



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

## MINUTES OF PROCEEDINGS

No 94

THURSDAY, 31 AUGUST 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 PAYROLL TAX AMENDMENT BILL 2023—SPEAKER’S RULING

The Speaker advised Members of a breach of standing orders in relation to the presentation of the Payroll Tax Amendment Bill 2023 on 29 August 2023. Having considered standing orders 201A and 275, and, in accordance with standing order 170, she ordered that the Bill be withdrawn from the *Notice Paper*. Consequently, the Standing Committee on Public Accounts, to which the Bill had been sent, will no longer need to consider the Bill.

*Paper:* The Speaker presented the following paper:

Payroll Tax Amendment Bill 2023—Copy of Clerk’s Advice to the Speaker, dated 30 August 2023.

### 3 PAYROLL TAX AMENDMENT BILL 2023—PROPOSED DISSENT FROM SPEAKER’S RULING

Ms Lee (Leader of the Opposition), by leave, moved—That the Speaker’s ruling in relation to Payroll Tax Amendment Bill 2023 be dissented from.

Debate ensued.



Question—put.

The Assembly voted—

AYES, 9

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

NOES, 16

Mr Barr  
Ms Berry  
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.

#### **4 SENTENCING (DRUG AND ALCOHOL TREATMENT ORDERS) LEGISLATION AMENDMENT BILL 2023**

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about sentencing, and for other purposes.

*Papers:* Mr Rattenbury presented the following papers:

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

Statutory Review Report—Drug and Alcohol Sentencing List Provisions—Justice and Community Safety Directorate, dated August 2023.

Title read by Clerk.

Mr Rattenbury 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.

#### **5 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 9—REPORT ON THE CONDUCT OF MR COCKS MLA—REPORT NOTED**

Ms Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 9—*Report on the conduct of Mr Cocks MLA*, dated 31 August 2023, together with a copy of the extracts of the relevant minutes of proceedings.

Ms Lawder, by leave, moved—That the report be adopted.

Question—put and passed.

#### **6 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 10—REVIEW OF THE STANDING ORDERS AND CONTINUING RESOLUTIONS OF THE TENTH ASSEMBLY—REPORT NOTED**

Ms Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 10—*Review of the Standing Orders and Continuing Resolutions of the Tenth Assembly* (2 volumes), dated 29 August 2023, together with a copy of the extracts of the relevant minutes of proceedings.



Ms Lawder, by leave, moved—That recommendations 1, 2, 5, 6 and 7 of the report be adopted with effect from 9 October 2023 and that recommendations 3, 4, and 8 to 11 of the report be noted.

Question—put and passed.

**7 EXECUTIVE BUSINESS—PRECEDENCE**

Ordered—That Executive business be called on forthwith.

**8 APPROPRIATION BILL 2023-2024**

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

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*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

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

Debate continued.

Proposed expenditure agreed to.

Part 1.6—Transport Canberra and City Services Directorate—

Debate ensued.

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.

**9 QUESTIONS**

Questions without notice were asked.

**10 PRIVILEGE—STATEMENT BY SPEAKER**

The Speaker made a statement concerning an alleged breach of privilege raised by Ms Lawder in relation to comments made by a minister at the Australian Labor Party National Conference 2023.

Having considered the matter, the Speaker stated that she did not believe the matter warranted precedence under standing order 276.

**11 MOTION—LEAVE NOT GRANTED**

Ms Lawder sought leave to move a motion concerning a proposed establishment of a Select Committee on Privileges.

Objection being raised, leave not granted.

**12 SUSPENSION OF STANDING ORDERS MOVED—PRECEDENCE TO MOTION**

Ms Lawder moved—That so much of the standing orders be suspended as would prevent Ms Lawder from moving a motion concerning the proposed establishment of a Select Committee on Privileges.



Debate ensued.

Question—put and negatived.

### **13 PRESENTATION OF PAPERS**

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

Australian Crime Commission Act, pursuant to subsection 51(5)—Board of the Australian Criminal Intelligence Commission—Chair Annual Report—2021-22, dated 15 May 2023.

Crimes Act, pursuant to section 442A—Statutory Review Report—Section 66AA, dated August 2023.

Dhulwa Independent Oversight Board—Report 2, dated 19 July 2023, together with a statement.

Heavy Vehicle National Law as applied by the law of States and Territories—Heavy Vehicle National Amendment Regulation 2023 (2023 No 128), together with an explanatory statement.

Payroll tax exemption proposal—General practices—Assembly resolution of 10 May 2023—Government response, dated August 2023.

University of Canberra Act, pursuant to section 36—

University of Canberra—Annual Report—2022, dated April 2023.

University of Canberra—Annual Report—2022—Corrigendum.

### **14 PAYROLL TAX EXEMPTION PROPOSAL—GENERAL PRACTICES—ASSEMBLY RESOLUTION OF 10 MAY 2023—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:

Payroll tax exemption proposal—General practices—Assembly resolution of 10 May 2023—Government response.

Debate ensued.

Question—put and passed.

### **15 GAMING MACHINE AMENDMENT BILL 2023**

Dr Paterson, pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 2004*.

*Paper:* Dr Paterson presented an explanatory statement to the Bill.

Title read by Clerk.

Dr Paterson moved—That this Bill be agreed to in principle.

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



**16 DISCHARGE OF ORDER OF THE DAY—PRIVATE MEMBERS' BUSINESS**

The order of the day having been called on—

Mr Cain moved—That, pursuant to standing order 152, order of the day No 1, Private Members' business, relating to the Civil Law (Sale of Residential Property) Amendment Bill 2021, be discharged from the *Notice Paper*.

Question—put and passed.

**17 UNITED NATIONS INTERNATIONAL DAY FOR PEOPLE OF AFRICAN DESCENT**

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

- (1) notes that:
  - (a) today, 31 August, is the United Nations International Day of People of African Descent;
  - (b) the purpose of this day is to promote the extraordinary contributions of the African diaspora around the world and to eliminate all forms of discrimination against people of African descent; and
  - (c) the ACT is home to a thriving community of African Australians and people of African descent, which grows in population and in community spirit each year;
- (2) further notes:
  - (a) the African-Australian community is represented by its peak body, the African Australian Council ACT, which represents and advocates on behalf of the African-Australian community in the ACT through one unified voice;
  - (b) this community promotes its diversity and celebrates its African cultural heritage in the wider community through many events, including:
    - (i) Africa Day;
    - (ii) Dera Night –'Our Health, Our Way';
    - (iii) Africa Festival in the Park;
    - (iv) Africa Youth Soccer Tournament; and
    - (v) Drum and Dance workshops; and
  - (c) the ACT Government is proudly committed to fostering a more inclusive Canberra, which recognises and respects the harmonious cultural and ethnic diversity of the ACT community and does this through many initiatives such as the annual Multicultural Festival and the recent *Multiculturalism Act 2023*;
- (3) recognises and acknowledges the contributions of the African community and people of African descent in Canberra; and
- (4) continues working with the African community to support their initiatives.

Debate ensued.

Question—put and passed.



**18 SPECIALIST MEDICAL TRAINING ACCREDITATION**

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

- (1) notes that the:
  - (a) Fetal Medicine Unit at Canberra Hospital had its training accreditation suspended;
  - (b) Obstetrics and Gynaecology Unit at Canberra Hospital has been placed on Provisional Accreditation for a period of six months;
  - (c) Canberra Region Medical Education Council revoked accreditation for the Plastic Surgery term; and
  - (d) Child at Risk Health Unit is having its training accreditation reviewed following significant concerns about shortfalls in senior specialist numbers;
- (2) further notes:
  - (a) the Minister has attributed these serious issues around the loss, suspension, and review of training accreditation to “known challenges” and “workforce challenges and shortages”;
  - (b) the Chief Operating Officer of Canberra Health Services (CHS) confirmed, in estimates, that doctors who receive reasonable training, experience and support are more likely to stay in Canberra after finishing their training;
  - (c) a draft report from the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) into the Obstetrics and Gynaecology Unit found that:
    - (i) “The hospital has repeatedly been made aware of areas in which the training offered is insufficient.”; and
    - (ii) “The workplace culture had deteriorated to the point where it did not appear to be one which prioritised training.”; and
  - (d) President of the ACT Australian Medical Association said on ABC Radio “I unfortunately have to say that it is more the fault of the government that hasn’t changed its mindset and hasn’t created identity for CHS to be able to then train the junior workforce and have the resources, that requires concerted efforts and I don’t see that happening.”; and
- (3) calls on the ACT Government to:
  - (a) report to the Assembly on the training accreditation status of all four units, including the work completed by CHS to restore accreditation to all four units by the final sitting week of 2023; and
  - (b) provide and table the detailed workforce plan requested by RANZCOG for the Obstetrics and Gynaecology Unit in the first sitting week of October 2023.

*Paper:* Ms Castley, by leave, presented the following paper:

Canberra Hospital—Accreditation Review Report of the Obstetrics and Gynaecology Department—Monday 5 June 2023, prepared by the Royal Australian and New Zealand College of Obstetricians and Gynaecologist.



Ms Stephen-Smith (Minister for Health) moved the following amendment: Omit all text after paragraph (2)(d), substitute:

“(3) further notes that:

- (a) cultural challenges in obstetrics and gynaecology are not unique to the ACT, with a 2021 RANZCOG survey finding the College’s results benchmarked poorly against other medical specialties;
- (b) in 2022, RANZCOG published a comprehensive external review of workplace culture from an independent Bullying, Harassment and Discrimination Advisory Working Group that:
  - (i) made 24 recommendations outlining actions RANZCOG should take to support workplaces across Australia and Aotearoa New Zealand to be healthy, safe and respectful; and
  - (ii) identified the need for RANZCOG to deepen collaboration with employers, governments, agencies and other medical colleges to promote a sector-wide response to discrimination, bullying, sexual harassment and harassment; and
- (c) RANZCOG released a progress update against actions from the comprehensive external review in July 2023; and

(4) calls on the ACT Government to:

- (a) report to the Assembly on the training accreditation status of the three specialty training areas and the post-graduate year one training term, including the work completed by CHS to support the four units training provision by the final sitting week of 2023;
- (b) table the workforce planning information for the Canberra Hospital Obstetrics and Gynaecology Department requested by RANZCOG in the first sitting week of October 2023;
- (c) work collaboratively with RANZCOG to support changes it has identified are needed as a result of its own comprehensive external review; and
- (d) continue working with professional associations and industrial organisations to promote safe training environments across CHS.”.

*Papers:* Ms Stephen-Smith (Minister for Health) presented the following papers:

Copy of letter to the Medical Unit Director, O&G Canberra Health Services from the Chair, RANZCOG Training Accreditation Committee, dated 4 August 2023.

Fostering Respect Action Plan 2022-25—Progress report 2023—Addressing Discrimination, Bullying, Sexual Harassment and Harassment in O&G—RANZCOG, dated July 2023.

Summary of Facts—Prevalence Survey into Discrimination, Bullying, Sexual Harassment and Harassment—BPA Analytics on behalf of RANZCOG.

Debate continued.

Amendment agreed to.



Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that the:
  - (a) Fetal Medicine Unit at Canberra Hospital had its training accreditation suspended;
  - (b) Obstetrics and Gynaecology Unit at Canberra Hospital has been placed on Provisional Accreditation for a period of six months;
  - (c) Canberra Region Medical Education Council revoked accreditation for the Plastic Surgery term; and
  - (d) Child at Risk Health Unit is having its training accreditation reviewed following significant concerns about shortfalls in senior specialist numbers;
- (2) further notes:
  - (a) the Minister has attributed these serious issues around the loss, suspension, and review of training accreditation to “known challenges” and “workforce challenges and shortages”;
  - (b) the Chief Operating Officer of Canberra Health Services (CHS) confirmed, in estimates, that doctors who receive reasonable training, experience and support are more likely to stay in Canberra after finishing their training;
  - (c) a draft report from the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) into the Obstetrics and Gynaecology Unit found that:
    - (i) “The hospital has repeatedly been made aware of areas in which the training offered is insufficient.”; and
    - (ii) “The workplace culture had deteriorated to the point where it did not appear to be one which prioritised training.”; and
  - (d) President of the ACT Australian Medical Association said on ABC Radio “I unfortunately have to say that it is more the fault of the government that hasn’t changed its mindset and hasn’t created identity for CHS to be able to then train the junior workforce and have the resources, that requires concerted efforts and I don’t see that happening.”;
- (3) further notes that:
  - (a) cultural challenges in obstetrics and gynaecology are not unique to the ACT, with a 2021 RANZCOG survey finding the College’s results benchmarked poorly against other medical specialties;
  - (b) in 2022, RANZCOG published a comprehensive external review of workplace culture from an independent Bullying, Harassment and Discrimination Advisory Working Group that:
    - (i) made 24 recommendations outlining actions RANZCOG should take to support workplaces across Australia and Aotearoa New Zealand to be healthy, safe and respectful; and



- (ii) identified the need for RANZCOG to deepen collaboration with employers, governments, agencies and other medical colleges to promote a sector-wide response to discrimination, bullying, sexual harassment and harassment; and
    - (c) RANZCOG released a progress update against actions from the comprehensive external review in July 2023; and
  - (4) calls on the ACT Government to:
    - (a) report to the Assembly on the training accreditation status of the three specialty training areas and the post-graduate year one training term, including the work completed by CHS to support the four units training provision by the final sitting week of 2023;
    - (b) table the workforce planning information for the Canberra Hospital Obstetrics and Gynaecology Department requested by RANZCOG in the first sitting week of October 2023;
    - (c) work collaboratively with RANZCOG to support changes it has identified are needed as a result of its own comprehensive external review; and
    - (d) continue working with professional associations and industrial organisations to promote safe training environments across CHS.”—
- be agreed to—put and passed.

## 19 APPROPRIATION BILL 2023-2024

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

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### *Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.6—Transport Canberra and City Services Directorate—

Debate continued.

Proposed expenditure agreed to.

Part 1.7—Justice and Community Safety Directorate—

Debate ensued.

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*Adjournment negatived:* It being 6.30 pm—The question was proposed—That the Assembly do now adjourn.

Ms Cheyne (Minister for Human Rights) requiring the question to be put forthwith without debate—

Question—put and negatived.

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Debate continued.

Ms Clay moved her amendment No 2 (*see* [Schedule 1](#)).

*Paper:* Ms Clay presented a supplementary explanatory statement to her amendments.



Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 6

Mr Braddock  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Rattenbury  
Ms Vassarotti

NOES, 13

Ms Burch	Ms Orr
Mr Cain	Mr Parton
Ms Castley	Dr Paterson
Ms Cheyne	Mr Pettersson
Mr Cocks	Mr Steel
Ms Lawder	Ms Stephen-Smith
Mr Milligan	

And so it was negatived.

The proposed expenditure agreed to.

Part 1.8—Major Projects Canberra—

Debate adjourned (Ms Cheyne—Minister for Human Rights) and the resumption of the debate made an order of the day for the next sitting.

## 20 ADJOURNMENT

Ms Cheyne (Minister for Human Rights) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 7 pm, adjourned until Tuesday, 12 September 2023 at 10 am.

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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



## SCHEDULE OF AMENDMENTS

### Schedule 1

#### APPROPRIATION BILL 2023-2024

Amendments circulated by Ms Clay

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**1**

**Clause 6 heading**

**Page 2, line 15—**

*omit the heading, substitute*

**6 Appropriations of \$8 108 985 000**

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**2**

**Schedule 1, part 1.7**

**Page 5—**

*omit part 1.7, substitute*

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<b>Part 1.7</b>	454 193 000	67 907 000	248 440 000	770 540 000
Justice and Community Safety Directorate				

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**3**

**Schedule 1**

**Page 7—**

*omit*

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<i>Total appropriated to territory entities</i>	4 648 347 000	2 136 693 000	949 423 000	7 734 463 000
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*substitute*

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<i>Total appropriated to territory entities</i>	4 648 347 000	2 136 693 000	946 189 000	7 731 229 000
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**4**

**Schedule 1**

**Page 7—**

*omit*

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<i>Total appropriations</i>	4 648 347 000	2 436 693 000	949 423 000	8 112 219 000
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*substitute*

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<i>Total appropriations</i>	4 648 347 000	2 436 693 000	946 189 000	8 108 985 000
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