



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014

MINUTES OF PROCEEDINGS

No. 81

WEDNESDAY, 26 NOVEMBER 2014

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 **THE CANBERRA HOSPITAL—OBSTETRICS AND GYNAECOLOGY UNIT—
ORDER TO TABLE**

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

- (1) notes that:
 - (a) the ACT Health Minister Katy Gallagher has failed to resolve serious and ongoing issues in the maternity service at The Canberra Hospital (TCH);
 - (b) in February 2010, staff of the Obstetrics and Gynaecology Unit at TCH made serious complaints about the unit and at least 13 doctors resigned;
 - (c) in 2010, the Canberra Liberals called for a board of inquiry that was rejected by the Minister. However, a subsequent review of the maternity unit found:
 - (i) a lack of cohesion amongst the executive team and considerable confusion over roles and functions of senior management;
 - (ii) reporting lines between TCH and ACT Health were “blurred” and that the “chain of command often fails”;
 - (iii) numerous serious complaints made by staff were not addressed and that their complaints were ignored in a “systematic and long-standing reticence by management to address disruptive or inappropriate behaviour”;



- (iv) inadequate clinical governance;
 - (v) significant staff shortages;
 - (vi) a heavy on load call inconsistent with the safe working hours concept;
 - (vii) poorly coordinated clinical handover between shifts; and
 - (viii) significant reductions in genealogical surgery;
- (d) in 2012, serious concerns were again raised by staff and the ANF about the maternity unit at TCH, including:
- (i) a flawed model of care that resulted in mothers being discharged only six hours after giving birth;
 - (ii) capacity constraints that may have compromised patient safety;
 - (iii) staff morale that had plummeted; and
 - (iv) nurses and doctors under enormous pressure and highly stressed;
- (e) on 7 November 2014, serious concerns were again raised by TCH staff to the media and to the Opposition about the maternity unit, including the recent accreditation review conducted by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG);
- (f) *The Canberra Times* on 7 November 2014 titled “Worst in Australia: Canberra maternity unit under pressure” reported:
- (i) allegations of bullying and mismanagement;
 - (ii) doctors have alleged a toxic culture exists at the hospital, with hapless management and departures of senior staff contributing to poor patient outcomes;
 - (iii) one visiting assessor reportedly described Canberra as having “the worst maternity training unit in Australia”;
 - (iv) one doctor said the new Centenary Hospital for Women and Children, opened in 2013, had too few beds and staff being trained faced bullying and unrealistic work demands;
 - (v) another person with specific knowledge of the situation said serious cultural problems existed and they feared a serious accident or staff suicide; and
 - (vi) “extreme distress, fatigue and lack of coping. Everybody is still performing their job as best they can in very difficult circumstances. This has been ongoing for months or even longer”;
- (g) the ABC, on 7 November 2014, titled “Canberra Hospital at risk of losing teaching accreditation” reported:
- (i) TCH could lose its accreditation as a teaching hospital amid accusations of a “toxic” culture of bullying in the maternity department;
 - (ii) staff bullying has plagued the department since concerns were first raised four years ago;

- (iii) several doctors have told the ABC staff relations at the hospital have deteriorated to the point where patient care has suffered; and
 - (iv) one senior staff member told the ABC the department was a “car wreck”, while others have spoken about verbal threats of violence and intimidating emails; and
- (h) on 21 November 2014, *The Canberra Times* in an article “Leaked report claims Canberra Hospital maternity patients at serious risk” reported on a leaked extract of the RANZCOG accreditation report including that:
- (i) mismanagement and long-running cultural problems inside TCH maternity unit have put the health of patients at serious risk, an official report has warned, as adverse medical outcomes, inadequate supervision and critically low morale remain;
 - (ii) “the unit is significantly at risk of both adverse medical outcomes and personal risk to the health and wellbeing of the registrars”; and
 - (iii) it (the report) highlights staff shortages, a lack of engagement by visiting doctors, increasing birth numbers, shortages of senior doctors, limited clinical experience, poor rostering, conflicting management protocols and “widespread disaffection”; and
- (2) calls on the Minister for Health to:
- (a) provide the Assembly with the full recent accreditation report conducted by RANZCOG;
 - (b) specify actions the Minister is taking to address the long term and serious concerns with TCH maternity unit; and
 - (c) assure the Assembly and the community that the Minister is able to resolve the issues with TCH maternity or will step aside as Health Minister.

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

- “(1) notes that:
- (a) the Obstetrics and Gynaecology (O&G) Unit at The Canberra Hospital is a highly specialised medical unit providing 3252 births and 20 408 occasions of gynaecological and obstetric care for women across the region;
 - (b) the high quality outcomes experienced by patients of the unit;
 - (c) in 2010, staff of the unit raised concerns about the interpersonal relationships within the unit, and that these concerns were addressed at that time;
 - (d) in September 2014, the Minister for Health received an anonymous letter raising concerns within the unit;
 - (e) ACT Health advised the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) about these concerns prior to their scheduled accreditation review of the training program in September 2014;

- (f) RANZCOG has provided ACT Health with a report which included a number of commendations, including good obstetric experience, excellent after hours consultant support, training supervisors who provide ongoing support and feedback to the registrars, a well-planned new building with impressive facilities, commitment to quality control and audit, research opportunities and a consultant coordinating the weekly teaching sessions, but identified areas for improvement required for accreditation for RANZCOG training to be retained; and
 - (g) ACT Health is working with RANZCOG and the staff of the unit to address these areas for improvement;
- (2) calls on the Government to table by no later than 5 December 2014:
- (a) a summary of actions taken to address concerns raised in the O&G unit in 2010; and
 - (b) a summary of ACT Health's work with the staff of the unit to address the areas for improvement raised by RANZCOG in 2014;
- (3) acknowledges the need to let the action plan be implemented and that management must be given scope to manage the issues in the unit; and
- (4) thanks the staff of the unit—senior doctors, junior doctors, midwives, allied health, management, administrative and other staff who provide excellent care and services to the women and babies across the region.”.

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:
 - (a) the Obstetrics and Gynaecology (O&G) Unit at The Canberra Hospital is a highly specialised medical unit providing 3252 births and 20 408 occasions of gynaecological and obstetric care for women across the region;
 - (b) the high quality outcomes experienced by patients of the unit;
 - (c) in 2010, staff of the unit raised concerns about the interpersonal relationships within the unit, and that these concerns were addressed at that time;
 - (d) in September 2014, the Minister for Health received an anonymous letter raising concerns within the unit;

- (e) ACT Health advised the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) about these concerns prior to their scheduled accreditation review of the training program in September 2014;
 - (f) RANZCOG has provided ACT Health with a report which included a number of commendations, including good obstetric experience, excellent after hours consultant support, training supervisors who provide ongoing support and feedback to the registrars, a well-planned new building with impressive facilities, commitment to quality control and audit, research opportunities and a consultant coordinating the weekly teaching sessions, but identified areas for improvement required for accreditation for RANZCOG training to be retained; and
 - (g) ACT Health is working with RANZCOG and the staff of the unit to address these areas for improvement;
- (2) calls on the Government to table by no later than 5 December 2014:
- (a) a summary of actions taken to address concerns raised in the O&G unit in 2010; and
 - (b) a summary of ACT Health's work with the staff of the unit to address the areas for improvement raised by RANZCOG in 2014;
- (3) acknowledges the need to let the action plan be implemented and that management must be given scope to manage the issues in the unit; and
- (4) thanks the staff of the unit—senior doctors, junior doctors, midwives, allied health, management, administrative and other staff who provide excellent care and services to the women and babies across the region.”—

be agreed to—put and passed.

3 WHITE RIBBON DAY

Mrs Jones, pursuant to notice, moved—That this Assembly:

- (1) notes:
- (a) White Ribbon Day on 25 November 2014;
 - (b) White Ribbon Day is the only national, male led campaign to end men's violence against women;
 - (c) over 12 months, on average, one woman is killed every week as a result of intimate partner violence;
 - (d) a woman is most likely, if killed by her male partner, for it to occur in her home;
 - (e) domestic and family violence is the principle cause of homelessness for women and their children;
 - (f) intimate partner violence is the leading contributor to death, disability and ill-health in Australian women aged 15-44;
 - (g) one in three women have experienced physical and/or sexual violence perpetrated by someone known to them;
 - (h) one in four children are exposed to domestic violence, a recognised form of child abuse;

- (i) one in five women experiences harassment within the workplace; and
 - (j) White Ribbon Day works to change the attitudes and the behaviours that lead to and perpetuate violence against women by engaging and enabling boys and men to lead the social change;
- (2) acknowledges the great work done by the White Ribbon Day and its valuable role within our community; and
- (3) calls on the Government to collect statistics on incidents of domestic violence perpetrated against women in the ACT and report annually to the Assembly coinciding with White Ribbon Day.

Mr Corbell (Attorney-General) moved the following amendment: Omit paragraph (3), substitute:

“(3) notes:

- (a) a review of the Family Violence Intervention Program (FVIP) in 2012 resulted in additional data on family violence being made available by agencies that participate in the FVIP for the 2008-09 and 2009-10 years; and
- (b) the Domestic Violence Prevention Council has formed a data sub-committee which will consider and identify possible approaches for the Council in relation to developing and establishing a data gathering and analysis strategy for the ACT. This work will lead to the collection of frequent, meaningful data about domestic and sexual violence in the ACT.”.

Debate continued.

Paper: Ms Burch (Minister for Women) presented the following paper:

Violence against women in the ACT—Data and evaluation information sheet 2014, prepared by the Community Services Directorate.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) White Ribbon Day on 25 November 2014;
 - (b) White Ribbon Day is the only national, male led campaign to end men’s violence against women;
 - (c) over 12 months, on average, one woman is killed every week as a result of intimate partner violence;
 - (d) a woman is most likely, if killed by her male partner, for it to occur in her home;
 - (e) domestic and family violence is the principle cause of homelessness for women and their children;
 - (f) intimate partner violence is the leading contributor to death, disability and ill-health in Australian women aged 15-44;

- (g) one in three women have experienced physical and/or sexual violence perpetrated by someone known to them;
 - (h) one in four children are exposed to domestic violence, a recognised form of child abuse;
 - (i) one in five women experiences harassment within the workplace; and
 - (j) White Ribbon Day works to change the attitudes and the behaviours that lead to and perpetuate violence against women by engaging and enabling boys and men to lead the social change;
- (2) acknowledges the great work done by the White Ribbon Day and its valuable role within our community; and
- (3) notes:
- (a) a review of the Family Violence Intervention Program (FVIP) in 2012 resulted in additional data on family violence being made available by agencies that participate in the FVIP for the 2008-09 and 2009-10 years; and
 - (b) the Domestic Violence Prevention Council has formed a data sub-committee which will consider and identify possible approaches for the Council in relation to developing and establishing a data gathering and analysis strategy for the ACT. This work will lead to the collection of frequent, meaningful data about domestic and sexual violence in the ACT.”—

be agreed to—put and passed.

4 A.C.T. ECONOMY

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

- (1) notes:
- (a) the underlying strength of the ACT economy and the strong prospects for long-term growth;
 - (b) the decision by the ACT Government to:
 - (i) support economic and job growth in the ACT economy;
 - (ii) invest in a four-year \$2.5 billion infrastructure program to provide important facilities and services and boost growth;
 - (iii) implement stimulus measures to support the ACT building and construction industry;
 - (iv) support the private sector to grow, create jobs and diversify, particularly through the implementation of the Business Development Strategy;
 - (v) support innovation in the ACT through the launch of the Canberra Innovation Network;
 - (vi) encourage investment in the ACT through the creation of a dedicated investment facilitation body, Invest Canberra;

- (vii) support key sectors of the ACT economy, notably tourism, construction and higher education; and
- (viii) continue reforming taxes by phasing out inefficient taxes that hinder growth and distort investment and consumption decisions;
- (c) that Australian Bureau of Statistics figures about unemployment, retail trade, residential building approvals and wages growth indicate the negative impact of ongoing Commonwealth job cuts are having on our local economy;
- (d) the decision of the ACT Government to focus on four key areas of investment being health, education, public transport and resolution of the toxic legacy of Mr Fluffy asbestos; and
- (e) the likely impact of the Mr Fluffy asbestos buyback scheme on the ACT Budget; and
- (2) calls on the ACT Government to:
 - (a) continue to monitor the impact on our economy of the Commonwealth jobs cuts;
 - (b) work closely with the business and construction sector to maximise local jobs opportunities;
 - (c) ensure that the strategic reforms underway across the ACTPS enhance the effectiveness and efficiency of government services; and
 - (d) make strong representation to the Federal Government to resist any attempts to make further direct funding cuts to the Territory or to transfer Commonwealth public sector jobs from the ACT.

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.

5 QUESTIONS

Questions without notice were asked.

6 A.C.T. ECONOMY

The order of the day having been read for the resumption of the debate on the motion of Ms Porter (*see* [entry 4](#))—

Debate resumed.

Question—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.

7 ARTS POLICY FRAMEWORK

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

- (1) notes that:
 - (a) the Arts Policy Framework was published in July 2012;
 - (b) key to the purpose of the Framework was to provide “a structure within which arts policy and the goals and outcomes associated with policy will be developed, and will guide the implementation and review of existing policies and programs”; and
 - (c) during the Standing Committee on Education, Training and Youth Affairs annual report hearings on art, the Minister was not able to list the policy goals and outcomes achieved as a consequence of her framework; and
- (2) calls on the Minister to list all policy, goals and outcomes achieved as a result of the ACT Arts Policy Framework to be tabled by the last sitting day in February 2015.

Ms Burch (Minister for the Arts), by leave, moved the following amendments together:

- (1) Omit paragraph (1)(c), substitute:

“(c) artsACT is currently reviewing the Arts Policy Framework in line with commitments made in 2012, with the review to be completed in 2015; and”.
- (2) Omit paragraph (2), substitute:

“(2) calls on the Minister for the Arts to update the Assembly on the review of the Arts Policy Framework as soon as practicable following its completion in 2015.”.

Debate continued.

Question—That the amendments 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:
 - (a) the Arts Policy Framework was published in July 2012;

- (b) key to the purpose of the Framework was to provide “a structure within which arts policy and the goals and outcomes associated with policy will be developed, and will guide the implementation and review of existing policies and programs”; and
 - (c) artsACT is currently reviewing the Arts Policy Framework in line with commitments made in 2012, with the review to be completed in 2015; and
- (2) calls on the Minister for the Arts to update the Assembly on the review of the Arts Policy Framework as soon as practicable following its completion in 2015.”—

be agreed to—put and passed.

8 LIGHT RAIL NETWORK PROJECT

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

- (1) notes regarding the Full Business Case for light rail released on 31 October 2014:
 - (a) the benefit-cost ratio has fallen from the 2012 estimate of 2.34 to just 1.2;
 - (b) the business case does not include the cost of finance which is expected to be at least \$70 million per year;
 - (c) the ACT Government may adopt “high risk work components not within the potential control of the delivery partner” regarding the relocation of utilities; and
 - (d) the cost of parking after light rail is operational is not disclosed;
- (2) according to former ACT Treasury official, Dr David Hughes:
 - (a) the business case understates the likely cost and overstates the benefits;
 - (b) of the \$984 million in published benefits, \$579 million are unsubstantiated increases in land values and productivity; and
 - (c) the transport benefits to cost ratio is just 0.5; and
- (3) calls on the ACT Government to cancel the project.

Mr Coe addressing the Assembly—

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

Mr Corbell (Minister for Capital Metro) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr Coe continued.

Mr Corbell (Minister for Capital Metro) moved the following amendment: Omit all words after “That this Assembly”, substitute: “notes that:

- (1) the full business case for Capital Metro was released on 31 October 2014, along with calls for expressions of interest to build and operate the light rail system;
- (2) the business case was produced using analysis performed by internationally renowned economic advisers EY, which delivered prudent and conservative economic analysis of the project;
- (3) the business case was developed using best practice, robust methodologies from technical, financial, community and social sectors;
- (4) release of the business case is an unusual step for governments to take, and shows the Government's commitment to making this an open and transparent project;
- (5) the business case analysis shows that Capital Metro stage 1 will produce nearly one billion dollars in benefits for the ACT's economy, a return of \$1.20 for every \$1 spent on the project. This includes:
 - (a) \$222 million in transport time savings;
 - (b) \$140 million in infrastructure efficiency savings;
 - (c) \$198 million in wider economic benefits;
 - (d) \$240 million in land use benefits;
 - (e) \$13 million in environmental and other benefits; and
 - (f) \$5 million in walking and cycling health benefits;
- (6) without Capital Metro, adopting a business as usual approach, in 2031 the car journey from Gungahlin to the city in peak times will be over 50 minutes. Travel time by light rail over the whole Capital Metro route will be around 25 minutes;
- (7) the light rail project will create 3,500 jobs in the construction phase alone, which is of particular significance to the ACT in light of the decline in the ACT economy on account of Commonwealth Government cuts; and
- (8) the Government is proceeding to the Expressions of Interest stage with release of RFP scheduled for the second quarter of 2015."

Debate continued.

Mr Rattenbury addressing the Assembly—

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

10 ADJOURNMENT

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

Debate ensued.

The time allotted for the debate having expired—

Question—put and passed.

And then the Assembly, at 7.01 p.m., adjourned until tomorrow at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly