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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 48

[**Wednesday, 21 February 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20180221.pdf)

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**1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) 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 cRIMES (cONSENT) aMENDMENT bILL 2018—eXPOSURE DRAFT—pAPERS AND STATEMENT BY MEMBER

Ms Le Couteur, by leave, presented the following papers:

Consent in Sexual Violence Laws—ACT Greens Discussion Paper, dated February 2018.

Crimes (Consent) Amendment Bill 2018—Exposure draft—

Exposure draft.

Explanatory statement—

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

3 A.C.T. economy—Diversification

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

1. notes the recent economic data highlighting the strong performance of the ACT economy, including:
   1. over 10 000 new jobs being created in 2017, with 80 percent of these new jobs being full-time;
   2. trend unemployment for the ACT falling to 3.7 percent in December 2017—the lowest of any State or Territory;
   3. the Territory’s population expanding by almost 7000 people over the past 12 months, on top of the fastest population growth in the country between the 2011 and 2016 census counts;
   4. strong increases in dwelling unit commencements and dwellings financed, with commencements rising 101.2 percent in the year to September 2017 and dwellings financed by owner-occupiers increasing by 26.9 percent in the year to November 2017; and
   5. first home buyers representing 21 percent of total housing loans taken out in November 2017, which is seven percentage points higher than its proportion a year earlier;
2. further notes the economic data indicating the increased diversification of the ACT economy, including:
   1. strong private sector job growth, as indicated by the 24 percent annual increase in private sector job vacancies as of November 2017, well above the national-average of 17.2 percent;
   2. ACT’s service exports increasing to $1.9 billion for the financial year 2016-17, with education seeing the highest growth of 24.4 percent, the strongest growth rate of any State or Territory; and
   3. the significant increases in tourism activity, with international visitor expenditure growing by 27 percent to $547 million and domestic visitor expenditure increasing to $1.9 billion; and
3. calls on this Assembly to support Canberra’s diverse growth industries.

Debate ensued.

Question—put and passed.

4 A.C.T. Ambulance Services—Resourcing

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

1. notes:
   1. the ACT Ambulance Service (ACTAS) is made up of hardworking men and women who dedicate themselves to serving the ACT community;
   2. after working a 10-hour day shift or 14-hour night shift, these men and women regularly work overtime to fill shortages in the emergency ambulance system;
   3. 35 923 hours of overtime were worked by ACTAS qualified ambulance officers in 2016-17;
   4. 35 923 hours of overtime is equivalent to 98 hours and 25 minutes of overtime worked each and every day; and
   5. despite requiring 35 923 hours of overtime from ACTAS ambulance officers, the ACT Government failed to meet minimum crewing levels for 41.5 percent of all emergency ambulance shifts in 2016-17; and
2. calls on the Government to:
   1. provide an exhaustive list of reasons for the amount of overtime worked in 2016-17;
   2. explain why ACTAS emergency ambulance shifts fell below the minimum crewing level for 41.5 percent of all shifts, despite 35 923 hours of overtime being worked; and
   3. report back to the Assembly by the last sitting of March 2018.

Debate ensued.

Question—put.

The Assembly voted—

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| AYES, 11 | |  | NOES, 14 | |
| Miss C. Burch | Ms Lee |  | Mr Barr | Ms Le Couteur |
| Mr Coe | Mr Milligan |  | Ms Berry | Ms Orr |
| Mrs Dunne | Mr Parton |  | Ms J. Burch | Mr Pettersson |
| Mr Hanson | Mr Wall |  | Ms Cheyne | Mr Ramsay |
| Mrs Jones |  |  | Ms Cody | Mr Rattenbury |
| Mrs Kikkert |  |  | Ms Fitzharris | Mr Steel |
| Ms Lawder |  |  | Mr Gentleman | Ms Stephen-Smith |

And so it was negatived.

5 Alexander Maconochie Centre—Mistaken release of inmate

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

1. notes that:
   1. on 16 December 2017 staff at the Alexander Maconochie Centre (AMC) mistakenly released an inmate who was supposed to remain in custody on a further remand warrant;
   2. the inmate remained in the community for approximately three days, leaving the public at risk;
   3. the Minister for Corrections stated on 20 December 2017 that “we need to look at our systems now to look at why this happened and to make sure that corrective measures are put in place”;
   4. the Shadow Minister for Corrections wrote to the Chief Minister on 21 December 2017, outlining the recent failings in corrections, including:
      1. the death of two inmates while in custody;
      2. three inmates escaping from The Canberra Hospital while receiving treatment;
      3. two inmates escaping from the AMC using building materials;
      4. the severe bashing of two Indigenous inmates; and
      5. reports of a forensic investigation into the AMC Detainee Trust Fund;
   5. the Shadow Minister also sought the Chief Minister’s advice as to whether the Minister for Corrections was an appropriate fit for the role and if he had confidence in the Minister’s capacity;
   6. the Chief Minister responded on 15 January 2018 stating “I do not agree with your characterisation of events in this portfolio or your assessment of the Minister”; and
   7. the Chief Minister did not advise whether the Minister for Corrections was an appropriate fit for the role, nor if he has confidence in the Minister;
2. calls on the Chief Minister to advise if the Minister for Corrections is an appropriate fit for the role and if the Chief Minister has full confidence in the Minister; and
3. calls on the Minister for Corrections to:
   1. advise the Assembly of the disciplinary or other actions taken in redress against staff members involved in the mistaken release; and
   2. conduct a review into the cause of this incident and determine:
      1. whether the current policies and procedures of the AMC adequately protect inmates, ACT Corrective Services staff and the wider Canberra community;
      2. the underlying governance failings that allowed such a grave error to occur;
      3. established recommendations for improving the policies, procedures and governance of the AMC; and
      4. report back to the Assembly by the last sitting in March 2018.

Debate ensued.

Question—put.

The Assembly voted—

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| --- | --- | --- | --- | --- |
| AYES, 11 | |  | NOES, 14 | |
| Miss C. Burch | Ms Lee |  | Mr Barr | Ms Le Couteur |
| Mr Coe | Mr Milligan |  | Ms Berry | Ms Orr |
| Mrs Dunne | Mr Parton |  | Ms J. Burch | Mr Pettersson |
| Mr Hanson | Mr Wall |  | Ms Cheyne | Mr Ramsay |
| Mrs Jones |  |  | Ms Cody | Mr Rattenbury |
| Mrs Kikkert |  |  | Ms Fitzharris | Mr Steel |
| Ms Lawder |  |  | Mr Gentleman | Ms Stephen-Smith |

And so it was negatived.

6 QUESTIONS

Questions without notice were asked.

7 Government procurement policies

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

1. notes:
   1. that every Canberra worker has the right to be paid properly, treated fairly and return home from work safe each day;
   2. local and national instances of employers:
      1. failing to meet their legal industrial relations and employment obligations;
      2. entering into sham contracting arrangements;
      3. exploiting visa workers; and
      4. avoiding workers compensation and taxation obligations;
   3. the value of ACT Government procurement of goods, services and works in 2016-17 was approximately $1.8 billion; and
   4. the success of the ACT Government’s local procurement policies, including in relation to major projects such as light rail;
2. affirms the ACT Government’s commitment to using its purchasing power to deliver better outcomes for Canberra workers and local businesses;
3. further notes that the ACT Government is currently undertaking public consultation on a package of measures that will:
   1. streamline existing procurement requirements;
   2. create clear requirements that businesses tendering for government work treat workers fairly and uphold their workplace rights and safety;
   3. enhance compliance and enforcement measures, through a new unit within government; and
   4. provide a clear, transparent process for resolving issues that arise with respect to ACT Government contracts; and
4. calls on the ACT Government to implement legislation and other measures to ensure that government procurement delivers high ethical and labour standards, as a matter of priority.

Debate ensued.

Mr Wall moved the following amendment: Insert new paragraph (1)(e):

“(e) that WorkSafe ACT have issued six prohibition notices, four infringement notices and four improvement notices on the light rail project as a result of significant safety breaches;”.

Debate continued.

Amendment agreed to.

