



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2012–2013–2014**

**MINUTES OF PROCEEDINGS**

**No. 72**

**WEDNESDAY, 24 SEPTEMBER 2014**

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**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**2 GOVERNMENT PROCUREMENT (TRANSPARENCY IN SPENDING)  
AMENDMENT BILL 2014**

Mr Coe, pursuant to notice, presented a Bill for an Act to amend the *Government Procurement Act 2001* and the *Government Procurement Regulation 2007*.

*Paper:* Mr Coe presented an explanatory statement to the Bill.

Title read by Clerk.

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

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

**3 OUT-OF-HOME CARE**

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

- (1) notes that:
  - (a) September 2014 is Foster Care Month, raising the profile of fostering in the wider community;
  - (b) more than 40 000 children in Australia are in out-of-home care, a number that rises every year;
  - (c) in 2013 there were over 500 children living in out-of-home care in the ACT;



- (d) the number of children in foster care in the ACT has more than doubled since 2003;
  - (e) foster carers can be young, old, single, married, same-sex couples, from different cultures and religious backgrounds;
  - (f) there are still many children and young people in the ACT in need of immediate foster care; and
  - (g) last week, 14-20 September 2014, was Foster Care Week highlighting the invaluable work foster carers do;
- (2) acknowledges the commitment given by foster carers in the ACT;
  - (3) acknowledges the work of community organisations in the ACT to facilitate the care of the children in out-of-home care; and
  - (4) ensures that the care of children in the ACT in out-of-home care is a priority for the Government.

Debate ensued.

Question—put and passed.

#### **4 ALEXANDER MACONOCHIE CENTRE—NEEDLE AND SYRINGE EXCHANGE PROGRAM**

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

- (1) notes that:
  - (a) the ACT Government agreed to support or establish a needle and syringe exchange program (NSP) at the Alexander Maconochie Centre (AMC) as part of the 2012 ACT Labor-Greens Parliamentary Agreement;
  - (b) staff at the AMC and the Community and Public Sector Union remain vehemently opposed to the implementation of a NSP;
  - (c) the majority of prisoners that participated in a survey conducted by Prisoners Aid ACT were against the implementation of a NSP; and
  - (d) the ACT Government has failed to investigate other options for reducing the transmission of blood borne viruses at the AMC; and
- (2) calls on the ACT Government to:
  - (a) abandon the policy to implement a NSP at the AMC;
  - (b) review the current policies surrounding drug rehabilitation at the AMC; and
  - (c) investigate and table in the ACT Legislative Assembly, alternative options for the prevention of the transmission of blood borne virus in a gaol setting, before the implementation of a NSP trial at the AMC.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

And so it was negatived.

## 5 A.C.T. WORKERS' RIGHTS AND CONDITIONS

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

- (1) notes:
  - (a) that the Fair Work Amendment Bill 2014 introduced in the Federal Senate on 27 August 2014 will have an adverse effect on many Canberra workers;
  - (b) the failure of the *Individual flexibility arrangements* proposed in the Bill to account for the unequal bargaining relationship between employers and vulnerable employees including, those seeking flexible working arrangements, young and unskilled workers and workers in areas of high unemployment;
  - (c) that the parental leave extension provisions contain no guarantee of fair consideration or review processes;
  - (d) by redefining the definition of “transfer of business” the Act removes the presumption that employee conditions will be subject to review by Fair Work in restructuring and outsourcing arrangements;
  - (e) that for workers covered by the National Employment Standard through their awards, agreements and contracts, the Fair Work Amendment Bill 2014 reduces their right to payment of leave loadings at time of termination;
  - (f) the Fair Work Amendment Bill 2014 does not reflect the recommendations of the report *Towards more productive and equitable workplaces: An evaluation of the Fair Work legislation* by the Fair Work Review Panel; and
  - (g) the limitations placed on the ability of unions to represent and protect the interests and safety of workers in their workplace through the restrictions placed on union right of entry; and
- (2) calls on the Government to ensure that it:
  - (a) acknowledges that strengthening workers’ rights and conditions is important for economic prosperity;
  - (b) continues to support small business in the ACT through the Business Development Strategy and through red tape reduction; and
  - (c) continues to support the payment of penalty rates and loadings for employees who work unsociable hours.

Mr Smyth moved the following amendment: Omit all words after paragraph (1), substitute:

- “(a) the present Federal Government inherited a legacy of high-cost and low productivity as a result of Labor’s industrial relations policies;
  - (b) the Fair Work Act Amendment Bill 2014 is a Commonwealth matter;
  - (c) the Coalition’s proposed changes were announced approximately four months prior to the Federal election, and do not go further;
  - (d) the amendment bill enacts a number of recommendations from the Fair Work Review Panel in its 2012 review commissioned by the now Leader of the Opposition, Bill Shorten; and
  - (e) on elements such as union workplace access, individual flexibility arrangements and removal of the ability to strike first and talk later, the Coalition is delivering on policy promises made by the Labor Party prior to the 2007 election, which Labor broke; and
- (2) calls on the ACT Government to:
- (a) deliver certainty for ACT businesses;
  - (b) cut red tape and reduce charges and taxes to encourage productivity and growth; and
  - (c) report to the Assembly by the last sitting day in November 2014 on actions that it will be taking.”.

Debate continued.

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.

## 6 QUESTIONS

Questions without notice were asked.

## 7 A.C.T. WORKERS’ RIGHTS AND CONDITIONS

The order of the day having been read for the resumption of the debate on the motion of Ms Berry, and on the amendment moved by Mr Smyth (*see entry 5*)—

Debate resumed.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

And so it was negatived.

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

**8 LIGHT RAIL PROJECT—COSTS**

Mr Coe, pursuant to notice, moved—That this Assembly calls on the ACT Government to disclose the annual ongoing liability taxpayers will take on as a result of the Labor-Greens decision to develop light rail.

Debate ensued.

Mr Rattenbury moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes that:

- (a) the ACT Government has committed to publicly release the full business case for the Capital Metro project on 31 October 2014, to coincide with the formal call for industry expressions of interest; and
- (b) the annual availability payment for the light rail service is subject to industry bids and it would be premature to speculate on the price before the completion of the tender process.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Dospot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly notes that the:

- (1) ACT Government has committed to publicly release the full business case for the Capital Metro project on 31 October 2014, to coincide with the formal call for industry expressions of interest; and
- (2) annual availability payment for the light rail service is subject to industry bids and it would be premature to speculate on the price before the completion of the tender process.”—

be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Dospot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

## 9 EMERGENCY SERVICES AGENCY

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

- (1) notes the various problems that exist within the Emergency Services Agency (ESA) and its component organisations, including:
  - (a) allowing a toxic culture to occur in the ACT Ambulance Service (ACTAS);
  - (b) failure to investigate bullying in ACTAS, which led to a Provisional Improvement Notice by the ACT Work Safety Commissioner;
  - (c) allowing bullying in ACTAS, which led to a complaint lodged to the Fair Work Ombudsman;
  - (d) failure to upgrade the ACTAS's VACIS electronic case management system;
  - (e) ongoing six year failure to procure new uniforms for ACTAS personnel;
  - (f) failure to procure fully working defibrillators;
  - (g) allowing a bullying, sexist and misogynistic culture to exist in the ACT Fire and Rescue Service;
  - (h) issues concerning the deployment of a "bronto" from NSW during the Sydney Building fire;
  - (i) concerns regarding the integration of the four ESA component organisations;
  - (j) the incomplete enterprise bargaining agreement for ESA staff; and
  - (k) concerns over the centralisation of the ESA Commissioner's powers; and
- (2) calls on the Minister to, on the first sitting day in November 2014, detail how he has addressed these issues.

Mr Corbell (Minister for Police and Emergency Services) moved the following amendment: Omit all words after "That this Assembly", substitute:

- "(1) notes that, in relation to the Emergency Services Agency (ESA) matters:
- (a) a review into the ACT Ambulance Service (ACTAS) culture, announced last year, is well underway and expected to be completed later this year. This review has involved wide ranging engagement with staff and stakeholders and will include recommendations to support the organisation going forward;
  - (b) contrary to claims made by the Opposition, ACTAS is not using an outdated electronic patient care record system. VACIS version 2.3.1 is the latest electronic software version to record patient care;
  - (c) the Government is working closely with ACTAS personnel and the relevant union to rectify delays in procuring new uniforms caused by successful tenderers going into liquidation and, more recently, supplied equipment not meeting prescribed standards;
  - (d) 56 Phillips, MRx Cardiac Monitor Defibrillators were procured under an open tender process by ACTAS in 2012-13. After a recall by the manufacturer of the monitor batteries, a progressive rollout of new batteries was undertaken and has been completed;

- (e) a *Women in Emergency Services Strategy* is currently under development to improve the attraction, development and retention of women in emergency services;
  - (f) there are several enterprise bargaining agreements in the ACT currently being finalised, including for the ACT Ambulance Service. Agreement has been reached in principle and no concerns have been expressed by the relevant stakeholders; and
  - (g) the Government will be proposing important amendments to the *Emergencies Act 2004* to ensure effective co-ordination and accountability of the ESA Commissioner and ESA Chief Officers to ensure co-ordinated emergency responses; and
- (2) further notes that the Government has committed to a number of initiatives since 2012-13 to support our emergency services, including:
- (a) \$18.867 million for the development and delivery of the West Belconnen co-located Ambulance and Fire & Rescue Station;
  - (b) \$17.95 million for the South Tuggeranong Fire & Rescue Station;
  - (c) \$20.852 million for the Aranda co-located Ambulance and Fire & Rescue Station;
  - (d) \$7.401 million for the Territory Radio Network and Computer Aided Dispatch Replacement Program;
  - (e) \$9.524 million for stage two of the ACTAS Sustainable Front Line Resourcing Model;
  - (f) \$3.463 million for the replacement of ESA Cardiac Monitor/Defibrillators;
  - (g) \$2.223 million for vehicle replacement;
  - (h) \$19.298 million in ESA base funding (including funding for workers' compensation premium);
  - (i) \$17.266 million over four years to supplement Commonwealth Fire Payment funding; and
  - (j) \$4.087 million for ACT Fire & Rescue Platform on Demand staffing.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that, in relation to the Emergency Services Agency (ESA) matters:
  - (a) a review into the ACT Ambulance Service (ACTAS) culture, announced last year, is well underway and expected to be completed later this year. This review has involved wide ranging engagement with staff and stakeholders and will include recommendations to support the organisation going forward;
  - (b) contrary to claims made by the Opposition, ACTAS is not using an outdated electronic patient care record system. VACIS version 2.3.1 is the latest electronic software version to record patient care;
  - (c) the Government is working closely with ACTAS personnel and the relevant union to rectify delays in procuring new uniforms caused by successful tenderers going into liquidation and, more recently, supplied equipment not meeting prescribed standards;
  - (d) 56 Phillips, MRx Cardiac Monitor Defibrillators were procured under an open tender process by ACTAS in 2012-13. After a recall by the manufacturer of the monitor batteries, a progressive rollout of new batteries was undertaken and has been completed;
  - (e) a *Women in Emergency Services Strategy* is currently under development to improve the attraction, development and retention of women in emergency services;
  - (f) there are several enterprise bargaining agreements in the ACT currently being finalised, including for the ACT Ambulance Service. Agreement has been reached in principle and no concerns have been expressed by the relevant stakeholders; and
  - (g) the Government will be proposing important amendments to the *Emergencies Act 2004* to ensure effective co-ordination and accountability of the ESA Commissioner and ESA Chief Officers to ensure co-ordinated emergency responses; and
- (2) further notes that the Government has committed to a number of initiatives since 2012-13 to support our emergency services, including:
  - (a) \$18.867 million for the development and delivery of the West Belconnen co-located Ambulance and Fire & Rescue Station;
  - (b) \$17.95 million for the South Tuggeranong Fire & Rescue Station;
  - (c) \$20.852 million for the Aranda co-located Ambulance and Fire & Rescue Station;
  - (d) \$7.401 million for the Territory Radio Network and Computer Aided Dispatch Replacement Program;
  - (e) \$9.524 million for stage two of the ACTAS Sustainable Front Line Resourcing Model;
  - (f) \$3.463 million for the replacement of ESA Cardiac Monitor/Defibrillators;

- (g) \$2.223 million for vehicle replacement;
- (h) \$19.298 million in ESA base funding (including funding for workers' compensation premium);
- (i) \$17.266 million over four years to supplement Commonwealth Fire Payment funding; and
- (j) \$4.087 million for ACT Fire & Rescue Platform on Demand staffing.”—

be agreed to—put and passed.

## 10 VOLUNTEERING

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

- (1) notes the:
  - (a) valuable role played by over one-third of ACT residents who volunteer;
  - (b) opportunities volunteering brings for greater community participation;
  - (c) contribution made by volunteers to improved social, economic and environmental wellbeing in the ACT;
  - (d) strategic role played by Volunteering ACT in co-ordinating opportunities for volunteers;
  - (e) inclusion of three days per year of Community Service Leave in ACT Government Enterprise Bargaining Agreements; and
  - (f) developing trends to more ad hoc, project based volunteering; and
- (2) calls on the ACT Government to review and update the ACT Volunteering Statement to take account of developing trends and challenges.

Ms Porter addressing the Assembly—

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*Adjournment negatived:* It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Ms Burch (Minister for Education and Training) requiring the question to be put forthwith without debate—

Question—put and negatived.

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Ms Porter continued.

Debate ensued.

Question—put and passed.

## 11 ADJOURNMENT

Ms Burch (Minister for Education and Training) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.37 p.m., adjourned until tomorrow at 10 a.m.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly