response of two years.

I commend my amendment to this place because, otherwise, this bill does not change the amount of time someone can serve for purposely assaulting a uniformed person in our community. For driving at their car there will still be the option of a five-year offence, so it does not really make sense that we maintain the two years.

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) (4.07): The government opposes this amendment, which relates to the penalty for the new assault offence. The government considers that a five-year imprisonment penalty is not appropriate and that the two-year imprisonment penalty should be kept, as this is the option which is most consistent with human rights considerations.

In developing the new assault offence, the government has paid careful consideration to the objective to protect and support police and other frontline workers against harm, as well as the need to ensure that any limitations on human rights are justified and proportionate to that objective. This consideration was undertaken in consultation with the Justice and Community Safety Directorate's human rights unit and the ACT Human Rights Commission. The territory has an obligation under the Human Rights Act 2004 to ensure that the laws and policies in the ACT do not have a discriminatory impact on particular groups with protected attributes, including where a proposal may have unintended, disproportionate or negative impacts on particular groups.

The government recognises that the creation of any new offence has the potential to disproportionately impact certain groups, including vulnerable cohorts who are over-represented in interactions with police. A maximum penalty of two years

imprisonment is the same as the maximum penalty for common assault and, hence, minimises any unintended adverse impacts on vulnerable groups in the community. The bill includes a provision which would require offences in the bill to be reviewed within two years, following the commencement of the bill provisions. The review will be an opportunity to consider whether the offences are working as intended, including in relation to the penalty provisions. There is also a requirement for a report of the review to be presented to the Legislative Assembly.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 7

Mr Coe
Mr Hanson
Mrs Jones
Mr Milligan

Mr Parton
Mr Wall

Ms Berry
Ms J Burch
Ms Cheyne
Mr Gentleman

Ms Orr
Mr Ramsay
Mr Rattenbury

Amendment negatived.

MRS JONES (Murrumbidgee) (4.13), by leave: I move amendments Nos 11 to 20 circulated in my name together [*see schedule 2 at page 1142*]. Amendments Nos 11 to 20 again concern the minor change from the term “emergency worker” to “frontline community service provider”, which I recommend we support.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services and Minister for Urban Renewal) (4.14): The government supports these minor and technical amendments as they relate to different changes to the act.

Amendments agreed to.

MRS JONES (Murrumbidgee) (4.15): I move amendment No 21 circulated in my name [*see schedule 2 at page 1144*]. This is about expanding the coverage of assault to corrections workers. As has been well canvassed here, it is a really positive improvement to the bill. We have been able to get agreement from Minister Rattenbury to include these workers in the bill. I recommend support for this amendment.

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) (4.15): I move amendment No 1 circulated in my name, which amends Mrs Jones’s proposed amendment No 21 [*see schedule 4 at page 1146*].

The amendment includes employees and volunteers of the ACT Emergency Services Agency. Including these workers is consistent with the key policy aim of the bill, which is to support those involved in undertaking emergency duties or supporting emergency response on behalf of the community.

These changes are supported by the ESA. “ESA employee” refers to those who work for the ESA but who are not a member of an emergency service. ESA volunteers are uniformed volunteers of the ESA mapping unit who are responsible for supporting ESA and ACT Policing, and who have duties in the field.

MRS JONES (Murrumbidgee) (4.16): We support the amendment to my amendment.

Mr Gentleman’s amendment to **Mrs Jones’s** proposed amendment agreed to.

Ms Jones’s amendment, as amended, agreed to.

MRS JONES (Murrumbidgee) (4.16): I move amendment No 22 circulated in my name [*see schedule 2 at page 1144*]. This amendment inserts a minor change to insert a new heading. I propose that we support it.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7.

MRS JONES (Murrumbidgee) (4.17), by leave: I move amendments Nos 23 to 25 circulated in my name together [*see schedule 2 at page 1145*]. Again, these are minor and consequential changes based on amendments we have already agreed to. I propose that we support them.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clause 8.

MRS JONES (Murrumbidgee) (4.18): I move amendment No 26 circulated in my name [*see schedule 2 at page 1145*]. Again, these are minor and consequential changes based on changes that we have already made during the debate.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 1.

MRS JONES (Murrumbidgee) (4.19): I move amendment No 1 circulated in my name [*see schedule 2 at page 1140*]. This changes the title of the bill to reflect the changes that we have agreed to.

Amendment agreed to.

Clause 1, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Firearms Legislation Amendment Bill 2020

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

That this bill be agreed to in principle.

MR MILLIGAN (Yerrabi) (4.20): Today I rise to express my support for the Firearms Legislation Amendment Bill, as shadow minister for sport and recreation. All too often, when people think about sport they think about mainstream or popular sports. However, in my journey of consultation and engagement with the sporting and recreation community, I have found that there is much diversity. There really is something for everyone. This legislation is an important step in addressing a small segment of our sporting community—primarily the sports of biathlon and modern pentathlon.

The Firearms Legislation Amendment Bill will allow athletes, coaches, sporting organisations and officials in these sports to use laser target shooting devices without permits. This means that people can train, compete or participate in the sports of biathlon and modern pentathlon much more easily. It can help make these sports less intimidating or restricting for people who might want to try them for the first time, as well as provide more flexibility to undertake training.

These changes will help event organisers and local clubs to host more competitions and, importantly, should increase the opportunity for interstate athletes to participate in these sports here in the ACT.

As part of my consultation on this bill, I reached out to a range of local clubs and also national bodies such as the Australian Biathlon Association and Modern Pentathlon Australia. I contacted these national bodies because I was keen to gauge what level of interest they would have in hosting an event here in the near future. It was interesting to note that these organisations had not heard from the ACT government about this legislation or about event opportunities.

Mr Assistant Speaker, as you would be aware, a key driver of the Canberra Liberals' sport and recreation policy—find your game—is sports tourism. We want to make Canberra the amateur sporting capital of Australia. We want to bring more events here,

no matter how big or how small, no matter what sport or recreational pursuit. We want everyone to reap the benefits of sports tourism: the hotel and hospitality sectors, local transport services and local tourist attractions—all businesses. We understand that the more sporting events there are here, the better it is for everyone.

Another key driver of find your game is to enjoy the great outdoors. The Canberra Liberals want everyone to have the opportunity to maximise the amazing outdoor environment we have here: our lakes, our parks, our wetlands and our mountain ranges. This is another reason that sports like modern pentathlon and biathlon are so keen to have more opportunities here. We are blessed with many natural resources that provide the perfect environment for their sports.

That is why these changes to the Firearms Act are important. They are an easy policy lever that can be pulled to open up access and make participation in these sports easier. I hope that this means that the attitude to easing restrictions may apply to other sports that suffer from excessive regulation.

Last, but not least, one of the primary drivers behind find your game is to bring back the fun. For too long Canberra has been a town where the answer quite often has been “no”. The Canberra Liberals want to change that. We want to look for more ways to say yes. We want to say yes to fun events like the Birdman Rally; yes to more national and interstate competitions; and yes to more local sport and recreation.

Mr Assistant Speaker, I am pleased to support these changes. They are surprisingly positive. The Canberra Liberals will support these measures, as they provide a more flexible, fairer approach to the ownership and use of laser firearms for sports.

MR RATTENBURY (Kurrajong) (4.25): The ACT Greens will be supporting the bill that is being considered in the chamber today. The bill amends the laws regulating firearms and weapons in the ACT to support legitimate activities of biathletes, pentathletes and commonwealth aviation security inspectors. As the explanatory statement clearly outlines, this bill will have positive impacts on public safety and the sporting community in the ACT, and has been developed following stakeholder consultation.

The bill supports increased systemic security tests for passenger, staff and goods screening points at Canberra Airport. These tests strengthen overall public safety at Canberra Airport and are sensible in as much as they allow aviation security inspectors, as defined in the commonwealth Aviation Transport Security Act 2004, to be exempt from the requirement to have a permit to possess and use an imitation firearm in the exercise of their functions.

With regard to the exemptions for biathletes and pentathletes, as the explanatory statement notes, the bill includes an exemption for participants, athletes, coaches and officials of a biathlon or modern pentathlon from the requirement to obtain a permit for their laser target shooting devices. This is intended to support the genuine needs of those sporting communities, assist with promoting the sport and support young athletes becoming involved in the sport.

The explanatory statement provides some interesting insight into the evolution of those sports and the way that that new equipment is being used. This bill supports those changing practices. We support the passage of the bill.

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) (4.27), in reply: The Firearms Legislation Amendment Bill 2020 continues the government's work in developing appropriate firearms legislation in the ACT. The ACT firearms legislation is robust in ensuring public safety, a key priority for this government. At the same time, this legislation reflects and takes into account the interests of legitimate firearms users.

The bill makes amendments to the laws regulating firearms and weapons in the ACT in order to support the legitimate activities of biathletes, pentathletes and commonwealth aviation security inspectors.

Australia competes in both biathlon and modern pentathlon at the Olympic Games. Modern pentathlon consists of fencing, freestyle swimming, equestrian showjumping and a final combined event of pistol shooting and cross-country running. Biathlon is a winter Olympics sport that combines cross-country skiing with rifle shooting. The rules governing the shooting components of these sports have changed over the years, transitioning to air pistols in the 1990s.

Laser target shooting devices have been used at the Olympics since the 2012 summer games in London. These devices, also known as laser pistols or laser rifles, fall within the definition of an imitation firearm under the Firearms Act, so ordinarily a permit would be required to authorise their possession and use. This bill makes an amendment to exempt participants, athletes, coaches and officials of biathlon or modern pentathlon from the requirement to obtain a permit for their laser target shooting devices used for the purpose of participation in their sport.

Similar arrangements are already in place in New South Wales and Victoria, and we will continue to consult with these states when it comes to determining any necessary guidelines or other advice that may need to be provided in relation to the exemption in the future.

At the upcoming 2020 Tokyo games, to be held now in 2021, and subject to developments with the COVID-19 pandemic, Australia will be represented by two athletes in modern pentathlon, Marina Carrier and Edward Fernon. Marina recently finished her junior career ranked in the top 10 in the world. Marina first learned about the sport as a 13-year-old from her teacher. At age 17 she qualified for the Youth Olympic Games, YOG, as Australia's first ever YOG modern pentathlete. Now, at age 23, Marina is making her Olympic debut in modern pentathlon. Edward Fernon will be competing in his second Olympics, having placed 27th at the 2012 London games. I wish them both well. These amendments will help athletes like Marina and Edward to train and compete in the ACT.

At a local level these amendments will help up-and-coming Canberra athletes like Eliya Quinn. Despite not being able to train for the shooting elements of modern pentathlon, Eliya came 16th in the Youth Asia World Championships last November and second in her age group, under 17, at Australia's modern pentathlon championships last March. She also travelled to Europe with the high performance team last July and competed in the Hungarian national championships. A strong runner and swimmer, she is showing a lot of potential, and the amendments allowing her to practise the shooting component will no doubt significantly improve her results. She trains for swimming at the AIS, fencing at the Australian National University Fencing Club, equestrian at Forest Park, and running with the Woden Little Athletics Club.

The bill also amends the Firearms Regulation 2008 to prescribe the Australian Biathlon Association, Modern Pentathlon Australia and Modern Pentathlon Association of New South Wales Inc as sporting organisations in relation to the above exemptions. This is consistent with other exemptions already in ACT legislation for the possession and use of starting pistols by sporting officials and organisations.

The second circumstance in which the bill introduces an exemption is in order to contribute to strengthening public safety at Canberra Airport. These changes were sought by the commonwealth Minister for Home Affairs and will streamline the arrangements for aviation security inspectors. These exemptions are consistent with others already in ACT legislation for the possession and use of firearms by law enforcement and military personnel in the course of their duties.

Once again I thank all stakeholders who contributed to the development of this bill. The amendments in the bill reinforce the underlying principle that supports Australia's regulation of firearms: firearm possession and use is a privilege that is conditional on the overriding need to ensure public safety. The government is committed to building safer communities in the ACT, and amendments in this bill contribute to that commitment. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Loose-fill Asbestos Legislation Amendment Bill 2020

Debate resumed from 20 February 2020, on motion by **Ms Orr**:

That this bill be agreed to in principle.

MR WALL (Brindabella) (4.34): The opposition will support the Loose-fill Asbestos Legislation Amendment Bill. The bill seeks to put necessary initiatives in place to

assist in managing and remediating the remaining privately owned properties affected by loose-fill asbestos insulation. From the late 1960s through the 70s, loose asbestos fibres, known as Mr Fluffy, were pumped into the ceilings of 1,049-plus properties around Canberra. It has been a long and hard road for the families and individuals who owned and resided in these homes. They have carried the devastation and the legacy of Mr Fluffy to this day. The worry about the health and financial impacts and the sense of loss that surrounds the saga still weighs heavily on many in our community.

There is a chequered history relating to the handling of this issue by previous ACT governments, as well as the role that the commonwealth played during the remediation. Many Mr Fluffy home owners in the ACT will always remember the fight for a fair and flexible resolution. Many families are still searching for answers that will only ever be resolved when all decisions are reviewed in a public forum.

The initiatives today are some practical measures that will help get us towards a resolution of remediating and removing these properties from our community. Since 2014, when the commonwealth government stepped in with a \$1 billion loan to fund the loose-fill insulation eradication scheme, 96 per cent of Mr Fluffy properties have been demolished and remediated. The remaining property owners need some surety, regardless of the future, that these properties will be cared for and maintained safely, and this bill takes some steps to addressing that.

The bill introduces, among other provisions, a requirement for certain information to be included on an affected premises register to show whether a property requires an asbestos management plan, as well as appropriate parameters to prevent development approval being granted on those properties in the future unless the development includes the demolition of the affected structures and a plan for remediation.

The bill restricts building works on affected premises and ensures that residential tenancy agreements, occupancy agreements, assignment or sublet for any property on the register is void if entered into on or after 1 July 2020. This is a prudent step to ensure that no new residents are affected by or exposed to Mr Fluffy fibres unnecessarily.

Importantly, consideration has been given to the financial impacts on home owners of abiding by the provisions in this bill. While in normal circumstances the steps outlined in this bill would be unreasonable, in the opposition's opinion, and would significantly undermine the property rights of the home owner, given the health risks associated with loose-fill asbestos, the significant buyback scheme that has occurred and the steps that have taken place to ensure safety in our community, the opposition will continue to support the right for home owners of Fluffy properties and residents of Fluffy properties to determine under their own course whether surrender is the right option for them at this time. However, we also consider the steps in this bill as a reasonable measure of maintaining community safety and another step towards ensuring that these properties are once and for all remediated, eliminating the community risk.

As I have said previously, the opposition will be supporting this bill today and I look forward to its passage.

MR RATTENBURY (Kurrajong) (4.37): The Greens will be supporting this bill today. Mr Fluffy loose-fill asbestos has been haunting this city and our community for many decades now. It has brought great distress to thousands of home owners and tenants over two separate time periods, decades apart—at the time of the initial clean-up in the late 1980s and early 1990s, and then again over recent years during this final clean-up.

It has been of serious concern amongst workers in our building industry who have had fears about whether their health has been impacted by renovations and maintenance work they have done on Mr Fluffy homes. There has been fear and concern across the broader community, as well. Many of us looked up the map of affected properties on the *Canberra Times* website the day it was released to see if we had ever lived in or visited a Mr Fluffy home. I know many people in the community are affected by that in one of those various categories.

There has also been a large financial burden on the community. The most recent clean-up alone will have cost the ACT government around \$290 million, from a net perspective, by completion. That is also a large amount of money that every ACT resident will be contributing to.

Today we are close to the end but we are not there yet. As of 21 December 2019, 978 properties had been demolished, which is around 95 per cent of the affected properties. We will not quite get to the end during this term of the Assembly; there are still a small number of properties where the owners have not yet entered into the government's buyback plan or have conducted their own demolition. This bill puts in place arrangements for managing this final small group of properties.

The bill includes two types of measures: firstly, there are measures to protect tradespeople and other service providers, as well as the wider community. These include, for example, a requirement that an asbestos management plan is kept in a display case at the front of the property to make sure tradies or other service providers who come to do maintenance work or other services understand what precautions they need to take to stay safe. Secondly, there are measures to make sure that the small number of remaining homes are eventually demolished. This includes an end date of mid-2025 when compulsory acquisition and demolition may take place.

It is important to recognise that some of these measures will have a direct impact on the remaining owners. It is a difficult decision to bring in the option of compulsory acquisition, as well as some of the more intrusive measures. However, at the end of the day, these remaining Mr Fluffy homes cannot be forgotten and be allowed to gradually drift back into circulation through rental or sale. Workers also need to be protected.

That does, however, leave the current responsible minister and future ministers through to 2025 with a significant moral obligation to make sure these powers are

exercised with restraint, care and respect for the affected people. We must always remember that they are the victims of this situation and we must act accordingly, remembering compassion will be such an important part of this final phase of dealing with Mr Fluffy in our city.

In conclusion, the Greens acknowledge the distress that Mr Fluffy asbestos has caused many people in our community over many years. This is a situation that must be brought to an end, and a path forward needs to be set. We are therefore supporting this legislation and do so with the intention that the end will be reached with as little distress as possible for the people involved.

MS ORR (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (4.41), in reply: I am pleased to address the Assembly during the debate of the Loose-fill Asbestos Legislation Amendment Bill 2020. The government has taken action to remove the risks associated with the presence of loose-fill asbestos insulation in the ACT community. Ninety-six per cent of Mr Fluffy-affected properties have been demolished through the loose-fill asbestos insulation eradication scheme, all privately, providing for a safer residential community across Canberra. However, while any affected properties remain, the risks of exposure to the community will continue.

This bill implements three initiatives for the management of the remaining Mr Fluffy properties from 1 July 2020. These initiatives all promote community safety. I will address the key amendments introduced by this important bill in turn: (1) additional asbestos management plan requirements; (2) development and building approval restrictions; and (3) occupancy prohibition. The bill implements three changes in relation to asbestos management plans, commonly referred to as AMPs. These changes work together to improve the safety of individuals required to attend and conduct work on affected properties.

Firstly, the bill requires additional information relating to AMPs to be made available on the affected residential premises register and published on the Asbestos Response Taskforce website. The register will record whether a property requires an AMP and whether it has a compliant AMP. This amendment is particularly helpful for tradespeople and care workers, who will be able to view the register and then easily assess the risk associated with any work at the property.

Secondly, the bill also requires the AMP to be presented in a display case at a prominent location on the affected property. This is designed to make it easy for anyone about to enter the property to see that it is affected and be able to find out from the report the extent and nature of the contamination. The bill balances the need to provide accessible information to anyone entering an affected home, while not broadcasting that the property is affected to anyone just passing by. This balance is achieved by the nature of the display case itself and the fact that ministerial approval will specify, through a notifiable instrument, the way and the place where the case must be displayed.

The display case supplied by the taskforce is a simple, clear case, measuring approximately 36 centimetres by 21 centimetres. Being clear and moderately sized, the display case and the AMP inside will not be highly visible from the street. The exact location of the display case will be tailored to each individual property, with consideration to balancing the safety needs of those entering the house and the privacy needs of the owner and residents. The taskforce will discuss the planned location for the display case with the owner of each property and provide assistance to install the case, if needed. The bill further accommodates the privacy needs of owners by allowing for personal information to be removed from the AMP prior to it being displayed and by requiring asbestos assessors to, where practicable, exclude photographs from the report that show any personal effects.

Thirdly, the bill introduces changes to the length of the validity period of an AMP, which is currently set at two years for all properties. The bill introduces the ability for a licensed asbestos assessor to determine an appropriate validity period between six months and two years, based on the individual property. This flexibility will provide for greater currency of affected premises condition reports and so support community safety while not enforcing onerous assessment requirements when not necessary.

The government acknowledges that this change to the AMP validity period may require a home owner to get an AMP more regularly. The cost of attaining an AMP is generally between \$400 and \$1,000, depending on the property and the number of samples taken. To address any financial hardship issues, home owners can apply to the taskforce for an early release of their relocation assistance that is equal to the cost of obtaining the AMP. I also note that the bill allows for an internal review if the home owner feels that the validity period of less than two years is unreasonable.

I now address how the bill will implement restrictions on development and building approvals. Consistent with the government's commitment to the removal of all loose-fill affected properties from Canberra's suburbs, this bill introduces restrictions to prevent unnecessary development or building works at properties on the affected residential premises register. This bill achieves this by removing a range of development and building exemptions and restrictions approvals.

Works will be approved only if they are essential for health, safety or reasonable living conditions or if they involve the demolition of an affected building. While some minor works that are not directly associated with an affected structure will remain exempt, such as installing a fence or a letterbox or establishing a site shed that might be needed for demolition work, other works which were previously exempted, such as internal alterations, will now require approval. Applications for approval will be assessed on a case-by-case basis. Guidelines will be published to provide information to home owners and industry on what works will be permitted as essential for health, safety or reasonable living conditions. The taskforce will also continue to work with the Council on the Ageing and other key stakeholders to understand the kinds of works that may be required, particularly to support ageing occupants.

I now address the occupancy prohibition provisions introduced in the bill. The intent of these provisions is to prevent a new generation of residents being exposed to the risks associated with living in affected premises. Firstly, it is important to note that the provisions do not require existing residents to vacate their home. The occupancy prohibition comes into play only when an affected property is sold or transferred or when a current rental arrangement is complete.

Upon the transfer or transmission of the title of an affected property, only approved occupants will be able to reside at the property. An approved occupant is a resident who has occupied the premises continually since it was added to the affected residential premises register or a person who is approved by the portfolio minister to occupy the premises to provide support to a resident.

The bill also requires that the owner of an affected residential premise must notify WorkSafe ACT about any approved occupants. Information regarding the occupancy prohibition will be recorded by the affected residential premises register to allow WorkSafe ACT to monitor compliance. This information will not be made public.

To ensure a prospective purchaser of an affected property is aware of the effect of the occupancy prohibition provisions, an administrative interest will be placed on the title of all properties remaining on the register as of 1 July 2020. This interest will be a flag to conveyancers, solicitors and prospective buyers that the property may not be allowed to be occupied. The bill also introduces an occupancy prohibition for rented properties. Any residential tenancy agreement, occupancy agreement, assignment or sublet for a premise on the register that is entered into on or after 1 July 2020 is deemed void under the changes proposed.

I conclude by briefly speaking about the two other government initiatives not part of this bill that are being implemented to support the goal of eradicating loose-fill asbestos-affected properties from Canberra's suburbs. Transition assistance is a program that will support home owners with complex health and financial circumstances to implement a transition to new living arrangements over a period of six months prior to surrendering their property to the territory. During this period owners will have access to some of the equity in their homes. These funds will allow them to pay expenses related to moving to new living arrangements and will support establishing new care arrangements at their future home.

Whether through the loose-fill asbestos installation eradication scheme or private arrangement, it is hoped that in the very near future all Mr Fluffy-affected properties will be removed from the ACT residential community. While not the preferred option, the government acknowledges that, should that not occur, it may need to take compulsory acquisition action in mid-2025. Any action taken will be timed on a case-by-case basis, taking into consideration the specific circumstances of each remaining home owner or resident.

To ensure that prospective purchasers of all affected premises are fully informed of the possibility of compulsory acquisition in 2025, an administrative interest will be placed on the title of each property remaining on the register as of 1 July 2020. This

administrative interest will be visible on a title search. The taskforce continues to work with home owners around their options and obligations, and will work with industry and community in regard to the changes introduced by the bill.

The government is conscious of the impact COVID-19 is having on the Canberra community, and the challenges it presents to owners of properties containing loose-fill asbestos insulation who have been working towards surrendering their affected property to the territory. We understand the added stress this can cause in these already uncertain times. That is why we have extended the property surrender date and the closure of the buyback program to either 30 June 2021 or six months after the COVID-19 public health emergency is lifted in the ACT, whichever date occurs later.

This provides assurance to home owners who are participating in the buyback program that they have until at least mid-2021 to make all necessary arrangements before surrendering their affected property. Although the surrender date has been extended, the date to exchange contracts and be part of the buyback program remains 30 June 2020 to maintain the integrity of the program. For all participants, transition assistance remains available for all home owners with complex financial and health circumstances, with dates being extended in line with the buyback program changes. While it is anticipated that the changes introduced by this bill will apply to fewer than 35 properties, they remain, nonetheless, important as we seek to promote safety for all members of our community. I thank the Assembly for their support and look forward to continuing to assist our community with the eradication of the dangers of loose-fill asbestos.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Labour Hire Licensing Bill 2020

Debate resumed from 20 February 2020, on motion by **Ms Orr**:

That this bill be agreed to in principle.

MR WALL (Brindabella) (4.53): The opposition will vigorously oppose the Labour Hire Licensing Bill presented by the Barr government. Make no mistake—this is about jobs. This is yet another unnecessary kick in the guts for employers and job seekers and has no place in the ACT right now. In our view, the Barr government have failed to put forward a convincing case that a licensing scheme for the labour hire industry is even necessary in the first place and it will only add additional barriers to job retention and creation in the midst of the current economic crisis.

It has been evident for some time that this legislation has been coming, since the beginning of this term. We know pressure has been mounting from state Labor

governments for the federal government to introduce a national scheme. But, as should be the case, the federal government maintains that it is a matter for states, if they see fit.

You can see clearly along party lines which states have introduced these laws and those which have not. For example, New South Wales has not implemented the laws but Victoria has. It makes it even harder for ACT businesses to have one set of rules and regulations on one side of the border and yet additional red tape on the other. Just kilometres away, in New South Wales, the situation is vastly different.

A perpetual issue for anyone conducting a business is the contradictory industrial relations landscape that exists, especially given that the ACT is only a small jurisdiction. Although this legislation comes as no surprise, I am completely at a loss as to why at this time, as we are in the midst of a profound economic crisis the likes of which most of us have not ever seen before, the Labor-Greens government consider this piece of legislation a priority.

In the construction sector alone employment has declined by eight per cent since the end of March, more than any other state or territory in the country. Overall, nearly 10,000 Canberrans have lost their jobs since the COVID crisis commenced. The services of labour hire companies in assisting both employers and job seekers are now more crucial than ever. We should be making it easier for business to help get Canberrans back to work. We need only look at each sitting week after each sitting week, as we see one ideologically driven law after another steamrolled through this place, to understand the reasoning behind the urgency.

The licensing scheme proposed by the Barr government will require all labour hire operators to be licensed. They will have to pay a fee for that licence and there will be consequences for anyone who uses an unlicensed labour hire operator. On top of that, operators will be required to undergo a suitable person test to determine their suitability and will be required to demonstrate a history of and ongoing compliance with industrial relations standards and workplace law. For many operators who require this licence, it will be a duplication of what the government's procurement job code already requires of them. This is red tape in anyone's language.

This is bad legislation that will result in dire consequences for employers, industries and employees alike, and ultimately will get in the way of job creation in Canberra when we need it most. The government are aware of this and yet they have failed to act on the concerns that have been raised with them, most particularly around the broad definition of "labour hire" as it appears in the bill.

The impacts on group training organisations, who are captured in the bill as a labour hire provider, will be enormous. In January the Barr government cut funding for apprenticeships and training places, and this is yet another slug to the training sector at a time when it needs more support than ever. The legacy will be a rethink by these organisations of the costs to operate in the ACT as opposed to other areas in the country, and it will result in a further loss of training places. That will leave the ACT with a huge gap in the apprenticeship and training space at a time when the

government should be doing everything possible to support apprentices in our community.

Group training organisations have, for many years, provided an effective mix of on-and-off job training through apprenticeships and traineeships, and have ensured a steady stream of skilled tradespeople coming through the ACT. At the same time, they guarantee that apprentices continue in employment during their training and also offer apprentices exposure to various projects or workplaces in their training, resulting in a far more well-rounded, qualified person at the end.

More young people are employed as apprentices and trainees through a group training organisation than any other single employer or employer network. Over 22, mostly not-for-profit, registered group training organisations operate in the ACT, and these new laws risk losing these very providers and the jobs that they create in our city. We are now talking about hundreds of apprentices and trainees potentially at risk because of the inclusion of group training organisations in the definition of “labour hire”.

Apprentices and trainees employed through a group training organisation are signed through a training contract that is approved and authorised by Skills Canberra under a strict set of guidelines, so the regulations exist. They are in place and, by all accounts, they are working well.

Canberra’s group training organisations have a strong and stable reputation of supporting workers and employees alike. The minister said in her presentation speech:

Reputable labour hire providers in the territory have everything to gain from this bill. They will be shown to be ethical, responsible businesses that comply with workplace laws that protect their workers.

The minister should have said that this will be yet another hurdle in the way of people being able to get jobs, which is the last thing needed in Canberra at this time. Her words are cold comfort for the businesses and the groups captured in this unnecessary bill.

This is not the time for inflexibility on the part of the ACT government as our economy is rapidly heading over a cliff. The opposition will not be supporting the Labour Hire Licensing Bill. Instead, we will stand on the side of apprentices and those who train and employ them in our community.

MR RATTENBURY (Kurrajong) (4.59): The Greens support this bill, which establishes a licensing scheme to regulate labour hire operators here in the territory. Labour hire is a form of indirect employment whereby, instead of employing people, a company will contract an agency, referred to as a labour hire organisation, to provide workers in return for a fee. Essentially, the labour hire company rents out workers to another company for a fee.

Under the scheme proposed in this bill, any labour hire providers operating in the territory would need to hold a labour hire licence. To gain such a licence they would need to demonstrate that they comply with a range of relevant workplace standards

and obligations. These include the labour operator meeting a suitable person test and being able to demonstrate a history of and ongoing compliance with workplace laws and industry standards.

The aim of the scheme is to better protect the rights and entitlements of workers. This is a goal with which the Greens strongly agree. The scheme will impose a level of regulatory burden and administration and will require labour hire providers to pay a licence fee. This is not something we want to impose without good reason because, ideally, businesses could operate free from red tape and costs. But regulation is important to protect from problems that can arise, like the exploitation of people or environmental damage. I think this bill gets the balance right.

In the case of labour hire operators, the Greens agree that it is appropriate to require licensing. For many years, and over many investigations and inquiries, the labour hire industry has been implicated in the poor treatment of workers. This includes issues such as underpayment, failure to provide entitlements and poor working conditions.

There have been various inquiries into labour hire and insecure work, including an ACT Assembly committee inquiry. These inquiries have recommended the establishing of labour hire licensing authorities and the licensing of labour hire operators. However, these inquiries have not been unanimous and have highlighted a political divide whereby the coalition or Liberal Party members do not wish to license labour hire operators. They generally regard them as contributing to the economy via the provision of flexible employment. Some of these dissenting reports have been used essentially to attack unions, reflecting a longstanding political divide that we also see here in the ACT Assembly.

For the record, the Greens believe the rights of workers are very important and need improved protections. We recognise the problems that regularly arise with labour hire and insecure work. There was a large amount of evidence presented to the various inquiries which revealed significant problems with labour hire. For example, labour hire workers may be effectively used as long-term employees, but without the protections and entitlements usually afforded to employees. This means, for example, that a whole workforce can be sacked essentially overnight and replaced with workers from another labour hire firm, even if the sacked workers had been working in the role long term. This is a situation that unfortunately does occur. This is not how working people should be treated. Maybe it makes business easier or makes a few extra dollars, but people are not tools to be exploited for economic ends. We need to maintain a society that looks after workers and recognises the important and meaningful role that work has in a person's life.

I also want to emphasise some of the concerning impacts that insecure work has in the community more generally. This is reflected in submissions to the Assembly inquiry from groups such as Legal Aid, St Vincent de Paul, and the Women's Centre for Health Matters. These submissions highlight that insecure work exacerbates issues faced by disadvantaged groups, and these organisations see it daily. It also causes wider negative impacts across society, such as reduced wellbeing and negative impacts on mental health. For those who insist upon the economic merits of insecure

work, there is also evidence showing that, ultimately, it results in lower productivity because of the impacts it has on people's wellbeing.

One of the flowthrough benefits of licensing labour hire organisations will, hopefully, be that people who are effectively operating as permanent employees will be employed as such. By reducing the amount of insecure work, the Greens believe this will have benefits for the whole of society.

I will touch briefly on some other issues and some of the mechanics of the new scheme. Firstly, I agree with the issue raised by various parties that a national licensing scheme would be preferable. But in the absence of action from the federal government, I think it is appropriate that the ACT move to its own scheme, as several other jurisdictions have done now. I do not hold out hope for any action at a federal level any time soon.

The scheme will apply penalties for operating without a licence, and these are of a similar level to the penalties that apply in Victoria and Queensland. I understand that there will be a transition period of six months to assist companies into the scheme rather than issuing penalties straightaway.

The bill allows for penalties for organisations or individuals who utilise labour hire organisations that are unlicensed, thereby placing an obligation on the labour hire companies and those seeking to use their services. I think that is appropriate. The scheme allows for the exemption of certain operators or classes of operators from the scheme.

I recognise that employer groups are concerned about the regulatory burden and possible duplication. However, in looking at the legislation, you can see that care has been taken to try and avoid this. The ACT already requires businesses tendering for certain government-funded work to meet certain workplace standards under the secure local jobs code. I understand that the way the ACT scheme will work is that if a company has gained a secure local job certificate, it will already have demonstrated that it can meet the labour hire licensing obligations. In this way, there will not be extra red tape by having to satisfy two schemes. The ACT scheme will also recognise compliance gained from schemes in other jurisdictions so that a company will not have to apply again here in the territory.

The scheme allows for certain occupations to be excluded from the scheme. I note that the minister has already said that she will exempt group training organisations by a declaration. Group training organisations already have a range of obligations they must meet under other legislation. Over time, others may also be exempt, and they can apply for an exemption.

The scheme will be managed by a labour hire commissioner, who will also be the current commissioner for health and workplace safety. The minister will be advised by a ministerial advisory body consisting of both employee and employer representatives.

In conclusion, the Greens support this bill. We think it is an important piece of legislation designed to advance the rights and protections of workers in the ACT and, hopefully, lead to a city where there is less insecure work.

MS CODY (Murrumbidgee) (5.06): I am pleased to speak today in support of the Labour Hire Licensing Bill 2020. This bill clearly demonstrates the Barr Labor government's drive and commitment to be as proactive as possible when protecting the rights of workers across the ACT.

Labour hire typically involves a triangular relationship in which a labour hire company has a commercial contract to supply a worker to perform work for a host agency. The host agency pays the labour hire firm and the labour hire firm then pays the worker. The worker does not usually have a contract with the host agency.

Territory workers have an essential role in supporting and contributing to our economy. Labour hire workers in particular are amongst the individuals who work tirelessly day in and day out in industries to maintain and improve our daily standard of living. Labour hire workers are an asset to our communities and deserve the protections at work that many of us take for granted.

As the Assembly is aware, Australia has seen a number of inquiries on the insecurities and exploitations that labour hire workers face every day. My colleague Mr Rattenbury just spoke about the inquiry I am about to speak about: the 2017 Standing Committee on Education, Employment, and Youth Affairs inquiry into insecure work. It resolved to inquire into the extent, nature and consequences of insecure work in the territory. As Mr Rattenbury said, the standing committee received 39 public submissions and heard evidence from a number of witnesses at public hearings held between September and October of that year. There was overwhelming evidence presented that the lack of visibility of rogue labour hire providers operating in the territory had led to the exploitation of vulnerable workers.

The standing committee chair presented the report of the committee—*Inquiry into the extent, nature and consequence of insecure work in the ACT*—to the Assembly on 8 May 2018. Both government and non-government members of the standing committee supported the adoption of a national labour hire licensing scheme. Unfortunately, as we have heard already today, a national scheme has not been forthcoming. I agree with Mr Rattenbury that I cannot see it coming in the near future under the current government that lives across the lake.

Mr Parton: I'm not sure they live there.

MS CODY: I am not sure they work there either, Mr Parton. This government should be applauded for the proactive measures it is taking with this bill to protect vulnerable labour hire workers.

In the context of introducing legislation to protect vulnerable workers, it is incumbent upon us to outline what constitutes a vulnerable worker. This cohort is made up of certain groups of workers who may require additional regulatory practices to be put in

place in order to protect their rights and health and safety in the workplace. This includes young workers, older workers, migrant workers, workers for whom English is not their first language, and workers with a disability.

Reports and inquiries such as the *Inquiry into the practices of the labour hire industry in Queensland*, the *Victorian inquiry into the labour hire industry and insecure work* and the commonwealth's migrant workers taskforce inquiry have found that migrant workers continue to be one of the most vulnerable worker cohorts and are consistently over-represented in fair work disputes.

In 2017-18 migrant workers accounted for 20 per cent of all disputes completed by the Fair Work Ombudsman despite making up only six per cent—that is correct: six per cent—of the Australian workforce. This is because migrant workers are often new to the labour market and do not possess information about workplace rights and entitlements. In addition, they may experience cultural and language barriers and may be reluctant to speak out. This exposes this valuable cohort of workers to practices of exploitation from dishonest labour hire providers.

The ACT's labour hire licensing scheme will protect these vulnerable workers by incorporating a robust, yet fair, licensing framework into the legislation. The Labour Hire Licensing Bill will promote integrity in the ACT's labour hire industry; it will ensure that labour hire providers operating in the territory meet their workplace obligations and responsibilities to their workers; and the licensing framework will create an effective system to prevent and respond to noncompliance with workplace standards in the labour hire industry.

As we all know here, I support workers rights. I am proud to stand here and speak in support of this bill. I acknowledge the extensive engagement that has been undertaken with stakeholders in the territory. We should be grateful that employer representatives, employee representatives, workers, the Human Rights Commission and government representatives care about doing what is right in order to protect vulnerable territory workers.

I would like to pick up on something that Mr Wall said. I was an apprentice. I was a small business owner, an owner of several different small businesses. As Ms Orr set out in her tabling speech, this bill is a big thing for bad labour hire firms to be afraid of—massive. Bad labour hire firms should be petrified of this bill. That is what we want to see. We want to see workers protected in this territory. We want to see that all workers have the same rights as everyone else, that all workers feel safe and able to attend their workplace.

This Labor government has been standing up for workers rights, with the passing of the Human Rights (Workers Rights) Amendment Bill the other week and now this Labour Hire Licensing Bill. We are here to ensure that workers are always at the forefront of our minds. We are here to ensure that workers will not be disadvantaged in the workplace under any circumstance. I commend the bill to the Assembly.

MR GUPTA (Yerrabi) (5.15): I rise today in support of the Labour Hire Licensing Bill 2020, which seeks to provide extra protection for Canberrans finding work

through labour hire services. As I am sure many of us remember, recent inquiries have found upsetting evidence of underpayment and exploitation in many industries within Australia and it particularly highlighted the vulnerability of labour hire workers. This is unacceptable anywhere, and I am pleased that the ACT is leading by example in introducing legislation specifically to protect these workers from underpayment and wage deductions, as well as more serious breaches like unsafe work conditions and accommodation and, even more disturbing, reports of bonded labour.

I myself have had more than one job where people did not treat me with respect or care, in areas from farming to hospitality. This kind of mistreatment can be incredibly demoralising and I am glad that the ACT government is doing the work needed to prevent this kind of mistreatment.

This bill will address these issues at the source by establishing a licensing scheme for many businesses providing labour within the ACT, regardless of where their business might be based. These businesses will be required to register and renew their licences annually. This system will allow us to track businesses as they enter and leave the industry, and provide a way to measure compliance.

The broad scope of this licensing system will also ensure that ethical labour hire operators will no longer be undercut by providers who are willing to flout the law and exploit their workers for the sake of profit. Exploitation is never acceptable, and I am glad that this government has introduced strong penalties and disincentives for the mistreatment of workers. These penalties will be applied sensitively; we will not seek to punish people unfairly, but we do want to ensure that the provisions under this bill are followed.

We will also carry out suitable person tests to ensure that those who apply for labour hire licences have a good track record, with fair treatment of workers and other industry laws. This includes if an applicant has previously had a licence that has been cancelled or suspended. We will not give licences to applicants who have previously broken labour hire or other government industry laws.

It is currently more important than ever to support local business in our local economy. I hope this bill can be part of that. Exploitation is, of course, bad for workers, but it is also bad for business. Put simply, a well-paid worker is a better worker. The exploitation committed by certain labour hire businesses may increase their own profits, but it comes at the expense of the business they provide labour to. A mistreated or exploited worker will never be as dedicated or productive as one who is well paid and well treated.

Workers are also consumers. As I have said, it is more important than ever that we support our local economy. One of the best ways the government can do this is to ensure that Canberrans have the means to support themselves. Underpaid workers are forced to budget for necessities, leaving no room for the spending that allows economic growth. By ensuring better pay and better conditions, we can ensure a better economy.

Protecting workers within labour hire licensing businesses is a crucial step in ending worker exploitation. This bill will provide that means to screen labour hire businesses and ensure that they meet standards when they enter the industry and will continue to do so for as long as they are operating. Ending exploitation benefits us all, and I am glad to see that the ACT is leading the way. I commend this bill to the Assembly.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families and Minister for Health) (5.19): This bill is yet another example of why I am a proud member of this ACT Labor government—a government that prioritises the rights of workers in our community. This has been evidenced through the government’s prioritisation of legislation to ensure that workers have a say on health and safety on new construction projects, the creation of an independent WorkSafe ACT and the secure local jobs code, to name only a few recent examples.

We know, through stories we have heard in our electorates in this place, and particularly during the Standing Committee on Education, Employment and Youth Affairs inquiry into the extent, nature and consequence of insecure work in the ACT, that labour hire workers—alongside many other workers engaged in insecure work—are some of the most vulnerable workers in our community. As I said in this place, in September 2018:

We know labour hire services are used in the territory for many legitimate reasons, but we also know that the current regulatory framework is not sufficient to deal with the unscrupulous practices which some labour hire firms engage in.

I am pleased to support this bill, which introduces the regulatory framework that will protect these workers. Labour hire staff are too often sent to work at workplaces where they do similar work to those they work alongside but with fewer workplace rights, sometimes with less pay, and almost always with very little job security. Too often we have seen unscrupulous operators making a significant profit on the back of these vulnerable workers. That is not to say that everyone in the labour hire sector operates this way. As is the case with the secure local jobs code and its associated measures, the labour hire licensing scheme will create a level playing field for those operators who are doing the right thing by their workers.

As has been outlined, the bill will require that labour hire operators pass suitable person tests and demonstrate a history of doing the right thing by their workers to be deemed a licensed labour hire operator. By the creation of a public register of labour hire licence holders, businesses who seek to employ labour through a third party can be assured that a licensed labour hire operator treats their workers with respect. Importantly, it will provide assurance to workers that the labour hire firm that they may be looking to join can demonstrate a positive track record.

As others have said, workers who are treated with respect and paid fairly are more productive and happier workers. That will be critical as our community recovers together through COVID-19, bushfires and beyond. The ACT government has undertaken significant work to limit the use of insecure work arrangements in our own

workforce, but where labour hire arrangements are genuinely required we can now ensure that we are engaging companies that can demonstrate their positive credentials. Companies that do the right thing by their workers and meet current obligations have nothing to worry about with this new law. This process will ensure that regulatory action can be taken against the bad grapes in the bunch but will allow for flexibility to assist businesses that are trying to do the right thing to identify where they need to improve, provided they have a reasonable reason for noncompliance. Our community expects that workers, regardless of how they are engaged, will be adequately paid, provided with their entitlements and respected in the workplace. And our progressive ACT Labor government will continue to do everything we can to support the workers of the ACT. I commend this bill to the Assembly.

MR PETTERSSON (Yerrabi) (5.23): It is with great pleasure that I rise today to speak for the Labour Hire Licensing Bill 2020. For too long rogue labour hire companies have exploited and taken advantage of workers. They have undermined safety in the workplace and they have faced no repercussions for immoral behaviour. A few years ago, I chaired the education, employment and youth affairs committee through the inquiry into the extent, nature and consequences of labour hire in the ACT. In my opinion, one of the most important recommendations from Mr Steel and me was that labour hire should be licensed in the ACT.

In the ACT there are roughly between 4,000 and 8,000 locals working in labour hire positions. It changes. It is hard to measure. I wish I could be more specific with that number but, put simply, the data simply is not there. The industries that these workers are placed in vary from manufacturing, construction and health care to social assistance and even the public service, cleaning, security and IT. Labour hire has permeated through nearly every industry in our city. Labour hire companies establish and trade through multiple corporate entities to avoid tax and liabilities. They do not do this for flexibility; they do it so that they can dilute the chain of responsibility and even to avoid the responsibilities entirely.

Labour hire is infamously easy to phoenix. The company has no assets. It simply, for the most part, operates off a call sheet. It can move the cash out of the business as soon as it desires. While it appears a very simple business, labour hire is filled with multiple levels of contracting and sham contracting. It is not the case that you are always employed by one company and report directly to the one placement company. No; often you are employed or contracted by one company, which contracts you to another company and then to another.

Often, workers engaged through labour hire are paid at rates lower than the workers they work alongside. You never have certainty of how much work you will get, and you often do not know just how much has been sliced off the top from your hourly wage to pay for the middleman. Through the chain of contracting, with people taking their slice of the pie, even less is left for the worker. All of this often occurs to the most vulnerable workers in our community—those making the lowest wages and those with the least in savings. It is hard to argue that labour hire is a choice, when people are faced with unemployment if they do not partake in this rigged set-up.

What is even worse is that not only are these workers being exploited in their payslips; they are often putting themselves in harm's way. When you face instant unemployment, would you feel comfortable raising health and safety issues at your temporary place of employment, when you are an at-call worker and you cannot even identify which boss is responsible for your safety today? It is easy to understand why these workers stay silent. Let us be very clear: in the ACT right now there are rogue labour hire operators who exploit vulnerable workers and underpay them. This is not some theoretical issue. It is real and it is occurring every day. We must act.

It is important to point out, at this time, some of the arguments that some have made—some in this chamber, some in local media. Some have said that we should wait until there is a harmonised federal program before we act. To them I would say, “How long should we wait?” I would also hope that those watching this debate see the hollowness of their words. They do not actually want labour hire licensing. It is a stalling tactic. If they were genuine in wanting a harmonised federal scheme, they would actively advocate for it. They do not. They sit there silently. All they want is to throw as many roadblocks in the way as they can.

There are some who would say that we do not need new laws; we just need to enforce the laws that we already have. I think it is time for them to open their eyes. What many of these labour hire companies do is legal; they are not breaking the law. They are using our current laws to exploit vulnerable workers in our community and avoid their liabilities. To those who would say that this is more red tape at the wrong time for our economy, I would say that an economic recovery on the backs of exploited workers is immoral and unjust. The flip side of their thinking must be that paying workers less and removing protections must therefore be good for the economy—a very revealing insight.

I will now refer more directly to this bill and to the recommendations of the Standing Committee on Education, Employment and Youth Affairs. I think it is important to reflect on those recommendations because we spent a fair bit of time coming up with them. A recommendation that I particularly wanted to highlight was that a business and its key personnel must pass an objective fit-and-proper-person test. Such a test would consider whether the company or key personnel had any previous breaches of occupational health and safety laws, any past convictions of fraud, dishonesty or violence, and any past involvement in insolvent businesses; that the business must demonstrate via administrative records that it pays its employees in accordance with at least the minimum rates specified in the relevant industrial instrument; that the labour hire company be registered with the Australian Taxation Office and be deducting taxation and remitting superannuation on behalf of employees; that, if the business provides accommodation, the business must demonstrate that the accommodation meets standards required under the applicable laws and regulations; that the business must be registered with WorkSafe and be paying any required premiums; and that the business demonstrate its systems for complying with the workplace health and safety legislation, ensuring the safety of workers provided to host organisations. The business must be able to demonstrate that it has the necessary capital requirements to meet any liabilities that might be induced as a result of its operations. The business must demonstrate compliance with federal migration laws.

It is so great to see these recommendations, in some form, finally coming to fruition with the introduction of this bill. I now look forward to, and hope for, a future in which workers engaged in labour hire can be free of fear of exploitation in our city.

MS ORR (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (5.29), in reply: I rise to conclude debate on this bill and table a revised explanatory statement. The Labour Hire Licensing Bill 2020 delivers on this government's commitment to develop the labour hire licensing scheme in order to protect vulnerable territory workers. This scheme will foster responsible practices in the ACT labour hire industry, ensure that labour hire businesses operating in the ACT meet their obligations to their workers, and outline a framework to respond to any noncompliance of workplace standards by the labour hire industry in the territory.

We all have an obligation to ensure that the rights and livelihoods of vulnerable workers are protected as much as possible, and members will already be aware of the inquiries that have uncovered the vulnerabilities and insecurities that many Australian labour hire workers experience every day. This includes being subject to poor treatment at work, underpayment and unauthorised deductions of wages, exposure to dangerous workplace conditions and living in substandard accommodation. This makes the necessity for a labour hire scheme in the territory an important one. Furthermore, labour hire operators who actually engage in ethical practices have had their good work overshadowed by those who exploit their workers purely for profit.

The bill before us today outlines a labour hire licensing scheme that has been designed to be fit for purpose for the territory. At the heart of this is the definition of labour hire provider. This government does not believe it is acceptable to adopt narrow parameters as to what constitutes labour hire in the territory. It is our firm intention, with this bill, that a provider be defined as an individual or business that supplies a worker to do work on behalf of another individual or business. This is because no worker should be left unprotected simply because of the industry that they work in. By incorporating a broader definition of labour hire provider into this bill, the territory's labour hire licensing scheme will still be flexible enough to adapt to the changing nature of work in the territory.

To further support this intent, in order to ensure that the scheme is adaptable enough to respond to changes in future work arrangements, the bill contains provisions for a ministerial declaration that a person is or is not a worker. This government has proven time and again that it is responsive to evolving workplace practices. We will continue to collaborate with stakeholders in the territory to ensure that improvements and mutually supportive reforms assist businesses and employees alike.

In addition to the requirement to have a valid labour hire licence, providers will also be subject to a suitable person test. This test is critical in assessing the likelihood of providers complying with workplace laws. The bill being debated today includes provisions that will be applicable to all applicants for a labour hire licence. The provisions will determine whether an applicant is honest, professional and has

integrity in respecting the standards of an ethical work environment. Applicants will have to demonstrate that they have a history of compliance with labour hire industry laws, including industrial relations pay awards, tax laws and workers compensation laws, and that they can continue to maintain this history.

A suitable person test will also verify which applicants have previously held licences that have been cancelled, suspended or had conditions imposed. The labour hire licensing schemes successfully operating in Queensland and Victoria have similar assessments as a key feature of their respective schemes, and a suitable person test is seen as essential in maintaining the integrity of the labour hire scheme outlined in this bill.

Compliance enforcement mechanisms will also be critical in safeguarding the integrity and objectives of the labour hire licensing scheme. To ensure this, the scheme will be regulated by the Work Health and Safety Commissioner. This will facilitate an immediate capacity to administer the scheme, and will utilise the regulatory and enforcement expertise in WorkSafe ACT to effectively respond to specialised workplace and industrial legislative compliance matters.

The bill before us today also has provisions on what regulatory action can be taken, such as imposing or amending conditions on a licence, suspending a licence, disqualifying licensees from applying for other licences and cancelling a licence altogether. This bill will also implement a range of appropriate penalties to deter labour hire providers from operating if they are unlicensed. A publicly available register will be created, detailing all appropriately licensed providers of labour hire in the territory. This will enable businesses and individuals that use labour hire to easily identify reputable providers.

In order to further strengthen this new regulatory scheme, there will be strong financial disincentives, with a maximum penalty of 800 penalty units for individuals and 3,000 penalty units for corporations operating without a labour hire licence. Similar penalties will also apply to users of unlicensed labour hire service providers. Labour hire workers must be protected and users of unlicensed labour hire must be subject to appropriate disincentives that support the regulatory intent of this scheme.

However, in order to support users of labour hire, this bill allows for users who have a reasonable excuse for engaging labour hire services. An example would be if an individual were to engage someone to perform domestic work, such as cleaning their residential home. It could reasonably be expected that the user may not be aware that a labour hire worker was performing this task. In this case, a penalty would not be applied to the user.

The COVID-19 outbreak has impacted all facets of the Canberra community. Together we face the challenges of responding to this health emergency and its impacts on the economy and our community. The ACT government's commitment to assist our community through these difficult times includes making the protecting of our workers a priority. This scheme is designed to do exactly that. It will ensure that our most vulnerable workers can expect the same workplace standards as any other worker in the territory.

I take this opportunity to thank the scrutiny committee for their comments on the bill. This bill creates a clear regulatory framework for the providers and users of labour hire in the territory. It will establish a brand-new scheme that has been designed to protect workers, while limiting the regulatory burden on responsible territory businesses. This bill will ensure that our valued workforce in the territory continues to be supported, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That this bill be agreed to.

The Assembly voted—

Ayes 7

Noes 6

Ms Berry
Ms J Burch
Ms Cheyne
Ms Cody

Mr Gentleman
Ms Orr
Mr Rattenbury

Miss C Burch
Mr Coe
Mr Hanson
Mr Milligan

Mr Parton
Mr Wall

Question resolved in the affirmative.

Bill agreed to.

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 adjournment debate for today's sitting continuing past 30 minutes.

Adjournment

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

That the Assembly do now adjourn.

Business—COVID-19

MR WALL (Brindabella) (5.41): I rise to put on the record a request for the Barr government to start practising what they preach and to do something that the whole region seems to have already embraced over recent months—that is, to love and

support our local businesses. It is all very well for politicians to use this rhetoric in campaigns to support locals, but unless those in charge actually do something about it, the talk means nothing.

I hear from business owners regularly—small, local, usually family run businesses—who have used their own ingenuity and resilience to get themselves through these strange times. During the shutdown period some have worked quietly behind the scenes, revamping their businesses and their business models. Others have emerged boldly with left-field ideas and have succeeded. But this has been done in spite of a lack of tangible support from the Barr government. In comparison to other states, we have a distinct lack of policies now in place, or that were in place prior to this crisis, to back and support our local businesses.

It has taken a pandemic for the ACT government to utilise the valuable and successful locally grown business of Aspen Medical, one of the most highly visible examples recently. There are countless examples of other companies, such as those in the ICT space and local business suppliers, that have seen more success outside Canberra than in Canberra, despite calling themselves a Canberra success story.

It is the simple things that will help—being more flexible and agile with government procurement, in the procurement of goods and services, providing rebates and incentives that give back to local businesses, and having a genuine forum to listen to what our local businesses need to be competitive in the market.

In contrast, here in the ACT, the Barr Labor-Greens government have presented law after law in this parliament, all ideologically driven, all adding another layer of red tape cost to local businesses. Now that is coming home to roost, at a time when they can least afford it.

The fact that we have overlooked a small local business here in the ACT in favour of a Victorian business to provide, of all things, hand sanitiser to the ACT government—at a cost that is 25 per cent higher than could be provided by a Canberra local business that employs Canberrans—says it all.

Inflexibility of government should not stand in the way of the engine room of our economy. Now, more than ever, we need to support local businesses in a tangible way as they continue to provide jobs for Canberrans and continue to be an integral part of our recovery from the COVID-19 crisis.

Mr Noel Bissett—tribute

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (5.44): Today it is my honour to put on the public record the contributions Noel “Bisso” Bissett OAM, AFSM has made to the Canberra community in his service as a firefighter and to his beloved rugby league.

Noel was born on 1 December 1937, and sadly passed away on 25 April this year. Noel joined the New South Wales Fire Brigade in 1963 and later moved to the ACT on a transfer in 1965. Both Ms Cody's dad, Tim, and my dad, Wayne, worked with Noel. It is that old Canberra thing. My father and Noel found that they had something in common whilst working with the New South Wales Fire Brigade. They attended the same fire while working at two different stations. I will come back to that in a moment.

During his time in the ACT brigade, he was deployed as part of the relief team to Darwin for Cyclone Tracy in 1974. He was promoted to station officer in 1975. In 1975 the ACT formed the ACT Fire Brigade and Noel was appointed to train the first 50 recruits and the next 14 recruit colleges thereafter. Promoted to district officer in 1980, he was appointed as officer in charge of all brigade training. Promoted to superintendent in 1987, he also served as acting fire commissioner.

Noel received a number of awards and accolades, including the Australian Fire Service Medal in 1990 and the Order of Australia Medal, OAM, on Australia Day in 1995. Noel was the president of the Fire Brigade Historical Society of the ACT, a place where retired firefighters spend hours restoring old engines and equipment whilst reminiscing about their firefighting days over tools and enjoying a cuppa together at the kitchen table.

It was at the fire museum that Noel and my father found that they had both attended the Lyceum Theatre fire on Pitt Street in Sydney in February 1964. This was the first fire that my father attended as a probationary firefighter. Noel was one of the firefighters who was trapped in the building after the roof collapsed. My dad, however, was a probationary officer so was not allowed to enter the building. Noel used to have a running joke with my dad that while he was stuck inside waiting to be rescued, my dad was out the front swanning around, taking in the scenery.

He had, by all accounts, a wonderful sense of humour, a widely acknowledged and celebrated trait in his service both as a firefighter and as a referee. As dedicated as he was to the fire brigade, his real passion was rugby league. I am told he would spend every day off work playing and refereeing. He truly lived and breathed the sport. He was the first Canberra-based referee to control a first-grade game in the New South Wales rugby league competition. He was also a pioneer of the video referee system. As a referee coach, he revolutionised local referee ranks, introducing coaching and training while compiling the first-ever training manual, which, importantly, recognised the central role that referees play in a game.

Noel served on the Canberra Region Rugby League Committee from 1995 to 2005 and as chair from 2006 until his retirement in 2018. In his role, he oversaw the rise in female participation in sport across tag and tackle. Noel was inducted into the ACT Sport Hall of Fame in 2019. I was happy to be able to share in that celebration of his contribution over 50 years to rugby league, with his family last year.

Noel was a very dedicated, loyal and passionate person in all aspects of his life. To all the friends and family of Noel—his wife, Lorraine, sister Pamela, children,

grandchildren and great-grandchildren—to Noel’s firefighter colleagues and the Canberra rugby league community, I extend my sincere condolences and sympathies. Thank you as well to Glen and Barb for allowing me to share some of Noel’s story today. Vale, Noel Bissett.

World Bee Day

MR RATTENBURY (Kurrajong) (5.49): I rise to recognise that yesterday, 20 May, was World Bee Day and to encourage us all to celebrate, give thanks for and protect the humble bee. I acknowledge the many activities and efforts that occurred around Canberra in celebration of World Bee Day and note in particular the efforts made by ACT for Bees and many of our local embassies who are great supporters of this issue.

Bees are amazing. They are an incredible achievement of evolution. Some bees are fat, hairy and multicoloured and some are small and drab. While some species are solitary, some live in complex societies, create honeycomb and communicate by dancing. They are all super pollinators and they have an impressive work ethic. The phrase “busy as a bee” is indeed well founded.

Bees have provided delight to people for as long as we have been on the planet. To anyone who likes beautiful flowers: you can also thank the bees for those because, in order to attract pollinators like bees, flowers evolved from being dull greens and browns to producing the colours we enjoy today.

Most importantly, though, bees are critical to natural ecosystems. Their pollinating function protects and maintains ecosystems and the diversity of plants and animals that thrive in those ecosystems. Without the bees many of these ecosystems would collapse. As the biologist E O Wilson said, if all mankind were to disappear, the world would regenerate to a rich state of equilibrium; if insects were to disappear, the environment would collapse into chaos.

Bees also pollinate around 75 per cent of the world’s crops, which produce about 90 per cent of the world’s food. Without them the global food system would collapse and people would literally starve. That is right—the little bee you are desperately brushing off your arm is actually keeping you alive.

Since humans started reshaping the planet, bees have faced increasing threats to their existence. In recent years, they have faced increasing peril. Several bee species have already gone extinct. Close to 35 per cent of invertebrate pollinators, particularly bees and butterflies, face extinction globally.

The biggest threats are all due to human activities: higher temperatures associated with climate change, intensive farming practices, land use changes, pesticides, and monocropping. So what do we need to do to save the bees and therefore ourselves? We need to address climate change. We need to reduce the use of pesticides and diversify crops. We need to protect and maintain natural environments and ecosystems.

At the individual level, we can help by planting diverse native flowering plants; supporting sustainable agriculture; buying raw, locally produced honey; avoiding pesticides, fungicides and herbicides; and, of course, raising awareness. I encourage everyone to thank our incredible bee friends and to take whatever action you can to help their survival.

Mr Graeme Evans—tribute

MS CHEYNE (Ginninderra) (5.52): It is a privilege tonight to rise to mark and celebrate the life of a proud and passionate Canberran who embodied what it means to serve your community—Graeme Evans. Graeme was born in 1938 and grew up in Elwood. He and his young family first moved to Canberra in 1968 for two years, where they lived on the outskirts of Canberra, also known as the newly established suburb of Aranda.

In the early 1970s he and his family returned to Melbourne and he turned to politics for about the next decade, serving on the Sandringham Council, including a term as mayor. In 1981 Graeme and his family returned to Canberra, where his day job remained in the public service, but in his spare time Graeme became heavily involved in a significant number of community organisations across the ACT, across so many of which he leaves an indelible legacy.

These include the ACT Council of Social Service, YHA NSW & ACT, the Friends of Grasslands, the PC Users Association, the AIATSIS Research Ethics Committee, the Bushfire Council, the Conservation Council ACT Region, the Alcohol and Drug Foundation of the ACT, the Council of Cultural and Community Organisations, and the Nature and Society Forum.

These many organisations alone give a clear impression of the breadth of Graeme's interests and involvement, as well as how giving he was of his time and his expertise. However, those are just the beginnings of an insight into Graeme's contributions to this city.

It is an understatement to say that Graeme was enthusiastic about public education. He served on the boards of Canberra High School, Hawker College, and Lake Ginninderra College, as well as the P&C Association, the latter of which he was a devoted member for over 25 years and a life member. He wrote school board constitutions. He had quite a knack for them, and many are still used today. He protested school closures and even got arrested for one—the charges were later dropped—and he lobbied for the re-establishment of Birrigai education camp after the 2003 fires.

But it is Graeme's contributions to the broader Belconnen community which may be his greatest legacy. Graeme saw something special in the region worth protecting and worth enhancing. He had significant vision for how Belconnen should look and feel, with a particular insistence on ensuring that there were plenty of formal and informal spaces, man-made and natural, for people to come together as a community.

While Graeme was not the inaugural president of the Belconnen Community Council, he was present and active from its very beginnings and later served as president for many, many years. He was steadfast in his desire to hold the ACT government accountable to its promises in Belconnen, ensuring the construction of an indoor pool in Belconnen, which we now know as CISAC, and the Belconnen Arts Centre. He was particularly pleased with how Lake Ginninderra increasingly emerged as a hub of local activity and recreation.

Graeme encouraged modest development in the town centre but never at the expense of access to the lake or encroaching on its green space, particularly along the north and western shores. He argued for town centre development being tiered away from the lake, and it is.

While some people seek power and to be the centre of attention, Graeme was not one of them. His support for civic participation was genuine and he encouraged regular renewal on the BCC committee, especially in the executive positions. I and others were direct beneficiaries of his support and encouragement. After his years as president, he continued as an active committee member for as long as he possibly could. He could always be counted on to attend and his well-considered input and cooperative approach were greatly valued. As president, I always appreciated his wise counsel. *(Extension of time granted.)*

Graeme was a fixture in the town centre and supported local restaurants, often with a book in hand for company. He was a life member of the Belconnen Labor Club. In fact, it was so much like a second home to him that when we were finalising the BCC's submission on the Belconnen town centre master plan, in 2015, and wanted Graeme's input, he asked me to print the submission in hard copy and for it to be delivered not to his home but to the reception desk at the Labor Club. Not surprisingly, a key feature of our submission and ultimately the master plan is the protection of green space around the lake.

Soon after, Graeme began to withdraw from community service, with his decades-long impeccable attendance disrupted. Long after he withdrew completely, his absence was and remains very apparent. Graeme died on 18 February this year.

My thanks to Kim Fischer, Stephen Bounds, Robyn Coghlan, Brian Rynehart, Charles Thomas, Damien Haas, Matt Watts, Glen Hyde and especially Graeme's daughter, Jodie, who, in the last few weeks, in helping me prepare this speech, have shared with me some of the pieces of who Graeme was, who he was to them, and the legacy he leaves.

I do not think we will ever know for sure just how vast Graeme's reach and influence was. But I hope today I have given a picture of someone to whom we as a community in Belconnen owe so much. He is very greatly missed, and I extend my deepest condolences to his family and his friends. Vale.

Gungahlin—community

MR MILLIGAN (Yerrabi) (5.59): I take this moment today to recognise the strong community spirit in Gungahlin. We all know how tough 2020 has been, with the

bushfires and the smoke that hung around for a few months and then the current crisis of COVID-19. But so many people in Gungahlin, and of course Canberra, have been affected, and I have been speaking with many businesses in my electorate of Yerrabi that are finding it hard to keep the doors open but also to support their staff; grassroots sports trying to keep afloat; stressed parents trying to juggle work and also homeschooling kids; older Canberrans feeling disconnected from their social activities that have obviously been on hold. I am certainly making sure that I can get out in the community every day to visit local businesses, touch base with residents and speak to local sporting clubs, just offering my support in any way I can.

Mr Parton: Good on you, Jim.

MR MILLIGAN: Thanks, Mr Parton. While many Canberrans have been struggling, I have also heard some amazing stories of kindness. I believe it is in times like these that our community spirit is strengthening, and it reminds me of what I love about my neck of the woods in Gungahlin. I will definitely be looking back on this and remembering all the small acts of kindness we showed to each other despite the challenges.

I want to talk about a few of these stories. If you find a child in Gungahlin and ask them about the bear hunt, I bet they will know exactly what you mean. Teddy bears and soft toys have been propped up in windows all across Gungahlin, ready to be spotted. It has been a great way to keep a family entertained while getting out and getting some fresh air, with the help of the bear hunt Facebook group.

Over in Ngunnawal, Margaret and her team of volunteers have been running the Ngunnawal street pantries with the message: "Take what you need; give what you can." The pantries have been so valuable to residents doing it tough. Close by, the Gungahlin Uniting Church's Mustard Seed Pantry have kept up their amazing work, providing food relief to those in need. While a lot of us have been focused on COVID-19, the G Spot has also continued to support communities impacted by the bushfires on the South Coast, collecting winter clothes, blankets and other goods, getting them to those who desperately need it. Donations are what keep these groups running and providing the amazing support that they do. I thank everyone who has donated to them.

With my background in small business, I also love hearing about how local businesses are finding new and innovative ways to do business. Husk Bakery, known for their colourful croissants, have been travelling around selling freshly baked goods to you in your driveway out of their new van. Siren Bar and Restaurant in the Gungahlin town centre has also got some great takeaway options, from seafood platters at Easter to local treat platters for Mother's Day. It has really brought home how dedicated and motivated businesses are in our region. Gordon and Ruth from the Wombat Den have not been sitting still either. They have been cooking up a storm in the kitchen to make care packages for their neighbourhood: cakes, slices, pies, you name it. Gungahlin has incredible community spirit.

Hearing these stories make me so grateful to call this part of the world home. I will continue to hear their stories of kindness and innovation every day. And it reassures

me that our community will emerge out of this more resilient, despite the challenges being thrown our way.

Employment—veterans

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) (6.03): Today I have the pleasure to update the Assembly about veterans' employment in the ACT public service. In October 2019 the ACT public service was nominated for the Prime Minister's Veterans' Employment Awards for our veterans' employment strategy. The awards recognise organisations who employ and support veterans to transition to the civilian workforce, as well as recognising veterans who are making a significant contribution as an employee or as an entrepreneur.

This year's awards have recognised some very significant work in the ACT. The ACT public service is the winner of the category of veterans' employer of the year, public sector organisations. AeroPM, a Canberra-based company, won both the medium veterans' employer and the outstanding veterans' employer of the year. The public sector award acknowledges our work in supporting veterans to transition to civilian life and to have a meaningful career in Canberra.

Veterans' skills and experience are a clear asset to Canberra. The skills and the experiences of veterans' spouses and their families, who also undertake the journey, are a significant part of our strategy. And of course, veterans are some of the most highly trained and skilled workers that are available.

I have spoken before about our strategy and that it has a range of ways of supporting veterans and their families. There is the veterans' employment transition guide, which includes tips for job searching and navigating the application and selection process. There is the veterans' employment register. There is the guide to employing veterans in the ACT public service, which provides to those who are recruiting information on the ADF environment and rank structure, the personal attributes of veterans and ways in which they can consider veterans for vacant positions. There are the mentoring programs for ACT public service employees who are veterans or family members. In addition, members of the ACT public service attend the ADF member and family transition seminars to promote the ACT government as an employer of choice. In March this year staff engaged with approximately 60 ADF members and their spouses on employment opportunities in our public service.

I thank and congratulate some of the many key people for their support in developing and embedding this strategy. The ACT public service veterans' employment executive champions have been very generous in their ongoing time, their advice and their support of the strategy, as well as being participants in the ACT public service veterans' mentoring program. These fine champions encourage and support the ACT public service employees to develop and implement inclusive practices for veterans and demonstrate how a range of valuable skills and experiences gained in the ADF can be transferred to the public service.

I also acknowledge the work of Brigadier Alison Creagh CFC (Retired) and Mr Gerard Pratt, the chair and deputy chair of the Ministerial Advisory Council for Veterans and their Families, respectively, as well as all members of the council, past and present. The council provides advice to the ACT government on policies and initiatives which help to better support outcomes for Canberra's veterans. I also thank and congratulate the public servants who continue to develop, to embed and to evaluate this strategy.

Finally, I thank the veterans and their families who have participated in the program or have provided feedback to help us improve the program. This national recognition confirms that we are well on track. The breadth of veterans working across the ACT public service will grow as we continue to implement and improve our strategy. When we launched the strategy at the end of 2017 we had 35 people identify as veterans in the public service. We now have 189. I have said before that I believe the ACT public service can and should be a national leader in the employment of veterans, and I want us to model the employment and retention of veterans to businesses and to companies across the ACT and the region. The award demonstrates that we are indeed well positioned to provide the right support and recognise the value of our veterans and of their families.

Mr Jack Munday—tribute

MS CODY (Murrumbidgee) (6.08): I rise tonight, in my partisan shirt, as a proud union member, to pay tribute to a giant of the union movement, Mr Jack Munday, who died on 10 May 2020. There are possibly only a few members of this place who know to whom I am referring. I, however, have been lucky enough to have heard about Jack for most of my life.

Jack Munday was probably best known for his role as leader of the green bans in Sydney. But I knew him as my dad's mate Jack, leader of the New South Wales Builders Labourers Federation—the BLF, as they are better known. My dad met Jack during their time opposing conscription to the Vietnam War. They bonded over their strong views in promoting Aboriginal rights, workers rights and fair and equal rights.

In 1970, well before I was born, Jack became the elected secretary of the New South Wales BLF. Luckily for us, and for Jack, it was the 1970s: today, the fights that Jack took forward would be banned, and he would probably be arrested, prosecuted and jailed.

As I have already said, Jack was best known for the green bans. However, in the early days of Jack's leadership there were many other bans that he led. A few of the more notable bans were the fight to keep a women's studies course at the University of Sydney; the fight to reinstate a gay activist at Macquarie University; and protesting against a land developer in Redfern, which resulted in the Redfern Aboriginal community housing scheme.

Some of Jack's other fights are still being fought by the CFMEU and other unions today. One in particular is the right of women to work in the construction industry and

be paid equally. As I mentioned in this place last year, some building sites do not even have a women's toilet, let alone equal pay and conditions.

My dad used to go on a bit when I was younger. Who am I kidding? He still goes on a bit. Some of the stories that stuck with me were about workers rights, how important his time was in the union, the union movement as a whole, and being involved in the green bans. As a young girl, I fobbed him off a bit, but as I became more active in my own right, I realised that dad was right. Jeez, I am glad he is not in the chamber today to hear me say that.

The union movement was and still is extremely important. The green bans were extremely important. They gave us the Rocks area we know today. They kept green spaces in Sydney's high-rise jungle. They grew grassroots activism. But most of all, they ensured that workers kept their homes and greedy developers would not get their hands on them.

I could go on all night about the great things Jack Munday did, but I will finish with one of my favourite quotes from Jack:

What is the good of fighting to improve wages and conditions if we are going to choke to death in polluted and planless cities?

Vale, Jack Munday.

Mr Graeme Evans—tribute

MS LE COUTEUR (Murrumbidgee) (6.12): I was not intending to speak tonight, but after listening to Ms Cheyne talk about my friend Graeme Evans, I thought I should come down and add a bit more. He was not just someone who was important in Belconnen. I am sure he was important in Belconnen, but never having been a Belconnen resident, that was not a particularly important aspect of him as far as I was concerned.

I met Graeme in what would have been the 1980s, I think—the late 1980s or early 1990s—through the Australian Conservation Foundation, which at that time had branches in many places in Australia. He was involved with that. I was the convenor of that locally for many years and then joined the national council.

That gives me another link. Ms Cody mentioned Jack Munday, and I met him also through the Australian Conservation Foundation. Jack preceded me in the ACF, but it was great to see the ACF carrying on his traditions.

Graeme Evans's memorial has been one of the casualties of COVID-19. It was to be held in March but could not be held because of COVID-19. I express my commiserations to his family, in particular to his partner, Trish Saunders.

Public Accounts—Standing Committee

MS LAWDER (Brindabella) (6.14): I rise to continue some remarks I started earlier today regarding the PAC inquiry into the Auditor-General's report. I had reached a

point of talking about Ms Cheyne's apparent engagement in making the report better only to backflip at a very late point. That was more in line with Ms Cody's deep-seated and often stated antipathy towards the inquiry as a whole.

Madam Speaker, each sitting day, you ask us to stand and pray or reflect on our responsibilities to the people of the ACT. It occurs to me that perhaps some people have their fingers crossed behind their back while they are doing that, because they have abrogated that responsibility by reverting to their partisan roots instead of advocating for the rights of the people of the ACT.

I feel that what happened was an egregious abandonment of their responsibility. I feel that it was an appalling abrogation of their responsibility as elected members of this place. These members, and by extension the government, do not seem to care about that abrogation of responsibility to the people of the ACT.

For me personally, as a member of committees, it has meant a loss of trust, a feeling of betrayal, and a feeling that this was a planned exercise in trickery. Again, I would say that seems to be a hallmark of this government. It is a sad and sorry day. It is a sad and sorry day for accountability and transparency for the people of the ACT, the taxpayers, the people whose hard-earned money not only pays for us in this place but pays for the deals, the purchases and the sales that this government undertakes on their behalf. It is on their behalf—not on behalf of their mates, but on behalf of the people of the ACT.

It is a failure of accountability and transparency, and for me it is a loss of trust in the system that I thought was there to protect us. It is a loss for the people of the ACT that some members of the public accounts committee could not discharge their duty in the way in which committees are intended to operate. I am deeply, deeply saddened by that today.

Question resolved in the affirmative.

The Assembly adjourned at 6.18 pm until Thursday, 4 June 2020, at 10 am.

Schedules of amendments

Schedule 1

Births, Deaths and Marriages Registration (Tissue Donor Acknowledgment) Amendment Bill 2020

Amendments moved by the Minister for Justice, Consumer Affairs and Road Safety

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) If this Act has not commenced within 12 months beginning on its notification day, it automatically commences on the first day after that period.

- (3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

2

Clause 4

Proposed new section 38A (4)

Page 2, line 21—

omit

3

Clause 4

Proposed new section 38A (5), definition of *tissue donor*

Page 3, line 4—

omit the definition, substitute

tissue donor—a deceased person was a ***tissue donor*** if tissue was removed from the person's body under a consent given in accordance with the *Transplantation and Anatomy Act 1978*, part 3 (Donations of tissue after death).

Schedule 2

Crimes (Protection of Police, Firefighters and Paramedics) Amendment Bill 2019

Amendments moved by Mrs Jones

1

Clause 1

Page 2, line 1—

omit clause 1, substitute

1 Name of Act

This Act is the *Crimes (Protection of Frontline Community Service Providers) Amendment Act 2019*.

2

Clause 4

Section 7A, note 1, proposed new dot point

Page 2, line 13—

omit the dot point, substitute

- s 26A (Assault of frontline community service provider)

3

Clause 5

Proposed new section 26A heading

Page 2, line 18—

omit the heading, substitute

26A Assault of frontline community service provider

4

Clause 5

Proposed new section 26A (1) (b)

Page 2, line 21—

omit

an emergency worker

substitute

a frontline community service provider

5

Clause 5

Proposed new section 26A (1) (c)

Page 2, line 23—

omit

an emergency worker

substitute

a frontline community service provider

6

Clause 5

Proposed new section 26A (1) (d) (i)

Page 3, line 2—

omit

the emergency worker

substitute

the frontline community service provider

7

Clause 5

Proposed new section 26A (1) (d) (i)

Page 3, line 3—

omit

an emergency worker
substitute
a frontline community service provider

8

Clause 5

Proposed new section 26A (1) (d) (ii)

Page 3, line 5—

omit
an emergency worker
substitute
a frontline community service provider

9

Clause 5

Proposed new section 26A (1) (d) (iii)

Page 3, line 7—

omit
an emergency worker
substitute
a frontline community service provider

10

Clause 5

Proposed new section 26A (1), penalty

Page 3, line 8—

omit the penalty, substitute
Maximum penalty: imprisonment for 5 years.

11

Clause 5

Proposed new section 26A (2)

Page 3, line 10—

omit
an emergency worker
substitute
a frontline community service provider

12

Clause 5

Proposed new section 26A (2) (a)

Page 3, line 12—

omit
an emergency worker
substitute
a frontline community service provider

13

Clause 5

Proposed new section 26A (2) (b)

Page 3, line 13—

omit

an emergency worker

substitute

a frontline community service provider

14

Clause 5

Proposed new section 26A (2) (b)

Page 3, line 15—

omit

the emergency worker

substitute

the frontline community service provider

15

Clause 5

Proposed new section 26A (2) (b), example 1

Page 3, line 17—

omit

emergency worker

substitute

frontline community service provider

16

Clause 5

Proposed new section 26A (2) (b), example 2

Page 3, line 18—

omit

emergency worker

substitute

frontline community service provider

17

Clause 5

Proposed new section 26A (4) (a)

Page 3, line 22—

omit

the emergency worker

substitute

the frontline community service provider

18

Clause 5

Proposed new section 26A (4) (a)

Page 3, line 23—

omit

an emergency worker

substitute

a frontline community service provider

19

Clause 5

Proposed new section 26A (4) (b)

Page 3, line 24—

omit

the emergency worker

substitute

the frontline community service provider

20

Clause 5

Proposed new section 26A (4) (b)

Page 3, line 25—

omit

an emergency worker

substitute

a frontline community service provider

21

Clause 5

Proposed new section 26A (5)

Page 4, line 1—

omit proposed new section 26A (5), substitute

(5) In this section:

corrections worker means a corrections officer, or an interstate escort officer, exercising a function under the *Corrections Management Act 2007*.***frontline community service provider*** means—

- (a) a police officer; or
- (b) a protective service officer; or
- (c) a corrections worker; or
- (d) a member of an emergency service.

interstate escort officer means a person mentioned in the *Corrections Management Act 2007*, section 213.***member***, of an emergency service—

- (a) see the *Emergencies Act 2004*, dictionary; and
- (b) includes a person operating in the ACT in accordance with a cooperative arrangement under the *Emergencies Act 2004*, section 176.

protective service officer means a person in relation to whom a declaration under the *Australian Federal Police Act 1979* (Cwlth), section 40EA is in force.

22

Clause 5

Proposed new section 26B heading

Page 4, line 7—

omit the heading, substitute

26B

Assault of frontline community service provider—alternative verdict

23

Clause 7

Proposed new section 442B heading

Page 7, line 3—

omit the heading, substitute

442B Review of operation of offences against frontline community service providers

24

Clause 7

Proposed new section 442B (1) (a)

Page 7, line 7—

omit

emergency worker

substitute

frontline community service provider

25

Clause 7

Proposed new section 442B (1) (b)

Page 7, line 8—

omit

emergency worker

substitute

frontline community service provider

26

Clause 8

Page 7, line 15—

omit clause 8, substitute

8 Dictionary, note 2

insert

- corrections officer
- function

Schedule 3

Crimes (Protection of Police, Firefighters and Paramedics) Amendment Bill 2019

Amendment moved by the Minister for Police and Emergency Services

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2 Commencement

This Act commences on the 14th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Schedule 4

Crimes (Protection of Police, Firefighters and Paramedics) Amendment Bill 2019

Amendment moved by the Minister for Police and Emergency Services to the amendments moved by Mrs Jones

1

Amendment 21

Proposed new section 26A (5), definition of *member*, paragraph (b)

omit paragraph (b), substitute

- (b) includes—
- (i) a person operating in the ACT in accordance with a cooperative arrangement under the *Emergencies Act 2004*, section 176; and
 - (ii) a person employed by the ACT Emergency Services Agency; and
 - (iii) a volunteer assisting the ACT Emergency Services Agency.
-

Answers to questions

Schools—flexible learning program (Question No 2917)

Ms Lee asked the Minister for Education and Early Childhood Development, upon notice, on 21 February 2020:

- (1) On what basis/criteria are students selected to attend the Muliyan Off Campus Flexible Learning program.
- (2) How are they referred.
- (3) What involvement does their school and/or their school leader have in the decision of the student to attend Muliyan.
- (4) What involvement does the student and their family have in the decision to attend Muliyan.
- (5) What school years does it cover.
- (6) How many students are enrolled.
- (7) What is the duration or length of time a student typically stays on the Muliyan Off Campus Flexible Learning program.
- (8) What pathway do students typically take after leaving Muliyan.
- (9) How many full-time equivalent teachers are employed at Muliyan.
- (10) What qualifications and additional skills are teachers required to have for teaching at Muliyan.
- (11) What assessment tools have been used to determine the success of this program and what are the outcomes.
- (12) Can the Minister provide a copy of any assessment.
- (13) What annual budget is allocated to this program in both capital and recurrent funding.
- (14) Where is Muliyan's physical location.
- (15) What additional equipment and facilities does Muliyan have.

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

- 1) The criteria of students selected to attend the Muliyan Off Campus Flexible Learning program is:
 - Evidence of disengagement with their enrolled school, including Network School Engagement Team (NSET) involvement.
 - ACT public high school student aged 12 to 16 years,
 - Willingness to engage with the Muliyan Program.

- 2) The Network Student Engagement Team (NSET) works with schools to identify appropriate students that meet these criteria that are then considered by an Intake Panel. The Intake Panel has representation from a range of government and non-government agencies including CYPS and PCYC. The Intake Panel assesses referrals and the range of flexible education options and supports which may include Muliyan.
- 3) The schools work in collaboration with NSET, students and families to determine if attendance at Muliyan is in the best interest of the student.
- 4) Muliyan is a voluntary program, as such willingness and commitment from the student and their family is required before the student can engage with Muliyan.
- 5) Muliyan is available to ACT public high school students from year 7 – 10.
- 6) Students remain enrolled at their former school whilst on the program. Eleven (11) students are currently participating in the Muliyan program.
- 7) The current timeframe is around six months for participants, however, termly reviews in consultation with each student determine future transition opportunities or continued engagement with the program. Students can remain at Muliyan until they are ready to transition back to mainstream education, employment and/or further training.
- 8) Muliyan has a strong focus on transition ensuring students are supported to move between settings, return to their local school or move into further education, training or employment. Students can remain at Muliyan until they are ready to transition back to their school or other setting.
- 9) Two full-time equivalent teachers are employed at Muliyan.
- 10) All Muliyan teachers are qualified educators who have trauma training and experience working with students with complex and challenging needs.
- 11) Muliyan has been operational since Term 4, 2018 and has been reviewed and refined during the 15 months of operations to adapt to the changing cohort and service needs of individual students. Feedback gathered from students, parents and families engaged with the program has also been considered.

Students have demonstrated significant improvements in their attendance whilst participating in the Muliyan program and there were no suspensions for negative incidents of behaviour at Muliyan in 2019.
- 12) The Education Directorate will provide outcomes of the program in the Annual Report.
- 13) In 2019-20, a recurrent budget allocation was provided for Muliyan of \$0.87 million per year for staffing and administration expenses.
- 14) Muliyan is co-located at The Smith Family Building, Woden.
- 15) Muliyan has been designed to be an inclusive, targeted, innovative and future-focused learning program. In addition to its teacher expertise, students are supported by a multidisciplinary team including a school psychologist, social worker, youth worker and school youth health nurse. Muliyan provides an open plan modern learning

environment, that also incorporates spaces for private conversations and learning, as well as a sensory space. Students are also able to be supported by PCYC pick up and drop off where required.

Canberra Health Services—patient transport (Question No 2920)

Mrs Dunne asked the Minister for Health, upon notice, on 21 February 2020:

- (1) What arrangements were made for timely patient transport to Canberra hospitals in (a) emergency situations and (b) non-emergency, routine but necessary treatment situations, when roads were closed for extended periods during the recent South East Australia bushfires.
- (2) What other assistance was Canberra Health Services able to provide NSW Health in servicing the needs of people in the Canberra region, unable to leave their area.
- (3) Has Canberra Health Services reviewed its role in managing health and medical treatment services for people in the Canberra Region during the recent bushfire crisis; if so, what has been learned from that review and what plans have been or are being made to allow Canberra Health Services to be proactive in dealing with such situations; if not, when will a review be undertaken and action plans made.
- (4) What discussions has Canberra Health Services or ACT Health had with the Southern Area Health Service about planning future infrastructure and service needs.

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

- (1) The road closures during the recent bushfires did not have any significant impact on the ability of the ACT Ambulance Service to transport patients in emergency and non-emergency situations.

There were few days where Patient Transport from Canberra Health Services (CHS) was impacted due to road closures. Calvary Public Hospital Bruce was not required to introduce any special arrangements during this period.

- (2) CHS deployed three Senior Staff Specialists, one Registrar and two nurses to the NSW South Coast region to assist in the provision of clinical treatment, advice and support in the January 2020 bushfire disaster. CHS supported applications from Reservists for leave to assist during the bushfires, and clinical staff provided telephone clinical support where needed.
- (3) CHS was proactive in working with Southern NSW Local Health District during the recent bushfire crisis in line with its ongoing role as part of a regional health system (see response to question 4). Therefore, CHS has not reviewed its role in managing health and medical treatment services for people in the Canberra region during a bushfire crisis and there are no plans to do so at this point in time.
- (4) CHS is a member of the ACT and Southern NSW Joint Operations group, which meets regularly to discuss demand and other key issues. The ACT Health Directorate Health Service Planning Team has regular and ongoing engagement with health service planning counterparts in the Southern New South Wales Local Health District

regarding service planning issues, opportunities, current and future activities. This includes implications for both services and infrastructure of changes to cross border flows related to both health service developments and urban development in Southern NSW and the ACT.

Mental health—children and young people (Question No 2951)

Mrs Kikkert asked the Minister for Mental Health, upon notice, on 21 February 2020:

- (1) Have any patients under the age of 18 been admitted to the Adult Mental Health Unit (AMHU) at The Canberra Hospital, even for just a short period, over the past five financial years; if so, (a) how many in each year and why and (b) how long did each remain in the AMHU.
- (2) What are the current care options for ACT residents under age 18 who require residential mental health treatment.

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

- (1) The number of admissions and the average length of stay to the Adult Mental Health Unit (AMHU) over the last five financial years are as follows:

CHS AMHU <18 years of age	2014-15	2015-16	2016-17	2017-18	2018-19
Admissions to AMHU	7	12	17	26	14
Average Length of Stay in Days in (AMHU)	7.6	24.9	8.7	10.8	8.4

Admission to AMHU is a clinical decision based on acuity and risk.

- (2) ACT residents between age 13 and 18 requiring residential mental health treatment can access the Supporting young people Through Early intervention and Prevention Strategies, or STEPS, program. This program is operated by CatholicCare, in partnership with Child and Adolescent Mental Health Services. Young people who are experiencing moderate to severe mental illness can stay at the facility for up to three months.

Canberra Hospital—staffing (Question No 2957)

Mr Coe asked the Minister for Health, upon notice, on 21 February 2020:

- (1) What is the number of staff at The Canberra Hospital that (a) are currently unable to work and have been determined to have a compensable injury or illness, (b) are currently unable to work and their claim for a compensable injury or illness is yet to be determined or (c) have separated from the ACT Public Service and received compensation since 2018-19 to date.
- (2) Further to part (1), what is the total number of staff who were (a) unable to work and were determined to have a compensable injury or illness and (b) unable to work and

put in a claim for a compensable injury or illness for each financial year from 2012-13 to date.

- (3) Further to part (2)(b), can the Minister provide a breakdown of claims, by financial year, by (a) dismissed, (b) withdrawn or (c) any other relevant category.
- (4) Further to part (2), can the Minister provide a breakdown of the claims by type of profession, such as doctor, nurse, administrative professional or other relevant category.
- (5) Further to part (2), can the Minister provide a breakdown of the claims by area of work, such as emergency department, administration, or any other relevant area.
- (6) What is the number of (a) voluntary and (b) involuntary redundancies paid for each of the last six financial years to date, and what is the (i) average and (i) total amount of these payments broken down by profession type, such as doctor, nurse, administrative professional or other relevant category.
- (7) Further to part (6), can the Minister provide a breakdown of the redundancies by area of work, such as emergency department, administration, or any other relevant area.
- (8) What is the number of (a) voluntary and (b) involuntary redundancies paid to Executives for each year since 2018-19 to date and what is the average and total amount of these payments.

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

- (1) a) 15 staff members
b) 1 staff member
c) 13 staff members

(Graph available at the Chamber Support Office).

(2)

(Graph available at the Chamber Support Office).

(3)

(Graph available at the Chamber Support Office).

- (4) I have been advised by my directorate 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. However, I offer the member a verbal briefing to discuss their questions.

- (5) See response to question 3.
- (6) Data is not specified into (a) voluntary and (b) involuntary. The total amounts paid for the years requested is;

(i) Average and total payments

Year	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Number	13	7	14	17	11	2
Total	\$719,922.57	\$536,915.15	\$1,442,628.74	\$1,817,402.61	\$1,216,410.80	\$67,831.10
Average	\$55,378.66	\$76,702.16	\$103,044.91	\$106,906.04	\$110,582.80	\$33,915.55

(ii) Total payments broken down by professional type

(Graph available at the Chamber Support Office).

(7)

(Graph available at the Chamber Support Office).

(8) There were no voluntary or involuntary redundancies paid to Executives in the year 2018-2019 to date.

Canberra Hospital—radiology department (Question No 2958)

Mr Coe asked the Minister for Health, upon notice, on 21 February 2020:

- (1) In relation to the Medical Imaging Department at The Canberra Hospital, how many images were undertaken for each financial year since 2011-12 to date broken down by (a) computed tomography, (b) magnetic resonance imaging, (c) ultrasound, (d) x-ray, (e) nuclear medicine, (f) image intensifier, (g) mammography, (h) positron emission tomography scan, (i) radio fluoroscopy, (j) angiography and (k) any other categories.
- (2) Further to part (1), what is the number of images in each category which were read off-site during each financial year to date.
- (3) Why has there been a significant increase in the proportion of x-ray images being read off-site when the number of procedures has only increased incrementally over the same period.
- (4) Why has there been a significant increase in the number of computed tomography images being read off-site when the number of procedures has only increased incrementally over the same period.
- (5) For each type of image identified in part (1), what is the (a) average, (b) median, (c) longest and (d) shortest wait time between (i) referral and the patient undergoing the procedure, (ii) the procedure occurring and the results being returned from an onsite reading, (iii) the procedure occurring and the results being returned from an off-site reading and (iv) the patient undergoing the procedure and being informed of the results.
- (6) What concerns have been raised by medical professionals regarding the off-site readings, including questions about the results being unavailable or inaccurate and how have these concerns been addressed.
- (7) Were all patients who had their results read off-site informed the images would be or had been read off-site; if not, why not.

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

- (1) The table below shows the number of images produced at Canberra Health Services (CHS) each financial year from 2011/2012 to 2018/2019 inclusive, for each category including:
- (a) Computerised Tomography (CT)
 - (b) Magnetic Resonance Imaging (MR)
 - (c) Ultrasound (US)
 - (d) X-ray (XR)
 - (e) Nuclear Medicine (NM)
 - (f) Image Intensifier (II)
 - (g) Mammography (MG)
 - (h) Positron Emission Tomography (PT)
 - (i) Radio Fluoroscopy (RF)
 - (j) Angiography (XA)

	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
CT	14331	16039	16004	17708	18944	21422	23370	25968
MR	4912	5007	5113	5045	5462	6203	6790	6104
US	11494	12118	11889	12076	11499	12294	12290	11916
XR	68432	74939	79076	82270	85351	87841	89553	91461
NM	2597	2895	3138	3195	2979	2952	2573	1897
II	3035	3408	3441	3636	4173	4358	4115	2849
MG	378	462	439	416	396	328	271	238
PT	861	1177	1267	1248	1431	1275	912	940
RF	1288	1461	1521	1597	1557	1503	1552	1036
XA	1403	1618	1596	1561	1577	1625	1610	2836

- (2) The table below shows the number of studies (by category) sent to the offsite provider in the financial years from 2015/2016 when use of the offsite provider began, to 2018/2019 inclusive.

Year	15/16	16/17	17/18	18/19
XR	33075	37368	37987	60257
CT	419	41	38	8799
MR	0	82	26	130
US	0	2	2	29

- (3) In the period from 2015/16 when use of the offsite provider began, to 2018/2019 inclusive, the number of x-rays performed increased by 11 per cent and the number of CTs performed increased by 46 per cent. It is important to note that a CT scan is a more labour-intensive procedure than an x-ray. In the same period, the use of the offsite provider increased by 207 per cent across all categories of testing.

The increase in offsite radiology reporting enabled CHS to sustain a timely 24-hour medical imaging service while also supporting the effective management of leave, staff fatigue, and surges in activity, in the context of a national and international shortage of radiologists. In addition, there was an increase in interventional radiology activity during this period, and the use of the offsite radiology provider allowed on-site radiology resources to be focused on the most complex procedures.

Offsite reporting at CHS reached its highest peak in December 2018 to January 2019. Since then, offsite reporting has been on a steady downward trend as CHS has

employed more staff radiologists. In February 2020, CHS recorded its lowest use of offsite radiology reporting since November 2017.

(4) Please see response to question 3.

(5) This data is not readily available and would require significant resources to calculate manually for the full period requested. CHS captures turn-around time (TAT) statistics for the indicators of (a) time from order received to image acquisition, (b) time from image acquisition to preliminary report and (c) time from preliminary to final report. The table below shows the TAT statistics for the month of February 2020, given as mean times in an hour:minute format.

	Order received to image acquisition	Image acquisition to preliminary report	Preliminary report to final report	Total TAT
CT				
Emergency	1:02	1:40	6:31	9:13
Inpatient	10:12	11:06	3:29	24:47
Outpatient	9:19	11:27	5:18	26:04
XR				
Emergency	0:28	8:45	1:55	11:08
Inpatient	4:37	14:16	2:02	20:55
Outpatient	18:32	20:10	1:37	40:19
MRI				
Emergency	4:31	5:40	3:13	13:24
Inpatient	11:44	14:28	2:53	29:05
Outpatient	8:07	3:34	3:37	15:18
NM				
Emergency	0:47	1:29	0:40	2:56
Inpatient	9:42	13:15	0:22	23:19
Outpatient	9:30	15:19	2:51	27:40
PT/CT				
Inpatient	18:43	20:44	2:11	41:38
Outpatient	13:19	15:36	1:49	30:44
US				
Emergency	2:31	3:28	1:45	7:44
Inpatient	6:52	8:00	0:43	15:35
Outpatient	7:27	8:39	0:35	16:41
Mammo (all outpt)	19:44	21:18	0:38	41:40
Angio				
Inpatient	8:37	0:02	3:31	12:10
Outpatient	14:20	5:28	1:32	21:20

(6) Concerns have been raised by CHS clinicians about the need to seek further review or speak to offsite radiologists where they have concern about the quality and accuracy of their readings. These concerns have been reported through CHS quality improvement processes, and the specific details are confidential under the *Health Act 1993*. In response to these concerns, CHS has reviewed our contract with the offsite provider and stipulated in the contract that they must have a robust system for incident review and feedback. CHS is confident in the quality of this system.

CHS has also implemented a process under which if the clinician who requested the medical imaging study is unsure about the quality of the report, they can ask for a second reading and report, which are always done by a CHS radiologist.

- (7) No, because the radiology specialists who work for the offsite provider and provide a service to CHS are credentialed by CHS to provide this service to the same standard and using the same process as our staff radiologists, and it is a standard practice nationally for acute care hospitals to engage offsite providers to undertake overnight readings of CTs and x-rays, as well as during surges in demand, to enable prompt reporting for timely patient care.

**Government—climate change strategy
(Question No 2963)**

Ms Lee asked the Minister for Climate Change and Sustainability, upon notice, on 3 April 2020:

- (1) In relation to the Carbon Neutral Government paragraph, page 60 of the 2018-19 Environment, Planning and Sustainable Development Directorate annual report which commits the Government to achieving net zero emissions in its operations by 2020 and also referring to the answer to part (4) of question on notice No 2918 that states “The ACT Government, through the Zero Emissions Government Framework, has set a target of zero emissions within its own operations by 2040”, what, if any, difference is there between the Carbon Neutral Framework and Zero Emissions Government Framework.
- (2) Why did the name change from the Carbon Neutral Framework to Zero Emissions Government Framework.
- (3) Why was the target delayed 20 years.
- (4) When was the decision made to delay the target from 2020 to 2040.
- (5) Who took this decision.
- (6) What impact does this have on the Territory-wide emissions targets for 2025 and 2030.

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

- (1) The former Carbon Neutral Government Framework committed the Government to achieving carbon neutrality in its own operations by 2020. This meant that any residual Government emissions from 2020 onwards would be balanced by purchasing certified carbon offsets. Under the current Zero Emissions Government Framework, Government will not purchase carbon offsets to meet its targets but will instead invest in reducing emissions towards achieving zero emissions in Government by 2040. The Government considers this to be an approach that has more integrity and is more environmentally sound. Further explanation for this rationale is in the ACT Climate Change Strategy 2019-25 (the Strategy), released in September 2019.
- (2) The name change reflects the new approach to reducing Government emissions without carbon offsets.
- (3) The target has not been delayed. Government has instead adopted the more ambitious target of achieving zero emissions from its operations by 2040, as opposed to a carbon neutrality target, which can be met with a financial transaction. The zero

emissions target will require Government to demonstrate leadership by adopting zero emissions technologies across all operations.

- (4) The zero emissions target for Government was adopted under the ACT Climate Change Strategy 2019-25 (the Strategy), released in September 2019.
- (5) Government made the decision.
- (6) The decision to adopt the Zero Emissions Government Framework will help meet the ACT's 2025 and 2030 emissions targets, by driving greater abatement in preference to offsets purchases.

The decision not to purchase carbon offsets for Government operations will not have an impact on the Territory-wide emissions targets. The methodology for measuring ACT emissions is determined under the Climate Change and Greenhouse Gas Reduction Act 2010. This methodology does not count the purchase of carbon offsets towards the achievement of the ACT's legislated emissions reduction targets.

Lawson—recreation facilities (Question No 2964)

Mrs Kikkert asked the Minister for Housing and Suburban Development, upon notice, on 3 April 2020:

- (1) What outdoor recreational facilities (playgrounds, basketball courts, etc) will be built in the suburb of Lawson.
- (2) When will each of these facilities be completed.
- (3) If there are no plans in place for these facilities, why not.
- (4) What requirements are in place for the private development of such facilities in Lawson, and what is the Government's role in providing oversight of such developments.

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

- (1) The suburb of Lawson has been designed to provide a range of recreational opportunities for the community.

The following outdoor recreational facilities have already been constructed and are in use:

- a) Bellbird Loop – a local neighbourhood park with play equipment designed for 5-12-year-old children.
- b) Reservoir Hill – A playground designed for 3-14-year-olds with entrance and exit archways, a bridge over a 'stone waterway', playground equipment and a large shade structure with rubber soft fall.
- c) Toorale Terrace and Roundabout - Street open space with a concrete pedestrian walkway, stone walling with concrete seating.

- d) Lawson Walk – A landscaped walkway incorporating native grasses and public art linking to Lawson Stage 2.
- e) Reservoir Hill Walk – A walkway and cycle path comprising seating nodes and a summit experience with signage and poem extracts.

Stage 2 of Lawson will comprise a range of appropriate outdoor recreational facilities available for community use. The facilities are detailed in the approved Lawson Stage 2 Estate Development Plan (EDP) and the associated Landscape Masterplan and include:

f) Lake Foreshore Recreational Facilities:

- 1. a central neighbourhood park which includes:
 - A toddler playground with shade structure;
 - A playground for 6-12-year old children with shade structure;
 - BBQ facilities including shelters with tables, seats, bins, bubblers etc
 - Grassed open space; and
 - Outdoor seating and terracing.
- 2. Landscaped Amphitheatre and public plaza including:
 - A public plaza with high quality finishes, and furniture including seating, bins and bike racks;
 - An amphitheatre with seating suitable for 50 people; and
 - Pedestrian and cycle path connections.

g) College Creek Recreational Facilities including:

- 3. jetty at Lake Ginninderra with seating;
- 4. A kayak / canoe launching area and associated infrastructure; and
- 5. A boardwalk next to Lake Ginninderra, connecting to the path network in the Central Neighbourhood Park of Lawson Stage 1 and the North Lawson Grassland area.

(2) The Lawson Stage 2 development is currently the subject of an on-going land sale tender process. The recreational facilities will be a requirement of sale for the successful tenderer. It is anticipated that the tender process will be finalised in late 2020. Construction works would likely commence approximately 12 months after the award of the tender. Construction completion could be a further two to three years.

(3) See above.

(4) The Suburban Land Agency's role in providing oversight of developments is managed through a Deed of Agreement which sets out the requirements of the developer to deliver the estate infrastructure (including recreational facilities).

Roads—traffic management (Question No 2965)

Mrs Kikkert asked the Minister for Police and Emergency Services, upon notice, on 3 April 2020 (*redirected to the Minister for Roads and Active Travel*):

- (1) Have any traffic accidents occurred at the intersection of Tillyard and Ginninderra Drives since the traffic signals became operational; if so, can the Minister provide the numbers, dates, descriptions, and any other statistics.
- (2) Have any traffic accidents occurred at the intersection of Tillyard Drive and Lhotsky Street since the traffic signals there became operational; if so, can the Minister provide the numbers, dates, descriptions, and any other statistics.

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

- (1) A total of five (property damage only) crashes were reported at the intersection of Ginninderra Drive and Tillyard Drive since 1 October 2019. Of these crashes, three involved rear end crashes and two involved right-angle crashes. Both right angle crashes were the result of suspected red light running.

The reported crashes occurred on the following dates:

- 31/10/2019;
- 16/11/2019;
- 30/12/2019;
- 25/02/2020; and
- 14/03/2020.

- (2) Since October 2019 one rear end crash was reported at the intersection of Tillyard Drive and Lhotsky Street on 24/12/2019.

Please note that crash statistics can change during the course of the year as police conclude investigations and update the database. This information is preliminary and may be subject to minor changes.

Water—supply (Question No 2966)

Mrs Kikkert asked the Minister for Trade, Industry and Investment, upon notice, on 3 April 2020 (*redirected to the Minister for Environment and Heritage*):

- (1) When will the Territory's population outgrow the current water storage/supply capacity, according to government models, and what will be the population of the ACT at that point in time.
- (2) What plans are in place to increase the Territory's water storage and/or water supply capacity in anticipation of this expected growth in population.
- (3) Will current dams be enlarged or future dams built as part of these plans; if not, why not and where will the water supply come from.

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

- (1) Icon Water, as the ACT's supplier of water and sewerage services, constantly reviews the ACT's water security which is determined by storage levels along with other factors, including predicted demand, climate outlook, regional water availability and catchment conditions. Icon Water currently provide urban water for a combined Canberra and Queanbeyan population of approximately 450,000 residents.

Under the ACT Water Strategy 2014–44: Striking the Balance, Icon Water is required to maintain water security such that the current water supply system should meet unrestricted demand for the ACT and Queanbeyan 95% of the time until at least 2030. Icon Water's current water security modelling indicates the required level of water security is being met, and will be satisfied until demand increases by approximately 50% from current levels. According to Icon Water's demand projections, which include expected population growth and per capita water-use, this would equate to a combined Canberra and Queanbeyan population of over 675,000 residents.

- (2) The Government's strategy for managing Canberra's ongoing water security is the ACT Water Strategy 2014-2044, Striking the Balance. This strategy provides a basis to support the current and future growth of the ACT, achieve desired environmental outcomes and be responsive to climate change.

As a result of the significant investment in water security during the millennium drought, the ACT is one of the more water secure regions in Australia.

Icon Water's Source Water Strategy (available at www.iconwater.com.au/water-education/water-and-sewerage-system/water-for-generations.aspx) has identified that detailed assessment of options for water supply augmentation to support growth in population will commence approximately 20 years prior to the water security level of service trigger (unrestricted demand 95% of the time) being exceeded.

- (3) Previous assessments by Icon Water have identified that there is limited water security improvement in raising any of Canberra's existing water supply dam walls. Climate independent water sources have an advantage over new dams by supplying water even when there is low surface water availability. Icon Water will consider all options when assessing future water supply augmentation requirements at the appropriate time.

Health—staff qualifications (Question No 2967)

Mrs Kikkert asked the Minister for Health, upon notice, on 3 April 2020:

- (1) Does the ACT Government track how many of those who obtain tertiary qualifications in nursing, medicine, paramedicine, and related areas in the ACT go on to work in health-related fields in the Territory; if so, can the Minister provide the data.
- (2) Does ACT Health track where the qualifications of its staff were obtained; if so, can the Minister provide the data.

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

- (1) No, the ACT Government does not track how many of those who obtain tertiary qualifications in nursing, medicine, paramedicine, and related areas in the ACT go on to work in health-related fields in the Territory.
- (2) I have been advised by Canberra Health Services 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 considerable 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.

Children and young people—residential care (Question No 2968)

Mrs Kikkert asked the Minister for Children, Youth and Families, upon notice, on 3 April 2020:

- (1) How many residential care homes providing out-of-home care are currently operating in the ACT.
- (2) How many of these homes typically have (a) a single youth worker and (b) two or more youth workers, rostered on at any one time.
- (3) What factors determine if a residential care home will have a single staff member present or more than one staff member.
- (4) Has the ratio of staff working in the Territory's residential care homes increased, decreased, or remained the same since the withdrawal of Premier Youthworks from the ACT Together consortium.

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

1. As at 4 May 2020, Barnardos have a total of 27 properties available to them. 15 are used as residential care and 12 are used for the Community Adolescent Program (CAP) which is a step-down residential care program for 16 to 21-year-olds who are transitioning from out of home care. Currently a total of 4 properties are vacant (2 residential and 2 CAP). This means as at 4 May 2020 there are 13 residential care properties and 10 CAP residential properties running.

The number of residential care and CAP properties fluctuates depending on the number of young people requiring accommodation at the time, their individual needs and the suitability of matching young people in a particular property.

Mackillop Family Services has a total of one property in the ACT to support a specific young person in out of home care with highly complex needs. This property has a two (staff) to one (young person) arrangement in place.

2. Children and young people involved in the child protection system often have a history of trauma and as a result the number of staff required is assessed based on the individual needs of the child or young person in each property. The staffing model is not a static one.
 - a. Of the 13 residential care properties seven houses are single staffed. Staffing is increased and decreased based on the daily needs of the children and young people, and the mix, residing in the property and their individual needs.

Three of these residential properties currently have one to one staffing arrangements in place to respond to the complexity of the young people residing in those properties.

- b. Of the 13 residential care properties three houses have doubled staff, however, again this can fluctuate depending on the number of children or young people in the residential property at any given time and their individual needs.

In addition to the staff model referred to above a range of therapeutic and other support staff attend and support young people in residential and CAP programs. This includes the Australian Childhood Foundation, ACT Together and CYPS case managers, disability support workers, and other agencies that are providing individual support to young people in accordance with their care plans. A flexible staffing model exists to enable an increase or decrease of staff depending on the presenting needs of young people at any given time.

3. The number of staff necessary to support children and young people is determined based on the number of children and young people in the residential care property and their specific needs. The Australian Childhood Foundation provides advice on the therapeutic support needs of each child or young person in residential care, including staffing needs. For example, in a house where young people are attending school, the number of staff may be increased in the evening to support the evening routine.
4. The cohort of children and young people in residential care is not static. As such staffing levels have either remained the same or fluctuated to ensure all children and young people are receiving the best support possible as determined by their individualised care team and input from the Australian Childhood Foundation.

Children and young people—kinship carers (Question No 2969)

Mrs Kikkert asked the Minister for Children, Youth and Families, upon notice, on 3 April 2020:

- (1) How many kinship carers are there currently in the ACT.
- (2) How many of these kinship carers have requested professional counselling services to assist them in their care responsibilities and how many of these (a) have completed the counselling service and (b) are currently receiving professional counselling services.
- (3) How many of these kinship carers have had professional counselling services recommended to them without having asked and how many of these (a) have completed the counselling service and (b) are currently receiving professional counselling services.
- (4) On what grounds or in what cases is professional counselling recommended to kinship carers.
- (5) On what grounds or in what cases is professional counselling provided when requested by a kinship carer.
- (6) What percentage of professional counsellors who work with the ACT's kinship carers are local, and what percentage came from interstate.

- (7) Has there been any disruption to the provision of these professional counselling services as a consequence of COVID-19; if so, what is the Government doing to make sure that kinship carers are receiving the counselling supports during this time.
- (8) What is the Government doing to make sure that kinship carers have the support they need during a time of high stress and more time spent at home.

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

1. On 4 April 2020, Child and Youth Protection Services (CYPS) had a total number of 386 kinship carers across 268 households.
2. For the period 1 January 2020 to 31 March 2020, it is recorded that a total of 42 kinship carers engaged with professional counselling services.
 - a. Of these, five kinship carers have completed a professional counselling intervention service.
 - b. 37 kinship carers are receiving professional counselling services
3. All kinship carers are offered support to assist them in providing care to children and young people. The carer handbook has a specific section titled, *Caring for Carers*, which acknowledges the emotional demands of being a carer, normalises help seeking and provides information about support, advice and services available.

There are multiple points of contact for kinship carers to seek support, advice and information, including:

- CYPS or ACT Together Case manager;
- ACT Together Carer Support Team – provides emotional and practical support, as well as advice and advocacy for all foster carers, as well as kinship carers caring for children on long-term orders;
- CYPS Carer Liaison Officer and CYPS Kinship Assessment and Support Team – supports kinship carers caring for children on short-term or interim orders;
- Carers ACT, Kinship and Foster Carers Advocacy Service; and
- Australian Red Cross Birth Family Advocacy Support Service (kinship carers).

For a comprehensive list of supports available see
<https://www.communityservices.act.gov.au/ocyfs/families-and-carers/carer-handbook/supports-and-services>

- a. The specific data that is requested would require a review of all individual records of children in kinship care and would mean the unnecessary diversion of resources from the provision of direct supports to children, families and their carers.
 - b. As above.
4. When discussing with a family member if they can become a potential kinship carer for a child, there is a discussion about the needs of the child and the support requirements of the potential kinship carer to meet the child's needs. The individual needs of the child and their needs of the kinship carer to support them are then further assessed through the therapeutic assessment process.

The purpose of the therapeutic assessment is to:

- review the child's history of abuse and neglect, and the impact it has had on them;
- identify early relevant therapeutic needs specific to the child;
- recommend strategies to appropriately address the child's needs; and
- assist the carer and the child's Care Team to understand the impact trauma has had on the child and help to establish a healing and therapeutic care environment for the child.

The plan that results from the Therapeutic Assessment includes the supports that a carer will need to care for the child and respond to the trauma that they have experienced.

Kinship carers can seek professional counselling support directly from the services referenced in the Carer Handbook, or through their case manager or other contact at any time. Professional counselling services may be requested or recommended for many reasons such as; family conflict resulting in risk of placement breakdown, relationships with birth families, marital issues/discord, financial difficulties and/or behavioural issues of the children in their care or the carer's own children who may be struggling with the additional family members. The support offered by a professional counselling service is not limited to these reasons and is often unique to the family circumstances of the carer.

5. See response to question 4.

6. Within the ACT, 93 per cent of the 42 carers (referred to in response to question 2) were referred to a local counselling service. Generally, professional counselling services are recommended to carers within their local area.

In circumstances where a kinship carer resides in another jurisdiction, counselling is provided by professional counselling services within their local area. This equates to a total of 7 per cent (three kinship carers).

7. There has been minimal disruption to counselling services as a result of the COVID-19 Public Health Emergency. Several counselling services have adapted their counselling sessions from face-to-face to telephone and teleconference counselling, and other technological communication where possible. The ACT Government continues to work with community agencies and service providers to ensure the continuity of services to carers during COVID-19.

In addition, the CYPS Kinship Team has increased telephone support across the ACT and interstate to kinship carers. This support involves daily and/or weekly telephone and teleconference contact and may also include face-to-face support depending on the needs of the carer.

Support services through ACT Together also continue to be delivered via telephone and teleconference.

8. CYPS and our key stakeholders have been active in supporting all carers during this difficult time and have been providing information about services as well as information and resources for children, young people and carers. A child or young person's stability within the kinship carers home is fundamental in supporting a child or

young person. The level of support offered to all carers to enable this to occur is a priority and every effort is made to ensure families are receiving the support needed during this unprecedented event.

ACT Together are also providing a range of therapeutic and practical supports to all carers, which includes:

- carer coffee groups facilitated online to connect carers with support staff and therapeutic supports;
- information on government and community supports such as childcare and hampers;
- reimbursement for flu shot;
- therapeutic consults;
- support work for families;
- liaison with schools;
- information guides on COVID-19;
- support around IT particularly for schooling and contact;
- social stories to support children to understand the pandemic; and
- online training around self-care during a pandemic.

Transport Canberra—Ginninderry shuttle bus (Question No 2970)

Mrs Kikkert asked the Minister for Transport, upon notice, on 3 April 2020:

- (1) What is the total cost (initial investment, staffing, fuel, maintenance, etc) of the shuttle bus that began service in Ginninderry on 2 March 2020.
- (2) How much is the developer contributing to these costs and how much is the ACT Government's contribution.
- (3) Are any of these costs currently offset by fares; if so, what has fare revenue been.
- (4) What has patronage of these shuttle buses been since commencing operation.

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

- (1) Total operating cost (including initial investment, staffing, fuel, maintenance, etc) is \$1,116,411.74.
- (2) Developer's contribution is a one-off payment of \$526,411.74. Transport Canberra and City Services' annual contribution is \$590,000.
- (3) The Strathnairn shuttle bus is currently free of charge to customers, with running costs absorbed by Transport Canberra operating budget. The costs are indirectly offset by passengers paying normal fares when they connect to broader public transport network.
- (4) Transport Canberra is currently installing and programming MyWay ticketing equipment to both vehicles. When operational, this equipment will provide and report

on actual boarding data as per the agreement. Like all public transport systems, patronage numbers have decreased due to Covid-19.

**COVID-19 pandemic—community consultation
(Question No 2971)**

Ms Le Couteur asked the Chief Minister, upon notice, on 3 April 2020:

- (1) How is the community being included in deliberations informing decisions the ACT Government is making in relation to responses to COVID-19 and determining priorities for consideration/funding.
- (2) Is there any specific consultation occurring with the various Ministerial Advisory Councils.
- (3) Is there specific consultation occurring with community councils.
- (4) Is there specific consultation occurring with the community sector or through ACTCOSS; if so, can the Chief Minister provide more details.

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

- (1) The ACT Government recognises the essential role community services have in supporting the ACT community through this pandemic. ACT Government directorates are working cooperatively with the community to inform decisions and responses to the evolving COVID 19 situation.

Regular consultations are occurring with community partners, and where possible, consultation via existing forums is being prioritised. This includes forums such as the Youth Housing and Homelessness Forum, co-design networks, and various advisory and governance meetings, which are now meeting via videoconference. Additional COVID-19 working groups have been established for engagement on specific community vulnerabilities as needed, such as Housing ACT for Rough Sleepers, Women's Housing, and Shared Accommodation providers.

The Government has engaged, and will continue to engage with the sector, peak bodies and other organisations throughout the development of its COVID-19 support package, including the \$7 million Community Support Package, designed to support the community sector in meeting the increased service demand for emergency relief.

The ACT Government uses the YourSay Community Panel to help inform our response to the impacts of COVID-19 on the community and to develop appropriate policy responses in areas such as unemployment and social isolation. The research also monitors community adherence to social distancing guidelines allowing us to evaluate and adjust our communications messaging accordingly.

- (2) The ACT Government has been working with its Ministerial Advisory Councils to ensure they, and the communities they represent, are supported during this time. The Joint Advisory Council Chairs (JACC) also met on 7 April 2020, as part of their regular series of meetings, and discussed the impact of COVID-19 on members of their respective communities.

The ACT Government will also continue to work with individual Councils to ensure the community is informed of any changes, including to events, grants and programs as a result of the public health emergency. These Councils have played, and will continue to play, a significant role in providing feedback and insight on the impact of COVID-19 across Canberra, and advocating for community needs in the development of the ACT Government's response.

- (3) The ACT Government is continuing to engage with community councils on these and other issues, where appropriate and possible, noting that a number of regular council meetings have been postponed during the COVID-19 pandemic.
- (4) The Community Services Directorate is in regular contact with ACTCOSS to continue our partnership approach of identifying challenges and working together to develop solutions informed by the community.

COVID-19 pandemic—access to services (Question No 2972)

Ms Le Couteur asked the Chief Minister, upon notice, on 3 April 2020:

- (1) What measures are being taken to ensure that disadvantaged households who do not have home computers are still able to undertake essential activities that are now largely online only.
- (2) Has the Government considered ways to get computers or smart phones and internet connections for these disadvantaged households over the coming month.
- (3) Is internet access considered as an essential service during the COVID-19 Pandemic.

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

- 1) The ACT Government is carefully considering the needs of vulnerable households during the COVID-19 pandemic and has been working to identify and respond quickly to provide the support required. The ACT Government, with the community sector is providing a range of supports to ensure all households can maintain access to essential goods and services.

While Canberrans are strongly encouraged to complete transactions with Access Canberra online where possible, as part of the public health response to COVID-19, shopfronts can be accessed during reduced hours by those who may need additional support if they call Access Canberra beforehand.

In addition, school aged children that do not have the appropriate equipment to engage in remote learning are also being supported. This includes secondary students being provided with a Chromebook through the Technology Enabled Learning program, and primary students being loaned Chromebooks or iPads if required.

- 2) For public school students that do not have access to a device at home, the ACT Government will provide one, along with internet access for families who need it. Families should contact their school to organise a device and request support in accessing the internet. With support from Telstra, 1,000 free internet SIMs are being

made available for students that do not have access to the internet at home during the COVID-19 pandemic.

The ACT Government continues to offer freely accessible wifi through hundreds of access points on the CBRfree network across the city. Individuals accessing the network are of course reminded to observe social distancing principles.

- 3) Internet access is an extremely valuable and important part of modern life. The Government will however continue to provide a variety of ways for people to receive important information and engage with government and community supports and services.

COVID-19 pandemic—economy (Question No 2973)

Ms Le Couteur asked the Treasurer, upon notice, on 3 April 2020:

- (1) What is the interest rate/s on the most recent borrowings undertaken by the ACT Government.
- (2) What is the expected interest rate/s on the ACT Government borrowings required as a result of the COVID-19 emergency stimulus packages.
- (3) What are the credit spreads (ie additional interest rate) the ACT Government would be likely to face if its credit ratings were downgraded (due to either a Federal Government downgrade or ACT Government downgrade) due to present economic circumstances.
- (4) Has the ACT Government received any advice on the additional amount of debt that would trigger a ratings downgrade; if so, what is that amount.

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

- (1) Details of the 2019-20 year to date long-term borrowing transactions are:

	Transaction 1	Transaction 2
Pricing Date	13 August 2019	16 October 2019
Maturity Date	22 May 2025	23 October 2031
Issue Yield (Interest Rate)	1.16 per cent	1.845 per cent
Coupon	1.25 per cent	1.75 per cent
Volume (Face value)	\$1 billion	\$1 billion
	Transaction 3	Transaction 4
Pricing Date	8 April 2020	8 April 2020
Maturity Date	17 April 2023	22 May 2029
Issue Yield (Interest Rate)	0.86 per cent	1.785 per cent
Coupon	1.00 per cent	2.25 per cent
Volume (Face value)	\$1.1 billion	\$225 million

- (2) Actual interest rate(s) will depend on the maturity term(s) of issued bonds and the prevailing financial market conditions at the time of issue.

- (3) The ACT's cost of debt is determined by a range of factors including current global economic and financial market conditions, the proposed bond issuance maturities (term) and coupon rates, and the ACT's outstanding bond line volumes and perceived liquidity. Interest rates and credit spreads continually change.

The impact on a downgrade in our credit rating is hypothetical. Australian semi-government issuers who currently have a AA+ rating have a cost of funds approximately 0.05% to 0.10% per annum higher than the ACT's current cost of funds.

- (4) No.

Standard & Poor's weighted Government credit rating assessment methodology incorporates a wide range of factors to inform their credit rating decision, with the annual debt servicing requirements on the ACT's outstanding debt being only one element. The methodology includes an assessment of the institutional framework supporting State and Territory Governments; strength of the local economy; financial management; budgetary performance; liquidity and debt.

Energy—electricity concessions (Question No 2974)

Ms Le Couteur asked the Treasurer, upon notice, on 3 April 2020:

- (1) How many people receive the utilities concession.
- (2) Is the concession paid as a reduction of a person's electricity bill; if so, are there any people receiving the concession whose electricity bill is such that they do not receive the full amount of the subsidy; if so, how many people and what is the average amount that they forgo.

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

1. 26,833 as at 6 April 2020.
2. The full concession amount for the relevant billing period is applied to a customer's electricity bill as a credit. This will reduce the amount owing on the bill or can leave a credit on the account. The credit can also be transferred to a customer's gas or water account if their services are with the same provider.

Budget—roads (Question No 2975)

Ms Le Couteur asked the Treasurer, upon notice, on 3 April 2020:

- (1) What is the total budgeted expenditure on roads and parking infrastructure in each of the four budget years of the 2019-20 Budget.
- (2) Can the Treasurer itemise, by budget item and project, indicating for each item the (a) current status of the project (eg design yet to commence, design completed, construction underway) and (b) expected start year of construction procurement.

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

Please refer to Attachment 1 which summarises existing budget funded initiatives in the Capital Works Program relating to investment in roads and/or parking.

(A copy of the attachment is available at the Chamber Support Office).

Budget—sport (Question No 2976)

Ms Le Couteur asked the Treasurer, upon notice, on 3 April 2020 *(redirected to the Minister for Sport and Recreation)*:

- (1) What was the total expenditure, across all portfolios, for elite sports teams (eg the Brumbies) and attracting and hosting elite sports events (eg international cricket matches), in each of the last four financial years, itemised by budget item and recipient/event.
- (2) In each of the four budget years of the 2019-20 Budget, what is the total budgeted expenditure for those activities listed in part (1), itemised by budget item and recipient/event, indicating whether each item is (a) contracted or not yet contracted or (b) cancelled or expected to be cancelled due to the COVID-19 health emergency.

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

- (1) The total expenditure for each of the last four financial years is outlined in the table below. Due to the strict commercial in confidence clause articulated in each individual agreement/deed, the detailed financial information broken down by each elite team or specific event content is unable to be provided.

FY16-17	FY17-18	FY18-19	FY19-20
\$7,563,956	\$6,578,664	\$9,908,507	\$10,070,954
<ul style="list-style-type: none"> – GWS GIANTS – Canberra Raiders – Brumbies Rugby – Canberra Capitals – Canberra United – NSW Netball (Giants Netball) – Rugby League World Cup – Cricket Australia (One Day International [ODI]) 	<ul style="list-style-type: none"> – GWS GIANTS – Canberra Raiders – Brumbies Rugby – Canberra Capitals – Canberra United – Netball NSW (Giants Netball) – Cricket Australia (ODI) 	<ul style="list-style-type: none"> – GWS GIANTS – Canberra Raiders – Brumbies Rugby – Canberra Capitals – Canberra United – Netball NSW (Giants Netball) – Football Federation Australia (International Match) – Illawarra Hawks NBL – Cricket Australia (Test Match) – Cricket NSW (BBL) 	<ul style="list-style-type: none"> – GWS GIANTS – Canberra Raiders – Brumbies Rugby – Canberra Capitals – Canberra United – Netball NSW (Giants Netball) – ICC T20 Women's World Cup 2020 – Cricket Australia (T20) – Cricket NSW (BBL)

- (2) The sporting sector continues to follow the advice being issued by the Federal/State and Territory Governments in relation to limiting the spread of COVID-19, which includes acting in accordance with health requirements and best practice guidelines. In addition, impacted countries, including Australia, have now taken action to limit the spread of the virus, including the playing of sporting content in closed stadiums (no spectators), cancelling sporting events altogether and imposing travel restrictions across borders. Each elite team and associated National Sporting Organisation continues to work closely with the Territory in determining the impact on the implementation of each sporting codes 'usual' playing season.

Given the uncertainty of all leagues (ie NRL, AFL and Super Rugby) due to COVID-19, current and future agreements with elite teams are now subject to discussion to understand the future structure of these competitions and partnerships post the health emergency and to inform any funding decisions.

FY19-20	FY20-21	FY21-22	FY22-23
\$10,070,954	\$375,000	-	-
<ul style="list-style-type: none"> - GWS GIANTS - Canberra Raiders - Brumbies Rugby - Canberra Capitals - Canberra United - Netball NSW (Giants Netball) - ICC T20 Womens World Cup 2020 - Cricket Australia (T20) - Cricket NSW (BBL) 	<ul style="list-style-type: none"> - Canberra Capitals - Canberra United 	-	

COVID-19 pandemic—online education (Question No 2977)

Ms Le Couteur asked the Minister for Education and Early Childhood Development, upon notice, on 3 April 2020:

- (1) Will the ACT Government be monitoring engagement of students in online education, assuming that by next school term there will still be a requirement for students to remain at home if possible.
- (2) Will this include primary school age children.
- (3) What checks and balances will be in place to ensure that children living in abusive or harmful environments will be noticed; for example, what will replace the daily roll call where a child would be identified if not attending for some period or without notice.

- (4) What additional supports will be in place for parents whose children have special learning needs and were formerly supported at school, for example, Attention Deficit Hyperactivity Disorder, Autism and Asperger's Syndrome.
- (5) What additional supports are in place for teachers as they cope with the isolation and juggling expectations and realities of online teaching.
- (6) How is the Government ensuring that every child has access to the internet.
- (7) Will any requirements for monitoring of online engagement by students be extended to the independent and private schools sector.
- (8) Will schools still be open to children whose parents are working in essential sectors; if not, what alternative arrangements will there be.

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

- 1) Yes, public school teachers are regularly checking in on students and using learning platforms to track participation and engagement in learning.
- 2) Yes, all school settings will be included. Early primary school students will do more offline remote learning activities than older years.
- 3) The Education Directorate is closely monitoring student attendance across ACT public schools. Schools are ensuring teachers are checking in with vulnerable students on a frequent basis, daily or twice daily where needed. Teachers will contact parents or carers if there are any unexplained absences.
- 4) For those students with disabilities, public schools are providing learning materials and checking in with them and their families.

An interprofessional team of allied health and teaching professionals is supporting teachers to deliver learning. They are providing advice on adjusting learning programs to meet the needs of all students.

The hearing and vision teachers are working remotely with students and their families during this time to ensure that students can continue to access specialised teaching in these areas.

School psychologists are now providing psychological services for public school students and families via telehealth.

The Education Directorate's home learning web site has great advice for families assisting their children with the learning programs being delivered. This includes how to create positive and safe learning environments and supporting children with sensory processing and self-regulation needs.

- 5) Public school teachers will be encouraged to meet regularly with their colleagues online using Google Meet. Technical and pedagogical support will continue to be provided by the Education Directorate. During the pupil free period at the end of term 1, ACT public school teachers took part in a number of specialised professional learning opportunities provided by the directorate to assist them with the move to remote learning in term 2. Over 5,500 teachers participated in this professional learning.

- 6) Parents and carers are encouraged to engage directly with their school to access internet support, for those that do not have internet access at home. The ACT Government has partnered with Telstra to provide data SIM cards and WiFi hotspot 'dongles' to public school students to enable this internet support during the COVID-19 pandemic.
- 7) The independent and Catholic school sectors each have their own system for monitoring engagement by students. The Education Directorate continues to liaise closely with the Catholic Education Office and Association of Independent Schools to inform them of what the public system is doing and share relevant information or support.
- 8) Safe and Supervised School Sites are available for students of parents and carers who need them for any reason. No child will be turned away if they need to be at school.

COVID-19 pandemic—tenant rights (Question No 2978)

Ms Le Couteur asked the Minister for Housing and Suburban Development, upon notice, on 3 April 2020:

- (1) Will ACT Housing remove any matters listed with the ACT Civil and Administrative Tribunal (ACAT) that may result in a tenant eviction until such time as the moratorium on evictions is lifted.
- (2) What supports will be put into place to ensure that tenants involved in disputes with ACT Housing whether before the ACAT or not, can continue their tenancy for the next six months.

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

1. Under the Residential Tenancies (COVID-19 Emergency Response) Declaration 2020 (the Declaration), a three-month moratorium on terminations has been introduced for households which have been impacted by the COVID-19 pandemic and income has fallen by at least 25%.

Under this Declaration, Housing ACT will not issue Notices to Vacate for debt to public housing tenants, impacted or not by COVID-19, whilst the Declaration is in effect. Any matter that is currently with the tribunal for rental arrears will be adjourned or withdrawn for the period of the Declaration.

However, where action needs to be taken to ensure community safety and the safety of tenants and the homes they live in, Housing ACT will continue to take matters to the ACT Civil and Administrative Tribunal as a last resort to try and seek engagement from the tenant to resolve the issue.

2. Where a tenant is in dispute with Housing ACT they will be provided with referrals to relevant support services, including Canberra Community Law, and Housing ACT staff will continue to try to engage with the tenants to better understand their circumstances and identify the supports they may need to sustain their tenancies.
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**Housing—affordable rental properties
(Question No 2979)**

Ms Le Couteur asked the Minister for Housing and Suburban Development, upon notice, on 3 April 2020:

- (1) Given that the ACT Housing Strategy commits to increasing the supply of affordable rental homes, how will the ACT Government ensure that the supply of affordable rental housing (discount to market rent) increases given that many of the existing affordable rental dwellings have been funded through the National Rental Affordability Scheme (NRAS), with NRAS Incentives for these properties due to end between now and 2026.
- (2) What consideration, if any, has been given to measures that would help retain NRAS properties as affordable rental dwellings after the NRAS Incentives have stopped being paid.
- (3) Has consideration been given to supply-side interventions, such as expanding the land tax concession scheme, to maintain and increase the supply of affordable rental dwellings.
- (4) Has consideration been given to supply-side interventions, such as a Territory-based incentive scheme.
- (5) Can the Minister provide information about the ACT Government's role in relation to using the National Housing Finance and Investment Commission to drive an increase in the supply of affordable rental dwellings in the ACT.
- (6) Has the ACT Government conducted any financial modelling or policy development with regard to aggregating finance and either purchasing dwellings for affordable or social rental housing that could be managed by community housing providers; if so, can the Minister provide details.
- (7) Has the ACT Government conducted any financial modelling or policy development regarding further transfers of public housing stock to the community housing sector; if so, can the Minister provide details.

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

- (1) The ACT Government's commitment to improving access to affordable housing across Canberra is articulated, amongst other goals, in the ACT Housing Strategy (the Strategy). The Strategy responds to Canberra's local context and unique challenges and is being delivered through collaborative partnerships across the government and non-government sectors. The Strategy represents an integrated approach to policy delivery and recognises the Commonwealth and Territory governments' mutual interest in establishing a sustainable, diverse and equitable supply of housing for the ACT community.

These shared goals are reflected in the overarching National Housing and Homelessness Agreement for the ACT (NHHA ACT). This bilateral agreement took effect on 1 July 2018 and provides approximately \$131 million in Australian Government funding over a five-year period to improve outcomes across the full

housing continuum including homelessness response, public housing, affordable rental and home purchase opportunities. This funding underpins a range of initiatives being delivered under the Strategy.

Under the Strategy, goal 4 details the government's commitment to increasing access to affordable rental housing for Canberrans on low-moderate incomes. Further information about the range of activities underway to support this key priority is provided in response to question 3.

- (2) The Strategy provides a multi-faceted approach to guide the delivery of housing and with a particular focus on affordable housing, and the focus to date has been on delivering against the targeted actions and commitments outlined in the strategy and its accompanying Implementation Plan (the Plan). Steady progress has been made in this regard, and this was detailed in the *ACT Housing Strategy Year 1 Report Card* (November 2019).

The ACT Government is monitoring the National Rental Affordability Scheme's staged conclusion and if necessary, may develop a policy response to address the impacts. Due to the Strategy's agile and responsive nature, this could occur within existing policy parameters, if considered a suitable approach. At the same time, the other initiatives in the Strategy relating to affordable rentals, as mentioned in response to question 3, will continue.

- (3) A range of initiatives are in place that both support the strategy's goal of increasing the quantity of affordable rental accommodation and diversifying the supply base. Supply side levers utilised to support these outcomes include financial and tax incentives, mandatory housing and supply targets, and collaboration and partnerships with the community housing sector. Examples of these supply side interventions include:

- The affordable community housing land tax exemption pilot. The pilot provides a full land tax exemption for up to 100 properties when owners register with a community housing provider (CHP), to rent their property to an eligible tenant/s for 75% (or less) of market rent. As at 1 April 2020, 28 properties have been registered under the pilot, two of the three eligible CHPs are participating and the third has expressed their intention to do so in the near future. The pilot is currently scheduled for review in June 2023.
- Residential tenancy relief. A rates and land tax rebate is available to landlords who temporarily reduce rent by at least 25 per cent for up to six months for residential tenants who are having difficulty paying their rent as a result of the COVID-19 crisis. This is a 'cost sharing' arrangement between the ACT Government, landlords and tenants, with the government contributing up to \$2,600 over six months to match 50 per cent of the rent reductions offered by landlords.
- Remission of Lease Variation Charge - Affordable Rental Development Concession (LVC remission). This measure provides a 25% LVC remission to CHPs who develop land for affordable rental housing. Developments under this scheme must be rented to tenants who meet income-based eligibility criteria and be retained for affordable rental purposes for a minimum of seven years. The remission was introduced in October 2019 and will run for a three-year period followed by a review to determine its efficacy.

- Annual housing targets. The ACT Government sets a target of 15% of residential land releases for affordable, community and public housing.
- Affordable home purchase scheme (AHPS) ‘first right of refusal’ to CHPs. This is a recent refinement to the AHPS and prioritises the offering of homes built under the AHPS to CHPs, after eligible purchasers on the AHPS database elect not to ‘opt in’ to new developments. This change was made in response to feedback from the community housing sector and should translate to the increased supply of affordable rental housing across the ACT.

(4) Refer to the response to question 3.

(5) The ACT Government has been involved in preliminary discussions with the National Housing Finance and Investment Commission (NHFIC) about potential opportunities for the use of loan funds for infrastructure improvements that could result in benefits for community housing (including affordable rental accommodation).

The ACT Government is also undertaking analysis about opportunities to grow the community housing sector and expand the provision of affordable rental options. This analysis includes investigating delivery models such as ‘Rent to Buy’ and shared equity schemes.

Separate discussions have also occurred between the registrars administering the National Regulatory System for Community Housing (NRSCH) and the NHFIC regarding assurance that the NRSCH can provide about providers that seek funding from the NHFIC. Consequently, there has been communication from the NHFIC concerning specific applications and the compliance standing of the applicants, which is public information.

(6) No.

(7) No. The ACT Government is committed to growing and renewing its public housing portfolio through the Growing and Renewing Public Housing program.

Domestic and family violence—data (Question No 2980)

Ms Le Couteur asked the Minister for the Prevention of Domestic and Family Violence, upon notice, on 3 April 2020:

- (1) Does the Coordinator General of the Family Safety Branch have access to data from the Courts including the number of applications for Family Violence Orders, the number of family violence matters that are scheduled, the number of interim orders and the number of after-hours orders made (by gender disaggregation, age of complainant, level of ability).
- (2) Does the Coordinator General of the Family Safety Branch have access to domestic and family violence and sexual assault data from ACT Policing, including the number of incidents reported, number of matters proceeding to court, charges laid, number of matters not proceeding and reasons for not proceeding (by gender disaggregation, age of complainant, level of ability and including family violence homicide).

- (3) Does the Coordinator General of the Family Safety Branch have access to Legal Aid data relating to domestic and family and sexual violence, including the number of matters for which representation was provided (by gender disaggregation, age of complainant, level of ability).
- (4) Does the Coordinator General of the Family Safety Branch have access to data from the Director of Public Prosecutions in relation to the numbers of domestic and family and sexual violence matters, including how far they proceed through the criminal justice system and if they do not proceed and why they do not proceed.
- (5) Does the Coordinator General of the Family Safety Branch have access to data from support services such as the Domestic Violence Crisis Centre, Canberra Rape Crisis Centre and Victim Support Services ACT and other community service providers on the number of domestic and family and sexual violence related contacts and clients.
- (6) What is the capacity of the Coordinator General of the Family Safety Branch to produce timely and comprehensive data about the incidence of family violence in the ACT, including consolidated data, bringing together data from both civil and criminal matters to expose the reality in the ACT and provide an ability to compare with other jurisdictions.

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

Response to questions 1 – 5.

The Coordinator-General for Family Safety has access to publicly available data from:

- the ACT Magistrates Court regarding the numbers of applications for Family Violence Orders (FVOs) including Interim Orders,
- Legal Aid relating to domestic and family and sexual violence, including advice, duty and grant services,
- the Director of Public Prosecutions relating to family violence matters and sexual offence matters which were commenced, completed and discontinued in the Magistrates, Children's and Supreme Court.

The Coordinator-General for Family Safety has access to data from ACT Policing on family violence (FV), and is provided with regular reports on:

- FV incidents reported,
- FV related offences reported (noting that there are many FV incidents where an offence is not found to have occurred),
- persons lodged in custody that were FV related,
- number of after-hours FVOs applied for by police and number granted
- number of strangulation-related arrests and charges in FV matters.

Disaggregated data has not been sought by the Coordinator-General for Family Safety to date.

The Coordinator-General for Family Safety has regular access to data from:

- the Domestic Violence Crisis Service,
- Canberra Rape Crisis Centre,
- Victim Support ACT and
- other community service providers on the number of domestic and family and sexual violence related contacts and clients.

Response to question 6.

The ACT Government has recognised the need for a consolidated data set to provide a picture of the incidence of family violence in the community and is actively working on this issue and linking into other relevant projects.

The ACT Government's response to recommendation 5 of the *Domestic Violence Prevention Council Report from The Extraordinary Meeting 2018* recognises the need for the government to improve the ACT's use of data to inform strategies for children and young people. Although the focus of this recommendation is on children and young people, broader domestic and family violence data sets are being examined to respond to these recommendations. The Office of the Coordinator-General for Family Safety, the Office of the Chief Digital Officer and Community Services Directorate are working together to improve how data related to domestic and family violence is accessed, stored and analysed. Through this project and other related initiatives, the capacity to produce timely and comprehensive data about the incidence of domestic and family violence in the ACT will be improved.

As described in the most recent publication on the *National Outcome Standards for Perpetrator Interventions*, comparing data relating to perpetrators of family violence between jurisdictions is problematic. This problem exists because of differing definitions, legislation and service provision within jurisdictions. In addition, while available data can provide a picture of help seeking for domestic and family violence, research has shown that many women do not seek assistance for domestic and family violence (AIHW, 2019).

**Land—Curtin land swap
(Question No 2981)**

Ms Le Couteur asked the Minister for Planning and Land Management, upon notice, on 3 April 2020 (*redirected to the Chief Minister*):

- (1) In relation to the North Curtin land swap with the National Capital Authority (NCA), including Curtin Horse Paddocks, which blocks will be transferred to the NCA.
- (2) When will the transfer occur.
- (3) Does the agreement with the NCA include transfer of planning control to the NCA; if so, what is the process by which this will occur and when is it likely to happen.

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

- (1) The ACT Government has not entered into a land swap with the NCA. The Commonwealth, in consultation and agreement with the ACT Government, has exercised its power to declare land in North Curtin as 'National Land' under the *Australian Capital Territory (Planning and Land Management) Act 1988* for a new diplomatic estate.

The blocks that have been declared 'National Land' are listed in the Gazettal Notice. They are Block 4 Section 106 and part Block 5 Section 121 CURTIN.

- (2) The declaration commenced on 24 March 2020 (the day after the day it was published in the Federal Register of Legislation - The publication date was 23 March 2020).
- (3) As specified in the Gazettal Notice, the Commonwealth has given the NCA approval to manage the blocks declared as 'National Land' on its behalf.

We understand that the NCA will now progress an amendment to the National Capital Plan to permit development on the North Curtin site, including the portion of Block 5 Section 121 CURTIN that the ACT Government will remain responsible for. The timing and content of this amendment is a matter for the NCA.

ACT Policing—training (Question No 2982)

Ms Le Couteur asked the Minister for Police and Emergency Services, upon notice, on 3 April 2020:

- (1) In relation to specialist interview training for police officers in the context of the Royal Commission into Institutional Responses to Child Sexual Abuse and recommended police responses, what training is being provided to ACT police officers in relation to specialist interviewing techniques and approaches, specifically in relation to domestic and family violence and sexual violence matters.
- (2) Who provides this training.
- (3) Does the training include specific training on interviewing children, and children under five who may be victim/witnesses.
- (4) Does the training include specific training on interviewing adults/children with disability.
- (5) What specific training is provided to officers when they first join the Sexual Assault and Child Abuses Team and what ongoing training is provided to them with regard to interviewing children, children under five and adults and children with a disability regarding sexual assault complaints.
- (6) Are police officers consulting with staff administering the Intermediary Scheme before determining that a matter may not proceed due to the perceived inability for a victim/witness to provide reliable evidence.
- (7) How much uptake has there been of ACT police officers using the services of the Intermediary Scheme.
- (8) Will specialist interviewing techniques for interviewing children, children under five and children and adults with disability with the aid of intermediaries and/or working with intermediaries become part of the standard initial training for General Duties Officers at Barton College.

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

- (1) All police officers in the ACT Policing Sexual Assault and Child Abuse Team (SACAT) are required to complete the Interviewing Vulnerable Witness Interview

(IVWI) training. The IVWI is also referred to as an Evidence-In-Chief-Interview (EICI). This training is designed to provide police officers with the necessary tools to interview children and young persons as well as adults with disabilities.

The EICI is the primary method used by SACAT members to interview complainants of sexual offences.

All police officers in the ACT are also required to complete the Family Violence Evidence-In-Chief-Interview (FVEICI) training. This training is designed to provide police officers with the necessary tools to interview complainants of family violence related offences.

Currently SACAT members do not receive any interview training from any external agency or location.

- (2) The Australian Federal Police (AFP) Learning and Development (L&D) Specialist Investigations provide the training. AFP L&D is located at the AFP College in Barton.
- (3) Yes. The IVWI training focuses on the techniques to interview children and young persons. It is a regular occurrence for SACAT members to interview children under 5 years of age.
- (4) Yes. With the introduction of the ACT Intermediary Program, L&D have incorporated guidance on interviewing persons with special needs within the IVWI training. It is a regular occurrence for SACAT members to interview persons with a range of disabilities.
- (5) Police officers are required to complete the IVWI training when they first join SACAT. There is formal training for members within SACAT every two years with the next training due to occur in 2021. All SACAT members maintain a high level of proficiency in interviewing vulnerable persons.
- (6) The Intermediary Program provides guidance to ACT Policing officers in regards to determining the best method of communication with persons with special needs or due to age. The determination on whether a witness' evidence is considered reliable is made by the case officer, in consultation with their Sergeant.

When there is a question about the merits of an investigation, SACAT members are able to request the Director of Public Prosecutions (DPP) to review the evidence and provide advice on whether it is sufficient for the matter to proceed to Court.

- (7) Since the inception of the Intermediary Program on 1 February 2020, SACAT have made 20 referrals for assistance. At the moment, SACAT are the primary referring area of ACT Policing for the Intermediary Program.
- (8) All ACT Policing recruits receive standardised training in investigative interviewing techniques and FVEIC interviewing at the AFP College. The IVWI training is an enhancement to that training which requires a level of understanding and practical experience in interviewing techniques in order to be effective. Consistent use of the specialised interviewing techniques is required to maintain currency. As such, the IVWI training is a mandatory requirement for SACAT members and is available to all other members once they have gained practical experience to contextualise the training.

The Intermediary Program is able to be accessed by all members of ACT Policing. The Intermediary Program are engaged for specific circumstances and focus on child complainants in sexual offence proceedings and child witnesses in serious violent offences occasioning death. It also allows broader scope for utilisation for witnesses with communication difficulties.

If a police officer identifies an investigation that fall outside of the above parameters, in which a Witness Intermediary may be utilised and be of benefit, there is an ability to consider a referral on a case by case basis.

**ACT Policing—domestic and family violence data
(Question No 2983)**

Ms Le Couteur asked the Minister for Police and Emergency Services, upon notice, on 3 April 2020:

- (1) Can ACT Policing produce regular gender and age disaggregated data about the incidence of domestic and family violence, and sexual violence in the monthly offence data for the crime statistics map.
- (2) What is the capacity of ACT Policing to assist with providing real time data including number of family matters reported, number of family violence orders, after hours family violence orders, interim family violence orders issued, number of offences proceeding to court on the incidence of domestic and family violence.
- (3) Is there a capacity to collate data between ACT Policing family violence responses, the Courts (in relation to Family Violence Orders), the Domestic Violence Crisis Centre, victim support services, and Legal Aid including the age and gender of complainants.
- (4) Is ACT Policing able to provide age and gender disaggregated data about the number of sexual violence matters that proceed from initial “meet and greet” to evidence in chief, to prosecution; if not, why not and when will this become available.
- (5) How does the Minister account for the number of family violence offences consistently being lower than the number family violence incidences in the current data that is publicly available (<https://www.policenews.act.gov.au/crime-statistics-and-data/crime-statistics>).
- (6) Are there any additional domestic and family and enhanced safety measures being implemented by ACT Policing during the COVID-19 Pandemic.

Mr Gentleman: The answer to the member’s question is as follows:

1. ACT Policing has the capability to disaggregate family violence data for gender and age. Data is available in ACT Policing’s case management system, PROMIS. To ensure the identity and protection of the victims this information is not currently included in the current crime statistics map. In order for this data to be included in the monthly crime statistics map careful consideration will need to be given as to the most appropriate format to present this data in order to ensure the victim is unable to be identified. ACT Policing will examine mechanisms to publish regular and disaggregated family violence data having regard to privacy considerations.

2. ACT Policing business systems do not provide for 'real time' data on family violence related matters (including Family Violence Orders, after hours and interim orders).

Statistical reporting requires manual processing and is prepared fortnightly.

3. ACT Policing works closely with Government and non-government agencies to ensure a collaborative approach in combating family violence and providing ongoing support for victims.

Currently each organisation collates and reports on their own data and reports on different aspects of family violence including the age and gender of the victim. Each agency has a different role to play in prosecuting offenders and supporting victims of family violence. These roles are complimentary but recorded and reported differently.

4. ACT Policing is able to provide disaggregated age and gender data regarding sexual assault offences. ACT Policing is able to report on the number of sexual assault incidents reported to ACT Policing, the number of offences that proceed to a prosecution and the number of incidents that do not proceed to court.

ACT Policing however does not have a reporting mechanism to track individual stages of an investigation. It should be noted there are a variety of reasons why matters do not proceed to court. These range from insufficient evidence to form a prima facie case, to a withdrawal of a complaint by the complainant.

5. Due to the nature of family violence investigations, not all criminal offences are identified at the time of the incident. A large number of incidents that ACT Policing attend do not result in a criminal offence so the number of family violence related offences reported do not reflect the number of family violence incidents attended and investigated by ACT Policing.

6. ACT Policing is committed to the safety of members of our community and will support people at their most vulnerable during the COVID-19 pandemic.

ACT Policing is working with Government agencies and non-government partners to ensure a collaborative approach in protecting the community against family violence during the current COVID-19 pandemic. For example ACT Policing is working collaboratively with the Domestic Violence Crisis Service ACT to distribute social media safety information for people isolating at home during the COVID-19.

ACT Policing's Family Violence Coordination Unit is also utilising email and phone to contact victims and perpetrators.

COVID-19 pandemic—safety measures (Question No 2984)

Ms Le Couteur asked the Minister for Community Services and Facilities, upon notice, on 3 April 2020:

- (1) What provisions are being put in place to ensure that frontline community support workers, (for example those in aged care, National Disability Insurance Scheme support workers, Child and Youth Protection Services staff etc), have access to appropriate personal protective equipment (PPE) during the COVID-19 pandemic?

- (2) What, if any, education will be provided to these workers regarding the appropriate use and disposal of PPE.
- (3) What, if any, education campaigns will be funded and implemented to target clients of services and particular cohorts of vulnerable people, (for example, rough sleepers, injecting drug users), regarding the prevention of disease spread during the COVID-19 pandemic.
- (4) If education campaigns will be funded and implemented, can the Minister provide details about the type and target audience of any education initiatives, and how and who will implement them.
- (5) Are there plans to provide hand sanitizer or PPE, (for example, gloves), to clients of services and particular cohorts of vulnerable people, both for them to take away or to use while at the service; if so, can the Minister provide the details of which clients of services or cohorts of people these items may be provided to.

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

1. Noting the global supply shortage of multiple PPE items, Children, Youth and Families and Housing ACT staff were provided with available PPE, including hand sanitiser, tissues, bins with lids (for the workplace), hand soap and disinfectant as it became available. Car hygiene kits were also supplied as products became available. Masks have been provided to Bimberri Youth Justice Centre staff as they became available.

The Community Services Directorate (CSD) is seeking to facilitate supply of critical PPE to community sector organisations based on medical advice. Community organisations have been advised to raise PPE concerns with their Relationship Managers. This information is then being fed back through the directorate to guide PPE distribution when the stock becomes available.

2. Education has been provided to CSD staff through promotional posters in all CSD workplaces and communications with the appropriate ACT Health and ACT Government websites containing the relevant fact sheets. ACT Health advice is being shared with community sector organisations to support correct usage of PPE.
3. The ACT Government, through the Public Information Coordination Centre, has developed and distributed an extensive range of educational materials and guidance, as well as engagement campaigns, aimed at informing the broader community, industry and sector providers on the most up to date information on precautions and protocols in respect of COVID-19.

In addition to this, a dedicated website has been established at – <https://www.covid19.act.gov.au/> and an ACT Government COVID-19 community-wide helpline is taking calls from 8am to 8pm daily via 6207 7244.

4. As per answer 3.
5. Hand sanitiser has been provided to all CSD worksites and those clients entering the premises can access those supplies whilst in the building.

CSD is providing support to the community sector through the distribution of hand sanitiser to organisations including those supporting people with disability and aged

care facilities. As at 8 April 2020, more than 40 litres of sanitiser had been distributed. CSD is currently in the process of procuring other PPE for community sector dispersion, including masks and gloves, however due to global supply shortages there has been significant delays in the delivery of items.

A specific team within the CSD has been established to understand the impact of COVID-19 on vulnerable cohorts. The identification of these cohorts will further support the directorate in the distribution of PPE supplies.

COVID-19 pandemic—safety measures (Question No 2985)

Ms Le Couteur asked the Minister for Employment and Workplace Safety, upon notice, on 3 April 2020:

- (1) Given that many ACT workers are unable to work from home, and part of their role involves coming into regular contact with members of the public, (eg retail workers), can the Minister advise what the ACT Government is doing to ensure employers are offering appropriate safety measures for their staff.
- (2) How is the ACT Government resourcing the enforcement of safety measures for workers in workplaces that remain open.
- (3) Who can workers report their concerns to where they have concerns that their employer is not meeting rules such as social distancing between workers and customers.
- (4) Is there any consideration of a public campaign outlining shopping etiquette or protocols in the light of COVID-19.

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

- (1) The ACT Government has put in place numerous support services for employers to continue operating with appropriate safety measures for their staff. These include the information for businesses on www.COVID19.act.gov.au which directs employers on how to protect their workers and the community as whole. This information also provides advice to specific businesses within the retail sector which employers can utilise. For consistency, the ACT Government through Ministers and Directorates' communication channels are promoting www.COVID19.act.gov.au and other ACT Health resources. The information has also been translated into multilingual fact sheets. Additionally, WorkSafe has assisted in the development of guidance material available on the Safe Work Australia website which provides for a national consistent approach for employers to maintain WHS requirements relevant to their specific industries. Finally, the ACT Government is developing resources to support employers in managing worker's mental wellbeing during these challenging times.
- (2) WorkSafe ACT has dedicated personnel to conduct compliance checks, provide education and respond to complaints relating to COVID-19 in the workplace. WorkSafe ACT is working collaboratively with other agencies including Health Protection Services, ACT Policing and other areas of Access Canberra to ensure the community safety measures are in place and being adhered to.

- (3) Workers can report any concerns to Access Canberra via the on-line enquiry form or by calling 132281, or via email to worksafe@act.gov.au. For generic advice on COVID-19, people are directed to www.COVID19.act.gov.au or the COVID-19 Helpline (02) 6207 7244, which is available from 8am to 8pm every day.
 - (4) WorkSafe ACT and the ACT Government continue to look for ways in which information and advice can be enhanced when it comes to COVID-19. The retail sector has been proactive in providing information to both customers and staff on safety measures when it comes to personal hygiene. This includes signage and information in most shopping centres and precincts, as well as providing measures such as hand sanitiser on entry to many stores. In addition, employers are working to support the safety of their staff by introducing measures which are appropriate to the risks their workplaces may present, such as the installation of barrier screens, changing practices such as the bagging of groceries and implementing of card only payments. This will continue to be monitored, and if additional advice needs to be provided, it will be considered as part of the government's response to COVID-19.
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ACT public service—contractors (Question No 2986)

Miss C Burch asked the Treasurer, upon notice, on 3 April 2020:

- (1) Can the Treasurer provide a breakdown of the total number of external contractors and consultants employed by the Chief Minister, Treasury and Economic Development Directorate by (a) full-time equivalent, (b) headcount and (c) equivalent ACT public service classification, during (i) 2015-16, (ii) 2016-17, (iii) 2017-18, (iv) 2018-19 and (v) 2019-20 to date.
- (2) Can the Treasurer provide the total number of external contractors and consultants employed across all ACT public service directorates by (a) full-time equivalent and (b) headcount, during (i) 2012-13, (ii) 2013-14, (iii) 2014-15, (iv) 2015-16, (v) 2016-17, (vi) 2017-18, (vii) 2018-19 and (viii) 2019-20 to date.

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

I do not approve the considerable diversion of public sector resources needed to respond to this question during the COVID-19 Health Emergency. Some of this information is already publicly available at a high level in CMTEDD annual reports, the State of the Service report and on the Contracts Register.

Education Directorate—contractors (Question No 2987)

Miss C Burch asked the Minister for Education and Early Childhood Development, upon notice, on 3 April 2020:

Can the Minister provide a breakdown of the total number of external contractors and consultants employed by the Education Directorate by (a) full-time equivalent, (b) headcount and (c) equivalent ACT public service classification, during (i) 2015-16, (ii) 2016-17, (iii) 2017-18, (iv) 2018-19 and (v) 2019-20 to date.

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

- 1) I do not approve the considerable diversion of public sector resources needed to respond to this question during the COVID-19 Health Emergency. Some of this information is already publicly available at
<https://www.procurement.act.gov.au/registers/contracts-register> or
https://www.education.act.gov.au/about-us/policies-and-publications/publications_az/annual-report
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**Environment, Planning and Sustainable Development Directorate—
contractors
(Question No 2988)**

Miss C Burch asked the Minister for Planning and Land Management, upon notice, on 3 April 2020:

Can the Minister provide a breakdown of the total number of external contractors and consultants employed by the Environment, Planning and Sustainable Development Directorate by (a) full-time equivalent, (b) headcount and (c) equivalent ACT public service classification, during (i) 2015-16, (ii) 2016-17, (iii) 2017-18, (iv) 2018-19 and (v) 2019-20 to date.

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

I do not approve the considerable diversion of public sector resources needed to respond to this question during the COVID-19 Health Emergency. Some of this information is already publicly available as below links.

- (i) https://www.planning.act.gov.au/__data/assets/pdf_file/0005/1017851/2015-16-EPD-Annual-Report.pdf
 - (ii) https://www.planning.act.gov.au/__data/assets/pdf_file/0003/1113987/2016-17-EPD-Annual-Report_ACCESS.pdf
 - (iii) https://www.planning.act.gov.au/__data/assets/pdf_file/0005/1262786/2017-18-EPSDD-Annual-Report.pdf
 - (iv) https://www.planning.act.gov.au/__data/assets/pdf_file/0016/1430440/2018-19-EPSDD-Annual-Report.pdf
 - (v) <https://tenders.act.gov.au/contract/search>
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**ACT Health and Canberra Health Services—contractors
(Question No 2989)**

Miss C Burch asked the Minister for Health, upon notice, on 3 April 2020:

Can the Minister provide a breakdown of the total number of external contractors and consultants employed by ACT Health and Canberra Health Services respectively, by (a) full-time equivalent, (b) headcount and (c) equivalent ACT public service classification, during (i) 2015-16, (ii) 2016-17, (iii) 2017-18, (iv) 2018-19 and (v) 2019-20 to date.

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

Some of this information is already publicly available in the ACT Health Directorate and Canberra Health Services previous annual reports available at:

<https://health.act.gov.au/about-our-health-system/data-and-publications/reports/annual-reports>.

Providing the additional detail sought would require a significant diversion of resources. I do not consider this to be justified at this instance.

Community Services Directorate—contractors (Question No 2990)

Miss C Burch asked the Minister for Community Services and Facilities, upon notice, on 3 April 2020:

Can the Minister provide a breakdown of the total number of external contractors and consultants employed by the Community Services Directorate by (a) full-time equivalent, (b) headcount and (c) equivalent ACT public service classification, during (i) 2015-16, (ii) 2016-17, (iii) 2017-18, (iv) 2018-19 and (v) 2019-20 to date.

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

I do not approve the considerable diversion of public sector resources needed to respond to this question during the COVID-19 Health Emergency. Some of this information is already publicly available in the Community Services Directorate Annual Report 2018-19 in Part C: <https://www.communityservices.act.gov.au/publications/annual-reports/2018-2019/part-c-financial-management-reporting/government-contracting>.

Questions without notice taken on notice

Crime—sexual assault

Mr Gentleman (*in reply to a question and a supplementary question by Ms Le Couteur on Tuesday, 11 February 2020*):

1. ACT Policing's case management system, PROMIS, allows the coding of how each offence is cleared by police. The clearance type indicates the outcome of the incident. These outcomes include the identification of an offender (through an arrest or some other form of proceeding such as a summons or a caution), withdrawal of the complaint or the determination that the offence was unsubstantiated.

Any one case may involve numerous separate offences and each offence will be cleared separately and coded in PROMIS appropriately. If a complaint is withdrawn by the complainant, the offence is deemed to be cleared and is coded in PROMIS accordingly. The reason for an offence being cleared is recorded in free text in PROMIS.

2. ACT Policing maintains contact with the complainant throughout the investigative process and ensures the complainant is always advised of the outcome of an investigation, including explaining the reasoning behind such outcomes.

Additional support is provided to victims of crime through ACT Policing's Victim Liaison Officers who assist investigators in ensuring timely contact on matters relating to their complaint, including assisting in explaining investigative outcomes and ensuring adequate support mechanisms are put in place.

Sport—swimming pools

Ms Berry (*in reply to supplementary questions by Mr Milligan and Miss C Burch on Thursday, 13 February 2020*):

The average daily water loss at Canberra Olympic Pool during the month of December 2019 was 70kL.

In 2019/20 the repairs and maintenance budget totals \$1,281,249 (this is for the 6 pools under the remit of ACT Property Group, including the Stromlo Leisure Centre currently under construction. There is also a Pool Improvement Budget allocation of \$800,000 for capital works (which this year was used for capital works at Manuka Pool). This financial year to date \$253,064 has been utilised at Canberra Olympic Pool for reactive maintenance and capital works. Funds are allocated to each pool on an as required basis. Maintenance of the pools and associated infrastructure is a shared arrangement between the operator and the ACT Government. The figures quoted are specifically what the ACT Government has funded.

Canberra Health Services—budget

Ms Stephen-Smith (*in reply to a supplementary question by Mrs Dunne on Tuesday, 18 February 2020*):

The estimated financial outcome for Canberra Health Services and ACT Health Directorate can be found in the 2019-20 Budget Papers.

https://apps.treasury.act.gov.au/__data/assets/pdf_file/0012/1369785/C-Health-Directorate.pdf

The actual financial outcomes for Canberra Health Services and ACT Health Directorate will be reported in their 2019-20 Annual Reports.

Housing—affordability

Ms Berry (*in reply to a supplementary question by Mrs Kikkert on Wednesday, 19 February 2020*):

The ACT Government relies on ABS Census data and the AIHW Specialist Homelessness Services Collection to provide information on the number of older women experiencing homelessness in the ACT.

Over the last decade, the number of older homeless people nationally increased by 49%. Although older women do not account for the majority of homeless people, they represent a rapidly growing demographic in the homeless population— increasing by 31% nationally from 2011.

Factors such as domestic violence, relationship breakdown, financial difficulty and limited superannuation can put older women at risk of homelessness.

On Census night 2016, there were 83 older women who reported that they were homeless in the ACT. This is an increase of 23.8% (67) from 2011.

Over the 2018-19 financial year, 119 older women aged 55 years and older accessed specialist homelessness services in the ACT representing 3.1% of people in the ACT who accessed these services.

The ABS defines someone who is homeless when they don't have suitable accommodation alternatives and their current living arrangement is in a dwelling that is inadequate; or has no tenure, or if their initial tenure is short and not extendable; or does not allow them to have control of, and access to space for social relations. This includes people in emergency accommodation or couch surfing with friends or family. It can also include a household that is severely overcrowded.

Due to the hidden nature of women's homelessness and the statistical methods used to count homelessness, it is recognised that these figures understate the true extent of the issue, particularly for women experiencing family or domestic violence, or Aboriginal and Torres Strait Islander women.

Older women facing homelessness is projected to be a growing cohort in need of additional support. In response, the ACT Government has provided funding of approximately \$1.9 million over four years to the YWCA Canberra to support older women who are either homeless or at risk of becoming homeless.

The Next Door service, which was launched in August 2019, includes specialist case management and coordination, tenancy advice and support, and access to affordable safe and secure housing.

Health—COVID-19

Ms Stephen-Smith (*in reply to a supplementary question by Miss C Burch on Thursday, 2 April 2020*):

For the period 12 March to 2 April 2020, 3067 people were tested for COVID-19 and 2664 did not meet the criteria for testing. These figures do not include presentations at the Walk-in Centres located at Belconnen, Gungahlin or Tuggeranong however Canberra Health Services (CHS) has since commenced collecting this data and acknowledges these numbers to be small.

The number not meeting the testing criteria has fluctuated at any given time and can be in reaction to changes in criteria, announcements of positive cases/deaths and the opening of the drive through testing facility at EPIC.

For the period 9am on 13 March 2020 to 9am on 2 April 2020, there were 262 presentations to the COVID-19 clinic at Calvary Public Hospital Bruce. Of these, 126 did not meet the testing criteria and were not tested.

Hospitals—intensive care beds

Ms Stephen-Smith *(in reply to a question by Miss C Burch on Thursday, 2 April 2020):*

There are 56 ICU beds currently available in the broader Canberra region.