



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014–2015

### MINUTES OF PROCEEDINGS

No. 119

WEDNESDAY, 28 OCTOBER 2015

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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 PETITION AND MINISTERIAL RESPONSE—STATEMENT BY MEMBER

##### Petition

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Wall, from 2619 residents, requesting that the Assembly support any legislative move that prevents the sale of lottery products in the ACT by corporate giants such as Woolworths and Coles (Pet 13-15).

##### Ministerial response

The Clerk announced that the following response to a petition had been lodged:

Mr Rattenbury (Minister for Sport and Recreation), dated 27 October 2015—Response to petition No. 9-15, lodged by Mr Rattenbury on 4 August 2015, concerning Lyneham's urban open space.

Mr Wall, by leave, made a statement in relation to the petition.

#### 3 LOTTERIES AMENDMENT BILL 2015

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Debate adjourned (Mr Smyth) and the resumption of the debate made an order of the day for the next sitting.



#### 4 MR FLUFFY LEGACY—PROPOSED BOARD OF INQUIRY

Mr Hanson (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes that:
  - (a) on 14 December 2014 the Assembly Standing Committee on Public Accounts, including two Labor Government MLAs, recommended that an ACT board of inquiry be constituted, pursuant to the *Inquiries Act 1991*, to investigate the full history of the Mr Fluffy legacy and report by 1 March 2016;
  - (b) in response to the Committee on Public Accounts, the Government agreed there was a need to consider the entirety of the history of this issue; and
  - (c) that Mr Barr said on 22 September 2015 in response to an Assembly question that “I never disagreed with the need to establish a board of inquiry”; and
- (2) calls on the Chief Minister to immediately establish a board of inquiry into the Mr Fluffy tragedy pursuant to the *Inquiries Act 1991* to present a final report to the Assembly no later than the last sitting day of August 2016.

Mr Barr (Chief Minister) moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes:
- (a) in the Government response to the Assembly Standing Committee on Public Accounts’ inquiry into the proposed Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015, the ACT Government noted the need to consider the full history of the Mr Fluffy legacy;
  - (b) the ACT Government, through the Asbestos Response Taskforce, is currently responding to the Mr Fluffy crisis; that many Fluffy owners remain in their homes; the demolition process has only just begun and it will take up to five years to rid the ACT of the toxic Mr Fluffy legacy;
  - (c) an inquiry launched immediately would mean substantial distraction to the work of, and diversion of resources from, the Asbestos Response Taskforce, delaying the implementation of the Government’s response at the expense of those directly affected by Mr Fluffy;
  - (d) the Mr Fluffy legacy extends back to 1968, well before self-government in the ACT, and that the Commonwealth Government has played a central role in the Mr Fluffy legacy;
  - (e) the Mr Fluffy legacy extends into NSW, with the NSW Government creating a taskforce similar to the ACT to respond to the presence of loose-fill asbestos in homes throughout NSW;
  - (f) an inquiry into the legacy of Mr Fluffy could only achieve its goals with the involvement and close co-operation of the Commonwealth and NSW Governments as the ACT does not have jurisdiction over activities of the Commonwealth and NSW Governments; and
  - (g) that a board of inquiry is likely to cost the Territory tens of millions of dollars and would likely take more than a year to complete;

- (2) calls on the Chief Minister to formally raise this issue with the Prime Minister and the NSW Premier to seek the views of the Commonwealth and NSW Governments on the form of an inquiry into the legacy of Mr Fluffy and to seek support for the cost of an inquiry; and
- (3) update the Assembly on the outcome of discussions with the Prime Minister and NSW Premier as part of the Asbestos Response Taskforce quarterly reports to the Assembly.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Corbell	Mr Coe	Ms Lawder
Ms Berry	Ms Fitzharris	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	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) in the Government response to the Assembly Standing Committee on Public Accounts’ inquiry into the proposed Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015, the ACT Government noted the need to consider the full history of the Mr Fluffy legacy;
  - (b) the ACT Government, through the Asbestos Response Taskforce, is currently responding to the Mr Fluffy crisis; that many Fluffy owners remain in their homes; the demolition process has only just begun and it will take up to five years to rid the ACT of the toxic Mr Fluffy legacy;
  - (c) an inquiry launched immediately would mean substantial distraction to the work of, and diversion of resources from, the Asbestos Response Taskforce, delaying the implementation of the Government’s response at the expense of those directly affected by Mr Fluffy;
  - (d) the Mr Fluffy legacy extends back to 1968, well before self-government in the ACT, and that the Commonwealth Government has played a central role in the Mr Fluffy legacy;
  - (e) the Mr Fluffy legacy extends into NSW, with the NSW Government creating a taskforce similar to the ACT to respond to the presence of loose-fill asbestos in homes throughout NSW;
  - (f) an inquiry into the legacy of Mr Fluffy could only achieve its goals with the involvement and close co-operation of the Commonwealth and NSW Governments as the ACT does not have jurisdiction over activities of the Commonwealth and NSW Governments; and
  - (g) that a board of inquiry is likely to cost the Territory tens of millions of dollars and would likely take more than a year to complete;

- (2) calls on the Chief Minister to formally raise this issue with the Prime Minister and the NSW Premier to seek the views of the Commonwealth and NSW Governments on the form of an inquiry into the legacy of Mr Fluffy and to seek support for the cost of an inquiry; and
- (3) update the Assembly on the outcome of discussions with the Prime Minister and NSW Premier as part of the Asbestos Response Taskforce quarterly reports to the Assembly.”—

be agreed to—put and passed.

## 5 PUBLIC TRANSPORT NETWORK

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

- (1) notes:
  - (a) Canberra is growing quickly as it becomes a vibrant and diverse international city;
  - (b) proper investment and focus on public transport is the only way to effectively avoid a congested road network over the next 25 years; and
  - (c) Canberrans deserve a convenient, integrated, reliable, efficient and affordable public transport network to meet their needs for the future;
- (2) welcomes the:
  - (a) release of the Government’s plan to improve and co-ordinate our public transport by ensuring there is “one ticket, one network” across buses and light rail;
  - (b) ACT Government’s commitment to ensure ACTION remains in public hands;
  - (c) release of the consultation draft of the Light Rail Network Plan to identify potential future light rail corridors and seek community feedback; and
  - (d) establishment of the single public transport agency, Transport Canberra, to oversee operational and service improvements to ACTION, and the construction and operation of the light rail network; and
- (3) calls on the ACT Government to:
  - (a) continue to implement a public transport network that meets Canberrans’ needs now and over the next 25 years;
  - (b) ensure Transport Canberra prioritises the re-allocation of 1.2 million annual bus kilometres freed up by stage 1 of the light rail network to improve the Canberra-wide bus service; and
  - (c) investigate potential partnership opportunities with the Commonwealth Government for high priority light rail corridors.

Debate ensued.

Mr Coe moved the following amendment: Omit all words after “That this Assembly”, substitute:

“calls on the ACT Government to undertake a genuine assessment about the optimal mode and staging of improvements to public transport in Canberra.”.

*Paper:* Ms Fitzharris, by leave, presented the following paper:

Canberra light rail puts Gungahlin on track for property boost—Copy of news article, dated 30 April 2015.

Debate continued.

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 PAPER

Mr Rattenbury (Minister for Territory and Municipal Services), having added to an answer to a question without notice yesterday, presented the following paper:

ACTION Buses advertising policy.

## 8 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—AMENDMENT OF STANDING ORDER 210—STATEMENT BY CHAIR

Mrs Dunne (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Administration and Procedure had considered the proposed amendment of standing order 210 to allow an accredited Auslan interpreter to come on to the floor of the Chamber, and had agreed to support the change.

## 9 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—STANDING ORDERS—MATTERS OF PUBLIC IMPORTANCE—PROPOSED AMENDMENTS—STATEMENT BY CHAIR

Mrs Dunne (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Administration and Procedure had considered proposed amendments to the standing orders that would allow members of the public to propose matters of public importance for discussion on a sitting day. The proposed amendments were not supported by a majority of the Committee.

## 10 PUBLIC TRANSPORT NETWORK

The order of the day having been read for the resumption of the debate on the motion of Dr Bourke, and on the amendment moved by Mr Coe (*see entry 5*)—

Debate resumed.

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.

## 11 TAXIS AND RIDESHARING

Mr Coe, pursuant to notice, moved—That this Assembly calls on the ACT Government to respond to the devaluation of perpetual taxi plates brought about by the Government’s rideshare policy.

Mr Barr (Chief Minister) moved the following amendment: Omit all words after “That this Assembly”, substitute: “agrees with the Government approach to review how the introduction of ridesharing has influenced the price of perpetual taxi plates 24 months after the commencement of rideshare in the ACT.”.

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 agrees with the Government approach to review how the introduction of ridesharing has influenced the price of perpetual taxi plates 24 months after the commencement of rideshare in the ACT.”—

be agreed to—put and passed.

## 12 PUBLIC HEALTH SYSTEM

Mr Hanson (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes that:
  - (a) in the past 12 months ACT Health has been plagued with mismanagement, strikes, unsafe practices, toxic culture, bullying, inappropriate personal relationships, loss of training accreditation, overcrowding, highest costs, lost millions, lack of transparency, worst emergency and elective surgery wait times; and
  - (b) recent public reports of failures of ACT Health include:
    - (i) on 7 November 2014 the ABC reported:
      - (A) that The Canberra Hospital (TCH) could lose its accreditation as a teaching hospital amid accusations of a “toxic” culture of bullying in the maternity department;
      - (B) staff bullying had plagued the department since concerns were first raised four years ago; and
      - (C) one senior staff member told the ABC the department was a “car wreck”;

- (ii) on 7 November 2014 *The Canberra Times* printed an article headed “‘Worst in Australia’ Canberra maternity unit under pressure”;
- (iii) on 24 February 2015 *The Canberra Times* reported that an audit found serious concerns about bullying, staffing arrangements and said patient and staff care could have been put at risk;
- (iv) on 27 March 2015 the ABC reported that a plan to resolve overcrowding at TCH’s emergency department was being slammed as lacking intellectual rigour and being dismissive of contrary opinion and staff at TCH have reported close to 28 people waiting for treatment at one time with some being treated in nursing corridors;
- (v) on 30 April 2015 *The Canberra Times* reported that Canberra hospitals are the most expensive in Australia;
- (vi) on 5 May 2015 *The Canberra Times* reported that caterers were called into urgent meetings as relatives fear risk to patients due to poor food;
- (vii) on 14 May 2015 *The Canberra Times* reported that Simon Corbell has continued to deny planned bed numbers at the new University of Canberra Hospital were cut and at the same time ACT Health conceded bed numbers for new University of Canberra Hospital cut;
- (viii) on 19 May 2015 *The Canberra Times* reported senior hospital doctors begin industrial action as pay woes continued;
- (ix) on 17 June 2015 *The Canberra Times* reported that the Minister calls for an external review which comes after years of allegations of bullying, mismanagement and an ongoing toxic culture;
- (x) on 19 June 2015 *The Canberra Times* reported a damning report from the Auditor-General suggested errors in patient data collection had cost ACT Health up to \$3 million;
- (xi) on 23 June 2015 the ABC reported that the Canberra’s hospital emergency department wait times are among the worst in the country;
- (xii) on 24 June 2015 *Canberra City News* reported that TCH stripped of a training accreditation (Urology) and the critical report is blocked from public release by the ACT Government;
- (xiii) on 8 October 2015 in a media release from the Minister Simon Corbell he admitted that TCH had inappropriate behaviours which have been “prolonged and normalised” and he admitted that “bullying, inappropriate interpersonal relationships, and emotional intimidation have been allowed to persist”; and
- (xiv) on 20 October 2015 *The Canberra Times* reported that intensive care nurses at TCH complained of unsafe staff levels and a lack of confidence in hospital management and threatened strike action;

- (2) calls on the Minister to explain:
  - (a) to the Assembly and the ACT community why the ACT public hospital failures are so systemic; and
  - (b) what his strategies are to address the failures; and
- (3) calls on the Minister to report to the Assembly by 30 June 2016 on the progress of strategies to fix ACT public hospitals.

Mr Corbell (Minister for Health) moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes:
- (a) the ACT Government delivers a high quality health care system and continues to prioritise improvements and the expansion of services and facilities;
  - (b) the ACT Government has invested more than \$900 million in the Health Infrastructure Program that has delivered the Canberra Region Cancer Centre, the Centenary Hospital for Women and Children, the Adult Mental Health Unit, the three community health centres and two walk-in centres as well as numerous projects that are either underway or in the planning phases, including the new University of Canberra Public Hospital, the Ngunnawal Bush Healing Farm, the Secure Mental Health Unit and the Calvary car park;
  - (c) the ACT Government is addressing increased demand on the Emergency Department by providing a \$23 million expansion that will deliver a further 1000 square metres of floor space and up to 21 additional beds, including acute beds, resuscitation beds/bays, Emergency Management Unit beds, Mental Health Assessment Unit beds and the paediatric streaming function;
  - (d) the ACT Government is improving access to elective surgery by providing \$14.8 million over two years to provide an extra 500 elective surgeries and an additional 500 endoscopy cases;
  - (e) the ACT Government, in recognition of the seriousness of the negative impact that bullying and harassment has on staff and workplace practice, commissioned in June 2015 an independent review of the clinical training culture at The Canberra Hospital and health services;
  - (f) the ACT Government is a leader in its approach to tackling the national cultural issues associated with medical training by publicly releasing the review and establishing a committee that will implement all of the recommendations in the report;
  - (g) that ACT Health's new director-general has publicly stated she will not tolerate bullying in the medical workforce;
  - (h) a full survey of ACT Health services, against the 256 actions within the National Safety and Quality Health Service Standards, conducted by 10 surveyors, resulted in unconditional accreditation with no exclusions; and
  - (i) the ACT Government remains committed to further improving the health system and responding to the needs of staff and patients alike.”.

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 notes:

- (1) the ACT Government delivers a high quality health care system and continues to prioritise improvements and the expansion of services and facilities;
- (2) the ACT Government has invested more than \$900 million in the Health Infrastructure Program that has delivered the Canberra Region Cancer Centre, the Centenary Hospital for Women and Children, the Adult Mental Health Unit, the three community health centres and two walk-in centres as well as numerous projects that are either underway or in the planning phases, including the new University of Canberra Public Hospital, the Ngunnawal Bush Healing Farm, the Secure Mental Health Unit and the Calvary car park;
- (3) the ACT Government is addressing increased demand on the Emergency Department by providing a \$23 million expansion that will deliver a further 1000 square metres of floor space and up to 21 additional beds, including acute beds, resuscitation beds/bays, Emergency Management Unit beds, Mental Health Assessment Unit beds and the paediatric streaming function;
- (4) the ACT Government is improving access to elective surgery by providing \$14.8 million over two years to provide an extra 500 elective surgeries and an additional 500 endoscopy cases;
- (5) the ACT Government, in recognition of the seriousness of the negative impact that bullying and harassment has on staff and workplace practice, commissioned in June 2015 an independent review of the clinical training culture at The Canberra Hospital and health services;
- (6) the ACT Government is a leader in its approach to tackling the national cultural issues associated with medical training by publicly releasing the review and establishing a committee that will implement all of the recommendations in the report;
- (7) that ACT Health's new director-general has publicly stated she will not tolerate bullying in the medical workforce;
- (8) a full survey of ACT Health services, against the 256 actions within the National Safety and Quality Health Service Standards, conducted by 10 surveyors, resulted in unconditional accreditation with no exclusions; and

- (9) the ACT Government remains committed to further improving the health system and responding to the needs of staff and patients alike.”—

be agreed to—put and passed.

### 13 ANIMAL WELFARE

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

- (1) notes that:
- (a) the RSPCA is a community based charity that works to prevent cruelty to animals by actively promoting their care and protection;
  - (b) the organisation plays a vital role in investigating cases of animal cruelty and its mission enjoys overwhelming support from the Canberra community;
  - (c) in the 2014-2015 financial year, the ACT RSPCA seized 799 live animals due to mistreatment;
  - (d) in the same period, the organisation raided four homes where more than 90 animals were seized at each property; and
  - (e) the RSPCA is enthusiastic to engage in cross agency communication with ACT Housing, mental health teams and the Australian Federal Police to drive down the incidence of animal neglect and cruelty; and
- (2) calls on the ACT Government to:
- (a) develop a long-term strategy for the delivery of animal welfare services in the ACT, including preventative investment and educational approaches. The strategy should be tabled in the Legislative Assembly by the last sitting day of March 2016; and
  - (b) legislate for improved animal welfare in consultation with key stakeholders. These matters should be progressed by the last sitting day in June 2016.

Debate ensued.

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

Mr Gentleman (Minister for Planning) requiring the question to be put forthwith without debate—

Question—put and negated.

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Debate continued.

Question—put and passed.

### 14 ADJOURNMENT

Mr Gentleman (Minister for Planning) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.33 p.m., adjourned until tomorrow at 10 a.m.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly