



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 79

WEDNESDAY, 29 MARCH 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 DEATH OF MRS ELIZABETH GRANT AM

Ms Lee (Leader of the Opposition) moved—That this Assembly expresses its deep regret at the death of Mrs Elizabeth Grant AM, Member of the former ACT House of Assembly from 1979 to 1982, and tenders its profound sympathy to her family, friends and colleagues in their bereavement.

Mr Barr (Chief Minister) and Mr Rattenbury (Leader of the ACT Greens) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

3 PETITION—MINISTERIAL RESPONSE—RESPONSE NOTED

The Clerk announced that the following response to a petition had been lodged:

Ms Stephen-Smith (Minister for Health), dated 28 March 2023—Response to e-petition No 042-22 and Pet No 001-23, lodged by Ms Clay on 7 February 2023, concerning a freestanding birth centre in the ACT.

The Speaker proposed—That the response so lodged be noted.

Debate ensued.

Question—put and passed.

4 WOMEN AND GIRLS IN THE A.C.T.—ANNUAL STATEMENT ON THE STATUS—2023—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Berry (Minister for Women and Minister for the Prevention of Domestic and Family Violence) made a ministerial statement concerning the status of women and girls in the ACT and presented the following papers:

Women and girls in the ACT—Annual statement on the status—2023—

Ministerial statement, 29 March 2023.

Statement, dated March 2023.

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

Debate ensued.

Papers: Ms Davidson (Minister for Mental Health) presented the following papers:

Guidance to support gender affirming care for mental health—Office for Mental Health and Wellbeing, dated October 2021.

Towards our Vision—Re-envisioning Older Persons Mental Health and Wellbeing in the ACT Strategy 2022-2026—Office for Mental Health and Wellbeing, dated July 2022.

Question—put and passed.

5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 11—INQUIRY INTO THE JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2022 (NO 2)—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Mr Rattenbury (Attorney-General) made a ministerial statement concerning the Government response to the Standing Committee on Justice and Community Safety's report on its inquiry into the Justice and Community Safety Legislation Amendment Bill 2022 (No 2) and presented the following papers:

Justice and Community Safety—Standing Committee—Report 11—*Inquiry into the Justice and Community Safety Legislation Amendment Bill 2022 (No 2)*—Government response—

Government response, dated March 2023.

Ministerial statement, 29 March 2023.

Mr Rattenbury moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

6 JARRAMLEE NATURE RESERVE—REMEDICATION PROJECT COMPLETION—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning the completion of Jarramlee Nature Reserve restoration efforts and presented the following paper:

Jarramlee Nature Reserve—Remediation Project Completion—Ministerial statement, 29 March 2023.

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

Question—put and passed.

7 A.C.T. CHIEF HEALTH OFFICER REPORTING UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement to update the Assembly on the population health reporting delivered by the ACT Chief Health Officer and presented the following paper:

ACT Chief Health Officer reporting update—Ministerial statement, 29 March 2023.

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

Question—put and passed.

8 WATER RESOURCES AMENDMENT BILL 2023

Mr Rattenbury (Minister for Water, Energy and Emissions Reduction), pursuant to notice, presented a Bill for an Act to amend the *Water Resources Act 2007*, and for other purposes.

Paper: Mr Rattenbury 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 Rattenbury 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.

9 WORLD WILDLIFE DAY

Ms Vassarotti (Minister for the Environment), pursuant to notice, moved—That

(1) notes that:

- (a) 3 March was World Wildlife Day 2023, with the theme in 2023 being “partnerships for wildlife conservation”; and
- (b) World Wildlife Day is an opportunity to celebrate the many beautiful and varied forms of wild fauna and flora and to raise awareness of the multitude of benefits that their conservation provides to people;

- (2) supports the ACT Government’s significant and extensive work in partnership to conserve our wildlife, including, but not limited to:
- (a) establishing the “Understanding and conserving Gula on Ngunnawal Country” project in partnership with the Australian Government and the Ngunnawal community to identify culturally significant areas for Gula and employ locals to monitor for potential habitat and plan restoration;
 - (b) providing long-term funding and support for ACT Wildlife to undertake its vital activities within the Territory caring for sick and injured native wildlife;
 - (c) partnering with researchers and zoos to establish a successful breeding colony of Canberra Grassland Earless Dragons at Tidbinbilla Nature Reserve, with trial releases into predator-proof enclosures underway to help increase wild populations of this critically endangered reptile;
 - (d) partnering with the community through the ACT Government’s Environmental Grants Program to support numerous innovative community-led projects that support and bolster wildlife conservation. Notable examples include the Ginninderra Catchment Group’s innovative work with turtles and the National Parks Association’s long running Rosenberg Monitor’s monitoring program;
 - (e) improving habitat connectivity and biodiversity by restoring priority urban habitat sites as part of the Connecting Nature Connecting People initiative;
 - (f) collaborative work with citizen scientists to support wildlife populations. Some examples include volunteers assisting Superb Parrot research by analysing hundreds of thousands of camera images through the Australian Museum DigiVol platform, and community engagement in the innovative citizen science platform Canberra Nature Map. Over the last year alone, over 700 new rare and threatened flora and fauna records were added to the platform;
 - (g) working with volunteers and researchers to collaboratively monitor and treat wombat mange, helping support populations of a common but well-loved species in the ACT;
 - (h) partnering with the Australian National University Difficult Bird Research Group to better understand the genetic diversity and effective population size of Gang-gang Cockatoos to protect Canberra’s beloved bird emblem;
 - (i) in partnership with CSIRO, leading the nation in integrating GonaCon fertility control into the ACT’s macropod management program to ensure the ACT continues best practice in wildlife management; and
 - (j) partnering with the Australian Government’s National Landcare Program to support the establishment of the new section of Mulligans Flat Wildlife Sanctuary at Goorooyaroo Nature Reserve. The funding has assisted with community engagement activities, removal of pests from the new sanctuary and the future release of Eastern Bettongs and Eastern Quoll; and
- (3) calls on the ACT Government to:
- (a) commit to and invest in strong partnerships for wildlife conservation in the ACT; and

- (b) protect and enhance biodiversity and habitat across the ACT to ensure the ACT is a haven for both diverse and threatened wildlife, and that our beloved common species stay common.

Debate ensued.

Question—put and passed.

10 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No 1, Executive business, relating to the Background Checking Legislation Amendment Bill 2022, be postponed until a later hour this day.

11 LONG SERVICE LEAVE (PORTABLE SCHEMES) AMENDMENT BILL 2022

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 Gentleman (Minister for Industrial Relations and Workplace Safety) presented a revised explanatory statement to the Bill.

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.

12 QUESTIONS

Questions without notice were asked.

13 MATERNAL AND FETAL MEDICINE UNIT—CANBERRA HOSPITAL

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

(1) notes:

- (a) Canberra Hospital's accreditation as a training site for staff in the Maternal and Fetal Medicine Unit has been suspended since 31 August;
- (b) Canberra Health Services (CHS) has been advertising for this position since June 2022 and have still failed to recruit a Maternal Fetal Medicine staff specialist;
- (c) loss of accreditation by the College of Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) has meant that Canberra Hospital is not able to provide accredited training for junior doctors; and
- (d) the Minister confirmed in answer to an overdue question on notice, dated 12 January 2023, that since the suspension of accreditation, five staff were on leave/reduced hours and mitigation strategies had to be employed to enable the continuation of the service;

(2) further notes:

- (a) culture problems have been rife in the Centenary Hospital for Women and Children;

- (b) Women, Youth and Children recorded the lowest response rate since 2005 to the recent December Pulse survey;
 - (c) of 276 respondents to the proposition, “On balance CHS is a truly great place to work”, 57.2 percent disagreed, placing Women, Youth and Children in the “very low” percentile compared to similar services at other hospitals; and
 - (d) of 283 respondents, 40.6 percent disagreed with the statement that “things are getting better all the time”; and
- (3) calls on the ACT Government to:
- (a) table the report by the RANZCOG into the suspension of accreditation as a training site in the Maternal and Fetal Medicine Unit by the end of the sitting week;
 - (b) table out of sitting, details on how many applicants have applied for the subspecialist role in the (i) June to December 2022 period and (ii) December 2022 to present;
 - (c) provide an update on how many staff have left, reduced their hours or gone on leave since 31 August 2022 to present; and
 - (d) update the Assembly on what national and international recruitment strategies CHS have pursued to restore accreditation for the Maternal and Fetal Medicine Unit.

Ms Stephen-Smith (Minister for Health) moved the following amendment: Omit all text after “notes” in paragraph (1), substitute:

- “(a) the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) notified Canberra Health Services that the training accreditation for the Fetal Medicine Unit would be suspended from 8 August 2022 and the situation would be reviewed at a Maternal Fetal Medicine (MFM) Subspecialty Committee in November 2023;
- (b) since this time Canberra Health Services has supported a sub-specialty trainee in a Maternal Fetal Medicine unit in another jurisdiction to ensure they could gain the qualifications needed to transition to a fully-qualified MFM sub-specialist at Canberra Health Services at the completion of their training;
- (c) as reported on 12 January 2023 through an answer to a Question Taken on Notice, the Maternal Fetal Medicine subspecialist position has been advertised on multiple occasions since June 2022 and the position is highly specialised requiring the successful applicant to hold a subspecialty qualification in Maternal Fetal Medicine with RANZCOG;
- (d) there is a significant skills shortage in tertiary fetal medicine, leading to challenges recruiting these sub-specialty qualifications, however recruitment continued nationally and internationally to identify suitable applicants; and

- (e) arrangements have been made to support the continued delivery of clinical services that ensure quality fetal medicine services for the women of the ACT and surrounding areas; and
- (2) calls on the ACT Government to:
 - (a) table the letter from RANZCOG regarding the suspension of accreditation as a training site in the Maternal and Fetal Medicine Unit; and
 - (b) provide an update to the Assembly by the final sitting day of 2023 about the training accreditation for the Maternal Fetal Medicine Unit at Centenary Hospital for Women and Children.”.

Paper: Ms Stephen-Smith presented the following paper:

Notification of suspension of accreditation of the Centenary Hospital for Women and Children ACT as a Maternal Fetal Medicine Training Unit—Copy of letter from the RANZCOG Subspecialties Committee Chair to the Clinical Director of Canberra Hospital Obstetrics and Gynaecology, dated 26 July 2022.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 15		NOES, 8
Ms Berry	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	Ms Castley
Ms Burch	Mr Pettersson	Mr Cocks
Ms Cheyne	Mr Rattenbury	Mr Hanson
Ms Clay	Mr Steel	Mrs Kikkert
Ms Davidson	Ms Stephen-Smith	Ms Lawder
Mr Davis	Ms Vassarotti	Mr Milligan
Mr Gentleman		Mr Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) notified Canberra Health Services that the training accreditation for the Fetal Medicine Unit would be suspended from 8 August 2022 and the situation would be reviewed at a Maternal Fetal Medicine (MFM) Subspecialty Committee in November 2023;
 - (c) since this time Canberra Health Services has supported a sub-specialty trainee in a Maternal Fetal Medicine unit in another jurisdiction to ensure they could gain the qualifications needed to transition to a fully-qualified MFM sub-specialist at Canberra Health Services at the completion of their training;

- (d) as reported on 12 January 2023 through an answer to a Question Taken on Notice, the Maternal Fetal Medicine subspecialist position has been advertised on multiple occasions since June 2022 and the position is highly specialised requiring the successful applicant to hold a subspecialty qualification in Maternal Fetal Medicine with RANZCOG;
 - (e) there is a significant skills shortage in tertiary fetal medicine, leading to challenges recruiting these sub-specialty qualifications, however recruitment continued nationally and internationally to identify suitable applicants; and
 - (f) arrangements have been made to support the continued delivery of clinical services that ensure quality fetal medicine services for the women of the ACT and surrounding areas; and
- (2) calls on the ACT Government to:
- (a) table the letter from RANZCOG regarding the suspension of accreditation as a training site in the Maternal and Fetal Medicine Unit; and
 - (b) provide an update to the Assembly by the final sitting day of 2023 about the training accreditation for the Maternal Fetal Medicine Unit at Centenary Hospital for Women and Children.”—

be agreed to—put and passed.

14 SEXUAL ASSAULT—ONLINE REPORTING

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

- (1) notes that:
 - (a) in January 2023, the NSW Police introduced a new online sexual assault reporting option for victim survivors of sexual assault;
 - (b) the database allows victim survivors to report their experiences to police, either anonymously or they can elect to be identified and request that the matter is investigated further;
 - (c) the streamlined and accessible online database allows victim survivors to lodge reports in a safe place and does not require them to undertake a formal police interview to pass on the relevant information; and
 - (d) since its introduction, NSW Police have seen a dramatic increase in the reporting of sexual assaults, with many of these being historical accounts that victim survivors have felt forced to keep private;
- (2) further notes that:
 - (a) in the ACT, sexual assault can be reported in person by visiting a police station or over the phone;
 - (b) the ACT does have an online option for reporting historical sexual assault, however, it is not as accessible as the NSW version, nor does it allow for current day reporting; and

- (c) by introducing an online sexual assault reporting option, victim survivors in the ACT will have another way to share their experiences and ACT Policing will be given further insight into sexual assault matters; and
- (3) calls on the ACT Government to:
 - (a) introduce a streamlined, accessible online sexual assault reporting option available in various languages for victim survivors by 1 July 2023; and
 - (b) provide an update and any relevant documentation to the Assembly by 1 July 2023.

Mr Gentleman (Minister for Police and Emergency Services) moved the following amendment: Omit paragraphs (3)(a) and (3)(b), substitute:

“investigate further streamlined accessible online sexual assault reporting options available in various languages for victim survivors and provide an update on this work to the Assembly by the last sitting day in 2023”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) in January 2023, the NSW Police introduced a new online sexual assault reporting option for victim survivors of sexual assault;
 - (b) the database allows victim survivors to report their experiences to police, either anonymously or they can elect to be identified and request that the matter is investigated further;
 - (c) the streamlined and accessible online database allows victim survivors to lodge reports in a safe place and does not require them to undertake a formal police interview to pass on the relevant information; and
 - (d) since its introduction, NSW Police have seen a dramatic increase in the reporting of sexual assaults, with many of these being historical accounts that victim survivors have felt forced to keep private;
- (2) further notes that:
 - (a) in the ACT, sexual assault can be reported in person by visiting a police station or over the phone;
 - (b) the ACT does have an online option for reporting historical sexual assault, however, it is not as accessible as the NSW version, nor does it allow for current day reporting; and
 - (c) by introducing an online sexual assault reporting option, victim survivors in the ACT will have another way to share their experiences and ACT Policing will be given further insight into sexual assault matters; and
- (3) calls on the ACT Government to investigate further streamlined accessible online sexual assault reporting options available in various languages for victim

survivors and provide an update on this work to the Assembly by the last sitting day in 2023.”—

be agreed to—put and passed.

15 BACKGROUND CHECKING LEGISLATION AMENDMENT BILL 2022

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.

Detail Stage

Bill, by leave, taken as a whole—

Ms Stephen-Smith (Minister for Families and Community Services) was granted leave to move amendments to this bill which have not been considered by the Scrutiny Committee.

On the motion of Ms Stephen-Smith (Minister for Families and Community Services), by leave, her amendments Nos 1 to 3 (see [Schedule 1](#)) were made together.

Paper: Ms Stephen-Smith presented a supplementary explanatory statement to the Government amendments.

Bill, as a whole, as amended, agreed to.

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

16 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 4.56 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

SCHEDULE OF AMENDMENTS

Schedule 1

BACKGROUND CHECKING AMENDMENT BILL 2022

Amendments circulated by the Minister for Families and Community Services

1

Clause 5

Proposed new section 11B (2) (a) (i)

Page 6, line 4—

omit

another State

substitute

the Commonwealth, another State or a foreign country

2

Proposed new clause 16A

Page 10, line 22—

insert

16A Schedule 3, part 3.2, new item 67A

insert

67A	Crimes Act , s 62 (3)	incest (16 years or older)	offence against vulnerable person
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3

Clause 18

Page 11, line 1—

omit clause 18, substitute

18 Schedule 3, part 3.3, item 66

omit
