



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2008–2009–2010**

**MINUTES OF PROCEEDINGS**

**No. 52**

**WEDNESDAY, 24 FEBRUARY 2010**

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**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) 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 UNPARLIAMENTARY LANGUAGE—STATEMENT BY SPEAKER**

The Speaker made a statement concerning unparliamentary language and called upon Mr Hanson to withdraw comments made yesterday.

Mr Hanson withdrew the comments.

**3 PRIVILEGES 2010—SELECT COMMITTEE—MEMBERSHIP**

The Speaker, pursuant to the resolution of the Assembly of yesterday, informed the Assembly that he had been notified, in writing, of the nominations of Mr Barr (Minister for Education and Training), Ms Bresnan, and Mrs Dunne to be members of the Select Committee on Privileges 2010.

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*Privileges committees—Membership—Statement by Speaker:* The Speaker made a statement concerning the appointment of Members to privileges committees.

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Mr Corbell (Manager of Government Business) moved—That the Members so nominated be appointed as members of the Select Committee on Privileges 2010.

Debate ensued.

Ordered—That the question be divided.

Question—That Mr Barr be appointed—put.

The Assembly voted—

## AYES, 11

Mr Barr  
 Ms Bresnan  
 Ms Burch  
 Mr Corbell  
 Ms Gallagher  
 Mr Hargreaves

Ms Hunter  
 Ms Le Couteur  
 Ms Porter  
 Mr Rattenbury  
 Mr Stanhope

## NOES, 6

Mr Coe  
 Mr Doszpot  
 Mrs Dunne  
 Mr Hanson  
 Mr Seselja  
 Mr Smyth

And so it was resolved in the affirmative.

Question—That Ms Bresnan be appointed—put and passed.

Question—That Mrs Dunne be appointed—put.

The Assembly voted—

## AYES, 6

Mr Coe  
 Mr Doszpot  
 Mrs Dunne  
 Mr Hanson  
 Mr Seselja  
 Mr Smyth

## NOES, 11

Mr Barr  
 Ms Bresnan  
 Ms Burch  
 Mr Corbell  
 Ms Gallagher  
 Mr Hargreaves

Ms Hunter  
 Ms Le Couteur  
 Ms Porter  
 Mr Rattenbury  
 Mr Stanhope

And so it was negated.

#### 4 PRIVILEGES 2010—SELECT COMMITTEE—MEMBERSHIP

Mr Corbell (Manager of Government Business), by leave, moved—That the Opposition nominate a Member, other than Mrs Dunne, to be a member of the Select Committee on Privileges 2010, the Member so nominated be advised in writing to the Speaker by 12 noon today.

Question—put and passed.

#### 5 LITTER (SHOPPING TROLLEYS) AMENDMENT BILL 2010

Ms Le Couteur, pursuant to notice, presented a Bill for an Act to amend the *Litter Act 2004*, and for other purposes.

*Paper:* Ms Le Couteur presented an explanatory statement to the Bill.

Title read by Clerk.

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

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

#### 6 HOSPITAL SERVICES—NORTH CANBERRA

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

(1) notes:

- (a) the decision of the Little Company of Mary Health Care (LCMHC) Board to withdraw from negotiations over the proposed sale of Calvary Public Hospital to the ACT Government;
- (b) the need to invest \$200 million over the next six years to build up capacity for hospital services on the north side of Canberra; and

- (c) that the budget implications of maintaining the current arrangements pose significant challenges to the Territory's overall budget position;
- (2) calls upon the Minister for Health to continue to work with LCMHC to examine all options available to the parties to deliver the investments required on the Calvary site that protects the investments made by the Territory and ensures that the investments are able to be made in a financially sustainable way; and
- (3) thanks the Sisters and the Board of the LCMHC for their preparedness to work with the Territory to prepare for the future health care needs of our community.

Mr Hanson moved the following amendment: Omit all words after "That this Assembly", substitute:

"(1) notes:

- (a) the Government's plan to purchase Calvary Hospital and sell Clare Holland House has collapsed;
- (b) that the plan would have delivered no health benefit to the ACT and would have cost ACT taxpayers \$77 million; and
- (c) the ACT Labor Government has not developed any alternative proposals despite the high risk of their plan failing;
- (2) calls upon the Minister for Health to work with Little Company of Mary Health Care (LCMHC) to deliver the necessary investments at Calvary Hospital that will provide enhancements to health services required to meet the demands of an aging and growing population in the north of Canberra;
- (3) calls on the Minister for Health to rule out compulsory acquisition of Calvary Hospital;
- (4) calls on the Minister to examine funding options in partnership with LCMHC that would mitigate the Government's concerns in relation to budgetary implications of future capital investments; and
- (5) thanks the Sisters and the Board of the LCMHC for their preparedness to work with the Territory to prepare for the future health needs of our community."

