



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014–2015

MINUTES OF PROCEEDINGS

No. 113

WEDNESDAY, 16 SEPTEMBER 2015

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 LOTTERIES AMENDMENT BILL 2015

Mr Wall, pursuant to notice, presented a Bill for an Act to amend the *Lotteries Act 1964*.

Paper: Mr Wall presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Wall moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Barr—Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

3 BUSINESS CONFIDENCE

Dr Bourke, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) the Commonwealth Office of the Chief Economist has recently found that on a population-adjusted basis that the ACT is the highest performing of all Australian jurisdictions on both innovation and entrepreneurship;
 - (b) the focus of the renewed business development strategy: *Confident and Business Ready* is to build on Canberra's strengths to generate more jobs in innovation, research and education, and create a more attractive business environment;
 - (c) the ACT Government has committed \$11.75 million in new funding over the next two years to deliver *Confident and Business Ready*;



- (d) the Government is cutting red tape for business through the operation of Access Canberra and regular red tape reduction legislation; and
 - (e) the ACT Government has recently led business delegations to Singapore and China, and will lead one to the United States of America and Japan in October, to expand markets for local business operators; and
- (2) calls on the ACT Government to continue to:
- (a) ensure Canberra’s business environment remains competitive and attractive for local, interstate and international businesses by implementing the *Confident and Business Ready* strategy; and
 - (b) work with employers, local businesses, unions and the community to continue to create and support local jobs.

Debate ensued.

Question—put and passed.

4 LEASE VARIATION CHARGE

Mr Smyth, pursuant to notice, moved—That this Assembly:

- (1) notes the Lease Variation Charge’s (LVC):
 - (a) distorting market effects on Canberra’s housing sector;
 - (b) negative impact on stimulating investments, redevelopments and jobs in our city;
 - (c) impeding effects on encouraging adaptive reuse in our town centres and increasing housing stock in desirable locations;
 - (d) continued revenue underperformance and inability to fund the Government’s Urban Improvement Fund; and
 - (e) unreasonable increased costs to redevelopment projects, which in turn is passed onto homebuyers;
- (2) notes the Chief Minister’s:
 - (a) public statement on 10 September 2015 that the impacts of the LVC on our local economy are not a “high priority”; and
 - (b) continued position that the LVC is a developers tax, and not a tax on housing affordability; and
- (3) calls on the Government to:
 - (a) reduce the LVC to 0% for four years in Civic and Canberra town centres by the 2016-2017 ACT Budget; and
 - (b) provide the Assembly with a quarterly update on measures it is taking to make this happen.

Mr Barr (Treasurer) moved the following amendment: Omit all words after “notes” (first occurring), substitute:

- “(a) the Federal Liberal Government’s decision to slash 8000 jobs from the Canberra economy, and that this decision has caused an increase in office vacancy rates;

- (b) that the Government leases Territory land to the private sector for a particular purpose, and that that purpose determines its value;
 - (c) that changing the purpose of a lease can deliver windfall gains for property owners, and a portion of these gains should be retained for the community;
 - (d) that the community's portion of these windfall gains should be retained by the Government through the Lease Variation Charge (LVC) to fund the delivery of community services;
 - (e) the Government has a scheme of LVC remissions in place, which recognise contributions made to the community through developments, including for:
 - (i) adaptable housing;
 - (ii) childcare;
 - (iii) environmental remediation; and
 - (iv) high environmental ratings;
 - (f) that housing affordability has improved since 2012; and
 - (g) the ACT Liberals' policy to provide a tax break to certain property developers is the wrong priority for the ACT; and
- (2) calls on the Government to continue to ensure that a portion of windfall gains from changes to leases are retained for the community's benefit."

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

| AYES, 9 | | NOES, 8 | |
|------------|---------------|------------|-----------|
| Mr Barr | Ms Fitzharris | Mr Coe | Ms Lawder |
| Ms Berry | Mr Gentleman | Mr Doszpot | Mr Smyth |
| Dr Bourke | Ms Porter | Mrs Dunne | Mr Wall |
| Ms Burch | Mr Rattenbury | Mr Hanson | |
| Mr Corbell | | Mrs Jones | |

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - “(a) the Federal Liberal Government's decision to slash 8000 jobs from the Canberra economy, and that this decision has caused an increase in office vacancy rates;
 - (b) that the Government leases Territory land to the private sector for a particular purpose, and that that purpose determines its value;
 - (c) that changing the purpose of a lease can deliver windfall gains for property owners, and a portion of these gains should be retained for the community;

- (d) that the community's portion of these windfall gains should be retained by the Government through the Lease Variation Charge (LVC) to fund the delivery of community services;
 - (e) the Government has a scheme of LVC remissions in place, which recognise contributions made to the community through developments, including for:
 - (i) adaptable housing;
 - (ii) childcare;
 - (iii) environmental remediation; and
 - (iv) high environmental ratings;
 - (f) that housing affordability has improved since 2012; and
 - (g) the ACT Liberals' policy to provide a tax break to certain property developers is the wrong priority for the ACT; and
- (2) calls on the Government to continue to ensure that a portion of windfall gains from changes to leases are retained for the community's benefit."—

be agreed to—put and passed.

5 ADOPTION PROCESSES

Ms Lawder, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the ACT Government's current blitz on criminal cases in the ACT court system has resulted in a backlog of civil cases. Due to the backlog of civil cases a number of children and families in the ACT have been advised they have a long wait for adoptions to be finalised;
 - (b) members of the Canberra community are concerned about the length of time it takes to adopt a child in the ACT. In 2013-2014 there were only 17 adoptions in the ACT; 10 intercountry adoptions and only seven local adoptions; and
 - (c) the ACT Government objectives of the Out of Home Care Strategy is costing approximately \$39 million over 2015-2016 to 2018-2019 of taxpayer's money, yet fails to provide the emotional stability and permanency that these children need; and
- (2) calls on the ACT Government to:
 - (a) recognise the benefits to children, families and the Canberra community in making the adoption processes faster and streamlined;
 - (b) take immediate action to reduce the backlog of civil cases in the ACT court system and report back to the Assembly in November 2015 in relation to how it will achieve this; and
 - (c) prioritise faster processing of adoptions in the ACT court system and report back to the Assembly in November 2015 on the number of children waiting for an adoption order to be made in the ACT and the average waiting time for an adoption order to be made in the ACT.

Debate ensued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

6 QUESTIONS

Questions without notice were asked.

7 ADOPTION PROCESSES

The order of the day having been read for the resumption of the debate on the motion of Ms Lawder (*see* [entry 5](#))—

Debate resumed by Mr Gentleman (Minister for Children and Young People), who moved the following amendment: Omit all words after “notes”, substitute:

- “(a) in 2013-14, the adoption rate in the ACT was 8.3 per 100 000 children, compared to the Australian national rate of 3.9 per 100 000 children; and
 - (b) *A Step up For Our Kids* seeks to provide long-term care and stability for children under two years old after a period of 12 months on care and protection orders, and by allowing an application for enduring parental responsibility after a continuous period of 12 months in care or a total of 12 months in a two year period; and
- (2) calls on the ACT Government to recognise the benefits for children, young people and families in making sure that adoption processes give careful consideration to the circumstances of each child, that each adoption is in the best interest of a child and accommodates the need to appropriately work through issues around birth parents’ consent to adoption, and works with prospective adoptive parents in a collaborative manner.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

| AYES, 9 | | NOES, 8 | |
|------------|---------------|------------|-----------|
| Mr Barr | Ms Fitzharris | Mr Coe | Ms Lawder |
| Ms Berry | Mr Gentleman | Mr Doszpot | Mr Smyth |
| Dr Bourke | Ms Porter | Mrs Dunne | Mr Wall |
| Ms Burch | Mr Rattenbury | Mr Hanson | |
| Mr Corbell | | Mrs Jones | |

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - “(a) in 2013-14, the adoption rate in the ACT was 8.3 per 100 000 children, compared to the Australian national rate of 3.9 per 100 000 children; and

- (b) *A Step up For Our Kids* seeks to provide long-term care and stability for children under two years old after a period of 12 months on care and protection orders, and by allowing an application for enduring parental responsibility after a continuous period of 12 months in care or a total of 12 months in a two year period; and
- (2) calls on the ACT Government to recognise the benefits for children, young people and families in making sure that adoption processes give careful consideration to the circumstances of each child, that each adoption is in the best interest of a child and accommodates the need to appropriately work through issues around birth parents' consent to adoption, and works with prospective adoptive parents in a collaborative manner.”—

be agreed to—put and passed.

8 HEALTH INFRASTRUCTURE PROGRAM

Ms Fitzharris, pursuant to notice, moved—That this Assembly notes that:

- (1) the ACT Government delivers a world-class health care system and continues to prioritise the improvement of this system;
- (2) this Government has already invested more than \$900 million in the Health Infrastructure Program (HIP);
- (3) there are numerous projects that are either underway or in planning and design including the University of Canberra Public Hospital; and
- (4) because of the HIP there are important services being delivered in a range of acute and community settings including the Walk-in Centres, the Centenary Hospital for Women and Children and the Community Health Centres.

Mr Hanson (Leader of the Opposition) moved the following amendment: Omit all words after “notes that”, substitute:

- “(1) the ACT Government:
 - (a) slashed \$41 million from the proposed new Canberra Hospital Tower Block;
 - (b) slashed 60 beds from the proposed new University of Canberra Public Hospital;
 - (c) allocated \$10.8 million in 2007 for the Bush Healing Farm but work has yet to be started;
 - (d) ran over time and over budget on the Acute Adult Mental Health Inpatient Facility;
 - (e) ran more than \$300 000 over budget on the Mental Health Assessment Unit;
 - (f) announced \$17.2m for the Central Sterilising Services in 2012 but work has still not started;
 - (g) is running over time and over budget on the Secure Mental Health Facility, which was promised to be operational by 2011 but is still not finished in 2015;
 - (h) ran 18 months over time and \$20 million over budget on the Canberra Hospital car park;

- (i) ran over time and about \$20 million over budget on the Centenary Hospital but delivered less beds than were previously provided;
 - (j) has for years had the nation's worst emergency department waiting times;
 - (k) has for years had the nation's worst elective surgery waiting times;
 - (l) has dangerously high bed occupancy and overcrowding at Canberra Hospital; and
 - (m) has just lost training accreditation at Canberra Hospital; and
- (2) calls on the Government to:
- (a) restore the 60 beds slashed from the University of Canberra Public Hospital; and
 - (b) provide updates on the progress and final costs of the proposed Canberra Hospital Tower Block, the Bush Healing Farm, the Secure Mental Health Facility and the University of Canberra Public Hospital.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

| AYES, 8 | | NOES, 9 | |
|------------|-----------|------------|---------------|
| Mr Coe | Ms Lawder | Mr Barr | Ms Fitzharris |
| Mr Doszpot | Mr Smyth | Ms Berry | Mr Gentleman |
| Mrs Dunne | Mr Wall | Dr Bourke | Ms Porter |
| Mr Hanson | | Ms Burch | Mr Rattenbury |
| Mrs Jones | | Mr Corbell | |

And so it was negatived.

Question—That the motion be agreed to—put and passed.

9 INAPPROPRIATE STRUCTURE IN A SCHOOL

Mr Doszpot, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) that the inquiry into the construction of a cage in a Canberra primary school took over five and a half months;
 - (b) that the report did not list the terms of reference under which the inquiry was conducted or who conducted it and their qualifications to do so; and
 - (c) that the report did not explain a number of issues, including why officers within the Directorate who had knowledge of the construction did nothing for nearly two weeks; and
- (2) calls on the Government to provide to the Assembly by C.O.B. this Thursday, 17 September 2015, the following information relating to the construction of a cage like structure:
 - (a) the terms of reference for the original inquiry;
 - (b) details of who conducted the inquiry, and their qualifications to do so;

- (c) the full report of the inquiry, including a complete chronology, only excluding any references and names that would jeopardise the privacy of the school or the family;
- (d) copies of all paperwork relating to the decision to request a quote, the quote/s received, invoice and payment method and details of the construction;
- (e) advice, including legal advice, relating to the incident, including legal advice as to whether the matter amounted to unlawful imprisonment;
- (f) any documented guidelines for the use of the construction; and
- (g) the process by which the officers within the Education and Training Directorate will be investigated and by whom and the expected timeline for this inquiry.

Ms Burch (Minister for Education and Training) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes:

- “(a) the ACT Government took immediate action to investigate how an inappropriate structure came to be in an ACT school;
- (b) this investigation into an inappropriate structure in an ACT school has concluded;
- (c) the public release onto the Education and Training Directorate (ETD) website of the findings of this inquiry, including:
 - (i) the scope of the inquiry;
 - (ii) a complete chronology of events since the construction of the structure, excluding any references to identifying information; and
 - (iii) a summary of the investigation outcomes;
- (d) the inquiry was conducted by investigators from Shared Services Employee Relations;
- (e) the ETD has taken action on the recommendations into the investigation in accordance with public service protocols and relevant industrial agreements;
- (f) the conduct and decisions of every officer who was part of the Directorate’s response is being examined and the Directorate is dealing with each of those officers individually;
- (g) the ACT Government has commissioned an expert panel on students with complex needs and challenging behaviours;
- (h) the work of the panel may include, but not be limited to:
 - (i) evaluating the current legislative and policy framework, guidelines and protocols that support ACT schools in teaching students with complex and challenging needs;
 - (ii) consulting with schools, community organisations and individuals, including students and their families, about the ways in which the policy framework, guidelines, protocols and practices are implemented in schools;

- (iii) exploring issues with school communities;
 - (iv) reviewing current practices in ACT schools in regard to complex and challenging behaviour, with particular attention to responses such as exclusionary withdrawal; and
 - (v) reviewing research, evidence-based practices and current policies and practices in other jurisdictions, including proactive approaches that successfully promote attendance, participation and learning;
 - (i) the expert panel will report its findings in October; and
 - (j) the expert panel's report will be provided to the Standing Committee on Education, Training and Youth Affairs; and
- (2) calls on the Government to provide the Assembly with a copy of the Government's response to the expert panel's review as soon as practical after the conclusion of the expert panel review."

Debate continued.

Mr Smyth addressing the Assembly—

Adjournment negated: It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Ms Burch requiring the question to be put forthwith without debate—

Question—put and negated.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

| AYES, 8 | | NOES, 7 | |
|------------|---------------|------------|-----------|
| Ms Berry | Ms Fitzharris | Mr Coe | Mrs Jones |
| Dr Bourke | Mr Gentleman | Mr Doszpot | Mr Smyth |
| Ms Burch | Ms Porter | Mrs Dunne | Mr Wall |
| Mr Corbell | Mr Rattenbury | Mr Hanson | |

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - “(a) the ACT Government took immediate action to investigate how an inappropriate structure came to be in an ACT school;
 - (b) this investigation into an inappropriate structure in an ACT school has concluded;
 - (c) the public release onto the Education and Training Directorate (ETD) website of the findings of this inquiry, including:

- (i) the scope of the inquiry;
 - (ii) a complete chronology of events since the construction of the structure, excluding any references to identifying information; and
 - (iii) a summary of the investigation outcomes;
- (d) the inquiry was conducted by investigators from Shared Services Employee Relations;
- (e) the ETD has taken action on the recommendations into the investigation in accordance with public service protocols and relevant industrial agreements;
- (f) the conduct and decisions of every officer who was part of the Directorate's response is being examined and the Directorate is dealing with each of those officers individually;
- (g) the ACT Government has commissioned an expert panel on students with complex needs and challenging behaviours;
- (h) the work of the panel may include, but not be limited to:
- (i) evaluating the current legislative and policy framework, guidelines and protocols that support ACT schools in teaching students with complex and challenging needs;
 - (ii) consulting with schools, community organisations and individuals, including students and their families, about the ways in which the policy framework, guidelines, protocols and practices are implemented in schools;
 - (iii) exploring issues with school communities;
 - (iv) reviewing current practices in ACT schools in regard to complex and challenging behaviour, with particular attention to responses such as exclusionary withdrawal; and
 - (v) reviewing research, evidence-based practices and current policies and practices in other jurisdictions, including proactive approaches that successfully promote attendance, participation and learning;
- (i) the expert panel will report its findings in October; and
- (j) the expert panel's report will be provided to the Standing Committee on Education, Training and Youth Affairs; and
- (2) calls on the Government to provide the Assembly with a copy of the Government's response to the expert panel's review as soon as practical after the conclusion of the expert panel review."—

be agreed to—put and passed.

10 ADJOURNMENT

Ms Burch (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.31 p.m., adjourned until tomorrow at 10 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

M M KIERMAIER
Acting Clerk of the Legislative Assembly