



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 78

TUESDAY, 28 MARCH 2023

- 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 Ngunnaawalbun 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 **MINISTER FOR MENTAL HEALTH—PROPOSED MOTION OF WANT OF CONFIDENCE**

Mr Hanson, by leave, pursuant to standing order 81A, moved—That this Assembly finds a want of confidence in Minister Davidson (Minister for Mental Health).

Debate ensued.

Question—put.

The Assembly voted—

AYES, 8

Mr Cain
Ms Castley
Mr Cocks
Mr Hanson
Mrs Kikkert
Ms Lawder
Mr Milligan
Mr Parton

NOES, 15

Ms Berry
Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis
Mr Gentleman
Ms Orr
Dr Paterson
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith
Ms Vassarotti

And so it was negatived.

3 LEAVE OF ABSENCE TO MEMBER—PAPER

The Speaker informed the Assembly that, pursuant to standing order 22, 18 weeks maternity leave has been granted to Ms Lee (Leader of the Opposition), commencing 11 April 2023, and presented the following paper:

Ms Lee—Leave of absence—Letter to the Speaker from Ms Lee notifying her period of maternity leave, dated 14 March 2023.

4 LEAVE OF ABSENCE TO MEMBER

Ms Lawder moved—That leave of absence be granted to Ms Lee (Leader of the Opposition) for this sitting due to personal reasons.

Question—put and passed.

5 PETITION—PETITION NOTED

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

Mr Pettersson, from 370 residents, requesting that the Assembly call on the ACT Government to review and improve road and pedestrian safety in and around the Harrison education precinct (e-Pet 040-22).

The Speaker proposed—That the petition so lodged be noted.

Debate ensued.

Question—put and passed.

6 DRYLAND OVALS—LAND MANAGEMENT PLANS—ASSEMBLY RESOLUTION OF 30 NOVEMBER 2021—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Sport and Recreation) made a ministerial statement concerning the Government response to the Assembly Resolution of 30 November 2021 in relation to Dryland Ovals—Land Management Plans, and presented the following paper:

Dryland Ovals—Land Management Plans—Assembly Resolution of 30 November 2021—Government response—Ministerial statement, 28 March 2023.

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

Debate ensued.

Question—put and passed.

7 2022-23 HIGH-RISK WEATHER SEASON—SUMMARY—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning the summary of the 2022-23 high-risk weather season and presented the following paper:

2022-23 High-Risk Weather Season—Summary—Ministerial statement, 28 March 2023.

Mr Gentleman moved—That the Assembly take note of the paper.

Question—put and passed.

8 A.C.T. WRAP-UP OF THE FIVE-YEAR NATIONAL LANDCARE PROGRAM 2018-2023—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for the Environment) made a ministerial statement concerning the work that has been undertaken under the current round of the National Landcare Program in the ACT, which will end in June 2023, and presented the following paper:

ACT Wrap-up of the five-year National Landcare Program 2018-2023—Ministerial statement, 28 March 2023.

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

Debate ensued.

Question—put and passed.

9 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 27—STATEMENT BY CHAIR

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 27, dated 27 March 2023, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, made a statement in relation to the report.

10 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 16—INQUIRY INTO THE APPROPRIATION BILL 2022-2023 (NO 2) AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2022-2023 (NO 2)—GOVERNMENT RESPONSE, AND BUDGET 2022-2023—SUPPLEMENTARY BUDGET PAPERS—CORRIGENDUM—PAPERS AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following papers:

Budget 2022-2023—Financial Management Act, pursuant to section 13—Delivering for Canberrans: now and into the future—Supplementary Budget Papers—Justice and Community Safety Directorate—Corrigendum.

Public Accounts—Standing Committee—Report 16—*Inquiry into the Appropriation Bill 2022-2023 (No 2) and Appropriation (Office of the Legislative Assembly) Bill 2022-2023 (No 2)*—Government response, dated March 2023—

and, by leave, made a statement in relation to the papers.

11 QUESTIONS

Questions without notice were asked.

Ms Stephen-Smith (Minister for Health), by leave, made a personal explanation under standing order 46.

12 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Government Agencies (Campaign Advertising) Act, pursuant to section 20—Independent Reviewer—Report for the period 1 July to 31 December 2022, dated 22 March 2023, prepared by Bill Campbell AO KC.

Standing order 191—Amendments—Residential Tenancies Legislation Amendment Bill 2022, dated 23 March 2023.

13 PRESENTATION OF PAPERS

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

Court Procedures Act—Court Procedures Amendment Rules 2022 (No 3)—Subordinate Law SL2022-19 (LR, 19 December 2022)—Revised Explanatory Statement.

Economy and Gender and Economic Equality—Standing Committee—Report 6—*Inquiry into Long Service Leave (Portable Schemes) Amendment Bill 2022*—Government response.

Planning and Development Act, pursuant to subsection 79(1)—Variation to the Territory Plan together with associated documents—No 382—Approval—Phillip Section 79 part Block 4—Zone Change and Amendments to Phillip Precinct Map and Code, dated 24 March 2023.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Domestic Animals Act—Domestic Animals (Temporary Variation of Prohibited Areas—Glebe Park) Declaration 2023—Disallowable Instrument DI2023-15 (LR, 23 February 2023).

Education Act—

Education (Registration Standards Advisory Board) Appointment 2023 (No 1)—Disallowable Instrument DI2023-21 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 2)—Disallowable Instrument DI2023-22 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 3)—Disallowable Instrument DI2023-23 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 4)—Disallowable Instrument DI2023-24 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 5)—Disallowable Instrument DI2023-25 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 6)—Disallowable Instrument DI2023-26 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 7)—Disallowable Instrument DI2023-27 (LR, 14 March 2023).

Medicines, Poisons and Therapeutic Goods Regulation 2008—Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2022 (No 1)—Disallowable Instrument DI2023-20 (LR, 2 March 2023).

Public Health Act—Public Health (COVID-19 Management) Declaration and Extension Revocation 2023—Disallowable Instrument DI2023-17 (LR, 27 February 2023).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Deciding Applications for Registration – Taxi) Declaration 2023 (No 1)—Disallowable Instrument DI2023-29 (LR, 20 March 2023).

Road Transport (General) Application of Road Transport Legislation Declaration 2023 (No 2)—Disallowable Instrument DI2023-19 (LR, 6 March 2023).

Road Transport (General) Application of Road Transport Legislation Declaration 2023 (No 3)—Disallowable Instrument DI2023-28 (LR, 17 March 2023).

Road Transport (General) Concession Determination 2023 (No 1)—Disallowable Instrument DI2023-18 (LR, 6 March 2023).

Road Transport (General) Vehicle Registration and Related Fees Determination 2023 (No 1)—Disallowable Instrument DI2023-16 (LR, 6 March 2023).

Utilities Act—Utilities (ACT Retail Electricity—Transparency and Comparability Code) Variation 2023—Disallowable Instrument DI2023-14 (LR, 16 February 2023).

14 MODERN SLAVERY LEGISLATION AMENDMENT BILL 2023

Ms Clay, pursuant to notice, presented a Bill for an Act to establish an anti-slavery commissioner and impose obligations on certain entities to combat modern slavery, and for other purposes.

Paper: Ms Clay presented an explanatory statement to the Bill.

Title read by Clerk.

Ms Clay moved—That this Bill be agreed to in principle.

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

15 PUBLIC ACCOUNTS—STANDING COMMITTEE—MODERN SLAVERY LEGISLATION AMENDMENT BILL 2023—REQUEST TO CONSIDER

Ms Clay, by leave, moved—That, notwithstanding the provisions of standing order 174 and the resolution of the Assembly of 2 December 2020, as amended, that established general purpose standing committees, the Modern Slavery Legislation Amendment Bill 2023 be referred to the Standing Committee on Public Accounts to decide whether or not to undertake an inquiry.

Question—put and passed.

16 ENDOSCOPY AND COLONOSCOPY SERVICES

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

- (1) notes:
 - (a) data from 31 October 2022 shows that there are 7,373 patients awaiting procedure bookings for endoscopies;
 - (b) the average wait time for a colonoscopy and endoscopy is 399 days;

- (c) across all triage categories:
 - (i) patients who are classified as urgent, who should be seen in 14 days, are waiting an average of 47 days;
 - (ii) patients who are classified as category one patients, who should be seen within 30 days, are waiting an average of 283 days;
 - (iii) patients who are classified as category two patients, who should be seen within 90 days, are waiting an average of 471 days; and
 - (iv) patients who are classified as category three patients, who should be seen within 365 days, are waiting an average of 449 days;
- (2) further notes:
 - (a) ACT Labor committed in September 2020 to upgrade and expand existing endoscopy facilities, to deliver an additional 5,000 procedures;
 - (b) scoping and planning for this upgrade and expansion was to commence in 2020-21 with refurbishment of the rooms to begin in 2021-22;
 - (c) the latest Parliamentary and Governing Agreement and Election Commitment Report of 7 June 2022 labelled this work as “not yet commenced”;
 - (d) a contractor was selected to examine the feasibility of these upgrades in May 2022, but construction had not commenced as of 6 March 2023;
 - (e) in 2021, an ACT gastroenterologist was quoted saying the “ACT Government had legitimate solutions, but it tossed them aside in favour of leaving people languishing”; and
 - (f) one of the suggested solutions was to revive an agreement with Calvary Private and contract ACT Endoscopy and Brindabella Endoscopy to cut down waiting lists; and
- (3) calls on the ACT Government to:
 - (a) provide an update on their election commitment and say whether the promised refurbishment of rooms is on track to be completed by 30 June 2023; and
 - (b) immediately contract private endoscopy services to reduce the wait list for public endoscopy procedures.

Ms Stephen-Smith (Minister for Health) moved the following amendment: Omit all text after paragraph (2)(a), substitute:

- “(b) ACT Labor took an ambitious plan to the last election that outlined how growing demand for endoscopy services would be met;
- (c) the delta and omicron waves of the COVID-19 pandemic significantly impacted the operations of the health system including completing the endoscopy services feasibility work and clinical workforce availability;
- (d) the ACT Government has brought forward significant funding to expand endoscopy procedure completion with nearly \$8 million invested to deliver more than 2,700 additional endoscopy procedures between 2021-22 and 2023-24 and to conduct feasibility on expanding physical capacity;

- (e) of the 920 additional procedures to be completed in 2022-23, 707 procedures had been completed as at 10 March 2023;
 - (f) a 2021-22 audit of the endoscopy waitlist achieved a 25.8 percent reduction in the overall number of people waiting and a 29.7 percent reduction in the average waiting time, Canberra Health Services has committed to completing regular auditing of the waitlist to ensure it remains accurate;
 - (g) across all jurisdictions, health services are experiencing demand exceeding the number of scopes provided with factors driving this demand including the rollout of the National Bowel Cancer Screening Program, an ageing population and increases in lifestyle-related gastro-intestinal problems;
 - (h) Canberra Health Services is exploring ways to sustainably manage outpatient waitlists to ensure appropriate access and timing for a procedure, including working closely with the Southern NSW Local Health District to explore options for NSW residents to access endoscopy procedures closer to home; and
 - (i) Canberra Health Services is unable to identify any patient who developed a cancer during their wait time for a procedure with the Gastroenterology and Hepatology Unit ensuring the service follows Cancer Council Australia Guidelines regarding the triage of referrals and treatment to ensure timely treatment and surveillance of cancers; and
- (3) calls on the ACT Government to continue supporting investments in public endoscopy services to grow a sustainable Territory-wide service that meets demand.”.

Debate continued.

Question—That the amendment 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 Cocks
Ms Cheyne	Mr Rattenbury	Mr Hanson
Ms Clay	Mr Steel	Mrs Kikkert
Ms Davidson	Ms Stephen-Smith	Ms Lawder
Mr Davis	Ms Vassarotti	Mr Milligan
Mr Gentleman		Mr Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) data from 31 October 2022 shows that there are 7,373 patients awaiting procedure bookings for endoscopies;
 - (b) the average wait time for a colonoscopy and endoscopy is 399 days;

- (c) across all triage categories:
 - (i) patients who are classified as urgent, who should be seen in 14 days, are waiting an average of 47 days;
 - (ii) patients who are classified as category one patients, who should be seen within 30 days, are waiting an average of 283 days;
 - (iii) patients who are classified as category two patients, who should be seen within 90 days, are waiting an average of 471 days; and
 - (iv) patients who are classified as category three patients, who should be seen within 365 days, are waiting an average of 449 days;
- (2) further notes:
 - (a) ACT Labor committed in September 2020 to upgrade and expand existing endoscopy facilities, to deliver an additional 5,000 procedures;
 - (b) ACT Labor took an ambitious plan to the last election that outlined how growing demand for endoscopy services would be met;
 - (c) the delta and omicron waves of the COVID-19 pandemic significantly impacted the operations of the health system including completing the endoscopy services feasibility work and clinical workforce availability;
 - (d) the ACT Government has brought forward significant funding to expand endoscopy procedure completion with nearly \$8 million invested to deliver more than 2,700 additional endoscopy procedures between 2021-22 and 2023-24 and to conduct feasibility on expanding physical capacity;
 - (e) of the 920 additional procedures to be completed in 2022-23, 707 procedures had been completed as at 10 March 2023;
 - (f) a 2021-22 audit of the endoscopy waitlist achieved a 25.8 percent reduction in the overall number of people waiting and a 29.7 percent reduction in the average waiting time, Canberra Health Services has committed to completing regular auditing of the waitlist to ensure it remains accurate;
 - (g) across all jurisdictions, health services are experiencing demand exceeding the number of scopes provided with factors driving this demand including the rollout of the National Bowel Cancer Screening Program, an ageing population and increases in lifestyle-related gastro-intestinal problems;
 - (h) Canberra Health Services is exploring ways to sustainably manage outpatient waitlists to ensure appropriate access and timing for a procedure, including working closely with the Southern NSW Local Health District to explore options for NSW residents to access endoscopy procedures closer to home; and
 - (i) Canberra Health Services is unable to identify any patient who developed a cancer during their wait time for a procedure with the Gastroenterology and Hepatology Unit ensuring the service follows Cancer Council Australia Guidelines regarding the triage of referrals and treatment to ensure timely treatment and surveillance of cancers; and

- (3) calls on the ACT Government to continue supporting investments in public endoscopy services to grow a sustainable Territory-wide service that meets demand.”—

be agreed to—put and passed.

17 SNAKES—PROTECTION AND EDUCATION PROGRAMS

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

- (1) notes that:
- (a) the ACT has an abundance of native wildlife, this includes eight different species of snakes of which five are regarded venomous to humans;
 - (b) snakes are important in maintaining a healthy biodiversity in maintaining our environment. Snakes are important to our ecosystem in Canberra, where along with other reptiles, they make up a significant proportion of the middle-order predators that keep natural ecosystems working. Without them, the numbers of prey species would increase to unnatural levels and the predators that eat snakes would struggle to find food;
 - (c) snakes are protected under the *Nature Conservation Act 2014*, and it is an offence to kill, injure or take snakes from the wild;
 - (d) in the ACT, snakes are most active from September to April when they sun themselves or when they move in search of food or water. Sometimes in their pursuit of food or water, they can enter suburban gardens and houses;
 - (e) snakes are stigmatised in the community, which means many people are fearful of them and they are prone to being injured or attacked by people when contact occurs;
 - (f) education is an important part of ensuring the community can safely live alongside snakes, something that we will increasingly need to do as our urban environment encroaches on their natural habitats;
 - (g) in the ACT, there are four licensed snake catchers, ACT Snake Removals, Canberra Snake Catcher and Reptile Removals, Canberra Reptile Zoo, and Canberra Snake Rescue and Relocation;
 - (h) these licensed operators respond to calls from the community to safely remove snakes from people’s homes and businesses and release them back into the wild if they are not injured;
 - (i) under current regulations if a snake is injured, licensed snake catchers are only allowed to keep them for veterinary care and treatment for 48 hours. When a snake requires further care, this means that the snakes have to then be moved to a veterinary clinic or euthanised. This puts extra unnecessary pressure on veterinary clinics, when a licensed and trained snake catcher could continue care through to release; and
 - (j) the licensed snake catchers also run programs in the community to educate about snake behaviour and reduce fear of snakes. Currently in the ACT, the Canberra Reptile Zoo and the National Zoo and Aquarium are the only places where venomous snakes can be kept which presents a range of challenges for snake handling and education; and

- (2) calls on the ACT Government to:
- (a) explore the possibility of extending the 48 hour window that licensed snake catchers can care for an injured snake that has been caught for as long as they need veterinary supervision;
 - (b) explore the potential for allowing licensed snake catchers to register ownership of venomous snakes for education purposes, in line with other jurisdictions;
 - (c) support snake education programs run in the ACT, including education programs for new migrants and refugees that experience heightened fear from snakes; and
 - (d) report back to this Assembly by 30 November 2023.

Debate ensued.

Question—put and passed.

18 APPROPRIATION BILL 2022-2023 (NO 2)

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.

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

The Assembly voted—

AYES, 14		NOES, 7
Mr Barr	Dr Paterson	Mr Cain
Mr Braddock	Mr Pettersson	Ms Castley
Ms Burch	Mr Rattenbury	Mr Cocks
Ms Cheyne	Mr Steel	Mr Hanson
Ms Clay	Ms Stephen-Smith	Mrs Kikkert
Ms Davidson	Ms Vassarotti	Ms Lawder
Mr Davis		Mr Milligan
Mr Gentleman		

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

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

19 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2022-2023 (NO 2)

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.

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.

20 PROPOSED CALL TO APOLOGISE

Mr Hanson, by leave, moved—That this Assembly:

(1) notes:

(a) On 23 March 2023 Ms Castley asked a question of the Minister for Health as follows—

“Mr Assistant Speaker, my question is to the Minister for Health. Minister, if private, personal information has been provided to a union in one area of the health system over a number of years, what evidence can you provide to show that this has not occurred in other areas across the health system?”;

(b) the Minister answered as follows—

“I thank Ms Castley for the question. There is absolutely no evidence that this has occurred in any other area of the health system. I would encourage the opposition to not engage in these scare tactics which will only create concern for people who are accessing our health services. What I can say as well to Ms Castley is that the recent implementation of the Digital Health Record has resulted in a step change in the security of health records and the traceability of any access to those records and any downloading or sharing of those records. So data export capabilities in this system, which has replaced 40 other electronic and paper based systems, are tied to the role-based model to control and the strict reporting capabilities out of the Digital Health Record. That is a step change in ensuring that patient data is protected and that if anyone were to be trying to use, download or share patient data in an inappropriate way, that would be much more easily identified and tracked.”; and

(c) that, in question time today, the Minister advised that a nurse in another area of Health other than Dhulwa had in fact inappropriately provided personal medical information to the Union; and

(2) calls on the Minister for Health to apologise for misleading the Assembly.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 7

Mr Cain
Ms Castley
Mr Cocks
Mr Hanson
Mrs Kikkert
Ms Lawder
Mr Milligan

NOES, 14

Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis
Mr Gentleman
Ms Orr
Dr Paterson
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith
Ms Vassarotti

And so it was negatived.

21 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 6.30 pm, adjourned until tomorrow at 10 am.

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

*on leave.

Tom Duncan
Clerk of the Legislative Assembly