



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

MINUTES OF PROCEEDINGS

No 15

THURSDAY, 13 MAY 2021

- 1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms Burch) took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngounaawalbun yindjumaralidjinyin.

This is Ngunnawal Country.

Today we are gathering on Ngunnawal country.

We always pay respect to Elders, female and male, and Ngunnawal country.

The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

- 2 **NATURE: THE FOUNDATION OF CANBERRA AS A LIVEABLE CITY AND THE WELLBEING OF THE A.C.T. COMMUNITY—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Vassarotti (Minister for the Environment) made a ministerial statement concerning Nature as the foundation of Canberra as a liveable city and the wellbeing of the ACT community and presented the following paper:

Nature: the foundation of Canberra as a liveable city and the wellbeing of the ACT community—Ministerial statement, May 2021.

Ms Vassarotti moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

3 DISABILITY POLICY—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Disability) made a ministerial statement concerning disability policy and presented the following paper:

Disability Policy—Ministerial statement, May 2021.

Ms Davidson moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

4 AGE-FRIENDLY CITY PLAN—STATEMENT OF PROGRESS—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Assistant Minister for Seniors, Veterans, Families and Community Services) made a ministerial statement concerning Age-Friendly City Plan—Statement of Progress and presented the following paper:

Age-Friendly City Plan—Statement of Progress—Ministerial statement, May 2021.

Ms Davidson moved—That the Assembly take note of the paper.

Question—put and passed.

5 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2021

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Safety and Traffic Management) Act 1999* and the *Road Transport (Safety and Traffic Management) Regulation 2017*, and for other purposes.

Paper: Mr Steel presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

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

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

6 PROTECTED INFORMATION—ALLEGED MISUSE

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

(1) notes:

- (a) media reports that a current Member of the Assembly, Mr Milligan MLA, is alleged to have contacted constituents in the period after the October 2020 election seeking to promote his business; and
- (b) that the Electoral Act provides penalties for the misuse of protected information, and that the Legislative Assembly's code of conduct for members states at paragraph (8) that members should respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as required by law;

- (2) calls on Mr Milligan:
- (a) upon the passage of this motion, to make a statement to the Assembly detailing how many emails were sent promoting his business, where and how did he obtain the email addresses, personal names and addresses, and how many responses he did receive, when he sent the emails/letters and how he had access to contact details, specifically, if any information was obtained through his actions as an MLA;
 - (b) to confirm how many responses he received that were a request for quote or tender for business and how many business transactions were agreed to, or completed, as a result of his communication;
 - (c) to advise the Assembly how his constituent list was used after the October 2020 election, and how did this use differ from his use of this list during his time as an MLA;
 - (d) to table the advice he sought and received from the Ethics and Integrity Adviser, as mentioned in the ABC news article of 1 May 2021;
 - (e) to table any advice he has sought regarding possible breaches of the Privacy Act, including principle 75 of the Privacy Act that “an organisation must not use or disclose personal information it holds for the purpose of direct marketing unless an exception applies”; and
 - (f) to provide information to the Assembly regarding his current business operations and if he is still obtaining, or is in receipt of, a benefit because of his correspondence; and
- (3) upon receiving the statement by Mr Milligan outlining how the information from constituents was used, the Assembly could consider whether the matter should be referred to the Assembly’s Commissioner for Standards for investigation and report to the Standing Committee on Administration and Procedure, or whether any further action is required by the Assembly.

Paper: Ms Burch, by leave, presented the following paper:

Thank you note to constituents from James Milligan, Publisher, JM Publishing.

Debate adjourned (Mr Gentleman) and the resumption of the debate made an order of the day for a later hour this day.

7 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—INQUIRY—FUTURE OF THE WORKING WEEK—STATEMENT BY CHAIR

Ms Lawder (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Economy and Gender and Economic Equality had resolved to conduct an inquiry into and report on the future of the working week.

8 DOMESTIC ANIMALS LEGISLATION AMENDMENT BILL 2021

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.

Paper: Mr Steel (Minister for Transport and City Services) presented a revised explanatory statement to the Bill.

Question—That this Bill be agreed to in principle—put and passed.

Leave granted to dispense with the detail stage.

Question—That this Bill be agreed to—put and passed.

9 QUESTIONS

Questions without notice were asked.

10 PRESENTATION OF PAPERS

Mr Gentleman (Manager of Government Business) presented the following papers:

Children and Young People Act—ACT Children and Young People Death Review Committee—Review of Children and Young People Who Have Died as a Result of Intentional Self-Harm—Government response, dated May 2021, together with a statement.

Public Health Act, pursuant to subsection 10(3)—ACT Chief Health Officer's Report—2020.

Terrorism (Extraordinary Temporary Powers) Act, pursuant to section 100(b)—Statutory Review, dated April 2021.

11 PUBLIC HEALTH ACT—A.C.T. CHIEF HEALTH OFFICER'S REPORT 2020—PAPER NOTED

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly take note of the following paper:

Public Health Act, pursuant to subsection 10(3)—ACT Chief Health Officer's Report—2020.

Debate ensued.

Question—put and passed.

12 ROYAL COMMISSION INTO VETERANS—STATEMENT BY MINISTER

Ms Davidson (Assistant Minister for Seniors, Veterans, Families and Community Services), by leave, made a statement regarding the Royal Commission into Veterans.

13 WORKPLACE CULTURE IN THE A.C.T. HEALTH SERVICES

Mrs Jones, pursuant to notice, moved—That this Assembly:

(1) notes:

- (a) the ACT public health system has suffered from a toxic workplace culture;
- (b) in September 2018, after months of campaigning from the Opposition and health stakeholders, the ACT Government committed to an independent review of the workplace culture in health;

- (c) the Independent Review into the Workplace Culture within ACT Public Health Services (“the review”) was completed on 5 March 2019; and
 - (d) in the 800 days since the review, just five of the 20 recommendations have been completed;
- (2) further notes the review found:
- (a) inappropriate behaviours, bullying and harassment in the workplace;
 - (b) inefficient procedures and processes, including complaints handling;
 - (c) inadequate training in dealing with inappropriate workplace practices;
 - (d) inability to make timely decisions;
 - (e) poor leadership and management at many levels throughout the ACT public health system; and
 - (f) inefficient and inappropriate human resource practices, including in recruitment; and
- (3) calls on the ACT Government to implement the remaining recommendations within the next 200 days.

Ms Stephen-Smith (Minister for Health), by leave, moved the following amendments together:

1. Omit paragraph (1) and substitute:
 - “(1) notes:
 - (a) the ACT public health system employs more than 8 000 people across a range of locations, services and professions;
 - (b) areas within the ACT public health system have experienced significant workplace culture issues that have affected staff, patients and non-government organisations;
 - (c) in September 2018, after months of campaigning from the Opposition and health stakeholders, the ACT Government committed to the Independent Review into the Workplace Culture within ACT Public Health Services (“the Review”);
 - (d) the Review was completed on 5 March 2019 and made 20 recommendations;
 - (e) 92 actions have been identified to implement these recommendations, of which 55 have been completed and 31 are on track, with six actions being managed to ensure all recommendations are addressed by 30 June 2022;
 - (f) overall, seven recommendations have been completed;
 - (g) implementation of the Review recommendations is overseen by the Culture Review Oversight Group;

- (h) papers presented at Oversight Group meetings are publicly released after the meetings and include a program plan and risk register; and
 - (i) the Minister for Health reports to the Assembly on progress in implementing the Review recommendations every six months, with the most recent Ministerial Statement made on 31 March 2021;” and
2. Omit paragraph (3) and substitute:
- “(3) calls on the ACT Government to continue:
- (a) implementing the review recommendations with the involvement of all stakeholders; and
 - (b) updating the Assembly through biannual reporting that outlines progress of the implementation of recommendations.”.

Debate continued.

Mrs Jones moved the following amendment to Ms Stephen-Smith’s proposed amendments: Add to paragraph (3)(b):

“and report on measures on all matters identified in (2).”.

Debate continued.

Question—That Mrs Jones’s amendment to Ms Stephen-Smith’s amendment be agreed to—put and passed.

Question—That Ms Stephen-Smith’s amendment, as amended, be agreed to—put and passed.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the ACT public health system employs more than 8 000 people across a range of locations, services and professions;
 - (b) areas within the ACT public health system have experienced significant workplace culture issues that have affected staff, patients and non-government organisations;
 - (c) in September 2018, after months of campaigning from the Opposition and health stakeholders, the ACT Government committed to the Independent Review into the Workplace Culture within ACT Public Health Services (“the Review”);
 - (d) the Review was completed on 5 March 2019 and made 20 recommendations;
 - (e) 92 actions have been identified to implement these recommendations, of which 55 have been completed and 31 are on track, with six actions being managed to ensure all recommendations are addressed by 30 June 2022;

- (f) overall, seven recommendations have been completed;
 - (g) implementation of the Review recommendations is overseen by the Culture Review Oversight Group;
 - (h) papers presented at Oversight Group meetings are publicly released after the meetings and include a program plan and risk register; and
 - (i) the Minister for Health reports to the Assembly on progress in implementing the Review recommendations every six months, with the most recent Ministerial Statement made on 31 March 2021;
- (2) further notes the review found:
- (a) inappropriate behaviours, bullying and harassment in the workplace;
 - (b) inefficient procedures and processes, including complaints handling;
 - (c) inadequate training in dealing with inappropriate workplace practices;
 - (d) inability to make timely decisions;
 - (e) poor leadership and management at many levels throughout the ACT public health system; and
 - (f) inefficient and inappropriate human resource practices, including in recruitment; and
- (3) calls on the ACT Government to continue:
- (a) implementing the review recommendations with the involvement of all stakeholders; and
 - (b) updating the Assembly through biannual reporting that outlines progress of the implementation of recommendations and report on measures on all matters identified in (2).”—

be agreed to—put and passed.

14 CANBERRA INDIAN-AUSTRALIAN COMMUNITY—SUPPORT

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

- (1) notes that:
- (a) the COVID-19 pandemic has had an unprecedented impact on many countries and communities around the world;
 - (b) India is currently facing one of, if not the worst, outbreaks of any country since the pandemic began;
 - (c) this outbreak is beginning to spread to other regions of South Asia;
 - (d) while many of us here in Canberra will watch the news reporting and be saddened by the tragic loss of life and other impacts experienced in India because of the pandemic, members of our own Indian-Australian and other South Asian communities here in Canberra will be particularly affected;

- (e) that many members of the Canberra Indian-Australian and South Asian community have lost family members and friends to the recently worsened crisis;
 - (f) that many members of the community have friends and family members who are sick with COVID in India and South Asia;
 - (g) that this is a really difficult time for the community as a whole and the individuals who make up the community, with many experiencing significant distress at being so far away from loved ones;
 - (h) that this trauma has been compounded by the Commonwealth Government decision to halt citizens' return from India specifically, with harsh penalties, when this has never been applied to citizens in other nations with bad outbreaks; and
 - (i) after public pressure the Federal Government will allow citizens and permanent residents to be safely accommodated through the federal facility at Howard Springs in the Northern Territory from 15 May, where there has been no external COVID transmission;
- (2) acknowledge the pain and trauma being faced by the Canberra Indian-Australian and broader South Asian community;
- (3) write to the Commonwealth Government expressing:
- (a) the need for expanded, improved and federally funded quarantine facilities like that at Howard Springs in the Northern Territory;
 - (b) concern with the insensitive approach taken by the Commonwealth Government to use the Bio-Security Act and travel bans in one instance but not others; and
 - (c) a desire to see the Commonwealth affirm the commitment to citizen's fundamental right to return home to Australia; and
- (4) calls on the ACT Government to:
- (a) provide information to the Indian and South Asian communities in Canberra regarding where they can contact for advice and support on ACT Government services, including where to access counselling services;
 - (b) consider, along with state and federal counterparts, what medical supplies and assistance can be provided to health workers in South Asia;
 - (c) continue to work with the Indian and South Asian communities in Canberra to provide support as this changing situation evolves; and
 - (d) provide an update back to the Assembly on the outcomes of this consultation and subsequent action at an appropriate time.

Debate ensued.

Mrs Jones moved the following amendment: Omit paragraph (3).

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 14	
Mr Cain		Mr Barr	Ms Orr
Ms Castley		Mr Braddock	Dr Paterson
Mr Hanson		Ms Burch	Mr Pettersson
Mrs Jones		Ms Cheyne	Mr Rattenbury
Mrs Kikkert		Ms Clay	Mr Steel
Ms Lawder		Ms Davidson	Ms Vassarotti
Mr Parton		Mr Davis	
		Mr Gentleman	

And so it was negatived.

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

15 PROTECTED INFORMATION—ALLEGED MISUSE—STATEMENTS BY MEMBERS

The order of the day having been read for the resumption of the debate on the motion of Ms Burch (*see entry 6*)—

Debate resumed.

Mr Hanson and Mr Braddock, by leave, made statements.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 15		NOES, 8	
Mr Barr	Ms Orr	Mr Cain	
Mr Braddock	Dr Paterson	Ms Castley	
Ms Burch	Mr Pettersson	Mr Hanson	
Ms Cheyne	Mr Rattenbury	Mrs Jones	
Ms Clay	Mr Steel	Mrs Kikkert	
Ms Davidson	Ms Stephen-Smith	Ms Lawder	
Mr Davis	Ms Vassarotti	Ms Lee	
Mr Gentleman		Mr Parton	

And so it was resolved in the affirmative.

16 PROTECTED INFORMATION—ALLEGED MISUSE—STATEMENT BY MR JAMES MILLIGAN MLA—PAPER

In relation to the resolution passed today, Mr Hanson, by leave, presented the following paper:

Protected information—Alleged misuse—Statement by Mr James Milligan MLA, dated Thursday, 13 May 2021, with attached email from the Legislative Assembly's Ethics and Integrity Advisor.

Suspension of sitting: The Speaker, at 5.23 pm, suspended the sitting to read Mr Milligan's statement and announced that the Chair would be resumed at the ringing of the bells.

Resumption of sitting: The bells having been rung, the Speaker resumed the Chair at 5.33 pm

17 PROTECTED INFORMATION—ALLEGED MISUSE—REFERRAL TO COMMISSIONER FOR STANDARDS

Ms Burch, by leave, moved—That:

- (1) this Assembly notes the statement made by Mr Milligan relating to his correspondence to constituents, and that he has referred himself to the Commissioner for Standards; and
- (2) notwithstanding the provisions of continuing resolution 5AA, and noting that the actions of Mr Milligan occurred at a time when Mr Milligan was not an MLA but that he has subsequently been re-elected to the Assembly, to ensure that the Commissioner has coverage of this matter, this Assembly refers the actions of Mr Milligan in writing to constituents and seeking their support in his private business to the Assembly's Commissioner for Standards to ascertain whether the actions of Mr Milligan breached the code of conduct of Members.

Question—put and passed.

18 ADJOURNMENT

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.54 pm, adjourned until Wednesday, 2 June 2021.

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

Tom Duncan
Clerk of the Legislative Assembly