



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 102

WEDNESDAY, 25 OCTOBER 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 **HYPOTHETICAL QUESTIONS WITHOUT NOTICE—STATEMENT BY SPEAKER**

The Speaker made a statement concerning the application of standing order 117(b)(vi), which stipulates that questions shall not contain hypothetical matters, and advised Members that she would ensure that the standing orders are adhered to at question time.

- 3 **CORONERS ACT—REPORT OF CORONER—INQUEST INTO THE DEATH OF CHRISTIAAN ADRIAAN ROODT—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED**

Ms Berry (Minister for Education and Youth Affairs) made a ministerial statement concerning the Government response to the report of the Coroner on the inquest into the death of Christiaan Adriaan Roodt, and presented the following papers:

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Christiaan Adriaan Roodt—

Report, dated 17 March 2023.

Government response, dated October 2023.

Ministerial statement, 25 October 2023.

Ms Berry moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

4 NATIONAL SKILLS AGREEMENT—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Minister for Skills) made a ministerial statement concerning a new five-year National Skills Agreement between ACT Government and the Commonwealth Government and presented the following paper:

National Skills Agreement—Ministerial statement, 25 October 2023.

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

Question—put and passed.

5 SNAKES—PROTECTION AND EDUCATION PROGRAMS—ASSEMBLY RESOLUTION OF 28 MARCH 2023—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for the Environment) made a ministerial statement concerning the Government response to the resolution of the Assembly of 28 March 2023 relating to the protection of snakes and snake education programs, and presented the following paper:

Snakes—Protection and education programs—Assembly resolution of 28 March 2023—Government response—Ministerial statement, 25 October 2023.

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

Question—put and passed.

6 DISABILITY ROYAL COMMISSION—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Disability) made a ministerial statement concerning the release of the final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and presented the following paper:

Closing of the Disability Royal Commission 2023—Ministerial statement, 25 October 2023.

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

Question—put and passed.

7 A.C.T. GOVERNMENT POSITION STATEMENT ON EATING DISORDERS—2023 UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning the 2023 update to the ACT Government Eating Disorders Position Statement and presented the following paper:

ACT Government Position Statement on Eating Disorders—2023 Update—Ministerial statement, 25 October 2023.

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

Question—put and passed.

8 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—STANDING ORDERS AND CONTINUING RESOLUTIONS—EDITORIAL AMENDMENTS—STATEMENT BY CHAIR

Ms Burch (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Administration and Procedure had considered minor editorial amendments to the standing orders and continuing resolutions of the Assembly and endorsed the Clerk, through the authority provided in standing orders 147A, to make the necessary changes.

Paper: Ms Burch presented the following paper:

Administration and Procedure—Standing Committee—Editorial amendments to the standing orders as a result of the implementation of Report 10 – Review of standing orders and continuing resolutions of the Legislative Assembly for the Australian Capital Territory, undated.

9 URBAN FOREST (CONSEQUENTIAL AMENDMENTS) BILL 2023

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend legislation because of the enactment of the *Urban Forest Act 2023*, and for other purposes.

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

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

10 PLANNING ACT—TERRITORY PLAN 2023—INTERIM—PROPOSED APPROVAL

The order of the day having been read for the resumption of the debate on the motion of Mr Gentleman (Minister for Planning and Land Management)—That this Assembly:

- (1) notes that:
 - (a) the Territory Plan sets out a statutory framework for the future development of the ACT and is primarily used to decide development applications and to make other planning related decisions;
 - (b) pursuant to section 46 of the *Planning Act 2023* the object of the Territory Plan is to ensure, in a manner not inconsistent with the National Capital Plan, that the planning and development of the ACT provides the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation;
 - (c) a draft Territory Plan has been made in accordance with Part 20.3, Transitional—territory plan, of the *Planning Act 2023*;
 - (d) the draft Territory Plan, as notified under the *Legislation Act 2001*, is being provided to the Assembly for approval as an interim Territory Plan under section 609 of the *Planning Act 2023*;

- (e) if the draft interim Territory Plan is approved by the Assembly, in accordance with section 609 of the *Planning Act 2023*, it will commence on a day fixed by the Minister for Planning and Land Management by written notice; and
 - (f) the draft Territory Plan has also been provided to the Standing Committee on Planning, Transport and City Services for a decision on whether to conduct an inquiry, in accordance with section 608 of the *Planning Act 2023*; and
- (2) approves the draft Territory Plan as an interim Territory Plan under section 609 of the *Planning Act 2023*.—

Debate resumed.

Mr Gentleman (Minister for Planning and Land Management), by leave, was granted an extension of time.

Question—put and passed.

11 QUESTIONS

Questions without notice were asked.

12 PAPER

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

ACT Health Quarter 4, 2022-2023 Monthly Performance Report—Emergency Department, undated.

13 CORRECTION OF RECORD—STATEMENT BY MINISTER

Ms Stephen-Smith (Minister for Health), by leave, made a statement to correct her earlier statement concerning the availability of a document.

14 URBAN AGRICULTURE

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

- (1) notes:
- (a) Fiona Buining, of the Ainslie Urban Farm, undertook research on urban agriculture through a 2020 Churchill Fellowship, and has made findings that can be of significant benefit to the Canberra community;
 - (b) the development of “heart” and similar agriculture programs that offer a diversionary pathway for people caught in the criminal justice system, as well as people experiencing poverty;
 - (c) urban agriculture increases access to, and the availability of, fresh and nutritious food;
 - (d) the ACT is host to a number of heritage agricultural homesteads, for which their heritage would be supported by using their surrounding lands for agricultural purposes;
 - (e) urban agriculture helps migrant communities to preserve their culinary culture by giving them the opportunity to grow foods that are otherwise not available and bring them to the commercial market; and

- (f) urban agriculture training programs can support reductions in recidivism by providing at risk people with life-changing skills and opportunities; and
- (2) calls on the Government to:
 - (a) investigate opportunities for urban agriculture activities co-located with suitable ACT heritage sites, with a view to the:
 - (i) development of “heart” and similar agriculture programs which offer a diversionary pathway for people caught in the criminal justice system or otherwise experiencing poverty;
 - (ii) promotion of agriculture activities on suitable and underutilised public lands within the urban environment, including for use in further “incubator” farm programs and the small businesses that may emerge from them; and
 - (iii) the extension of tertiary education programs so that students can get a hands-on experience in small farms that are close to home; and
 - (b) report back to the Assembly by May 2024.

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

2020 Churchill Fellowship to investigate urban farm ventures that provide vocational pathways for aspiring food growers—Report by Fiona Buining Churchill Fellow, dated 2 December 2022.

Debate ensued.

Question—put and passed.

15 FRONTLINE HEALTH WORKERS—RETENTION STRATEGY

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

- (1) notes:
 - (a) unsafe staffing levels in Canberra Hospital have been made public over the past three years in the Obstetrics and Gynaecology Unit, Cardiology Unit, Plastic and Reconstructive Surgery Unit, Fetal Medicine Unit, Intensive Care Unit, Emergency Department, Paediatrics and Child at Risk Health Unit;
 - (b) radiation therapists at Canberra Hospital walked off the job on 19 September following a third of the team having left in the past three years;
 - (c) radiographers at Canberra Hospital are taking industrial action against Canberra Health Services because “Pay and conditions of allied health professionals was significantly behind that in other jurisdictions”;
 - (d) on 13 September, the Minister for Health revealed that two code yellows were called in the Centenary Hospital for Women and Children on 15 August and 8 September 2023, due to “staffing pressures”; and
 - (e) an ACT nurse said in a December 2022 survey conducted by the ACT Australian Nursing and Midwifery Federation, “Recognition and retention payments are necessary if the ACT wishes to keep current staff and encourage further applicants to the area of nursing”;

- (2) further notes question taken on notice No 90, from Estimates 2023, reveals that 1,337 staff have left Canberra Hospital, University of Canberra Hospital, mental health and community services since 2020-21; and
- (3) calls on the ACT Government to:
 - (a) develop a retention strategy for frontline health workers; and
 - (b) explore the provision of retention bonuses or other incentives to retain and value frontline workers.

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

- “(1) notes:
- (a) the international health workforce crisis is impacting all States and Territories in Australia;
 - (b) a range of initiatives are required to recruit and retain experienced health professionals, and the health workforce themselves often do not rate financial incentives as their highest priority;
 - (c) the ACT Health Workforce Strategy 2023-2032 was released on 4 May 2023 to build and retain a sustainable health workforce as the ACT’s population continues to grow;
 - (d) a facilitated stakeholder workshop was undertaken on 25 July 2023 with 78 participants from 36 organisations, to progress the ACT Health Workforce First Action Plan 2024-2026;
 - (e) the ACT Government has engaged with the Standing Committee on Health and Wellbeing’s Inquiry into Recovery Plan for Nursing and Midwifery Workers and will closely consider its conclusions and recommendations;
 - (f) the Canberra Health Services (CHS) average length of service has remained between 7.3 and 7.6 years since 2019-20, and CHS recently celebrated 50 years since the Woden Valley Hospital was established with staff who have worked at the hospital for more than 20, 30 and 40 years respectively;
 - (g) the CHS 2022-23 annual report states the recruitment rate for the financial year for all staff was 16.8 percent, against a separation rate of 11 percent;
 - (h) response to Estimates question on notice No 90 provides the trend for full-time equivalent staff and headcount at CHS and shows this growing year-on year since 2020-21 in line with the ACT Government commitment to invest in an additional 400 health professionals, which was delivered early to support the ACT’s health workforce now;
 - (i) according to the Australian Institute of Health and Welfare’s latest MyHospitals report, the average salary of full-time equivalent staff in public hospital services by States and Territories in 2021-22 showed the ACT has the third highest average salaries in public hospital services in the country, with diagnostic and allied health professionals in the ACT having the highest average salary in Australia;

- (j) ACT Public Service (ACTPS) Enterprise Agreement negotiations are ongoing with industrial partners across the health workforce enterprise agreements; and
 - (k) the core offer across ACTPS Enterprise Agreements includes a significant salary percentage increase for lower paid workers, a cost-of-living supplement and enhanced entitlements across all agreements, including improvements to a number of leave types; and
- (2) calls on the ACT Government to:
- (a) continue implementing the early actions in the ACT Health Workforce Strategy and finalise the ACT Health Workforce Strategy First Action Plan;
 - (b) continue to negotiate in good faith with industrial partners in the current round of ACTPS Enterprise Agreement negotiations to finalise the Support Services, Health Professionals, Nursing and Midwifery and Medical Professionals Enterprise Agreements that support frontline health workers;
 - (c) continue to develop evidence-based initiatives to recruit and retain a sustainable health workforce into the future; and
 - (d) continue to work through National Cabinet and the Health Ministers Meeting to support implementation of the independent review of health practitioner regulatory settings commissioned by National Cabinet and being led by Ms Robyn Kruk AO.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 15

Andrew Barr	Mick Gentleman
Yvette Berry	Suzanne Orr
Andrew Braddock	Michael Pettersson
Joy Burch	Shane Rattenbury
Tara Cheyne	Chris Steel
Jo Clay	Rachel Stephen-Smith
Emma Davidson	Rebecca Vassarotti
Johnathan Davis	

NOES, 9

Peter Cain	Mark Parton
Leanne Castley	
Ed Cocks	
Jeremy Hanson	
Elizabeth Kikkert	
Nicole Lawder	
Elizabeth Lee	
James Milligan	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the international health workforce crisis is impacting all States and Territories in Australia;

- (b) a range of initiatives are required to recruit and retain experienced health professionals, and the health workforce themselves often do not rate financial incentives as their highest priority;
 - (c) the ACT Health Workforce Strategy 2023-2032 was released on 4 May 2023 to build and retain a sustainable health workforce as the ACT's population continues to grow;
 - (d) a facilitated stakeholder workshop was undertaken on 25 July 2023 with 78 participants from 36 organisations, to progress the ACT Health Workforce First Action Plan 2024-2026;
 - (e) the ACT Government has engaged with the Standing Committee on Health and Wellbeing's inquiry into a recovery plan for nursing and midwifery workers and will closely consider its conclusions and recommendations;
 - (f) the Canberra Health Services (CHS) average length of service has remained between 7.3 and 7.6 years since 2019-20, and CHS recently celebrated 50 years since the Woden Valley Hospital was established with staff who have worked at the hospital for more than 20, 30 and 40 years respectively;
 - (g) the CHS 2022-23 annual report states the recruitment rate for the financial year for all staff was 16.8 percent, against a separation rate of 11 percent;
 - (h) response to Estimates QoN 90 provides the trend for full-time equivalent staff and headcount at CHS and shows this growing year-on year since 2020-21 in line with the ACT Government commitment to invest in an additional 400 health professionals, which was delivered early to support the ACT's health workforce now;
 - (i) according to the Australian Institute of Health and Welfare's latest MyHospitals report, the average salary of full-time equivalent staff in public hospital services by States and Territories in 2021-22 showed the ACT has the third highest average salaries in public hospital services in the country, with diagnostic and allied health professionals in the ACT having the highest average salary in Australia;
 - (j) ACT Public Service (ACTPS) Enterprise Agreement negotiations are ongoing with industrial partners across the health workforce enterprise agreements; and
 - (k) the core offer across ACTPS Enterprise Agreements includes a significant salary percentage increase for lower paid workers, a cost-of-living supplement and enhanced entitlements across all agreements, including improvements to a number of leave types; and
- (2) calls on the ACT Government to:
- (a) continue implementing the early actions in the ACT Health Workforce Strategy and finalise the ACT Health Workforce Strategy First Action Plan;
 - (b) continue to negotiate in good faith with industrial partners in the current round of ACTPS Enterprise Agreement negotiations to finalise the Support Services, Health Professionals, Nursing and Midwifery and Medical Professionals Enterprise Agreements that support frontline health workers;

- (c) continue to develop evidence-based initiatives to recruit and retain a sustainable health workforce into the future; and
- (d) continue to work through National Cabinet and the Health Ministers Meeting to support implementation of the independent review of health practitioner regulatory settings commissioned by National Cabinet and being led by Ms Robyn Kruk AO.”—

be agreed to—put and passed.

16 SENTENCING (DRUG AND ALCOHOL TREATMENT ORDERS) LEGISLATION 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.

17 MEMBERS’ STATEMENTS

Members’ statements were made.

18 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 5.10 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