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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 81

[**wednesday, 28 November 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20181128.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 censure**

Mrs Dunne, by leave, moved the notice appearing on the *Notice Paper* in her name—

That this Assembly:

1. notes:
   1. systematic bullying, poor culture and poor management in the ACT health system;
   2. high churn of staff in ACT Health since the announcement in March that the Health Directorate would be split into two directorates;
   3. worsening elective surgery waiting times and emergency waiting times, despite the assurances of the Minister for Health and Wellbeing that they were improving;
   4. failures in infrastructure at The Canberra Hospital; and
   5. delays to the delivery of the Surgical Procedures, Interventional Radiology and Emergency building; and
2. censures the Minister for Health and Wellbeing for her failures in administration of the Health portfolio.

Debate ensued.

*Paper:* Ms Fitzharris (Minister for Health and Wellbeing) presented the following paper:

Selected ACT Health achievements in 2018.

Debate continued.

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.

3 Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018

Mr Pettersson, pursuant to notice, presented a Bill for an Act to amend the *Drugs of Dependence Act 1989*, and for other purposes.

*Paper:* Mr Pettersson presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Ms Fitzharris—Minister for Health and Wellbeing) and the resumption of the debate made an order of the day for the next sitting.

*Health, Ageing and Community Services—Standing Committee—Proposed reference—Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018:* Mr Hanson, pursuant to standing order 174, moved—That the Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018 be referred to the Standing Committee on Health, Ageing and Community Services.

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.

4 Domestic Animals (Dangerous Dogs) Amendment Bill 2018

Ms Lawder, pursuant to notice, presented a Bill for an Act to amend the *Domestic Animals Act 2000*.

*Paper:* Ms Lawder presented an explanatory statement to the Bill.

Title read by Clerk.

Ms Lawder moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Steel—Minister for City Services) and the resumption of the debate made an order of the day for the next sitting.

5 low income Canberrans—Support

Ms Le Couteur, pursuant to notice, moved—That this Assembly:

1. notes that:
   1. while Canberra is a high income community with a growing economy, a substantial number of Canberrans struggle financially, for example people on low wages and many people that rely on Federal Government assistance payments;
   2. the ACT Government provides many services that are crucial supports for lower income Canberrans, including the public health system, public transport and public housing, as well as providing funding for financial counselling for people who fall into hardship;
   3. the ACT Government provides concessions to lower income households such as the utilities concessions and free off-peak public transport fares for pensioners – however, the ACT Government’s ability to target everyone who needs help is limited because Australia’s income tax and means-testing systems are operated by the Federal Government; and
   4. the ACT taxation system has existing policies and programs that can help people on lower incomes, such as rates deferrals and concessions for pensioners;
2. further notes that:
   1. people struggling with their daily expenses can reach crisis point when bills like electricity, phone and rates arrive; and
   2. the ACT Revenue Office maintains a call centre for people with rates and other tax inquiries, and can be the first point of contact with the ACT Government for people facing financial hardship;
3. further notes that:
   1. fines in the ACT such as parking tickets and lower level traffic infringements are a fixed amount regardless of income, which means they have a disproportionate financial impact on people who are on lower incomes and means they are disproportionately punished for the infringement;
   2. the ACT Government has put in place a work and development program, so that those who may not be able to pay a fine are able to undertake activities such as community service, financial counselling or drug and alcohol treatment in lieu of paying their fine – however, low income workers without a Federal Government concession card can miss out;
   3. several countries internationally are investigating or introducing income-based fines, for example:
      1. the United Kingdom allows judges’ discretion to adjust fines for traffic matters that go to court based on income; and
      2. Finland charges traffic fines using a formula based on the person’s daily disposable income; and
   4. the Australia Institute has investigated how this principle could be applied in Australia and has identified that it would be a fairer approach; and
4. calls on the ACT Government to expand and improve its support for low income Canberrans by:
   1. investigating the potential of income-based fines for the ACT, including consultation with stakeholders such as community legal services;
   2. helping low income property owners by:
      1. writing to all residential rate payers who get a concession by 28 February 2019 to advise them of the rates deferments available;
      2. including information about rates concessions, deferments and hardship arrangements on all residential rates notices issued after 30 June 2019;
      3. redesigning the rates notice to ensure people understand that they can still pay quarterly;
      4. providing training for Revenue Office call centre staff by 30 June 2019 in how to recognise customers suffering from financial hardship, what help they may be eligible for, and who they can be referred to for further support – with other staff that support customers to be trained subsequently; and
      5. publishing the criteria used by the Revenue Office to determine who is eligible for hardship assistance, including providing easy‑to-read material on the relevant government website, by 28 February 2019;
   3. helping organisations that advocate for lower income Canberrans by improving the cost of living statement in future Budget Papers by including a broader range of vulnerable households and providing time series data similar to the 2018-19 Budget’s “Socio Economic Analysis on Taxation and Concessions Policy”;
   4. approaching the Federal Government and other states and territories, for example through the Council of Australian Governments, about opportunities for states and territories to access Federal Government information to help with providing concessions to people on lower incomes; and
   5. reporting back on these issues by the last sitting day in August 2019.

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.

6 QUESTIONS

Questions without notice were asked.

7 low income Canberrans—Support

The order of the day having been read for the resumption of the debate on the motion of Ms Le Couteur (*see* [entry 5](#Entry5))—

Debate ensued.

Question—put and passed.

8 Bushfire prevention

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

1. notes:
   1. the need to protect Canberrans against bushfires; and
   2. only 24.3 percent of prescribed burns were completed in the 2017-18 Bushfire Operations Plan, while only seven percent of prescribed burns were completed in 2016-17;
2. further notes the bushfire season commenced one month earlier than usual, on 1 September 2018; and
3. calls on the ACT Government to investigate methods of increasing the burning capacity during periods of suitable weather conditions and to report back to the Assembly by the end of the 2018-19 bushfire season.

Mr Gentleman (Minister for Police and Emergency Services) moved the following amendment: Omit all text after “That this Assembly”, substitute:

“(1) notes:

* 1. hazard reduction burns in the ACT are one of many important activities undertaken in the preparation of a bushfire season;
  2. the ACT Government, including the ACT Emergency Services Agency (ESA), is better prepared for a bushfire emergency than ever before;
  3. the ACT’s emergency plans and policies, warnings systems, and governance arrangements, lead emergency management practice on a national level;
  4. the ACT community can be confident that they continue to live in one of the safest cities in the world; and
  5. while the ACT Government, the ESA and government directorates are well prepared for the risks that the ACT may face, preparation for bushfires, storms and heatwaves is everyone’s responsibility; and

1. calls on the ACT Government to continue working with the community to help prepare Canberra for this year’s bushfire season.”.

Mr Rattenbury moved the following amendment to Minister Gentleman’s proposed amendment: Insert new paragraph (1A):

“(1A) further notes that climate change has increased the risk and severity of fires in the ACT, and is predicted to continue to do so, including by:

* 1. increasing hot, dry conditions and increasing the likelihood of very high and extreme fire danger weather in the ACT;
  2. making heatwaves longer and more frequent; and
  3. causing fire seasons to start earlier and extend longer—which also reduces the opportunities for safe hazard reduction burning;”.

Question—That Mr Rattenbury’s amendment to Mr Gentleman’s proposed amendment be agreed to—put and passed.

Mrs Jones moved the following amendment to Mr Gentleman’s proposed amendment, as amended: Add:

“(3) calls on the ACT Government to investigate methods of increasing the burning capacity during periods of suitable weather conditions and report back to the Assembly by the end of the 2018-19 bushfire season.”.

Debate continued.

Question—That Mrs Jones’ amendment to Mr Gentleman’s proposed amendment, as amended, be agreed to—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 10 | |  | NOES, 13 | |
| Miss C. Burch | Ms Lee |  | Mr Barr | Ms Le Couteur |
| Mr Coe | Mr Parton |  | Ms Berry | Ms Orr |
| Mrs Dunne | Mr Wall |  | Ms J. Burch | Mr Pettersson |
| Mr Hanson |  |  | Ms Cheyne | Mr Ramsay |
| Mrs Jones |  |  | Ms Cody | Mr Rattenbury |
| Mrs Kikkert |  |  | Ms Fitzharris | Mr Steel |
| Ms Lawder |  |  | Mr Gentleman |  |

And so it was negatived.

Question—That Mr Gentleman’s amendment, as amended, be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes:

* 1. hazard reduction burns in the ACT are one of many important activities undertaken in the preparation of a bushfire season;
  2. the ACT Government, including the ACT Emergency Services Agency (ESA), is better prepared for a bushfire emergency than ever before;
  3. the ACT’s emergency plans and policies, warnings systems, and governance arrangements, lead emergency management practice on a national level;
  4. the ACT community can be confident that they continue to live in one of the safest cities in the world; and
  5. while the ACT Government, the ESA and government directorates are well prepared for the risks that the ACT may face, preparation for bushfires, storms and heatwaves is everyone’s responsibility;

(2) further notes that climate change has increased the risk and severity of fires in the ACT, and is predicted to continue to do so, including by:

* 1. increasing hot, dry conditions and increasing the likelihood of very high and extreme fire danger weather in the ACT;
  2. making heatwaves longer and more frequent; and
  3. causing fire seasons to start earlier and extend longer—which also reduces the opportunities for safe hazard reduction burning; and

(3) calls on the ACT Government to continue working with the community to help prepare Canberra for this year’s bushfire season.”—

be agreed to—put and passed.

9 Place name guidelines

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

1. notes:
   1. the naming of many places in Canberra, including suburbs and streets, after historical persons;
   2. that the behaviour of some of those persons was criminal, reprehensible and/or abhorrent;
   3. the ongoing hurt caused in the community by the commemoration of villains as heroes;
   4. that the ACT Place Names Committee provides advice to establish policies for the naming of divisions (suburbs) and public places on Territory land in the Australian Capital Territory (ACT);
   5. the current role, responsibilities, membership and expertise, and operations of the ACT Place Names Committee is set out in its terms of reference which is available online; and
   6. the Public Place Names Guidelines, which are notified on the ACT Legislation Register, detail the established policies for the naming of new divisions, roads and other public places in the ACT; and
2. calls on the ACT Government to:
   1. review the terms of reference and expansion of membership for the ACT Place Names Committee to ensure it continues to be representative of the diversity of Canberra as a modern, inclusive and progressive city;
   2. review the Public Place Names Guidelines to ensure that they meet with community standards, allow for greater community input and capacity to raise concerns;
   3. ensure that the ACT Place Names Committee considers community proposals relating to place names that no longer meet community standards;
   4. request the ACT Place Names Committee review particular non-residential place names that have been the subject of significant community disquiet, such as William Slim Drive and Haig Park, as a priority; and
   5. report to the Assembly during the June 2019 sitting period on the outcomes of this review.

Debate ensued.

Question—put and passed.

10 Language education

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

1. notes that:
   1. the ACT Government should refocus Canberra on being the best city in Australia to learn a second language;
   2. Canberra is a great multicultural city;
   3. learning a second language from an early age has enormous benefits for all children—academically, socially, culturally and for future employability;
   4. strong communication skills are becoming increasingly valued by employers and our education system should evolve to equip all Canberra children with skills for a future not limited by geographic borders;
   5. the ACT Government’s *Future of Education Strategy* does not make a single mention of the importance of language education in Canberra schools;
   6. very few ACT government primary schools offer Mandarin—yet China is Australia’s largest trading partner;
   7. no ACT government schools teach Arabic—despite Arabic being the third most commonly spoken language in Australia and the increasing demand in both public and private sectors;
   8. very few ACT government primary schools offer Indian languages—despite the importance of India as a trading partner and the high Indian population in the ACT; and
   9. the ACT Government has failed to:
      1. appropriately prioritise or think strategically about the future of language education in Canberra schools;
      2. adequately encourage or support teachers to pursue the appropriate qualifications to teach a second language; and
      3. adequately promote the qualifications to teach a second language as a desirable skill for new teachers;

which has resulted in Canberra students not having a consistent language pathway from preschool or kindergarten through to college to pursue study of a second language; and

1. calls on the ACT Government to:
   1. explain to the Canberra community why it has failed to make a single mention of the importance of language education in its *Future of Education Strategy*;
   2. establish an action plan to encourage, improve and support language education in Canberra schools;
   3. work more closely with the Community Language Schools Association to share teaching resources so that language education can be offered in a school setting where needed; and
   4. report back to the ACT Legislative Assembly on its action plan by the last sitting day in March 2019.

Ms Berry (Minister for Education and Early Childhood Development) moved the following amendment: Omit paragraphs (1)(e) to (i) and paragraph (2), substitute:

“(e) the ACT Government’s *Future of Education Strategy* highlights the importance of students learning to ‘participate effectively and respectfully in a diverse society’ and schools operating with inclusion so that ‘diversity in all its forms’ is embraced;

* 1. the ACT Public Schools *Curriculum Requirements Policy* and associated procedures require all ACT government schools to provide a language program in one of eight priority languages (French, German, Italian, Spanish, Indonesian, Japanese, Mandarin, and Korean);
  2. decisions about the language offering at a particular school are made by the school community including school leaders, teachers and parents;
  3. ACT government schools have been prioritising work on developing appropriately localised Aboriginal language education including senior secondary courses, in close consultation with the ACT Aboriginal and Torres Strait Islander community; and
  4. there is an opportunity to improve how the ACT Government:
     1. strategically delivers language education in Canberra schools;
     2. builds teacher capability and capacity to deliver language education in Canberra schools; and
     3. ensures a learning pathway for students from preschool or kindergarten through to college in study of a particular language; and

1. calls on the ACT Government to:
   1. develop an action plan to encourage, improve and support language education in Canberra schools as part of implementing the *Future of Education Strategy*;
   2. consult with the Community Language Schools Association as part of developing this action plan; and
   3. include development of the action plan as part of the *Future of Education Implementation Plan* that will be presented to the ACT Legislative Assembly during February 2019.”.

Ms Berry 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.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

1. notes that:
   1. the ACT Government should refocus Canberra on being the best city in Australia to learn a second language;
   2. Canberra is a great multicultural city;
   3. learning a second language from an early age has enormous benefits for all children—academically, socially, culturally and for future employability;
   4. strong communication skills are becoming increasingly valued by employers and our education system should evolve to equip all Canberra children with skills for a future not limited by geographic borders;
   5. the ACT Government’s *Future of Education Strategy* highlights the importance of students learning to ‘participate effectively and respectfully in a diverse society’ and schools operating with inclusion so that ‘diversity in all its forms’ is embraced;
   6. the ACT Public Schools *Curriculum Requirements Policy* and associated procedures require all ACT government schools to provide a language program in one of eight priority languages (French, German, Italian, Spanish, Indonesian, Japanese, Mandarin, and Korean);
   7. decisions about the language offering at a particular school are made by the school community including school leaders, teachers and parents;
   8. ACT government schools have been prioritising work on developing appropriately localised Aboriginal language education including senior secondary courses, in close consultation with the ACT Aboriginal and Torres Strait Islander community; and
   9. there is an opportunity to improve how the ACT Government:
      1. strategically delivers language education in Canberra schools;
      2. builds teacher capability and capacity to deliver language education in Canberra schools; and
      3. ensures a learning pathway for students from preschool or kindergarten through to college in study of a particular language; and
2. calls on the ACT Government to:
   1. develop an action plan to encourage, improve and support language education in Canberra schools as part of implementing the *Future of Education Strategy*;
   2. consult with the Community Language Schools Association as part of developing this action plan; and
   3. include development of the action plan as part of the *Future of Education Implementation Plan* that will be presented to the ACT Legislative Assembly during February 2019.”—

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 6.59 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