



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020

MINUTES OF PROCEEDINGS

No 2

WEDNESDAY, 2 DECEMBER 2020

- 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 DEATH OF MR LOU WESTENDE

Mr Barr (Chief Minister) moved—That this Assembly expresses its sorrow at the passing of former MLA Mr Lou Westende and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Ms Lee (Leader of the Opposition) and Mr Rattenbury (Leader of the ACT Greens) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

3 E-PETITION AND MINISTERIAL RESPONSES—E-PETITION AND RESPONSES NOTED

Petition

The Clerk announced that the following Member had lodged an e-petition for presentation:

Ms Clay, from 674 residents, requesting that the Assembly call on the ACT Government to withdraw all public funding from Thoroughbred Park (e-Pet No 24-20).

Pursuant to standing order 99A, this petition stands referred to the relevant Standing Committee.

Ministerial responses

The Clerk announced that the following responses to petitions had been lodged:

Mr Gentleman (Minister for Planning and Land Management), dated 7 September 2020—Response to e-petition No 12-20, lodged by Ms J. Burch on 13 August 2020, concerning a proposed development at Chisholm Village.

Mr Steel (Minister for Transport), dated 9 September 2020—Response to petition No 14-20, lodged by Miss C. Burch on 13 August 2020, concerning the reinstatement of Transport Canberra bus services for Symonston.

Mr Steel (Minister for City Services), dated 10 September 2020—Response to e-petition No 10-20 and petition No 15-20, lodged by Ms Cody on 13 August 2020, concerning public toilet facilities at the Farrer Nature Play and Bike Track.

Mr Steel (Minister for City Services, Minister for Recycling and Waste Reduction, Minister for Transport), dated 10 September 2020—Response to:

Petitions No 16-20 and No 17-20, lodged by Miss C. Burch on 20 August 2020, concerning off leash dog parks at Kingston Foreshore and Campbell, respectively.

Petitions No 19-20 and No 20-20, lodged by Ms Lee on 27 August 2020, concerning an assessment of traffic flow and mobility parking arrangements, respectively, at Watson shops.

E-petitions No 11-20 and No 18-20, lodged by Miss C. Burch and Mrs Kikkert, respectively, on 27 August 2020, concerning the proposed bus layover in Turner Parklands and the bus terminal in Fraser West, respectively.

Petition No 23-20, lodged by Ms Le Couteur on 27 August 2020, concerning the decision to close the West Belconnen Waste Facility.

Mr Steel (Minister for Transport and City Services), dated 19 November 2020—Response to petition No 22-20, lodged by Ms Lee on 27 August 2020, concerning proposed waste processing facilities in Fyshwick.

Ms Cheyne (Minister for the Arts), dated 26 November 2020—Response to e-petition No 21-20, lodged by Ms Lee on 27 August 2020, concerning funding for the *Live In Ya Lounge* live streaming music program.

The Speaker proposed—That the petitions and responses so lodged be noted.

Debate ensued.

Question—put and passed.

4 LEAVE OF ABSENCE TO MEMBER

Mr Hanson moved—That leave of absence be granted to Ms Lawder for today and tomorrow due to family reasons.

Question—put and passed.

5 ASSISTANT SPEAKERS

The Speaker informed the Assembly that, pursuant to standing order 8, she had nominated Mr Cain, Mr Davis, and Mr Pettersson to act as Assistant Speakers and presented warrants of nomination:

Pursuant to the provisions of standing order 8, I nominate Mr Pettersson to act as an Assistant Speaker.

Given under my hand on 9 November 2020.

Joy Burch MLA

Speaker

9 November 2020

Pursuant to the provisions of standing order 8, I nominate Mr Cain and Mr Davis to act as Assistant Speakers.

Given under my hand on 17 November 2020.

Joy Burch MLA

Speaker

17 November 2020

6 COVID-19—UPDATE ON GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Government response to the COVID-19 emergency and presented the following paper:

COVID-19—Update on Government response—Ministerial statement, 2 December 2020.

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

Question—put and passed.

7 COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020 (NO 3)

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to amend legislation to provide for emergency measures in response to the COVID-19 emergency, and for other purposes.

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

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

8 PLANNING AND UNIT TITLES LEGISLATION AMENDMENT BILL 2020

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

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 Hanson) and the resumption of the debate made an order of the day for the next sitting.

9 INAUGURAL SPEECHES

Ms Vassarotti and Ms Davidson, by leave, made their respective inaugural speeches.

10 PLASTIC REDUCTION BILL 2020

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to reduce the use of plastic, and for other purposes.

Papers: Mr Steel presented the following papers:

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

Regulatory impact statement.

Title read by Clerk.

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

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

11 SITTING PATTERN 2021

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—That the Assembly shall meet as follows for 2021 unless an absolute majority of Members request, in writing, that the Speaker or in the absence of the Speaker, the Deputy Speaker, or in the absence of both the Speaker and the Deputy Speaker, the Clerk, fixes an alternative day or hour of meeting or the Assembly otherwise orders:

February	9	10	11	
March	30	31		
April	20	21	22	23
May	11	12	13	
June		2	3	
	22	23	24	
August	3	4	5	
	31			
September		1	2	
October			7	8
	19	20	21	22
November	9	10	11	
December		1	2	

Question—put and passed.

12 STANDING COMMITTEES—ESTABLISHMENT

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—
That:

- (1) the following general-purpose standing committees be established as set out in the table below. The purpose of such committees is to enhance the scrutiny of the Executive, to examine and suggest improvements to any bills referred to it, to enable the citizens of the Territory to engage and to participate in law-making and policy review, to enable financial scrutiny of the Executive's budget proposals and to review annual reports of taxpayer funded agencies;
- (2) the committees so established may inquire and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community and within the nominated areas of responsibility;
- (3) calendar and financial year annual and financial reports stand referred to the relevant standing committee for inquiry and report by 31 March of the year after the presentation of the report to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*;
- (4) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar and financial year annual and financial reports at any given time;
- (5) all bills presented to the Assembly stand referred to the relevant standing committee for inquiry and report within two months from the presentation of the bill. Should the standing committee resolve not to undertake an inquiry, the chair shall advise the Assembly and the responsible minister within 14 days of the presentation of the bill in the Assembly;

- (6) all reports of the ACT Auditor-General tabled in the Assembly stand referred to the Standing Committee on Public Accounts for inquiry and report;
- (7) the committees so established are required to examine the expenditure proposals contained in the main appropriation bills for the Territory and any revenue estimates proposed by the Government in the annual budget and prepare a report to the Assembly within 60 days of the presentation of the budget bills;
- (8) funds be provided by the Assembly to permit the engagement of external expertise to work with the Standing Committee on Public Accounts to facilitate the analysis of the budget;
- (9) the Standing Committee on Justice and Community Safety shall:
 - (a) examine matters related to corruption and integrity in public administration;
 - (b) inquire into and report on matters referred to it by the Assembly or matters that are considered by the Committee to be of concern to the community;
 - (c) perform all functions required of it pursuant to the *Integrity Commission Act 2018*; and
 - (d) monitor, review and report on the performance of the Integrity Commission and the Inspector of the Integrity Commission or the exercise of the powers and functions of the Integrity Commission and the Inspector of the Integrity Commission, including examining the annual reports of the Integrity Commission and the Inspector of the Integrity Commission and any other reports made by the Commission;

nothing in this resolution authorises the Committee to investigate a matter relating to particular conduct or to reconsider a decision to investigate, not to investigate or to discontinue an investigation of a particular complaint made to the Commission, or to reconsider the findings, recommendations, determinations or other decisions of the Commission or the Inspector in relation to a particular investigation or complaint;

- (10) the Standing Committee on Justice and Community Safety is also to perform a legislative scrutiny role of bills and subordinate legislation by:
 - (a) considering whether the clauses of bills (and amendments proposed by the Government to its own bills) introduced into the Assembly:
 - (i) unduly trespass on personal rights and liberties;
 - (ii) make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
 - (iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
 - (iv) inappropriately delegate legislative powers; or
 - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny; and

- (vi) consider whether any explanatory statement associated with legislation meets the technical or stylistic standards expected by the Assembly;
 - (b) reporting to the Legislative Assembly about human rights issues raised by bills presented to the Assembly pursuant to section 38 of the *Human Rights Act 2004*;
 - (c) considering whether any instrument of a legislative nature made under an Act which is subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law):
 - (i) is in accord with the general objects of the Act under which it is made;
 - (ii) unduly trespasses on rights previously established by law;
 - (iii) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
 - (iv) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly; and
 - (d) consider whether any explanatory statement or explanatory memorandum associated with legislation and any regulatory impact statement meets the technical or stylistic standards expected by the Assembly;
- (11) in addition, the membership of the Standing Committee on Administration and Procedure, established under standing order 16, be composed of the:
- (a) Speaker, as Chair;
 - (b) Government whip;
 - (c) Opposition whip; and
 - (d) ACT Greens whip;
- (12) each committee shall have power to consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly;
- (13) each committee be provided with necessary staff, facilities and resources;
- (14) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders;
- (15) each general-purpose committee shall consist of three members, nominated by each of the three whips, with the chair of each such committee agreed by the members of that committee; and
- (16) nominations for membership of these committees be notified in writing to the Speaker within two hours following conclusion of the debate on the matter.

Committee	Primary Wellbeing Indicator/s	Areas of Responsibility
Administration and Procedure	Governance and institutions	As outlined in standing order 16
1. Planning, Transport and City Services	Access and Connectivity, Housing and Home	<ul style="list-style-type: none"> · City Renewal Authority · Suburban Land Agency · Planning and Land Management · Transport · City Services including waste and recycling · Housing (excluding service provision) · Building and Construction
2. Environment, Climate Change and Biodiversity	Environment and Climate Change	<ul style="list-style-type: none"> · Climate Change · Climate Action · Environment · Heritage · Water and energy policy and programs · Emissions reductions · Environment and ecological sustainability · Commissioner for the Environment · Environment Protection Agency
3. Economy and Gender and Economic Equality	Economy, Living Standards and Time	<ul style="list-style-type: none"> · Chief Minister's responsibilities · Treasury including taxation and revenue · Economic development and diversification · Tourism · Industrial Relations and Workplace Safety · Social impacts and outcomes of economic policies including gender considerations (excluding Office for Women) · Minister of State Responsibilities (excluding Justice and Community Safety Directorate reporting areas) · Business and Better Regulation · Arts
4. Education and Community Inclusion	Education and Life-long Learning and Identity and Belonging	<ul style="list-style-type: none"> · Early Childhood Development · Education · Youth Affairs · Skills · Aboriginal and Torres Strait Islander Affairs · Multicultural Affairs · Disability · Women (including the Office for Women) · Seniors · Veterans · LGBTIQ+ · Sport and Recreation

Committee	Primary Wellbeing Indicator/s	Areas of Responsibility
5. Justice and Community Safety	Safety and Governance and Institutions	<ul style="list-style-type: none"> · ACT Electoral Commission · ACT Integrity Commission · Gaming · Minister of State (Justice and Community Safety reporting areas) · Emergency management and the Emergency Services Agency · Policing and ACT Policing · Corrective Services · Attorney-General · Consumer Affairs · Human Rights · Victims of Crime · Access to justice and restorative practice · Public Trustee and Guardian · Scrutiny of bills and subordinate legislation
6. Public Accounts	Governance and Institutions	<ul style="list-style-type: none"> · ACT Auditor-General · ACT Ombudsman · Office of the Legislative Assembly · Accounts of the receipts and expenditure of the ACT and its authorities · All reports of the Auditor-General which have been presented to the Assembly
7. Health and Community Wellbeing	Health and Social Connection	<ul style="list-style-type: none"> · Health and health system · Justice Health · Mental Health · Homelessness and housing services · Prevention of Domestic and Family Violence · Families · Community Services

Debate ensued.

Mr Hanson moved the following amendment—paragraph 5, omit “two” substitute “six”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 7

Mr Cain
 Ms Castley
 Mr Hanson
 Mrs Jones
 Mrs Kikkert
 Ms Lee
 Mr Parton

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.

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

13 QUESTIONS

Questions without notice were asked.

14 INAUGURAL SPEECHES

Ms Castley and Mr Cain, by leave, made their respective inaugural speeches.

15 PRESENTATION OF PAPERS

The Speaker presented the following papers:

ACT Integrity Commission—International Anti-Corruption Day—Statement to the ACT Legislative Assembly, dated 23 November 2020, together with a letter from the Speaker, dated 16 November 2020.

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—No 9/2020—2019-20 Financial Audits Overview, dated 27 November 2020.

Commissioner for Standards—Annual report 2019/2020, dated 31 August 2020.

Freedom of Information Act, pursuant to section 67—ACT Ombudsman—Report 5/2020, A report on the operation of the *Freedom of Information Act 2016* for 2019-20, dated November 2020.

Protocols for the operation of pairs to encourage and support members who are nursing mothers or who have carer responsibilities—Agreement by Mr Braddock, Greens Whip, Mr Hanson, Opposition Whip, and Ms Orr, Government Whip.

16 PRESENTATION OF PAPERS

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

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—

No 4/2020—Residential Land Supply and Release—Government response.

No 5/2020—Management of household waste services— Government response.

Administrative Arrangements—

Administrative Arrangements 2020 (No 3)—Notifiable Instrument NI2020-707, dated 3 November 2020—Special Gazette No S7, Wednesday 4 November 2020.

Australian Capital Territory (Self-Government) Ministerial Appointment 2020 (No 2)—Notifiable Instrument NI2020-708, dated 3 November 2020.

Australian Crime Commission Act, pursuant to subsection 51(5)—Board of the Australian Criminal Intelligence Commission—Chair annual report 2018-19, dated 24 June 2020.

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3), Schedule 4—Professional Standards Councils—Annual report 2019-20.

COVID-19 Emergency Response Act, pursuant to subsection 3(3)—COVID-19 Measures—

Report No 5—Reporting period 1-31 August 2020, dated December 2020.

Report No 6—Reporting period 1-30 September 2020, dated December 2020.

Report No 7—Reporting period 1-31 October 2020, dated November 2020.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—Annual report 2019-20—Australian Criminal Intelligence Commission, dated 27 August 2020.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—Annual report 2019-20—Australian Criminal Intelligence Commission, dated 27 August 2020.

Economic Development and Tourism—Standing Committee—Ninth Assembly—Report 9—Inquiry into Building Quality—Government response.

Financial Management Act—

Pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2019-20 financial year, dated October 2020.

Pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 September 2020.

Information Privacy Act, pursuant to subsection 54(3)—Australian Government—Office of the Australian Information Commissioner—Memorandum of Understanding with the Australian Capital Territory for the provision of privacy services—Annual report 2019-20, dated 30 July 2020.

Judicial Commissions Act, pursuant to subsection 61A(5)—ACT Judicial Council—Annual report 2019-20.

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Ninth Assembly—

Report 47—Government response to comments on The Animal Welfare (Advisory Committee) Establishment 2020 (No 1)—DI2020-147, dated December 2020.

Report 51—Government response to comments on Rail Safety National Law National Regulations (Fees and Other Measures), dated December 2020.

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 July to 30 September 2020, dated December 2020.

Planning and Urban Renewal—Standing Committee—Ninth Assembly—Report 13—*Draft Variation No 363—Curtin group centre and adjacent residential areas: zone changes and amendments to the Curtin precinct map and code*—Government response.

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with accompanying statements for:

ACT Civil and Administrative Tribunal—Determination 9 of 2020, dated September 2020.

ACT Magistrates Court Judicial Positions—Determination 8 of 2020, dated September 2020.

ACT Supreme Court Judicial Positions—Determination 7 of 2020, dated September 2020.

Director of Public Prosecutions—Determination 12 of 2020, dated September 2020.

Full-time Statutory Office Holders—Determination 4 of 2020, dated September 2020.

Full-time Statutory Office Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 3 of 2020, dated September 2020.

Full-time Statutory Office Holders: Chief Executive Officer, ACT Integrity Commission—Determination 6 of 2020, dated September 2020.

Full-time Statutory Office Holders: Chief Executive Officer, City Renewal Authority and Chief Executive Officer, Suburban Land Agency—Determination 5 of 2020, dated September 2020.

Head of Service, Directors-General and Executives—Determination 2 of 2020, dated September 2020.

Members of the ACT Legislative Assembly—Determination 1 of 2020, dated September 2020.

Part-time Public Office Holders—Determination 13 of 2020, dated September 2020.

Part-time Statutory Office Holder: Integrity Commissioner—Determination 10 of 2020, dated September 2020.

Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 11 2020, dated September 2020.

Work Health and Safety Act—

Pursuant to subsection 2.37(5)—Work Health and Safety (Office of the Work Health and Safety Commissioner) Compliance and Enforcement Policy 2020-2024—Notifiable Instrument NI2020-681, dated 1 October 2020.

Pursuant to subsection 2.38(5)—Work Health and Safety (Office of the Work Health and Safety Commissioner) Strategic Plan 2020-2024—Notifiable Instrument NI2020-680, dated 1 October 2020.

17 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—NINTH ASSEMBLY—REPORT 9—INQUIRY INTO BUILDING QUALITY—GOVERNMENT RESPONSE—PAPER NOTED

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

Economic Development and Tourism—Standing Committee—Ninth Assembly—
Report 9—*Inquiry into Building Quality*—Government response.

Debate ensued.

Question—put and passed.

18 STANDING COMMITTEES—MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that the following Members had been nominated for the following committees:

Planning, Transport and City Services—Standing Committee

Mr Parton

Ms Clay

Ms Orr

Environment, Climate Change and Biodiversity—Standing Committee

Ms Castley

Mr Braddock

Dr Paterson

Economy and Gender and Economic Equality—Standing Committee

Ms Lawder

Mr Davis

Ms Orr

Education and Community Inclusion—Standing Committee

Mr Cain

Mr Davis

Mr Pettersson

Justice and Community Safety—Standing Committee

Mr Hanson

Ms Clay

Dr Paterson

Public Accounts—Standing Committee

Mr Coe

Mr Braddock

Mr Pettersson

Health and Community Wellbeing—Standing Committee

Mrs Kikkert

Mr Davis

Mr Pettersson

Mr Gentleman (Manager of Government Business) moved—That the Members so nominated be appointed as members of the general purpose standing committees of the Tenth Assembly.

Question—put and passed.

19 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REFERENCE—2020 A.C.T. ELECTION AND THE ELECTORAL ACT

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—That the Standing Committee on Justice and Community Safety inquire into the operation of the 2020 ACT election and the Electoral Act and other relevant legislation and policies concerning election-related matters, with particular reference to:

- (1) the impact of COVID-19 on the ACT election and mitigation measures taken by the ACT Electoral Commission;
- (2) the report of the ACT Electoral Commissioner into the 2020 ACT election;
- (3) the timeframe and accessibility of early voting;
- (4) the number and location of ordinary polling places;
- (5) the implementation, security and transparency of electronic voting;
- (6) the efficacy of the six-week campaign period, including restrictions on roadside signage;
- (7) improving donation rules and donation reporting timeframes;
- (8) increasing voter turnout and participation in elections and encouraging political activity;
- (9) restrictions on campaigning activities outside polling places;
- (10) lowering the voting age; and
- (11) any other relevant matter.

Debate ensued.

Question—put and passed.

20 JUNIOR DOCTORS—BURNOUT AND EXHAUSTION

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

- (1) notes:
 - (a) the Australian Salaried Medical Officers' Federation (ASMOF) states that, "hospital management has a duty of care in preventing fatigue-related incidents, and a vicarious liability for actions by employees. The hospital also has a legal obligation to provide a safe working environment for its staff.";

- (b) ASMOF also states that, “the impact upon a doctor’s professional and private life of receiving a complaint must not be underestimated. The enormity of an error, whether fatigue-related or not, can even lead to doctor suicide.”;
 - (c) the ACT Public Sector Medical Practitioners Enterprise Agreement 2017-2021 (the Enterprise Agreement) at section 19, governs how rostering, shifts and days free from duty are managed to avoid burnout and exhaustion;
 - (d) the 2020 report prepared for ACT Health, BPT Training Program Review, revealed that:
 - (i) 79 percent of junior doctors are suffering burnout and 68 percent are experiencing emotional exhaustion; and
 - (ii) as a result, just 37 percent of junior doctors passed their clinical exams, compared to a national average of 70 percent; and
 - (e) the prevalence of burnout and exhaustion experienced by junior doctors is unacceptable, and risks being in breach of the Enterprise Agreement; and
- (2) calls on the ACT Government to:
- (a) adhere to the Enterprise Agreement and reduce burnout and exhaustion by implementing better systems to support and manage junior doctors; and
 - (b) report to the Assembly each year on the progress of reducing junior doctor burnout and exhaustion.

Debate ensued.

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

- “(1) (a) and (b) ‘Association’ with ‘Federation’; and ‘ASMOA’ with ‘ASMOF’;
- (2) (d) (i) and (ii) ‘junior doctors’ with ‘Physician Trainees’; and
- (3) (e) ‘experienced by junior doctors’ with ‘identified in the report’.”.

Debate continued.

Ordered—That the question be divided.

Ms Stephen-Smith, by leave, withdrew her amendment No 1.

Question—That amendment No 2 be agreed to.

Debate continued.

Question—put and passed.

Question—That amendment No 3 be agreed to.

Debate continued.

Mrs Jones moved the following amendment to amendment No 3: Omit “identified in the report”, substitute “experienced by those in the Basic Physician Training Program”.

Debate continued.

Question—put and passed.

Question—That amendment No 3, as amended, be agreed to—put and passed.

Debate continued.

Question—That the motion, as amended, viz:

“That the Assembly:

(1) notes:

- (a) the Australian Salaried Medical Officers’ Federation (ASMOF) states that, ‘hospital management has a duty of care in preventing fatigue-related incidents, and a vicarious liability for actions by employees. The hospital also has a legal obligation to provide a safe working environment for its staff.’;
- (b) ASMOF also states that, ‘the impact upon a doctor’s professional and private life of receiving a complaint must not be underestimated. The enormity of an error, whether fatigue-related or not, can even lead to doctor suicide.’;
- (c) the *ACT Public Sector Medical Practitioners Enterprise Agreement 2017-2021* (the Enterprise Agreement) at section 19, governs how rostering, shifts and days free from duty are managed to avoid burnout and exhaustion;
- (d) the 2020 report prepared for *ACT Health, BPT Training Program Review*, revealed that:
 - (i) 79 percent of Physician Trainees are suffering burnout and 68 percent are experiencing emotional exhaustion; and
 - (ii) as a result, just 37 percent of Physician Trainees passed their clinical exams, compared to a national average of 70 percent; and
- (e) the prevalence of burnout and exhaustion experienced by those in the Basic Physician Training Program is unacceptable, and risks being in breach of the Enterprise Agreement; and

(2) calls on the ACT Government to:

- (a) adhere to the Enterprise Agreement and reduce burnout and exhaustion by implementing better systems to support and manage junior doctors; and
- (b) report to the Assembly each year on the progress of reducing junior doctor burnout and exhaustion.”—

be agreed to—put and passed.

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 4.41 pm, adjourned until tomorrow at 10 am.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly