



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

## MINUTES OF PROCEEDINGS

No 75

**WEDNESDAY, 24 OCTOBER 2018**

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**1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**2 DOMESTIC ANIMALS (DANGEROUS DOGS) LEGISLATION AMENDMENT BILL 2018**

Ms Lawder, pursuant to notice, presented a Bill for an Act to amend legislation about dangerous dogs.

*Paper:* Ms Lawder presented an explanatory statement to the Bill.

Title read by Clerk.

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

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

**3 TEACHER AND STUDENT SAFETY**

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

(1) notes that:

- (a) all teachers deserve to work in a safe environment in ACT schools;
- (b) a Worksafe investigation concluded in September 2018 that the ACT Education Directorate has failed in its duty of care to teachers in Canberra government schools;



- (c) Worksafe has been investigating reports of teacher abuse going back at least two years and reports of injury in Canberra government schools had been reported for several years prior to that investigation;
  - (d) despite teachers and staff reporting on numerous occasions of violence and injuries suffered as a result, the Directorate failed to put in place adequate procedures to appropriately deal with those reports; and
  - (e) the extent of teacher abuse is unknown as much may have gone unreported; and
- (2) calls on the Minister for Education and Early Childhood Development to:
- (a) acknowledge that the evidence provided over at least the last two years and highlighted by the Worksafe report, shows that current practices have failed to address the underlying problems affecting teacher and student safety in ACT schools and must be addressed as a matter of priority;
  - (b) apologise to staff, students and families for failing to provide them with a safe school environment;
  - (c) report to the Assembly by the last sitting week in November 2018 on its plan to implement the enforceable undertaking it gave to the Work Safety Commissioner; and
  - (d) update the Assembly on a quarterly basis on the progress of the implementation of measures to protect Canberra's teachers and students.

Ms Berry, (Minister for Education and Early Childhood Development) moved the following amendment: Omit all text after "That this Assembly", substitute:

- "(1) notes that:
- (a) the ACT Government employs 6814 staff in the Education Directorate supporting 47 945 students;
  - (b) all school-based staff deserve to work in a safe environment;
  - (c) managing occupational violence in human services contexts like schools is complex and engages competing rights;
  - (d) in November 2016, in response to concerns raised by the Australian Education Union, the Minister for Education and Early Childhood Development instructed the Education Directorate to prioritise improvement to its management of occupational violence in schools;
  - (e) in June 2017, in the 2017 Budget the Government allocated \$951 000 to improved management of occupational violence in schools;
  - (f) in July 2017, the Government and Australian Education Union launched its first occupational violence policy and management plan;
  - (g) as at 22 October 2018, staff at 55 of 87 government schools had undertaken occupational violence training, with the remainder to have completed the training by the end of term 4, 2018; and

- (h) a key part of the occupational violence policy and management plan is improved reporting of incidents, which the Government is observing as part of a changing culture about responding to occupational violence;
- (2) further notes:
- (a) WorkSafe ACT has alleged that the Education Directorate has not complied with its primary health and safety duty based on investigation of circumstances in three schools during 2016 and early 2017;
  - (b) the Government has voluntarily entered a work health and safety enforceable undertaking that:
    - (i) acknowledges significant prior work to improve occupational violence management in schools, including \$7.67 million of initiative; and
    - (ii) reinforces the Government's ongoing program of work in response to occupational violence, including \$2.375 million of initiatives; and
  - (c) the enforceable undertaking details three strategies as part of the Education Directorate's ongoing program of work, including:
    - (i) continue to implement the occupational violence policy and management plan;
    - (ii) share the ACT's experience and learnings with other Australian education systems; and
    - (iii) work with parents to build a shared understanding of occupational violence in schools, its impact and how to minimise and respond to it; and
  - (d) the enforceable undertaking includes a requirement for audit and public reporting on its implementation, and compliance monitoring by WorkSafe ACT; and
- (3) calls on the ACT Government to:
- (a) reaffirm its commitment to the safety and wellbeing of staff across the ACT education system;
  - (b) report on progress implementation of the strategies in the enforceable undertaking in the Education Directorate Annual Report, as required by the undertaking; and
  - (c) update the Assembly following completion of all strategies in the enforceable undertaking.”.

*Papers:* Ms Berry presented the following papers:

Managing Occupational Violence Policy, published July 2017.

Occupational Violence Management Plan, July 2017.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Ms Berry	Ms Orr	Miss C. Burch	Mr Parton
Ms J. Burch	Mr Pettersson	Mr Coe	Mr Wall
Ms Cody	Mr Ramsay	Mrs Dunne	
Ms Fitzharris	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur		Ms Lee	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) the ACT Government employs 6814 staff in the Education Directorate supporting 47 945 students;
  - (b) all school-based staff deserve to work in a safe environment;
  - (c) managing occupational violence in human services contexts like schools is complex and engages competing rights;
  - (d) in November 2016, in response to concerns raised by the Australian Education Union, the Minister for Education and Early Childhood Development instructed the Education Directorate to prioritise improvement to its management of occupational violence in schools;
  - (e) in June 2017, in the 2017 Budget the Government allocated \$951 000 to improved management of occupational violence in schools;
  - (f) in July 2017, the Government and Australian Education Union launched its first occupational violence policy and management plan;
  - (g) as at 22 October 2018, staff at 55 of 87 government schools had undertaken occupational violence training, with the remainder to have completed the training by the end of term 4, 2018; and
  - (h) a key part of the occupational violence policy and management plan is improved reporting of incidents, which the Government is observing as part of a changing culture about responding to occupational violence;
- (2) further notes:
  - (a) WorkSafe ACT has alleged that the Education Directorate has not complied with its primary health and safety duty based on investigation of circumstances in three schools during 2016 and early 2017;
  - (b) the Government has voluntarily entered a work health and safety enforceable undertaking that:
    - (i) acknowledges significant prior work to improve occupational violence management in schools, including \$7.67 million of initiative; and

- (ii) reinforces the Government's ongoing program of work in response to occupational violence, including \$2.375 million of initiatives; and
  - (c) the enforceable undertaking details three strategies as part of the Education Directorate's ongoing program of work, including:
    - (i) continue to implement the occupational violence policy and management plan;
    - (ii) share the ACT's experience and learnings with other Australian education systems; and
    - (iii) work with parents to build a shared understanding of occupational violence in schools, its impact and how to minimise and respond to it; and
  - (d) the enforceable undertaking includes a requirement for audit and public reporting on its implementation, and compliance monitoring by WorkSafe ACT; and
- (3) calls on the ACT Government to:
- (a) reaffirm its commitment to the safety and wellbeing of staff across the ACT education system;
  - (b) report on progress implementation of the strategies in the enforceable undertaking in the Education Directorate Annual Report, as required by the undertaking; and
  - (c) update the Assembly following completion of all strategies in the enforceable undertaking."—

be agreed to—put and passed.

#### **4 PROTECTING STUDENTS AND STAFF FROM DISCRIMINATION**

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

- (1) notes:
  - (a) the recent reports on the recommendations from the Federal Government's Religious Freedoms Review, including recommendations to entrench discrimination in the provision of education; and
  - (b) that according to a recent national poll, an overwhelming 74 per cent of Australians oppose laws allowing religious schools to select students and teachers on the grounds of their sexual orientation, gender identity or relationship status;
- (2) further notes:
  - (a) the significant emotional stress that Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) communities have endured in recent years including the unnecessary marriage equality postal survey and the attacks on the Safe Schools program;

- (b) that the ACT has a strong track record of advocating for and protecting the rights of LGBTIQ, and all Canberrans, to live free from discrimination; and
  - (c) that the ACT aspires to be the most LGBTIQ inclusive city in Australia; and
- (3) calls on the Assembly to:
- (a) condemn the potential for discrimination against students and staff in our education system on the basis of their sexual orientation, gender identity or sex characteristics;
  - (b) seek immediate, formal confirmation from the Federal Government that it will reject any Religious Freedoms Review recommendation that enshrines or expands discrimination in the provision of education; and
  - (c) ensure ACT law protects Canberrans from discrimination in our schools.

Debate ensued.

Question—put and passed.

## 5 QUESTIONS

Questions without notice were asked.

## 6 PRESENTATION OF PAPER

The Speaker presented the following paper:

Estimates 2018-2019—Select Committee—Stromlo Leisure Centre pool—Clarification—Letter to the Speaker from the Minister for Health and Wellbeing, dated 22 October 2018.

## 7 GOVERNMENT AGENCIES (LAND ACQUISITION REPORTING) BILL 2018

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.

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### *Detail Stage*

Clauses 1 to 6, by leave, taken together—

Debate adjourned (Mr Gentleman—Minister for Planning and Land Management) and the resumption of the debate made an order of the day for the next sitting.

## 8 WOMEN'S SPORT

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

- (1) notes:
  - (a) the extraordinary growth in the profile of women's sport in the Canberra community;

- (b) the ongoing success of Canberra United, the Canberra Capitals and women's national league teams such as netball, cricket and ice hockey;
  - (c) greater encouragement for girls' and women's participation in many sporting codes;
  - (d) the opening of elite pathways in traditionally male-dominated codes such as the Australian Football League (AFL), rugby union, and rugby league;
  - (e) the contribution of clubs to local sport and sporting organisations through their own revenue and the community contributions scheme; and
  - (f) the disappointment and outrage expressed in the AFL women's community about future fixtures;
- (2) further notes:
- (a) significant investments in community and professional sporting facilities funded by the ACT Government, including at Stromlo Forest Park, Football Park Phillip, and the Melrose Football Precinct;
  - (b) the ACT Government has set a requirement that triennially funded peak sporting bodies have at least 40 percent women's representation on their boards by 2020 and is working with sports towards this outcome;
  - (c) community clubs also have a key role to play in achieving gender equity in sport through their contributions;
  - (d) ongoing improvements and development of women's changing facilities under the ACT Government's female friendly design guidelines and infrastructure funding commitment; and
  - (e) the ACT has secured games in the 2020 International Cricket Council World Women's Twenty20 World Cup; and
- (3) calls on the Government to continue to promote both community and professional women's sport by:
- (a) ensuring equity in access to sporting facilities and opportunities for all ages to participate;
  - (b) working with community and professional sporting organisations to promote programs that deliver women's sport; and
  - (c) investigating ways to increase the share of the Club Community Contributions Scheme that goes towards women's sport.

Debate ensued.

Question—put and passed.

## **9 DOMESTIC AND FAMILY VIOLENCE**

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

- (1) notes that:

- (a) domestic and family violence negatively affects many who are exposed to it, including children;
  - (b) children can be affected whether they are victims of the violence or are witnesses to it (including merely overhearing it);
  - (c) several extensive reviews of published research have found that children who are affected by domestic and family violence experience significant negative impacts to their physical, emotional, social, behavioural, developmental and/or cognitive wellbeing and functioning;
  - (d) these impacts may include irritability, sleep problems, fear of being alone, poor language development, impaired concentration, aggressiveness, antisocial behaviours, anxiety, depression, eating problems, low frustration tolerance, low academic performance, and being passive or withdrawn, amongst others;
  - (e) these impacts are frequently compounded by unstable living arrangements as a result of fleeing the violence, leading to disruptions in home life, school, relationships with friends, and relationships with primary caregivers;
  - (f) the effects of domestic and family violence on culturally and linguistically diverse children can be further compounded by cultural and linguistic barriers as well as by discrimination and racism; and
  - (g) research suggests that children affected by domestic and family violence are more likely to become victims of domestic and family violence as adults and may also be at increased risk of perpetrating such violence;
- (2) further notes that:
- (a) the Domestic Violence Prevention Council (DVPC) recently released a report to the ACT Government summarising its second extraordinary meeting, held on 4 April 2018;
  - (b) this report acknowledges that “children witnessing and experiencing family and domestic violence have special needs, in addition to the needs of the adults around them”;
  - (c) this report finds that children affected by domestic and family violence “are often ‘invisible’ in the ACT’s domestic and family violence system”;
  - (d) the DVPC is optimistic that improved results “could be accelerated across the ACT”, in part as a consequence of “work already underway”;
  - (e) the DVPC report recommends action in five priority areas;
  - (f) the ACT Government has already begun responding to the first recommendation by committing \$100 000 to assist the Coordinator General for Family Safety and the Children and Young People Commissioner in designing appropriate mechanisms for consulting children and young people to better understand their needs;
  - (g) this report further finds that “the full extent and impacts of the problem are not yet clear, due to limitations in ACT approaches to identifying clients and capturing case data”;

- (h) robust data are necessary to inform domestic and family violence strategies for children and young people, including by identifying “unmet need”;
  - (i) the DVCP therefore recommends “that the ACT Government improve on the ACT’s use of data to inform strategies for children and young people”;
  - (j) the DVCP report notes that the ACT has already agreed to the National Data Collection and Reporting Framework, which will accomplish this end but will not be operational until 2022; and
  - (k) the DVCP report strongly suggests that much of the infrastructure and many of the resources necessary to accomplish this collection and use of data are already in place now; and
- (3) calls on the ACT Government to:
- (a) accept recommendation five of the DVCP report, regarding better collecting and using data and evidence to inform domestic and family violence strategies for children and young people;
  - (b) commit to taking steps before the end of the 2018–19 financial year to begin implementing this recommendation; and
  - (c) outline what they will be doing in response to recommendations 1-4 before the end of this financial year.

Ms Berry, (Minister for the Prevention of Domestic and Family Violence) moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes that:
- (a) domestic and family violence negatively affects many who are exposed to it, including children;
  - (b) children can be affected whether they are victims of the violence or are witnesses to it (including merely overhearing it);
  - (c) several extensive reviews of published research have found that children who are affected by domestic and family violence experience significant negative impacts to their physical, emotional, social, behavioural, developmental and/or cognitive wellbeing and functioning;
  - (d) these impacts may include irritability, sleep problems, fear of being alone, poor language development, impaired concentration, aggressiveness, antisocial behaviours, anxiety, depression, eating problems, low frustration tolerance, low academic performance, and being passive or withdrawn, amongst others;
  - (e) these impacts are frequently compounded by unstable living arrangements as a result of fleeing the violence, leading to disruptions in home life, school, relationships with friends, and relationships with primary caregivers;

- (f) the effects of domestic and family violence on culturally and linguistically diverse children can be further compounded by cultural and linguistic barriers as well as by discrimination and racism; and
  - (g) research suggests that children affected by domestic and family violence are more likely to become victims of domestic and family violence as adults and may also be at increased risk of perpetrating such violence;
- (2) further notes that:
- (a) in 2016, the ACT Government established a new Safer Families Levy to fund \$21.42 million of new initiatives to tackle domestic and family violence including the establishment of a Coordinator General for Family Safety;
  - (b) the Family Safety Hub was launched in May 2018 following a co-design process involving government, non-government, front line and policy workers, and people with lived experience;
  - (c) the first Family Safety Hub challenge took place focusing on prevention and early intervention of domestic and family violence for pregnant women and new parents;
  - (d) on 4 April 2018, the Domestic Violence Prevention Council (DVPC) held an Extraordinary Meeting to discuss the needs of children and young people affected by family and domestic violence, including sexual assault. This meeting was attended by Ministers, Directors-General, senior public servants, CEOs and leaders of community organisations, a range of stakeholders and people with a lived experience of violence;
  - (e) on 12 October 2018, the DVPC and the ACT Government jointly released the report summarising the findings of the extraordinary meeting;
  - (f) this report acknowledges that ‘children witnessing and experiencing family and domestic violence have special needs, in addition to the needs of the adults around them’;
  - (g) this report finds that children affected by domestic and family violence ‘are often “invisible” in the ACT’s domestic and family violence system’, noting that this finding mirrors the experience of other jurisdictions, and is reflected in the prioritisation of children in the Fourth Action Plan for the National Plan to Reduce Violence against Women and their Children 2010–2022;
  - (h) the DVPC is optimistic that improved results ‘could be accelerated across the ACT’, in part as a consequence of ‘work already underway’;
  - (i) the DVPC report recommends action in five priority areas;
  - (j) the ACT Government has welcomed the DVPC Extraordinary Meeting Report and has already begun responding to the first recommendation by committing \$100 000 for the Coordinator General for Family Safety and the Children and Young People Commissioner to undertake consultation with children and young people to better understand their needs and provide insights to inform and improve responses for children and young people impacted by family violence;

- (k) this report further finds that ‘the full extent and impacts of the problem are not yet clear, due to limitations in ACT approaches to identifying clients and capturing case data’;
  - (l) robust data are necessary to inform domestic and family violence strategies for children and young people, including by identifying ‘unmet need’;
  - (m) the DVPC therefore recommends ‘that the ACT Government improve on the ACT’s use of data to inform strategies for children and young people’;
  - (n) the DVPC report notes that the ACT has already agreed to the National Data Collection and Reporting Framework for family, domestic and sexual violence. The Australian Bureau of Statistics is leading the development and staggered implementation of the framework, in partnership with all Australian governments. It is anticipated that the framework will be fully operational nationally by 2022; and
  - (o) the DVPC report highlighted that there are several key initiatives currently being undertaken across government that will enhance existing domestic and family violence data. These initiatives will augment existing government infrastructure and resources to inform strategies for children and young people; and
- (3) calls on the ACT Government to provide a considered whole-of-government response to the recommendations in the DVPC final report for cabinet consideration and report back to the Assembly on the Government response, and progress by the end of June 2019.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) domestic and family violence negatively affects many who are exposed to it, including children;
  - (b) children can be affected whether they are victims of the violence or are witnesses to it (including merely overhearing it);
  - (c) several extensive reviews of published research have found that children who are affected by domestic and family violence experience significant negative impacts to their physical, emotional, social, behavioural, developmental and/or cognitive wellbeing and functioning;
  - (d) these impacts may include irritability, sleep problems, fear of being alone, poor language development, impaired concentration, aggressiveness, antisocial behaviours, anxiety, depression, eating problems, low frustration tolerance, low academic performance, and being passive or withdrawn, amongst others;

- (e) these impacts are frequently compounded by unstable living arrangements as a result of fleeing the violence, leading to disruptions in home life, school, relationships with friends, and relationships with primary caregivers;
  - (f) the effects of domestic and family violence on culturally and linguistically diverse children can be further compounded by cultural and linguistic barriers as well as by discrimination and racism; and
  - (g) research suggests that children affected by domestic and family violence are more likely to become victims of domestic and family violence as adults and may also be at increased risk of perpetrating such violence;
- (2) further notes that:
- (a) in 2016, the ACT Government established a new Safer Families Levy to fund \$21.42 million of new initiatives to tackle domestic and family violence including the establishment of a Coordinator General for Family Safety;
  - (b) the Family Safety Hub was launched in May 2018 following a co-design process involving government, non-government, front line and policy workers, and people with lived experience;
  - (c) the first Family Safety Hub challenge took place focusing on prevention and early intervention of domestic and family violence for pregnant women and new parents;
  - (d) on 4 April 2018, the Domestic Violence Prevention Council (DVPC) held an Extraordinary Meeting to discuss the needs of children and young people affected by family and domestic violence, including sexual assault. This meeting was attended by Ministers, Directors-General, senior public servants, CEOs and leaders of community organisations, a range of stakeholders and people with a lived experience of violence;
  - (e) on 12 October 2018, the DVPC and the ACT Government jointly released the report summarising the findings of the extraordinary meeting;
  - (f) this report acknowledges that ‘children witnessing and experiencing family and domestic violence have special needs, in addition to the needs of the adults around them’;
  - (g) this report finds that children affected by domestic and family violence ‘are often “invisible” in the ACT’s domestic and family violence system’, noting that this finding mirrors the experience of other jurisdictions, and is reflected in the prioritisation of children in the Fourth Action Plan for the National Plan to Reduce Violence against Women and their Children 2010–2022;
  - (h) the DVPC is optimistic that improved results ‘could be accelerated across the ACT’, in part as a consequence of ‘work already underway’;
  - (i) the DVPC report recommends action in five priority areas;

- (j) the ACT Government has welcomed the DVPC Extraordinary Meeting Report and has already begun responding to the first recommendation by committing \$100 000 for the Coordinator General for Family Safety and the Children and Young People Commissioner to undertake consultation with children and young people to better understand their needs and provide insights to inform and improve responses for children and young people impacted by family violence;
  - (k) this report further finds that ‘the full extent and impacts of the problem are not yet clear, due to limitations in ACT approaches to identifying clients and capturing case data’;
  - (l) robust data are necessary to inform domestic and family violence strategies for children and young people, including by identifying ‘unmet need’;
  - (m) the DVPC therefore recommends ‘that the ACT Government improve on the ACT’s use of data to inform strategies for children and young people’;
  - (n) the DVPC report notes that the ACT has already agreed to the National Data Collection and Reporting Framework for family, domestic and sexual violence. The Australian Bureau of Statistics is leading the development and staggered implementation of the framework, in partnership with all Australian governments. It is anticipated that the framework will be fully operational nationally by 2022; and
  - (o) the DVPC report highlighted that there are several key initiatives currently being undertaken across government that will enhance existing domestic and family violence data. These initiatives will augment existing government infrastructure and resources to inform strategies for children and young people; and
- (3) calls on the ACT Government to provide a considered whole-of-government response to the recommendations in the DVPC final report for cabinet consideration and report back to the Assembly on the Government response, and progress by the end of June 2019.”—

be agreed to—put and passed.

## 10 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 5.31 pm, adjourned until tomorrow at 10 am.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Ms Cheyne\*, Mrs Jones\* and Mr Milligan\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly