



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 67

WEDNESDAY, 23 NOVEMBER 2022

- 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 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 9 November 2022—Response to petition No e-Pet 019-22, lodged by Mr Davis on 3 August 2022, concerning the recovery plan for nursing and midwifery workers.

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

Question—put and passed.

3 PAPER—PETITION OUT-OF-ORDER

Ms Lawder, by leave, presented the following paper:

Petition which does not conform with the standing orders—Kangaroo management in the ACT—Immediate independent review—Ms Lawder (5426 signatures).

**4 THE BEST START FOR CANBERRA'S CHILDREN: THE FIRST 1000 DAYS STRATEGY—
LAUNCH—JOINT MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED**

Ms Berry (Minister for Early Childhood Development) made a joint ministerial statement concerning the launch of the best start for Canberra's children: the first 1000 days strategy and presented the following papers:

The Best Start for Canberra's Children: the First 1000 Days Strategy—

Interim action plan.

Strategy.

Joint ministerial statement—Minister for Early Childhood Development, Minister for Health and Minister for Families and Community Services, 23 November 2022.

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

Debate ensued.

Question—put and passed.

**5 ABORIGINAL AND TORRES STRAIT ISLANDER BUSINESS SUPPORT PROGRAM—
MINISTERIAL STATEMENT—PAPER NOTED**

Ms Cheyne (Minister for Business and Better Regulation) made a ministerial statement concerning the Aboriginal and Torres Strait Islander Business Support Program and presented the following paper:

Aboriginal and Torres Strait Islander Business Support Program—Ministerial statement, 23 November 2022.

Ms Cheyne moved—That the Assembly take note of the paper.

Question—put and passed.

**6 CONSTRUCTION OCCUPATIONS REGISTRAR STATEMENT OF EXPECTATIONS—
MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Ms Cheyne (Minister for Business and Better Regulation) made a ministerial statement concerning the statement of expectations in relation to the functions of the construction occupations registrar and presented the following papers:

Construction Occupations (Licensing) (Registrar) Statement of Expectations 2022—Notifiable Instrument NI2022-571, dated 8 November 2022.

Construction Occupations Registrar Statement of Expectations—Ministerial statement, 23 November 2022.

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

Question—put and passed.

7 ROAD SAFETY LEGISLATION AMENDMENT BILL 2022

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend legislation about road safety, and for other purposes.

Paper: Mr Steel 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 Steel moved—That this Bill be agreed to in principle.

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

**8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—ROAD SAFETY
LEGISLATION AMENDMENT BILL 2022—REQUEST TO CONSIDER**

Mr Steel (Minister for Transport and City Services), by leave, moved—That, notwithstanding the provisions of the resolution of the Assembly of 2 December 2020, as amended, that established general purpose standing committees, the Road Safety Legislation Amendment Bill 2022 be referred to the Standing Committee on Justice and Community Safety to decide whether or not to undertake an inquiry.

Question—put and passed.

9 CRIMES LEGISLATION AMENDMENT BILL 2022

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about crimes, 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 (Mr Cain) and the resumption of the debate made an order of the day for the next sitting.

10 WORKPLACE 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.

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.

11 QUESTIONS

Questions without notice were asked.

12 PRESENTATION OF PAPER

Ms Stephen-Smith (Minister for Health) presented the following paper:

Culture Reform Oversight Group—Withdrawal—Copy of letter to the Culture Reform Oversight Group Chairperson from the Australian Nursing and Midwifery Federation ACT, dated 23 December 2021.

13 A.C.T. MEN'S HEALTH PLAN—PROPOSED DEVELOPMENT

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

- (1) notes:
 - (a) the ACT Men's Health Report Card 2019 found that:
 - (i) four in five Canberrans who die from heart disease under 65 are men;
 - (ii) 57 percent of Canberrans who die from cancer are men; and
 - (iii) 75.9 percent of suicides in the ACT are men; and
 - (b) 2021 Australian Bureau of Statistics data for causes of death reveals:
 - (i) two in three premature bowel cancer deaths are men (52 out of 79 deaths);
 - (ii) four in five premature heart deaths are men (40 out of 52 deaths);
 - (iii) two in three lung cancer deaths are men (33 out of 51);
 - (iv) the rate of male suicide in the ACT has doubled in the past five years despite the national rate staying the same; and
 - (v) 92 percent of suicides between the ages 25 and 44 were men;
- (2) further notes:
 - (a) the ACT Women's Plan (2016-2026) states that "A gender lens must therefore be applied to health care services in the ACT to differentiate between requirements for health-related matters for males, females and those of diverse gender identities";
 - (b) the Capital of Equality Strategy Second Action Plan outlines initiatives to improve health outcomes for LGBTIQ+ Canberrans;
 - (c) there is no parallel strategy focused on improving services and initiatives for men's health and wellbeing in the ACT;
 - (d) there has not been an examination of social determinants of health for men in the ACT which include education, economic security, housing issues, social and community context and healthcare; and
 - (e) it is important to develop strategies that promote equity and access across health and wellbeing services for men, women, and diverse gender identities; and
- (3) calls on the ACT Government to:
 - (a) recognise International Men's Day;
 - (b) develop a public health awareness campaign for men's health and report back to the Assembly on its progress by May 2023; and
 - (c) develop an ACT Men's Health Plan (2023-2033) and report back to the Assembly on its progress by May 2023.

Ms Stephen-Smith (Minister for Health) moved the following amendment: Omit all text after paragraph (2)(b), substitute:

- “(c) the Australian Bureau of Statistics reports that the ACT leads the nation for male life expectancy and ranks as one of the highest levels in the world;

- (d) that over the past ten years male life expectancy in the ACT has increased by 1.7 years and is increasing more quickly than female life expectancy;
 - (e) it is important to develop gender sensitive strategies that promote equity and access across health and wellbeing services;
 - (f) equitable access to health care is a cornerstone of the Government's *Accessible, Accountable, Sustainable: A Framework for the ACT Public Health System 2020-2030*, which recognises that generally Canberrans live in good health, but that some populations groups are at increased risk of poor health due to a range of socio-demographic factors and pre-existing conditions;
 - (g) recognising this, the ACT Government has a comprehensive set of evidence based strategies developed with expert advice, as well as community and stakeholder engagement to ensure that populations with the greatest health needs are the focus of strategies, plans and activities to deliver a patient-centred integrated health system; and
 - (h) the ACT Government currently works with a range of community organisations, including MensLink and Everyman to deliver specialised mental health and peer support services to men and boys in the ACT including counselling, advocacy, mentoring and education; and
- (3) calls on the ACT Government to continue focusing on those most at risk of poor health and lifetime impacts of marginalisation by implementing the strategies, plans and activities developed with experts, stakeholders and the community to deliver the vision of *Accessible, Accountable, Sustainable: A Framework for the ACT Public Health System 2020-2030*, including (but not limited to):
- (a) *ACT Health Services Plan 2022-2030*;
 - (b) *ACT Health Quality Strategy 2018-2028*;
 - (c) *Healthy Canberra: ACT Preventive Health Plan 2020-2025*;
 - (d) *Better Together: a strategic plan for research in the ACT health system 2022-2030*; and
 - (e) *ACT Mental Health and Suicide Prevention Plan 2019-2024*."

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 15

Mr Barr	Mr Gentleman
Ms Berry	Dr Paterson
Mr Braddock	Mr Pettersson
Ms Burch	Mr Rattenbury
Ms Cheyne	Mr Steel
Ms Clay	Ms Stephen-Smith
Ms Davidson	Ms Vassarotti
Mr Davis	

NOES, 8

Mr Cain
Ms Castley
Mr Cocks
Mr Hanson
Mrs Kikkert
Ms Lawder
Mr Milligan
Mr Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the ACT Men’s Health Report Card 2019 found that:
 - (i) four in five Canberrans who die from heart disease under 65 are men;
 - (ii) 57 percent of Canberrans who die from cancer are men; and
 - (iii) 75.9 percent of suicides in the ACT are men; and
 - (b) 2021 Australian Bureau of Statistics data for causes of death reveals:
 - (i) two in three premature bowel cancer deaths are men (52 out of 79 deaths);
 - (ii) four in five premature heart deaths are men (40 out of 52 deaths);
 - (iii) two in three lung cancer deaths are men (33 out of 51);
 - (iv) the rate of male suicide in the ACT has doubled in the past five years despite the national rate staying the same; and
 - (v) 92 percent of suicides between the ages 25 and 44 were men;
- (2) further notes:
 - (a) the ACT Women’s Plan (2016-2026) states that “A gender lens must therefore be applied to health care services in the ACT to differentiate between requirements for health-related matters for males, females and those of diverse gender identities”;
 - (b) the Capital of Equality Strategy Second Action Plan outlines initiatives to improve health outcomes for LGBTIQ+ Canberrans;
 - (c) the Australian Bureau of Statistics reports that the ACT leads the nation for male life expectancy and ranks as one of the highest levels in the world;
 - (d) that over the past ten years male life expectancy in the ACT has increased by 1.7 years and is increasing more quickly than female life expectancy;
 - (e) it is important to develop gender sensitive strategies that promote equity and access across health and wellbeing services;
 - (f) equitable access to health care is a cornerstone of the Government's *Accessible, Accountable, Sustainable: A Framework for the ACT Public Health System 2020-2030*, which recognises that generally Canberrans live in good health, but that some populations groups are at increased risk of poor health due to a range of socio-demographic factors and pre-existing conditions;
 - (g) recognising this, the ACT Government has a comprehensive set of evidence based strategies developed with expert advice, as well as community and stakeholder engagement to ensure that populations with the greatest health needs are the focus of strategies, plans and activities to deliver a patient-centred integrated health system; and

- (h) the ACT Government currently works with a range of community organisations, including MensLink and Everyman to deliver specialised mental health and peer support services to men and boys in the ACT including counselling, advocacy, mentoring and education; and
- (3) calls on the ACT Government to continue focusing on those most at risk of poor health and lifetime impacts of marginalisation by implementing the strategies, plans and activities developed with experts, stakeholders and the community to deliver the vision of *Accessible, Accountable, Sustainable: A Framework for the ACT Public Health System 2020-2030*, including (but not limited to):
 - (a) *ACT Health Services Plan 2022-2030*;
 - (b) *ACT Health Quality Strategy 2018-2028*;
 - (c) *Healthy Canberra: ACT Preventive Health Plan 2020-2025*;
 - (d) *Better Together: a strategic plan for research in the ACT health system 2022-2030*; and
 - (e) *ACT Mental Health and Suicide Prevention Plan 2019-2024.*—

be agreed to—put and passed.

14 ULURU STATEMENT FROM THE HEART

Dr Paterson, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) that Aboriginal and Torres Strait Islander People are the Traditional Owners of this country, and the ACT Government pays respect to their ongoing spiritual and cultural connections with it;
 - (b) that the latest data available in the Closing the Gap Information Repository (updated 2022) continues to highlight significant discrepancies between white Australians and our First Nations people, particularly in the target areas of life expectancy, childhood mortality, school attainment and employment. More work is required to close the gap in such discrepancies that continue to cause serious harm to our First Nations community;
 - (c) the work of the Aboriginal and Torres Strait Islander Elected Body in the ACT as the representative body established to enable Aboriginal and Torres Strait Islanders in the ACT to have a strong democratically elected voice in our region. They are also the ACT jurisdictional member on the Joint Council on Closing the Gap;
 - (d) the ongoing commitment to the ACT Whole of Government Aboriginal and Torres Strait Islander Agreement;
 - (e) that the Uluru Statement from the Heart was developed in May 2017 and made 50 years after the 1967 National Referendum confirming that First Nations people must be counted as part of our national census. The Statement was made in Mutitjulu in the shadow of Uluru on the lands of the Anangu people when 250 Aboriginal and Torres Strait Islander delegates from 13 regional areas put their signatures on a historic statement;

- (f) that the Uluru Statement from the Heart, addressed to the Australian people, invited the nation to create a better future via the proposal of key reforms, asking for constitutional change and structural reform in their relationship with Australia;
 - (g) that the statement calls for a First Nations Voice in the Australian Constitution and a Makarrata Commission to supervise a process of agreement making between Government and Aboriginal and Torres Strait Islander people;
 - (h) that the Makarrata Commission will also oversee a process of treaty-making, and truth-telling about Australia's history and colonisation;
 - (i) that Makarrata, as outlined in the Uluru Statement, is a Yolgnu word for coming together after a struggle and the Commission would lead an important process of truth-telling about our history;
 - (j) that there will be a referendum for a First Nations Voice to Parliament between July 2023 and July 2024;
 - (k) that the First Nations Voice to Parliament would recognise the status of Aboriginal and Torres Strait Islander peoples as the first peoples of Australia and enshrine a First Nations Voice to Parliament in the Australian Constitution;
 - (l) that supporting the Uluru Statement from the Heart and the First Nations Voice to Parliament further strengthens our commitment to our First Nations community and provides a public statement that supports constitutional change which is the responsibility of the Australian Government; and
 - (m) the need for constitutional change that goes beyond the symbolic and gives breath to the benefits that a treaty offers all Australians;
- (2) calls on all Members of the ACT Legislative Assembly to:
- (a) acknowledge the notions of Voice, Treaty, Truth as outlined in the Uluru Statement from the Heart; and
 - (b) endorse the Uluru Statement from the Heart in full, including support for the First Nations Voice to Parliament referendum campaign; and
- (3) calls on the ACT Government to:
- (a) explore:
 - (i) the potential to work with and support local Aboriginal and Torres Strait Islander groups in initiatives around the Uluru Statement from the Heart; and
 - (ii) options to build grassroots momentum for the Uluru Statement from the Heart; and
 - (b) support and advocate alongside the Federal Government to support the First Nations Voice referendum.

Debate ensued.

Mrs Kikkert moved the following amendment: Omit all text after “notes that”, substitute:

- “(a) Aboriginal and Torres Strait Islander people are the traditional owners of this country, and the ACT Legislative Assembly pays respect to their ongoing spiritual and cultural connections with it;
- (b) the latest data available in the Closing the Gap Information Repository (updated 2022) continue to highlight significant discrepancies between non-Indigenous and First Nations people, with the ACT showing no improvement in the number of Aboriginal and Torres Strait Islander children who are born healthy and strong, no improvement in the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the child protection system, and no improvement in the overrepresentation of Aboriginal and Torres Strait Islander adults in the criminal justice system;
- (c) regarding the criminal justice system:
 - (i) the crude and age-standardised imprisonment rate ratio between Indigenous and non-Indigenous males is higher in the ACT than in any other Australian jurisdiction;
 - (ii) the crude imprisonment rate ratio for Indigenous females is both the highest in Australia and more than double the national average;
 - (iii) over the past decade, the incarceration of Aboriginal and Torres Strait Islander people has increased faster in the ACT than in any other Australian jurisdiction, with admissions increasing by an average of 5.7 percent annually;
 - (iv) the most recent ‘Prisoners in Australia’ report indicates that the Aboriginal and Torres Strait Islander recidivism rate in the ACT is 94 percent, the highest of any Australian jurisdiction; and
 - (v) despite the above, the ACT Government has to this point not agreed to establish an independent board of inquiry into Aboriginal and Torres Strait Islander engagement with the criminal justice system, as unanimously and repeatedly requested by a roundtable of Indigenous community leaders; and
- (d) regarding overrepresentation in the child protection system:
 - (i) it has now been four years and five months since the Our Booris, Our Way Steering Committee presented its first recommendations to the ACT Government with the intention that they be urgently implemented, and almost three years since the final report with all recommendations was handed down;
 - (ii) the final report states: ‘The Steering Committee made recommendations for improvement throughout the Review, to influence change across the child protection system that will provide better outcomes for Aboriginal and Torres Strait Islander children today and into the future’; and

- (iii) in July this year the Our Booris, Our Way Implementation Oversight Committee stated that committee members were ‘tired and frustrated by the lack of progress and feel disappointed that ... only one recommendation [of 28] has been fully implemented’; and
- (2) calls on the ACT Government to recommit fully to the reforms necessary to improve outcomes for Aboriginal and Torres Strait Islander people within the Territory's child protection and criminal justice systems and in other important areas.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8

Mr Cain
Ms Castley
Mr Cocks
Mr Hanson
Mrs Kikkert
Ms Lawder
Mr Milligan
Mr Parton

NOES, 15

Mr Barr	Mr Gentleman
Ms Berry	Dr Paterson
Mr Braddock	Mr Pettersson
Ms Burch	Mr Rattenbury
Ms Cheyne	Mr Steel
Ms Clay	Ms Stephen-Smith
Ms Davidson	Ms Vassarotti
Mr Davis	

And so it was negatived.

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

15 DISCHARGE OF ORDERS OF THE DAY

Mr Gentleman, by leave, moved—That all items of Executive Business, orders of the day, relating to taking note of papers be discharged from the *Notice Paper*.

Question—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 6.04 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Orr*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly