



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 61

WEDNESDAY, 12 OCTOBER 2022

- 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 PETITION—PETITION NOTED

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

Mr Cain, from 234 residents, requesting that the Assembly support the installation of a bench seat at Shepherds Lookout in memory of Brontë Haskins (Pet 033-22).

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

Debate ensued.

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

Petition which does not conform with the standing orders—Shepherds Lookout—The Brontë Haskins memorial bench—Mr Cain (342 signatures).

Mr Cain, by leave, was granted an extension of time.

Debate continued.

Question—put and passed.

**3 A.C.T. HIGH-RISK WEATHER SEASON PREPAREDNESS AND SEASONAL OUTLOOK
2022-23—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning the high-risk weather season preparedness and seasonal outlook and presented the following paper:

ACT High-risk Weather Season Preparedness and Seasonal Outlook 2022-23—
Ministerial statement, 12 October 2022.

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

Debate ensued.

Question—put and passed.

4 MENTAL HEALTH MONTH—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning mental health month and presented the following paper:

Mental Health Month—Ministerial statement, 12 October 2022.

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

Question—put and passed.

**5 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS AND
EXECUTIVE BUSINESS—COGNATE DEBATE**

Mr Gentleman moved—That so much of the standing orders be suspended as would prevent order of the day Assembly Business relating to the Government response to the Select Committee on Estimates 2022-2023 report on the Appropriation Bill 2022-2023 and the Appropriation (Office of the Legislative Assembly) Bill 2022-2023 being called on and debated cognately with orders of the day Nos. 1 and 2, Executive Business, relating to the Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022, being called on forthwith.

Question—put and passed, with the concurrence of an absolute majority.

6 APPROPRIATION BILL 2022-2023

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

Schedule 1—Appropriations—Proposed expenditure—

Part 1.1—ACT Local Hospital Network, Part 1.2—ACT Health Directorate and Part 1.3—
Canberra Health Services, taken together and agreed to, after debate.

Part 1.4—Education Directorate—debated and agreed to.

Part 1.5—Chief Minister, Treasury and Economic Development Directorate—

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

7 QUESTIONS

Questions without notice were asked.

8 PRESENTATION OF PAPER

The Speaker presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual Report 2021-2022—ACT Audit Office—Report No 6/2022, dated 12 October 2022.

9 PRESENTATION OF PAPER

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

Plastic Reduction Act—Plastic Reduction (Single-use Plastic Products) Exemption 2022—Disallowable Instrument DI2022-67 (LR, 2 June 2022)—Revised explanatory statement.

10 INCLUSIVE ACCESS TO SWIMMING FACILITIES

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

(1) notes:

- (a) learning to swim is a vital life skill. Not being able to swim diminishes enjoyment of life and puts lives at risk;
- (b) inclusive access to swimming and learn to swim programs is important for the wellbeing of Canberrans, including physical and mental health, social connection, and sense of belonging;
- (c) certain communities face barriers to access and participation in swimming because of cultural, social, or health reasons;
- (d) the ACT Government conducted a successful trial of gender-specific swim sessions in 2019; and
- (e) the ACT Government has funded two short-term programs through the annual Sport and Recreation Grants to support migrant and refugee swim programs, including women only programs at Gungahlin Leisure Centre and Aquatots at Gold Creek;

(2) further notes:

- (a) diverse communities require privacy and additional features at pools to facilitate learning and swimming in safe and accessible spaces;
- (b) current infrastructure and timetabling are not able to meet the ongoing needs of these communities; and

- (c) inclusive swimming and learn to swim programs are a matter of equality. Every Canberran deserves to access safe swimming in an environment that is suitable for their needs; and
- (3) calls on the ACT Government to:
 - (a) commit to providing gender-specific and gender-diverse swim times, through working with all relevant stakeholders;
 - (b) continue to work with operators to establish a further trial of gender-specific swim times at a suitable pool;
 - (c) ensure that public pools clearly communicate that all are welcome, and that their complaint and reporting mechanisms are clear, supportive and accessible should any issues arise;
 - (d) commit to ensuring that future ACT Government swimming infrastructure will be designed in an inclusive manner, such as an enclosed smaller pool for those requiring privacy or sensory-friendly facilities, and individual gender-neutral changing facilities; and
 - (e) report back to the Assembly by November 2023 on progress.

Debate ensued.

Question—put and passed.

11 EMERGENCY PAEDIATRIC SERVICES—CANBERRA HOSPITAL

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

- (1) notes:
 - (a) the ACT Government opened a dedicated paediatric service for children attending the Emergency Department at Canberra Hospital on 9 May 2016 comprising six treatment beds, two consultation rooms and a private waiting area;
 - (b) the Government said the paediatric emergency wing would provide a faster service for children and their families and enhance their experience. “ACT Labor wants to ensure sick children are treated and discharged, or admitted to a hospital ward, as quickly as possible.”; and
 - (c) Labor went to the 2012 election promising a dedicated \$5.8 million service for children attending the Emergency Department. Federal Labor had promised up to \$5 million with ACT Labor providing \$879,000 over four years for a Paediatric Clinical Nurse Consultant;
- (2) further notes:
 - (a) in April this year the Government decided its paediatric emergency wing would no longer operate at full capacity and, between April and August, the paediatric emergency department only operated 50 percent of the time; and
 - (b) since August the paediatric emergency stream has been mothballed and not functioning about 20 percent of the time meaning children and

families must go to the adult emergency department which is inappropriate for them; and

(3) calls on the ACT Government to:

- (a) immediately reopen and fully staff and operate the paediatric emergency wing at Canberra Hospital; and
- (b) commit to keep the paediatric emergency wing permanently open and operational to provide the best health care to sick children.

Ms Stephen-Smith (Minister for Health) moved the following amendment: Omit all text after “(2) further notes:”, substitute:

- “(a) due to the impact of COVID-19 and other respiratory illnesses among the health workforce, Canberra Hospital’s Emergency Department has been required to operate on a consolidated footprint during periods of staffing pressure;
 - (b) in order to provide the safest possible care to paediatric patients, paediatric presentations were consolidated into adult acute emergency areas approximately 42 percent of the time between 1 April and 31 July 2022 and 25 percent of the time from 1 August to 8 October 2022;
 - (c) emergency paediatric care continues to be provided to children and adolescents who present to the Canberra Hospital Emergency Department in a way that recognises their different needs regardless of the area in which a child or adolescent is treated; and
 - (d) the new Critical Services Building Emergency Department has been designed with consumers and clinical user groups and includes an enhanced paediatric treatment area, expanded paediatric waiting area and courtyard to ensure children and families are comfortable while awaiting emergency treatment; and
- (3) calls on the ACT Government to continue to safely optimise use of the paediatric emergency department space at Canberra Hospital.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 15

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

NOES, 8

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

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the ACT Government opened a dedicated paediatric service for children attending the Emergency Department at Canberra Hospital on 9 May 2016 comprising six treatment beds, two consultation rooms and a private waiting area;
 - (b) the Government said the paediatric emergency wing would provide a faster service for children and their families and enhance their experience. “ACT Labor wants to ensure sick children are treated and discharged, or admitted to a hospital ward, as quickly as possible.”; and
 - (c) Labor went to the 2012 election promising a dedicated \$5.8 million service for children attending the Emergency Department. Federal Labor had promised up to \$5 million with ACT Labor providing \$879,000 over four years for a Paediatric Clinical Nurse Consultant;
- (2) further notes:
 - (a) due to the impact of COVID-19 and other respiratory illnesses among the health workforce, Canberra Hospital’s Emergency Department has been required to operate on a consolidated footprint during periods of staffing pressure;
 - (b) in order to provide the safest possible care to paediatric patients, paediatric presentations were consolidated into adult acute emergency areas approximately 42 percent of the time between 1 April and 31 July 2022 and 25 percent of the time from 1 August to 8 October 2022;
 - (c) emergency paediatric care continues to be provided to children and adolescents who present to the Canberra Hospital Emergency Department in a way that recognises their different needs regardless of the area in which a child or adolescent is treated; and
 - (d) the new Critical Services Building Emergency Department has been designed with consumers and clinical user groups and includes an enhanced paediatric treatment area, expanded paediatric waiting area and courtyard to ensure children and families are comfortable while awaiting emergency treatment; and
- (3) calls on the ACT Government to continue to safely optimise use of the paediatric emergency department space at Canberra Hospital.”—

be agreed to—put and passed.

12 ROAD MAINTENANCE

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

- (1) notes that:
 - (a) during the recent Estimates hearings, it was revealed that the ACT Government has paid more than \$43,000 in claims for damage from potholes to motorists in 2022 alone;

- (b) at the time of the Estimates hearings, the average amount for a pothole claim was \$860;
 - (c) it was revealed that there had already been a significant increase in the amount of pothole damage claims paid by the ACT Government, already at 50 so far in 2022, compared to 40 in 2021 and 16 in 2020;
 - (d) spending ratepayers' money on pothole damage claims is a complete waste of money and demonstrates the Government's failure at the most basic level of municipal services;
 - (e) community concern continues to grow about the amount and severity of potholes on ACT roads;
 - (f) persistent rain has contributed to the number of potholes but so too has a lack of proactive road maintenance in warmer months;
 - (g) delivering safe and accessible roads is a basic government responsibility that the Labor-Greens Government is failing at; and
 - (h) Canberrans pay exorbitant levels of rates and it is not unreasonable of them to expect adequate roads in return; and
- (2) calls on the ACT Government to:
- (a) investigate what changes must be made to the road maintenance approach to improve the state of ACT roads;
 - (b) provide residents with a plan to reduce the amount of ratepayer's money spent on pothole damage claims; and
 - (c) publicly announce these findings and details of their implementation by 1 December 2022.

Mr Steel (Minister for Transport and City Services) moved the following amendment:
Omit all words after "That this Assembly", substitute:

- "(1) notes that:
- (a) two years of rainfall as a result of La Nina weather events and climate change has led to an increase in damage to ACT roads and this weather is forecast to continue into 2023;
 - (b) damage caused by rain on the ACT road network is not unique, with states and territories across the east coast of Australia encountering similar damage due to increased rainfall;
 - (c) this month, the Government is temporarily repairing potholes with a focus on the most dangerous damage, noting the difficulties of effecting repairs during the rain and colder periods of the year;
 - (d) as we move into warmer weather, more permanent patching and repair, resealing and prevention and rehabilitation works will be undertaken as part of the Annual Road Resurfacing Program;
 - (e) roads crews are working around the clock in what are very difficult and unpredictable conditions to provide the ACT community with a safe and reliable road network;

- (f) Roads ACT repaired almost 8,000 potholes in the last financial year, and over 1,100 in August 2022 alone, compared to an average of 3,000 in a typical year;
 - (g) Roads ACT has provided additional resources to locate and fill potholes throughout the road network, including extending contractor resources; and
 - (h) Roads ACT is working with established experts, including the Australian Road Research Board (ARRB), and has been undertaking an updated road network condition assessment, as part of the development of an evidence-base to inform the future strategic road maintenance program; and
- (2) calls on the Government to:
- (a) encourage Canberrans to report potholes via Fix My Street to help Roads ACT in quickly identifying and responding to road defects; and
 - (b) provide the Assembly with an update on the ACT Government's strategic roads maintenance program, which considers the research underway and changing climate conditions, in the first sitting week in 2023."

Debate continued.

Ms Lawder moved the following amendment to the proposed amendment: Add new paragraph (2) (c):

- "(c) add information to the Our CBR newsletter on how residents can claim compensation for pothole-inflicted damage to their vehicle."

Debate continued.

Question—That the amendment to the proposed amendment be agreed to—put.

The Assembly voted—

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

And so it was negatived.

Amendment agreed to.

Question—That the motion, as amended, viz:

"That this Assembly:

- (1) notes that:
 - (a) two years of rainfall as a result of La Nina weather events and climate change has led to an increase in damage to ACT roads and this weather is forecast to continue into 2023;

- (b) damage caused by rain on the ACT road network is not unique, with states and territories across the east coast of Australia encountering similar damage due to increased rainfall;
 - (c) this month, the Government is temporarily repairing potholes with a focus on the most dangerous damage, noting the difficulties of effecting repairs during the rain and colder periods of the year;
 - (d) as we move into warmer weather, more permanent patching and repair, resealing and prevention and rehabilitation works will be undertaken as part of the Annual Road Resurfacing Program;
 - (e) roads crews are working around the clock in what are very difficult and unpredictable conditions to provide the ACT community with a safe and reliable road network;
 - (f) Roads ACT repaired almost 8,000 potholes in the last financial year, and over 1,100 in August 2022 alone, compared to an average of 3,000 in a typical year;
 - (g) Roads ACT has provided additional resources to locate and fill potholes throughout the road network, including extending contractor resources; and
 - (h) Roads ACT is working with established experts, including the Australian Road Research Board (ARRB), and has been undertaking an updated road network condition assessment, as part of the development of an evidence-base to inform the future strategic road maintenance program; and
- (2) calls on the Government to:
- (a) encourage Canberrans to report potholes via Fix My Street to help Roads ACT in quickly identifying and responding to road defects; and
 - (b) provide the Assembly with an update on the ACT Government's strategic roads maintenance program, which considers the research underway and changing climate conditions, in the first sitting week in 2023."—

be agreed to—put and passed.

13 APPROPRIATION BILL 2022-2023

The Assembly, according to order, resumed consideration at the detail stage—

Detail Stage

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.5—Chief Minister, Treasury and Economic Development Directorate—

Debate continued.

Debate adjourned (Mr Gentleman—Manager of Government Business) and the resumption of the debate made an order of the day for the next sitting.

14 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 6.34 pm adjourned until tomorrow at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly