



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 73

WEDNESDAY, 8 FEBRUARY 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 **AUSTRALIA DAY AWARDS AND HONOURS—CANBERRA RECIPIENTS—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Cheyne (Minister for the Arts) made a ministerial statement concerning ACT residents who were recognised in the Australia Day 2023 Honours List, especially those relating to her portfolio areas of arts, business and human rights and multicultural affairs and presented the following paper:

Australia Day awards and honours—Canberra recipients—Ministerial statement, 7 February 2023.

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

Debate ensued.

Question—put and passed.

3 ACT PLACE NAMES COMMITTEE AND GUIDELINES REVIEW—IMPLEMENTATION UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement to update the Assembly on the implementation of the Government's response to the Standing Committee on Economy and Gender and Economic Equality's report on its inquiry into memorialisation through public commemoration, and presented the following paper:

ACT Place Names Committee and guidelines review—Implementation update—Ministerial statement, 8 February 2023.

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

Question—put and passed.

4 ROAD MAINTENANCE—ASSEMBLY RESOLUTION OF 12 OCTOBER 2022—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Minister for Transport and City Services) made a ministerial statement concerning the ACT Government's strategic road maintenance and renewal program update and the Government response to the Assembly resolution of 12 October 2022 on road maintenance and presented the following paper:

Road Maintenance—Assembly Resolution of 12 October 2022—Government Response—Ministerial statement, 8 February 2023.

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

Question—put and passed.

5 HOMELESSNESS COMMISSIONING PROCESS UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for Homelessness and Housing Services) made a ministerial statement concerning the status of the Community Services Directorate's homelessness commissioning process and presented the following paper:

Homelessness commissioning process update—Ministerial statement, 8 February 2023.

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

Question—put and passed.

6 COUNTING THE COSTS: SUSTAINABLE FUNDING FOR THE ACT COMMUNITY SERVICES SECTOR REPORT—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Stephen-Smith (Minister for Families and Community Services) made a ministerial statement outlining the Government's response to the *Counting the Costs: Sustainable funding for the ACT community services sector* report and presented the following papers:

Counting the Costs: Sustainable funding for the ACT community services sector Report—Government response—

Government response, dated February 2023.

Ministerial statement, 8 February 2023.

Ms Stephen-Smith moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

7 CLADDING RECTIFICATION SCHEME—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for Sustainable Building and Construction) made a ministerial statement concerning the finalisation of remediation of combustible cladding on ACT Government owned buildings and an update on the Private Buildings Cladding Scheme and presented the following paper:

Cladding rectification scheme—Update—Ministerial statement, 8 February 2023.

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

Question—put and passed.

8 NATIONAL DISABILITY INSURANCE SCHEME—2022 POLICY REFORMS—PROGRESS UPDATE AND REFLECTION—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Disability) made a ministerial statement concerning the progress of the 2022 National Disability Insurance Scheme policy reforms and presented the following paper:

Progress update and reflection on 2022 National Disability Insurance Scheme Policy Reforms—Ministerial statement, 8 February 2023.

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

Question—put and passed.

9 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Mr Cain (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Justice and Community Safety.

Paper: Mr Cain, pursuant to Continuing Resolution 5A, presented the following paper:

Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 July to 31 December 2022.

10 PLANNING AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2023

Mr Gentleman (Minister for Planning and Land Management), pursuant to notice, presented a Bill for an Act to amend legislation about planning and the environment, and for other purposes.

Paper: Mr Gentleman 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 Gentleman moved—That this Bill be agreed to in principle.

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

11 VOICE TO PARLIAMENT

Mr Barr (Chief Minister), pursuant to notice, moved—That this Assembly:

- (1) notes the collective support of all state and territory first ministers, through the Council for the Australian Federation, for enshrining an Aboriginal and Torres Strait Islander Voice to Parliament in the Australian Constitution;
- (2) reaffirms its support for enshrining a Voice to Parliament, as one of the key actions sought in the *Uluru Statement from the Heart*;
- (3) recognises that there must also be a commitment to deliver Treaty and Truth, as sought in the *Uluru Statement from the Heart*, and that sovereignty was never ceded; and
- (4) calls on the ACT Government to develop a community awareness campaign about the impending referendum on a constitutionally enshrined Aboriginal and Torres Strait Islander Voice to Parliament to ensure the Canberra community is informed and engaged with this significant issue prior to the national vote.

Ms Lee (Leader of the Opposition) moved the following amendment: Omit paragraphs (2) and (3), substitute:

- “(2) notes that there is a diverse range of views on an Aboriginal and Torres Strait Islander Voice to Parliament within the ACT’s Aboriginal and Torres Strait Islander community;
- (3) calls on the ACT Government to consult and listen to the ACT’s Aboriginal and Torres Strait Islander community and to report back to the Assembly by the first sitting day in June 2023; and”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8

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

NOES, 15

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

And so it was negatived.

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

12 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Rattenbury and advised the Assembly that questions without notice normally directed to the Minister for Water, Energy and Emissions Reduction could be directed to Mr Barr, and questions without notice normally directed to the Attorney General, Minister for Consumer Affairs and Minister for Gaming could be directed to Minister Cheyne.

13 QUESTIONS

Questions without notice were asked.

14 CORRECTION OF RECORD—STATEMENT BY MINISTER

Ms Stephen-Smith (Minister for Health) made a statement correcting an answer she provided earlier during question time.

15 LEAVE OF ABSENCE TO MEMBER

Mr Braddock moved—That leave of absence be granted to Mr Rattenbury for this sitting due to personal reasons.

Question—put and passed.

16 ACT POLICING—ONLINE REPORTING MECHANISMS

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

(1) notes that:

- (a) ACT Policing works hard to ensure the safety of our community;
- (b) it is important that our community is safe and that ACT Policing is appropriately resourced to adequately respond to community needs;
- (c) if a Canberran is involved in a critical incident, police arrive two minutes faster than anywhere else in the country;
- (d) according to the *Report on Government Services 2023*, Canberrans' perception of safety is higher than any other jurisdiction;
- (e) ACT Policing are always looking at ways to innovate their practice and improve operations, which includes the introduction of the community-focused Police Services Model that is receiving a positive response from the community;
- (f) ACT Policing's crime statistics show a decline in crime over the past decade;
- (g) the ACT sits below the national average in all property crimes except for motor vehicle theft;
- (h) ACT Policing continues to explore new and innovative ways of engaging with the public, making it easier for victims to report property crime, including resourcing its online interface with the community;
- (i) ACT Policing announced in 2021 that it is looking to expand their online reporting system to include property-related crimes;

- (j) it is expected people will be able to self-report incidents where there is little evidentiary material such as vandalism, minor property damage, minor burglaries, car thefts and other matters; and
 - (k) this progression to online reporting allows ACT Policing to allocate resources to more serious crimes in the community that may pose a greater threat of harm or threat to life; and
- (2) calls on the ACT Government to:
- (a) continue informing the community about:
 - (i) ways in which ACT Policing keeps our community safe and responds to crime;
 - (ii) how the community can engage with and support ACT Policing—including to record, report and provide evidence; and
 - (iii) how the information provided to police is used in their investigations;
 - (b) support ACT Policing to implement an online reporting mechanism; and
 - (c) report back to the Assembly by 30 January 2024 on the progress of online reporting.

Mr Hanson moved the following amendment: Omit all text after (1)(k), substitute:

- “(l) the Chief Police Officer (CPO) stated in 2021 that in relation to online reporting that police will be “less responsive to some of the property crime we have been to in the past”;
 - (m) the President of the Australian Federal Police Association (AFPA) stated in 2021 in relation to online reporting that “of concern to the AFPA is that ultimately, this is a resources issue”; and
 - (n) ACT Council of Social Service stated in a letter to the CPO in 2022 that “Those who are most likely to be disadvantaged by online reporting are amongst the ACT’s most vulnerable and are likely also those who already struggle to access a broader spectrum of reporting options”;
- (2) further notes that:
- (a) the 2023 *Report on Government Services* from the Productivity Commission shows that the ACT has:
 - (i) the lowest number of police per-capita in Australia;
 - (ii) the lowest funding per person for police in Australia; and
 - (iii) the lowest clearance rates for property crime in Australia;
 - (b) the ACT is the only jurisdiction in Australia to record a negative average annual growth rate in real recurrent expenditure from 2016-17 to 2020-21;
 - (c) the 2022 ACT Policing Annual Report shows that ACT Policing numbers have declined since 2012 despite population growth of over 70 000 during the same period; and

- (d) the CPO has stated that “It’s become clear to me that the number of police we have currently needs to be increased to meet current and future demand.”;
- (3) calls on the ACT Government to:
 - (a) continue informing the community about:
 - (i) ways in which ACT Policing keeps our community safe and responds to crime;
 - (ii) how the community can engage with and support ACT Policing—including to record, report and provide evidence; and
 - (iii) how the information provided to police is used in their investigations;
 - (b) support ACT Policing to implement an online reporting mechanism; and
 - (c) report back to the Assembly by 30 January 2024 on the progress of online reporting.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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

And so it was negatived.

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

17 MENTAL HEALTH FUNDING—MEDICARE BENEFITS SCHEDULE

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

- (1) notes:
 - (a) from 1 January 2023, the Albanese Government has cut access to, and funding for, mental health care under the Medicare Benefits Schedule (MBS) by halving the number of psychological services available to those who need them;
 - (b) MBS funding for psychological services was originally introduced by the Howard Government before being cut by the Gillard Labor Government on two occasions;

- (c) the Coalition Government increased the number of sessions, informed by the Productivity Commission's report on mental health services, to help combat the mental health issues brought on by the COVID-19 pandemic;
 - (d) COVID-19 remains a significant concern for many Australians, including those living in the ACT, who now also face increased mental health pressures due to deteriorating economic conditions, rising inflation, and associated cost of living pressures;
 - (e) need for mental health services and supports remain high, after seeing demand for many services increase by at least 50 percent, and the underlying prevalence of mental health issues double during the pandemic;
 - (f) cuts to MBS services are likely to increase pressure on state and territory health systems; and
 - (g) the ACT mental health system was under pressure before the Albanese Government announcement, and there is no excess capacity to absorb federal cuts to health and mental health services;
- (2) further notes:
- (a) a trial increase in the number of mental health sessions to 20, with a view to long-term implementation if effective, was recommended by both the Productivity Commission's landmark inquiry into mental health, and the House of Representatives' Select Committee on Mental Health;
 - (b) an independent expert evaluation of Better Access commissioned by the Government stated "... the additional 10 sessions should continue to be made available and should be targeted towards those with more complex mental health needs";
 - (c) no clinical rationale has been presented to justify the cuts to MBS services;
 - (d) the independent evaluation did not recommend cutting access to services; and
 - (e) health and mental health professionals, including the Australian Psychological Society (APS), the Australian Clinical Psychology Association and Mental Health Australia have condemned the cuts to MBS services, with the APS President stating "By cutting to 10 sessions, we're creating a revolving door of mental health issues that are half-treated and going to be returning six months later, with probably much worsening symptoms ... the Australian Psychological Society stated that these extra sessions should be a permanent feature of the Better Access program."; and
- (3) calls on the leaders of all parties represented in the Assembly to:
- (a) write to the Prime Minister and Minister for Health and ask for reversal of cuts to mental health, increasing sessions to be funded by Medicare; and
 - (b) table those letters in the Assembly by the close of the last day of this sitting week.

Paper: Mr Cocks, by leave, presented the following paper:

Emma Davidson—Your Local Greens MLA for Murrumbidgee—Pamphlet, undated.

Ms Davidson (Minister for Mental Health) moved the following: Omit all text after “That this Assembly”, substitute:

“(1) notes:

- (a) the former Australian Government announced a temporary and time limited initiative would provide 10 additional individual therapy sessions from 9 October 2020 and ceasing on 31 December 2022 intended to support the mental health of people who had been adversely impacted by COVID-19;
- (b) the Australian Government released the independent *Evaluation of Better Access Initiative Final Report* in December 2022, which included an evaluation of the 10 additional individual therapy sessions;
- (c) in releasing the *Evaluation of Better Access Initiative Final Report*, the Minister for Health and Aged Care noted that the report shows Better Access is failing some Australians, including that:
 - (i) gap fees and wait times make it inaccessible and unaffordable for too many and the temporary expansion in additional appointments reduced access to new entrants, in particular disadvantaged and vulnerable communities; and
 - (ii) the most disadvantaged Australians—those among us with the greatest need—have the least access to mental health services;
- (d) since 1 January 2023, eligible patients can receive services up to a combined limit of 10 individual or group services in a calendar year to ensure more people who need care can get access to the care they need;
- (e) in the 2022-23 October Budget, the Australian Government provided an additional \$114 million for mental health services, including \$48 million to reinstate a loading to make telehealth psychiatry more affordable for people in rural and regional areas;
- (f) the ACT Government will continue to collaborate with the Commonwealth and mental health sector stakeholders to ensure that the Better Access program and the mental health system meets consumers needs and supports improved mental health outcomes;
- (g) the ACT Government is committed to supporting people living with a mental illness or mental disorder;
- (h) the ACT Government aims to provide services along the entire mental health continuum and will work to ensure that people experiencing poor mental health can access the most appropriate services and supports at the right place at the right time;
- (i) access to psychologist support is an important component of modern mental health services, although it is not the only thing that helps communities;
- (j) the 2022-23 ACT Budget included an additional \$70 million over four years for mental health and community health care support, building on over \$80 million already provided to support mental health this term of Government including:
 - (i) continuing and expanding the Home Assessment Acute Response Team;

- (ii) extending operation of the Mental Health Consultation Liaison position at the Calvary Public Hospital Bruce Emergency Department to 16-hours per day/7 days per week;
 - (iii) implementing an Adult Dialectical Behaviour Therapy Program; and
 - (iv) establishing a permanent Homeless Outreach Team; and
- (k) the ACT Government is continuing to work with the Australian Government to implement our shared bilateral investment, which includes:
 - (i) the development of Kids Head to Health mental health supports;
 - (ii) the establishment of an ACT multidisciplinary Youth at Risk of developing ill health program;
 - (iii) suicide aftercare supports and services;
 - (iv) residential and early intervention eating disorders services;
 - (v) perinatal mental health;
 - (vi) MindMap Youth Navigation portal; and
 - (vii) the *Youth Aware of Mental Health* resilience building program in high schools; and
- (2) calls on:
 - (a) the Minister for Mental Health to write to the Australian Government Minister for Health and Assistant Minister for Mental Health and Suicide Prevention to seek a commitment to continue working together to appropriately fund mental health services ensuring that access is prioritised for underserved populations in the ACT; and
 - (b) the Minister for Mental Health to table the correspondence in the Assembly no later than the last sitting day in May 2023.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes:

- (a) the former Australian Government announced a temporary and time limited initiative would provide 10 additional individual therapy sessions from 9 October 2020 and ceasing on 31 December 2022 intended to support the mental health of people who had been adversely impacted by COVID-19;
- (b) the Australian Government released the independent Evaluation of Better Access Initiative Final Report in December 2022, which included an evaluation of the 10 additional individual therapy sessions;
- (c) in releasing the *Evaluation of Better Access Initiative Final Report*, the Minister for Health and Aged Care noted that the report shows Better Access is failing some Australians, including that:
 - (i) gap fees and wait times make it inaccessible and unaffordable for too many and the temporary expansion in additional appointments reduced access to new entrants, in particular disadvantaged and vulnerable communities; and
 - (ii) the most disadvantaged Australians—those among us with the greatest need—have the least access to mental health services;
- (d) since 1 January 2023, eligible patients can receive services up to a combined limit of 10 individual or group services in a calendar year to ensure more people who need care can get access to the care they need;
- (e) in the 2022-23 October Budget, the Australian Government provided an additional \$114 million for mental health services, including \$48 million to reinstate a loading to make telehealth psychiatry more affordable for people in rural and regional areas;
- (f) the ACT Government will continue to collaborate with the Commonwealth and mental health sector stakeholders to ensure that the Better Access program and the mental health system meets consumers needs and supports improved mental health outcomes;
- (g) the ACT Government is committed to supporting people living with a mental illness or mental disorder;
- (h) the ACT Government aims to provide services along the entire mental health continuum and will work to ensure that people experiencing poor mental health can access the most appropriate services and supports at the right place at the right time;
- (i) access to psychologist support is an important component of modern mental health services, although it is not the only thing that helps communities;
- (j) the 2022-23 ACT Budget included an additional \$70 million over four years for mental health and community health care support, building on over \$80 million already provided to support mental health this term of Government including:
 - (i) continuing and expanding the Home Assessment Acute Response Team;

- (ii) extending operation of the Mental Health Consultation Liaison position at the Calvary Public Hospital Bruce Emergency Department to 16-hours per day/7 days per week;
 - (iii) implementing an Adult Dialectical Behaviour Therapy Program; and
 - (iv) establishing a permanent Homeless Outreach Team; and
- (k) the ACT Government is continuing to work with the Australian Government to implement our shared bilateral investment, which includes:
 - (i) the development of Kids Head to Health mental health supports;
 - (ii) the establishment of an ACT multidisciplinary Youth at Risk of developing ill health program;
 - (iii) suicide aftercare supports and services;
 - (iv) residential and early intervention eating disorders services;
 - (v) perinatal mental health;
 - (vi) MindMap Youth Navigation portal; and
 - (vii) the *Youth aware of Mental Health* resilience building program in high schools; and
- (2) calls on:
 - (a) the Minister for Mental Health to write to the Australian Government Minister for Health and Assistant Minister for Mental Health and Suicide Prevention to seek a commitment to continue working together to appropriately fund mental health services ensuring that access is prioritised for underserved populations in the ACT; and
 - (b) the Minister for Mental Health to table the correspondence in the Assembly no later than the last sitting day in May 2023.”—

be agreed to—put and passed.

18 ANIMAL MANAGEMENT AND WELFARE LEGISLATION AMENDMENT BILL 2022

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.

19 GUARDIANSHIP AND MANAGEMENT OF PROPERTY AMENDMENT BILL 2022

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.

Detail Stage

Bill, by leave, taken as a whole—

Ms Stephen-Smith (Minister for Health), in the absence of the Attorney-General, pursuant to standing order 182A(b), was granted leave to move an amendment to the bill that was minor and technical in nature.

Paper: Ms Stephen Smith, by leave, presented a supplementary explanatory statement to the Government amendment.

On the motion of Ms Stephen-Smith, the Attorney-General's amendment No 1 was made.

Bill, as a whole, as amended, agreed to.

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

20 ADJOURNMENT

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

Question—put and passed.

And then the Assembly, at 5.05 pm, adjourned until tomorrow at 10 am.

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

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

GUARDIANSHIP AND MANAGEMENT OF PROPERTY AMENDMENT BILL 2022

Amendment circulated by the Attorney-General

1

Clause 2

Page 2, line 5—

omit

1 January 2023

substitute

the day after its notification day
