



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 100

THURSDAY, 21 SEPTEMBER 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 **LEAVE OF ABSENCE TO MEMBER**

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

Question—put and passed.

- 3 **LEAVE OF ABSENCE TO MEMBER**

Ms Castley moved—That leave of absence be granted to Ms Lawder for this sitting due to her attending shadow ministerial duties.

Question—put and passed.

- 4 **LEAVE OF ABSENCE TO MEMBER**

Mr Braddock moved—That leave of absence be granted to Mr Rattenbury (Attorney-General) for this sitting due to his attending ministerial duties.

Question—put and passed.

5 A.C.T. CHILD AND ADOLESCENT CLINICAL SERVICES PLAN 2023-2030—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the work of the Child and Adolescent Clinical Services Expert Panel and the final Child and Adolescent Clinical Services Plan and presented the following papers:

ACT Child and Adolescent Clinical Services Plan 2023-2030—

Plan, undated.

Ministerial statement, 21 September 2023.

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

Debate ensued.

Question—put and passed.

6 CIT WODEN CAMPUS PROJECT—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Minister for Skills) made a ministerial statement concerning the progress of the CIT Woden Campus Project and presented the following paper:

CIT Woden Campus Project—Update—Ministerial statement, 21 September 2023.

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

Debate ensued.

Question—put and passed.

7 PROCUREMENT REFORM PROGRAM—DELIVERY—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Special Minister of State) made a ministerial statement concerning the progress of the Government's Procurement Reform Program and presented the following paper:

Update on the delivery of the Procurement Reform Program—Ministerial statement, 21 September 2023.

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

Debate ensued.

Question—put and passed.

8 CANBERRA HEALTH SERVICES—PROGRESS AGAINST RECOMMENDATIONS MADE IN THE DEEGAN REPORT—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning the implementation of recommendations made in the final report of Independent Board of Inquiry into the Legislative, Workplace Governance and Clinical Frameworks of Dhulwa Secure Mental Health Unit (the Deegan Report) and presented the following paper:

Canberra Health Services progress against recommendations made in the Deegan Report—Ministerial statement, 21 September 2023.

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

Question—put and passed.

9 INTERNATIONAL DAY OF OLDER PERSONS 2023—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Veterans and Seniors) made a ministerial statement concerning the International Day of Older Persons 2023 and presented the following paper:

International Day of Older Persons 2023—Ministerial statement, 21 September 2023.

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

Question—put and passed.

10 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2023 (NO 2)

Ms Cheyne (Minister for Human Rights) for Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety, and for other purposes.

Paper: Ms Cheyne 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.

Ms Cheyne 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 MENTAL HEALTH AMENDMENT BILL 2023

Ms Davidson (Minister for Mental Health), pursuant to notice, presented a Bill for an Act to amend the *Mental Health Act 2015*.

Paper: Ms Davidson 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.

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

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

12 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

13 A.C.T. TEACHER QUALITY INSTITUTE AMENDMENT BILL 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.

Leave granted to dispense with the detail stage.

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

14 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No 2, Executive business, relating to the World Day for Safety and Health at Work and International Workers' Memorial Day, be postponed until the next sitting.

15 FERAL HORSES—IMPACTS AND MANAGEMENT IN THE AUSTRALIAN ALPS

The order of the day having been read for the resumption of the debate on the motion of Ms Vassarotti (Minister for the Environment)—That this Assembly:

(1) notes that:

- (a) the impacts of feral horses on the environment and biodiversity is in most cases catastrophic and leads to a loss of vegetation, the trampling of soils, the spreading of weeds, the erosion of stream banks and damage to threatened species, their habitat, and aquatic environments;
- (b) there are significant populations of feral horses over the border in NSW that pose a significant threat to the ACT should incursions occur;
- (c) in February 2023, the Senate referred the impacts and management of feral horses in the Australian Alps for inquiry;
- (d) the ACT Government made a submission to the Senate inquiry that describes the critical need to protect the ACT's highly sensitive water supply and conservation areas from the feral horses; and
- (e) the ACT Government continues to deliver monitoring and control programs to protect the ACT from feral horses and as a result there are no established populations of feral horses in the ACT; and

(2) supports:

- (a) the ACT Government's ongoing zero-tolerance policy on feral horses in Namadgi National Park, outlined in the *Namadgi National Park Feral Horse Management Plan 2020*, which includes integrated best practices such as trapping, mustering, removal and aerial control management;
- (b) ongoing detection and control action by the ACT Government to protect Namadgi National Park and other reserves from feral horses;
- (c) the ACT Government position that there remains a misalignment of policy between the ACT Government and the NSW Government about the management of feral horses in the Australian Alps as described in the NSW *2021 Kosciuszko National Park Wild Horse Heritage Management Plan*;
- (d) the ACT Government position that these sensitivities must be addressed and that the ACT and NSW must continue to work towards achieving a coordinated and cohesive approach to feral horse management between the two regions; and

- (e) that the Australian Government has significant powers and responsibilities to protect matters of national environment significance under the *Environment Protection and Biodiversity Conservation Act 1999* and has an important leadership role to ensure that state and territory initiatives to control feral horses are consistent with this Act.—

Debate resumed.

Question—put and passed.

16 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 Minister Rattenbury could be directed to Mr Barr.

17 QUESTIONS

Questions without notice were asked.

18 PAPER

Ms Stephen-Smith (Minister for Health) presented the following paper:

Health Infrastructure Enabling Bill 2022—Copy of letter to the ACT Chief Minister from the ACT Minister for Health, dated 23 September 2022.

19 PRESENTATION OF PAPERS

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

Auditor-General Act, pursuant to subsection 21(2)—Auditor-General's Reports—

No 2/2023—Management of Operation Reboot (Outpatients)—Government Response, dated 21 September 2023.

No 5/2023—Activities of the Government Procurement Board—Government Response, dated 21 September 2023.

Chief Minister Trade Mission to New Zealand 18-20 July 2023, dated September 2023.

20 DIAGNOSTIC IMAGING EQUIPMENT

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

(1) notes:

- (a) the Department of Health and Aged Care capital sensitivity guidelines for diagnostic imaging equipment, “ensure equipment is regularly upgraded and replaced so that patients have access to the highest quality services.”;
- (b) question on notice No 1242 revealed that 14 machines at Canberra Hospital are past their end-of-life period, as defined by the manufacturer;
- (c) the Select Committee on Estimates 2023-2024, question taken on notice No 84, revealed that two machines (one being a magnetic resonance imaging (MRI)), no longer qualify for full access to the Medical Benefits Schedule (MBS) as they exceed the “maximum extended life age”;

- (d) since 12 November 2022, the combined loss of Medicare revenue under the MBS for these two imaging machines at Canberra Hospital is over \$110,000; and
 - (e) all MRI machines in Tasmania and Northern Territory qualify for full reimbursement under the MBS and no machines receive partial reimbursement;
- (2) further notes the:
- (a) 2019-2020 ACT Budget announced, “More public medical imaging equipment for Canberra Hospital,” which was meant to deliver, “An additional interventional radiology suite at the Canberra Hospital and replacing existing MRI devices”. This project was due to be completed in March 2021, with a four-year investment of \$11.2 million; and
 - (b) the 2023-2024 ACT Budget revealed, “More public medical imaging equipment for Canberra Hospital” with an estimated completion date of December 2023 and a revised project value of \$5.7 million; and
- (3) calls on the ACT Government to:
- (a) table in the September 2023 sitting period, a detailed explanation of:
 - (i) why this MRI machine was not installed between March 2021 and August 2023; and
 - (ii) what processes Canberra Health Services has commenced to replace or install new imaging machines, and by what date the new machines will be operational in Canberra Hospital; and
 - (b) fast track the installation of new diagnostic imaging machines in the ACT.

Ms Stephen-Smith (Minister for Health) moved the following amendment: Omit all text after “That this Assembly”, substitute:

- “(1) notes:
- (a) in 2020 the global COVID-19 pandemic began having an overwhelming impact on health services, health workers, supply chains and businesses that has lasted for several years, with staff and patient safety prioritised during this time;
 - (b) the installation and replacement of major medical equipment must account for the operation of live clinical environments, safety, staff consultation, advancements in technology and health infrastructure developments;
 - (c) when the recommended end of life of an imaging machine is reached, it does not mean the machine can no longer be functional and there are variations to the definition of ‘effective life age’ under the Medicare Benefits Scheme for the purposes of Medicare payable benefits;
 - (d) Canberra Health Services has undertaken work to better track equipment assets to identify replacement needs and upgrade key assets on an ongoing basis;

- (e) the ACT Government has made significant investments in the replacement and upgrade of equipment, and expansion to medical imaging services across successive budgets, including:
 - (i) \$10.8 million in the new Weston Creek Community Medical Imaging Service that opened in May 2023;
 - (ii) more than \$42 million in the 2023-2024 ACT Budget to upgrade, replace and enhance equipment across the ACT's public hospitals; and
 - (iii) \$3.9 million for a new Angio-CT machine in a hybrid theatre in the Critical Services Building that will also include a range of new major medical equipment; and
- (2) calls on the ACT Government to:
 - (a) continue supporting Canberra Health Services to deliver new state-of-the-art imaging equipment in the ACT's public health services, including as part of the Critical Services Building opening in 2024; and
 - (b) provide an update to the Assembly in Quarter 1 2024."

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

"That this Assembly:

- (1) notes:
 - (a) in 2020 the global COVID-19 pandemic began having an overwhelming impact on health services, health workers, supply chains and businesses that has lasted for several years, with staff and patient safety prioritised during this time;
 - (b) the installation and replacement of major medical equipment must account for the operation of live clinical environments, safety, staff consultation, advancements in technology and health infrastructure developments;

- (c) when the recommended end of life of an imaging machine is reached, it does not mean the machine can no longer be functional and there are variations to the definition of ‘effective life age’ under the Medicare Benefits Scheme for the purposes of Medicare payable benefits;
- (d) Canberra Health Services has undertaken work to better track equipment assets to identify replacement needs and upgrade key assets on an ongoing basis;
- (e) the ACT Government has made significant investments in the replacement and upgrade of equipment, and expansion to medical imaging services across successive budgets, including:
 - (i) \$10.8 million in the new Weston Creek Community Medical Imaging Service that opened in May 2023;
 - (ii) more than \$42 million in the 2023-2024 ACT Budget to upgrade, replace and enhance equipment across the ACT’s public hospitals; and
 - (iii) \$3.9 million for a new Angio-CT machine in a hybrid theatre in the Critical Services Building that will also include a range of new major medical equipment; and
- (2) calls on the ACT Government to:
 - (a) continue supporting Canberra Health Services to deliver new state-of-the-art imaging equipment in the ACT’s public health services, including as part of the Critical Services Building opening in 2024; and
 - (b) provide an update to the Assembly in Quarter 1 2024.”—
 be agreed to—put and passed.

21 ELECTORAL AMENDMENT BILL 2021

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.

Paper: Mr Davis and Mr Braddock and presented a revised explanatory statement to the Bill.

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

The Assembly voted—

AYES, 4		NOES, 17	
Mr Braddock		Mr Barr	Mrs Kikkert
Ms Davidson		Ms Berry	Mr Milligan
Mr Davis		Ms Burch	Ms Orr
Ms Vassarotti		Mr Cain	Mr Parton
		Ms Castley	Dr Paterson
		Ms Cheyne	Mr Pettersson
		Mr Cocks	Mr Steel
		Mr Gentleman	Ms Stephen-Smith
		Mr Hanson	

And so it was negatived.

22 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 5.20 pm, adjourned until Tuesday, 24 October 2023 at 10 am.

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

*on leave.

Tom Duncan
Clerk of the Legislative Assembly