Ms Stephen-Smith (Minister for Workplace Safety and Industrial Relations) moved the following amendment to the motion, as amended: Insert new paragraph (1)(f):

“(f) that the 2017-18 Budget allocated funding for three additional WorkSafe ACT inspectors, recognising that light rail construction involves specialised and complex work activity that has not been undertaken in the ACT before;”

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

1. notes:
   1. that every Canberra worker has the right to be paid properly, treated fairly and return home from work safe each day;
   2. local and national instances of employers:
      1. failing to meet their legal industrial relations and employment obligations;
      2. entering into sham contracting arrangements;
      3. exploiting visa workers; and
      4. avoiding workers compensation and taxation obligations;
   3. the value of ACT Government procurement of goods, services and works in 2016-17 was approximately $1.8 billion;
   4. the success of the ACT Government’s local procurement policies, including in relation to major projects such as light rail;
   5. that WorkSafe ACT have issued six prohibition notices, four infringement notices and four improvement notices on the light rail project as a result of significant safety breaches; and
   6. that the 2017-18 Budget allocated funding for three additional WorkSafe ACT inspectors, recognising that light rail construction involves specialised and complex work activity that has not been undertaken in the ACT before;
2. affirms the ACT Government’s commitment to using its purchasing power to deliver better outcomes for Canberra workers and local businesses;
3. further notes that the ACT Government is currently undertaking public consultation on a package of measures that will:
   1. streamline existing procurement requirements;
   2. create clear requirements that businesses tendering for government work treat workers fairly and uphold their workplace rights and safety;
   3. enhance compliance and enforcement measures, through a new unit within government; and
   4. provide a clear, transparent process for resolving issues that arise with respect to ACT Government contracts; and
4. calls on the ACT Government to implement legislation and other measures to ensure that government procurement delivers high ethical and labour standards, as a matter of priority.”—

be agreed to—put and passed.

8 Intersection of Tillyard and Ginninderra Drives—Traffic safety measures

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

1. notes that:
   1. the intersection of Tillyard and Ginninderra Drives was the site of 110 car crashes between 2003 and 2016 inclusive;
   2. 32 of these crashes, or 29 percent, involved personal injury;
   3. nine or more car crashes occurred at this intersection in 2017, with at least two injury crashes, and at least three more have occurred so far in 2018, with at least one injury crash;
   4. the ACT Black Spot Consultative Panel in 2010 identified this intersection as a site with a demonstrated serious crash rate and consequently sought Commonwealth Black Spot funding in an attempt to improve it; and
   5. Transport Canberra and City Services currently identifies this intersection as one of the ten most dangerous in the Territory, “where road conditions are considered to be a contributing factor”;
2. further notes that:
   1. although Commonwealth Black Spot Program-funded improvements were made to the intersection of Tillyard and Ginninderra Drives in 2011, the five-year rate of all crashes actually increased 35 percent afterwards, 46 in 2012-16 versus 34 in 2006-10;
   2. at the same time, the five-year rate of injury crashes increased 243 percent, 17 in 2012-16 versus seven in 2006-10;
   3. despite being classed by the ACT Government as a major collector road, with an “indicative traffic volume [of] 3000-6000 vehicles per day”, the actual average daily traffic volume for the southern most segment of Tillyard Drive as measured in August 2016 was 9362 vehicles per day, or 56 percent above classification;
   4. the recently completed Residential Street Improvement Program study for Tillyard Drive, despite excluding the intersection with Ginninderra Drive, states that “traffic concerns at this intersection and at the [nearby] Tillyard Drive/Lhotsky Street intersection have been highlighted as significant” and urged that they be considered in future capital works programs;
   5. Roads ACT has indicated that both community sentiment and technical analysis have identified the intersection of Tillyard and Ginninderra Drives and the nearby intersection of Tillyard Drive and Lhotsky Street as requiring significant safety improvements;
   6. one year ago, a petition was tabled in this Assembly, signed by 1329 Canberra residents, calling upon the ACT Government to install traffic lights at the intersection of Tillyard and Ginninderra Drives; and
   7. in response to this petition, a detailed study of the intersection of Tillyard and Ginninderra Drives has been completed, and this study recommends the installation of traffic lights; and
3. calls on the Government to:
   1. table by the close of business today the completed study of the intersection of Tillyard and Ginninderra Drives;
   2. assure the residents of West Belconnen and the rest of the ACT that the traffic safety measures recommended in this feasibility study will be completely funded in the 2018–19 Budget; and
   3. provide a specific date by which these traffic safety measures will be implemented.

Ms Fitzharris (Minister for Transport and City Services) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes that:

(a) the intersection of Tillyard and Ginninderra Drives was the site of 110 car crashes between 2003 and 2016 inclusive;

(b) 26 of these crashes (or 24 percent) involved personal injury;

(c) nine or more car crashes occurred at this intersection in 2017 (with at least two injury crashes), and at least three more have occurred so far in 2018 (with at least one injury crash);

(d) the ACT Black Spot Consultative Panel in 2010 identified this intersection as a site with a demonstrated serious crash rate and consequently sought Commonwealth Black Spot funding in an attempt to improve it; and

(e) Transport Canberra and City Services Traffic Accident Warrant prioritisation system currently ranks this intersection in the top ten priority intersections;

(2) further notes:

(a) Commonwealth Black Spot Program improvements only funded minor works and did not contribute to larger or more expensive intersection improvements such as the installation of traffic signals;

(b) the ACT Government is in the process of implementing the Residential Street Improvement Program for Tillyard Drive and surrounds; and

(c) Transport Canberra and City Services has received a detailed study of the Tillyard Drive intersections with Ginninderra Drive and Lhotsky Street and is currently considering the findings, including the recommendation for installation of traffic signals at both intersections; and

(3) calls on the ACT Government to:

(a) continue to implement the priority safety measures as outlined in the Residential Street Improvement Program for Tillyard Drive and surrounding streets in Charnwood, Flynn and Fraser;

(b) table the final report which includes the detailed study of the intersections of Tillyard Drive with Ginninderra Drive and Lhotsky Street during the next sitting of the Assembly; and

(c) consider the findings of the study and potential local traffic improvements.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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| --- | --- | --- | --- | --- |
| AYES, 12 | |  | NOES, 9 | |
| Ms Berry | Ms Le Couteur |  | Miss C. Burch | Ms Lee |
| Ms J. Burch | Ms Orr |  | Mr Coe | Mr Milligan |
| Ms Cheyne | Mr Pettersson |  | Mrs Dunne | Mr Wall |
| Ms Cody | Mr Rattenbury |  | Mr Hanson |  |
| Ms Fitzharris | Mr Steel |  | Mrs Kikkert |  |
| Mr Gentleman | Ms Stephen-Smith |  | 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 intersection of Tillyard and Ginninderra Drives was the site of 110 car crashes between 2003 and 2016 inclusive;

(b) 26 of these crashes (or 24 percent) involved personal injury;

(c) nine or more car crashes occurred at this intersection in 2017 (with at least two injury crashes), and at least three more have occurred so far in 2018 (with at least one injury crash);

(d) the ACT Black Spot Consultative Panel in 2010 identified this intersection as a site with a demonstrated serious crash rate and consequently sought Commonwealth Black Spot funding in an attempt to improve it; and

(e) Transport Canberra and City Services Traffic Accident Warrant prioritisation system currently ranks this intersection in the top ten priority intersections;

(2) further notes:

(a) Commonwealth Black Spot Program improvements only funded minor works and did not contribute to larger or more expensive intersection improvements such as the installation of traffic signals;

(b) the ACT Government is in the process of implementing the Residential Street Improvement Program for Tillyard Drive and surrounds; and

(c) Transport Canberra and City Services has received a detailed study of the Tillyard Drive intersections with Ginninderra Drive and Lhotsky Street and is currently considering the findings, including the recommendation for installation of traffic signals at both intersections; and

(3) calls on the ACT Government to:

(a) continue to implement the priority safety measures as outlined in the Residential Street Improvement Program for Tillyard Drive and surrounding streets in Charnwood, Flynn and Fraser;

(b) table the final report which includes the detailed study of the intersections of Tillyard Drive with Ginninderra Drive and Lhotsky Street during the next sitting of the Assembly; and

(c) consider the findings of the study and potential local traffic improvements.”—

be agreed to—put and passed.

9 PAPER

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), having made a personal explanation under standing order 46 presented the following paper:

Intersection of Tillyard and Ginninderra Drives—Safety—Copy of letter from the Minister for Roads and Parking to Ms Mary Porter AM MLA, Member for Ginninderra, dated 22 June 2015.

10 Green waste collection services

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

1. notes the:
   1. ACT Government’s trial of green bins in Weston Creek and Kambah;
   2. ACT Government’s intent to deliver a green waste collection program across the ACT;
   3. next phase of the rollout of this service to Tuggeranong and Belconnen;
   4. successful green waste collection industry that exists in the ACT;
   5. majority of green waste collection businesses in the ACT are owner operated;
   6. significant impact the Government’s trial has had on these businesses operating in the trial area; and
   7. impact that a full rollout of a Government green waste collection service will have on operators across the ACT; and
2. calls on the ACT Government to:
   1. outline why existing operators in the green waste collection industry are not suitable for operating a collection service on behalf of the ACT Government;
   2. develop an industry assistance package that includes, but is not limited to:
      1. financial compensation for loss of goodwill;
      2. training and re-skilling options for employers and employees;
      3. counselling; and
      4. investment grants to diversify businesses; and
   3. report back to the Assembly by the end of the February 2018 sitting period on the rollout of the assistance package noted in part (2).

Mr Wall 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.

Mr Wall continued.

Ms Fitzharris (Minister for Transport and City Services) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes that:

(a) the ACT Government delivered a successful green bins pilot in Weston and Kambah, with over 50 percent of residents choosing to participate;

(b) the green bins collected almost 1300 tonnes of garden organic green waste has been collected with an exceptionally low contamination rate of 0.001 percent;

(c) the ACT Government is delivering on its 2016 election commitment to a Territory-wide rollout of green bins a year earlier than originally promised;

(d) green bins were delivered to Tuggeranong in January 2018, with over 9000 local residents choosing to opt-in to the program; and

(e) the ACT Government will deliver green bins to Belconnen in September 2018, and all remaining areas of the Territory in mid-2019;

(2) further notes:

(a) existing green waste collection businesses were consulted prior to commencing the pilot, including a meeting with the Minister for Transport and City Services;

(b) the Government invited green waste collection businesses to participate in a request for expression of interest (REOI) process for the Green Bins pilot;

(c) none of the local green waste collection businesses chose to participate in REOI and the request for proposal process; and

(d) the ACT Government has provided industry and the community with a timeline for the future full rollout of the green waste service; and

(3) calls on the ACT Government to:

(a) deliver on its election commitment to provide green bins to all Canberrans;

(b) conduct an open tender for the future full rollout of the green waste service;

(c) keep local green waste collection businesses informed of the timeline for the full rollout of the green waste service, so that they can plan ahead for the future of their businesses;

(d) work with local industry to explore ways the Government could facilitate access to existing business support services as well as identify other opportunities, including vocational training, as the ACT’s waste industry progresses over the next few years;

(e) release a discussion paper early in 2018 on the outcomes of the Waste Feasibility Study for community consultation, including long-term options to reduce food and green waste; and

(f) consider a public awareness campaign on the best way to avoid and reduce waste generation including, the benefits of diverting food and green waste from landfill.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

“(1) notes that:

(a) the ACT Government delivered a successful green bins pilot in Weston and Kambah, with over 50 percent of residents choosing to participate;

(b) the green bins collected almost 1300 tonnes of garden organic green waste has been collected with an exceptionally low contamination rate of 0.001 percent;

(c) the ACT Government is delivering on its 2016 election commitment to a Territory-wide rollout of green bins a year earlier than originally promised;

(d) green bins were delivered to Tuggeranong in January 2018, with over 9000 local residents choosing to opt-in to the program; and

(e) the ACT Government will deliver green bins to Belconnen in September 2018, and all remaining areas of the Territory in mid-2019;

(2) further notes:

(a) existing green waste collection businesses were consulted prior to commencing the pilot, including a meeting with the Minister for Transport and City Services;

(b) the Government invited green waste collection businesses to participate in a request for expression of interest (REOI) process for the Green Bins pilot;

(c) none of the local green waste collection businesses chose to participate in REOI and the request for proposal process; and

(d) the ACT Government has provided industry and the community with a timeline for the future full rollout of the green waste service; and

(3) calls on the ACT Government to:

(a) deliver on its election commitment to provide green bins to all Canberrans;

(b) conduct an open tender for the future full rollout of the green waste service;

(c) keep local green waste collection businesses informed of the timeline for the full rollout of the green waste service, so that they can plan ahead for the future of their businesses;

(d) work with local industry to explore ways the Government could facilitate access to existing business support services as well as identify other opportunities, including vocational training, as the ACT’s waste industry progresses over the next few years;

(e) release a discussion paper early in 2018 on the outcomes of the Waste Feasibility Study for community consultation, including long-term options to reduce food and green waste; and

(f) consider a public awareness campaign on the best way to avoid and reduce waste generation including, the benefits of diverting food and green waste from landfill.”—

be agreed to—put and passed.

11 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 7 pm, adjourned until tomorrow at 10 am.

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

Tom Duncan

Clerk of the Legislative Assembly