Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

NINTH ASSEMBLY

2 JULY 2020

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Thursday, 2 July 2020

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

Mr Michael Somes
Motion of condolence

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

> That this Assembly expresses its deep regret at the death of former Magistrate Michael A Somes of the Magistrates Court of the Australian Capital Territory, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

I rise this morning to move a motion of condolence on the passing of former magistrate Michael Somes, who died on 23 June this year. Mr Somes was a well-liked and admired member of our community, admired for his commitment to the administration of justice within the Australian Capital Territory. He had a very strong connection to our city, studying at St Edmund's College in Griffith and completing his law degree at the Australian National University.

Mr Somes was admitted to practice in 1965, beginning a long and distinguished legal career with work in a major local law firm, Gallen, Kelly and Dainer. He was made a partner of that firm, a position he held until his appointment to the bench.

Mr Somes began his judicial career as a magistrate in January 1986 and served in that position for more than 20 years, earning the respect of not only his peers but everyone with whom he dealt.

Mr Somes was passionate about rugby. He served on the ACT rugby judiciary, acting as chair, and as Rugby Australia's citing commissioner.

His career and work affected the lives of many thousands of people. On behalf of the Assembly, I want to say that we are grateful for his service to the community, and we extend condolences to his wife, Anne, their children, extended family and friends during this difficult time.

MR COE (Yerrabi—Leader of the Opposition) (10.04): Madam Speaker, the opposition joins all members of the Assembly in paying tribute to former magistrate Michael Somes. Born and raised in Canberra, Magistrate Somes began his schooling at St Christopher's Cathedral school, before attending secondary school at St Edmund's College. It was at St Edmund's that his love for rugby was cemented, and I am sure that he would appreciate having it recorded in *Hansard* that, in his

completely unbiased and unprejudiced opinion, he rounds up the top three halfbacks produced at St Edmund's, alongside Ricky Stuart and George Gregan.

Michael went on to study law at the ANU. Upon graduating, he secured a position at a top law firm. It was not long before Michael had established himself as a distinguished solicitor. He was made partner at the age of 30. In 1985, at only 42 years of age, he was invited by the federal Attorney-General to take up a judicial position as a magistrate and coroner. For over two decades, Magistrate Somes served his community as a fair and respected judge.

Magistrate Somes was known for his keen legal mind, humility and integrity. Of course, he was also very recognisable by his distinctive moustache and impeccable three-piece suits. He was consistent, he was conscientious and he always sought to understand the people who stood before him in court. He was the epitome of judicial integrity and was inherently fair-minded. If you came before Magistrate Somes, you knew that you would get a fair hearing. A demonstration of his integrity was that he was equally respectful to people he would meet on the street, people on the sidelines of a rugby field or perhaps people at the intermission of a show.

Many barristers were shaped by the masterclass that was his courtroom. They learned lessons in court craft, fairness and humanity. The President of the ACT Bar Association, Steve Whybrow, observed:

> His impact on so many has been lasting and anyone who ever appeared before Magistrate Somes will have a funny, fond or interesting story to tell—mostly likely all three.

Ms Rebecca Curran said of her time with Magistrate Somes:

> As his associate, he was a great mentor, a man of great compassion, dignity and empathy.

Magistrate Somes's influence continues today on the bench. For example, Magistrate Glenn Theakston remarked that he had appeared before Magistrate Somes on many occasions and, when appointed to the bench, modelled his own courtroom approach on that of Magistrate Somes. He recalled Magistrates Somes's structured approach to hearings and when giving reasons, and the pace at which he read his orders. Magistrate Somes had a calm demeanour and an understanding about the parties who appeared before him. He was always balanced in his decisions. Magistrate Somes also made a significant contribution to modernising the listing arrangements of the court.

Judge Kate Hughes of the Federal Circuit Court of Australia said that she always held him up as a model of judicial integrity. The Hon Justice Shane Gill of the Family Court of Australia remarked of Magistrate Somes:

> He was such an influence. Decent in difficult work.

In his retirement, Magistrate Somes enjoyed photography and gardening.

While his legal career was a significant part of his life, his passion for rugby never went away. Michael was an active member of the local rugby community and was known for his good humour and knowledge of the game. In 2003 Michael was invited to sit on the ACT rugby judiciary. He eventually went on to become deputy chair, before assuming the role of chair in 2009, a position he held until his passing. He also served as a citing commissioner for Rugby Australia.

The current health crisis meant that not everyone who wanted to attend his funeral and say farewell could do so. However, the seats were still packed, with many well-respected members of the community there, including Justice John Burns of the Supreme Court, who used to work with Michael, and former senator Margaret Reid.

I have had the pleasure of knowing the Somes family for more than 20 years, firstly through Michael's son, Adam, a teacher. I met Adam when I was in his class, in what I believe was the first period of his first day of his first permanent job as a teacher. Whilst we have loosely stayed in touch, I have more frequently seen Anne Somes at Free-Rain productions or CAT awards festivities.

On behalf of the opposition, I again recognise the significant contribution that Magistrate Somes has made to the ACT, particularly the legal profession and the local rugby community.

While Michael was highly respected in these fraternities, he always regarded his first priority as his family. Nothing was more important to him than his family. I pay our sincerest condolences to his wife, Anne; his children, Adam and Kelly; his grandchildren, Grace, Joy and Gabriel; his sister, Maria; his extended family; and his many, many friends. I thank his family for sharing Michael with the Canberra community.

MR RATTENBURY (Kurrajong) (10.11): On behalf of the ACT Greens, I join my Assembly colleagues in expressing my condolences at the death of former magistrate Michael Somes, who passed away peacefully after battling cancer for several years.

Magistrate Somes had a long career, beginning in January 1986. He contributed to the community for 21 years, until he retired from the bench in July 2007. I understand that he was a passionate Canberran and, as has been outlined in the chamber today, a perhaps even more passionate rugby union supporter. I imagine that his role as a magistrate positioned him very well to go on and be a chair of the ACT rugby union judiciary. I note the impact of his passing on the ACT and southern New South Wales rugby union community.

We in the ACT are perhaps unique in having such close contact with our judiciary. I can imagine that, after such a long career, there are many in the legal community who remember meeting Magistrate Somes or being in front of him during hearings. We thank him for his public service and his contribution to the life of our city. On behalf of the ACT Greens, I convey my thoughts and sympathies to his family.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.12): It is a privilege to speak in support of the motion and to express my condolences at the death of Michael A Somes.

In his role as a magistrate, Michael Somes was committed to improving access to justice in the territory. He actively participated in court reform, including the 1999 introduction of the case management system for criminal hearings. He presided over tens of thousands of matters, including the first case in the ACT where international human rights jurisprudence was applied.

In addition to his role as a magistrate, Michael Somes served as coroner, as President of the Credit Tribunal, as Deputy President of the Mental Health Tribunal and on the Discrimination Tribunal, the Guardianship and Management of Property Tribunal and the Health Professionals Tribunal. His contribution to the territory, in and through the law, was most significant.

As we have heard, in his spare time, or maybe his focus time, he was passionate about rugby. He served as chairman of the ACT rugby judiciary from 2009 and held this position until his passing.

His background and his passion have been well spoken of today, and fittingly so. However, Michael will be remembered for who he was as a person because of the way that he lived his life in law. Michael Somes has made a significant difference to many people at a personal level in the legal community. A number of people in the legal community who have reached out to share their views about Michael have all described fond memories. Each reported that he treated people with dignity and that he showed the same poise and courtesy when he was dealing with an unrepresented litigant as he did when he dealt with senior counsel. This was regardless of other pressures on the day; it was simply his nature.

As a solicitor, Michael Somes has been described as someone that everyone looked up to for his integrity and his mentorship. His former associate, Rebecca Curran, who is now a very successful member of the ACT bar, has shared what a great privilege it was to work with Michael. She recalls that he encouraged, supported and taught her so much in the time that she worked with him in the old Supreme Court building, back when half the building was the Magistrates Court. She spoke of how he instilled in her the absolutes in law: that your first duty is to the court, understanding your ethical responsibilities and propriety, the need for understanding and compassion, and the essential quality of always working hard.

Rebecca is not alone in her affection. Michael has been described as intelligent, punctual and respectful, the epitome of all qualities of judicial propriety at all times. Mary-Therese Daniel, now an ACAT presidential member, said that he taught her about the necessity to refer always to the book of words. Fellow magistrate Karen Fryer described him as the most welcoming colleague who could be approached for advice and guidance about absolutely anything.

The profession holds him up as the model for judicial integrity. At the same time, his wry sense of humour often left you wondering whether he was kidding or whether he really meant what he had just said.

Michael Somes was one of those unique people who always kept in touch with the people he cared about. We all need friends like that. Michael's son, Adam, shared with us his admiration for his father as he fought with everything that he had against his diagnosis. Michael and his family have also expressed their strong feelings about the incredible healthcare specialists who fought for him with skill and persistence. The love of his family got him through these many years of struggle.

Adam also spoke about his father's character, shining through everything that he did as part of a group, collectively, for the community and not for self-interest. He aspired always to give back, to help his communities of influence, to improve and be better through guidance rather than directions. Michael instilled in people a sense of being able to develop from their own experience. These thoughts, which have been shared with my office, speak volumes for Michael's warmth, his candour and his capacity for genuine empathy.

Michael's wife, Anne, is known to me personally through her involvement with the arts community, particularly the theatre community and Free-Rain Theatre Company. I have been in contact with a number of people across the arts and the theatre community in the last few days. They speak of Michael's gentleness, his warmth, his support and his humour.

The times we are living in created additional difficulties for Michael's family as they negotiated to hold a remembrance service for him with COVID-19 emergency measures. It is comforting to know that his wife, Anne, is well surrounded by the love of their children, their grandchildren and their friends at this difficult time.

Michael's passing is a significant loss for the Canberra community. I extend my condolences to Anne, the children, the extended family and the extended community who have been impacted so positively and so warmly by Michael Somes. He will be fondly remembered by so many as a true gentleman; his legacy is one to be well admired.

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

Ms Linda Ashford
Motion of condolence

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (10.19): I move:

> That this Assembly expresses its deep regret at the death of the Honourable Acting Justice Linda Ashford of the Supreme Court of the Australian Capital Territory, and tenders its profound sympathy to her family, friends and colleagues in their bereavement.

I rise again this morning to move a motion of condolence on the passing of Acting Justice Linda Ashford of the ACT Supreme Court, who died in Sydney on the evening of Friday, 19 June. Her Honour served the Canberra community for six years, after allowing herself just one actual year of retirement after a long and distinguished legal and judicial career in New South Wales. Her very sudden passing came when she was on her way home after a busy day at court proceedings here in Canberra.

Acting Justice Ashford was both widely known across judicial communities and respected deeply as a compassionate judge who took a deep and genuine interest in anyone she encountered. She was admitted as a solicitor to the Supreme Court of New South Wales in 1984 and to the High Court of Australia. In 2014 she was appointed to the ACT Supreme Court, where she presided over both civil and criminal matters.

Prior to her work in the ACT Supreme Court, Acting Justice Ashford was a judge of the New South Wales District Court. She also held several other judicial appointments, including judge in the Compensation Court of New South Wales, acting judge in the Dust Diseases Tribunal, and commissioner in the Compensation Court of New South Wales.

As an active member of the legal community, Acting Justice Ashford held a position as a member of the Professional Development (Education) Committee of the District Court; she was a member of the University of Technology Sydney faculty board; and she was a trustee of the UTS alumni foundation.

On behalf of the Legislative Assembly, I extend my most sincere condolences to Acting Justice Ashford's family, friends, and colleagues.

MR COE (Yerrabi—Leader of the Opposition) (10.21): Madam Speaker, the opposition joins members of the Assembly in paying tribute to Acting Justice Linda Ashford. Acting Justice Linda Ashford attended Fort Street Girls' High School in Millers Point, New South Wales. Upon finishing her schooling, she trained as a nurse at the Royal Prince Alfred Hospital, before moving to study midwifery at Hornsby Hospital.

To celebrate the completion of her course in 1964, she decided it was time for an adventure. She packed her bags and set off to London, where she would meet up with friends and they would travel around Europe together. While in London, she worked as a nurse at St Thomas' hospital. It was not until the late 1960s that she returned to Australia.

On her return, she resumed working at the Royal Prince Alfred Hospital, but it was not long before she decided that a career change was in order and started studying to be a solicitor. She was admitted to practise as a solicitor in December 1984. Six months later, she became an associate at Taylor & Scott solicitors of Sydney. Just a couple of months later, in August, she opened the firm's Newcastle office.

In 1987 she was appointed a commissioner at the Workers Compensation Commission. She went on to be a judge of the Compensation Court and was

eventually appointed as a judge of the District Court, a position she held for many years, until her retirement in 2013.

It was not long before she was back sitting on the bench: only a year later, she was appointed an acting justice in the ACT Supreme Court. Despite initially being appointed for only 12 months, Acting Justice Ashford continued to hold her position until her passing.

Acting Justice Ashford is described by her colleagues as being a fair, reasonable and pragmatic judge. Her judgements were always sound and well reasoned; it was very rare for her decisions to go to review. She was always compassionate, respectful and courteous. By all measures, she was a model judge.

Her compassion extended beyond her role on the bench, being abundant in her personal life as well. She was a charitable person who was generous to all people, from all walks of life.

Prior to taking up her role as an acting justice, she sat on the board of Rainbow Lodge, a not-for-profit organisation which provides transitional housing and support services to men as they re-enter the community after a period of incarceration. She liked to make sure that the men had enough clothing and would often encourage her friends to make donations to this cause.

Acting Justice Ashford was described as a being a proud dog owner and a perfect friend. She was loved by many and always made the effort to keep in touch with people from every phase of her life and career. She was committed to her friends, and if you were lucky enough to be counted as one, you knew you had a friend for life. Her friends fondly remember her as a warm, kind, optimistic and caring person. She was always the one to call if they needed someone to talk to.

She was godmother to many, many kids. She always took a keen interest in their lives and would offer advice without fear or favour on every subject, we are told. Her generosity always shone through when it came to her friends and her family. Linda was a regular fixture at her friends' family gatherings and became a thoughtful confidant across generations. On hearing of her passing, Jack Kelly, from New York, said that Linda was home to him. Many of her friends have expressed feeling the same way.

Being a justice of the Supreme Court is no easy task. Linda should be remembered for her dedication and commitment to the role and her community.

I would like to re-emphasise the immense contribution made by Justice Ashford to the territory as well as to New South Wales. ACT Chief Justice Helen Murrell said:

> Her Honour was an industrious, compassionate and stylish judge who took great interest in all whom she encountered.

Acting Justice Ashford had a profound impact on everyone she met and was well regarded by all. Her passing was a shock that has been felt deeply in the community

and she is sorely missed. My thoughts are with her family, many friends and godchildren at this sad time.

MR RATTENBURY (Kurrajong) (10.26): On behalf of the ACT Greens, I join my Assembly colleagues in expressing my condolences at the death of the former judge and acting justice, Linda Ashford, who, sadly, died in late June.

Justice Ashford was first appointed as an acting justice in the ACT Supreme Court in 2014. As has been noted, she had previously been a retired judge of the District Court of New South Wales. Over a long and successful career, Justice Ashford held several other judicial appointments, including judge of the Compensation Court of New South Wales, Judge of the Dust Diseases Tribunal, and commissioner of the Compensation Court of New South Wales. As Mr Coe stated, the ACT Chief Justice, Justice Murrell, described her as an industrious and compassionate judge who took great interest in all whom she encountered.

Her death was sudden, and I know that it was felt very keenly by the ACT legal community, who were working with her up to the point at which she passed, with further trials scheduled in her name the following week. It was one of those deaths that people did not see coming and for that reason has particularly resonated through our legal community.

I would like to acknowledge the contributions Justice Ashford has made to the ACT as an acting justice—it is an important role that helps the judiciary fulfil its functions here in the ACT—as well as her work across many other areas of legal practice which have been highlighted through the course of the discussion today.

On behalf of the ACT Greens, I offer my condolences to her family, her colleagues at the Supreme Court, and her many friends in the broader judiciary and legal community.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.28): I am honoured to rise today to offer my condolences on the passing of Acting Justice Linda Ashford, who had a very distinguished career and brought a wealth of experience to her role as an acting judge of the ACT Supreme Court. As Minister Rattenbury has just noted, the suddenness of her passing has impacted people in a particular way, especially her colleagues in the Supreme Court, who are unable to be with us today because of the COVID restrictions. I acknowledge that they are watching this condolence motion at the Supreme Court this morning.

I will not repeat the facts of Her Honour's distinguished curriculum vitae that have already been shared. But I will note that Acting Justice Ashford was highly qualified in areas beyond the law, which gave her particular insight in many cases where she represented people or over which she presided. Not only was she legally trained; she was also a qualified obstetrics nurse and, in addition to that, a qualified mediator. These three skill sets came together when she slightly famously oversaw a case in the New South Wales Court of Appeal in 2012, where justice was delivered for a dying

man who had been overcharged $230,000 by his own law firm after he received a settlement for a botched operation.

Our own Chief Justice, Helen Murrell, recently relayed to me that Acting Justice Ashford was a compassionate and consummate professional who always conversed with court staff and took a great interest in them.

I am advised that on the afternoon of her passing Acting Justice Ashford was delighted that, having completed her assigned judicial tasks for the day, she was able to sit with Chief Justice Murrell on an admission ceremony for new practitioners at which the Chief Justice's senior associate was admitted. Afterwards, Her Honour joined judicial staff in a small celebration and contributed a bottle of champagne.

That afternoon Her Honour recounted how a homing pigeon had recently adopted her. Dicky Bird, as the bird was named, was lucky to have found animal-loving Justice Ashford. She fed him breakfast, lunch and dinner. Although Her Honour's dog, Bella, would chase away the other birds, it would leave Dicky Bird undisturbed.

Acting Justice Ashford adored animals. Until recently, she and Bella had the company of Hugo, the judge's other labrador. Chief Justice Murrell had assisted Acting Justice Ashford to foster Bella and Hugo, although it was a complete coincidence that before they were adopted by Acting Justice Ashford, the beautiful labradors had acquired the same names as the Chief Justice's dogs.

Acting Justice Ashford will be greatly missed for her intelligence and her patience, but mostly for her warmth and her kindness. I send my sincerest condolences to her family, friends and colleagues. She was a valuable member of our legal community and she will be sorely missed.

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

Social media posts
Statement by Speaker

MADAM SPEAKER: Members, I wish to make a statement in relation to a number of social media posts by Mr Parton in recent days. Earlier this week Mr Parton posted a video to social media in which he used several photographs displayed on the ground floor of the Assembly building to amplify his comments that a former Chief Minister was "supporting our million trees initiative".

As I indicated in my email on Tuesday to all MLAs, the broadcasting guidelines, which have been endorsed by this Assembly, stipulate (a) that members must seek and obtain permission to take still photos of the Assembly and (b) that even when permission is sought and granted—in Mr Parton's case, it was neither sought nor granted—filming must not be used for electioneering. In my view, using the photographs of the Assembly facilities to promote a Liberal Party election policy is a clear breach of these guidelines.

Mr Parton may not be aware, but in 2016 my predecessor as Speaker had cause to write to another member in relation to the use of his office to promote his party election policies. He was written to by the former Speaker. The Clerk also wrote to the relevant party secretary to ask him to remove the videos filmed in the member's office from the social media platform that they were circulating on; the party secretary complied with that request and removed the offending video.

In a later post entitled "Don't destroy democracy", Mr Parton said that he had received what he described as a "heavy email from the Speaker" which he also said was very clearly directed at him. He went on to question the objective of the guidelines by suggesting that to breach them would "destroy democracy or something".

The implication in the second video is that I am opposed in some way to democracy and that I am not being impartial in my duties by singling out Mr Parton. The Assembly's *Companion to the standing orders* provides numerous reminders that the Speaker's actions can only be criticised by way of a substantive motion, and gives a number of examples where members have criticised the chair outside the chamber in the media and have been asked to withdraw any reflection or make an apology.

I remind members that there is an election due in October of this year, and there may be over 100 candidates seeking to be elected to this place. None of those candidates will be able to use the Assembly facilities to further their election campaign. I also remind members that one of the responsibilities of the Assembly's Speaker is to ensure that guidelines that this Assembly has agreed to are adhered to. If members do not agree with the guidelines, there are ways, such as a review of the standing orders through the Standing Committee on Administration and Procedure, to amend guidelines if the members think they are not fit for purpose.

I consider that the latest post by Mr Parton implies that I, as Speaker, am destroying democracy, when in fact I am only applying the guidelines that this Assembly has agreed to. Accordingly, I ask Mr Parton to withdraw any imputation that I am trying to destroy democracy or any reflection on the impartiality of the Speaker. I also ask Mr Parton to delete the videos that breach the Assembly guidelines and that criticise the actions of the chair. Mr Parton, I call on you to withdraw.

MR PARTON (Brindabella) (10.36): I withdraw.

MADAM SPEAKER: Thank you, Mr Parton. And you will remove the videos from your social media?

MR PARTON: I will seek advice on that, Madam Speaker.

MADAM SPEAKER: It is a direction, Mr Parton. You will remove the offending videos.

MR PARTON: I will seek advice on that, Madam Speaker.

MADAM SPEAKER: When you seek that advice, you will inform us and we will take further action if required.

Petitions
Ministerial response

The following response to a petition has been lodged:

Municipal services—Narrabundah shops—petition 3-20

By **Mr Steel**, Minister for City Services, dated 24 June 2020, in response to a petition lodged by Ms Lee on 2 April 2020 concerning street lighting and parking at Narrabundah shops.

The response read as follows:

> Dear Mr Duncan
>
> Thank you for your letter of 2 April 2020 regarding petition No 3-20 lodged by Ms Elizabeth Lee MLA suggesting improvements to the number of parking spaces and street lighting in the vicinity of the Narrabundah local shopping precinct.
>
> The *ACT Territory Plan* identifies the objectives of local shopping centres as to provide convenient shopping and services to meet the daily needs of their local communities. Transport Canberra and City Services (TCCS) manages 90 shopping precinct areas across the ACT, which includes 66 local shopping precinct areas, 19 Group Centres, four Town Centres and Civic.
>
> I am pleased to advise that TCCS has investigated the concerns raised in the petition. In relation to parking availability, a consultation letter with a proposal to change the time limit for parking on Iluka Street (adjacent to the shops) from one hour to 30 minutes to enable higher turnover in the parking bays and reduce long stay parking was sent in January 2020. The consultation outcome indicated that the community is in favour of short-term parking in front of the shops to improve customer churn with other parking restrictions to remain unchanged.
>
> The above-mentioned changes to the parking time limits on Iluka Street will be changed with an expected completion date of July 2020. I have also asked Parking Operations to patrol the area more frequently and enforce parking restrictions more regularly. These changes are expected to improve parking availability in the area. An additional allocation of parking facilities would require significant infrastructure modifications and would result in the loss of trees and green areas.
>
> TCCS have also inspected the public lighting in the area. In general, the TCCS inspection identified public lighting provision in the area to be sufficient, however, it was noted that one of the lights at the pedestrian crossing on Iluka Street was defective. A subsequent investigation determined that the fault was within the luminaire, and a new replacement luminaire has been installed. In addition to the repair the lighting on both pedestrian crossings on Iluka street have now been upgraded.
>
> I trust this information is of assistance.

Motion to take note of 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) (10.37): I rise today to once again update the Assembly and the community on the COVID-19 situation in the ACT and the actions the government continues to take to protect the health and wellbeing of the community.

I am pleased to advise that since my last update on 18 June there has not been a new case of COVID-19 recorded in the ACT. This means that there remain 108 confirmed cases of COVID-19 in the ACT since the pandemic began, with 105 people recovered and, sadly, three deaths.

The ACT remains in an excellent position, with no evidence of community transmission. However, new active cases continue to be notified across some Australian jurisdictions, particularly in Victoria, with small numbers in New South Wales. Efforts to suppress the virus are continuing in all jurisdictions, with the aim of avoiding a resurgence in cases as public health restrictions are gradually eased.

As I have said in every update, we need to maintain our vigilance as a community to prevent the spread of COVID-19. The four most effective actions we can take to help keep us and our families safe are: maintain physical distancing and avoid large crowds; practise good hand and respiratory hygiene; stay home if you are unwell; and get tested if you are experiencing any COVID-19 symptoms. These things are not just individually important but help to support the efforts of our public health teams as they continue their work to monitor, track and trace the virus.

On 26 June 2020 the Australian Health Protection Principal Committee reaffirmed this advice and highlighted the importance of continuing to focus on all of these simple interventions due to their cumulative effect on transmission reduction. It said:

> Physical distancing, combined with other interventions such as international border closures, encouragement of individual measures (including cough etiquette and hand hygiene practices) and effective contact tracing, isolation and quarantine measures; have contributed to the suppression and control of COVID-19 in Australia, and in countries around the world.

While COVID-19 remains a threat to public health, and this may be the case for years to come, these kinds of protective measures will need to be maintained into the

foreseeable future. This represents a "new normal" rather than a return to a pre-COVID-19 state.

We know that testing is one of the key parameters in guiding decisions around easing of public health measures and provides an important overview of the ACT situation. The ACT is continuing a program of enhanced testing for COVID-19 that involves testing symptomatic people who have no specific risk factors for COVID-19 exposure. The ACT has now conducted more than 30,000 COVID-19 tests.

There has been an increase in testing numbers in the ACT since April, which has been great to see. At times, this has resulted in increased wait times at some of our testing sites. Over the last two weeks, therefore, we have been reminding Canberrans that in addition to the drive-through centre at EPIC and the Weston Creek walk-in centre, there are other free commonwealth-funded testing locations across the territory: YourGP@Crace; Lakeview Medical Practice in Tuggeranong town centre; and Winnunga Nimmityjah, which provides free and culturally appropriate assessment and testing for Aboriginal and Torres Strait Islander people and existing clients. These respiratory assessment centres are also free, and the Crace and Tuggeranong centres operate on an appointment basis, which may be more convenient for many people.

We are constantly reviewing the wait times at the testing centres run by Canberra Health Services, and CHS was quick to boost staffing at EPIC and Weston Creek when we saw an increase in demand. This responsiveness will continue to ensure that anyone who seeks COVID-19 testing can get timely access to a testing site. This is critical because, while we are still in a very strong position in the ACT, the pandemic continues to accelerate in many regions of the world, with the World Health Organisation reporting that globally the number of cases has now surpassed 10 million, with over 500,000 deaths.

The need for ongoing vigilance has been highlighted by the outbreaks in Victoria, which have included numerous cases with no known exposure source, reflecting an increase in community transmission. Over the past week, to 1 July 2020, 330 new cases were reported in Australia; of these, 312, or 95 per cent, were reported from outbreaks in Victoria. The majority of these cases are locally acquired and are associated with community transmission in localised geographical areas, as well as several known outbreaks.

Madam Speaker, the situation in Victoria is rapidly evolving. There is a large-scale testing blitz underway in Melbourne suburbs identified as current hotspots, and a tightening of restrictions was announced in Victoria this week. As members would know, on 30 June the Victorian Premier announced lockdowns of the suburbs in these hotspots to help control the spread of COVID-19. This is a clear reminder of the risks posed by the virus and how quickly outbreaks can occur.

The recent spike in cases in Victoria also represents a potential source of further cases and outbreaks in the ACT, particularly as travel and other restrictions are eased, and noting that the ACT's borders remain open to individuals travelling from other Australian jurisdictions. This highlights the need to continue planning for the possibility of a resurgence of cases and clusters, particularly in vulnerable populations

and high-risk settings, such as residential aged-care facilities, hospitals and correction and detention facilities.

Our Chief Health Officer and her team are in close contact with their Victorian counterparts and are continually assessing the evidence to ensure that appropriate actions are taken by government to protect the community. At this time, the following advice has been issued to Canberrans in regard to travel to and from Melbourne. Do not travel to the identified hotspot areas. Reconsider your need to travel to greater metropolitan Melbourne, and only travel to Melbourne if it is really necessary. If you have returned from any of the hotspot areas, do not visit anyone in an aged-care facility, hospital or other high-risk setting such as correctional facilities and disability accommodation for a period of 14 days from leaving the hotspot area. Similarly, if you have returned from any of the hotspot areas and work in a high-risk setting, do not return to work for 14 days after leaving the hotspot. If you have recently returned from Melbourne, be extra vigilant for any symptoms of COVID-19 and get tested if you develop even mild symptoms.

We have provided this advice to Canberrans to reduce the risk to our community at this time. We know that Canberrans have by and large followed the Chief Health Officer's advice diligently to date, which is why we have found ourselves in such a strong position. While this new advice will no doubt disrupt some school holiday travel plans, we really urge Canberrans to take it seriously so that we can continue to implement Canberra's recovery plan and not risk going backwards.

As we have discussed a number of times in this place, our recovery plan reflects the nationally agreed three-step framework for a COVID safe Australia. States and territories are following this framework and implementing the changes in line with their current public health situation and conditions and informed by risk assessments and changing epidemiology. Our road map allows sufficient time between each stage to provide for decision "checkpoints" to enable us to monitor and assess the public health impacts before any final decisions on further easing restrictions are made, to ensure the safety of the community before we move to the next stage.

During my last update to the Assembly, I provided an update on the planned implementation of stage 2.2 of Canberra's recovery plan from noon on 19 June 2020. I am pleased to advise members that implementation of stage 2 has progressed well in the ACT. The move to step 2.2 has seen gathering sizes being allowed to increase to up to 100 people, from 20.

As restrictions are gradually eased, the government is working closely with businesses and industries to assist their safe reopening. The ACT government proactively communicated with relevant businesses and industries prior to stage 2.2 restrictions taking effect to allow them to prepare for the changes. Inspectors have actively provided information to premises in the lead-up to the changes. Their focus has been to engage with businesses and support their understanding of the requirements.

Madam Speaker, the vast majority of businesses have been diligent in developing and implementing their COVID safety plans to support the safety of the community and their staff, and to ensure that the ACT continues its suppression of COVID-19. While

there were some instances of non-compliance observed over the first weekend of eased restrictions, particularly at some large licensed premises, as well as local restaurants and other businesses, this has improved significantly over the most recent weekend. No fines have been issued, as Access Canberra, ACT Policing and health protection services continue to take an "educate and engage" approach to compliance.

Thanks to the continued good work of the Canberra community and local businesses, the Chief Health Officer is still planning to further ease restrictions from 10 July, as we enter stage 3 of our recovery plan. Stage 3 easing of restrictions has now been carefully considered, and the government will make further announcements on this shortly. The Chief Health Officer will continue to closely monitor data and disease trends through the decision checkpoints.

As restrictions continue to be eased, there remains a responsibility on businesses to continue to do the right thing and ensure that they are following their COVID safety plans—just as individuals need to be responsible, for instance by staying home if we are feeling unwell.

This Friday and Saturday, 3 and 4 July, will see a return to spectator events at GIO Stadium for the Canberra Raiders and Brumbies games. The Chief Health Officer has been satisfied to grant an exemption for these events, following consideration of Venues Canberra's proposals to allow up to 1,500 general admission spectators to attend, as well as some additional attendees in separate corporate boxes. The one person per four square metres and 1.5-metre social distancing rules can be safely applied with a crowd of this size.

The limit on attendees excludes those working at the events, such as ground staff, sporting players, coaching staff and security personnel. General admission attendees will be seated in appropriately spaced areas, and corporate attendees will be permitted to spectate from enclosed corporate spaces, observing physical distancing requirements.

Events in large venues can carry risk of COVID-19 transmission because of large crowds; crowding and queuing; people in close proximity mixing; loud volume speech, cheering and singing; and people travelling from interstate or regional areas. The Chief Health Officer considered these risk factors, which is why the number of spectators for this event is capped to limit the risk of COVID-19 infection and transmission and provide a safe environment for spectators, staff and players.

I would like to assure the community that Venues Canberra is undertaking thorough risk assessment and risk management for these events and will be following its COVID safe business plan to ensure that games proceed safely. Venues Canberra has applied learnings from other recently piloted football events interstate to limit mixing and interaction between spectators and event staff, to reduce risks and ensure that adequate transport, security, cleaning and hygiene procedures are in place. We will use learnings from these events to guide future considerations for events and larger gatherings in stage 3 of our recovery plan and beyond.

In addition to the easing of public health restrictions, we are also looking at the impact that these restrictions have had across our community. Members would be familiar with the ACT government's significant support for businesses, community organisations and services to meet the challenges faced as a result of the pandemic.

The government has previously announced stimulus packages for community organisations that deliver services which are vital to Canberrans, including mental health support, alcohol and other drug services, and food packages.

Yesterday, I was pleased to join the Chief Minister in announcing the government's commitment to deliver a record number of elective surgeries in the territory, with more than 16,000 to be delivered this financial year. Our planning is aimed at exceeding this and reaching for around 16,500 elective surgeries. I want to take this opportunity to thank the public and private hospital leaders who are working collaboratively to deliver on this goal. I also want to acknowledge and thank the surgeons and other health professionals who have really pulled together in the response to COVID-19 and are now stepping up again as we work through our recovery.

The government's commitment of $30 million will not only deliver a record number of elective surgeries but also enable an additional 14,000 outpatient specialist appointments; up to 1,900 dental appointments targeting children and our most vulnerable community members; 2,600 child development checks; and targeted checks for kindergarten children, focusing on hearing and vision.

Australia continues to receive flights of repatriated citizens and permanent residents from overseas, including flights landing in the ACT. Given the escalating COVID-19 case numbers in many countries, some individuals on these repatriation flights are likely to have been exposed to COVID-19 whilst abroad. The ACT government has been very thorough in ensuring that those Australian citizens and permanent residents returning on repatriation flights are screened for symptoms on arrival in Canberra and monitored for COVID-19 symptoms during their 14-day hotel quarantine.

Passengers from the recent flight from Nepal underwent voluntary testing for COVID-19 on day 11 of their stay, even if asymptomatic. The vast majority of passengers agreed to be tested, and all—obviously, given no new cases—returned negative results. Those passengers have now departed the hotels and returned home following a final health screening.

There were a number of primary and acute health needs of the quarantined passengers during this period which required the assistance of ACT Health, Canberra Health Services and the ACT Ambulance Service. These matters were dealt with professionally, safely and appropriately. I commend all of the staff and personnel involved in supporting and caring for these passengers.

To conclude, I want to again thank the Canberra community and Canberra businesses for continuing to follow the health advice and public health directions.

The ACT COVID-19 website has been refreshed to assist in ensuring that there is clear information available to the community and business sectors. I encourage all Canberrans to visit the ACT COVID-19 website at covid19.act.gov.au. We have made excellent progress in supressing the virus in the ACT and we want this to continue. We need to remember our responsibilities and keep listening to the health advice. Continuing this vigilance will help to prevent the possibility of a resurgence of cases.

I present the following paper:

> Coronavirus (COVID-19)—ACT Government response—Ministerial statement, 2 July 2020.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Leave of absence

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

> That leave of absence be granted to Ms Cody and Ms Lawder for today due to illness.

Royal Commission Criminal Justice Legislation Amendment Bill 2020

Mr Ramsay, by leave, 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) (10.53): I move:

> That this bill be agreed to in principle.

Today I present the Royal Commission Criminal Justice Legislation Amendment Bill 2020. This bill makes a number of important changes to ACT legislation, following the Royal Commission into Institutional Responses to Child Sexual Abuse. The royal commission gave us a detailed account of our collective failure to protect children, and a road map to prevent those failures in the future. I am proud to be part of a government that has listened to survivors, that has heard the recommendations of the royal commission, that has acknowledged the profound darkness at the heart of many of our nation's most revered institutions and that has unhesitatingly embraced our collective obligation to take responsibility, to make amends and to prevent further harm.

Responding to the royal commission means acknowledging our collective failures as a community, our shared responsibility to protect children and our obligation to take action to hold offenders accountable. As I have said, and as I will continue to say, the abuse of a child is a terrible crime perpetrated against the most vulnerable in our community. It is a crime which cannot be tolerated. It is a fundamental breach of the trust which children are entitled to place in adults. With the deadline arriving, and passing, just two days ago, for organisations across Australia to join the national redress scheme, I am proud to say that the bill introduced today is the fifth and final piece of criminal reform legislation in this government's commitment to implement all of the reforms recommended by the royal commission.

In responding, we have introduced new failure-to-report laws and new failure-to-protect laws. We have created protections for vulnerable witnesses, including through introducing a new intermediary scheme. We have reformed judicial directions and sentencing laws; we have created new criminal offences for people who are in positions of authority over children and who knowingly fail to protect them from sexual abuse.

The bill introduced today further improves access to justice for victims of child sexual abuse, addressing persistent child sexual abuse offences, amending laws governing tendency and coincidence evidence provisions, and clarifying that relevant disclosures in the setting of the religious confessional are not exempt from being used as evidence in court. Together, all of this work has been about building a safer society for children and a stronger legal framework for survivors.

The first specific area of reform in the bill contains amendments to section 56 of the Crimes Act 1900, regarding a sexual relationship with a child or young person under special care. The bill recasts the offence provision that has to date been named "maintaining a sexual relationship with a young person or person under special care". This offence provision was the subject of amendments in March 2018, with the introduction of the Crimes Legislation Amendment Act 2018, which endeavoured to implement the royal commission's recommendations regarding persistent child sexual abuse offences. A recent decision in the ACT Court of Appeal, known as KN v R, considered the construction of this section and found that in some respects the legislative intention to implement those royal commission recommendations had not been realised.

It is important to understand the difficulty faced by victims of child sexual abuse in giving adequate details of sexual offending against them. These difficulties were highlighted by the royal commission. They arise because children do not necessarily have a good understanding of dates, times, locations or an ability to describe how different events relate to each other on a temporal basis; or because there is usually a delay in reporting which may cause memories to fade or events to be wrongly attributed to a particular time or location; or because the abuse may have occurred repeatedly and in similar circumstances, so the complainant is unable to describe specific and distinct occasions of abuse. This has been described by a South Australian court as a "perverse paradox that the more extensive the sexual exploitation of a child, the more difficult it can be in proving the offence".

Consequently, the royal commission found that "making the actus reus of the offence the relationship rather than the individual occasions of abuse, provides the best opportunity to charge repeated or ongoing sexual abuse in a manner that is more consistent with the sort of evidence a complainant is more likely to be able to give". The amendments to this offence provision give operation to these royal commission findings and are informed by the decision of the ACT Court of Appeal. The royal commission recognised that the language of "relationship" "does not sit easily with the exploitation in child sexual abuse offending. However, it may help to emphasise that the actus reus is the existence of the relationship and not particular underlying acts."

The changes to this section introduce a definition of "relationship" which is very broad in terms, to refer to the way in which the perpetrator and complainant are connected, rather than to connote any particular class or kind of relationship. And while the offence retains its retrospective operation, the provision has been amended to clarify that the sentence imposed must not exceed relevant maximum penalties that applied at the time of the offending. The bill also inserts a new provision so that where an indictment includes an offence against this section, as well as charges for the sexual acts which make up the offence, an offender may not be sentenced consecutively for those different charges. This bill also introduces amendments to tendency and coincidence evidence provisions in the Evidence Act, which align with a model bill developed by a Council of Attorneys-General working group.

That was done in consultation with stakeholders across the nation and agreed to by the Council of Attorneys-General in December last year. The royal commission was satisfied that tendency and coincidence evidence admissibility laws need to be changed to facilitate more admissibility and cross-admissibility of that kind of evidence in child sexual abuse trials. The commission noted that "courts have assumed for many years that tendency and coincidence evidence is likely to be highly prejudicial—that is, very unfair to the accused. They have assumed that juries will place too much weight on this evidence, assuming that the accused must be guilty because he is the sort of person who commits that offence."

However, several considerations led the commission to conclude that those assumptions are wrong. This included the 2016 jury reasoning research conducted by experts, which showed that juries treat tendency and coincidence evidence carefully, and not in a way that unfairly prejudices the accused. In many respects, the amendments made by this bill codify existing common law about this type of evidence. They also incorporate the royal commission's findings and they reflect the nature of their recommendations in respect of tendency and coincidence evidence, enabling appropriate admissibility of this kind of evidence in child sexual abuse proceedings while ensuring the accused's right to a fair trial remains protected.

The Royal Commission Criminal Justice Legislation Amendment Bill 2019 introduced a suite of reporting laws, imposing a duty on adults who receive information about child abuse to report that abuse. Importantly, that legislation did not provide an exemption for information received under the seal of the confession. The royal commission emphasised that it is important that adults proactively report

information about child sexual abuse. Children are likely to have less ability to report the abuse or to take steps to protect themselves. We also know that those who commit child sexual abuse offences may have multiple victims and may offend against particular victims over lengthy periods of time. A failure to report leaves the particular child exposed to repeated abuse and exposes other children to abuse—leading to a fundamental breach of children's most basic human rights to safety and protection.

I have spoken before about the primacy of children's right to safety and the priority that must be accorded to their rights. It was for this reason that the reporting laws did not provide for an exemption for members of the clergy who receive information under religious confession. And, as I said when that legislation was introduced, the right to freedom of religion is not absolute and the freedom to practise religion in a particular way must never take precedence over children's right to safety. Accordingly, it would be inconsistent to suspend the confessional privilege for the purpose of reporting child sexual abuse to police, only to have it operate during court proceedings. To do so would undermine the very purpose of the reporting laws introduced in 2019 and would hinder the prosecution of perpetrators.

I noted in relation to the previous legislation that there would be further reform to the uniform evidence legislation and I can advise that a Council of Attorneys-General working group developed model legislation to amend this legislation, removing any exemption for information received under seal of the confession from being divulged during relevant court proceedings under section 127 of the Evidence Act. This bill introduces those amendments, continuing to send the clear message that children's rights are paramount and that we all play a part in keeping our society safe for children. Overall, the bill will improve the way society protects children from child sexual abuse. It will enhance the effectiveness of the ACT's justice system in holding perpetrators accountable, and it will improve access to justice for victims.

It does this by turning the recommendations of the royal commission into concrete changes in our legislation that reflect our values and our solemn commitment to protect children, to hold perpetrators to account, to take responsibility and to implement the findings of the royal commission. We will keep working to improve our legal system, and we will keep demonstrating in our words, in our actions and in our laws that protecting children is our absolutely priority. I commend the bill to the Assembly.

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

Victims Rights Legislation Amendment Bill 2020

Mr Rattenbury, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.06): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Victims Rights Legislation Amendment Bill 2020 into the Assembly today. The bill fulfils a commitment of the Ninth Legislative Assembly parliamentary agreement by establishing a charter of rights for victims of crime.

I would like to begin by acknowledging the traditional custodians of the land we are meeting on—the Ngunnawal people. I pay my respects to their elders, both past and present, and acknowledge their continuing culture and the contribution they make to the life of this city and region. I would also like to acknowledge other Aboriginal and Torres Strait Islander people who may be listening to the Assembly broadcast today.

This acknowledgement is particularly important, considering that today I am talking about how the justice system interacts with ACT community members, and we know that Aboriginal and Torres Strait Islander Canberrans are disproportionately impacted by the justice system.

This charter will ensure that the ACT continues to be a leading jurisdiction in recognising and supporting victims of crime, establishing innovative approaches to improving access to justice, and building on our unique position as a human rights jurisdiction.

The ACT will have the most robust victim rights framework nationally, by transforming the existing governing principles for the treatment of victims of crime in the administration of justice in the Victims of Crime Act 1994, which are broad and aspirational in nature, with clear and detailed obligations for justice agencies. These obligations will guide victim engagement practices and provide rights for victims as they navigate the justice processes.

The charter takes an early intervention approach to preventing and reducing the re-traumatisation of victims that can occur due to their participation in the justice process. Many people who experience crime show resilience and strength, but it can also be a time of vulnerability and trauma.

Every day, ACT justice agencies work on the front line to support victims of crime to enhance their safety and achieve justice. These agencies display a high level of commitment to this important work.
Despite this, participating in the justice process can still be distressing for victims, and the supports and entitlements that are available to victims are not always consistently applied or easy to access. This can put pressure on victim support and health systems, reduce participation in education and employment or even deter people from reporting crimes or cooperating with prosecution.

The charter will assist to remedy these issues by bridging gaps between victim entitlements and what occurs in practice; raising community awareness about how justice processes occur and the role of the victim; and providing a restorative accountably framework which sets out clear pathways for acknowledgement of the impact of victim rights not being upheld, as well as opportunities to improve victim engagement practices.

The charter includes victim rights under five key themes: first, respectful engagement with victims and protection of their privacy and safety; second, ensuring access to victim support services and assistance; third, the provision of general information about justice processes; fourth, case updates and, where appropriate, seeking victim views on key decisions made in the administration of justice; and, finally, opportunities for participation in proceedings where this is provided for in the justice system.

Consultation with community members with lived experience as victims of crime has told us that it is these rights that are most important to them. Providing victims with information in a timely manner and asking them for their views allows them to feel heard and provides an opportunity for more direct engagement with the justice system.

Many victim rights are based on the existing governing principles for the treatment of victims of crime in the administration of justice and have been updated to reflect the current context of the ACT justice system. Some rights are based on existing victim policies and legislative entitlements, and mirroring these in the charter improves transparency while better ensuring they are upheld through the associated complaints resolution process. Rights also draw from best practice examples across jurisdictions, and in some cases extend or establish new areas of practice where gaps in victim engagement exist.

Introducing victim rights does not detract from the rights of the accused. The August 2017 Royal Commission into Institutional Responses to Child Sexual Abuse criminal justice report outlined that criminal justice responses must be triangulated in the interests of defendants, victims and society. Those who are charged with criminal offences are expected to be brought to trial fairly, impartially and in the public interest; and criminal justice responses must be in the interests of the community, including victims.

The objects of the Victims of Crime Act have been amended to reflect cultural changes in how victims are viewed in the justice process. They now refer to the central role of victims in achieving justice; victims are referred to as "people adversely affected by crime", to recognise that the term "victim" is contested and that many community members prefer other terminology, such as "survivor". There is also an explicit acknowledgement that adverse outcomes of the impact of the justice system, such as trauma, should be minimised.

In many ways, the most important aspect of the charter is the complaints resolution process, which has been designed to meet two key outcomes that consultation with people who have experienced crime told us are most important.

The complaint resolution framework provides an opportunity for victim concerns about a right being breached and any harm that may have occurred as a result to be heard and acknowledged. It also provides justice agencies with the opportunity to have conversations about victim engagement practices, in a restorative setting. This will support changes to justice agency practice so that other victims are less likely to experience a breach of charter rights in the future, and to highlight any systemic issues.

The accountability framework for the charter allows a victim to raise a concern about a breach of a victim right directly with a justice agency, with the Victims of Crime Commissioner, or with the ACT Human Rights Commission for consideration in line with how other service complaints are managed. This combination of acknowledging the ability of justice agencies to monitor their own compliance with the charter, alongside a centralised system to support victims to resolve concerns in a supported and trauma-informed environment, is considered key to the accountability framework.

Other aspects of the complaints process that facilitate trauma-informed practice include the ability for victims to choose which complaints pathway they wish to take, and explicitly providing for a victim representative to be able to raise an issue for a victim. The majority of concerns are expected to be resolved directly with justice agencies, in recognition of the existing good practice of agencies and officials in resolving complaints from community members where they arise. If a concern is raised with the Victims of Crime Commissioner and is unable to be resolved in conversation with a justice agency, the commissioner may refer the concern to a formal complaints entity such as the Human Rights Commission or the Ombudsman.

Access to conciliation with the Human Rights Commission is considered one of the most important aspects of this framework. It is an opportunity for the victim and justice agency to discuss the breach that is alleged to have occurred in a supported, confidential and independently facilitated environment, where parties may reach a mutual agreement about how to resolve a concern. Providing victims with the opportunity to be heard and for agencies to acknowledge any harm caused by a right being breached has the potential to assist in a victim's recovery and can also provide agencies with valuable insights to improve the treatment of victims.

The accountability framework is further strengthened by the requirement for justice agencies to develop policies that demonstrate how responsibilities under the charter are upheld within a year of commencement; and an ongoing requirement for justice agencies to report on complaints that are raised.

The independence of justice agencies and impartiality of their decision-making is protected by a number of provisions set out in the bill. In relation to the accountability framework, a justice agency will not commit an offence if they do not comply with a requirement to participate in victim rights complaint consideration processes under the Human Rights Commission Act and, as with all complaints considered by the Human Rights Commission, justice agencies need not attend conciliation or provide documents if there is a reasonable excuse.

Further, the ACT Office of the Director of Public Prosecutions need not comply with a provision of the Human Rights Commission Act in relation to victim rights complaints if it considers that this would prejudice the independence of the DPP or the prosecution of an offence. The DPP must, however, report on each occasion it declines to participate in the complaints process in its annual report, to assist in providing transparency around this decision-making process.

The charter itself also carefully constrains the coverage of independent bodies that exercise judicial functions, such as ACT courts and tribunals and the Sentence Administration Board, to ensure that their independence is protected. Although the charter requires justice agencies to uphold the charter, "justice agency" does not include judges or magistrates. "Justice agency" does include a court or tribunal but only when the court or tribunal is acting in an administrative capacity. A court or tribunal is considered to be acting in an administrative capacity other than when it is exercising its jurisdiction in relation to any proceeding before it.

Moreover, the charter includes a statement that it does not intend to create any legal right that could give rise to civil action; affect the interpretation or operation of other territory laws; or affect the validity, or provide grounds for review, of any judicial or administrative act or omission.

In preparation for commencement, new education materials will be developed to increase understanding of victim rights amongst the community, including organisations that provide support to victims of crime; and provide additional information about justice processes to assist victims to navigate the system.

The implementation of the charter will also be supported by the relocation of three victims registers to Victim Support ACT. These registers provide relevant information to victims about the sentences of offenders, where appropriate, to assist victims to make informed decisions about their safety and provide opportunities to participate in justice processes—for example, in parole hearings. The adult and youth justice victims register, and the affected persons register for victims of offences committed by forensic patients, will relocate from their respective justice agencies to Victim Support ACT. This will improve information flow and provide wraparound support and advocacy for victims when engaging with the justice system.

The charter is crafted to ensure it is reasonable and practical for justice agencies to uphold. For example, a justice agency need not contact a victim on a particular matter if the victim has already been contacted or if the contact is not practicable in the circumstances. Similarly, some victim rights only automatically apply to victims who are concerned about their safety or to victims of indictable offences, to recognise that these groups of victims may need enhanced access to support.

The charter will be reviewed three years after its commencement. This will provide an opportunity to further strengthen the ACT's victims rights framework in line with cultural and systemic reforms and continually developing community expectations in relation to victim engagement.

These victim rights and the associated accountability framework have been carefully developed, having regard to existing legislative frameworks, practical implementation issues, respect for rights of the accused and offenders, and the preservation of judicial and prosecutorial independence. This would not have been possible without the ongoing engagement and commitment of ACT justice agencies to developing the bill. The charter recognises and builds on their existing support to victims of crime. I would like to thank ACT Policing, Victim Support ACT, the ACT Office of the

Director of Public Prosecutions, ACT courts and tribunals, ACT Corrective Services, youth justice in the Community Services Directorate, the restorative justice unit, and the Sentence Administration Board.

I would like to particularly acknowledge the Victims of Crime Commissioner, Heidi Yates, for her unwavering commitment to this work. I would also like to acknowledge the former commissioner, John Hinchey, for his foundational work on this legislation.

Thank you to the expert advice of the Victims Advisory Board, who have led the development of the charter since late 2016 and contributed a wide variety of viewpoints, including lived experience of crime.

I would like to extend particular thanks to community members who provided their views during public consultation on the charter in 2018. The personal insights provided by people who have been impacted by crime as a victim on what is working well and what can be improved in the justice process directly influenced the victim rights in the charter. I thank them for generously sharing their time and experiences.

Alongside other ACT government reforms focused on increasing access to justice, the proposed bill ensures that the ACT continues to be a leading jurisdiction with a justice system that acknowledges and respects victims rights and provides them with avenues for more meaningful participation in the process.

People who are impacted by crime as victims and survivors are central to the justice process. Their participation ensures that prosecutions have the best possible outcome and that those who commit crime are held to account for those actions. Treating victims with respect will encourage more community members to feel comfortable reporting crime to police, and the charter will ensure that community members have an increased understanding about the justice process and provide an assurance that they will be treated appropriately throughout the process.

The introduction of victims rights will empower victims of crime to participate fully in justice processes and to better recover from crime. Better treatment of people early in their interactions with the justice process will reduce their reliance on therapeutic support and health services. This is especially important given the high level of interaction between the justice system and vulnerable and marginalised community members.

The charter will provide victims with enhanced information and opportunities to participate to assist in navigating the justice system. A restorative complaints resolution process will offer acknowledgment to victims and opportunities for changes in victim engagement practices where a right is not upheld.

This bill is an important step in the government's commitment to ensuring that the justice process meets community expectations about a growing recognition of victims in the justice process. I commend the bill to the Assembly.

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

Justice and Community Safety—Standing Committee
Scrutiny report 45

MRS JONES (Murrumbidgee) (11.23): I present the following report:

> Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 45, dated 30 June 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 45 contains the committee's comments on three bills, proposed amendments to the Public Interest Disclosure Amendment Bill, 12 pieces of subordinate legislation, one regulatory impact statement and six government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

COVID-19 pandemic response—Select Committee
Interim report 3

MR COE (Yerrabi—Leader of the Opposition) (11.23): I present the following report:

> COVID-19 Pandemic Response—Select Committee—*Interim Report 3*, dated 1 July 2020, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Interim report No 3 draws on the public hearings held on 28 May, 5 June, 11 June, 19 June and 25 June. We also received several submissions over that period, in addition to questions taken on notice and many exhibits as well. There are, of course, numerous recommendations that have been made in this report and I urge all members to review those. In particular, I urge the government to take those on board as a matter of urgency and to report to the Assembly as quickly as possible as to their implementation. Again, I encourage members to review this interim report.

MS CHEYNE (Ginninderra) (11.25): I commend the report to the Assembly as well, on behalf of the government members. There are many recommendations in this report—21. There is plenty in it. We have had many people who have appeared, both government officials and ministers and, of course, so many people right across the community. This committee really is setting the pace for hearings. My deep thanks go to all the committee's secretariat team and everyone behind that who makes the hearings available and public via Zoom or Webex, whichever it may be.

The recommendations are, by and large, very sensible ones, some of which I think that the government could implement very quickly. Again, I commend the report to the Assembly.

MRS DUNNE (Ginninderra) (11.26): Just very briefly, I think that it is worth noting the work of the COVID-19 response committee and the unique way in which it has worked and also the unique way in which it is presenting a rolling series of interim reports. It is worth noting that in the time since the committee was brought into existence it has physically been in the same place just one, when we did a field trip to the surge facility on Garran oval. For the rest of that time all the transactions of the committee have been done electronically, and it has been extraordinarily successful. It is easier, dare I say it, to run a committee hearing, especially with a large number of people, with Zoom rather than Webex, which does tend to fall over and the sound quality does tend to diminish.

I note, with some irony, that the Chief Minister in particular was quite punctilious and insistent that we use Webex, because anything else was a cyber risk for the ACT. I thought it was quite ironic to see the Auditor-General's report the other day making comment on the extent to which the ACT was cyber prepared and also the comments from the Chief Minister which actually said that we have so little of interest in the ACT that no-one would bother to hack us. But at the same time the Chief Minister did insist on only Webex being used where government officials and ministers were concerned. I think that, on those days, not so much the content but the sound and the presentation are much more difficult for people to access and the sound quality does deteriorate very quickly—just saying, Madam Speaker.

MS LE COUTEUR (Murrumbidgee) (11.28): I echo the comments of all my colleagues on the committee. I think it has been a great committee and I am particularly pleased that Ms Cheyne commented that many of the recommendations could easily be implemented, because my amendments to the RTA Act this afternoon will in fact, if passed, implement some of those recommendations. I am looking forward to support from the Assembly for this and for a lot more than that.

There is a lot of substantive information. In particular, I draw members' broader attention to the Legal Aid submission, which was a really useful set of recommendations from people who clearly know both the situation with problems in housing and the legal ways in which they can be addressed.

Of course, it is not just that. One of the wonderful things about being on the committee is that we have gone through the whole gamut of things that are happening in Canberra. I think it is playing a very valuable role and I trust that people will support its recommendations this afternoon.

Question resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Planning and Development Amendment Bill 2020

Debate resumed from 4 June 2020, on motion by **Mr Gentleman**:

> That this bill be agreed to in principle.

MR PARTON (Brindabella) (11.30): This side of the chamber will not be opposing the bill before us. I thank the minister for his assistance in getting my office right across the detail of this bill and doing so really early on in the piece. In many instances, we find ourselves getting along a lot better at the end of the term than the start of the term, and I am not really sure why. But I am not arguing against that position. So thanks to the minister and his office for doing that.

Our initial advice was that this would probably be debated in August, but fast-tracking this bill today is probably a good thing if it removes the last impediment to commencing the implementation phase of what is a very significant project. I know we will hear more from the minister on that.

The bill establishes the legislative basis for granting a lease to the University of New South Wales for less than market value, as an inducement to that institution establishing a campus on Constitution Avenue. The other inducement is a $25 million cash contribution to that university to help things along.

We have questioned this bill, and if you are seriously questioning it on any basis you have to question whether that is value for money for ACT taxpayers. Certainly in the examination the Canberra Liberals have had of the bill, we are of the belief that it is, so we are in agreement with the minister on this. This seems to be a small price to pay for the creation of 2,000 new jobs and hosting 6,000 students. It is also fair to say that opportunities like this do not come along very often.

The minister also tells me that $3 billion of value will be added to the territory's economy, which is nothing to sniff at by any means. It makes sense for a major learning institution to establish a campus away from the congested city environment and in proximity to other major tertiary bodies within Canberra.

The economics of the proposal are compelling and the impact on Canberra as a centre for learning is most alluring. When we examine bills and proposals like this that all look pretty good at the start, we are also mindful of the fact that we should not get our hopes up too high too soon. This is a big picture initiative with a lengthy time frame and a massive construction phase spread over quite a number of years.

The construction proposals, it goes without saying, will need to comply with all of the necessary planning and works approvals and all of the processes in terms of consultation. I really hope there are no hidden traps or surprises as this project moves ahead. In particular, I hope there are no financial surprises to ambush an unsuspecting public or that would push our burgeoning deficits even further into the stratosphere. I look forward to a Coe government taking this initiative to a successful maturity.

MS LE COUTEUR (Murrumbidgee) (11.33): The Greens will be supporting this bill. I will look at two issues in this speech: firstly, the bill itself and, secondly, the related issues of why we are doing this. The ACT has complex, legislated rules around how the ACT government can dispose of government-owned land—rules that are quite restrictive and subject to substantial scrutiny. For example, there is a quarterly schedule that members will have seen tabled in the Assembly which lists all the land sold using a direct sales process.

While I am sure these processes create a large amount of procedural work for the public service—and they must be frustratingly inflexible at times—they are very important. Why is this so? Because, around Australia, government land dealings are a high-risk area for maladministration and, at the extreme, corruption.

In the ACT over recent years we have had three highly critical Auditor-General's reports into land dealings of the now disbanded land development agency. In New South Wales, government land dealings have come up in corruption investigations on several occasions over the last decade or so.

Aside from the land sale aspects of the University of New South Wales deal, high cost efforts to attract economic development come with their own significant risks. Those of us who can remember the Kate Carnell days remember several expensive economic development deals which were supposed to bring jobs and investment to Canberra but which, instead, basically delivered benefits to a corporation rather than the ACT community.

Looking at that background, when the Greens and I were considering whether or not to support this bill we were looking for two things: first, that the new mechanism created must not undermine the broader protections in place for government land sales. In particular, it must be limited to this particular land sale. Second, that, as the University of New South Wales will be given this land at much less than market value, the ACT government needs to have substantial protections to avoid a situation where it gives up a lot of money and land value but ends up with no or minimal community benefit.

The bill has received the Greens' support because we believe it meets both those tests. Firstly, it is restricted to this particular deal with the University of New South Wales and, secondly, there are protections in the bill to make sure the university does not have free rein to sell the land for profit without investing in Canberra. I trust that the government—be it a Coe or Barr government or whatever governments we have in the future—will use the mechanisms within this bill, because they will only work if the government is diligent and uses them.

I will now talk about the deal itself. I am pleased that there will not to be more and more residential further down Constitution Avenue. While residential is obviously incredibly important, a city needs more than just places to live. Reid CIT has been a great use of that space and it is unfortunate that there has not been a community-based process to determine the best future for one of the most valuable sites in our city.

I will now move on to the fate of the current occupant of the site—the CIT. As a member for Murrumbidgee of course I support the goal of restoring a CIT campus to Woden. My electorate has lost two CIT campuses in recent years—the south side campus in Phillip and, prior to that, the beautiful horticultural campus at Weston. Fortunately, it has been slightly rebuilt as Fetherston Gardens, but that is a loss still being felt by the neighbours.

The proposed new Woden campus has the potential to be a good thing for the Woden town centre, the wider electorate and, hopefully, for all of Canberra. I understand the CIT is intending to, in the future, have subject-based campuses, so there would be something like what they do with automotive at Fyshwick—they only do automotive at Fyshwick et cetera. So I trust that all of Canberra will end up using the new Woden campus.

I worry that there is a risk that the CIT will be stranded if the land deal with the university and the new campus at Woden are not well coordinated. The deal with the University of New South Wales must not see the Reid CIT campus close before the new Woden campus is ready. Importantly, the Woden campus must be capable of meeting the current and future needs of CIT students.

In saying this, I note that the proposed new site at Woden is a lot smaller than the current CIT site. I have raised this issue with both Minister Gentleman's office and the public servants involved and I have received assurances that this risk is recognised and is being managed through the staging of the land transfers. As I said earlier, I trust that these risks are kept front of mind as the projects continue and that the land transfers are not made until all the requisite work has been done by both the University of New South Wales and the ACT government to ensure that we continue to have a viable CIT system and that the Murrumbidgee electorate gets the CIT campus it has been promised.

In conclusion, the Greens will be supporting this bill because of the protections it contains. The scope is limited to one land deal, and it contains protections which will help ensure that the ACT community gets value from the deal. As a member for Murrumbidgee, I welcome the commitment to restore a CIT campus to Woden.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal) (11.40), in reply: I rise to close the debate on the in-principle stage of this bill. I thank members for their contributions. If agreed to, this bill will facilitate the establishment of the new University of New South Wales—UNSW—Canberra city campus in the ACT. This amendment bill is an outcome of negotiations between the territory and UNSW, confirming the agreement between the university and the government to invest together to establish a world-class teaching, research and innovation precinct.

All of the key economic sectors that drive Canberra's growth and diversification—defence, space, cybersecurity, agricultural science, health and tourism—depend on the

strength of our tertiary education and research sector. It is a key economic driver for the territory. The ACT government recognises the immense value of this sector and the significant role it plays in delivering quality education and research outcomes, driving innovation and commercialisation, and attracting more national and international students to the territory.

UNSW will attract up to 6,000 local, national and international students to the heart of Canberra and create around 2,000 jobs. This exciting development is expected to generate up to $3 billion in economic benefit to the territory. The new campus will facilitate innovation and growth in the defence and cybersecurity industries, build on Canberra's knowledge economy strengths and support the territory's growth priorities in education and training.

We have heard it said many times in recent months, and it cannot be denied, that these truly are unprecedented times. Not only will UNSW Canberra city campus deliver all of the economic and reputational benefits of another Group of Eight university in our city but also it will provide critical stimulus activity in its construction phase and beyond. The project represents a major infrastructure development for the city, with a boost in construction jobs in the short and medium term and thousands of ongoing jobs into the future.

To support this important initiative, the territory is making three main contributions to the project, comprising approximately eight hectares of land in the city's south-east, the cost of remediation of contamination on the site and a $25 million cash contribution to be paid by instalments as key milestones are delivered.

To protect the territory's investment, the ACT government and UNSW have entered into a precinct deed, setting out the rights and obligations of each party in establishing the campus. Under the precinct deed, UNSW must develop a master plan, in consultation with key stakeholders and the community. The master plan must also be endorsed by the National Capital Authority and approved by the territory. This will provide a blueprint for how a staged development of the new campus will be delivered.

UNSW commenced community engagement on its master plan following the territory's formal announcement on 5 March 2020. The precinct deed also places an obligation on the territory to introduce and pass this legislation to allow the development to proceed in line with the terms agreed between UNSW and the territory, as is reflected under the precinct deed.

The amendment bill fulfils this obligation on the territory and, in doing so, carefully balances the need for legislation that both protects the territory's interests and enables appropriate flexibility for UNSW's operation. Through the amendments, the territory's investment and its policy intent in supporting the development will be protected through legislation, as well as through crown lease conditions, over the coming years. The bill ensures that the land is used appropriately by UNSW to achieve our joint objectives. These goals are achieved by amending the Planning and Development Act 2007, the Planning and Development Regulations 2008 and the Land Titles Act 1925.

Under the Planning and Development Act 2007 two main types of leases are available—a market value lease or a concessional lease. UNSW's operational model does not meet the requirements under the act for a concessional lease. While the provisions relating to concessional leases do allow for education establishments, they are designed for community organisations and, given this design, apply strict limits to commercial operations.

I am advised that UNSW, like any university, requires flexibility to enter long-term subleases with commercial partners. A concessional lease would restrict UNSW's flexibility to sublease and would undermine its ability to operate the type of campus both UNSW and the government envisage. The bill implements strong protections for the territory's investment in this project. The territory is also committed to protecting the interests of the Canberra Institute of Technology—CIT—in its relocation from Reid. Madam Speaker, I have very fond memories of attending the Reid campus of CIT and doing my oxyacetylene course back in the early 80s.

The government intends to develop a new CIT campus alongside our new public transportation interchange at Woden town centre. Consultation on early concept designs for CIT's new facilities is already underway. The project time line foreshadows a new CIT facility in Woden, commencing construction in 2022 and operating in 2025. Internal governance structures within ACT government directorates are in place to oversee the UNSW Canberra city campus implementation and the delivery of the new state-of-the-art facilities for CIT in Woden. Senior government officials are involved in both projects and CIT's requirements are being carefully considered in this context.

As highlighted by the Chief Minister in the 2020 state of the territory address, Canberra is a knowledge city, and rebuilding our higher education sector is a crucial tool in our pathway out of the pandemic. Not only will UNSW Canberra city campus build on Canberra's strengths as a leader in higher education, defence and cybersecurity but also it will provide enhanced opportunities for collaboration and growth in these sectors and encourage increased economic activity. As we move into the next phase of our COVID-19 response, in managing the health risks while driving the recovery of our city, this is precisely the sort of long-term project that we need to support our recovery.

This amendment bill is critical in allowing this to occur, and I encourage members to consider this bill, noting the strong protections that the proposed legislative amendments will implement, and in recognition of the significant economic growth benefits that UNSW Canberra city campus will bring to the territory for decades to come.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 2)

Debate resumed from 18 June 2020, on motion by **Mr Ramsay**:

> That this bill be agreed to in principle.

MR COE (Yerrabi—Leader of the Opposition) (11.48): The Canberra Liberals will be supporting this bill. The bill makes several necessary changes to accommodate the current COVID-19 health crisis and associated restrictions. The opposition is committed to working collaboratively with the government to respond to the pandemic and associated policies.

Elections under these conditions are a new frontier for governments around the world. The bill makes significant changes to voter eligibility and how votes can be cast at the 2020 election. We understand that this bill has been prepared in consultation with the commissioner and legislates many of the commissioner's own recommendations. The opposition is happy to revisit the legislation, should further technical or practical amendments be required before the upcoming election. The opposition is also very glad to see that the right to trial by jury is being restored. This should never have been taken away, and my colleague Mr Hanson will be addressing this issue. Again, the opposition will be supporting this bill.

MR RATTENBURY (Kurrajong) (11.49): This bill makes amendments to two key areas in our ACT COVID-related legislation in response to COVID-19. Just under three months ago we passed legislation in this place to help the ACT government adapt to many of its operations in relation to COVID, to keep systems and processes going, while we all shifted to working more safely during the global pandemic.

Let me speak firstly about the Electoral Act changes. We have all seen changes in so many of the normal operations of our society, and the election this year is no exception to this. There have been quite a few discussions over the past few months about how the ACT can hold its election in October this year, but safely. To ensure, as best as possible, that we can hold a safe election this year, there will be quite a few differences, including pre-polling at 15 locations across the city for the full three-week pre-polling period, instead of at just a few locations for the first week and then at four or five sites for the other two weeks, as we have been used to at previous elections. This will enable more people to pre-poll and, hopefully, it will considerably reduce the number of people who vote on election day itself, thus supporting distancing requirements and reducing the risk of COVID transmission. The general spreading out of people can only benefit that process. I know that the Electoral Commissioner has indicated his intention to run quite a strong educational campaign to encourage people to come and vote in a spread-out way.

The bill before us today enables a range of things to happen which support a safer election. Firstly, it enables each eligible voter to pre-poll at any time during the pre-polling period and the bill removes the previous requirement that people needed to have a clear reason for needing to vote early, such as needing to work on polling

day. One consideration was that sharing pencils in voting booths was not a COVID-safe practice. Thus, installing as many electronic voting stations as possible, which have the ability to be easily wiped down between users, becomes a safer option. Thus, all pre-polling sites will have multiple electronic voting devices rather than just one electronic device available on each site, which has been the case in some previous elections.

The bill also enables voters with visual impairment or other physical disability which makes it difficult for them to vote in a usual way, such as attending a polling place or via postal vote, to vote by telephone. This was recommended in 2017 by the select committee inquiring into the Electoral Act, and COVID has meant that this option has become even more important. The Greens support this option and I note that the proposal includes a supervisory role for an additional person to be on the phone simultaneously to ensure that the vote is correctly recorded by the electronic voting system.

This real-time scrutiny or oversight will be very important as, in general, electronic voting does not have the same level of scrutiny undertaken on it as is applied to non-electronic voting papers. The electronic votes or electronic ballot papers are generally stored securely but are then able to be processed by the Electoral Commissioner simply by the press of a button, and the votes are not subject to the levels of physical and personal attended scrutiny that the old-school ballot papers are.

Another provision that was recommended by the committee in 2017 was enabling overseas voters to vote electronically, including people stationed in Antarctica. I understand that Elections ACT has been considering this, and it was proving too difficult. However, COVID has, amongst many other things, enabled this to be reconsidered, and the Greens are pleased that this is now able to happen for this election, for eligible voters. It will still be an offence for overseas voters to make misleading statements—such as whether they have previously voted in this election—to Elections ACT staff. It should be noted that postal voting will still be allowed in this election but that postal services are potentially more unreliable at the moment due to global transport issues during COVID and there is a risk of disenfranchisement with postal votes.

The Greens see these clauses as sensible amendments overall. We would be keen to see an evaluation of their use and impacts after the election to help the next Assembly determine whether they may be able to be adopted into our legislation on a more permanent basis for applications for future elections or whether they are simply interim measures to deal with the current global health situation. We have a number of other issues that we want to discuss in relation to electoral legislation; however, some of those issues will be discussed in the debate on the 2019 electoral bill, which, I believe, will be coming up later today. We will also be debating the 2018 electoral bill, which is currently being planned for discussion in late July.

The second area of change in the bill is to repeal a change to the Supreme Court Act that was made in the original COVID bill in April this year. That change allowed judge-only trials for serious offences that would usually require a jury trial if that was

the accused's wish. Under the changes a judge-only trial could occur where the accused person requests a judge-only trial, or where the judge decides that a judge-only trial is necessary in the interests of justice, having heard submissions from both prosecution and defence. As I said at the time, the Greens supported this change, but it was not a decision we took lightly. The right to a jury trial is a very important and longstanding part of the criminal justice system. We would not have contemplated the change had it not been for the extraordinary circumstances we found ourselves in due to the COVID pandemic. We were concerned about delaying trials while the COVID pandemic prevented jury trials due to distancing and isolation requirements. This meant accused people staying on remand for longer, the possible loss of evidence or witnesses due to time, and a delay in the resolution for victims of crime.

Fortunately, due to the good progress in keeping the spread of COVID down in the ACT, the changes were temporary. This low transmission rate has meant that the Supreme Court can recommence the conduct of jury trials, with special measures to ensure that social distancing requirements can be complied with. I am pleased that we now have the opportunity to repeal this COVID-related clause to enable the courts to proceed as per their usual practices. The ACT Greens will be supporting this bill today.

MR HANSON (Murrumbidgee) (11.55): As Mr Coe indicated, we will be supporting this legislation. I want to address my comments to the amendment to the Supreme Court Act. This section repeals the amendment that was made by this government, and supported by the Greens, to remove the right to a trial by jury, even when opposed by parties to that trial. It is an amendment that, quite frankly, should never have been passed. It should never have been supported by the Greens. It should never have been put forward by the Attorney-General.

It is important to state that our opposition to the change that was made at the time was not about the politics; it was about justice. The opposition went well beyond just the voices of the Canberra Liberals. Many others in the community raised their concerns. When we tried to stop this original change happening, a range of people spoke up loudly, and they should have been listened to. At the time, the Law Society said:

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

At the time, Legal Aid ACT said:

> Trial by jury is a fundamental right of an accused person and it is for the accused person to waive this right.

The High Court has stated that "trial by jury is a right, and trial by judge alone must be understood as a waiver of that right, that waiver being the right of the accused". The Bar Association and the Human Rights Commission also raised concerns. All of those concerns were ignored by the Attorney-General and ignored by Mr Rattenbury, who pushed that amendment through.

That is what was said before that botched amendment got put through, but it is also important to note what was said when that amendment was put through. The Law Society, in an article reported on 2 April in the *CityNews*, said:

> The right to trial by jury is a significant, longstanding right in our legal system that has been consistently observed by the High Court of Australia …
>
> It is a fundamental tenet of the rule of law, and has been enshrined in legal systems since before Magna Carta.

The article continues:

> The ACT government has inexplicably opted to take an approach that is radically different to the NSW solution, despite the chief minister repeatedly emphasising the importance of the ACT taking action that is consistent with NSW at this time, says the society.
>
> The Law Society … is alarmed that the ACT government has taken this action, when NSW has already proved that legislation like this can be enacted without abrogating rights.

They should have been rightly alarmed, as were so many others across the legal community. They summed it up as being "fundamentally unsound and misguided"—and it was. The ACT Bar Association president, Steve Whybrow, stated that the ACT Bar Association and the ACT Law Society "strenuously opposed this unnecessary and dangerous precedent". I will say that again: "unnecessary and dangerous precedent". The Legal Aid Office and the Human Rights Commissioner have also voiced their concerns. They said:

> The justifications for this change are said to be the adverse consequences of delays in finalising criminal proceedings. The delays in the ACT are already amongst the shortest in the country. No other jurisdiction in Australia has taken the extraordinary step of revoking an accused person's right to trial by jury.

The ACT Bar Association president said:

> It does nothing to advance the interests of justice or the victims of crime for there to be significant doubt cast over the legitimacy of a trial process or create a real possibility that such trials might be declared invalid.

He said:

> I call on the government and the ACT Supreme Court to step back from this extreme law and engage in discussion with the profession as to how the business of the courts is best managed. There are better solutions to the problem that do not result in abandoning fundamental rights.

It is extraordinary, isn't it, that the head of the Bar Association describes these laws as "dangerous and unnecessary", and "extreme"? I am glad that we are today repealing those dangerous, unnecessary and extreme laws.

These flawed laws also gained national attention. The Law Council of Australia—this is not the legal profession locally; this is the Law Council of Australia—said that the change was a "great concern". They went further, and said:

> We strongly believe that the right to a fair trial by jury must continue to be observed unless the accused consents to a judge only trial.
>
> The jury is a fundamental part of the system of criminal justice in this country whereby the community plays an important and direct role in the administration of justice. Jury trials provide a safeguard against the arbitrary or oppressive enforcement of the criminal law by those in authority. They also allow for impartiality to be observed.
>
> The option to be tried by judge alone … is available in some Australian jurisdictions. But that option is only available where the accused waives the right to a jury trial.
>
> … in these uncertain times it is more critical than ever that Australia upholds the administration of justice.

Indeed, some of the most telling comments came from former Chief Minister Jon Stanhope. His comments were published on 6 April. This is what former Chief Minister Jon Stanhope said about this terrible law passed by the Attorney-General, the Labor Party and the Greens:

> The world really is going mad. The ALP and the Greens in the ACT combining to legislate, in the face of opposition from the Liberal Party, the Human Rights Commission, the Law Society, the Bar Association and the Legal Aid Commission to deny an accused person in the ACT a basic right cherished and defended in liberal democracies for 800 years, namely the right to trial by jury.
>
> This is a fundamental tenet of the rule of law and it is notable that other jurisdictions across Australia are facing the Covid-19 crisis, including most notably the Liberal Government in NSW have not taken this draconian step. To be fair, one does need to concede that Iran, Russia, Turkmenistan, Saudi Arabia and North Korea have adopted the same position as ACT Labor and the Greens on the issue of an accused person's right to a fair trial.
>
> Attorney-General Gordon Ramsay and Minister for Justice and Greens Leader Shane Rattenbury, who championed this amendment, should in particular hang their heads in shame. Caroline what were you thinking? A progressive government? You must be joking.

MADAM SPEAKER: Mr Hanson, when you are referring to someone, please refer to them by their—

MR HANSON: Madam Speaker, this is a quote directly from former Chief Minister Jon Stanhope. It is not me addressing Caroline Le Couteur as "Caroline". It is a quote from the former Chief Minister.

MADAM SPEAKER: Thank you.

MR HANSON: In that context I think that—

MADAM SPEAKER: Yes, that is fine.

MR HANSON: He ends by saying:

> You must be joking.

I agree, Madam Speaker; if only this were a joke. It is not a joke for the accused who have had their fundamental rights removed, which is what the Attorney-General actually did. The question is: in the face of such consistent, overwhelming concern and criticism, why did the government proceed, anyway? Why did you do this? If they were not listening to the ACT Bar Association, the Law Society, the Human Rights Commission, the Legal Aid Commission, the Law Council of Australia and the High Court, who were they listening to?

Therefore, while we support the repeal of this bill, it raises some serious questions about the fundamental soundness of the advice being provided to the Attorney-General. When the entire legal profession and every other commentator raise the same concerns, why were those concerns all ignored by this Labor-Greens government? Why?

When the removal of fundamental rights is not seen for what it is by this government, when the government capitulates, is that government, and is this Attorney-General, fit for the role? Those questions have been raised by this process. Those questions have been asked broadly across the legal fraternity, not just in the ACT but across Australia, and the government have not provided adequate answers to explain why they removed such a fundamental tenet of our legal system.

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) (12.05), in reply: I am pleased to close the debate today on this important piece of legislation, the COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 2), which includes important amendments to support engagement and equal opportunity for participation in the territory's upcoming election. The bill also repeals the COVID-19 response measure that was inserted into the Supreme Court Act 1933 relating to trials by judge alone in criminal proceedings.

In these extraordinary times the government is continuing to respond adaptively to the needs of the ACT community, including through measured changes to our laws. As I stated on presentation of the bill, it will introduce amendments to enable the Electoral Commissioner to implement protective measures and facilitate voter participation in response to the ongoing COVID-19 pandemic, which will be in place only for the 2020 ACT election. This will be achieved through making early voting available to all electors who are eligible to vote in the ACT election, and through the deployment of an electronic overseas voting system and telephone voting for certain electors.

I want to take the opportunity to thank the Electoral Commission for its valuable contribution to and feedback on the bill, as well as the advice that is presented in its special report on the impact of COVID-19 on the ACT 2020 election, which has informed the early voting amendments.

The independent, fair and transparent conduct of elections is an uncompromising feature of democratic governance and it should be a prevailing consideration in any proposed changes to our electoral laws. The government is confident that the electoral amendments in this bill support those key tenets and that they will help all Canberrans to have their say in the upcoming territory election.

As I also indicated on presentation of the bill, it includes amendments to repeal section 68BA of the Supreme Court Act. This was introduced as a temporary COVID-19 measure. Repeal of the provision means that judges can no longer order that an accused be tried by judge alone, without the accused electing to be tried in that manner, unless the transitional provisions apply. The transitional provisions ensure that when processes under section 68BA have been started or an order has already been made, the section will continue to operate, unaffected by repeal.

I did make it clear at the time that, in the balancing of the various rights—not just one set of rights but the various rights—that are involved in these decisions, it was indeed a matter of an emergency step for the very particular circumstances that we faced at that time. I am extremely pleased that the hard work of the ACT community has meant that we are in a position quickly to repeal this provision that was always intended as a temporary provision. 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.

Social media posts
Statement by Speaker

MADAM SPEAKER: Mr Parton, I put to you again the request.

MR PARTON (Brindabella) (12.09): I seek leave to make a statement in response to your statement this morning.

MADAM SPEAKER: No. There was just a simple request to you to withdraw, which you did, and then to remove the two offending videos from your social media. You sought advice. I thought that was just a timing matter. It is not for debate. You will either remove them or not.

MR PARTON: Do you want me to tell you whether I have removed them or do you want me to sit down?

MADAM SPEAKER: Yes, that is your statement.

MR PARTON: Yes, that is correct. I apologise for stepping outside those broadcast guidelines and certainly commit to the fact that I, for the balance of the term, will go to great lengths to make sure that that is not the case. We have deleted the videos which featured the footage from inside the chamber. At this stage I am continuing to receive advice on the second video and it still remains and so I will—

MADAM SPEAKER: No. The question now is that both videos be removed and you will agree to that or I will be naming you. The advice I have is that they should both be removed.

MR PARTON: I am, with respect, continuing to seek advice on the second video because—

MADAM SPEAKER: The question is that you will remove it or I will be naming you.

MR PARTON: My position is that we are continuing to seek advice on the second video.

MADAM SPEAKER: All right. I am naming you, Mr Parton.

Question (by **Madam Speaker**) put:

> That Mr Parton be suspended from the service of the Assembly.

The Assembly voted—

Ayes 7		Noes 6	
Ms Berry	Ms Le Couteur	Miss C Burch	Mr Parton
Ms J Burch	Ms Orr	Mrs Dunne	Mr Wall
Ms Cheyne	Mr Ramsay	Mr Hanson	
Mr Gentleman		Mr Milligan	

Question resolved in the affirmative.

Mr Parton was suspended at 12.15 pm for three sitting hours in accordance with standing order 204, and he withdrew from the chamber.

Sitting suspended from 12.15 to 2 pm.

Questions without notice

Public housing—CCTV cameras

MR COE: I have a question for the Minister for Housing and Suburban Development. Minister, were a number of bright yellow CCTV cameras in wire cages installed in a number of public housing complexes in the inner north last month and then taken down a week later? If so, why were they installed and then removed?

MS BERRY: I thank the Leader of the Opposition for the question. Yes, that was the case; there were some cameras installed. They were not operational and there had not been appropriate consultation with public housing tenants, so they were removed until that consultation could occur.

MR COE: Minister, what did you know about the CCTV cameras prior to their installation, and who signed off on their installation prior to it taking place?

MS BERRY: I was not aware of the cameras being installed until I became aware through media and questions.

MR WALL: Minister, to what extent has the ACT taxpayer had to foot the bill for this bungle?

MS BERRY: I will take that question on notice. I am not aware of the actual figure, but I will take that on notice and bring the amount back to the Assembly.

Employment—COVID-19

MS LE COUTEUR: My question is to the Chief Minister and relates to additional employment due to the COVID-19 stimulus programs. Minister, given that we know that more women than men are losing jobs due to COVID, how are you targeting women in the Jobs for Canberrans fund and the rollout of screwdriver-ready projects, and any other COVID-related stimulus programs?

MR BARR: I thank Ms Le Couteur for the question. The data is showing that young people and women are being impacted somewhat more than men, although everyone is being impacted, in terms of the labour market, by the pandemic. We are finding that a combination of the easing of restrictions, together with the range of targeted programs that government has put in place and the support of federal government programs, is assisting in recovering some of those jobs, but there is still a way to go.

Specifically, the ACT government has focused, through the Jobs for Canberrans program, on a range of measures that are within both the small-scale infrastructure space and also public sector employment—for example, in areas like Access Canberra. The eligibility for the Jobs for Canberrans program has been structured in a way that specifically seeks to target those who lost employment due to the pandemic and who are not eligible for a range of other ACT or commonwealth government programs. That particular emphasis of the Jobs for Canberrans program has assisted many young people and women into employment across a variety of different ACT government directorates.

Clearly, though, the best way to recover more jobs would be through the ongoing public health response and the success of that, allowing for the easing of restrictions across a number of industry sectors that will see employment begin to recover. The early signs of that are evident in the ACT economy, but of course we need to be cautious in our easing of restrictions so as not to find ourselves in the position that Victoria is in. (*Time expired*.)

MS LE COUTEUR: Chief Minister, are you considering any responses to balance the impact of the early ceasing of the JobKeeper program for early childhood workers?

MR BARR: The ACT government will not be stepping in to create a proxy JobKeeper program to fill the void of the commonwealth. It is not within our immediate administrative capability to deliver income support programs such as a wage subsidy scheme like JobKeeper; however, we do recognise that the commonwealth will need to continue its support of the economy beyond September. I can assure Ms Le Couteur that, through my role in national cabinet and in the Council on Federal Financial Relations, I am regularly raising these issues. I think we have had positive responses from the Prime Minister and the commonwealth Treasurer in recognising the need to extend assistance—

MS LE COUTEUR: Point of order. I specifically asked about childcare workers—the impact on the childcare sector. Could you come to that, Chief Minister?

MADAM SPEAKER: The Chief Minister has made reference to not filling the gap that will be left by the federal JobKeeper arrangements.

MR BARR: To be clear, it will not be possible for the ACT government to establish a job keeper scheme specifically for the childcare industry. We are just not in a position to replicate commonwealth programs. What we can do is continue to advocate within the appropriate national forums—which are the national cabinet and the Council on Federal Financial Relations—for the commonwealth to meet its responsibilities in relation to the childcare sector, just as it needs to across a range of other industry sectors.

Ms Le Couteur would be aware that the commonwealth intervened in the childcare sector and made child care free for a period of time. The commonwealth has obviously announced the ending of that program, but child care is funded by the commonwealth and the ACT simply cannot step in and fill every single gap that the commonwealth leaves. (*Time expired*.)

Workers compensation—assets

MR HANSON: My question is to the Minister for Employment and Workplace Safety. Minister, audit report No 6 of 2020 relates to workers compensation. The Auditor-General found:

> … the Territory does not currently have sufficient assets in its Public Sector Workers' Compensation Fund to cover its workers' compensation liabilities.

The Auditor-General also found that uncertainty relating to workers compensation was a financial risk to the territory. Minister, why doesn't the ACT currently have sufficient assets in its public sector workers compensation fund to cover its liabilities?

MADAM SPEAKER: You are taking this, Mr Barr?

MR BARR: I will take the question, as it is principally a treasury matter. The ACT does have sufficient funds as a self-insuring entity. What we are in ongoing discussion with Comcare in relation to is that the territory has in fact paid more, over quite an extensive period, into the Comcare scheme than we have withdrawn in terms of workers compensation entitlements for our own workers. What the territory is seeking to do is to not subsidise commonwealth public servants through the Comcare scheme. We are negotiating with Comcare, as we have withdrawn from that scheme and become a self-insurer.

The ACT has ample resources and Comcare of course recognise that they owe us a significant amount of money. All we are doing now is finalising, through a formal process, exactly how much money that will be. All this is referred to in the Auditor-General's report, including in the commentary. If you went beyond just reading the media headline, you would know this. The ACT remains firmly and clearly able to meet all of its obligations and we are finalising negotiations for Comcare to make a significant payment to the ACT. What we do not want is ACT taxpayers cross-subsidising and financing commonwealth workers compensation responsibilities.

MR HANSON: Minister, are there any risks that have been identified in meeting the liabilities and when is the commonwealth likely to make that payment to which you referred?

MR BARR: The advice to me is none, but as a self-insurer we take on those responsibilities. That is what self-insurance requires. The process has been ongoing and is nearing finalisation. I do not have an exact date. If I knew the exact date then that would have obviously been part of the Auditor-General's report. It is close to finalisation, but what I need to be clear about is that the territory is going to stand up for its rights in this regard and we are not going to be ripped off by the commonwealth.

MR WALL: Treasurer, who is painting the correct picture? Is it the account that you are telling us or the account that the Auditor-General has painted as to whether or not there are sufficient resources for workers compensation?

MR BARR: Our account, because we are the ones responsible.

Waste—bulky waste collection

MR MILLIGAN: My question is to the Minister for City Services. Bulky waste collection bookings opened yesterday for Gungahlin and Tuggeranong residents. However, they are both already booked out until December this year, with no more booking times available online. Minister, how long will Gungahlin and Tuggeranong residents have to wait before they can take out their bulky waste?

MR STEEL: I thank Mr Milligan for his question. I note that this is a very popular scheme that the government has introduced for bulky waste collection. That is why we have chosen to roll it out in two regions, with other regions in Canberra to follow—to make sure that the scheme is sustainable and to make sure that we can

deliver this service through to Canberrans and iron out any bugs as the process goes on.

There were around 400 bookings on the first day of the bulky waste collection scheme registration being open. It is great to see Canberrans registering for the scheme and taking up the service. There was a minor systems issue that was resolved in the morning that meant that people could not book before December. That was subsequently resolved and there are booking slots available for Canberrans who wish to book in before December to get bulky waste collected from their household.

MR MILLIGAN: Minister, given the influx of bookings, will you admit that this service was needed years ago, not just three months out from an election?

MR STEEL: I thank Mr Milligan for the supplementary question. The ACT government committed to this before the last election, to deliver in this term of government, and that is exactly what we are doing: delivering better city services for Canberrans. We have already delivered the garden waste collection scheme; we have delivered a container deposit scheme, which has seen 71 million containers collected and recycled; and now we are delivering a bulky waste scheme. Of course Canberrans look across the border at what is happening in other jurisdictions, and now we are very pleased to have a bulky waste scheme here in the ACT ready for Canberrans, in Gungahlin and Tuggeranong in the first instance, to register for and get their bulky waste collected.

MR WALL: Minister, what do you suggest Gungahlin and Tuggeranong residents do with their bulky waste while they continue to wait more months for you to deliver on your promise to actually provide an efficient and effective service for kerbside bulky waste collection?

MR STEEL: Mr Wall clearly was not listening to the answer that I gave to the first question, which is that there are slots available for people to book in to get their bulky waste collected.

Access Canberra—drivers licence advice

MR WALL: My question is to the Minister for Business and Regulatory Services. Minister, constituents say they have received letters relating to drivers licence medical and eye tests. The letters state that the constituents have a medical condition that requires review by a specialist and that they have been assessed as presenting a high risk to road safety for a variety of reasons. Many constituents who have called Access Canberra to query the letter have been told that it was a "poorly worded letter" and sent in error. This letter has caused considerable stress to many Canberrans, who are worried about the cost of a specialist appointment for this purpose and are concerned about their assessment as high risk drivers, particularly with regard to their ability to access a specialist that may be based interstate during the COVID health situation. Minister, on what basis were the individual recipients of this letter assessed as having a medical condition and as being a high risk to road safety?

MR RAMSAY: I thank Mr Wall for the question. It is an important question, and I am happy to provide the information on that today. Access Canberra does acknowledge that there was some recent correspondence that was indeed poorly worded. Access Canberra is in the process of contacting everyone who received the letter, and apologises for the confusion and distress that has been caused to people. I certainly echo that apology to those people.

The key thing with driver tests and with medical and eye tests is to make sure there is clarity, for safety, not only for the driver themselves but also for the broader public. Access Canberra has taken a risk-based approach to working through a range of matters during the complexity of COVID-19—looking at how the normal time frames for getting eye tests or other medical tests could be worked through. Some areas that are low risk were given an automatic extension. Obviously, for people who have a high risk condition, and that may be something like Alzheimer's or epilepsy, a condition that may be deteriorating—it may be—

Mr Wall: A point of order, Madam Speaker.

MADAM SPEAKER: Resume your seat, please. A point of order?

Mr Wall: On relevance, the question specifically was: on what basis are the individual recipients of the letter assessed as having a medical condition that deems them to be a high risk to road safety? I would like the minister to be directly relevant to how an individual is assessed, not what measures have been taken.

MADAM SPEAKER: Mr Wall, I think he was going into the levels of risk. Could you go to that point, thank you, Mr Ramsay?

MR RAMSAY: Indeed. The risk is assessed on the medical conditions that people may have. There are a range of matters. It might be a low risk situation, which is when their medical condition is unlikely to deteriorate. A medium risk is something that might deteriorate but it can be controlled with medication, and a high risk is— *(Time expired).*

MR WALL: Minister, where was the failure in process that allowed a poorly worded letter to get through the internal processes of Access Canberra, and who was responsible for the final approval of the letter that was ultimately sent?

MR RAMSAY: Again, it is an important question. As I say, it was an error in process for which Access Canberra and I apologise. The initial work that we have been doing is to make sure that people have been contacted to receive the apology and to make sure that people have clarified what it is that can be done at this stage. I have also directed Access Canberra to do further work to review exactly where the issue was. It does seem to have been an administrative error that occurred within Access Canberra, but I am following that one through with people in the directorate.

MRS DUNNE: Minister, can you guarantee that all recipients of the letter have received an apology, that their circumstances are looked into individually and that anyone who did not need to have a specialist appointment has been assured of that?

MR RAMSAY: As I say, Access Canberra is working to contact every single person at the moment. My understanding is that that has not been completed yet, but it will be, as Access Canberra is in contact. Certainly, when that contact is happening, it is being explained to people what the situation is, and the time frames around any medical tests that might be required because of their particular circumstances—as I say, while always upholding the primary issue of the general safety of people here in Canberra. I do invite people, if they have not been contacted and if they still have any concerns, to contact Access Canberra on 6207 7002, and they can speak directly about their particular circumstances.

Health—testing of quarantined travellers

MS LEE: My question is to the Minister for Health. Are overseas travellers who are currently quarantined in hotels in the ACT required to have a COVID test prior to the end of their quarantine period, and what happens if they refuse?

MS STEPHEN-SMITH: I thank Ms Lee for the question. Under the current public health directions, people returning from overseas—Australian citizens and permanent residents—are not required to have a test prior to leaving a hotel, but I note that we do not have anyone in hotel quarantine under these arrangements at the present time.

For the last flight, from Nepal, people were asked if they would take a test on day 11 of their quarantine. The vast majority of people volunteered to take that test. Obviously, as I said in my statement this morning, all of those results came back negative. All of those people were also health screened prior to being released from their quarantine on day 14.

Having said that that is the current arrangement, the Chief Health Officer is looking at the arrangements that are being instituted in other states, obviously needing to balance human rights with the risk associated with someone who does refuse to take a COVID-19 test. There are two elements to what has been done in other states in terms of, rather than compelling people to take a test, saying, "If you don't take a test you'll need to say an extra 10 days at your own expense in quarantine," and also looking at the introduction of saliva-based testing for those people who, for whatever reason, are very uncomfortable about taking that general PCR test, which may include children. That work is currently underway. Noting that we do not have a flight currently scheduled for the ACT, that work will be sorted out in quite quick order.

MS LEE: Minister, have we had any instances of passengers leaving hotel quarantine without permission or prior knowledge of ACT Health before their quarantine period ended?

MS STEPHEN-SMITH: I will take the question on notice to come back to the Assembly with full detail. To my knowledge, the only instance that I am aware of was following the flight from India: on the very first night somebody left their room and spoke to a police officer who was in the hotel, to ask a question. That person was advised that they should immediately return to their room and given further information about who they could call if they had questions. That is the only breach

that has been brought to my attention. I will come back to the Assembly with further details, if indeed there are any. But certainly there have not been cases of people leaving their quarantine early and disappearing.

MRS DUNNE: Minister, in relation to quarantine in the ACT—sorry for the preamble, but I note there are no current quarantine cases—who is responsible for enforcing quarantine in the hotels? Is it police, is it officers such as officers from Access Canberra or is it somebody else?

MS STEPHEN-SMITH: I thank Mrs Dunne for the supplementary question. The health protection service works very closely with ACT Policing. The health protection service will stay in contact with people, with daily check-ins to discuss both their mental health and any symptoms that may arise. They will be supported, as I said in my ministerial statement this morning, by Canberra Health Services and ambulance if people have acute or specific primary healthcare needs that need to be attended to. In terms of maintaining that vigilance at the hotel locations, that is supported by ACT Policing. We do not use private security firms to undertake that work.

ACT Health—child sex offences

MRS DUNNE: My question is to the Minister for Health. Minister, on 22 June the media reported on the conviction of a senior ACT Health executive, for child sex offences. The article reported that the executive had "continued participating in internal ACT Health chat rooms where parents exchanged pictures of their children". Minister, why was this senior ACT Health executive permitted to continue to participate in internal ACT Health chat rooms where parents exchanged photos of their children after he was charged with child sex offences?

MS STEPHEN-SMITH: While this is a difficult matter, I do thank Mrs Dunne for providing the opportunity to clarify some information. It may have been better if she had sought a briefing after that article first appeared, on 22 June, rather than making the rather ill-informed comments that she did to the *Canberra Times*, which further appeared in an article on 29 June, noting that she had a week between those dates to seek this information.

Obviously, this is a criminal matter that is before the ACT Supreme Court, but I note that the individual has pleaded guilty to some very serious child sexual offence charges. Like everybody in this place, I was absolutely sickened when reading those articles and at the evidence that was placed before the court in relation to this matter. This has caused significant distress for staff in the ACT Health Directorate, and the Health Directorate is providing support to concerned and affected employees.

In relation to the specifics of Mrs Dunne's question, I can assure the Assembly that the employment aspect of this matter was appropriately and promptly dealt with by the ACT Health Directorate as soon as they became aware. The ACT Health Directorate, as the employing directorate, first became aware of this matter on Thursday, 14 May. The Director-General of the Health Directorate immediately commenced an investigation and advised me, as Minister for Health. I am advised that it was not lawful for other agencies to notify the ACT Health Directorate before this

time. On Friday, 15 May 2020 the individual was suspended without pay, and the employment of the individual, who worked in an administrative capacity only, ended on 22 May 2020.

As Mrs Dunne would be aware, the public service is bound by the public sector employment framework and privacy legislation to not be able to provide further comment on the employment aspect of this matter. *(Time expired.)*

MRS DUNNE: Minister, what action, if any, was taken by the government after this senior official was charged?

MS STEPHEN-SMITH: I refer Mrs Dunne to my response to the first question, but I will provide some further information. As I indicated, I am advised that it was not lawful for other agencies to notify the ACT Health Directorate at the time that the individual was charged. The ACT public sector employment enterprise agreement contains provisions that compel an employee to report details of criminal charges that are laid against them. Specifically, section H12.1 of the public sector administrative and related classifications enterprise agreement states:

> An employee must advise the head of service in writing within 48 hours where practicable, but no longer than seven calendar days, of any criminal charges laid against the employee …

A failure by an employee to comply with an obligation contained in the public sector employment framework may constitute misconduct and lead to disciplinary action and sanction. It is clear from the answer that I previously gave that this particular employee failed to advise his employer of the charges that had been laid against him, but the ACT Health Directorate took prompt action on the employment aspects of this matter once it became aware of the matter on 14 May.

MS LEE: Minister, what steps have you taken to ensure that no taxpayer resources were used in the commission of these offences?

MS STEPHEN-SMITH: As I said, the Director-General of the ACT Health Directorate immediately commenced an investigation into these matters, as soon as the directorate became aware. I have not been briefed on the full outcome of that investigation, but I will follow up to ensure that that matter is being appropriately investigated.

ACT Health—child sex offences

MR HANSON: My question is to the Minister for Health, and I refer again to the 22 June report in the *Canberra Times*. Minister, what action did ACT Health take after the arrest of a senior health executive to prevent this individual from working on any directorate matters that involved children in any way?

MS STEPHEN-SMITH: As I advised the Assembly in one of my previous answers, this officer worked on administrative matters and not directly with patients or clients.

MR HANSON: Can you clarify that steps were taken and explain what those steps were to ensure that the senior health executive had no interaction with children after he was charged?

MS STEPHEN-SMITH: I need to clarify, because clearly Mr Hanson was not listening to my earlier answer. This individual did not inform his employer that he had been charged with a serious criminal offence. It was not lawful for other agencies to notify the ACT Health Directorate that this charge had been laid; therefore, it was not possible, because the ACT Health Directorate were not aware of the charges, for them to take specific action at the time that the individual was charged.

As soon as the ACT Health Directorate became aware of these very serious charges, they took appropriate action under the employment framework and to ensure that the affected staff in the ACT Health Directorate, who everyone can understand would be extremely distressed about this matter, are receiving appropriate support.

MRS DUNNE: Minister, since the agency found out about this matter, what steps have been taken to ensure that there was no interaction between the senior health executive and children?

MS STEPHEN-SMITH: Again, I think I have answered most of this in terms of steps that have been taken. On Friday, 15 May the individual was suspended without pay and the employment of the individual, who worked in an administrative capacity only, ended on 22 May. So the individual was suspended without pay on the day after the directorate became aware of this matter. Clearly, the directorate is not in a position to determine whether that individual has contact with children in their private life, but they did not have contact with children as part of their role, in their job.

ACT Health—child sex offences

MR WALL: My question is to the Minister for Health. Again, we refer to the article published in the *Canberra Times* on 22 June. Minister, on what date were you or your office first advised that a senior ACT Health official had been charged with criminal child sex offences?

MS STEPHEN-SMITH: Again, I actually provided that information in my very first answer. On 14 May, when the director-general became aware, she advised me.

MR WALL: Minister, what actions did you take upon becoming aware of this incident?

MS STEPHEN-SMITH: I had a conversation with the Director-General of the ACT Health Directorate, who, like many others, was very distressed to discover this information about someone that she had worked with—this is incredibly distressing information to find out about someone you work with—and she ran me through the investigation that she had instigated. She kept me up to date in terms of where that investigation had got to and advised me about the fact that the individual's employment with the ACT Health Directorate had come to an end.

MRS DUNNE: Minister, what steps did you personally take to ensure the protection of children who came into contact with the ACT Health system through this official?

MS STEPHEN-SMITH: I received briefings from the director-general and, unlike, it appears, Mrs Dunne, I actually have faith in the director-general that she has taken this matter incredibly seriously. This is a very distressing matter for ACT public servants. I think Mrs Dunne's comments to the media last weekend were very unfortunate. This is clearly a seriously sensitive issue, particularly for those who have worked closely with this individual.

Mrs Dunne's comments clearly were intended to imply that senior officials in the Health Directorate had knowingly allowed a paedophile to continue to work in the ACT Health Directorate for six months. That was an outrageous slur and, although she did not say it specifically, there was a clear implication. It is an outrageous slur against senior officials in the ACT Health Directorate who acted immediately on becoming aware of this information.

ACT Health—child sex offences

MR COE: I have a question for the Minister for Health. Minister, when was the Chief Minister first informed that a senior executive ACT public servant whose notice of appointment he has personally tabled in this chamber on a number of occasions had been charged with child sex offences?

MS STEPHEN-SMITH: I understand that the Chief Minister was advised on the same day that I was, on 14 May.

MR COE: When was the Chief Minister first informed that this senior executive ACT public servant was pleading guilty to these child sex offences?

MS STEPHEN-SMITH: My recollection is that we were aware of that on 14 May.

MRS DUNNE: Minister, when will the government, and you and the Chief Minister, support the Canberra Liberals' call for a full investigation and review of this instance to ensure that it never happens again?

MADAM SPEAKER: Mr Barr, you are responding to the supplementary?

MR BARR: Thank you, Madam Speaker. There is an investigation; Minister Stephen-Smith has outlined that. The matters are distressing and concerning and have, of course, been the subject of considerable discussion in terms of potential responses and issues that this presents for the future. I have had those discussions with the Head of Service. Clearly this situation is one that is of concern and is receiving the utmost attention from the Head of Service. I also need to note that the matter is still before the courts.

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

Supplementary answer to question without notice
Public housing—CCTV cameras

MS BERRY: Regarding the security camera, once I was informed that the security camera had been installed, I asked for it to be removed. The cost of the installation of the camera was approximately $8,000.

Papers

Madam Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—

No 3/2020—Data Security, dated 19 June 2020.

No 4/2020—Residential Land Supply and Release, dated 26 June 2020.

No 5/2020—Management of household waste services, dated 29 June 2020.

No 6/2020—Transfer of worker's compensation arrangements from Comcare, dated 30 June 2020.

Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory, pursuant to Continuing Resolution 6A of the Assembly of 10 April 2008, as amended 21 August 2008—Report for the period 1 July 2019 to 30 June 2020, dated 1 July 2020.

Mr Gentleman presented the following papers:

COVID-19 Emergency Response Act, pursuant to subsection 3(3)—COVID-19 Measures—Report No 2—Reporting period 1-31 May 2020, dated June 2020.

COVID-19 Pandemic Response—Select Committee—*Interim Report 2*—Government response, dated July 2020.

Commissioner for Sustainability and the Environment Act, pursuant to subsection 19(3)—Commissioner for Sustainability and the Environment—State of the Environment Report 2019—Government response.

Environment, Transport and City Services—Standing Committee—Report 10—*Inquiry into Nature in Our City*—Copy of letter from the Minister for the Environment and Heritage to the Chair of the Standing Committee on Environment and Transport and City Services, dated 24 June 2020, advising of delay in Government response.

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 361 to the Territory Plan—Kippax Group Centre—Zone Change and Amendments to the Holt Precinct Map and Code, dated 25 June 2020, including associated documents.

Water security—Copy of letter from the Minister for the Environment and Heritage to the Speaker, dated 29 June 2020, regarding the Government response to the resolution of the Assembly of 27 November 2019.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

City Renewal Authority and Suburban Land Agency Act—

City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2020 (No 1)—Disallowable Instrument DI2020-126 (LR, 28 May 2020).

City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020-127 (LR, 28 May 2020).

City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2020 (No 3)—Disallowable Instrument DI2020-125 (LR, 28 May 2020).

City Renewal Authority and Suburban Land Agency (Authority Board Deputy Chair) Appointment 2020—Disallowable Instrument DI2020-124 (LR, 25 May 2020).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Association of Consulting Surveyors National Professional Standards Scheme 2020 (No 1)—Disallowable Instrument DI2020-123 (LR, 25 May 2020).

Civil Law (Wrongs) New South Wales Bar Association Professional Standards Scheme 2020 (No 1)—Disallowable Instrument DI2020-122 (LR, 25 May 2020).

Civil Law (Wrongs) Western Australian Bar Association Professional Standards Scheme 2020 (No 1)—Disallowable Instrument DI2020-121 (LR, 25 May 2020).

Court Procedures Act—Court Procedures Amendment Rules 2020 (No 3)—Subordinate Law SL2020-20 (LR, 11 June 2020).

Cultural Facilities Corporation Act and Financial Management Act—

Cultural Facilities Corporation (Governing Board) Appointment 2020 (No 5)—Disallowable Instrument DI2020-137 (LR, 9 June 2020).

Cultural Facilities Corporation (Governing Board) Appointment 2020 (No 6)—Disallowable Instrument DI2020-136 (LR, 9 June 2020).

Firearms Act—Firearms (Fees) Determination 2019—Disallowable Instrument DI2020-138 (LR, 11 June 2020).

Gambling and Racing Control Act and Financial Management Act—

Gambling and Racing Control (Governing Board) Appointment 2020 (No 1)—Disallowable Instrument DI2020-131 (LR, 4 June 2020).

Gambling and Racing Control (Governing Board) Appointment 2020 (No 2)—Disallowable Instrument DI2020-130 (LR, 4 June 2020).

Gaming Machine Act 2004—Gaming Machine (Fees) Determination 2020—Disallowable Instrument DI2020-129 (LR, 28 May 2020).

Heritage Act—

Heritage (Council Member) Appointment 2020 (No 1)—Disallowable Instrument DI2020-133 (LR, 9 June 2020).

Heritage (Council Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020-134 (LR, 9 June 2020).

Heritage (Council Member) Appointment 2020 (No 3)—Disallowable Instrument DI2020-135 (LR, 9 June 2020).

Liquor Act—Liquor Amendment Regulation 2020 (No 2)—Subordinate Law SL2020-19 (LR, 21 May 2020).

Lotteries Act—Lotteries (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-132 (LR, 4 June 2020).

Road Transport (General) Act—Road Transport (General) Applications for Registration—Written-off Vehicles Declaration and Order 2020 (No 1)—Disallowable Instrument DI2020-128 (LR, 28 May 2020).

Planning and Development Act 2007—variation No 361 to the Territory Plan

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal) (2.38): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 361 to the Territory Plan—Kippax Group Centre—Zone Change and Amendments to the Holt Precinct Map and Code, dated 25 June 2020.

The variation implements the recommendations of the Kippax group centre master plan, which was prepared as part of the ACT government's initiative to encourage the rejuvenation of selected commercial centres and to focus development within the centre over the next 10 to 20 years. Consistent with the directions of the Kippax group centre master plan, the variation will enable the retail expansion of the Kippax Group Centre, thereby providing a strong economic stimulus in West Belconnen.

The expansion of the centre is essential to meet the needs of the growing population in this area, and Kippax is strategically located to become a large group centre and central commercial hub to meet the needs of the community of Holt and the surrounding suburbs, as well as the new suburbs of west Belconnen such as Strathnairn.

During the development of the Kippax group centre master plan significant community engagement was undertaken in four separate stages. The first two stages related to the preparation of the draft master plan. This initially considered the expansion of the shopping centre onto the surface car parks to the west of the centre.

However, Kippax Fair suggested a second option for the expansion of the shopping centre to the eastern side of the centre.

Kippax Fair undertook several separate community engagements on this option, and reported considerable community support for the option. To test the Kippax Fair option, additional community engagement was undertaken by the ACT government. This involved the formation of a community panel, which met three times in 2017. The panel supported the commercial expansion of the centre to the east of the adjoining urban open space.

A key consideration was the desire to retain the existing surface car parks on the western side of the centre. Changes were made to the draft master plan, consistent with the panel recommendations. A fourth and fifth final stage of the community engagement were undertaken on the revised draft master plan, and there was majority community support for the changes, including for the commercial expansion to the east of the centre. The final master plan was released in March 2019.

Further to the community consultation of the master plan, the Planning and Development Act 2007 requires that public consultation is undertaken for any draft variation. Some 56 submissions were received as a result of this consultation. A report of the consultation considered these submissions, and amendments were made to the draft variation in response to the matters raised.

The report on consultation and the draft variation were referred, along with the draft variation, to the Standing Committee on Planning and Urban Renewal. On 27 May 2020, the committee advised that it would not hold an inquiry into the draft variation, and I subsequently approved the variation.

I am satisfied that the extensive consultation processes undertaken for both the master plan and the Territory Plan variation have resulted in majority community support for the expansion of the Kippax group centre, as proposed.

MS LE COUTEUR (Murrumbidgee) (2.41): The Territory Plan variation 361 will rezone a large part of an oval and green space for expansion of Kippax shopping centre. Rezoning such a large piece of open space is a very significant decision because, basically, there is no way back—once it is no longer green space it will not go back to green space. This decision needs to be made very carefully and it can be justified only if there is clear community support because, as I said, it is a decision that will go only in one direction.

Unfortunately, it is not clear whether there is clear community support. Very large sections of the Belconnen community are still unhappy. Some of them have been emailing me and some of them have been emailing the planning committee office. I do not know whether they have been emailing other members, but I assume they have been emailing and making representations to their local members. They certainly suggested that.

Minister Gentleman talked about the extensive consultation process, but I know, particularly from having attended a number of Belconnen Community Council

meetings about it, that there were significant issues with that process. I understand that the shopping centre owner ran alternative consultations about their view of what the Kippax master plan should be, and this was fairly confusing for all concerned. I also know from some of the correspondence I have had that there have been some very strong feelings within Belconnen Community Council and that it has not always been easy for people to express their views.

The subsequent government consultation on the variation was flawed. I wrote to Minister Gentleman in March 2018 about my concerns. In addition to the consultation concerns, it is my opinion that the variation should not have been given interim effect. Basically, controversial planning changes should go through full consultation and Assembly scrutiny before they are brought into force, and that is what interim effect explicitly does not do.

When a variation is given interim effect, it becomes the law—the law for a year—unless someone does something before that to stop it. My planning bill, which has currently been approved in principle but not yet debated in detail, addresses interim effect. If that is passed, it will allow the Assembly to disallow interim effects.

It is clear from what I have been saying that I think the Standing Committee on Planning and Urban Renewal, which I chair, should have held an inquiry into this. Obviously, that was a decision of the majority of the committee, but it was not one that I agreed or agree with. It is particularly unfortunate because I understand that the Belconnen Community Council was urging people to make submissions to the committee, but this happened after the decision had been made. Of course, Belconnen Community Council was not aware of this and so any representations fell on deaf ears unfortunately.

It is very unfortunate that those in the community who oppose the rezoning will feel that they have been let down by this flawed process. I regret that we have not had a more fulsome community discussion about the virtues of removing green open space, because I know that the virtues of this action are not apparent to everybody.

Question resolved in the affirmative.

State of the Environment 2019—government response

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister for Urban Renewal) (2.46): Pursuant to standing order 211, I move:

> That the Assembly take note of the following paper:
>
> Commissioner for Sustainability and the Environment Act, pursuant to subsection 19(3)—Commissioner for Sustainability and the Environment—State of the Environment Report 2019—Government response.

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) (2.46): It is a requirement of the Commissioner for Sustainability and the Environment Act 1993 that the commissioner present to the government at regular intervals a report on the condition of our environment.

The Commissioner for Sustainability and the Environment presented the 2019 *State of the Environment* report to the government on 19 December 2019. The government tabled the report on 13 February 2020 after the summer recess. Today I am pleased to table the government's formal response, as required by section 19(3) of the act.

Unfortunately, the COVID-19 public health emergency has affected government business and operations and, due to the cross-government coordination required during these unprecedented times, the provision of this response to the Assembly has been slightly delayed. The 2019 *State of the Environment* report assesses the ACT's performance in relation to climate change, human settlements, air, land, biodiversity, water and fire.

It also includes the consideration of Indigenous heritage, community contribution to sustainability and environmental knowledge, and the importance and status of Canberra's urban trees. The report provides comment on the ACT government's many environmental and sustainability achievements. The report recognises the considerable policy development since the previous assessment in 2015, and our leadership on climate change and energy policy.

The report does highlight some serious challenges to environmental management in the ACT, including population growth, development pressures and the climate emergency as drivers of environmental change in the territory. Similarly, there remain challenges around sustainable funding, data management, integrated water management, invasive species, the legacy of historic land management practices, and inappropriate fire regimes.

In the report, the commissioner makes 35 formal recommendations that range across a number of ministers' and directorates' responsibilities. The government agrees to 26 of these recommendations and agrees in principle with a further eight. The commissioner's recommendations are largely consistent with the direction that the government is pursuing on environmental issues.

The commissioner's recommendations for areas of focus and improvement are useful and welcome. The recommendations agreed to in principle are in areas that the government is working on but is still developing or is pursuing a slightly different approach to. For example, the commissioner recommends potentially hastening the transition of the ACT's bus fleet to a zero-emission fleet via hydrogen and electric technology in recommendation 18. The government agrees to that in principle but has not yet committed to an earlier transition date, as there are various issues being worked through in Transport Canberra, and in Minister Steel's portfolio. As the government response notes, as the technology and market evolve, the government could potentially bring its transition date forward.

The government does not agree to one recommendation. This recommendation, recommendation 22, proposes an urgent assessment of air pollutant emissions from diffuse sources, to update the national pollutant inventory data. However, there is a paucity of industry in the ACT and diffuse sources are known, from air quality monitoring data, to not be a significant contributor to pollution locally.

The government nevertheless recognises the importance of air quality monitoring and, in particular, the importance of accurate and timely monitoring during events such as the bushfire smoke pollution that occurred during the 2019-20 summer. The government is currently developing an air quality strategy which will take into account the lessons from the 2019-20 summer.

The government recognises the commitment, interest and engagement of Canberra's community in the natural environment, noted in the 2019 *State of the Environment* report, and the importance of such commentary and analysis to assist with ongoing management and to address data and policy challenges.

The impacts of the summer bushfires and of the COVID-19 health emergency have highlighted how important the environment of the ACT is to the regional community for recreational, aesthetic, employment and wellbeing purposes. The government is mindful of the need to facilitate and support the ongoing awareness and engagement of the community on environmental issues, and to promote the wellbeing of people and nature. Our policies are evaluated against a triple bottom line assessment and promote a sustainable development approach.

I formally table the government's response to the Commissioner for Sustainability and the Environment's 2019 *State of the Environment* report.

Question resolved in the affirmative.

Taxation—rates

MR COE (Yerrabi—Leader of the Opposition) (2.51): I move:

> That this Assembly calls on the ACT Government to freeze rates for four years.

What we have before us today are two distinct options. One option is a four-year rates freeze. The other is a quick and dirty attempted fix a few months out from an election.

I note that the government is trying to use the term "rates freeze". It is not a rates freeze; it is just a $150 concession that they announced a few months ago and is just being knocked off people's bills. Apparently, if your bill goes down by $150, that is a rates freeze. Apparently, if your bill goes up by $300 and then down by $150, that is a rates freeze. Apparently, anything is a rates freeze except, of course, the actual policy that the Labor Party has. Only the Canberra Liberals have a genuine commitment to not increase people's rates in the ACT for four years.

The ACT government has created a world of pain for so many Canberra families because of its unreasonable, uncaring, and obsessive tax reform regime that is doing so much damage to this city. Nobody is doing more for the economic development of Queanbeyan than Mr Andrew Barr. I am sure that Mayor Tim Overall is very happy with Mr Barr being at the helm here in the ACT, because there are all these economic migrants moving over the border, seeking greener pastures on the other side of the railway track in Queanbeyan.

We were told that the rates regime would just be a cup of coffee a week. It is now, pretty much, a cup of coffee an hour in order to pay for what the Labor Party has subjected Canberrans to. Rates revenue in 2011-12 was $209 million. This year it is $600 million, climbing to $700 million in about a year's time—so the pain is coming back. Then there are all the fixed levies as well. The fire and emergency services levy—I think that they wish that all that money went to fire and emergency services—has gone from $28 million to $99 million.

Then you have the biggest rort of all: abolished stamp duty is going up. It has been abolished and keeps going up. It is extraordinary. How many other taxes get abolished and yet bring in more revenue after they have been abolished—up to $271 million?

These increases are affecting every Canberra household. Regardless of whether you are a homeowner or a renter, these increases are driving up the cost of living right across this city. When you include the levies, the rates bills are going up thousands of dollars.

After the 2019-20 budget, apartment owner Mr Ken Begg spoke of how retirees who live on a fixed income were struggling to cope with the massive rates increases. In that year his rates alone had increased by 18 per cent. If you are over in New South Wales, you have to beg and plead the Premier to go above 2½ or three per cent. This governments puts an 18 per cent increase on so many Canberrans' rates.

Tenants pay this as well. We are not just talking about homeowners; we are talking about renters. Tenants are hit not just once but twice by this tax reform: first by the rates and second by the land tax regime, which has been very aggressive. Land tax is going from $63 million in 2011-12 to $164 million in 2021-22. On top of this you have the additional scandal which is their land profiteering.

This government's regime with regard to super profits is worse than the banks'—much worse than the banks'. In 2012 the land profit margin was 44 per cent. Now it is 78 per cent. Who pays that additional amount? It is the poor sucker who has to buy a block of land in the ACT. It is first homebuyers. It is families. It is people who are struggling. They are the people who are paying Mr Barr's super profits tax.

The $150 that has been flippantly announced by the Chief Minister, initially as a COVID stimulus measure, is an insult to the thousands of Canberra households that have been paying double and triple that every year as a result of their rates changes.

Further to this, you have the additional scandal of how units are calculated. The ratings methodology for units used to be divide, then calculate. Now it is calculate, then divide. It might sound pretty minor, a couple of words here and there. What it means is that the vast majority of apartment buildings, of unit complexes, are now in the top tax bracket or, if not, in a very high tax bracket so far as it relates to the ratings methodology. That has driven the rates of unit holders in the ACT through the roof.

The Canberra Liberals are proud of our genuine commitment—of our plan to lower rates in the ACT and, by doing that, lower the cost of living and make housing more affordable for the struggling families of the ACT. We are proud of our four-year commitment—rather than the Labor Party's flash-in-the-pan $150 announcement that is an insult to so many people who are doing it tough in this city.

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) (2.59): I move:

> Omit all text after "That this Assembly", substitute:
>
> "(1) notes that:
>
> (a) the COVID-19 pandemic is having a big impact on the budgets of many Canberra households and the ACT Government is helping Canberra families, workers and businesses through this challenging time;
>
> (b) the ACT Government has announced that, in 2020-21, average rates increases will be 0 percent (inclusive of the $150 rebate on rates bills to be automatically applied to the first quarter notices this financial year), with this measure providing an actual rates reduction in this financial year for over 110 000 Canberra households, in a year where they will need it most;
>
> (c) a range of government fees, charges and levies such as parking, business registration, the fire and emergency services levy and development application fees will not increase in the 2020-21 financial year;
>
> (d) a range of fee waivers and rebates have been provided to support businesses and keep Canberrans employed;
>
> (e) the Independent Competition and Regulatory Commission's final decision on regulated electricity prices in the ACT will see an average price decrease of 2.56 percent from 1 July 2020, with the main cause of this price decrease being due to renewable generation capacity, with this measure resulting in a decrease in annual electricity costs of $43 for the average Canberran household;
>
> (f) the ACT Government is acting to lower petrol prices across the Territory, and keep prices at a fair level for Canberra motorists at or below the national average;
>
> (g) the ACT Government announced that, from 4 June 2020, it will significantly reduce the stamp duty for eventual owner-occupiers on the purchase of:
>
> (i) new land single residential blocks to zero;

(ii) off-the-plan unit titled purchases up to $500 000 to zero; and

(iii) off-the-plan unit titled purchases between $500 000 and $750 000 by $11 400;

(h) with the commencement of the Motor Accident Injuries Scheme on 1 February 2020, average passenger vehicle premiums will be on average $60 less than what they were one year earlier;

(i) Icon Water has announced that water bills for households in the ACT will not increase in this financial year; and

(j) the abolition of insurance duty is saving Canberrans with insurance 10 percent on all their insurance products; and

(2) acknowledges that, during a global pandemic that has caused a health emergency and global economic crisis, the ACT Government must inject more cash into our economy, while protecting the health of Canberrans and not cutting essential service delivery.".

The amendment notes that the COVID-19 pandemic is having a big impact across the territory economy and on the budgets of many Canberra households, and acknowledges the important work that is being done by the territory government in helping Canberra families, workers and businesses through this challenging time. As the Leader of the Opposition indicated, back in March the government announced that we would provide a $150 rebate on rates bills that would be automatically applied to the first quarter notices of this financial year. What this measure provides is a rates reduction in this financial year for over 110,000 Canberra households in a year when they will need it most. The $150 rebate is automatically applied and, with and inclusive of the rebate, the average rates increase across the entire city is zero per cent.

A range of government fees, charges and levies such as parking, business registration, fire and emergency services, public transport, development application fees and a list that goes to about 100 will not increase in the 2020-21 financial year. There has been a range of fee waivers and rebates provided to support businesses and to keep Canberrans employed.

We also welcome the decision of the Independent Competition and Regulatory Commission in relation to regulating electricity prices in the ACT, which sees an average price decrease of a little over 2½ per cent that came into effect yesterday—this, of course, being principally driven by the lower cost of renewal generation within our city and, indeed, the renewable energy that we have contracted around the national energy market. What this means is a reduction in annual electricity costs of $43 for an average Canberra household and more for larger households.

I also note that, through some very direct and blunt engagement with the petroleum industry, we have seen a significant reduction in retail margins for fuel in the ACT and that, since that very significant intervention from the territory government, Canberra motorists have been paying at or below the national average for fuel.

The government announced on 4 June that we would significantly reduce stamp duty for eventual owner-occupiers on the purchase of new single-residential blocks and

reduce that stamp duty to zero and reduce stamp duty to zero for the purchase of off-the-plan unit title properties with a value up to $500,000. This provides an $11,400 stamp duty reduction on off-the-plan unit title purchases with a value between $500,000 and $750,000.

I note that there is renewed interest in the abolition of stamp duty, and just yesterday, here in Canberra, the New South Wales Liberal Treasurer presented a report that he had commissioned into state and territory tax reform and the future of federal financial relations, and his number one recommendation was to do exactly what the ACT government has been doing for the last eight years, and that is the phasing out of stamp duty.

Through the initiatives that I have announced this year and through the stamp duty cuts I have delivered in every budget that I have delivered as ACT Treasurer, we are taking further steps towards the eventual elimination of stamp duty—as I said at the beginning of the process, a 20-year journey, a 20-year phase-out of stamp duty—and every year we have been reducing stamp duty. I have made some further announcements just—

Mr Wall: It is bringing in more money every year.

MR BARR: You might be a little ill-informed then, Mr Wall.

Mr Coe interjecting—

MR ASSISTANT SPEAKER (Mr Pettersson): The member will be heard in silence.

MR BARR: Thank you, Mr Assistant Speaker.

Mr Coe: Is it bringing in more money or not?

MR BARR: In the financial year that just concluded, no, definitely.

Mr Coe interjecting—

MR ASSISTANT SPEAKER: Chief Minister, can you resume your seat. Mr Coe and Mr Wall, I appreciate your enthusiasm but the Chief Minister will be heard in silence. Chief Minister.

Mr Coe interjecting—

MR ASSISTANT SPEAKER: Mr Coe!

MR BARR: We get monthly reports on own-source revenue, which is what I said to you last week. I reported that in my statement. Mr Assistant Speaker, I should not respond to interjections from the Leader of the Opposition.

Through his commentary, the Leader of the Opposition also assumed that there was no actual growth in the city in the period from when tax reform commenced until now.

We have had significant population growth of about 10,000 people each year over that time. This has been one of the contributing factors to the ACT's nation-leading economic growth, the fact that we have had more new businesses form in the ACT than most other states and territories have. In fact, our economic growth has been faster than that of the rest of the nation. Far from seeing an exodus to Queanbeyan, in fact we have seen our city grow faster than the region and our city grow faster than other states and territories. When you look at the actual economic statistics—

Mr Coe interjecting—

MR ASSISTANT SPEAKER: Mr Coe, I will have to warn you.

MR BARR: they do not back up the narrative of the Leader of the Opposition. He is in the business of talking Canberra down; he is renowned for his negativity; he is renowned, throughout this city. In fact, one need only see the public responses to his policy pronouncements and his forays into the local media and his suggestions to see just how poorly received they are. Meanwhile, we focus on delivering actual policy reforms for this city.

The next one I wish to highlight is the commencement of the motor accident injury scheme, which from 1 February this year has seen average CTP premiums for passenger vehicles be $60 less than they were one year earlier and hundreds of dollars less than they would have been on the trajectory if the system had not been reformed.

The combination of all these measures goes to see hundreds and hundreds of dollars returned to Canberra households by good, sensible policy reform and, for those who benefit from the tens of thousands of dollars in stamp duty reduction that is clearly flowing through into increased demand at a time when it is needed in terms of housing construction in this city, they are timely and important policy interventions.

I note the issues raised in my amendment that Icon Water has announced that water and sewerage bills for households in the ACT will not increase this financial year. I, of course, note again a recommendation of the New South Wales Liberal government's review, released yesterday, into state and territory taxation to abolish insurance duties in that state—again, an initiative that the ACT undertook in 2012 and completed in 2016-17 which sees a 10 per cent reduction for every Canberra household and business on every insurance premium that previously attracted a 10 per cent duty. That is saving households hundreds of dollars a year and businesses thousands of dollars a year, depending, of course, on the number of insurance policies that they have in place. It is good public policy to encourage the take-up of insurance, and that is why the ACT government, many years ago, commenced the abolition of that tax and completed the abolition of that tax in the 2016-17 fiscal year.

All these good public policy approaches have come together both in terms of economic growth for this city, faster than the rest of the nation, and, during this pandemic, targeted support to assist households and businesses in a year that they need it most.

We acknowledge that during a global pandemic that has caused a public health emergency and a global economic crisis, the ACT government need to inject more cash into our economy and that is exactly what we are doing; but we need to do this at the same time as protecting the health of Canberrans and not cutting essential service delivery.

The question that the Leader of the Opposition has consistently failed to answer, when put to him by almost every journalist in this city and, indeed, by increasingly thousands and thousands of Canberrans, as they hear about this policy, is: if you are intending to freeze rates for a four-year period, what are you going to cut? How are you going to pay for it? People look to this Liberal Party, this Canberra Liberal party, and they look to its history. They look to what it has done in the past, what it stands for, and they know that it stands for cuts to government service delivery, cuts to public sector employment; and they know that this promise that comes from the Leader of the Opposition would have to be paid for somehow, and it will be paid for in the loss of jobs and services in our community.

That is what the Leader of the Opposition is taking to the next election. He is most welcome to take that platform; but what he must answer before 17 October is how he will pay for this policy proposal. How many jobs will go? What services will be cut? That is in the Liberal Party's DNA. That is what they believe in. I pay credit to the Leader of the Opposition. He has always been from the IPA school of right-wing economics. I know his economic advisory team well. One of them tutored me in economics at ANU nearly 30 years ago. I am very well aware of who is advising the Leader of the Opposition and the views that the Leader of the Opposition has had throughout his political career. He is standing true to those values. Those values are smaller government, cuts to public sector employment and cuts to government services.

He is having his moment in the sun, his opportunity to lead his party now, and what he is seeking to deliver for this community during a recession is more cuts, more job losses and fewer government services. That is how he would pay for his plan to see his ideological agenda put in place. That is what he stands for. That is what he is putting forward.

I will not fault him for putting forward what he believes—and that is smaller government, job cuts and fewer services—but I will contend that that is the wrong economic approach for our city at this time, indeed at any time. I welcome the policy differences between the progressive side of politics and the conservative side of politics.

People will have a choice at this election, and what they can be guaranteed from this government is that we will support jobs, we will support the ongoing delivery of government services, and we recognise the fundamental role of government, during this time in particular, to be investing in our economy, to be supporting households, to be supporting business and, most importantly, to be creating jobs, not putting ourselves in a position where we have to cut jobs in order to meet a lifelong ideological agenda. I commend my amendment to the Assembly.

MS LE COUTEUR (Murrumbidgee) (3.13): I have to congratulate the Liberal Party on the brevity of their motions. It is quite exceptional, and a welcome trend compared to some very long motions, quite a few of which I have been guilty of. However, there is one small problem with such a short motion—it is not absolutely clear what it means. Is the motion talking about freezing individual dollar amounts of rates for each individual ratepayer? Possibly. Is it freezing the total amount of rates that the ACT government gets? Is it talking about freezing the percentage rate of rates? One of the biggest problems with rates is that we use the words "rates" for two things. Is it talking about—and I thought it might have been—addressing the ongoing issue of relativities between units and houses?

The other thing it does not say is what, if any, changes the Liberal Party will make to our taxation mix if this change happens. I look forward to hearing the answers when Mr Coe sums up the debate. In the meantime—I am sure that Mr Coe will not be surprised—the Greens will be supporting the ALP amendment. As Mr Barr said, the progressive side of politics is interested in government outputs and not just government inputs.

The ALP amendment highlights the government's short-term economic stimulus during our current time of crisis, but Mr Coe's motion calls for a long-term freeze to one of the ACT's key sources of revenue. In real terms, assuming that inflation is still a thing in this brave new economic world with negative interest rates, this would potentially be a permanent tax cut. That is a very dangerous possibility.

Mr Coe and all of us here, as people who are supported by public sector revenues, need to reflect on why society has taxes such as rates. It is not just to pay our salaries. We have taxes so that society can pay for the things we need and things that cannot be reasonably provided by individuals. We have taxes to pay for a public health system. We are looking right now at what happens in countries that do not have proper public health systems, such as the United States. Millions of citizens are in the misery of untreated health problems and they seem to be unable to respond to public health emergencies like COVID-19.

We pay taxes to keep some businesses alive on a short-term basis during a pandemic. We all think that trying to keep the ACT's private sector going in this time is generally a good thing. We have taxes to pay for emergency services during disasters like the summer's bushfires. Probably everyone in the Assembly would support more rather than fewer resources into things like that. I note that the government recently announced more firefighters and I am almost sure that we all support expenditure like that.

We have taxes to pay for children from low-income families to get an education so that they can contribute fully to society when they grow up and so that they can have better, more meaningful lives. Many times I have heard members of the Liberal Party talking about the need for child and youth protection. I am sure they absolutely agree that we need taxes so that we can ensure that every child in Canberra gets a fair start regardless of whether they are from a high or a low income family. I have spoken to enough Liberal members to believe that they actually support this, which is great; but, if you support this, it requires funds to do it. It requires taxation to do it.

We also have taxes to pay for the common good in our neighbourhoods—the parks, the footpaths, the street trees. The million trees that we talked about last sitting week in the Liberals' motion is a great ambition, but it requires taxes to help pay for it, even if there is a substantial community contribution. These are the sorts of things that make our homes and communities healthier, stronger and more livable.

If we do not pay enough tax, the glue that holds our society together wears thin and eventually breaks down, potentially leaving behind an angry, divided mass of individuals unable to function as a nation or as a community in a time of crisis. Unfortunately, that appears to be what we are seeing in the United States right now. It is somewhere between horrific and depressing.

Mr Coe and the Canberra Liberals need to take a long, hard look at the present situation in our city and our country and our world. We are living through a time where we have just seen how extraordinarily important it is to have a good government and a time which has brought home to almost everybody the reasons why we pay taxes, and why we have a fair taxation system. In this context I am very surprised that Mr Coe is still banging on about tax cuts. It is the wrong policy, and I hope that the Canberra Liberals will urgently reconsider this policy, coming into the next election.

MR GUPTA (Yerrabi) (3.19): I will speak to Mr Coe's motion to freeze rates for four years. I thank Mr Coe for once again highlighting his lack of understanding of taxation in the ACT. As part of our continuing effort to keep the ACT economy strong in the wake of COVID-19, we will be reducing the amount of revenue we receive from residential, commercial and general rates over this financial year.

General rates will increase by zero per cent, inclusive of the $150 rebate we have already announced. This means that two-thirds of households will see a real reduction in their 2020-21 rates bill compared to the last financial year. Commercial properties will similarly benefit. Over 90 per cent of commercial properties have an average unimproved value of $2 million or less and those properties will also have an average rates increase of zero per cent.

This is in addition to a number of initiatives that the ACT government has introduced, including the rebate of the $2,622 fixed charge for commercial rates in the last quarter of the last financial year, with the aim of helping small and medium enterprises recover from the economic downturn we have seen this year.

Since we are providing rates relief in 2020-21 it is easy to ask why we should not continue. I recently spoke to Dr Andrew Leigh MP, former shadow assistant Treasurer and a professor of economics, about some of the issues that our territory and our nation are facing in 2020, both socially and economically. Dr Leigh told me that the current economic downfall is unique, as its time frame is incredibly compressed and the short-term shock demanded an immediate and targeted response.

When I asked Dr Leigh what he thought about a four-year rates freeze, he responded that it would do permanent damage to the ACT's finances and ultimately result in a reduction in services in the territory. We have seen as part of this response the

important countercyclical response that government must provide in times of crisis. Eroding an important source of revenue in perpetuity is not a real plan.

The ACT entered this crisis with a strong and diversified economy. We had the best employment figures of any jurisdiction in the nation. We will recover from the crisis as we continue our multistage and targeted economic response. Our rate relief is part of that strategy—to provide cash relief to households, to support them when it is most needed.

Mr Coe's call for a four-year freeze is simply another example of the fact that the Canberra Liberals do not have a long-term plan for the recovery of our city. Back in January Mr Coe said that he was desperate to form a government—not that he was confident or ready but desperate. His call for a four-year rates freeze reflects that. He will say anything that he thinks will help him stumble into government.

I have spent a lot of time over the last few months talking to my constituents and I am very aware that rates are a hot topic for many. However, I reassure residents of Yerrabi that the vast majority of households in my electorate will not see any increase in their rates.

In conclusion, Canberrans should be rightly concerned about the conservative Liberal leader's reckless rates policy. It will not address the challenge that the ACT economy is facing as a result of bushfires and COVID-19. The question Canberrans are rightly asking is: what will Mr Coe cut to pay for this rates freeze? Will it be the walk-in centres that so many Canberrans in my electorate rely on? Will it be future stages of our popular light rail network? Will he cut sporting facilities, hospital funding, investment in education or salaries for ACT government staff? Or does he plan to follow the federal government's example and cut public service jobs the second that he can?

In a time of such economic uncertainty why should Canberrans trust the Canberra Liberals to support our community when he will not even tell them how he plans to pay for his desperate promises?

MR COE (Yerrabi—Leader of the Opposition) (3.24): I very much welcome the obvious points of difference that have been established once again today. On one hand, you have the Chief Minister saying that $150 is a rates freeze and then you have Ms Le Couteur pretty much saying that rates in Canberra are not high enough and should go up even more. It begs the question: if she thinks rates should not go down, how could she possibly support the $150 concession this year?

If Ms Le Couteur is here for the vote, it will make a mockery of everything she just said about needing more taxation and not less. The problem is that this is a one-off election hit. We all know what will happen next year and the year after and the year after that if Andrew Barr and ACT Labor are returned for a 20th year, a 21st year, a 22nd year and a 23rd year.

We will happily stand up for the thousands of Canberra families who have had enough, who simply cannot afford the cost of living in the ACT, who are struggling to

buy a block of land because it is $1,200 a square metre, and who are crammed into a small apartment and cannot afford the body corporate, rates and all the other fees and charges that go with it. We will happily stand up for the families who are struggling to pay their car rego or cannot pay the rent because of this government's obsession with increasing land tax.

It is all very well for those opposite to say that they can afford it and that the circles they mix in can afford it, but what about the tens of thousands of Canberrans who cannot? What about the tens of thousands of Canberrans who are doing it tough and whose hearts skip a beat when the latest electricity bill comes in or when the phone bill comes in or, worse still, when the rates bill comes in?

So many Canberrans have simply been forgotten by this Labor Party. Of course, Jon Stanhope writes about this on a very regular basis. This Labor Party has drifted so far from its base that you could not even describe these days what its base is. What is the base of the Labor Party? If it is not representing the people who are doing it tough in this city, then what is it? It is a party that has drifted so much and is so out of touch with the needs of so many Canberrans that it cannot even admit that this is a serious problem.

We will keep doing everything that we can to lower the cost of living in the ACT, particularly with regard to the cost of housing. That starts with rates, it starts by bringing down rent in the ACT, and it starts by first acknowledging the problem. As it stands, the trajectory under ACT Labor is even worse.

Question put:

> That the amendment be agreed to.

The Assembly voted—

Ayes 7		Noes, 6	
Mr Barr	Ms Le Couteur	Miss C Burch	Mr Milligan
Ms Cheyne	Ms Orr	Mr Coe	Mr Wall
Mr Gentleman	Mr Pettersson	Mr Hanson	
Mr Gupta		Mrs Kikkert	

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

COVID-19 pandemic response

MR GUPTA (Yerrabi) (3.33): I move:

> That this Assembly:
>
> (1) notes the success of the ACT in suppressing the initial wave of COVID-19 as a result of the Canberra community working together to stay safe throughout the pandemic;

(2) congratulates businesses and workplaces across the Territory for shifting so quickly to new work arrangements, allowing many Canberrans to work from home;

(3) acknowledges those frontline and essential workers who were unable to work from home and recognises the important role these workers played in continuing to provide essential services to our community;

(4) notes the:

(a) ACT's strong protections for the health and safety of working people and acknowledges the importance of these protections in the gradual return to the workplace; and

(b) nation leading efforts of the ACT Public Service in supporting its workforce to work from home and engage in flexible work arrangements; and

(5) calls on the:

(a) ACT Government to continue supporting flexible work arrangements for ACT Public Servants where it suits them and their directorates; and

(b) Chief Minister to write to the Australian Public Service Commissioner and ask that the Commonwealth Government supports flexible work arrangements for the Australian Public Service.

The famous artist Botticelli, who is most known for his work depicting the birth of Venus, created a painting entitled *St Augustine in his Cell*. One who happens upon it may find it curious how it replicates the modern office, with a desk, chair and storage shelves. According to the BBC, the origin of the modern office extends back centuries ago to organisations who created specific spaces for sedentary work such as studying and copying manuscripts.

I have touched briefly on this small historical anecdote because today we are discussing the very relevant topic of working arrangements, but with a view to moving away from the traditional "Botticellian" office space to a more modern, flexible working arrangement.

As we all know, the crisis of COVID-19 has single-handedly changed our lifestyle and working landscapes beyond recognition. It has tested assumptions like never before and caused significant chaos and disruption to our working procedures. However, by going through this process we have developed unique, new ways to work and succeed at our jobs and careers.

We have heard many discussions about changing working arrangements, and we have also seen several companies stating that all employees can work from home in the future if they choose to do so. Employment, and the nature of employment, is incredibly important to each individual in the ACT, which is why today I am moving a motion about how we approach and think about work going forward for public servants in the ACT.

While this pandemic has been life-changing and brutal for many in our community, it has also allowed us to test the notions of flexible working arrangements, work from

home arrangements and other non-traditional work methods. We have seen that such matters are proven to work and, further, that people are actually enjoying the benefits and changes that they bring.

Many employees have long called for more, and better, flexible work arrangements, whether to accommodate carer duties, working parents or work-life balance. As the COVID-19 pandemic has developed, the ACT government has taken a measured and thoughtful approach to suppressing the virus in the ACT, including implementing responsible social distancing measures in line with the advice of health experts, which has meant that many workers, including public service workers, were asked to work from home and to continue their duties from there.

The ACT government was able to successfully transition to this way of working because of the nation-leading efforts of the ACT public service in supporting its workforce to work from home and engage in flexible work arrangements. The ACT public service has allowed its workers to take a new type of leave if they have been impacted. For example, if a worker needed to care for their children when schools were closed, flexible work arrangements allowed people to smoothly work from home with the help of Shared Services. Public service staff were protected through continued work from home and flexible work arrangements, where suitable.

ACT public service business units have provided advice on the circumstances relevant to individual employees in relation to home-based work. Where home-based work is not suitable or possible, local arrangements and planning have been implemented, with a focus on an individual's wellbeing and safety.

Initiatives to ensure that workers are provided with appropriate advice on how to work from home, including being provided with work-from-home checklists, ergonomic information when working from home and guidance on borrowing workplace equipment, have all been ways that we have been supporting, and we continue to support, workers to work flexibly.

The ACT has also been well placed to transition smoothly back into work due to our strong protections for the health and safety of working people, and we acknowledge the importance of these protections in their gradual return to the workforce.

One of my top priorities as an MLA is to improve outcomes for families. As someone who has raised a family in Gungahlin, I understand wholeheartedly the struggle that working parents face when they are trying to balance their professional careers with their family and parental responsibilities. Work is important; equally, so is family. I believe that by allowing people to have more flexible work arrangements, as we have seen during this pandemic, we improve the work-life balance for many parents who are in the same boat as I have been in.

There are many milestones that parents treasure forever, and being able to witness such milestones in the home environment is one of the greatest joys for any parent. Having the choice to be able to drop your children off at school, pick them up or have a quick lunch with your partner brings extraordinary benefits to the family unit and makes for happier homes and workplaces.

Working from home also means that employees have greater independence over how they choose to do their work, including managing their hours and conditions, their lifestyles and family commitments. Working from home allows individuals to incorporate things like exercise into their work routine more easily, which is pivotal to mental health wellbeing and the reduction of stress overall for an individual.

During this pandemic my team and I have consistently checked in with our constituents to garner feedback and try to understand their issues and concerns as they have arisen. In doing so, we have spoken to a diverse range of individuals, from students, business owners and people who have just lost their jobs to people who have been coping just fine. It has been my pleasure and privilege to be able to reach out to my local community, and to be able to connect with them and empathise with them.

One thing that I have heard time and again has been how much people are loving working from home. In fact, research also shows that most employees highly value working from home, whether it is due to the fact that they will not have to manage a stressful commute, they do not have the stress of working in the office environment or it assists with their responsibilities as carers. Flexible working arrangements have been shown to lead to greater job satisfaction, reduce stress and, ultimately, increase the commitment to an organisation and the overall productivity of that organisation.

I also note that, in today's age, sadly, women often find that their responsibilities as carers will affect their career aspirations and goals. However, flexible working arrangements have empowered many women to revitalise their careers and find meaningful and practical working solutions, which ultimately leads to better and more balanced family units and happier individuals. If we consider this from an employer's perspective, it is also noteworthy that the new flexible working arrangements will allow an employer to access a greater talent pool for its employees, which can only be of benefit to our economy overall.

One of the benefits of this motion regarding flexible working arrangements is the opportunity for people to support their local businesses. I have been closely involved with the Canberra Business Chamber throughout my time in the Assembly. Recently, I spoke about the idea of flexible working arrangements with Graham Catt, their CEO, who agreed that the ACT has displayed incredible innovation in transferring to work-from-home arrangements for ACT public servants, as well as other workers in the territory.

If we afford employees more flexibility in how they work, they will, in turn, have more time to go out for a quick lunch or a coffee, or order food in through one of the many food delivery apps that are available to us. During this pandemic we have seen many more restaurants apply to these delivery services. I know from the feedback I receive that many people also take advantage of this service while working from home.

We have wonderful local eateries and restaurants in Canberra. I know from my personal experience of having interacted with so many local businesses that a huge amount of hard work and dedication goes into keeping all of these local businesses

going. I would therefore like to better promote what is available locally. I do believe that a flexible working arrangement will give individuals more of an opportunity to venture out to their local cafes and eateries, thereby generating more business for them locally.

In discussing this motion, I also want to acknowledge all of those frontline and essential workers who have not had the opportunity to work from home and whose resilience and efforts have allowed others in our community to benefit from these new procedures. This pandemic has shown us that community and our local networks are so deep in our day-to-day lives that we are all linked up in one way or another. It is therefore essential that we continue to support one another. Flexible working will allow employees the freedom to manage their work commitments in a way that will work for them. A by-product of this is that our local businesses will also be better supported.

The COVID-19 crisis has generated unprecedented experiments for our modern workplaces. It has allowed businesses and organisations to try out hitherto untested, novel working procedures and practices. It has taught us that much of what we need to do can be done remotely, be done well, and to the satisfaction of both an employer and its employees. People are learning new ways to interact, manage and develop work procedures and work relationships. We live very much in a digital world, and the coronavirus pandemic has shown us that we can also work effectively in the digital context.

I therefore call on this motion in favour of flexible working arrangements. I ask, firstly, that the ACT government continue to support such arrangements, going forward, in a way that suits our workers and their directorates. Secondly, I ask that the Chief Minister write to the Australian Public Service Commissioner to request that the commonwealth government support flexible work arrangements for the Australian public service.

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) (3.45): I thank Mr Gupta for bringing this motion before the Assembly, and join him in commending those workplaces who have offered their employees flexible working arrangements. The ACT, like all jurisdictions, is dealing with an ongoing public health emergency and the effects of what is now a global economic recession. The pandemic has forced a swathe of industries, businesses and organisations to adapt incredibly quickly to rapidly changing circumstances whilst prioritising the welfare of their employees. The ACT public service has been at the forefront of flexibility in the workplace. Unlike the APS, the ACT PS moved quickly to ensure that staff that could work from home were able to do so.

The ACT public service was well prepared for flexible and remote working prior to the introduction of necessary measures to reduce the risk of COVID-19 transition. Work was already underway to prepare directorates for a transition to activity-based working arrangements. When the pandemic began to impact the territory, laptops and other hardware were distributed to public servants who needed them as quickly as possible, which ensured a smoother transition to working from home. Of course, some

public service roles are better suited to home-based work than others. However, the ACT public service has prioritised technology upgrades to ensure that staff are equipped for remote communication and collaboration, allowing even those public servants physically present in the office to follow the appropriate social distancing requirements.

Flexible hours and various leave arrangements have also been instrumental in maintaining productivity during this challenging period. This includes the provision of COVID-19 related leave without impacting on existing accrued leave entitlements. Flexibility around hours, including start and finish times, has also been essential. The development of a detailed policy framework has facilitated the increased uptake of flexible working arrangements amongst the ACT's public servants, guiding managers and employees through the necessary health and safety considerations. This framework has been developed in conjunction with directorates and unions, and I thank everyone involved for their cooperation.

The ACT public service's resourcefulness during the pandemic has not just benefited those employees who have taken advantage of flexible hours or remote work; it has also improved productivity. Whilst it is difficult to measure the pandemic's impact across a workforce as diverse as the ACT public service, the ACT revenue office provides an interesting, quantifiable snapshot. For example, the completion of tasks in one of the revenue office's operations teams jumped from an average of 62 per day prior to remote working, to 99 per day while working from home—an increase of 60 per cent. Another operations team experienced a 52 per cent increase in productivity from an average of 106 tasks per day, prior to flexible working arrangements, to 161 from home. The ACT revenue office has also recorded similar increases in output in its contact centre. These excellent results are due to flexible and consultative leadership and the dedication and versatility of staff, which is what we have seen right across the ACT public service.

Public servants have embraced new ways of working during the pandemic. The gradual rollback of restrictions will not mark the end of flexible work; rather, the ACT public service will continue to build upon the progress made and the lessons learnt now and into the future. It is understood and fully recognised that many Canberrans cannot work from home. These include essential service delivery workers who have continued to provide outstanding healthcare and other essential services during this difficult and uncertain period.

However, an important part of the ACT's response to the pandemic has been encouraging those individuals who can work from home, where it suits them and it suits their employer to do just that. I want to thank Mr Gupta for highlighting the commendable work that is happening in so many workplaces across Canberra, including the ACT public service, but not only in the ACT public service. There are many lessons that we have learned during this period and many things that we might wish to retain as part of our life into the future. Some, I am sure, we will be happy to see the end of, but there are others where we have shown our resilience and our adaptability during this time. I thank Mr Gupta for bringing this motion before the Assembly, and commend it to you all.

MISS C BURCH (Kurrajong) (3.50): I thank Mr Gupta for bringing this motion forward today. The Canberra Liberals will also be supporting this motion. Here in the ACT we have been extremely fortunate to have so far avoided the significant health impacts felt by other jurisdictions over the course of the COVID-19 pandemic. This is a testament to the hard work of Canberrans across the territory, who have done and continue to do the right thing by each other in following health guidelines and staying safe. This is also testament to our ACT and commonwealth public servants who have worked tirelessly to navigate through this crisis whilst facing upheaval of their own working conditions.

Over the last five months our public servants have had it tough, responding to a health and economic crisis that no-one could have predicted. This feat alone deserves the utmost praise. However, when you consider that this was accomplished during a period of massive workforce change in moving to work from home arrangements, it makes this accomplishment even more incredible. The professionalism, dedication and tireless effort of our public servants in responding to this crisis, working round the clock to support Canberrans and keep them informed, has been remarkable.

I would also like to take a moment to acknowledge our frontline public servants who have continued to provide the basic and vital services that Canberrans rely on. These are the Canberrans who were not given the choice to work from home but simply and selflessly continued to show up to work despite the risks. From our bus drivers to our nurses and other healthcare professionals, our staff at Access Canberra and our emergency services personnel, the dedication that they have shown to their jobs during this difficult time deserves the highest praise. Our frontline staff have kept our transport network moving for those who continue to travel on our buses and our light rail to get around Canberra, and our nurses and doctors have kept Canberrans safe and healthy. When the going got tough, our frontline workers stepped up and have continued to show great leadership through their service to our community.

Some economists have described this shift to working from home as the biggest workforce change since World War II, and the potential longer term implications of this shift should not be understated. This has not just affected our public servants; we have seen huge shifts for people in our private sector workforce as well. They must also be applauded for their agility and innovation in responding to this crisis, adapting to the new conditions and complying with the health and safety advice as it rapidly evolved.

Businesses of all sizes have had to innovate their own practices and transition to new working arrangements at a moment's notice. In industries where working from home is simply not possible, we have seen, firsthand, the responsiveness of many Canberra businesses to this new normal. The transition to working from home and flexible working arrangements has been extremely positive for many Canberrans. A national survey undertaken by Catalyst found that two in five Australians have enjoyed the lockdown arrangements, as it has allowed them to spend more quality time with their families and invest in their own emotional wellbeing.

Another study out of Swinburne University found that nine out of 10 respondents said that the biggest advantage of working remotely was not having to commute, with 68 per cent enjoying the flexibility that working from home brought. Managers have also responded positively to these new arrangements, with 62 per cent believing that their teams would work from home more often following this crisis. I have heard from dozens of Canberrans who have said that it has been fantastic for their productivity, their work-life balance and their mental health.

However, while this transition to working from home has had a number of positive benefits for thousands of Canberrans in both the public and private sectors, we must also acknowledge that this change has not been positive for everyone. Many Canberrans have faced challenges and barriers while working from home, both physically and mentally. The Black Dog Institute has described a number of these barriers, and they include feelings of isolation, loneliness and disconnectedness; having difficulty staying motivated; feelings of uncertainty about performance; and insomnia and other sleep problems.

Just as this crisis has had a silver lining in improving the flexibility of our workforce, we must also acknowledge that working from home is not for everyone. It is critical that immediate and quality support be provided to those who have struggled and are struggling during this massive period of adjustment. Addressing a number of these issues raised through supportive workplace practices should be a priority for the government as we navigate our way out of this period of crisis. The Canberra Liberals will continue to support measures that allow more flexibility in workplace arrangements for ACT public servants and the ACT workforce more broadly—measures that support a healthy work-life balance, efficiency and greater productivity.

We want our ACT public service to be nation leading—an agile and innovative workforce that is renowned for being the best place to work in the country. This begins with giving our hardworking and dedicated public servants greater choice in their working conditions. That is why the Canberra Liberals are supporting this motion today.

MR RATTENBURY (Kurrajong) (3.56): I rise to speak in response to Mr Gupta's motion regarding the ACT's management of COVID-19 and the move to flexible work arrangements. The Greens support this motion and believe it opens a broader discussion that has been gaining significant traction over the years regarding how achieving work-life balance, job satisfaction, flexible working arrangements outside a typical nine to five Monday to Friday model and even a four-day work week provide greater opportunity in choice for workers. I note that Mr Gupta's motion is not high on the latter point, but there is value in highlighting it in this debate.

As the motion notes, I will start by expressing my and the Greens' appreciation to all the businesses, organisations and employers and workers in the ACT who have endured a lot throughout the COVID-19 pandemic period. We know that this has been difficult for many and I acknowledge that some have not had the fortunate position whereby work can be transitioned to home. As Miss Burch has noted, our frontline and essential workers have done an incredible job of maintaining service delivery and business.

I take this opportunity to particularly thank the workers in my respective portfolios who have continued to work and deliver service and policy advice through this uncertain time. Particular thanks go to those frontline workers in corrections and mental health, justice health, and alcohol and drug services who have maintained face-to-face service delivery through this difficult period, keeping the community safe and supported.

As has been noted, the territory has done relatively well so far in containing the spread of COVID-19. It is also important that the territory takes a slow approach in returning to usual practice in activities and continues to abide by the expert health advice from the Chief Health Officer. We need to move at the pace that the advice tells us and not what we think should happen. We must try and take an evidence-based approach to it. We certainly do not want to find ourselves suddenly having an outbreak. What is happening in Victoria at the moment is a reminder to all of us of just how quickly something like this can happen. We need to remain diligent and committed to follow the public health advice we are given.

I know that for some people it is frustrating and some are confused by the different standards in different places. Having sat in the cabinet discussions about these things, I assure members of the community that the Chief Health Officer is looking very closely at all of the information available to her and her team. She has given the government the best advice she can for the circumstances in which Canberra finds itself.

The ACT public service, in the multitude of workplaces across the territory, has made fantastic and commendable efforts to support workforces to work from home. I have heard a lot of positive experiences, both in the public sector and in the private sector, of efforts that have been made and of the flexibility that both bosses and staff have shown in trying to keep safe, have a COVID-safe work approach and also keep their business or their service going as much as possible.

I know a lot of people have worked incredibly long hours to make working from home a comfortable, safe and functioning transition for public service employees. At one stage 85 per cent of the Health Directorate were working safely from home. I never thought that that would be something I would see happen, but no-one can argue that the Health Directorate lost productivity as it supported the government and the territory through the health crisis, and we have seen that in a lot of places. I have even heard a few people saying that they feel that their productivity has gone up.

Today's motion certainly aligns with the Greens' policy platform on workplace wellbeing principles, where we state that we believe workplace laws should provide better work-life balance, with people having more control over their working arrangements and the right to flexible working practices.

Mr Gupta's motion also has relevance to the ACT wellbeing framework announced by the Chief Minister on Canberra Day this year. That piece of work demonstrates the ACT's commitment to upholding the quality of life of all Canberrans and ensuring that Canberra continues to be the progressive society we know our citizens want. The

indicators and domains were determined based on significant community engagement, so they are a true testament to Canberrans determining what they want from the community in which they live.

The wellbeing indicator domain pertinent to this debate is time—having time to live life well, as quoted by one roundtable participant who summed up this domain very well. The quality of time indicator focuses on the type of time available to individuals as an important factor impacting their sense of control in life. There is a real opportunity for flexible working arrangements to provide individuals with greater control of the time in their lives to produce the outcomes Canberrans want regarding this wellbeing indicator.

Work-life balance is the second indicator in the time domain, and achieving an appropriate balance is vital to many in our community. The third indicator is time spent travelling within Canberra, which acknowledges that commuting is a daily part of life and that its wellbeing impacts will affect a large proportion of the population. The time-saving in commuting is particularly valuable and is an angle the Greens particularly appreciate.

With fewer people travelling to work in vehicles, the less greenhouse gas emissions we have, and that has been one of the benefits of working from home. We have seen across the world during this period that with the reduction of emissions the air cleared and flora and fauna returned to places where pollution had impacted their ability to thrive. So there are multiple benefits to limiting travelling time.

People who spend half an hour or an hour commuting each day—some people spend even more—suddenly have that time back in their lives and they have used it to take up exercise, spend more time with their family or deal with more of their life admin and various other things. Amongst the difficult things that have happened and some of the challenging transitions, the consistent positive I have heard from people is how valuable that additional time has been to them.

The flexibility that working from home affords provides greater space for people to take control of their lives, undertake their work and daily tasks in different ways and juggle activities such as family responsibilities or leisure time. Conflicting responsibilities and commitments can become easier to deal with as a result of working from home. People are granted the possibility to work differently as opposed to less. I am sure that many have found that they may be working slightly more but they are also able to fit in other activities, time with family, housework or even a home-cooked lunch.

Many studies demonstrate that flexible working arrangements improve employee job satisfaction and, in turn, quality of life. Research also shows that time spent on unpaid work like caring and working in a home are gendered, and there is a debate to be had around this aspect of what flexible working arrangements can offer to extend gender equality and provide women, who typically give more time to family and home activities, greater flexibility to conduct and complete their work responsibilities at times that better complement their caring responsibilities.

I conclude by supporting Mr Gupta's calls on the ACT government to support flexible working arrangements for ACT public servants where it suits them and their directorates. I also support the call for the Chief Minister to engage with the commonwealth government to extend these opportunities to our commonwealth public service counterparts. We have seen that flexible working arrangements are possible and can even save us time and money, so we should definitely explore what is possible to afford a greater number of people the opportunities we have experienced in recent times which have the potential to become part of our permanent working arrangements.

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) (4.04): Throughout the COVID-19 pandemic, the ACT government has been focused on protecting our community, including working Canberrans. We know that COVID-19 continues to present serious risks to work health and safety, which is why our government is responding with necessary guidance and support to our ACT public servants, as well as to all workers in the ACT.

The Work Health and Safety Act 2011 requires that employers take all reasonable action to protect their employees and others in the workplace from health and safety hazards. For COVID-19 this means action to address the risk of contracting the virus and the risks associated with changes to working arrangements that are made in response to the pandemic—for example, requiring and allowing staff to work from home where they did not previously do so.

COVID-19 risks and restrictions are changing and are likely to do so for some time to come. In response, the ACT public service has been continually assessing the evolving COVID-19 restrictions and preparing for what this means for operational requirements, productivity and workplaces. The ACT public service has ensured that safety principles to manage COVID-19 risks have been incorporated into these changed processes for work and workplaces. Many operational service delivery areas have continued to operate during the COVID-19 emergency, albeit with improved safety controls, whereas other business areas have withdrawn from their usual places of work to reduce COVID-19 exposure risks.

ACT government workplaces and employees are preparing for the possibility that there will be cases of COVID-19 in the workplace and will be ready to respond immediately, appropriately, effectively, efficiently and in a way that is consistent with advice from health authorities. A suite of guidance materials to assist the ACT public service to discharge safety responsibilities while responding to the pandemic has been prepared, in consultation with WHS experts, and distributed to all workplaces. This has included resources to assist workplaces to prepare for and implement work from home arrangements where appropriate, including: enabling information technology; ensuring a healthy and safe work set-up; monitoring the wellbeing of staff; and maintaining social connections.

These materials have assisted the ACT public service to facilitate a coordinated, consistent and WHS-compliant response to the public health emergency. By ensuring

that working from home supports were available, the ACT public service was able to increase the proportion of the workforce that is able to work from home. I thank the hardworking Shared Services team for their incredible efforts in supporting the entire ACT public service, including members and our staff in the Assembly, in what has been a challenging, yet successful, transition to flexible work arrangements in response to COVID-19.

Work has been undertaken at a whole-of-government level to identify psychosocial hazards and risks and put actions in place to address them. This is informing work within each directorate to identify and make plans for managing risks and hazards that are unique to the people and work undertaken in each area.

In supporting the wider community, Worksafe ACT has been undertaking a range of compliance and enforcement activity, as well as providing education and advice. The mentally healthier workplaces initiative has been expanded to include mental health tools and resources that are responsive to the hazards associated with COVID-19. The healthier work team at WorkSafe ACT have been proactively engaging with employers and workers across the ACT to enable them to improve mental health and wellbeing in workplaces and for workers who have transitioned to working from home.

There is no doubt that the COVID-19 pandemic has created significant challenges for our entire community. I am proud of the response that this government and our public service have taken to support Canberrans. We will continue to ensure that public sector workers are provided with flexible work arrangements and we will support the private sector to ensure that workplaces and work from home settings are safe.

We are aware that many Canberrans have not been able to work from home during this public health emergency. Many essential workers—including nurses and doctors, bus and light rail drivers, community service providers and supermarket staff—have turned up to their workplaces each day so that the broader community can still access essential items and services. I acknowledge these workers and reaffirm this government's commitment to ensure that they can go to work each day in an environment that is safe and healthy.

This motion before the Assembly highlights the incredible work undertaken by the ACT public service. I thank Mr Gupta for moving it today. All workers should be safe in their workplaces, including if they work from home. We will continue to ensure that every working Canberran is supported now and throughout our recovery.

MRS KIKKERT (Ginninderra) (4.09): I thank Mr Gupta for bringing this motion before the Assembly today and I rise to support it. This motion calls upon the ACT government to continue supporting flexible work arrangements for ACT public servants where it suits them and their directorates. It also asks the Chief Minister to request the same for the commonwealth government.

As the shadow minister for families and youth, I specifically want to address the benefits for parents and children that can come from flexible work arrangements. According to the 2019 national working families survey, 62 per cent of Australia's

workers struggle to maintain their physical and psychological health, specifically because of difficulty in balancing family and work pressures. In the same survey, nearly half of working parents and carers reported that they would like to have more control over when and where they work in order to better navigate the demands of employment and family.

In short, working parents typically want to be good, productive, reliable employees. They also want to be there for their kids to love, support, comfort, train, inspire and listen to them. Flexible work arrangements can do much to secure both outcomes.

Brett Jager, a senior global relationship manager at an Australian bank, has written about how important it is to him as a father that he is able to be his best both at home and in his office. That means that sometimes his office is his home. As he has explained:

> On days when I don't have meetings with colleagues or clients, I'll try and work from home. This allows me to spend more time with my two kids in the morning, and in the afternoon when I'm able to pick them up and talk about their days.

If it is good enough for a senior bank manager, it should be good enough for the rest of us, including those who work in the territory's public service.

We already know that kids benefit from having close, frequent interactions with their parents. They tend to be healthier, both physically and emotionally, and they do better in school. They are less likely to get into trouble. They feel safe, secure, loved and valued. Parents and carers who are enabled to secure a healthy work-life balance enjoy similar benefits. Research from the Productivity Commission clearly found that parents with formalised flexible working arrangements experienced much better mental health outcomes.

The best part is that none of this has come at any cost to the employer. Flexible work arrangements are linked, through reliable research, to reduced absenteeism, increased productivity, reduced staff turnover and its associated training cost, and increased morale and job satisfaction. Mercy Health, a not-for-profit aged-care and healthcare provider, reports that it has been able to save $23 million per year from having flexible work arrangements in place.

But the real benefits are to be realised in the strength of our families. As we all know, strong families are the basic building blocks of any successful society. What happens in the home—or, just as importantly, what does not happen—has impacts that leave the home and spread out across neighbourhoods and the whole community.

Unfortunately, even when flexible work arrangements are available, working parents have often felt reluctant to take advantage of them. Forty-six per cent of respondents in last year's national working families survey reported feeling that requesting family-friendly work arrangements would be frowned on by their employers, with many respondents noting that this was a bigger problem for dads than for mums.

It is my hope that our experiences from the past few months can help change the culture. We have been forced to work in different ways, many of which have directly benefited families, allowing parents and children to spend more time together. Going forward, we need to leave old, preconceived ideas aside and allow working parents the flexibility that they need to be both excellent parents and excellent employees.

MS CHEYNE (Ginninderra) (4.14): I rise today to speak in support of Mr Gupta's motion and specifically about the representations made to me and others regarding the commonwealth public service experience.

This obviously has not been an easy time for anybody, and I commend all workplaces for responding quickly and, by and large, flexibly to accommodate the new normal. However, I note that consistently in Canberra one of the slowest employers to move was one of the largest: the commonwealth government. I understand, of course, that all Australian public service staff are essential workers; there is no debate about that, and I am not seeking to debate it today. The confusion arising from this definition is that there is an assumption that everyone needs to be physically present, that "essential" somehow equates to "frontline". That is not the case.

In the early days, there was confusion and there were differences regarding arrangements between departments and agencies but also within departments and agencies. I very much appreciate and understand that it was difficult, complex and fast moving, and that each workplace is different and has different responsibilities. I also appreciate and understand that there are some departments and agencies, and also simply areas within departments and agencies, which genuinely require employees to be physically present in the workplace, and that the heads of these departments and agencies need latitude, and have been given latitude by the commissioner, in deciding this.

Pleasingly, much of the initial confusion and concern was resolved and the angst alleviated, but not before many of us received representations from commonwealth employees. It took the Australian Public Service Commission a bit of time to release its first circular with advice. However, its release did seem to coincide with much of the consternation from employees being relieved; but not everywhere.

Many will remember that, in response to questions from the media, the Chief Minister said that people who still felt that they were not being afforded flexible working arrangements within the context of whether they really were required to attend or not were encouraged to contact his office. Many people took up that offer, phoning and emailing, many of them anonymous.

In my capacity as special secretary, I assisted with some of this correspondence. Consistently, what emerged was an inconsistent application of working arrangements, specifically within Services Australia, including within the national office in Canberra. It is obvious that Services Australia is a workplace of essential workers, and plenty of these are frontline workers. I absolutely acknowledge that; but that is certainly not the case for all workers, including plenty within the national office.

I was concerned to hear reports from staff in some areas that they felt they could ably work from home but had been directed to be physically present. I was especially concerned by reports that this was the case where staff were directed to work even where they had presented a medical certificate or reported a serious underlying health condition, or even reports that some staff were given a hard time when permission was eventually granted for them to work from home. Obviously, that is really distressing for staff; but, more importantly, there is no justification for it. Those are not the values of the Australian public service. It seems that the reason some employees had been told to be physically present was simply that it was more equitable for everyone to be there when only some were genuinely were required.

On top of this, I was concerned to hear that a culture of physical distancing was not being enforced across all offices, including the national office, making many staff who were already justifiably concerned feel genuinely uncomfortable about being there day to day. I would be curious to know just how many staff took their annual leave at the height of the pandemic in the ACT because they were uncomfortable being in the workplace and had otherwise been refused these flexible working arrangements.

Because of these concerns, I took the opportunity to write to Services Australia in early May. I received a response from the chief operating officer. I seek leave to table the letters.

Leave granted.

MS CHEYNE: I table the following papers:

> Working from home arrangements in Services Australia—
>
> Copy of letter from the Chief Operating Officer, Services Australia, to the Special Secretary to the Chief Minister, dated 19 May 2020.
>
> Copy of letter from the Special Secretary to the Chief Minister to the Chief Executive Officer, Services Australia, dated 7 May 2020.

I am grateful for the response and that my representations were taken seriously.

Fortunately, things seem to have improved over the past six weeks since I wrote to Services Australia, from at least some of the accounts that I have heard. I think that this has been in part due to the ACT either having one case or no cases in that time, so general anxiety has diminished somewhat. It also seems that more hand sanitiser and a bit more encouragement for people to maintain an appropriate distance could be a good thing in any workplace, especially in Services Australia.

The overall experience is one that remains concerning from an employee perspective. Much more needs to be done in providing consistency for staff and giving training and guidance to management about encouraging and enabling staff to work from home where they can. Most importantly, it is not enough to tell staff that they need to be physically present because they are essential workers. They need to know why their physical presence is required or justified, or why it is impossible for them to

work from home and, if that is the case, what genuine efforts have otherwise been made.

It really does seem that the experience that different employees have had, in Services Australia especially but elsewhere too, has been dictated in some cases simply by the generosity or the willingness of their manager to make it work. That is not enough. Public servants talk to each other. They share and they compare experiences. They value a fair approach across the one public service. There needs to be a much greater consistency, a much greater emphasis and much greater intention to provide flexible working arrangements where that is possible, not to just put it in the too-hard basket.

The pandemic is not going anywhere. Just because we are in an enviable position, with no new confirmed cases, does not mean that we should stop thinking about how we can continue to make our workplaces safer, to ensure that we have employees who feel comfortable with their working arrangements, and to ensure that things are working for both the employer and the employee. Honestly, these are goals we should be pursuing no matter whether there is a pandemic or not. I think that has been a view that has been echoed by everyone who has spoken today.

The APS does have a way to go. I wholeheartedly support Mr Gupta's motion today, especially the call that the Chief Minister write to the Australian Public Service Commissioner to ask that the commonwealth government support flexible working arrangements, and, indeed, better flexible working arrangements, for the Australian public service. They can do better.

Question resolved in the affirmative.

Electoral Legislation Amendment Bill 2019

Debate resumed from 26 September 2019, on motion by **Mr Ramsay**:

> That this bill be agreed to in principle.

MR RATTENBURY (Kurrajong) (4.23): This is a very important bill that we are discussing today. As we touched on with the debate over the COVID bill this morning, getting the settings right for the election is very important for our democracy. With the COVID bill we were reflecting on the changes we have had to make for the 2020 election to keep the election safe and to enable it to happen in a COVID-safe way. These provisions relate more to longer term operational questions that have been discussed by the committee. They arise from issues that the Electoral Commissioner has identified in their evaluation of the previous election in 2016, so they go to a range of matters that need amendments in order for us to prepare ourselves for the 2020 election.

I am pleased that we are getting to this legislation today. One of the amendments that I am particularly pleased about is the option for people to enrol right up to the close of polls on election day. I think this is a terrific opportunity for people to be able to participate in the democratic process. We often look at America, particularly, where there are real, significant debates about the disenfranchisement of voters. This

measure takes us in a contrary direction here in Australia and gives us the opportunity to ensure that people are able to participate as much as possible.

I know that other members want to speak today, so I am going to leave my remarks at that point and let the debate continue.

MR COE (Yerrabi—Leader of the Opposition) (4.26): I thank Mr Rattenbury for taking the floor. The Canberra Liberals are mostly supportive of this bill. However, we have some concerns, particularly with the issue that Mr Rattenbury has just praised, allowing people to sign up to vote just before the election. We have some additional concerns of a practical nature with the legislation and will therefore be proposing some minor amendments that I think will be received well if people have the opportunity to look into them.

The bill makes several major changes, including allowing people to enrol to vote until the close of the poll on election day. We agree that people should be given every opportunity to exercise their democratic rights. However, there are serious issues and implications to consider in allowing enrolment until the close of polls. These changes come on top of necessary amendments to accommodate the new challenges presented by COVID-19. This is quite a significant change that needs to be implemented in addition to all the new health and social distancing requirements, along with an extended pre-poll period.

I think that the proposed new measure could be exploited by those who seek to fraudulently undermine the democratic nature of our systems. We have seen serious issues with branch stacking in other parts of the country, and we have to be very careful that these same forces do not seek to do anything similar in the lead-up to an ACT election. We do not want to see any stacking of voters in electorates or issues with individuals voting multiple times. We have to be very mindful of this concern. The nature of our Hare-Clark system is that elections can come down to a handful of votes, especially given that this legislation also introduces the rounding down of vote transfer values to six decimal places. We should be very careful about opening ourselves up to potential voter fraud.

Other changes within the bill are sensible and necessary. In practice, non-compliant electoral signage from public lands is already removed by ACT officials; this bill simply introduces some clarity regarding the removal of those signs. We are also happy to correct the drafting error that implies that the full home address of individual donors needs to be publicly published. And we have no issues with changes to the defined polling area.

The Canberra Liberals remain committed to fairness, transparency and integrity in our democratic processes. We are happy to review and revisit the changes made by this bill as necessary to ensure that we get the right legislation. I will speak to some of the other issues as and when they come up in the amendments.

MS LE COUTEUR (Murrumbidgee) (4.28): The Greens will be supporting this bill and tabling one amendment. I understand that amendment will then be amended. Life is beautiful!

This process has been something of a moving feast since the first of two electoral bills, the Electoral Amendment Bill 2018, was tabled in November 2018. That bill dealt primarily with donations; in particular, banning donations to political parties from property developers. That was a parliamentary agreement item. I subsequently had amendments to that bill drafted.

Today we are debating not the 2018 bill but, rather, one that was tabled 10 months later, in September last year, the Electoral Legislation Amendment Bill 2019. I also had amendments drafted for this bill. To confuse matters further, I will be tabling only one of these amendments today. This is because, after some discussion with my Assembly colleagues, it has been agreed that today's bill will be a clean bill, one that can be passed with a minimum of fuss, and which we all agree on, unless something else changes in the immediate future. I note that when I prepared for this debate there were fewer amendments than there are now.

Labor has agreed, I understand, that the 2018 bill will be brought on for debate later in July. I will be tabling my other amendments to this bill. This has apparently been dubbed "the messy bill", as there are a number of items on which the Greens have not yet reached agreement with the other parties, some of which we totally appreciate we will never reach agreement about. We all have different interests; this is life. However, I hope that this time allows us to discuss the outstanding issues with both other parties and agree, or agree to disagree, and then, hopefully, have a relatively straightforward and comprehensible debate.

The bill that we are debating today makes six substantive changes to the Electoral Act 1992. I am not going to talk about all of them. Mr Coe has already talked about the number of digits for fractional transfers, which I think we can support.

Mr Coe also mentioned allowing people to enrol to vote at a polling place up to and including election day. I think this is a good amendment and I commend the government for this work. Currently, section 80 of the Electoral Act deals with the closing of the electoral roll and stipulates that it be closed 29 days before polling day; that is, a month out from an election, people cannot have their names added to the roll or a change of address recorded.

The Greens are pleased that the amendment today completely removes section 80 from the Electoral Act. This will be particularly helpful to young people and people who have recently moved to Canberra, or have moved from their old location, who have yet to enrol to vote. It will also be of assistance to many people who, despite what I imagine will be yet another prolific display of corflutes around the town, simply have no idea that there is an ACT election on until it is right under their nose. Given the additional difficulties relating to COVID-19, with fewer people leaving their homes and people generally getting out less, it is quite possible that quite a few people will simply not be aware. I know that right now they are not aware that there is an election in a few months, but even by mid-October they will not be aware. Certainly, requiring them to have enrolled by the end of September will be problematical, so I am very pleased with this amendment.

I am also pleased to see the shift to a consistent definition of measuring 100 metres from a polling place. This is important, as canvassing within 100 metres of a polling place is not permitted. We support this amendment for clarification.

One of the amendments that I had planned to table would have allowed canvassing within six metres of a polling place, which is the same distance as allowed in federal elections. For these elections this distance is determined on the day by the AEC officials. The exact starting point does not matter so much because you are only measuring six metres away and it is very clear what they are doing in a practical sense to allow voters to get to the door without too much conflict from competing parties trying to be the closest to the door to dole out their how-to-vote cards. In light of the COVID-19 situation, I will not be tabling such an amendment. With the current rules about close personal contact, it is clearly not appropriate.

But, disappointingly, here in the ACT I have seen and heard many reports of people canvassing closer than 100 metres from the polling places. I have reported such issues myself to the ACT Electoral Commission. This happens election after election, with little or no consequence to parties breaching the rules. Sadly, I suspect that Elections ACT simply does not have the capacity to enforce its own legislation and stamp out this behaviour. It will tell the offending party to move quite a few hours after the offence, by which time thousands of people may have already voted. The offending party will move on when they are told to, but if it is pre-polling, on the next day they will often return to the same place within the 100-metre zone.

The other change to our electoral legislation of note today is allowing non-compliant electoral advertising signs to be removed immediately from public unleased land by authorised people; that is, ACT government services staff. Previously these provisions required prior notice to be given to the owners of the signs, which allowed non-compliant signs to stay in the public eye for much longer. It is a similar situation to the 100-metre rule.

As I mentioned, I will be tabling an amendment today. I understand that the Labor Party will be supporting this amendment and that the Liberals will be tabling a supportive amendment to my amendment. I will leave Mr Coe to speak to that. The Greens' amendment to this bill will require the Electoral Commissioner to publish information about candidates for an ACT election on the Elections ACT website.

Currently the Elections ACT website lists candidates. This amendment will increase the amount of information available to members of the public about candidates by providing a central repository for viewing candidate profiles, including a short statement of up to 500 words, contact details, a photo and a link to a website. Each candidate can provide this information to the commissioner, who must then publish the candidate's profiles in a random order.

This amendment was drafted by me some time ago, but in the context of the COVID-19 pandemic it takes on greater significance as it provides an additional non-physical way for the public to access information about candidates. I also note that the system has been successfully running in Tasmania for many state elections, as

the select committee looking into the last election observed when we went to Tasmania. We were impressed with that.

For the sake of having these on record I will go through quickly some of the other amendments I have had drafted and hope to move when we next debate electoral matters. These will establish a truth in political advertising process to be administered by the Electoral Commissioner, and I understand there is in-principle support for this provision. However, I understand there is potential concern about constitutional issues for such a scheme, although I note it has been operating for decades in South Australia, as well as more recently in the Northern Territory, which further upheld the constitutional challenge in the Supreme Court in 1995.

Given that there have been a number of cases relating to the High Court's implied freedom of political communications in the intervening years, we have agreed to hit the pause button on this. Nevertheless, if it turns out that one of the few rights that our constitution enshrines or at least implies means that politicians can actually lie about matters of fact without any consequences then we have bigger problems than my amendment. I look forward to debating this amendment later in July and hope it will still be able to be implemented in the ACT in time for the upcoming election.

Secondly, I turn to banning electoral roadside advertising. I do not think the people of Canberra like these ads, and the corflute wars that break out between the parties are a childish waste of time and resources. However, I understand that neither Labor nor the Liberals have any interest in passing this. Nonetheless, I will adjust my existing amendment so that it will take effect in time for the 2024 election, which will mean that any corflutes which have presumably already been planned and printed for this October's election can still distract motorists for this election.

Thirdly, I turn to introducing an administrative cap on payments to parties the equivalent of five times the maximum amount payable per MLA. Few people would know and many might be surprised to learn that political parties in the ACT are given an administrative payout for each MLA which must be used to run the non-Assembly party office. It is a generous payment, and I would like to see the limit a lot closer to that required to manage party administration.

Originally it was put into legislation to cover the additional party administration and accounting costs of managing the additional bank account required for separate ACT election funds, rather than general party funds, to better allow auditing of ACT election funds. However, it is very clear that the cost of an account does not go up proportionately to the amount of funds going through the account nor the number of MLAs. My proposed cap considers the cost of an accountant and should be ample for any parties' accounting administration.

Fourthly, I turn to introducing a higher expenditure cap of $60,000 for non-party candidates. This is designed to overcome the relative disadvantages that independents have when competing against the combined electoral expenditure of large parties who can get better bulk deals for things like printing and materials. It is highly unlikely that this limit will be reached by most or possibly any independent, but as a matter of principle I do not think independent candidates should be disadvantaged by what is, in

effect, a lower cap. I note that the Queensland Labor Party has recently implemented a similar reform.

Fifthly, I turn to restricting receipt of donations to $10,000 per year from any individual or corporate group. I note that in 2012 the Assembly passed legislation which restricted donations from non-individuals. It is still the preferred position of the Greens that if you cannot vote in the election why should you be able to financially influence it? But that was deemed to be an unconstitutional restriction of freedom of speech. Given that, the amendment is structured so that related companies, sub-entities and board members are bundled together in a single corporate group. An amount of $10,000 a year is very generous compared to some other jurisdictions—Victoria, for example, has a limit of $4,000 across an entire four-year electoral cycle.

Sixthly, I turn to restricting gambling businesses. These are entities who have bought land directly from the government—such as englobo property developers who have purchased a single site for an entire suburb but who would otherwise not be caught up in the definition of a property developer because they have not submitted the threshold number of development applications in the preceding years—as well as not-for-profit developers, such as community housing providers, or incorporated associations, such as licensed clubs from donating to political parties.

This is an extension to the restrictions that were included in the government's 2018 legislation which was attempting to implement the commitment to ban donations from property developers. The Greens are trying to have a more fulsome and inclusive definition of property developer while recognising that doing this is a very hard job.

All of these amendments are, I am afraid, far more contentious than the ones being debated today, so I will leave it at that. I just want to put it on notice that it is my hope that we will able to debate this later this month and that I will table them at that time. I understand the Liberals also have some amendments to the Electoral Act that they may table at that time.

Regardless of whether members of this Assembly agree on the various amendments, it is important, in the lead-up to the October election, that members of the public get to see what each of the parties' positions are regarding changes to how our democracy works in the ACT. I look forward to this debate. The Greens will be supporting this bill today.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (4.42): I thank Mr Coe for his contribution and his support for at least most of the provisions of the bill and I thank Ms Le Couteur not only for her support for the provisions but also for her preview of a debate we are likely to have later in this sitting. Returning to matters that are before us today, I am very pleased to speak in support of the Electoral Legislation Amendment Bill 2019, presented in August last year.

The independent, fair and transparent conduct of elections is an essential feature of democratic governance, and this bill demonstrates the government's commitment to

strengthening our robust, fair, transparent and representative electoral system that has served us and continues to serve us so well in the ACT.

This bill supports this commitment by promoting equal opportunity for participation in the territory's political process; improving the operation of the Electoral Act by removing drafting anomalies; ensuring consistency in how the Electoral Act applies; and addressing a number of outstanding recommendations from the select committee, as well as amendments that were identified by the Electoral Commission as being necessary to improve the operation of the act.

Particularly here we are leading the way by doing away with the concept of a closed roll for people who are not already on the electoral roll. The concept of a closed roll disadvantages young people in particular and it discourages full participation in elections and access to the right to vote. This amendment means that electors who turn 18 years of age after the commencement of the pre-polling period and in the lead-up to polling day will now be able to cast a vote where previously they could not. The government has full confidence in the Electoral Commissioner in the operation of this provision before the election.

The government are committed to promoting accountability and transparency in our democratic processes, and this bill achieves that by facilitating the identification of people responsible for the dissemination of electoral material. The bill clarifies that an individual is required to disclose their full name on disseminated electoral material. I note the amendment that will be moved later, and the government will be supporting that. The bill also prevents irresponsibility through anonymity, making it unlawful to publish electoral material that does not identify the author and enabling voters to be fully informed participants of a democratic society.

The amendments to the Public Unleased Land Act allow authorised officers to immediately remove electoral advertising signs that do not comply with the requirements of the Electoral Act or the code of practice for public land. The amendments are sufficient safeguards for an equitable and transparent electoral process, ensuring that those who are running for public office do so in a way which is fair and transparent.

The bill introduces provisions to clarify the operation of the Electoral Act and enhance the integrity of the ACT electoral system. The Hare-Clark system, well known for its complexity, is a form of proportional representation that uses a single transferable vote to determine final vacancies. Under this system surplus votes from an elected candidate are distributed to continuing candidates in the form of a vote value. Currently, the fractions of votes are ignored and rounded down to the nearest whole number. This bill makes amendments to round down the vote transfer values to six decimal places. This will achieve a greater level of accuracy and ensure that the rare possibility of unfair or anomalous election results is minimised.

As I mentioned during the introduction, the bill ensures consistent canvassing rules so that candidates and volunteers are clear about the distance from a polling place at which election-day canvassing is permitted. The bill removes the discretion from the commissioner to ensure that in all cases the 100-metre prohibition is measured from

the building where the polling is occurring. The bill also corrects a drafting anomaly which has already been spoken about.

This bill supports the government's commitment to an equitable and transparent electoral process and enhancing public confidence in our elections. I take the opportunity to thank the Electoral Commission for its extremely valuable contribution and feedback on this bill. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

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) (4.48): Pursuant to standing order 182A(b), I seek leave to move amendments to this bill that are minor and technical in nature.

Leave granted.

MR RAMSAY: I move amendment No 1 circulated in my name *[see schedule 1 at page 1576]*. I table a supplementary explanatory statement to the government amendments. These are indeed minor and consequential amendments to reflect new arrangements through the passing of the COVID-19 amendment act today.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Proposed new clause 4A.

MR COE (Yerrabi—Leader of the Opposition) (4.49): I seek leave to move amendments to this bill that have not been considered by the scrutiny committee and not circulated in accordance with standing order 178A.

Leave granted.

MR COE: I move amendment No 1 circulated in my name, which inserts a new clause 4A *[see schedule 2 at page 1577]*.

This is a new amendment to section 59 that will require an extract from the electoral roll to include the elector's current electorate and future electorate, if subject to a boundary determination. Section 59 is not omitted by the original bill. However, we feel this is a very straightforward and simple amendment that would improve the legislation.

We will also be supporting the government's amendment to our amendment, which clarifies our original intent. The amendment proposed by the Attorney-General will provide the electorate of the elector unless they fall under one of the restricted categories in 59(c), such as an elector whose address is suppressed, an eligible overseas elector et cetera. We agree that these types of electors should be excluded.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (4.50): I move amendment No 1 that amends Mr Coe's proposed new clause 4A *[see schedule 3 at page 1578]*.

The existing provisions in the Electoral Act allow an elector's address to be extracted from the roll, and the electorate information is also readily available on the website. There are exceptions, however, to that, as has been mentioned, that are set out in section 59(c) of the Electoral Act, including what is known as a silent elector. The government amendment is simply making sure that that is maintained in the new clause proposed by Mr Coe, which we support the principle of.

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

Mr Coe's amendment agreed to.

Proposed new clause 4A, as amended, agreed to.

Clauses 5 and 6, by leave, taken together and agreed to.

Clause 7.

MR COE (Yerrabi—Leader of the Opposition) (4.52): The opposition does not support this clause. This clause omits section 80, which closes the rolls at 8 pm on the 29th day before polling day. As I outlined earlier, we have real concerns about the integrity of our election, should this amendment go through. We think this is opening up the ACT to voter fraud, due to the potential stacking of people into electorates in the lead-up to election day.

Elections in the ACT are often decided by just a handful of votes. The fact that we have before us today an amendment seeking to go to six decimal places is further evidence of just how tight elections can be when you are talking about ruling in and ruling out candidates along the way. Therefore, we think it is absolutely vital that every single vote has the utmost integrity attached to it. There is real concern that if we allow people to sign up right until polling day we run the risk of bringing into question the validity of an election. Therefore, we will be opposing this.

Whilst we understand the intention and we appreciate and respect the want for people to be engaged and enrolled, we still need to make sure that it does not jeopardise the election as a whole. To that end, we will not be supporting what is being proposed today in this amendment.

Question put:

> That clause 7 be agreed to.

The Assembly voted—

Ayes 7		Noes 6	
Ms J Burch	Ms Orr	Miss C Burch	Ms Lee
Ms Cheyne	Mr Pettersson	Mr Coe	Mr Milligan
Mr Gentleman	Mr Ramsay	Mrs Dunne	
Ms Le Couteur		Mrs Kikkert	

Question resolved in the affirmative.

Clause 7 agreed to.

Clauses 8 and 9, by leave, taken together and agreed to.

Proposed new clause 9A.

MS LE COUTEUR (Murrumbidgee) (4.58): I seek leave to move an amendment to this bill which has not been considered by the scrutiny committee.

Leave granted.

MS LE COUTEUR: I move amendment No 1 circulated in my name *[see schedule 4 at page 1578]*. It inserts a new clause 9A. I table a supplementary explanatory statement to the amendment. Members, I have already told you what a wonderful amendment it is. It is the one to require that the Electoral Commissioner put up on their website information about every candidate. This is something the Greens have been banging on about for years. Kerrie Tucker had this idea of putting it up on the walls at electoral places, which I agree was possibly problematical. Now that we have modern technology and we have COVID-19 it is the time to do it. I thank members for their anticipated support.

MR COE (Yerrabi—Leader of the Opposition) (4.59): I move amendment No 1 circulated in my name which amends Ms Le Couteur's proposed new clause 9A *[see schedule 5 at page 1579]*. The Canberra Liberals will be supporting this amendment. We agree that it is important to keep voters informed. With the current COVID-19 restrictions it is important that online information is both accurate and accessible, given that normal face-to-face interactions will be very limited during this period.

I note that the commissioner did not support this measure in the ACT Electoral Commission's response to the Assembly's Select Committee on the 2016 Election and Electoral Act report of November 2017. The commissioner normally hosts a webpage during the election, with links to candidates or party webpages, but the commissioner raised the risk of unintended or perceived bias which could potentially undermine their independence and impartiality.

The opposition believes that informed and fair elections are essential to democracy. The commissioner's role as an independent and impartial body is fundamental to elections. The commissioner may be able to provide further insight into the use of the webpage or practical issues after the 2020 election. We are happy to revisit the hosting of candidate information, as necessary. However we believe the current health crisis reinforces the need to explore how information can be accessed by voters during an election.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (5.00): The government agrees with the principle behind the amendment moved by Ms Le Couteur and the amendment moved to that by Mr Coe. We note that the Electoral Commissioner has expressed some concerns, both to the Assembly committee and more recently, regarding any perceived risk of bias around this. We are confident that this can be worked through in practical measure.

We believe that there is a risk that candidates without substantial financial resources may find it difficult to participate effectively in campaign activities, especially this year, and presenting candidate information on the Electoral Commission's website will provide an important alternative avenue for candidates to offer information about themselves. Therefore, this amendment will effectively allow voters to access a centralised location to find information on all ACT election candidates.

We support Mr Coe's amendment to Ms Le Couteur's amendment.

MR COE (Yerrabi—Leader of the Opposition) (5.02): I would like to add—I believe this is correct—that the practical amendment that I have put forward also allows a registered officer of a registered party to act on behalf of the candidate in relation to providing candidate information. This would mean that the commissioner has just one contact point for each party rather than having to engage with every candidate individually. Given the number of candidates in Hare-Clark, that would be a very onerous task for the Electoral Commission, and very complex for political parties as well.

Mr Coe's amendment to **Ms Le Couteur's** proposed amendment agreed to.

Ms Le Couteur's amendment, as amended, agreed to.

Proposed new clause 9A, as amended, agreed to.

Clauses 10 to 23, by leave, taken together and agreed to.

Clause 24.

MR COE (Yerrabi—Leader of the Opposition) (5.03): I move amendment No 2 circulated in my name *[see schedule 2 at page 1577]*. This is simply a clarifying amendment. We are proposing that the first and last name of the individual who authorised the matter should be included, as opposed to the full name. This amendment maintains the intent of the legislation to improve transparency and accountability. The inclusion of a person's full name is potentially problematic, as it could be construed to include a person's middle name as well.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clauses 25 and 26, by leave, taken together and agreed to.

Proposed new clauses 26A and 26B.

MR COE (Yerrabi—Leader of the Opposition) (5.04): I move amendment No 3 circulated in my name, which inserts proposed new clauses 26A and 26B *[see schedule 2 at page 1577]*. This is another practical amendment to the new authorisation provisions. This inserts a defence to using material without the new requirement of a full first and last name of the authorised individual if the material was prepared before the commencement of this act. The authorisation would need to include the initial of the authorising individual's first name and the individual's full last name, as is common practice already.

We have specifically included that the individual's full last name needs to be included. The Attorney-General noted in his presentation speech that simple initials are not sufficient for an authorisation. We agree. The defendant bears the evidentiary burden and would need to show proof that the items were prepared—for example, ordered or printed—prior to commencement, if challenged. This defence would expire six months after the October 2020 election. This would allow existing inventory of material that was ordered or printed before the commencement of this act and that complied with the current authorisation norms to continue to be used until depleted. Items such as banners, letterhead, flyers et cetera would otherwise have to be disposed of, creating significant waste. This amendment is reasonable and practical.

I know that there is a minor typographical error in the drafting of the expiry clause, which we were recently made aware of by the PCO. I thank them for alerting us to this. The new section 2.92(3) should read:

> This section and subsection (1A) expire 6 months after the day the general election, due to be held in October 2020, happens.

I understand that the Clerk has the power, under standing order 191, to rectify this oversight without the need to recirculate the amendments.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (5.06): The government is very happy to support the changes as important practical and transitional ones for this election.

Amendment agreed to.

Proposed new clauses 26A and 26B agreed to.

Clauses 27 to 38 and schedule 1, by leave, taken together and agreed to.

Proposed new schedule 2.

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) (5.07): I move amendment No 2 circulated in my name, which inserts a new schedule 2 *[see schedule 1 at page 1576]*. This amendment inserts a new schedule 2, which amends the provisions inserted into the Electoral Act by the COVID-19 bill. These are minor and consequential amendments and straightforward on their face.

Amendment agreed to.

Proposed new schedule 2 agreed to.

Title.

MR COE (Yerrabi—Leader of the Opposition) (5.07): I would like to thank the PCO for their efforts under difficult circumstances and within a very short time frame. I would particularly like to acknowledge Lyndall, Margaret, Mary and Karen. I would also like to thank Janice, as always, for her assistance.

While the Canberra Liberals still hold concerns about allowing enrolment until the close of polling, there are many positive elements to this bill. As I have said previously, we are happy to revisit this legislation, if needed, in light of COVID-19 or any other practical implementation issues that arise. We have appreciated working with the government and the Greens on these issues.

Title agreed to.

Bill, as amended, agreed to.

Working with Vulnerable People (Background Checking) Amendment Bill 2020

Debate resumed from 21 May 2020, on motion by **Ms Orr**:

> That this bill be agreed to in principle.

MRS KIKKERT (Ginninderra) (5.09): The Canberra Liberals will be supporting this bill today, just as we supported last year's amendments to the Working with Vulnerable People (Background Checking) Act. Most of those amendments were designed to align ACT law with principles found in the intergovernmental agreement on nationally consistent worker screening for the national disability insurance scheme. The passage of the 2019 bill essentially created two different approaches to registration—one for NDIS workers and one for everyone else. This bill will fix that disparity by providing a consistent and unified approach to registration regardless of which class of vulnerable people a person may work with.

I note that changes to the act that were approved by this Assembly last year have not yet come into effect. Earlier this year, commencement of the previous amendment bill was pushed back, by further amendment, to 1 November 2020 because of COVID-19. I have been told by way of a briefing that it may now be March 2021 before either bill is implemented. In practice this may eliminate any of the disparity that would have resulted from introducing NDIS-specific changes first.

The changes in this bill are based on the new national standards for working with children checks which were endorsed by all states and territories on 12 November last year. The Canberra Liberals, of course, fully support efforts to protect children, and this includes reducing the potential for service providers to employ or engage individuals who pose an unacceptable risk of harm to children or other vulnerable people because of past criminal behaviour. We on this side of the chamber will therefore be supporting this bill as drafted.

At the same time, I wish to raise a small number of issues relating to this bill. First, this bill significantly increases the number of disqualifying offences. As the minister noted in her tabling speech, this means some workers who are compliant with the current legislation will be deregistered under the new requirements. In short, this means that some Canberrans will lose their jobs. I understand and accept the reasoning behind this, of course, but this is not a great time for anyone to lose employment. When I asked for an estimate of how many workers might be affected, I was told "a very small number". What is clear is that no-one actually knows.

I was informed earlier this week that Access Canberra is undertaking a manual process of assessing people affected by this change, so data is not available at this time. What I do know is that this matter needs to be handled very carefully. The minister stated that this manual review will be completed prior to commencement and that those affected will be contacted. I call upon the current ACT government to make this process as compassionate and fair as possible, and to complete it as quickly as possible in order to give any affected workers the best chance of moving forward. I would also be interested in hearing from the minister what specific kinds of support or assistance the government will be providing to workers who lose their livelihoods as a consequence of this process.

Secondly, this bill introduces the automatic cancellation of registration for anyone who is charged with or convicted of a class A offence—the most serious type. This happens, according to the proposed change, as soon as the commissioner becomes

aware of the person's ineligibility. When I asked how exactly the commissioner would stay on top of such things, I was reminded that applicants must provide this information when applying for a renewal. But, of course, registration now lasts for five years between renewals. That means a good bit of time could pass before a registration holder might need to legally disclose that information as part of a renewal process. I was further assured that "Access Canberra is developing automated processes to monitor registrations". This is something that we will need to know more about as it progresses.

Thirdly, I note that, contrary to what is stated in the national standards, this bill maintains the category of "conditional registration". The explanation for this is that the territory's working with vulnerable people scheme has a broader remit than just working with children. Maintaining conditional registration will allow people who are disqualified from working with children to work or volunteer in other very specific contexts where it is deemed appropriate. This determination will be made by the commissioner after a risk assessment and could include, for example, a recovering addict volunteering to assist others in the recovery process. Personally, I support this decision. It acknowledges the human dignity of those with lived experience while also protecting children from potential risk.

At the same time, I am a bit confused and would be grateful if the minister would provide some clarity. When I pointed out that Tasmania is listed as the sole jurisdiction that had declined to endorse standard 28's rejection of conditional registration, I was told that the previous minister, Mr Steel, had written to the national body that the ACT was committed to moving away from conditional registration. I would like to know whether or not that remains the position of this government. I have asked that question in writing but have yet to receive a response from the minister. I would be happy to hear her response as part of today's debate.

Fourthly, several amendments in this bill allow for the reasons behind a decision to be shared with a person's listed employer, with the applicant's consent, but no mechanism for consent is mentioned. In a briefing I was informed that the option of giving consent will be included on the application form. I then asked why this option exists. The answer I was given was that providing the reasons for a denied registration to one's employer could allow for access to a different kind of job. This may be true, but I worry that the government may be asking applicants to consent to share very private information with their employers before an assessment has even been made.

I would expect that the potential impacts of this would need to be explained to applicants very carefully before asking them to consent, as part of filling in an application form. I will be monitoring the implementation of this change carefully. Finally, I commend this bill to the Assembly.

MS LE COUTEUR (Murrumbidgee) (5.17): I stand today in support of this important amendment bill which will strengthen safeguards for vulnerable people in the community, particularly children and people with disability. The absolute priority here is the need for children, young people and vulnerable adults to be safe from harm, and I acknowledge that this bill continues to strengthen protections in ensuring that, as much as possible, vulnerable people, regardless of their age, get safe care.

I commend the government for much work already undertaken in this space during this term of the Assembly, including implementing the reportable conduct scheme, supporting the redress scheme, obliging information about child sexual abuse heard in the confessional to be notified, and adopting a number of other recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse.

I acknowledge that this legislation goes a step further in giving effect to the national standards for working with children checks and continues to build on increasing the kinds of protections we all wished were in place when we heard of the harrowing accounts of child sexual abuse in institutional care. Unfortunately, I am sure we will continue to hear of more appalling accounts of mistreatment and abuse as the royal commissions into aged care and disability unfold. I hope that, commensurately, practical recommendations for the reform of those processes will be enhanced.

This bill provides assurance to systems to keep children safe and will better inform decisions about whether a person with a history of various types of serious charges or convictions should be registered or maintain their registration to work with children. This legislation also brings into line the same protections for people with disability or other vulnerabilities who need workers to assist them to achieve choice and control in their lives under NDIS. This high standard of background screening in areas of child-related work and regulated activities under the national disability insurance scheme, the NDIS, is a necessary step to take.

I was pleased to note that the legislation allows for special considerations where a kinship carer has been convicted of a class A, or a more serious, offence. The consequence of this is that a thorough risk assessment will occur prior to any automatic disqualification of a kinship carer. This respects and acknowledges the importance of family and protects the rights and interests of children by ensuring that children who cannot be cared for by their parents remain connected to their family, community and cultural identity. In this way their cultural rights are also promoted.

The different treatment for kinship carers is not extended to foster carers, with the exception of the grandfathering clause, where those already in fostering arrangements with a class A offence will also be risk assessed instead of automatically disqualified. But for new foster carers or existing foster carers with new children, the automatic disqualification of someone who commits a class A offence further protects the rights and interests of children by ensuring their carer is appropriately suitable to care for the most vulnerable children in the ACT.

All of these safeguards are important. There is overwhelming evidence that, unfortunately, ill-intended people tend to prey on the vulnerable as opposed to those who can stand up to them. People can be vulnerable for all sorts of reasons, but clearly the most evident is that of being a child. We must do what we can to protect them, as well as adults with vulnerability, such as disability or age.

An obvious consequence of this bill is that some people will automatically or otherwise be disqualified from registering to work with vulnerable children or adults.

Initially, it is possible that some individuals who are currently registered under the ACT working with vulnerable people scheme may be deregistered, refused registration or have conditions imposed on their registration due to the introduction of disqualifying offences.

This, of course, engages the human right to work. Obviously, I support the need to protect the right to work, particularly for people who have been engaged with the criminal justice system. But there are certain crimes that, when committed, clearly pose a danger in certain occupations, and the overriding goal here has to be to provide protections for children and vulnerable people.

I support the minister's explanation and response to the scrutiny committee about the limitations on the right to work for certain individuals in this instance. I note that the amendments made to the working with vulnerable people act in 2019, which included introducing disqualifying offences for NDIS workers, including continuous monitoring for background screening and enabling interjurisdictional information sharing, as well as a number of recommendations from the 2017 *Legislative Review of the Working With Vulnerable People (Background Checking) Act 2011*, will come into effect this November.

I only hope that it does not get further delayed due to any revised approaches during the COVID pandemic, which allowed for the automatic extension of working with vulnerable people registrations that were due to be renewed. I appreciate that there needs to be some time to set up the appropriate systems with the right checks and balances so that new systems can be administered effectively, and to allow for a nationally consistent approach, but I do have to express some dismay that this legislation will not come into effect until February 2021, which, of course, is long after I will have gone from this place. At least, however, we know that stronger protections are coming, and for that I am thankful.

I take this opportunity to mention the redress scheme and the fact that various institutions have now been publicly identified as failing to sign up to it. Should any of these exist in the ACT, I urge the government—this one and/or the next one—to act upon their failure and to assist the community and those affected by abuse to hold them to account. This may possibly be by way of financial sanctions or changes to the organisation's charitable status.

At any rate, I have been pleased to be part of the Ninth Assembly, which has made considerable headway on some of society's most wicked problems in relation to the abuse of children and vulnerable people. I am grateful that the Assembly has contributed to this over a period of time, including today, and I support the bill.

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) (5.24), in reply: I rise to speak in support of the Working With Vulnerable People (Background Checking) Amendment Bill 2020 and table a revised explanatory statement. The Assembly is aware that the working with vulnerable people scheme is an important part of the ACT's system for keeping safe children and vulnerable people in our community. The working with vulnerable

people scheme aims to reduce the risk of harm or neglect to vulnerable people in the ACT and requires those who work or volunteer with vulnerable people, including children, to have a background check and be registered.

The bill continues to deliver the government's commitment to providing strong safeguards in our community, particularly for children and people living with disability. It makes the strongest possible statement that the best interests of vulnerable people are the paramount consideration in any decisions taken within the scheme and that decisions must take into account the safety, welfare and protection of vulnerable people.

The bill's amendments were prompted by the ACT government's commitment to implementing agreed national standards for working with children checks, NDIS worker screening and key recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. This bill implements these commitments in the ACT while also refining how the scheme applies to individuals seeking to work with children or in the NDIS.

The amendments introduce additional measures to prevent people who present as an unacceptable risk of harm from engaging in work with children and vulnerable people. These additional measures introduce disqualifying offences to the act. The offences are categorised as class A or class B offences and are separated based on severity. For example, 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 under the working with vulnerable people scheme.

Specifically, a person will be automatically excluded from participating in a regulated activity involving children or an NDIS activity if they have committed a class A disqualifying offence. Class A includes offences such as murder, culpable driving causing death, or sexual offences against vulnerable people. In addition, a person will be excluded unless they have exceptional circumstances that justify their registration, if they have an outstanding class A offence or a conviction or finding of guilt of a class B offence. Class B offences include manslaughter, neglect of a child or robbery offences.

Due to the introduction of disqualifying offences a small number of individuals currently registered under the working with vulnerable people scheme may be deregistered, refused registration or will have conditions placed on their registration. I am confident this bill strikes the right balance between protecting children and vulnerable people while ensuring that excluded individuals are not unjustly deprived of work. It is expected that this disqualifying offences will be restricted to a small group of people in the ACT and will not prevent this group from seeking employment in other sectors. However, I cannot overstate the importance of the identification of individuals who pose a risk to children and vulnerable people and ensuring their exclusion from the scheme.

The COVID-19 public health emergency has delayed some national work to harmonise worker screening across the country, as well as affecting the operations of Access Canberra. As agreed nationally, the amendments will not commence until

March 2021 to accommodate the successful implementation of structures to support the scheme. The working with vulnerable people scheme continues to operate during the public health emergency in the ACT and new applications are still being accepted. Renewals are being processed and risk assessments are being undertaken. This will remain the same for the 2020-21 financial year and renewals will remain in force for five years.

These amendments strengthen protection for vulnerable people in the ACT and enhance our capacity to improve restrictions on people who pose an unacceptable risk to vulnerable people. They are another important step in ensuring that people working with children or other vulnerable people do not pose a risk to participants. The legislative changes contained in this bill, together with the amendments passed last year, will commence in 2021. This will ensure consistency for people seeking to work with children or in the NDIS. It will also provide enough time for assistance to be put in place to allow for the scheme to operate effectively and efficiently.

I note the questions raised by Mrs Kikkert. Certainly there is a lot of detail to be worked through and there are also concerns with the implementation, which have been noted. I commit to working with Mrs Kikkert and her office as we work through these, and I will get back to her with answers to the questions she has asked. I also thank Ms Le Couteur for her comments. Even though you will not be here in 2021, Caroline, I am happy to send you a note letting you know how it goes.

In conclusion, I commend this bill to the Assembly. These amendments demonstrate continued efforts by the government and the community to work collaboratively to reduce the likelihood of harm against children and vulnerable people in the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Employment and Workplace Safety Legislation Amendment Bill 2020

Debate resumed from 18 June 2020, on motion by **Ms Orr**:

> That this bill be agreed to in principle.

MR WALL (Brindabella) (5.30): The Employment and Workplace Safety Legislation Amendment Bill covers a lot of ground. Once again, as we have seen in previous bills relating to workplace safety and industrial relations, this is a case of pushing through legislation that is in part delivering the union-driven agenda that has dominated the Ninth Assembly. I will repeat what I have said previously about these bills that have come thick and fast in recent weeks: given the current times and the fact that so many

Canberrans are out of work, why on earth would we be prioritising laws that disincentivise employers? Again, I am not surprised.

There are three acts being amended through today's bill: the Workers Compensation Act, the Dangerous Goods (Road Transport) Act, and the Work Health and Safety Act. I understand that the proposed changes to the Public Sector Management Act as outlined in the original bill will not be proceeding today.

The changes in the bill are said to be in line with model legislation, which is the case to some extent. I see no real issue with some of the amendments to the Workers Compensation Act, which will streamline the current process and unify conditions in place for an injured employee regardless of whether their employer has a workers compensation policy or is self-insured. It also offers some streamlining in the application and renewal process for licensing for organisations who self-insure their workers compensation policies.

However, the opposition has some serious concerns about a number of aspects of the changes to both the Work Health and Safety Act and the Dangerous Goods (Road Transport) Act. I will start with the Dangerous Goods (Road Transport) Act. While the amendments here mirror model legislation applied across jurisdictions, there are a few clauses in this bill that raise very serious concerns and have been implemented in different ways by the various jurisdictions that have implemented the model legislation to date.

Clause 14, which requires the provision of recordings or other things that contain a record in relation to or indicate an offence, is one such example. There is no protection against self-incrimination, as exists in other states as they have implemented this legislation—for example, Victoria and South Australia. Failure to comply with this section of the ACT legislation already is deemed a strict liability offence. The addition of proposed clause 14 will give an individual little option or protection against self-incrimination or the prospect of facing a strict liability offence. The other jurisdictions that have implemented this aspect disregard any evidence that is handed over under such a clause from being used in a prosecution against the individual who hands it over.

Most of the concern that the opposition has relates to clause 32, which makes it an offence for an employer if an offence is committed by an employee, and creates a vicarious liability for employers. In other words, this clause reverses the onus of proof back onto the employer. This provision is part of the model legislation that all other jurisdictions have implemented in varying ways. However, the liability for offences committed by employers does not extend in our major neighbouring states, Victoria and New South Wales.

There are some clear differences. Unlike in clause 32 in this bill, other jurisdictions require that the offence is shown to have been committed by an employee within the scope of the employee's authority or while acting in the course of their employment and that the employee had the relevant state of mind. The bill before us today has a higher threshold for defendants, namely employers, to disprove their liability. The defendant must show that they did not have knowledge of the actual offence and that

they took reasonable precautions and exercised due diligence to prevent the offence from being committed.

While this is consistent with the intent of the model legislation, no other jurisdiction requires the defendant to show that they had knowledge of the actual offence. Other jurisdictions, such as Tasmania, Western Australia and the Northern Territory, only require that the defendant show that they took reasonable precautions or exercised due diligence to prevent the offence.

Queensland and South Australia also consider whether the defendant was in a position to influence the employee's conduct. For example, if the employer contracted the job to an external agent and the agent committed an offence, or if an offence was committed by an employee in the course of their employment as a result of serious or wilful misconduct by the employee, the employer would not be held liable. There are no similar considerations in the proposed amendments for the ACT. This, in my view, is a severe oversight.

With regard to the Work Health and Safety Act, the opposition will be supporting the changes that relate to asbestos management. Our major concerns relate to clause 106 and the subsequent related clauses under the work health and safety permit holders section. These give work safety permit holders the ability to take photographs, films or audio or video recordings when exercising their right of entry powers in a workplace. This right also extends to any other work health and safety contravention observed by a permit holder whilst exercising a right of entry at a workplace or any suspected issue they believe may exist. This is an extraordinary power that has the potential to be weaponised in a vexatious way. This aspect of the legislation does not sit well with me or my opposition colleagues.

Over the almost eight years that I have sat in this place, I have, unfortunately, seen a number of examples of the unwarranted scrutiny, bordering on harassment, of employers by trade unions that had nothing at all to do with the rights of the worker but had more to do with a particular vendetta against an individual or a corporate entity, typically as a result of a dispute in EBA negotiations.

There is no provision in this amendment to allow persons captured in a recording to raise privacy concerns. There is not even a requirement for permit holders to wait for a specific period of time before releasing information contained in a recording to allow anyone captured by the recording to raise concerns with the PCBU and/or the permit holder. There is also a significant inconsistency with the Workplace Privacy Act relating to workplace surveillance. Under the Workplace Privacy Act, employers are required to provide written notice to employees of surveillance before it commences.

In the bill before us, this clause permits work safety permit holders to take a much more relaxed approach. There is no time frame for notice to be given, so for all intents and purposes, the permit holder could give notice well after a recording has been taken, if they ever give it at all. This is a stark inconsistency. There is also no indication that a person captured in a recording will be permitted to have access to or see the recording before it is used by the permit holder. This prevents the person from

knowing whether they should raise privacy concerns about the disclosure of their personal information. Further, it is very unclear how permit holders will be prevented from taking covert recordings whilst in a workplace. Again, the potential for misuse of these powers is all too great.

Changes such as these, made in the name of workplace safety, only serve to weaponise the industrial relations battleground and do little to improve safety. Ultimately, the victim here will be workplace safety. Given the real potential for misuse and the inconsistencies I have outlined today, the opposition will not be supporting these aspects of the bill.

Once again, it seems that the minister is merely rubberstamping the demands of her union backers, on the eve of an ACT election. This bill does little to support employers or employees during the biggest economic crisis that many of us will see in our lifetime and shows nothing but short-sightedness on the part of this minister or the Barr Labor-Greens government.

MR RATTENBURY (Kurrajong) (5.38): The ACT Greens will be supporting the Employment and Workplace Safety Legislation Amendment Bill 2020. The changes in this bill serve to enhance protections for ACT workers and businesses and align us with national current practice. The amendments to the Workers Compensation Act 1951 make sense and will offer further clarity to stakeholders. Workers have the right to be safe at work and should be covered if they are injured or adversely impacted by their workplace. Streamlining the process for workers compensation should assist businesses to meet the requirements under the act.

As the minister for road safety, I note the ongoing national work on dangerous goods legislation. The changes to the Dangerous Goods (Road Transport) Act 2009 will more closely align our legislation with the model laws. Given our position within New South Wales and as part of the road network that crosses Australia, it makes sense to support the ongoing harmonisation with the model legislation as it is updated.

The Work Health and Safety Act 2011 provides directions for work health and safety matters in the ACT, in line with other states and territories across the country. It includes provisions for documenting and accessing information about work health and safety breaches and potential breaches.

The amendments proposed by Minister Orr give explicit permission for work health and safety entry permit holders regarding photographs, film, audio/video or other recordings. Entry permit holders are just one of a range of people under the Work Health and Safety Act to have a responsibility and permission to act on breaches and potential breaches of the act.

The amendments proposed in this bill should serve to strengthen compliance as they allow for increased evidence gathering, and therefore they should improve safety on ACT worksites. These powers also align with the ACT Greens' policy for legislated strong right of entry powers for unions to protect workplace safety and workplace rights.

Having met recently with the new ACT work safety commissioner to discuss her plans for WorkSafe ACT in its new form, and noting the suite of changes Minister Orr has brought through the Assembly this year, I believe that the ACT is taking, and will continue to take, action to ensure and improve the safety of Canberra workers.

The unprecedented circumstances for workers and workplaces round COVID-19 have seen rapid changes, and the working environment will continue to evolve. Having robust, clear and responsive legislation and guidelines means that everyone—the ACT government, regulators, businesses and workers—can act to protect the safety of Canberrans in the workplace. On that basis, we are pleased to support the bill today.

MS ORR (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (5.41), in reply: The Employment and Workplace Safety Legislation Amendment Bill 2020 makes a number of amendments to legislation within my portfolio. I foreshadow that when we get to the detail stage I will be moving an amendment. This bill makes amendments that will ensure the ACT is aligned with the nationally agreed laws in place for the transport of dangerous goods by road. It modernises workers compensation insurance arrangements by implementing a more streamlined and sophisticated licensing framework for insurers and self-insurers and ensures our work health and safety laws effectively promote compliance with WHS duties and obligations in the workplace. These laws all play a vital role in ensuring that our workplaces are safe and the lives of working people are valued and protected. I am confident that these amendments will ensure that our safety and regulatory frameworks continue to be responsive and effective.

In relation to the amendments themselves, the Workers Compensation Act 1951 amendments will improve the efficiency and effectiveness of the workers compensation scheme insurer and self-insurer regulatory framework. The Workers Compensation Act 1951 supports our injured workers. It requires all employers to have a compulsory workers compensation insurance policy with an improved insurer unless they are granted an exemption by the minister. Employers who are granted an exemption are subsequently approved to operate as self-insurers.

This approach is now out of date and it is cumbersome. It is also administratively burdensome on the regulator, as approvals and exemptions must be made afresh every three years. This process makes no recognition that these insurers are already approved in the ACT and have been for a number of years. The ACT workers compensation insurers market has been relatively stable over the past 10 years, with seven approved insurers and eight exempt self-insurers operating over those years. In addition, all approved insurers are also licensed in other privately underwritten workers compensation jurisdictions and, relevantly, they all currently operate in Tasmania. It is timely that we now move to a modern licensing framework for both insurers and self-insurers.

These changes will streamline and reduce the administrative burden on insurers. It will mean insurers and self-insurers will apply for an ongoing licence in the ACT. This is similar to recent reforms in Tasmania and also aligns with the approach to

insurer licensing under the motor accident injury laws in the ACT. A streamlined insurer and self-insurer framework will mean they can focus more on injured workers rather than red tape. And insurers and self-insurers will be able to maintain their ACT licence through ongoing compliance with the act and meet their reporting and performance requirements.

The licensing framework will include requirements to apply for a licence and comply with conditions of a licence and the regulatory tools necessary to respond to a breach of those conditions. A key principle in moving to a licensing framework for both insurers and self-insurers is the principle that all injured workers in the ACT should be able to expect a consistent standard of service regardless of whether their employer has an insurance policy or is self-insured. Protecting working people is and always will be a priority for this government. If a worker is injured or suffers a disease as a result of their employment, the workers compensation scheme provides them with the coverage they need to get back on their feet and return to work or support them if that is not possible.

In relation to self-insurers, the key change will be to treat them on the same footing as an insurer. In other words, they will need to be licensed as self-insurers and if not licensed they will need to purchase a workers compensation policy of insurance from a licensed insurer. They will no longer be treated as exempt employers. Treating self-insurers as exempt is an outdated concept that is not reflective of their duties and obligations under the act. Self-insurers currently do and must continue to respond to and support their injured workers to return to health and return to work. For this reason, a licensing framework for self-insurers will reflect the obligations that the Workers Compensation Regulator expects of self-insurers.

This bill also makes a number of technical amendments to maintain the workers compensation laws. These include amendments to ensure that the regulatory functions under the Workers Compensation Act are appropriately legislated to be the function of the new Work Health and Safety Commissioner. This will include the licensing of insurers and self-insurers. In addition, technical amendments are being made to streamline the timing of reporting requirements made to the default insurance fund by insurers and self-insurers.

I now move to the amendments in this bill to the Dangerous Goods (Road Transport) Act 2009. In the ACT, dangerous goods are regulated by several statutory instruments. The dangerous goods road transportation legislation regulates the transport of dangerous goods in the territory. The legislation is based on the nationally agreed model act for the transport of dangerous goods by road or rail and is implemented in the territory pursuant to the intergovernmental agreement for regulatory and operational reform in road, rail and intermodal transport, signed in October 2003. All states and territories have adopted the model transport of dangerous goods laws.

This bill will ensure that the territory is better aligned with those model dangerous goods road transport laws. Specifically, this bill will make a number of structural changes that will allow the ACT to continue to update the associated regulations as required from time to time to maintain consistency with revisions to edition 7 of the Australian code for the transport of dangerous goods by road and rail, the ADG code,

as adopted automatically in the ACT. These changes will have a positive impact and reduce the administrative burden on businesses that transport dangerous goods in the territory, often travelling through the surrounding New South Wales region before entering the ACT.

In relation to the Work Health And Safety Act 2011 the amendments in this bill will explicitly provide for WHS right of entry permit holders to take photos and otherwise document breaches of work safety legislation that they see while inquiring into work health safety breaches at a workplace. They also make technical amendments to clearly give the work health and safety regulator powers to issue a compliance notice for the removal of illegally installed asbestos.

Workplace safety is everyone's responsibility and it requires the government to ensure that appropriate mechanisms are in place to keep every worker safe—something that the Canberra community rightly expects. Recent workplace injuries and fatalities have highlighted that there is more that can be done to protect the health and safety of our workers at work. We acknowledge our ongoing responsibility in achieving this by ensuring that our work health and safety laws reflect this expectation. In introducing this legislation, the government are continuing to deliver on our longstanding commitment to protect working people.

The changes within this bill will support the role of the work health and safety regulator by better promoting compliance with work health and safety obligations and duties. The role and expertise in advocating for worker health and safety are already recognised and established in our work health and safety laws. Under part 7 of the Work Health and Safety Act, work health and safety right of entry permit holders, who must be a member of a union, are able to inquire into suspected work health and safety breaches at workplaces.

This is a critical role in assisting with the prevention and rectification of work health and safety breaches by persons conducting a business or undertaking, known as PCBUs. The amendment will ensure that permit holders can, in addition to their existing powers, on entry, document work health and safety breaches more effectively through photographic and audiovisual means.

The changes being introduced were in fact specifically included in the ACT's work health and safety laws before 2011, when the model work health and safety laws were adopted. The 2011 model laws are silent on the matter of taking photographs or videos of safety conditions, and this amendment will clarify the powers available under that legislation, with the aim of keeping local workplaces safe. This is a specific response to recommendations by the ACT Work Safety Council for facilitating better safety across the ACT. Allowing work health and safety entry permit holders to document any suspected work health and safety breach observed at the workplace under a right of entry will ensure that all breaches can be documented.

The amendments to the Work Health and Safety Act will also ensure that we maintain alignment with the model work health and safety laws and the expectations of stakeholders on dealing with illegally installed asbestos in our workplaces. The nationally agreed model work health and safety laws were recently amended to clearly

allow the work health and safety regulator to issue compliance notices for the removal of asbestos or asbestos containing materials that had been installed at a workplace. This bill will adopt those changes into the ACT's work health and safety laws.

This bill will deliver better protections for working Canberrans and ensure that the work health and safety regulator has the necessary powers available to conduct compliance activity.

I thank Mr Rattenbury for his comments in support of the bill. All I can do is yet again stand here and shake my head at Mr Wall's comments. I must say, his efficiency at dusting off his regular speech every time I bring forward a bill is very consistent, if not slightly frustrating, because the same talking points are consistently used.

What I will say is that I am focused on making sure that we have as safe worksites as we possibly can. And that is why I have brought forward these amendments as part of the bill. This government will always stand up for working people. And we will do everything we can to ensure that no worker is injured or killed at work. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS ORR (Yerrabi) (5.52): I seek leave to move amendments to this bill that have not been considered by the scrutiny committee.

Leave granted.

MS ORR: I move amendments Nos 1 to 3 circulated in my name together *[see schedule 6 at page 1579]*. I present a supplementary explanatory statement to the amendments. As outlined in the supplementary explanatory statement, the government is moving these amendments as stakeholder concerns have been raised about the permanent nature outside the COVID-19 emergency of the amendments in part 3 of the bill relating to the Public Sector Management Act 1994. These amendments are being removed from the bill, with consequential amendments to the bill to effect their removal.

Amendments agreed to.

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

Ordered that, pursuant to standing order 187, clause 14 be reconsidered.

Clause 14.

Question put.

The Assembly voted—

Ayes 7		Noes 6	
Ms J Burch	Mr Pettersson	Miss C Burch	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Mr Gentleman	Mr Rattenbury	Mr Hanson	
Ms Orr		Mr Milligan	

Question resolved in the affirmative.

Clause 14 agreed to.

Ordered that, pursuant to standing order 187, clause 32 be reconsidered.

Clause 32.

Question put.

Ayes 7		Noes 6	
Ms J Burch	Mr Pettersson	Miss C Burch	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Mr Gentleman	Mr Rattenbury	Mr Hanson	
Ms Orr		Mr Milligan	

Question resolved in the affirmative.

Clause 32 agreed to.

Ordered that, pursuant to standing order 187, clauses 106 to 109 be taken together and reconsidered.

Clauses 106 to 109.

Question put.

The Assembly voted—

Ayes 7		Noes 6	
Ms J Burch	Mr Pettersson	Miss C Burch	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Mr Gentleman	Mr Rattenbury	Mr Hanson	
Ms Orr		Mr Milligan	

Question resolved in the affirmative.

Clauses 106 to 109 agreed to.

Bill, as amended, agreed to.

Residential Tenancies Amendment Bill 2020

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

> That this bill be agreed to in principle.

MADAM SPEAKER: Mr Parton, before giving you the call, you were directed this morning to remove some material from your social media. Has that been attended to?

Mr Parton: Yes, Madam Speaker, it has been.

MADAM SPEAKER: Thank you, Mr Parton. You have the call on the question that the bill be agreed to in principle.

MR PARTON (Brindabella) (6.04): This bill presents a bit of a conundrum for us on this side of the chamber, just because there is so much in it. A lot of work has gone into it and it covers so many areas, and from our perspective there are some good and bad things in this bill. A lot of thought has been put into the bill to provide a framework for occupancy agreements in particular. It is very easy to forget that a large number of the community reside in caravan parks or student accommodation for which guiding legislative conditions are perhaps understated or currently absent from the Residential Tenancies Act.

I commend all those who have done the hard slog of the work on this bill. It is a lengthy document with extensive provisions impacting on a range of areas. I also express my appreciation to the minister's office for their assistance in navigating the complexities of this document. Thank you to the minister and his staff.

At this stage of the COVID crisis, as a legislature we must be conscious of the impact our law-making actions have on market confidence in the residential sector. We need to appreciate that many property owners are experiencing the same stresses and anxiety as their tenants. I think that fact is sometimes lost in the public narrative. We also must not understate the struggle many tenants are facing.

On the supply side we need to remember that when property owners take the decision to borrow and invest in a residential property many of those investors are taking on a lot of debt. It is often the case that they are hoping their debts will be paid off before or just on their retirement. So these investment decisions provide a substantial benefit to the residential market because they create an accommodation supply stream that otherwise would not exist.

We need to be reminded that it is the investor that takes the risk on rate of return and capacity to meet loan repayments and worry about what the market might do to the property values. That is why I have been dismayed by some of the public discussion,

particularly early on in the COVID crisis, when there was talk of rent strikes and other action.

The COVID crisis has placed severe doubt on the degree of optimism property owners felt compared to a few months back—there is no question about that. To be fair, this government has done a number of things to relieve some of the stress on both tenants and lessors alike. I have to say they have done some wonderful things in that space. This bill establishes more rules and process in relation to co-tenancies which, by and large, clarify the rights of lessors and co-tenants alike. Among other things, it deals with the circumstances where a co-tenant wants to leave the tenancy and where a tenant wishes to admit a new tenant. I am reasonably comfortable with these provisions.

I feel a little uncomfortable about one aspect, and that relates to section 35D. In that section, if a lessor has refused consent to a new person becoming a tenant, the proponent has the option of making what is called a declaration application to ACAT to challenge the lessor's refusal to consent. What seems a bit harsh here is that the person the lessor has refused automatically becomes a new tenant on the day the declaration application is made to ACAT, so the lessor's refusal stands for nought. If the lessor is really serious about refusing a prospective tenant and wants to take it further, the lessor has to make an application to ACAT for an order to stop that person becoming a tenant, even though that person has already moved in. There could be many good reasons why a lessor might refuse a tenant's application. That is just a fact of life. It seems that their right of refusal gets cut off at the knees by virtue of the new person's automatic admission to the tenancy agreement.

We have some concerns about that area; it is a niggling issue. Irrespective, we do not wish to challenge or hinder the orderly progress of this bill. We will be alert to feedback on whether the bill creates dysfunction, and we will certainly press for that to be fixed up if that is the case. I conclude by saying that we will not be opposing this bill nor the Attorney-General's amendments, on the basis that, on balance, the benefits outweigh the potential irritants.

MS LE COUTEUR (Murrumbidgee) (6.09): The Greens support the bill. As I have said during the debates on the last two residential tenancy amendments bills, this has been a long time coming, and it must have felt like an eternity for residents of long-stay caravan parks who have been asking for the legal protections that this bill provides. It is not perfect, and I understand that some stakeholders still have concerns—for example, regarding the mechanism for bond return in share house arrangements. Be that as it may, overall this is a sound and comprehensive package, and I would like to thank Minister Ramsay, the staff at JACS, and the many people who sat on various reference committees as part of this process.

The latter deserve particular mention. I understand that there were a number of staff changes and other things that held up the work of at least one of these committees. And there were times when the committee meetings were not held for periods of time, or when correspondence from committee members was not always answered promptly. In noting this, I would like to be clear that I am not singling out JACS for criticism; rather, there appear to be too few people working on particular projects in

parts of the ACT public service. In this case I understand there was a very small team working on these reforms, and that means that when a person is sick, goes on maternity leave or leaves the position it can have a significant impact on the progress of work.

This bill provides, for the first time, objects for the act. These are recognised at the front of the Residential Tenancies Act—the importance of stable and secure housing. Although these objects are broad in scope, it is pleasing to see them included, and they set the tone for the rest of the act. Defined for the first time in ACT law is "co-tenant". It is great to see people who live in share houses get the legislative recognition they deserve. It provides a clear legislative path for people to join and leave share houses, including a mechanism for returning bonds. There are a number of ways this could have been done, and all have their drawbacks; nonetheless, at least there is now a system for dealing with this and legal recognition of co-tenancies. It has to be an improvement on the current situation, where in some cases people have to completely move out, get their bond back and begin a new tenancy when someone leaves a share house. That process is ridiculous.

The bill also provides a new section which explains what an occupancy agreement is. This is much more comprehensive than what exists in the current RTA. It is great, for example, to see that the catch-all, "is an occupancy agreement if it is not a residential tenancy agreement" has now gone. Emergency accommodation providers are now explicitly dealt with, and housing support programs are defined. The bill introduces new occupancy principles and makes occupancy principles mandatory. All of these things are great. With these and other amendments over the last few years, the RTA is now a much more comprehensive piece of legislation and, I think, even fairer. The bill being comprehensive is not necessarily the only thing that we wanted, but there have been some fairness improvements as well.

However, there are three amendments that the Greens want to make. The first is non-controversial, as I understand it, and I understand that both of the other parties will be supporting it. This amendment relates to leaving a co-tenancy. As the bill before us is currently drafted, a co-tenant may stop being a party to a residential tenancy—in other words, leave the share-house—but they have to provide written notice at least 21 days before they intend to move out. The remaining co-tenants and the lessor then have 21 days to respond. If they do not respond within 21 days, consent to leave is taken to be given. The problem with this is that if a co-tenant wants to leave, it is theoretically possible that they may have to wait until the day that they are meant to leave, or want to leave, to find out whether or not their co-tenants and landlord approve. My amendment simply reduces the time frame for the remaining co-tenants and lessor to get back to the person who wants to leave, from 21 days to 14 days, which will be at least a little more workable for the co-tenant.

Amendments 2 and 3 concern termination of fixed-term leases and mandated mediation. I understand that these are more contentious among members, and they are in separate amendments. These amend the Residential Tenancies (COVID-19 Emergency Response) Declaration 2020, which I will hereafter refer to as "the declaration" because the name is far too long. The declaration is in fact a regulation, and it is not something that a member who is not the relevant minister can amend. The

roundabout way of making this change, then, is to repeal the declaration and cut and paste it in its entirety into the body of the RTA. Nothing gets lost and there is still a provision for the minister to make a regulation relating to the RTA as part of the government's response to COVID-19.

This is clearly not the ideal way of doing it but, given the tools that I have available to me, it appeared to be the only way to do it. Because of the cut and paste nature of the amendment, it is long but it only makes two changes. Both of these relate only to COVID impacted rental households, and it is important to note that the provisions are set to expire on the first day that no COVID-19 emergency is in force. So they are definitely time limited.

The first amendment, proposed new section 166, allows COVID impacted households to terminate a fixed-term tenancy in much the same way as a periodic tenancy could be terminated—that is, by giving three weeks' notice. I think it would have been useful if that had been done earlier but, even so, there is still some point in it. Basically, it allows the landlord and the tenant to try and do something that works out, given changed circumstances, so that if a tenant realises they can no longer afford to pay the rent because of COVID-19, instead of having to go to ACAT—they have enough problems, given where they are—they can actually impact it. It is worth noting that this change was recommended by the COVID committee, as well as by Legal Aid as proposal No 3 in their submission. I was heartened to hear Ms Cheyne, earlier today, say that she hoped that all of the recommendations of the committee would be put into operation. I am very hopeful of her support for this amendment.

In the declaration, the second change I am seeking to effect is one that, to my surprise, neither of the other parties—with the exception of Ms Cheyne—have indicated they will support. Like the amendment that I have just detailed, this one is supported by Legal Aid, which called for this to be done in a letter to the COVID committee, which was published today in the COVID committee's latest report. The COVID committee also recommended this in its first report, and the Tenants' Union and ACT Shelter are supportive as well.

The second amendment, proposed in new section 162, applies if a moratorium on eviction has ended and a tenant of a household who is impacted by COVID-19 is in arrears for rent payable during a moratorium period. It does not apply to anyone else. It provides that a termination notice may only be given if the lessor has participated, in good faith, in a formal rent negotiation process with the tenant.

I note that this is the same form of words used in the New South Wales COVID related rental regulation. In New South Wales, however, formal rent negotiation is done by New South Wales Fair Trading. For the purpose of this amendment, formal rent negotiation is taken to be participation in mediation with a third-party mediation service. Conveniently, and after the Greens called for this, the government has already funded the Conflict Resolution Service to provide mediation between tenants and landlords. My office has been assured that the service has been funded so that it has sufficient capacity to provide services to landlords and tenants.

I am not sure exactly what is going to happen with these amendments, but I am not confident, at this stage, that negotiations about these amendments have been successful. In fact, I think it is the other way around. I have heard a number of reasons for this. At first I was told that ACAT already do mediation. You only get to do mediation with ACAT if you are at ACAT, which is pretty much, for most people, a lose situation already. I have been told there could be constitutional issues with mandating mediation. I must admit I find that unlikely, as we are copying the New South Wales government legislation. I imagine that the New South Wales government has considered any potential constitutional issues.

I am also told that there could be issues related to insurance. Again, I cannot see how participation in mediation could possibly impact insurers. I understand that there are some issues in terms of landlords' insurance and reduction of rents. That is a related but different issue. I understand that the national cabinet is trying to work on that issue, but I point out that rent reduction and mediation are not the same. We were told that New South Wales had a hard cut-off of six weeks for their regulation and that the fact that we borrowed their wording makes our scheme somehow different. Our amendment expires at the same time as the other bits of the declaration, as seems appropriate, as it is COVID-19 related.

Lastly, we were told this might impact on good faith negotiations that have already been taking place between landlords and tenants. This seems like a serious stretch, given that landlords and tenants who have been participating in negotiation using the free government-funded service provided by the Conflict Resolution Service will not be affected one iota. Also, any landlords and tenants who have negotiated and reached a negotiated outcome, and are not going on to further eviction, will not be affected. Basically, if you can work out what to do you are allowed to do it; just do not evict people just because they have been affected by COVID-19. That is the basic point of my amendments, and it is what Legal Aid has talked about a lot in its very good submission to the COVID-19 committee.

I am aware, unfortunately, of a number of cases where a landlord or real estate agent has gone incommunicado since the beginning of the COVID emergency. It is precisely the tenants of these people that we are worried about. These are the people who might simply be evicted at the end of the moratorium. There may not be a lot of them but almost certainly those who are affected will be very negatively affected. My amendment does not propose binding arbitration. It will not stop ACAT from issuing a termination notice; it just ensures that the landlord and the tenant have to talk. It might facilitate a conversation that might prevent a family from losing their home. It might allow tenants to see the perspective of their landlord and realise that the landlord is not being unreasonable in their demands. Whatever happens at mediation, it is hard to see that having a conversation is going to hurt. So this amendment is basically implementing proposal 1 of the Legal Aid submission to the COVID committee.

While I started work on these two amendments well before seeing the Legal Aid submission, I am reassured that there are not major legal issues in requiring lessors to have good faith negotiations with tenants before going to the tribunal. Given that the

COVID committee supported these proposals when they came from Legal Aid, I am really hopeful that they will be supported now, and I call upon the other four members of the COVID committee to support these amendments.

I am disappointed that it appears they have been unable to convince their colleagues about this. I understand that it is possible that we will adjourn debate after the in-principle stage, so I am very hopeful that this delay will lead to some further progress on trying to be fair and reasonable to tenants and landlords who have been affected by COVID-19. Talking to each other, in most cases, can provide a better way forward. I certainly think that before making a decision on this everyone should have a look at Legal Aid's submission. I have, effectively, just tried to write down what the good lawyers in Legal Aid wrote as proposals. The Greens support the bill in principle.

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) (6.24), in reply: I am pleased to close the in-principle stage of the debate on this important piece of legislation which is the final stage of reforms arising out of the 2016 review of the Residential Tenancies Act. This review recommended a number of ways the act could be modernised to reflect community expectations and behaviours. The government has delivered these reforms in a staged and measured way which has benefited all of Canberra.

Certainty in housing laws is fundamental to the wellbeing of our community. The reforms being implemented to date have focused squarely on that policy objective, and this bill continues that same policy development. This final bill, which flows from the review, deals with three major issues where, historically, residential tenancy law has not kept pace with community behaviours. These include share housing, occupancy agreements and residential parks such as long-stay caravan parks. These more flexible and fluid forms of housing are often used by students, young people and those who are vulnerable in our community. This bill works to ensure that these types of living arrangements have adequate clarity and appropriate protections. The bill also ensures that occupancy agreements between students and education providers are appropriately included and specific measures are provided for.

In 2004 the territory took its first major step towards providing basic protections for occupants whose accommodation fell outside the definition of a residential tenancy agreement. These individuals had permission to be on the property, with little or no rights attached to that permission. We did this by introducing the concept of an occupancy agreement, setting out some basic principles for how these occupancy agreements should operate.

The ACT led the nation, through the introduction of those principles, and at the time they were at the cutting edge of property law. In the intervening 16 years, other jurisdictions have followed the ACT's lead by introducing protections for occupants. They have built on the foundations that we have created, and in several cases they have innovated further, so our own occupancy principles now require adjustment to appropriately meet the growing demand and needs of the range of accommodation sectors in which they are used.

Importantly, the bill proposes to make occupancy principles mandatory. This will ensure consistent protections for all people so that occupancy agreements contain a basic level of protection while still retaining the flexibility to tailor an agreement to the particular needs of that accommodation. The mandatory nature of the occupancy principles will increase the clarity and the enforceability of occupancy agreements for all parties. A feature of the unique relationship between students and education providers has driven the need to create limited exceptions for education providers. Student occupancy agreements are inherently different from other agreements in a number of ways.

The bill also proposes amendments to the legal framework applicable to people who reside in caravan and manufactured home parks. The bill acknowledges that many individuals in these parks own their dwellings but lease the site on which the dwelling is located. It addresses the rights and obligations of dwelling owners and park operators in relation to the sale of dwellings, how they can be removed from a park if they have been abandoned and how interest in the dwelling can be assigned to others.

Finally, with the amendments to share housing, the bill contains a new framework to modernise the operation of share housing in the ACT. Share housing is an extremely common form of tenancy for the ACT, commonly used by students and young professionals. Share houses by definition involve multiple parties, and occupancy agreements are most commonly used in situations where individual occupants share communal space, such as in boarding houses, student accommodation and crisis accommodation.

The reforms in this bill will ensure that a tenancy agreement survives a change to the parties, removing the need for new condition reports, clarifying who is responsible for damage at the end of the tenancy and improving the process for managing bonds associated with share houses. The bill proposes a model that is simpler, more modern and which better reflects community behaviours and expectations.

I note the comments of Ms Le Couteur in relation to the further protection of tenants during COVID-19. As has been mentioned, these are dealt with appropriately in the ministerial declaration under the first COVID emergency act. It is appropriate that matters specifically relating to COVID-19 issues are and continue to be dealt with in specific legislation and instruments. The government is committed to that because that provides a clearer, more flexible and more transparent response for the community in relation to the COVID situation. Ms Le Couteur notes that it is not an ideal way of operating to use her amendments, and we agree. It is a flawed process, and so we will not be.

I also note the importance of the issues behind the circulated amendments. They are important principles and important foundational elements. They are the matters the government has already been working on for some time. There is, of course, some distance between important issues or positive ideas and sound legislation. I note that Ms Le Couteur speaks specifically in relation to lifting some matters across from New South Wales legislation in relation to mediation. Our moratorium provisions are not identical to New South Wales and so lifting amendments across from New South

Wales to the ACT is simply not appropriate. The government will continue to work to embody positive values in a sound legislative framework.

I note that a lot of work has been undertaken over the past number of years. This bill holds together a large range of interests.

At 6.30 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR RAMSAY: I am confident that this bill, in drawing things together from the last four years of work, holds together a large group of interests. I am confident of this because this bill has been the subject of extensive community consultation. On 28 November last year I introduced a public exposure draft of this bill, which was then titled the Residential Tenancies Amendment Bill 2019 (No 2). We listened to feedback and further fine-tuned the bill in response. I sincerely thank those who engaged with the public exposure draft and the public consultation. The consultation process has resulted in a bill that is more precise and better adapted to the needs of the community. This would not have been possible without the constructive and positive engagement of so many people.

I place on record my thanks to the team within the Justice and Community Safety Directorate who have progressed these reforms over the past four years. It is not a large team, but it is a very talented team. They have worked diligently over many hours. They have listened carefully to the applied wisdom so that we can have tenancy law reform worthy of this community at this time. Many people in Canberra will have more secure, fairer and more equitable housing arrangements because of their work.

These reforms will transform the act to recognise the variety of ways that Canberrans live in our community today. This is the final step in modernising and simplifying our tenancy laws. They deliver a fairer and more robust framework, respecting the interests and the rights of landlords and tenants. These reforms demonstrate the government's strong commitment to respond to those most in need of protection and to responsibly use the role of law precisely for their benefit. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Adjournment

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

That the Assembly do now adjourn.

Municipal services—maintenance

MRS DUNNE (Ginninderra) (6.33): It is with complete and utter frustration that I come into the Assembly today to complain about the lack of service provided by city services and disability services to a disability house where I have been advocating for the removal of trip hazards.

This issue first arose on 4 February. A constituent wrote to me to say that they had made complaints about a disability house in Hughes which is operated by L'Arche. It is a new building. Four disabled women live there, with the support of care workers. Two of the people in this house are in wheelchairs and the other two have mobility issues. The constituent, who is the parent of one of these women, contacted me because they were sick to death of trying to get a number of trip hazards between the street and the front door of the house fixed.

I went out and visited, and I discovered that, alongside the L'Arche house, there are two driveways to battleaxe blocks behind this house so that there are in fact three driveways, all of which were built at different times and with different materials. In fact, with the public land, the easements onto these driveways were broken and there were a whole lot of problems. In addition, there were multiple materials—broken concrete of different ages, concrete of different aggregate mixes, bitumen and gravel—put together, with lots of discontinuity.

I thought that the best thing to do would be to write to the minister. On 4 February, after visiting the site myself, I provided the minister with photographs, and I made a suggestion to him. I said that it was quite clear that there were multiple people responsible for it—L'Arche, Disability ACT, possibly Housing, city services, all of these people—and could they perhaps get together and solve the trip hazards for these four women, their carers and their parents. The parents of these women were quite concerned about the trip hazards. As I said there were multiple uneven surfaces, and multiple surface treatments—gravel, concrete and bitumen. There were dangerous, unmarked, raised lip areas. As you come out of the garage of the house, there is a discontinuity, a place wide enough for someone to step down. If you had a disability, you might fall down and break your ankle as you came out of the garage. I suggested that we needed a continuous concrete apron.

After many chasings up, and backwards and forwards with L'Arche, I got an undated letter from the minister. He thanked me for my letter of 14 February; in fact it was 4 February. The undated letter, I think, came on about 12 May. It said, "We're looking at it; we'll do some work and it should be completed by the end of March." I then wrote to my constituent and said, "Here it is. Has it been fixed?" He wrote back and said:

> Thank you. We have been waiting to see how the repairs would finish up. Now that we know that the job is finished, we want to express our disappointment. You can see a severe trip hazard still exists.

There were photos attached. He continued:

> We the parents, the house members and staff agree that the small section which is still soil, as well as the concrete protrusion, needs to be completely redone. Soil near concrete develops into a trip hazard over time, as well. With mobility and other disability issues, the potential for tripping is exacerbated. Smooth concrete, all level, is the only solution.

I wrote back to Mr Steel and again asked him, "Do you think that you could get the people together, come up with possibly $3,000 worth of concrete, and fix this once and for all before somebody falls over?" Yesterday I got this letter:

> Dear Mrs Dunne,
>
> Thank you for your email … on behalf of your constituent regarding accessibility for the government owned property … in Hughes. I apologise for the delay … TCCS officers are mindful of the issues facing residents living in supportive housing and endeavour to work with Housing ACT to manage a number of maintenance issues, however, responsibility for the maintenance of nature strips, including driveways, on leased land rests with the lessee.

A government agency, Madam Speaker. As we are seeing, after six months we have had no progress and the women who live in the L'Arche house are still subjected to a trip hazard because this government is so old and so tired that it cannot get its act together. *(Time expired.)*

Mrs Violet Bonnie Garner—tribute

MRS KIKKERT (Ginninderra) (6.39): I rise today to pay tribute to a remarkable resident from my electorate. Mrs Violet Bonnie Garner was born in Melbourne on 30 June 1920, which means that just this week she reached the extraordinary age of 100 years. Violet's life history reveals much about who she is, as a strong and capable woman, at the same time as reminding us of our history as a nation. Her father, an Anzac, served as a stretcher bearer during the war, where he was twice shot and also gassed. The latter incident caused permanent damage to his lungs, leading to his premature death when Violet was only five years old.

Following that tragedy, Violet's mother supported the family by going to work as a house cleaner, passing away 13 years later. At the tender age of 18 Violet found herself an orphan, living on her own. She moved into a boarding house and began an apprenticeship in tailoring, furthering skills she had already begun to develop a passion for during her schooling. Violet quickly became accomplished in her chosen career as a fully qualified tailoress and was much sought after to produce custom-made clothing for both women and men. Violet's elder sister worked as a milliner, and Violet's daughter likes to point out that by pairing their skills they were two of the best dressed women in 1940s Melbourne.

Violet married in her 20s and bore three sons and then a daughter. Sadly, two of her sons have already passed and she has been a widow for nearly 39 years now. At no

point, however, has she ever let these personal losses stop her from living a full and rewarding life. An avid golfer, she continued to hit the courses until giving the game up in 2000 to help provide daily care for her great-grandchildren. Twenty years later, she remains fit and active, as well as a keen observer of this territory's political scene.

Violet has been an avid reader throughout her lifetime. Her current interests tend towards murder mysteries and true crime. She is much loved and admired by her daughter and granddaughter, who are both Canberra residents, and she splits her time alternately living in both households.

I take this opportunity to publicly wish Violet a happy 100th birthday. I also wish to honour her for a long and wonderful life, characterised by determination, self-discipline, a passion for learning, devotion to family, the pursuit of excellence and a cheerful heart. She is an inspiration not only to her family but to me and to many others.

Kaleen Sports Club—closure

MR PARTON (Brindabella) (6.42): It is very rare that we give bouquets to the other side to help celebrate their achievements, but I think we should give credit where it is due. In the spirit of tripartisanship I want to congratulate Mr Barr and Mr Rattenbury for something they have both been working on passionately for some time. Both Mr Barr and Mr Rattenbury have been trying to destroy your local club, and if you live in Kaleen I can report that they have succeeded. So, good job guys. You were hell-bent on putting clubs out of business and you have succeeded.

Thanks to the club-strangling policies that have been put in place, thanks to the absurd scenario whereby this is the only jurisdiction other than Victoria where gaming is now not permitted and thanks to the elitist wowserism we have seen from virtuous members on the other side of the chamber, Kaleen no longer has a licensed club. When I lived in Kaleen, which was only a decade ago, there were two community clubs at the Kaleen group centre and now there are none.

The announcement has been made today that the Kaleen Sports Club will not be reopening. I think it is devastating. It is devastating for community. It is devastating for all of the community groups that receive benefit from the Kaleen Sports Club. It is devastating for staff. It will have a heavy impact on the other co-tenants of that building in Kaleen—namely Snap Fitness and the indoor sports venue.

I have a lot of fond memories of the Kaleen Sports Club. In another life, I used to host the trivia at the club. We had a ball in there. I also participated in a number of sporting pursuits downstairs.

The Eastlake Group have signalled that this closure is simply because the mathematics do not work out. I have been saying it in this chamber and out in the community for weeks. Here is the thing—if you have never run a business, sometimes it is difficult to understand the basic maths of this. For any going business concern, there is only so long you can lose money before it becomes unviable to continue. The

club has also cited an ongoing planning saga, which I am sure Mr Gentleman is well aware of, over the future of the site, which has been dragging on for nearly four years.

Gaming areas in our clubs should have reopened at the time they reopened in Queanbeyan. It never made any sense to do otherwise. I warned those opposite that this would result in the closure of clubs, and I was correct.

At the start of my speech I suggested, with tongue firmly in cheek, that Mr Barr and Mr Rattenbury should be congratulated for this achievement. We have already seen in this chamber today that sometimes subtle and ironic humour goes over the heads of some members, so let me make it abundantly clear. Kaleen Sports Club is closing the doors and this is absolutely the result of the various policies pursued by this Labor and Greens government, who do not believe in putting money in poker machines. I could say putting money in poker machines would not be on any list, if there was a list, but we will not go there. What a shame.

Belconnen—hospitality businesses

MS CHEYNE (Ginninderra) (6.45): I want to highlight the successes of two small Belconnen hospitality businesses during the pandemic, the successes of which are all the more remarkable because they opened during the pandemic.

The first is Café MAMÉ, which softly opened—really softly—on 20 March, thanks to the restrictions that had started to be enforced. I had been keeping an eye out for it for several weeks, after they had been posting tantalising images of their creations on their Instagram account, and it was not just me, it seems. Café MAMÉ soon had a very loyal following, and I was very quickly part of that too. Despite their unassuming location, tucked next to the supermarket, there is always plenty of movement in and around the front door, always complying with the physical distancing restrictions which have been in place, of course.

It is not hard to see why they have such a following. Owners Ji and Amy have glossy pastries on full display and the coffee orders never seem to stop, a sure sign of a place that is serving good coffee. Outstanding sausage rolls, cinnamon donuts and cupcakes are a common feature, including gluten free and vegan options. Occasionally there is a special on offer, and I have particularly fond memories of their cream cheese, blueberry and maple syrup croissant.

But it is not just good food and coffee that keep people coming back; it is the extra effort that is put into making the experience special. There is the everyday warmth but also the extra effort. On Mother's Day, every person who ordered at the cafe received a fresh rose, neatly wrapped. Just recently they catered a morning tea that I hosted to thank teachers at St Thomas Aquinas in Charnwood. Not only was the food superb but Ji himself helped carry the many goods to my car over several trips.

After just over three months it is not hard to see why it is a welcome and well-loved feature of Melba and Belconnen more broadly. I congratulate them on their success in what could not be more trying circumstances.

The other business that has been successful that I want to highlight is Herbert's at Evatt. This has been a dream for Kristin and Eddie, as he is known online, for some time—to create a real local restaurant and bar with a vision for a cosy, friendly and delicious experience.

In early March I had the pleasure of seeing the venue as the finishing touches were being put on. The level of detail and thought put into the venue, from the light fixtures to the mural, underline the care that was put into creating the experience to match the food and the drink.

After a long time of getting things ready, going through all the necessary approvals, Kristin and Eddie were set to launch, literally days away from opening—a great deal of the Evatt community was genuinely salivating—when, you guessed it. For a dream that has always been about the experience of being inside this place, this was a huge blow. But Kristin and Eddie were determined to bring something to the Evatt community. They had a promise and they wanted to deliver, so within a few short weeks they did a huge pivot with their business model and opened as takeaway only, allowing for the Herbert's experience to be taken home.

That was obviously a huge risk. They opened on 2 April, and I was pleased to be one of the very first to grab a cheeseburger, which has remained my go-to order. I do not think anyone will be surprised to know that they were overwhelmed with support on that first night and continue to receive the strong support from the Evatt and broader Belconnen community. Like with Café MAMÉ, it is for good reason. Not only is the food, beer and wine offering simply topnotch, it is the warmth of the welcome when you place your order and when you go in there that keeps people coming back again and again. That is not to mention the almost daily puns and alliteration that gets a red-hot go on their Facebook page.

With restrictions easing, Herbert's was the first place I went for a sit-down meal, and they are now busy hosting regulars—or as regular as people can be after just three months of opening—and newcomers inside whilst still meeting the physical distancing rules, of course.

It is not the year any of us expected nor hoped for, and that is especially true for hospitality businesses and even more so for hospitality businesses which have just opened. I thank Herbert's at Evatt and Café MAMÉ for being bold, and I thank the Evatt and Melba and Belconnen communities more broadly for so warmly embracing these new ventures. It is not hard to see why they have and why they will continue to do so.

Question resolved in the affirmative.

The Assembly adjourned at 6.50 pm until Thursday, 23 July 2020, at 10 am.

Schedules of amendments

Schedule 1

Electoral Legislation Amendment Bill 2019

Amendments moved by the Attorney-General

1
Clause 2
Page 2, line 4—

omit clause 2, substitute

2 Commencement

(1) This Act (other than schedule 2) commences on the day after its notification day.

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

(2) Schedule 2 commences on the later of—

(a) the day after this Act's notification day; and

(b) the commencement of the *COVID-19 Emergency Response Legislation Amendment Act 2020 (No 2)*, section 3.

2
Proposed new schedule 2
Page 17, line 6—

insert

Schedule 2 Electoral Act 1992— Consequential amendments

(see s 3)

Note This schedule amends provisions inserted into the *Electoral Act 1992 by the COVID-19 Emergency Response Legislation Amendment Act 2020 (No 2).*

[2.1] Section 136BA (4)

before

certified list of electors

insert

preliminary

[2.2] Section 136D (6) (a)

before

certified list of electors

insert

preliminary

Schedule 2

Electoral Legislation Amendment Bill 2019

Amendment moved by the Leader of the Opposition

1
Proposed new clause 4A
Page 3, line 1—

insert

4A Meaning of *extract* from roll
Section 59, definition of *extract*, new paragraphs (d) and (e)

before the note, insert

(d) the electorate that the elector's address is in (the ***elector's current electorate***); or

(e) if the elector's address will be in an electorate other than the elector's current electorate at the next election because of a determination under section 35 (Redistribution of electorates)—that electorate.

2
Clause 24
Page 10, line 14—

omit clause 24, substitute

24 Dissemination of unauthorised electoral matter
Section 292 (1) (b) (i)

substitute

(i) the first and last name of the individual who authorised, or authored, the matter; and

3
New clauses 26A and 26B
Page 11, line 6—

insert

26A New section 292 (1A)

insert

(1A) For electoral matter prepared before the commencement of the Electoral *Legislation Amendment Act 2020*, part 2, it is sufficient for the initial of the person's first name and the person's full last name to be included on the matter.

Note The defendant has an evidential burden in relation to the matter mentioned in s (1A) (see Criminal Code, s 58).

26B New section 292 (3)

insert

(3) This section and subsection (1A) expire 6 months after the day the general election, due to be held in October 2020, happens.

Schedule 3

Electoral Legislation Amendment Bill 2019

Amendment moved by the Attorney-General to the Leader of the Opposition's amendment No 1

1
Amendment 1
Proposed new clause 4A

omit proposed new clause 4A, substitute

4A Meaning of *extract* from roll
Section 59, definition of *extract*, new paragraph (d)

before the note, insert

(d) if the elector's address is included under paragraph (c)—

(i) the electorate that the address is in (the ***current electorate***); or

(ii) if the address will be in an electorate other than the current electorate at the next election because of a determination under section 35 (Redistribution of electorates)—that electorate.

Schedule 4

Electoral Legislation Amendment Bill 2019

Amendment moved by Ms Le Couteur

1
Proposed new clause 9A
Page 4, line 6—

insert

9A New section 110A

insert

110A Candidate information to be published

(1) After the declaration of candidates under section 109, a candidate may give the commissioner information about the candidate for publication under this section.

(2) The commissioner must, as soon as practicable after receiving the information, arrange for it to be published on the Elections ACT website.

(3) The commissioner must determine by lot the order of the publication of information about candidates on the Elections ACT website.

(4) Once only, within 14 days after the publication of a candidate's information, the candidate may give the commissioner revised information about the candidate.

(5) The commissioner must, as soon as practicable after receiving the revised information from the candidate, arrange for it to be published on the Elections ACT website.

(6) If the commissioner is satisfied on reasonable grounds that any information given to the commissioner for publication includes content that is obscene, defamatory or otherwise unlawful, the commissioner must not publish that part of the information.

(7) The commissioner must give a candidate whose information is not published under subsection (6), written notice of the reason for not publishing the information and the opportunity to amend the information so that it is suitable for publication.

(8) In this section:

information, about a candidate, means—

(a) a photograph of the candidate; and

(b) the contact details for the candidate including a link to a website used by the candidate for the purposes of the election; and

(c) a statement about the candidate of not more than 500 words.

Schedule 5

Electoral Legislation Amendment Bill 2019

Amendment moved by the Leader of the Opposition to Ms Le Couteur's Amendment 1

1
Amendment 1
Proposed new clause 9A
Proposed new section 110A (7A)

insert

(7A) For a party candidate, the registered officer of the registered party for the candidate may act on behalf of the candidate under this section.

Schedule 6

Employment and Workplace Safety Legislation Amendment Bill 2020

Amendments moved by the Minister for Employment and Workplace Safety

1
Long title—

omit

public sector management,

2
Clause 2 (1)
Page 2, line 6—

omit

Parts 1 and 3

substitute

Part 1

3
Part 3
Page 23, line 1—

omit
