



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

## MINUTES OF PROCEEDINGS

No 32

WEDNESDAY, 24 NOVEMBER 2021

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- 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 LEAVE OF ABSENCE TO MEMBERS

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Ms Lee, Ms Berry and Dr Paterson for today for personal reasons.

Question—put and passed.

### 3 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—INQUIRY—RACIAL VILIFICATION—STATEMENT BY CHAIR

Mr Pettersson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Education and Community Inclusion has called for submissions and will conduct hearings for its inquiry into racial vilification, and will report back to the Assembly before 30 September 2022.

#### 4 PUBLIC ACCOUNTS—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR

Mrs Kikkert (Chair), pursuant to standing order 246A and Continuing Resolution 5A, informed the Assembly that the Standing Committee on Public Accounts had considered no statutory appointments during the period 1 January to 30 June 2021.

#### 5 APPROPRIATION BILL 2021-2022

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

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*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

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

Debate continued.

*Paper:* Mr Steel (Minister for Transport and City Services) presented the following paper:

Better Suburbs—Progress Update 2021-22.

Debate continued.

Proposed expenditure agreed to.

Part 1.7—Justice and Community Safety Directorate—debated and agreed to.

Part 1.8—Community Services Directorate—

Debate adjourned (Ms Cheyne—Minister for the Arts) and the resumption of the debate made an order of the day for a later hour this day.

#### 6 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly that, due to the absence of Minister Berry, questions without notice normally directed to Minister Berry could be directed to Mr Barr.

#### 7 QUESTIONS

Questions without notice were asked.

#### 8 PRESENTATION OF PAPERS

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

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) (Fees) Determination 2021 (No 2)—Disallowable Instrument DI2021-253 (LR, 4 November 2021).

Environment Protection Act—Environment Protection Amendment Regulation 2021 (No 1), including a regulatory impact statement—Subordinate Law SL2021-26 (LR, 28 October 2021).

Magistrates Court Act—

Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2021 (No 1)—Subordinate Law SL2021-27 (LR, 28 October 2021).

Magistrates Court (Waste Management and Resource Recovery Infringement Notices) Amendment Regulation 2021 (No 1)—Subordinate Law SL2021-25 (LR, 25 October 2021).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2021 (No 2)—Subordinate Law SL2021-28 (LR, 4 November 2021).

Motor Accident Injuries Act—

Motor Accident Injuries (Business Plan) Guidelines 2021—Disallowable Instrument DI2021-252 (LR, 21 October 2021).

Motor Accident Injuries (Lawyer Information Collection) Regulation 2021—Subordinate Law SL2021-23 (LR, 19 October 2021).

Motor Accident Injuries (Premiums) Guidelines 2021 (No 1)—Disallowable Instrument DI2021-251 (LR, 21 October 2021).

Nature Conservation Act—Nature Conservation (Fees) Determination 2021 (No 3)—Disallowable Instrument DI2021-254 (LR, 11 November 2021).

Territory Records Act—Territory Records (Advisory Council) Appointment 2021 (No 1)—Disallowable Instrument DI2021-255 (LR, 11 November 2021).

Waste Management and Resource Recovery Act—Waste Management and Resource Recovery Amendment Regulation 2021 (No 1), including a regulatory impact statement—Subordinate Law SL2021-24 (LR, 22 October 2021).

## **9 LAPSE OF NOTICE**

Upon notice No 1, Private Members' business, being called on and the Member not being present, pursuant to standing order 127, it was withdrawn from the *Notice Paper*.

## **10 PREGNANCY AND INFANT LOSS—PAID LEAVE SCHEME FOR PUBLIC SECTOR EMPLOYEES**

Mrs Jones, by leave, moved—That this Assembly:

- (1) recognises that:
  - (a) on 8 October 2021, the Assembly passed a motion with tri-partisan support recognising 15 October as Pregnancy and Infant Loss Remembrance Day; and
  - (b) losing a child is not an illness, it is a loss that should be appropriately recognised;

- (2) notes that:
- (a) approximately one in four pregnancies result in miscarriage—103 000 every year, 282 each day;
  - (b) on 10 September 2021, the Commonwealth Government amended the *Fair Work Act 2009* to provide specific leave entitlements for miscarriage;
  - (c) the New South Wales Government became the first Australian jurisdiction to introduce paid leave for public sector employees after the miscarriage of a child; and
  - (d) the ACT Government has clarified in the enterprise agreements being balloted that a paid leave scheme is available for public sector employees—in full-time or part-time, permanent or temporary work—for an employee or the spouse of an employee who experiences a miscarriage or stillbirth. This includes:
    - (i) up to five days compassionate leave to all employees and their domestic partners who experience miscarriage; and
    - (ii) 18 weeks of birth leave for stillborn babies; and
- (3) calls on the ACT Government to:
- (a) implement the agreement once agreed by employees and approved by the Fair Work Commission; and
  - (b) continue supporting all employees and protecting their workplace rights through enterprise bargaining.

Debate ensued.

Question—put and passed.

## 11 **AUTISM SPECTRUM DISORDER—ACCESS TO SCREENING**

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

- (1) notes that:
- (a) early diagnosis and early interventions are more effective in improving long-term outcomes for people with autism spectrum disorder (ASD);
  - (b) delayed diagnosis has been linked to poor mental health in young people and can result in huge costs to children and young people, their families, and the systems that serve them; and
  - (c) several factors may influence delayed diagnosis, including:
    - (i) statistically significant misdiagnosis in females and children from culturally and linguistically diverse background;
    - (ii) the presence of comorbid disorders;
    - (iii) failure of detection in the school system;
    - (iv) failure of detection by health professionals;
    - (v) lack of awareness by parents; and

- (vi) late manifestation of symptoms in “high-functioning” or “mild” cases;
- (2) also notes that:
- (a) the ACT Government provides free access to ASD screening through the Child Development Service, but only to children who have been referred before age 12;
  - (b) Tasmania, Western Australia, South Australia, Queensland, and the Northern Territory provide free or subsidised assessments for young people up to age 16, age 18, or even older;
  - (c) stakeholders report a large increase in low-income Canberra families seeking autism assessments for young people age 12 and above; and
  - (d) the high cost of private assessments may further delay, or even prevent, diagnosis and interventions for some families; and
- (3) calls on the ACT Government to:
- (a) increase the likelihood of early diagnosis of ASD by taking steps to increase awareness amongst both parents and professionals; and
  - (b) extend access for public autism assessments to young people under the age of 18.

Ms Davidson (Minister for Disability) moved the following amendment: Omit all text after “notes that” (first occurring), substitute:

- “(a) early diagnosis and early interventions are more effective in improving long-term outcomes for people with autism spectrum disorder (ASD);
  - (b) delayed diagnosis has been linked to poor mental health in young people and can result in huge costs to children and young people, their families, and the systems that serve them; and
  - (c) several factors may influence delayed diagnosis, including:
    - (i) statistically significant misdiagnosis in females, gender diverse children, and children from culturally and linguistically diverse backgrounds;
    - (ii) the presence of comorbidities;
    - (iii) lack of awareness by parents; and
    - (iv) different autism presentations;
- (2) also notes that:
- (a) the ACT Government provides free access to ASD screening through the Child Development Service to children who have been referred before age 12;
  - (b) Tasmania, Western Australia, South Australia, Queensland, and the Northern Territory provide free or subsidised assessments for young people up to age 16, age 18, or even older;

- (c) there is a nation-wide skills shortage of allied health professionals required to make an autism diagnosis;
  - (d) the Child Development Service has introduced a telehealth service that has reduced the wait times for autism assessments for those who access it;
  - (e) stakeholders report a large increase in low-income Canberra families seeking autism assessments for young people age 12 and above;
  - (f) the high cost of private assessments may further delay, or even prevent, diagnosis and interventions for some families; and
  - (g) diagnosis has an important impact on NDIS eligibility, however, NDIS supports can be difficult for people to access regardless of diagnosis; and
- (3) calls on the ACT Government to:
- (a) increase the likelihood of early diagnosis of ASD by taking steps to increase awareness amongst both parents and professionals; and
  - (b) continue to explore innovative ways to provide autism assessments to more families with children up to 12 through the Child Development Service;
  - (c) continue to make reasonable adjustments to support public school students with their learning, whether or not they have an autism diagnosis; and
  - (d) continue working with the Commonwealth Government to ensure that NDIA work on thin markets addresses the increased need for allied health professionals for autism diagnosis in the ACT.”.

Debate continued.

Mrs Kikkert moved the following amendment to Ms Davidson’s proposed amendment:  
Add:

- “(e) extend access for public autism assessments to young people under the age of 18.”.

Question—That Mrs Kikkert’s amendment to Ms Davidson’s proposed amendment be agreed to—put.

The Assembly voted—

AYES, 7	NOES, 14	
Mr Cain	Mr Barr	Mr Gentleman
Ms Castley	Mr Braddock	Ms Orr
Mr Hanson	Ms Burch	Mr Pettersson
Mrs Jones	Ms Cheyne	Mr Rattenbury
Mrs Kikkert	Ms Clay	Mr Steel
Mr Milligan	Ms Davidson	Ms Stephen-Smith
Mr Parton	Mr Davis	Ms Vassarotti

And so it was negatived.

Question—That Ms Davidson’s amendment be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) early diagnosis and early interventions are more effective in improving long-term outcomes for people with autism spectrum disorder (ASD);
  - (b) delayed diagnosis has been linked to poor mental health in young people and can result in huge costs to children and young people, their families, and the systems that serve them; and
  - (c) several factors may influence delayed diagnosis, including:
    - (i) statistically significant misdiagnosis in females, gender diverse children, and children from culturally and linguistically diverse backgrounds;
    - (ii) the presence of comorbidities;
    - (iii) lack of awareness by parents; and
    - (iv) different autism presentations;
- (2) also notes that:
  - (a) the ACT Government provides free access to ASD screening through the Child Development Service to children who have been referred before age 12;
  - (b) Tasmania, Western Australia, South Australia, Queensland, and the Northern Territory provide free or subsidised assessments for young people up to age 16, age 18, or even older;
  - (c) there is a nation-wide skills shortage of allied health professionals required to make an autism diagnosis;
  - (d) the Child Development Service has introduced a telehealth service that has reduced the wait times for autism assessments for those who access it;
  - (e) stakeholders report a large increase in low-income Canberra families seeking autism assessments for young people age 12 and above;
  - (f) the high cost of private assessments may further delay, or even prevent, diagnosis and interventions for some families; and
  - (g) diagnosis has an important impact on NDIS eligibility, however, NDIS supports can be difficult for people to access regardless of diagnosis; and
- (3) calls on the ACT Government to:
  - (a) increase the likelihood of early diagnosis of ASD by taking steps to increase awareness amongst both parents and professionals; and
  - (b) continue to explore innovative ways to provide autism assessments to more families with children up to 12 through the Child Development Service;
  - (c) continue to make reasonable adjustments to support public school students with their learning, whether or not they have an autism diagnosis; and

- (d) continue working with the Commonwealth Government to ensure that NDIA work on thin markets addresses the increased need for allied health professionals for autism diagnosis in the ACT.”—

be agreed to—put and passed.

## 12 APPROPRIATION BILL 2021-2022

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

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*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.8—Community Services Directorate—

Debate continued.

Proposed expenditure agreed to.

Part 1.9—Superannuation Provision Account—

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

## 13 ADJOURNMENT

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

Question—put and passed.

And then the Assembly, at 6.09 pm, adjourned until tomorrow at 10 am.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Ms Berry\*, Ms Lee\* and Dr Paterson\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly