



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 72

WEDNESDAY, 19 SEPTEMBER 2018

1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 LAND TAX (COMMUNITY HOUSING EXEMPTION) AMENDMENT BILL 2018

Mr Parton, pursuant to notice, presented a Bill for an Act to amend the *Land Tax Act 2004*.

Paper: Mr Parton presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Parton moved—That this Bill be agreed to in principle.

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

3 DOMESTIC ANIMALS (DANGEROUS DOGS) LEGISLATION AMENDMENT BILL 2018—EXPOSURE DRAFT—PAPER AND STATEMENT BY MEMBER

Ms Lawder, by leave, presented the following papers:

Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2018—Exposure draft—

and, by leave, made a statement in relation to the paper.



4 DRUGS OF DEPENDENCE (PERSONAL CANNABIS USE) AMENDMENT BILL 2018—EXPOSURE DRAFT—PAPERS AND STATEMENT BY MEMBER

Mr Pettersson, by leave, presented the following papers:

Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018—Exposure draft—

Exposure draft.

Draft explanatory statement—

and, by leave, made a statement in relation to the papers.

5 A.C.T. HEALTH GOVERNANCE—PROPOSED BOARD OF INQUIRY

The notice for the moving of the motion having been called on—

Speaker's ruling: The Speaker ruled that, although notice No 2, Private Members' business was somewhat the same in substance as a motion that was debated on 1 August 2018, it did not contravene standing order 136.

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

- (1) notes the:
 - (a) Australian Medical Association's call for a board of inquiry into the ACT Health governance structure, workplace culture and industrial practices, and matters raised in the Australian Council on Healthcare Standards' 2018 Accreditation Report (including the Interim Report) into ACT Health;
 - (b) support of the Australian Salaried Medical Officers Federation for a board of inquiry;
 - (c) support of the ACT Visiting Medical Officers Association;
 - (d) support of the media for a board of inquiry;
 - (e) powers of a board of inquiry; and
 - (f) protections and privileges offered in a board of inquiry setting; and
- (2) calls on the Executive to:
 - (a) reverse its opposition to the establishment of a board of inquiry to investigate the matters set out in part (1)(a);
 - (b) by 31 October 2018, consult with the Opposition, the Crossbench and relevant health sector professional representative bodies to finalise terms of reference and appointees for a board of inquiry under the *Inquiries Act 1991* (the Act) to investigate the matters set out in part (1)(a); and
 - (c) during the November 2018 sitting period, table an instrument of appointment in accordance with section 5 of the Act.

Ms Fitzharris (Minister for Health and Wellbeing) moved the following amendment: Omit all text after "That this Assembly", substitute:

“(1) notes:

- (a) ACT Health has been granted full accreditation from the Australian Council on Healthcare Standards (ACHS) for a maximum period of three years to 30 July 2021;
- (b) this accreditation result followed a disappointing preliminary accreditation report from the ACHS in March 2018;
- (c) the examples of commentary from ACHS in its final accreditation of ACT Health include:
 - (i) ‘the engagement and ownership of the problems and solutions to the recommendations by staff at all levels was clearly demonstrated to the surveyors’;
 - (ii) ‘systems and processes put in place over the last few months, will assist staff and the leader’s confidence to drive towards excellence and safety in all patient care services’; and
 - (iii) ‘Over the past few months the organisation has changed dramatically, implementing sustainable systems and processes that provide direction and strong governance from both a corporate and clinical governance perspective. The surveyors would like to acknowledge the extensive work done by the staff across ACT Health plus the leadership to achieve this result. They demonstrate commitment and focus to drive sustainable positive change in the culture of the organisation.’;
- (d) the continued commitment of all staff across ACT Health to delivering high quality health care to the Canberra community;
- (e) ACT Health is progressing towards separation of the organisation into two entities from 1 October which will further support the organisation to deliver high quality patient care and a positive staff culture;
- (f) the Australian Medical Association ACT’s call for a board of inquiry into ACT Health with the support of the Australian Salaried Medical Officers Federation and the ACT Visiting Medical Officers Association; and
- (g) the substantial cost of a full board of inquiry (or royal commission) to Government and to those appearing before such an inquiry;

(2) further notes:

- (a) that the ACT Government has announced an Independent Review into the workplace culture in the delivery of public healthcare services in the ACT and that:
 - (i) the ACT Government has made commitments that the review will be independent, people who wish to come forward will be protected, and that a final report will be made public; and
 - (ii) the ACT Government is finalising a Terms of Reference and members of an independent panel and will make further announcements in the immediate future;

- (b) the ACT Government has also announced the establishment of a Clinical Leadership Forum for clinical leaders to advise on health services planning and infrastructure, clinical culture, and training and education;
 - (c) the Minister for Health and Wellbeing has engaged with a wide range of stakeholders and individuals regarding the Independent Review;
 - (d) the support of a range of health care leaders, stakeholders and representative bodies for the Government’s Independent Review; and
 - (e) the purpose of the Independent Review is to provide clear recommendations to improve workplace culture in the delivery of public health care services to the ACT community; and
- (3) calls on the Government to:
- (a) finalise and announce the terms of reference and appointment of Independent Review members by the end of September 2018;
 - (b) ensure that appropriate protections and privacy arrangements are in place for those participating in the Review; and
 - (c) make public any findings and recommendations of the Review.”.

Ms Fitzharris, by leave, was granted an extension of time.

Mr Hanson, by leave, was granted an extension of time.

Debate continued.

Mrs Dunne, by leave, concluded her remarks.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Ms J. Burch	Mr Pettersson	Miss C. Burch	Ms Lee
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Dunne	
Ms Fitzharris	Mr Steel	Mr Hanson	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Ms Lawder	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) ACT Health has been granted full accreditation from the Australian Council on Healthcare Standards (ACHS) for a maximum period of three years to 30 July 2021;
 - (b) this accreditation result followed a disappointing preliminary accreditation report from the ACHS in March 2018;
 - (c) the examples of commentary from ACHS in its final accreditation of ACT Health include:

- (i) 'the engagement and ownership of the problems and solutions to the recommendations by staff at all levels was clearly demonstrated to the surveyors';
 - (ii) 'systems and processes put in place over the last few months, will assist staff and the leader's confidence to drive towards excellence and safety in all patient care services'; and
 - (iii) 'Over the past few months the organisation has changed dramatically, implementing sustainable systems and processes that provide direction and strong governance from both a corporate and clinical governance perspective. The surveyors would like to acknowledge the extensive work done by the staff across ACT Health plus the leadership to achieve this result. They demonstrate commitment and focus to drive sustainable positive change in the culture of the organisation.';
- (d) the continued commitment of all staff across ACT Health to delivering high quality health care to the Canberra community;
 - (e) ACT Health is progressing towards separation of the organisation into two entities from 1 October which will further support the organisation to deliver high quality patient care and a positive staff culture;
 - (f) the Australian Medical Association ACT's call for a board of inquiry into ACT Health with the support of the Australian Salaried Medical Officers Federation and the ACT Visiting Medical Officers Association; and
 - (g) the substantial cost of a full board of inquiry (or royal commission) to Government and to those appearing before such an inquiry;
- (2) further notes:
- (a) that the ACT Government has announced an Independent Review into the workplace culture in the delivery of public healthcare services in the ACT and that:
 - (i) the ACT Government has made commitments that the review will be independent, people who wish to come forward will be protected, and that a final report will be made public; and
 - (ii) the ACT Government is finalising a Terms of Reference and members of an independent panel and will make further announcements in the immediate future;
 - (b) the ACT Government has also announced the establishment of a Clinical Leadership Forum for clinical leaders to advise on health services planning and infrastructure, clinical culture, and training and education;
 - (c) the Minister for Health and Wellbeing has engaged with a wide range of stakeholders and individuals regarding the Independent Review;
 - (d) the support of a range of health care leaders, stakeholders and representative bodies for the Government's Independent Review; and

- (e) the purpose of the Independent Review is to provide clear recommendations to improve workplace culture in the delivery of public health care services to the ACT community; and
 - (3) calls on the Government to:
 - (a) finalise and announce the terms of reference and appointment of Independent Review members by the end of September 2018;
 - (b) ensure that appropriate protections and privacy arrangements are in place for those participating in the Review; and
 - (c) make public any findings and recommendations of the Review.”—
- be agreed to—put and passed.

6 H COURSE—AUSTRALIAN NATIONAL UNIVERSITY SCHOOL OF MUSIC

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

- (1) notes that:
 - (a) the ACT Government has withdrawn funding from the H Course in music from 2019 with no explanation and no alternative for students who, for 35 years, have relied on this pathway to a career in music;
 - (b) the H Course offers an advanced music program for year 11 and 12 students run by the Australian National University’s School of Music and funded by the ACT Government;
 - (c) music teachers, music practitioners and music administrators in classical and jazz music started their careers through this program;
 - (d) H Courses are designed and accredited by an Australian higher education provider and successful completion of the course is recognised towards an undergraduate degree with that provider; and
 - (e) H Courses may contribute to the student’s ATAR calculation; and
- (2) calls on the ACT Government to:
 - (a) restore the \$275 000 annual support for this course; and
 - (b) provide assurances to students in the other 12 H Courses that their programmes are not under similar threat of closure.

Ms Le Couteur moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes that:
 - (a) the music H Course offers an advanced music program for year 11 and 12 students run by the Australian National University’s School of Music and funded by the ACT Government via the artsACT Community Outreach Program;
 - (b) discussions on the new Community Outreach Program between the ACT Government and the ANU School of Music commenced in 2016 and the funding changes were announced in February 2018;

- (c) the Music for Colleges program will continue for 2018 and 2019 to enable year 11 and 12 students currently enrolled in this program to complete the course at the end of 2019, with no new enrolments after that time;
 - (d) music teachers, music practitioners and music administrators in classical and jazz music started their careers through this program;
 - (e) H Courses are designed and accredited by an Australian higher education provider and successful completion of the course is recognised towards an undergraduate degree with that provider; and
 - (f) H Courses may contribute to the student's ATAR calculation; and
 - (g) all other H Courses are funded via the Education Directorate's ANU Extension Program deed of grant, which currently allows the ANU discretion about the courses offered; and
- (2) calls on the ACT Government to:
- (a) continue supporting ANU's provision of H Courses through the \$120 000 per year ANU Extension Program deed of grant; and
 - (b) continue to support ANU's School of Music's provision of outreach to the students of Canberra, including high performing music students, with comparable funding to previous years."

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 LEAVE OF ABSENCE TO MEMBER

Mr Wall moved—That leave of absence be granted to Mr Milligan for today's sitting due to personal reasons.

Question—put and passed.

9 QUESTION ON NOTICE NO 1632—ANSWER—EXPLANATION

Ms Lee, pursuant to standing order 118A, asked the Minister for City Services for an explanation concerning the answer to question on notice No 1632.

Ms Fitzharris (Minister for Transport) gave an explanation.

10 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Icon Water Contracts with ActewAGL—Resolution of the Assembly of 23 August 2018 requesting documents under standing order 213A—

Letter to the Clerk from the Head of Service, dated 5 September 2018.

Letter to the Clerk from the Manager of Government Business, dated 5 September 2018.

11 H COURSE—AUSTRALIAN NATIONAL UNIVERSITY SCHOOL OF MUSIC

The order of the day having been read for the resumption of the debate on the motion of Ms Lee, and on the amendment moved by Ms Le Couteur (*see entry 6*)—

Debate resumed.

Mrs Dunne, by leave, concluded her remarks.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Ms J. Burch	Mr Pettersson	Miss C. Burch	Ms Lee
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Dunne	
Ms Fitzharris	Mr Steel	Mr Hanson	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Ms Lawder	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

“(1) notes that:

- (a) the music H Course offers an advanced music program for year 11 and 12 students run by the Australian National University’s School of Music and funded by the ACT Government via the artsACT Community Outreach Program;
- (b) discussions on the new Community Outreach Program between the ACT Government and the ANU School of Music commenced in 2016 and the funding changes were announced in February 2018;
- (c) the Music for Colleges program will continue for 2018 and 2019 to enable year 11 and 12 students currently enrolled in this program to complete the course at the end of 2019, with no new enrolments after that time;
- (d) music teachers, music practitioners and music administrators in classical and jazz music started their careers through this program;
- (e) H Courses are designed and accredited by an Australian higher education provider and successful completion of the course is recognised towards an undergraduate degree with that provider; and
- (f) H Courses may contribute to the student’s ATAR calculation; and

- (g) all other H Courses are funded via the Education Directorate's ANU Extension Program deed of grant, which currently allows the ANU discretion about the courses offered; and
- (2) calls on the ACT Government to:
 - (a) continue supporting ANU's provision of H Courses through the \$120 000 per year ANU Extension Program deed of grant; and
 - (b) continue to support ANU's School of Music's provision of outreach to the students of Canberra, including high performing music students, with comparable funding to previous years."—

be agreed to—put and passed.

12 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Ms Cheyne, pursuant to standing order 223, moved—That Ms Cheyne be discharged from the Standing Committee on Administration and Procedure for the week of 22 October to 26 October 2018 and Ms Orr be appointed in her place.

Question—put and passed.

13 NAMADGI NATIONAL PARK—MANAGEMENT OF FERAL HORSES

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

- (1) acknowledges that:
 - (a) the Namadgi National Park is part of the Australian Alps National Parks, a collection of protected areas along the roof of Australia in the Australian Capital Territory (ACT), New South Wales (NSW) and Victoria;
 - (b) Namadgi National Park protects a wide range of natural and cultural values as well as protecting 80 percent of Canberra's drinking water source;
 - (c) parts of Namadgi National Park are in the alpine and sub-alpine regions or "High Country", which crosses into NSW (Kosciuszko National Park) and Victoria (Alpine National Park);
 - (d) introduced pests, such as pigs, wild dogs, foxes, rabbits, goats and feral horses, freely cross State and Territory borders; and
 - (e) ACT Parks and Conservation Service has a long history of working collaboratively with counterparts in Victoria and NSW to control these pests, including a Cooperative Management program for the Australian Alps National Park stretching over 32 years;
- (2) notes that feral horses, in particular:
 - (a) cause significant environmental damage, including impacting soil with their hoofs, grazing sensitive vegetation, destroying creek banks, spreading seeds and causing erosion;
 - (b) have been described as a key threatening process for endangered native flora and fauna;
 - (c) impact on water quality; and

- (d) have a population which can quickly multiply unless their numbers are controlled/eradicated wherever possible;
- (3) further notes that in June 2018 the New South Wales Government afforded protections to feral horses in Kosciuszko National Park through enactment of the *Kosciuszko Wild Horse Heritage Act 2018 No 24* and that this legislation:
- (a) was driven by the Deputy Premier of New South Wales and supported by the now Deputy Leader of the Liberal Party of Australia;
- (b) prioritises historical and nostalgic value of a feral animal over biodiversity and the need to protect native wildlife;
- (c) is reckless and unprecedented;
- (d) was drafted, and passed, despite expert advice and evidence recommending otherwise;
- (e) resulted in a scientific adviser to the NSW Government resigning;
- (f) was condemned by a significant number of eminent organisations, including the International Union for Conservation of Nature, the Nature Conservation Council (NSW), the Australian Academy of Science, and the National Parks Association of NSW; and
- (g) increases the risk of feral horses entering neighbouring jurisdictions, including the ACT, thereby:
- (i) impacting on a significant amount of the Territory's water supply;
- (ii) threatening sensitive ecosystems;
- (iii) impacting on biodiversity, including in the Cotter Catchment;
- (iv) undermining these jurisdictions' efforts to control numbers and effects of feral horses; and
- (v) distracting from efforts to manage other pests; and
- (4) calls on all Members of the ACT Legislative Assembly to:
- (a) condemn the NSW Government's reckless legislation; and
- (b) make clear, at every available opportunity, that the NSW Government should reverse its decision, and, failing that, the Commonwealth should intervene.

Debate ensued.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Ms J. Burch	Mr Pettersson	Miss C. Burch	Ms Lee
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Dunne	
Ms Fitzharris	Mr Steel	Mr Hanson	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Ms Lawder	

And so it was resolved in the affirmative.

14 UNDERPERFORMANCE IN A.C.T. SCHOOLS—PROPOSED INDEPENDENT INQUIRY

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

- (1) notes that:
 - (a) teachers in Canberra schools work hard to support all students to reach their fullest potential and should be acknowledged for their dedication;
 - (b) in 2016 the ACT Education Directorate commissioned a study by Professor Stephen Lamb (the “Lamb Report”) to analyse the academic performance of ACT government schools;
 - (c) the Lamb Report found that ACT government schools on average achieved negative results on every measure;
 - (d) in 2017 the Australia Institute produced a report into the performance of the ACT education system and called for a public inquiry;
 - (e) in 2017 the ACT Auditor-General published a report (the “Auditor-General’s Report”) on performance information in ACT government schools;
 - (f) the Auditor-General’s Report found that the majority of ACT government schools’ NAPLAN results were lower than similar schools in Australia, and that “since 2014 reviews of ACT government schools had consistently identified shortcomings” and these shortcomings “indicate a systemic problem”;
 - (g) in August 2018 two researchers from the Australian National University (ANU) published a working paper on academic underperformance in ACT schools (the “ANU paper”); and
 - (h) the ANU paper found that when NAPLAN results of ACT schools were compared with schools from similar socio-economic profiles a large number of ACT students were, on average, more than six months behind the levels of learning; and
- (2) calls on the ACT Government to:
 - (a) acknowledge the overwhelming evidence provided over the last three years of academic underperformance in ACT schools and must be addressed as a matter of priority;
 - (b) establish an independent inquiry into underperformance in ACT schools to:
 - (i) ascertain the reasons for academic underperformance in ACT schools; and
 - (ii) make recommendations for improving academic performance in ACT schools; and
 - (c) publish the terms of reference for the inquiry by the last sitting date in October 2018.

Ms Berry (Minister for Education and Early Childhood Development) moved the following amendment: Omit all text after “That this Assembly”, substitute:

- “(1) notes that:
- (a) teachers in Canberra schools work hard to support all students to reach their fullest potential and should be acknowledged for their dedication;
 - (b) in 2016, the ACT Education Directorate commissioned a study by Professor Stephen Lamb (the ‘Lamb Report’) to analyse the academic performance of ACT government schools;
 - (c) in 2017, the Australia Institute produced a report into the performance of the ACT education system and called for a public inquiry;
 - (d) in 2017, the ACT Auditor-General published a report (the ‘Auditor-General’s Report’) on performance information in ACT government schools;
 - (e) in August 2018 two researchers from the Australian National University (ANU) published a working paper on academic underperformance in ACT schools (the ‘ANU paper’); and
 - (f) the Standing Committee on Education, Employment and Youth Affairs is currently undertaking an inquiry into Standardised Testing in ACT Schools; and
- (2) further notes:
- (a) the Government has proactively inquired into the relative performance of ACT schools with statistically similar schools across Australia, including leading to the Lamb Report;
 - (b) the Government has responded to the Auditor-General’s Report and is implementing its recommendations, and has appropriately considered the Lamb Report, ANU paper and report of the Australia Institute; and
 - (c) the Minister for Education and Early Childhood Development has initiated and is leading a national review of NAPLAN reporting through the Education Council;
 - (d) the Government undertook an 18 month deep, iterative community consultation process leading to the Future of Education Strategy, supported by robust research evidence;
 - (e) the Future of Education Strategy provides a roadmap for continued focus and investment;
 - (f) the Government is currently developing implementation plans for the first phase of the Future of Education Strategy in consultation with key stakeholders including government and non-government school and system leaders, the ACT Teacher Quality Institute and the Australian Education Union; and
 - (g) the Future of Education Strategy is fundamentally based in educational equity because this is key to ensuring all students achieve the best possible school outcome; and
- (3) calls on the ACT Government to:

- (a) continue to develop Future of Education implementation plans in consultation with government and non-government schools; and
- (b) report back to the Assembly on the Future of Education implementation plans, including measures aimed at lifting academic performance, during the February 2019 sitting.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Ms Berry	Ms Orr	Miss C. Burch	Ms Lee
Ms J. Burch	Mr Pettersson	Mr Coe	Mr Wall
Ms Cheyne	Mr Ramsay	Mrs Dunne	
Ms Fitzharris	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) teachers in Canberra schools work hard to support all students to reach their fullest potential and should be acknowledged for their dedication;
 - (b) in 2016, the ACT Education Directorate commissioned a study by Professor Stephen Lamb (the ‘Lamb Report’) to analyse the academic performance of ACT government schools;
 - (c) in 2017, the Australia Institute produced a report into the performance of the ACT education system and called for a public inquiry;
 - (d) in 2017, the ACT Auditor-General published a report (the ‘Auditor-General’s Report’) on performance information in ACT government schools;
 - (e) in August 2018 two researchers from the Australian National University (ANU) published a working paper on academic underperformance in ACT schools (the ‘ANU paper’); and
 - (f) the Standing Committee on Education, Employment and Youth Affairs is currently undertaking an inquiry into Standardised Testing in ACT Schools; and
- (2) further notes:
 - (a) the Government has proactively inquired into the relative performance of ACT schools with statistically similar schools across Australia, including leading to the Lamb Report;

- (b) the Government has responded to the Auditor-General’s Report and is implementing its recommendations, and has appropriately considered the Lamb Report, ANU paper and report of the Australia Institute; and
 - (c) the Minister for Education and Early Childhood Development has initiated and is leading a national review of NAPLAN reporting through the Education Council;
 - (d) the Government undertook an 18 month deep, iterative community consultation process leading to the Future of Education Strategy, supported by robust research evidence;
 - (e) the Future of Education Strategy provides a roadmap for continued focus and investment;
 - (f) the Government is currently developing implementation plans for the first phase of the Future of Education Strategy in consultation with key stakeholders including government and non-government school and system leaders, the ACT Teacher Quality Institute and the Australian Education Union; and
 - (g) the Future of Education Strategy is fundamentally based in educational equity because this is key to ensuring all students achieve the best possible school outcome; and
- (3) calls on the ACT Government to:
- (a) continue to develop Future of Education implementation plans in consultation with government and non-government schools; and
 - (b) report back to the Assembly on the Future of Education implementation plans, including measures aimed at lifting academic performance, during the February 2019 sitting.”—

be agreed to—put and passed.

15 HEALTH (IMPROVING ABORTION ACCESS) AMENDMENT BILL 2018

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.

Mrs Dunne addressing the Assembly—

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

Mr Gentleman (Manager of Government Business) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate continued.

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

AYES, 15		NOES, 4
Miss C. Burch	Ms Le Couteur	Mr Coe
Ms J. Burch	Ms Lee	Mrs Dunne
Ms Cheyne	Ms Orr	Mrs Kikkert
Ms Cody	Mr Pettersson	Mr Wall
Ms Fitzharris	Mr Ramsay	
Mr Gentleman	Mr Rattenbury	
Mr Hanson	Mr Steel	
Ms Lawder		

And so it was resolved in the affirmative—Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Ms Fitzharris (Minister for Health and Wellbeing), by leave, her amendments Nos 1 to 35 (see [Schedule 1](#)) were made together, after debate.

Paper: Ms Fitzharris 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 6.52 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mrs Jones* and Mr Milligan*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

HEALTH (IMPROVING ABORTION ACCESS) AMENDMENT BILL 2018

Amendments circulated by the Minister for Health and Wellbeing

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) If this Act has not commenced within 12 months beginning on its notification day, it automatically commences on the first day after that period.
- (3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.
-

2

Clause 4

Page 2, line 10—

[oppose the clause]

3

Clause 5

Proposed new division 6.1 heading

Page 2, line 15—

omit

Terminations

substitute

Abortions

4

Clause 5

Proposed new section 80

Page 2, line 16—

omit proposed new section 80, substitute

80 Definitions—pt 6

(1) In this part:

abortifacient means a medicine, drug or other substance that causes a pregnancy to end prematurely.

abortion means a medical abortion or surgical abortion.

approved medical facility means a medical facility approved under section 84.

surgical abortion means a surgical procedure or any other procedure or act (other than the administration or supply of an abortifacient) that causes a pregnancy to end prematurely.

(2) In this section:

medical abortion means the prescription, supply or administration of an abortifacient.

5

Clause 5

Proposed new section 81 heading

Page 3, line 10—

omit

termination drug

substitute

abortifacient

6

Clause 5

Proposed new section 81 (1) (a)

Page 3, line 12—

omit

a termination drug

substitute

an abortifacient

7**Clause 5****Proposed new section 81 (1) (b)****Page 3, line 14—***omit*

termination drug

substitute

abortifacient

8**Clause 5****Proposed new section 81 (1) (c)****Page 3, line 16—***omit*

or nurse practitioner

9**Clause 5****Proposed new section 81 (2) (a)****Page 3, line 19—***omit*

a termination drug

substitute

an abortifacient

10**Clause 5****Proposed new section 81 (2) (b)****Page 3, line 21—***omit*

a termination drug

substitute

an abortifacient

11**Clause 5****Proposed new section 81 (3) (b)****Page 3, line 25—***omit*

termination drug

substitute

abortifacient

12

Clause 5

Proposed new section 82 heading

Page 4, line 4—

omit

termination

substitute

abortion

13

Clause 5

Proposed new section 82 (1) (a)

Page 4, line 6—

omit

termination

substitute

abortion

14

Clause 5

Proposed new section 82 (2)

Page 4, line 10—

omit

termination

substitute

abortion

15

Clause 5

Proposed new section 83 heading

Page 4, line 11—

omit

termination

substitute

abortion

16**Clause 5****Proposed new section 83****Page 4, line 14—***omit*

termination

substitute

abortion

17**Clause 5****Proposed new section 84 (1)****Page 4, line 20—***omit*

terminations

substitute

abortions

18**Clause 5****Proposed new section 84A (1)****Page 5, line 2—***omit*

supply or administer a termination drug

substitute

prescribe, supply or administer an abortifacient

19**Clause 5****Proposed new section 84A (1)****Page 5, line 4—***omit*

termination

substitute

abortion

20**Clause 5****Proposed new section 84A (2)****Page 5, line 6—***substitute*

- (2) An authorised person must not refuse, only because of a conscientious objection—

- (a) to carry out, or assist in carrying out, a surgical abortion in an emergency where an abortion is necessary to preserve the life of the pregnant person; or
- (b) to provide medical assistance or treatment to a person requiring medical treatment because of an abortion.

21

Clause 5

Proposed new section 84A (3)

Page 5, line 12—

omit

supply or administer a termination drug

substitute

prescribe, supply or administer an abortifacient

22

Clause 5

Proposed new section 84A (3)

Page 5, line 13—

omit

termination

substitute

abortion

23

Clause 5

Proposed new section 84A (4)

Page 5, line 15—

omit

supply or administer a termination drug

substitute

prescribe, supply or administer an abortifacient

24

Clause 5

Proposed new section 84A (4)

Page 5, line 17—

omit

termination

substitute

abortion

25**Clause 5****Proposed new section 84A (4)****Page 5, line 18—***omit*

drug or termination

substitute

abortifacient or abortion

26**Proposed new clauses 6A to 6C****Page 5, line 24—***insert***6A Section 85 (1), definition of *prohibited behaviour****omit*

an approved medical

substitute

a protected

6B Section 85 (1), definition of *prohibited behaviour*, paragraph (a) (i)*omit*

approved medical

substitute

protected

6C Section 85 (1), definition of *prohibited behaviour*, paragraph (a) (ii)*substitute*

- (ii) having an abortion, providing a surgical abortion or prescribing, supplying or administering an abortifacient in the protected facility;

27**Clause 7****Page 6, line 1—***omit clause 7, substitute***7 Section 85 (1), definition of *prohibited behaviour*, paragraph (b) (ii)***substitute*

- (ii) is intended to stop a person from—

- (A) entering the protected facility; or
- (B) having an abortion, providing a surgical abortion or prescribing, supplying or administering an abortifacient in the protected facility;

28

Clause 8

Page 6, line 7—

omit clause 8, substitute

8 Section 85 (1), definition of *prohibited behaviour*, paragraph (c)

omit

the provision of abortions in the approved medical facility

substitute

a person doing any of the things mentioned in paragraph (b) (ii) (A) or (B)

8A Section 85 (1), new definition of *protected facility*

insert

protected facility means an approved medical facility or other place around which a protected area has been declared under section 86.

8B Section 85 (2)

omit

an approved medical

substitute

a protected

**8C Declaration of protected area
New section 86 (1A)**

insert

- (1A) The Minister may declare an area around a place where an abortifacient is prescribed, supplied or administered to be a protected area.

8D Section 86 (2) (a)

omit

approved medical

substitute

protected

8E Section 86 (2) (b)*omit*

an approved medical

substitute

the protected

**8F Prohibited behaviour in or in relation to protected area
Section 87 (2) (a)***omit*

an approved medical

substitute

a protected

8G Section 87 (2) (b)*substitute*

(b) the person does so with the intention of stopping a person from—

- (i) having an abortion; or
- (ii) providing a surgical abortion; or
- (iii) prescribing, supplying or administering an abortifacient; and

29**Clause 9****Page 6, line 13—***[oppose the clause]*

30**Clause 10****Proposed new section 130 (2)****Page 6, line 24—***omit*

terminations

substitute

abortions

31**Clause 13****Dictionary, note 2, proposed new dot point****Page 8, line 11—***omit*

- nurse practitioner
-

32

Proposed new clause 13A

Page 8, line 12—

insert

13A Dictionary, new definition of *abortifacient*

insert

abortifacient, for part 6 (Abortions)—see section 80 (1).

33

Clause 14

Page 8, line 13—

omit clause 14, substitute

14 Dictionary, definition of *abortion*

substitute

abortion, for part 6 (Abortions)—see section 80 (1).

34

Clause 15

Proposed new definition of *approved medical facility*

Page 8, line 17—

omit

(Terminations)

substitute

(Abortions)

35

Clause 16

Page 8, line 19—

omit clause 16, substitute

16 Dictionary, new definitions

insert

protected facility, for division 6.2 (Patient privacy in protected areas)—see section 85.

surgical abortion, for part 6 (Abortions)—see section 80 (1).