Debate continued.

*Paper:* Mr Smyth, by leave, presented the following paper:

Calvary Public Hospital—Analysis of proposed purchase of Calvary Public Hospital, prepared by Sinclair Davidson, dated 28 October 2009.

Debate continued.

Question—That Mr Hanson's amendment be agreed to—put.

The Assembly voted—

AYES, 6

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja  
Mr Smyth

NOES, 11

Mr Barr  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury  
Mr Stanhope

And so it was negatived.

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.

## **7 QUESTIONS**

Questions without notice were asked.

## **8 QUESTION WITHOUT NOTICE—ANSWER IN THE FORM OF A MINISTERIAL STATEMENT—RESPONSE BY MEMBER**

Mr Hanson, pursuant to standing order 118, by leave, responded to an answer to a question without notice made by Mr Stanhope (Minister for Transport) which he believed was in the form of a ministerial statement.

## **9 PRIVILEGES 2010—SELECT COMMITTEE—MEMBERSHIP**

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that he had been notified, in writing, of the nomination of Mr Coe to be a member of the Select Committee on Privileges 2010.

Mr Corbell (Manager of Government Business) moved—That the Member so nominated be appointed as a member of the Select Committee on Privileges 2010.

Question—put and passed.

## **10 HOSPITAL SERVICES—NORTH CANBERRA**

The order of the day having been read for the resumption of the debate on the motion of Ms Porter (*see* [entry 6](#))—

Mr Hanson, who had already spoken, by leave, again addressed the Assembly.

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

## **11 THE CANBERRA HOSPITAL—OBSTETRICS AND GYNAECOLOGY UNIT**

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

(1) notes:

- (a) the grave concerns raised by current and former staff within the Obstetrics Department at The Canberra Hospital (TCH) of a culture of bullying and intimidation, of poor communication, of poor relationships between clinical staff and management and of a toxic workplace environment;
- (b) that allegations have been made regarding poor clinical outcomes and allegations that patient safety has been compromised or could be compromised in the future if systemic issues are not addressed;
- (c) that as a result of these concerns, nine doctors have recently left the Obstetrics Department and other doctors have stated that they are unwilling to work at TCH;
- (d) that although the allegations have centred on the Obstetrics Department at TCH, a number of allegations of a similar nature have been made by staff and ex-staff across other areas of TCH;

- (e) that a number of staff at TCH have expressed an unwillingness to make formal written complaints due to a fear of retribution and hostility that is directed against complainants by some senior staff at TCH; and
  - (f) that a number of staff at TCH have indicated that although they are prepared to make anonymous complaints, they would not appear before any review conducted by the Government through fear of the consequences;
- (2) calls on the Government to:
- (a) appoint a Board of Inquiry pursuant to the *Inquiries Act 1991* into the serious concerns that have been raised at TCH;
  - (b) ensure that the persons appointed to the Board are independent of TCH and of ACT Health and are acknowledged independent by all parties connected to the allegations that have been made;
  - (c) appoint at least three persons to the Board, including a clinician, a health administrator and a legally qualified member;
  - (d) ensure that the Board of Inquiry's scope include allegations of poor clinical outcomes, bullying and intimidation, poor communication, poor relationships between clinical staff and management, and of a toxic workplace environment across all departments of TCH; and
  - (e) appoint the Board of Inquiry by 15 March 2010 and to provide a copy of the Board's report to the Assembly on completion of its inquiry; and
- (3) calls on the Government to issue the Board of Inquiry with the following terms of reference:
- (a) to investigate, report and make recommendations on allegations made by current and former staff of TCH in relation to:
    - (i) workplace misconduct including bullying and intimidation;
    - (ii) dysfunctional communication and relationships between clinical staff and management;
    - (iii) hostility and retribution directed towards staff who make complaints; and
    - (iv) poor clinical outcomes, or the potential for such outcomes, arising from an alleged dysfunctional workplace environment; and
  - (b) to review the existing staff complaints handling procedures within TCH and make recommendations for improvements as necessary.

Ms Gallagher (Minister for Health) moved the following amendment: Omit all words after "That this Assembly", substitute:

- "(1) notes:
- (a) that allegations have been raised in the media about the Obstetrics and Gynaecology Unit at The Canberra Hospital (TCH) covering clinical standards, safety, the relationships between midwives and doctors, and the sustainability of the registrar training program;
  - (b) that allegations have also been raised about the workplace culture, including bullying and harassment within the Obstetrics and Gynaecology Unit at TCH;

- (c) that the ACT Government has responded to these allegations by announcing two external processes to investigate all of the allegations that have been raised to date, including whether there are broader systemic issues which should be considered;
  - (d) that the Minister for Health is considering the terms of reference and scope for review of these two processes prior to finalising the details and will report back to the Assembly on the detail once finalised; and
  - (e) that the Government commits to establishing processes which are inclusive, supportive and protective of everyone who participates in them;
- (2) acknowledges the importance of establishing processes which allow for procedural fairness and natural justice principles to be followed for all parties involved;
  - (3) calls on all of those working in Obstetrics and Gynaecology across the ACT to commit to work co-operatively and collaboratively across the public and private systems to ensure that women in the ACT have access to the highest quality obstetrics services; and
  - (4) notes that findings of the external opinion on clinical standards, safety, relationship between midwives and doctors, and sustainability of the registrar training program will be made publicly available.”.

Debate continued.

Ms Gallagher, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Question—That Ms Gallagher’s amendment be agreed to—put.

The Assembly voted—

AYES, 11

Mr Barr	Ms Hunter
Ms Bresnan	Ms Le Couteur
Ms Burch	Ms Porter
Mr Corbell	Mr Rattenbury
Ms Gallagher	Mr Stanhope
Mr Hargreaves	

NOES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) that allegations have been raised in the media about the Obstetrics and Gynaecology Unit at The Canberra Hospital (TCH) covering clinical standards, safety, the relationships between midwives and doctors, and the sustainability of the registrar training program;
  - (b) that allegations have also been raised about the workplace culture, including bullying and harassment within the Obstetrics and Gynaecology Unit at TCH;

- (c) that the ACT Government has responded to these allegations by announcing two external processes to investigate all of the allegations that have been raised to date, including whether there are broader systemic issues which should be considered;
  - (d) that the Minister for Health is considering the terms of reference and scope for review of these two processes prior to finalising the details and will report back to the Assembly on the detail once finalised; and
  - (e) that the Government commits to establishing processes which are inclusive, supportive and protective of everyone who participates in them;
- (2) acknowledges the importance of establishing processes which allow for procedural fairness and natural justice principles to be followed for all parties involved;
  - (3) calls on all of those working in Obstetrics and Gynaecology across the ACT to commit to work co-operatively and collaboratively across the public and private systems to ensure that women in the ACT have access to the highest quality obstetrics services; and
  - (4) notes that findings of the external opinion on clinical standards, safety, relationship between midwives and doctors, and sustainability of the registrar training program will be made publicly available.”—

be agreed to—put and passed.

## 12 PAY EQUITY FOR WOMEN

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

- (1) notes:
  - (a) that 8 March 2010 is International Women’s Day;
  - (b) the continuing gender inequality in our community;
  - (c) that ensuring pay equality is essential in achieving economic independence for women and reducing inequality;
  - (d) that women constitute more than 80% of workers in the community services sector; and
  - (e) that the Federal Labor Government will be an active participant in a pay equity test case for workers in the social and community services sector to be presented to Fair Work Australia by the Australian Services Union; and
- (2) calls on the ACT Government to:
  - (a) support the community sector by committing to a funding pay increase, should a pay increase result from the Australian Services Union’s Equal Remuneration Case to Fair Work Australia;
  - (b) undertake a pay equity audit of the public service and table the audit report in the Assembly within 12 months; and
  - (c) provide an annual statement to the Assembly on the Australian Capital Territory’s progress in improving women’s economic and financial independence which includes an analysis of improvements in the pay equity status of women within the ACT Public Service.

Ms Burch (Minister for Women) moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes:
- (a) that 8 March 2010 is International Women’s Day;
  - (b) the need to address gender inequity in our community;
  - (c) that gender pay equity is essential in achieving economic independence for women and reducing inequality;
  - (d) that women constitute more than 80% of workers in the community services sector;
  - (e) that the Federal Labor Government will be an active participant in a pay equity test case for workers in the social and community services sector to be presented to Fair Work Australia by the Australian Services Union;
  - (f) that, as a requirement of the Labor/Greens Parliamentary Agreement to review community sector contracts, the Department of Disability, Housing and Community Services engaged HBA Consulting to review industrial relations arrangements in the ACT for the community sector and that the final report on the review is expected to be submitted to Government by April 2010; and
  - (g) that the Department of Disability, Housing and Community Services will work with HBA Consulting to identify the potential wage gap between the ACT Public Service and the community sector for ACT Government’s future consideration; and
- (2) calls on the ACT Government to:
- (a) assist the community sector by supporting the findings of:
    - (i) Fair Work Australia in the Australian Services Union’s equal remuneration case; and
    - (ii) the Department of Disability, Housing and Community Services’ HBA Consulting review of industrial relations arrangements in the ACT for the community sector;
  - (b) investigate what measures are required to conduct a pay equity audit of the ACT Public Service and report back to the Assembly in the May sitting period of 2010; and
  - (c) have the Minister for Women provide an annual statement to the Assembly that outlines its efforts in improving the economic and financial independence for women.”.

Debate continued.

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

Ms Burch requiring the question to be put forthwith without debate—

Question—put and negatived.

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Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) that 8 March 2010 is International Women’s Day;
  - (b) the need to address gender inequity in our community;
  - (c) that gender pay equity is essential in achieving economic independence for women and reducing inequality;
  - (d) that women constitute more than 80% of workers in the community services sector;
  - (e) that the Federal Labor Government will be an active participant in a pay equity test case for workers in the social and community services sector to be presented to Fair Work Australia by the Australian Services Union;
  - (f) that, as a requirement of the Labor/Greens Parliamentary Agreement to review community sector contracts, the Department of Disability, Housing and Community Services engaged HBA Consulting to review industrial relations arrangements in the ACT for the community sector and that the final report on the review is expected to be submitted to Government by April 2010; and
  - (g) that the Department of Disability, Housing and Community Services will work with HBA Consulting to identify the potential wage gap between the ACT Public Service and the community sector for ACT Government’s future consideration; and
- (2) calls on the ACT Government to:
  - (a) assist the community sector by supporting the findings of:
    - (i) Fair Work Australia in the Australian Services Union’s equal remuneration case; and
    - (ii) the Department of Disability, Housing and Community Services’ HBA Consulting review of industrial relations arrangements in the ACT for the community sector;
  - (b) investigate what measures are required to conduct a pay equity audit of the ACT Public Service and report back to the Assembly in the May sitting period of 2010; and
  - (c) have the Minister for Women provide an annual statement to the Assembly that outlines its efforts in improving the economic and financial independence for women.”—

be agreed to—put and passed.

### 13 COMMONWEALTH HOME INSULATION PROGRAM—ORDER TO TABLE

Mr Seselja (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) the importance of home insulation to reduce the emission of greenhouse gases, especially the retro-fitting of insulation to existing housing stock;
  - (b) homeowners who installed insulation from February 2009 were eligible to participate in the Commonwealth's Home Insulation Program;
  - (c) the complete and catastrophic failure of the Federal Labor Government to properly implement its Home Insulation Program;
  - (d) the complete failure by the Federal Minister for the Environment, Heritage and the Arts to implement safely the Commonwealth's Home Insulation Program;
  - (e) the complete failure of the Federal Minister for the Environment, Heritage and the Arts to heed the very clear warnings about the dangers of the Commonwealth's Home Insulation Program;
  - (f) the coronial inquiries currently being undertaken in the ACT into house fires which may relate to the poor installation of insulation;
  - (g) the failure of the Attorney-General to protect adequately from, and warn Canberrans about, the dangers of poorly installed insulation; and
  - (h) the misleading information provided to the Assembly by the Attorney-General in relation to documents held by the ACT Government in relation to the insulation program; and
- (2) calls on the Attorney-General to:
  - (a) table all documents held by the ACT Government pertaining to the Commonwealth's Home Insulation Program by close of business today;
  - (b) immediately implement a public awareness campaign on the dangers of poorly installed insulation and provide a facility for affected homeowners to have their insulation inspected for safety; and
  - (c) outline to the Assembly, in detail, by close of business 25 February 2010 what steps the Government has taken, and is taking, to protect life and property in the ACT in relation to the Commonwealth's Home Insulation Program.

Debate ensued.

Mr Rattenbury, by leave, moved the following amendments together:

- (1) Omit paragraphs (1)(c), (d) and (e), substitute:
  - “(c) the censure of the Federal Government passed by the Senate on 23 February 2010 in regard to its gross and systematic failure in the Federal Government's delivery of climate change programs, including home insulation, green loans, solar rebate, renewable remote power generation program and the renewable energy target;

- (d) with concern, the failure of ACT Government to provide warnings to ACT consumers and installers between April 2009 and September 2009 about the specific risks that State and Territory officials had raised with the Federal Government about the Federal Government’s Home Insulation Program; and
  - (e) that the ACT Government is currently developing an ACT energy policy that will seek to have some similar objectives to the Federal Government’s programs.”.
- (2) Omit paragraphs (1)(f), (g) and (h).
- (3) Omit paragraph (2), substitute:
- “(2) calls on the ACT Government to:
- (a) table all documents held by the ACT Government pertaining to the Commonwealth’s Home Insulation Program by the end of the first sitting day in March 2010;
  - (b) immediately implement a public awareness campaign on the dangers of poorly installed insulation and provide a mechanism on the Canberra Connect website for affected homeowners to get information about how to have their insulation inspected for safety;
  - (c) commit to extend the public promotion of the current ACT HEAT program and implement a broad public education campaign around the benefits of energy efficiency measures; and
  - (d) note the mistakes made by the Federal Government in rolling out energy efficiency and green energy programs in the development of the ACT energy policy.”.

Debate continued.

Mrs Dunne, by leave, moved the following amendment to Mr Rattenbury’s proposed amendment: In amendment No. (3), omit paragraph (2)(a), substitute:

- “(a) present to the Speaker, by the end of business Friday, 26 February 2010, all documents held by the ACT Government pertaining to the Commonwealth’s Home Insulation Program;”.

Question—That Mrs Dunne’s amendment to Mr Rattenbury’s proposed amendments be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 4
Ms Bresnan	Ms Le Couteur	Mr Barr
Mr Coe	Mr Rattenbury	Ms Burch
Mrs Dunne	Mr Seselja	Mr Corbell
Ms Hunter		Mr Stanhope

And so it was resolved in the affirmative.

Question—That Mr Rattenbury’s amendments, as amended, be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 4
Ms Bresnan	Ms Le Couteur	Mr Barr
Mr Coe	Mr Rattenbury	Ms Burch
Mrs Dunne	Mr Seselja	Mr Corbell
Ms Hunter		Mr Stanhope

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) the importance of home insulation to reduce the emission of greenhouse gases, especially the retro-fitting of insulation to existing housing stock;
  - (b) homeowners who installed insulation from February 2009 were eligible to participate in the Commonwealth’s Home Insulation Program;
  - (c) the censure of the Federal Government passed by the Senate on 23 February 2010 in regard to its gross and systematic failure in the Federal Government’s delivery of climate change programs, including home insulation, green loans, solar rebate, renewable remote power generation program and the renewable energy target;
  - (d) with concern, the failure of ACT Government to provide warnings to ACT consumers and installers between April 2009 and September 2009 about the specific risks that State and Territory officials had raised with the Federal Government about the Federal Government’s Home Insulation Program; and
  - (e) that the ACT Government is currently developing an ACT energy policy that will seek to have some similar objectives to the Federal Government’s programs; and
- (2) calls on the ACT Government to:
  - (a) present to the Speaker, by the end of business Friday, 26 February 2010, all documents held by the ACT Government pertaining to the Commonwealth’s Home Insulation Program;
  - (b) immediately implement a public awareness campaign on the dangers of poorly installed insulation and provide a mechanism on the Canberra Connect website for affected homeowners to get information about how to have their insulation inspected for safety;
  - (c) commit to extend the public promotion of the current ACT HEAT program and implement a broad public education campaign around the benefits of energy efficiency measures; and
  - (d) note the mistakes made by the Federal Government in rolling out energy efficiency and green energy programs in the development of the ACT energy policy.”—

be agreed to—put and passed.

**14 ADJOURNMENT**

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

*Paper:* Mr Coe, by leave, presented the following paper:

“Freedom for Cuba’s prisoners of conscience”—Poster.

Debate continued.

Question—put and passed.

And then the Assembly, at 9.31 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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**M M KIERMAIER**  
Acting Clerk of the Legislative Assembly