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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 56

[**Tuesday, 8 May 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20180508.pdf)

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**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 Minister for Health and Wellbeing—Proposed WANT OF CONFIDENCE

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

1. notes:
   1. the failure of The Canberra Hospital to pass 37 standards in the accreditation audit, conducted by the Australian Council on Healthcare Standards in March 2018;
   2. the claims, reported in the media, that, in preparation for the audit, situations had been contrived temporarily to appear to comply with accreditation standards;
   3. the concerns of clinical staff at the Centenary Hospital for Women and Children about maternity services, including overcrowding, bullying, lack of resources, and poor management;
   4. systemic bullying across the ACT health system;
   5. the announcement that the Health Directorate would be split into two directorates;
   6. the sudden departure of the former director-general following that announcement;
   7. statistics revealing declining emergency department waiting times, despite the assurances of the Minister for Health and Wellbeing that they were improving;
   8. statistics revealing worsening elective surgery waiting times, despite the assurances of the Minister for Health and Wellbeing that they were improving;
   9. media reports that elective surgery waiting times do not include waiting times for patients to attend initial appointments with specialists;
   10. significant delays to the introduction of prescription monitoring services;
   11. significant delays to the delivery of the Surgical Procedures, Interventional Radiology and Emergency building; and
   12. significant delays to the review of opioid guidelines, never adopting the ACT version, but finally, in 2018, adopting the national guidelines, which had been developed in 2014; and
2. expresses a want of confidence in the Minister for Health and Wellbeing.

Debate ensued.

Ms Fitzharris (Minister for Health and Wellbeing) was granted leave to conclude her speech.

Debate continued.

Ms Lawder was granted leave to conclude her speech.

Debate being closed by Mrs Dunne—

Mrs Dunne was granted leave to conclude her speech.

Question—put.

The Assembly voted—

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| AYES, 9 | |  | NOES, 12 | |
| Miss C. Burch | Mr Milligan |  | Mr Barr | Ms Orr |
| Mr Coe | Mr Parton |  | Ms J. Burch | Mr Pettersson |
| Mrs Dunne | Mr Wall |  | Ms Cheyne | Mr Ramsay |
| Mr Hanson |  |  | Ms Cody | Mr Rattenbury |
| Mrs Kikkert |  |  | Ms Fitzharris | Mr Steel |
| Ms Lawder |  |  | Ms Le Couteur | Ms Stephen-Smith |

And so it was negatived.

3 PETITIONS AND MINISTERIAL RESPONSES—Statements by Members

**Petitions**

The Clerk announced that the following Members had lodged e-petitions for presentation:

Ms Orr, from 1483 residents, requesting that the Assembly support the Government’s efforts to ensure all children are safe and supported at any schools, and support the ACT Safe and Inclusive Schools initiative being available to all ACT schools (e-Pet 25-17).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Education, Employment and Youth Affairs.

Ms Le Couteur, from 9 residents, requesting that the Assembly call on the ACT Government to work with the National Capital Planning Authority to address the safety of cyclists and pedestrians on the paths between the Commonwealth and Kings Avenue bridges (e-Pet 2-18).

Miss C. Burch, from 162 residents, requesting that the Assembly, the Environment, Planning and Sustainable Development Directorate, and the Chief Minister, Treasurer and Economic Development Directorate do not approve any development applications in relation to a proposed nursing home in Kingston, and delay approval of any development application until the Standing Committee on Planning and Urban Renewal has completed its inquiry into the development application process (e‑Pet 9‑18).

**Ministerial responses**

The Clerk announced that the following responses to petitions had been lodged:

Mr Gentleman (Minister for Planning and Land Management), dated 12 April 2018—Response to petition No 3-18, lodged by Mr Hanson on 14 February 2018, concerning the proposed closure of a public car park in O’Malley.

Mr Barr (Treasurer), dated 3 May 2018—Response to petitions Nos 1-18 and 5-18, lodged by Ms Le Couteur on 22 February 2018, concerning the Downer Community Centre lease arrangements.

Ms Orr, Ms Le Couteur and Mr Coe (Leader of the Opposition), by leave, made statements concerning the ACT Safe and Inclusive Schools initiative petition.

4 Education, Employment and Youth Affairs—Standing Committee—REPORT 3—Inquiry into the Extent, Nature and Consequence of Insecure Work in the A.C.T.—report noted

Mr Pettersson (Chair) presented the following report:

Education, Employment and Youth Affairs—Standing Committee—Report 3—*Inquiry into the Extent, Nature and Consequence of Insecure Work in the ACT,* dated 1 May 2018, including additional comments *(Mr Pettersson and Mr Steel)* and a dissenting report *(Mr Wall and Mrs Kikkert)*, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

5 Office for Mental Health and Wellbeing—Update on proposed model and functions—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Minister for Mental Health), in response to the resolution of the Assembly of 14 February 2018, made a ministerial statement concerning an update on the proposed model and functions of the Office for Mental Health and Wellbeing, and presented the following paper:

Office for Mental Health and Wellbeing—Update on proposed model and functions—Ministerial statement, 8 May 2018.

Mr Rattenbury moved—That the Assembly take note of the paper.

Question—put and passed.

6 Land Tax 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.

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

The Assembly voted—

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| AYES, 12 | |  | NOES, 9 | |
| Mr Barr | Ms Orr |  | Miss C. Burch | Mr Milligan |
| Ms J. Burch | Mr Pettersson |  | Mr Coe | Mr Parton |
| Ms Cheyne | Mr Ramsay |  | Mrs Dunne | Mr Wall |
| Ms Cody | Mr Rattenbury |  | Mr Hanson |  |
| Ms Fitzharris | Mr Steel |  | Mrs Kikkert |  |
| Ms Le Couteur | Ms Stephen-Smith |  | Ms Lawder |  |

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

Question—That this Bill be agreed to—put and passed.

7 QUESTIONS

Questions without notice being asked—

*Paper:* Ms Lee, by leave, presented the following paper:

Family at flu risk from released patient—Isentia media item, dated 3 May 2018.

Questions continued.

8 PRESENTATION OF PAPERs

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 5/2018—ACT clubs’ community contributions, dated 27 April 2018.

Public Accounts—Standing Committee—Report 2—Report on Annual and Financial Reports 2016-2017—Speaker’s response to Recommendation 13—Swearing in of the ACT Ombudsman, dated 29 March 2018.

9 PRESENTATION OF PAPERS

Mr Barr (Chief Minister) presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Full-Time Statutory Office Holders—Determination 5 of 2018, dated March 2018.

Full-time Statutory Office Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 4 of 2018, dated March 2018.

Head of Service, Directors-General and Executives—Determination 3 of 2018, dated March 2018.

Members of the ACT Legislative Assembly—Determination 2 of 2018, dated March 2018.

Part-time Public Office Holder—Territory Records Advisory Council—Determination 8 of 2018, dated April 2018.

Part-time Public Office Holders—Determination 6 of 2018, dated March 2018.

Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 7 of 2018, dated April 2018.

10 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—

Children and Young People Act—

Children and Young People (Death Review Committee) Appointment 2018 (No 2)—Disallowable Instrument DI2018-55 (LR, 5 April 2018).

Children and Young People (Death Review Committee) Deputy Chair Appointment 2018 (No 1)—Disallowable Instrument DI2018-54 (LR, 12 April 2018).

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2018 (No 1)—Disallowable Instrument DI2018-53 (LR, 26 March 2018).

Financial Management Act—Financial Management (Transfer of Funds from Capital Injection Appropriation to Other Appropriations) Approval 2018 (No 1)—Disallowable Instrument DI2018-82 (LR, 3 May 2018).

Public Place Names Act—Public Place Names (Wright) Determination 2018—Disallowable Instrument DI2018-63 (LR, 16 April 2018).

Public Pools Act—Public Pools (Active Leisure Centre Fees) Revocation 2018—Disallowable Instrument DI2018-52 (LR, 26 March 2018).

Racing Act—

Racing Appeals Tribunal (Assessor) Appointment 2018 (No 1)—Disallowable Instrument DI2018-58 (LR, 12 April 2018).

Racing Appeals Tribunal Appointment 2018 (No 1)—Disallowable Instrument DI2018-57 (LR, 12 April 2018).

Racing Appeals Tribunal Appointment 2018 (No 2)—Disallowable Instrument DI2018-59 (LR, 12 April 2018).

Racing Appeals Tribunal Appointment 2018 (No 3)—Disallowable Instrument DI2018-60 (LR, 12 April 2018).

Racing Appeals Tribunal Appointment 2018 (No 4)—Disallowable Instrument DI2018-61 (LR, 12 April 2018).

Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) Bus Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-66 (LR, 16 April 2018).

Road Transport (Public Passenger Services) Demand Responsive Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-64 (LR, 16 April 2018).

Road Transport (Public Passenger Services) Hire Car Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-68 (LR, 16 April 2018).

Road Transport (Public Passenger Services) Rideshare Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-65 (LR, 16 April 2018).

Road Transport (Public Passenger Services) Taxi Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-67 (LR, 16 April 2018).

Road Transport (Safety and Traffic Management) Act and Road Transport (General) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-3 (LR, 12 April 2018).

Utilities (Technical Regulation) Act—Utilities (Technical Regulation) (Water and Sewerage Network Boundary Code) Approval 2018—Disallowable Instrument DI2018-62 (LR, 13 April 2018).

Utilities Act and Legislation Act—Utilities (Water and Sewerage Network Boundary Code) Revocation 2018—Disallowable Instrument DI2018-56 (LR, 12 April 2018).

Work Health and Safety Act—Work Health and Safety Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-2 (LR, 28 March 2018).

11 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 17—STATEMENT BY CHAIR

Ms Lee (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 17*,* dated 4 May 2018, together with a copy of the extracts of the relevant minutes of proceedings—

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

12 Justice and Community Safety—Standing Committee—reference—Crimes (Consent) Amendment Bill 2018

Ms Cody, pursuant to standing order 174, moved—That the Crimes (Consent) Amendment Bill 2018 be referred to the Standing Committee on Justice and Community Safety for inquiry and report by the last sitting day in October 2018.

Debate ensued.

Question—put and passed.

13 Freedom of Information Act—Notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time—PAPER AND STATEMENT BY MINISTER

Ms Berry (Minister for Housing and Suburban Development) presented the following paper:

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time, dated 3 May 2018—

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

14 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Bees—Importance

The Assembly was informed that Miss C. Burch, Ms Cheyne, Ms Cody, Mr Hanson, Mrs Kikkert, Ms Le Couteur, Ms Lee, Ms Orr, Mr Parton, Mr Pettersson and Mr Steel had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Ms Le Couteur be submitted to the Assembly, namely, “The importance of bees to the ACT’s environment and economy”.

Discussion ensued.

Discussion concluded.

15 Planning and Development (Lease Variation Charge Deferred Payment Scheme) 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.

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.

15 Waste Management and Resource Recovery 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.

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.

16 Planning, Building and Environment Legislation 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.

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.

17 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 5.35 pm, adjourned until tomorrow at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Mrs Jones\*.

\*on leave

Tom Duncan

Clerk of the Legislative Assembly