



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 76

WEDNESDAY, 22 MARCH 2023

- 1 The Assembly met at 10 am, pursuant to adjournment. The Acting Speaker (Mr Parton) 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 wanggiralidjinyin.

This is Ngunnawal country.

Today we are all meeting on Ngunnawal country.

We always pay respect to Elders, female and male.

The Acting Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 POINT OF ORDER—ACTING SPEAKER’S RULING

The Acting Speaker made a statement about a point of order that was raised by a Minister in relation to comments made by a Member during a Private Member’s motion debate on 21 March 2023. Having considered the matter, the Acting Speaker ruled that the comments made did not contain an imputation and so he did not uphold the point of order.

3 PETITION—PETITION NOTED

The Clerk announced that the following Member had lodged a petition for presentation:

Dr Paterson, from 16 residents, requesting that the Assembly call on the ACT Government to safeguard or sell a vacant Housing ACT property in Swinger Hill (Pet 009-23).

The Acting Speaker proposed—That the petition so lodged be noted.

Debate ensued.

Question—put and passed.

4 2023 NATIONAL MULTICULTURAL FESTIVAL—MINISTERIAL STATEMENT—PAPER NOTED

Ms Cheyne (Minister for Multicultural Affairs) made a ministerial statement concerning the 2023 National Multicultural Festival and, by leave, moved that the Assembly take note of the paper as read.

Debate ensued.

Ms Cheyne presented the following paper:

2023 National Multicultural Festival—Ministerial statement, 22 March 2023.

Question—put and passed.

5 A.C.T. HERITAGE COUNCIL REVIEW—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Vassarotti (Minister for Heritage) made a ministerial statement concerning the outcome of the Freedom of Information Officer's decision to release the full report (with redactions) into the review of the ACT Heritage Council, in response to the resolution of the Assembly of 9 February 2023, and presented the following papers:

ACT Heritage Council Review—Ministerial statement, 22 March 2023.

Review of the ACT Heritage Council—Report for internal use—ACT Environment, Planning and Sustainable Development Directorate (Redacted), dated November 2022, in response to the Assembly Resolution of 9 February 2023.

Ms Vassarotti moved—That the Assembly take note of the papers.

Debate ensued.

Question—put and passed.

6 VARIATION IN SEX CHARACTERISTICS (RESTRICTED MEDICAL TREATMENT) BILL 2023

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to protect rights of people with a variation in sex characteristics in relation to certain medical treatment, and for other purposes.

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

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

7 UNIT TITLES LEGISLATION AMENDMENT BILL 2023

Mr Gentleman (Minister for Planning and Land Management), pursuant to notice, presented a Bill for an Act to amend legislation about unit titles, and for other purposes.

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

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

8 INTERNATIONAL WOMEN’S DAY

Notice No 3, Executive business, having been called on—

Ms Stephen-Smith (Minister for Health), by leave, in the absence of the proposer, pursuant to notice, moved—That this Assembly:

- (1) notes that International Women’s Day occurred on 8 March 2023 and that the theme this year was “Cracking the Code: Innovation for a Gender Equal Future”, and that:
 - (a) International Women’s Day is a global day to celebrate the social, economic, political and cultural achievements of women; and
 - (b) creating equal opportunities and removing barriers for girls and women to enter traditionally male dominated industries requires systemic changes;
- (2) notes that women experience disadvantage in a myriad of ways which are individual and unique, as are their circumstances, and:
 - (a) that culturally and linguistically diverse, disabled women, non-binary, transgender and gender diverse people experience disadvantage, abuse and discrimination at higher rates; and
 - (b) acknowledges that Aboriginal and Torres Strait Islander women experience domestic, family and sexual violence at higher rates and face higher barriers to their full economic and social participation than the general population;
- (3) notes the ACT Government has published the outcomes of the Second Action Plan under the Women’s Plan 2016-2026, and that the key achievements include delivering 23 of the 29 actions, with the remaining six due to be completed in 2023;
- (4) acknowledges and congratulates the nominees and winners of the 2023 ACT Women’s Awards for their contributions to achieving gender equity in our community, including:
 - (a) ACT Woman of the Year, Betty Machia;
 - (b) ACT Senior Woman of the Year, Jennifer Mobbs; and
 - (c) ACT Young Woman of the Year, Sophie Aboud; and
- (5) calls on the ACT Government to continue its nation-leading work in promoting gender equity within the Territory.

Debate ensued.

Question—put and passed.

9 QUESTIONS

Questions without notice were asked.

10 LEAVE OF ABSENCE TO MEMBER

Mr Braddock moved—That leave of absence be granted to Ms Clay for this sitting due to illness.

Question—put and passed.

11 LEAVE OF ABSENCE TO MEMBERS

Ms Lawder moved—That leave of absence be granted to Mr Cain and Mr Milligan for this sitting due to personal reasons.

Question—put and passed.

12 LIGHT RAIL STAGE 2A CONSTRUCTION—TRAFFIC DISRUPTION

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

(1) notes that:

- (a) Canberrans are starting to feel the impacts of construction of Light Rail Stage 2A;
- (b) Government projections show these construction works will:
 - (i) reduce Commonwealth Avenue's traffic volume by 80 percent;
 - (ii) increase traffic on Parkes Way by 45 percent in the morning, and 59 percent in the evening;
 - (iii) increase traffic on Monaro Highway by 46 percent in the morning, and 38 percent in the evening; and
 - (iv) increase traffic on Kings Avenue by 28 percent in the morning, and 24 percent in the evening;
- (c) the Government has not published data for the impacts of other roads around Woden, Weston Creek, Molonglo and Tuggeranong;
- (d) Minister Steel's response is to tell Canberrans to "find a different way into the city"; and
- (e) Light Rail 2B will cause traffic congestion for the southside of Canberra for up to a decade; and

(2) calls on the ACT Government to:

- (a) research and publish current delay statistics for the areas of Woden, Weston Creek and Tuggeranong including Tuggeranong Parkway, Cotter Road, John Gorton Drive and Hindmarsh Drive;

- (b) explain to Canberrans how to “find a different way into the city” when all major roads from the south are affected; and
- (c) end this traffic chaos as soon as possible by not proceeding with Stage 2B.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 13	
Ms Castley		Ms Berry	Dr Paterson
Mr Cocks		Mr Braddock	Mr Pettersson
Mr Hanson		Ms Cheyne	Mr Rattenbury
Mrs Kikkert		Ms Davidson	Mr Steel
Ms Lawder		Mr Davis	Ms Stephen-Smith
Mr Parton		Mr Gentleman	Ms Vassarotti
		Ms Orr	

And so it was negatived.

13 A.C.T. RETIREMENT VILLAGES OMBUDSMAN—POSSIBLE ESTABLISHMENT

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

- (1) notes:
 - (a) the *Retirement Villages Act 2012* (the Act) commenced on 4 March 2013 and regulates retirement villages in the ACT;
 - (b) the Act has been amended on several occasions. A review of the Act was presented to the ACT Legislative Assembly by the Minister for Justice and Consumer Affairs, Shane Rattenbury MLA, in 2016, and resulted in a number of amendments being made to the Act;
 - (c) the Act provides methods for the resolution of disputes between a resident of a retirement village and the operator of the village, including via:
 - (i) the disputes committee of the retirement village which can make a non-binding decision to resolve the matter;
 - (ii) the ACT Civil and Administrative Tribunal (ACAT) which can make a binding decision to resolve the matter; or
 - (iii) another informal way to resolve the matter as agreed between the parties;
 - (d) that decisions made by ACAT can be appealed to the ACAT Appeal Tribunal;
 - (e) that review of decision rulings made by the ACAT Appeal Tribunal can be appealed to the ACT Supreme Court; and
 - (f) that ACAT, ACAT Appeal Tribunal, and ACT Supreme Court processes to resolve disputes can be costly, and extremely complicated for vulnerable senior members of the community to navigate;

- (2) further notes efforts made to establish a retirement villages ombudsman in other jurisdictions, including the:
- (a) Victorian Parliament’s Legal and Social Issues Committee inquiry into management standards, pricing, and dispute resolution processes within retirement housing, undertaken in 2017, which recommended the establishment of a low cost, accessible and binding dispute resolution process, either by expanding the jurisdiction of an existing ombudsman, or through the creation of a new ombudsman;
 - (b) Australian Housing and Urban Research Institute’s report *Business models, consumer experiences and regulation of retirement villages*, published December 2022, which recommends the establishment of a national ombudsman to advocate for the rights of older people navigating disputes with retirement village operators;
 - (c) Ontario Government’s Retirement Homes Regulatory Authority, mandated to protect and ensure the safety and well-being of seniors, with the power to make binding decisions on complaints;
 - (d) New Zealand Government’s Te Ara Ahunga Ora Retirement Commission, which oversees the retirement villages regulatory framework, and supports dispute resolution by making binding decisions;
 - (e) South African Government’s Community Schemes Ombud Service, an alternative dispute resolution service which can make binding decisions regarding housing schemes for retired persons; and
 - (f) United Kingdom Government’s Housing Ombudsman Service which resolves disputes involving the tenants and leaseholders of social landlords and voluntary members by making binding orders; and
- (3) calls on the ACT Government to:
- (a) investigate the establishment of an ACT retirement villages ombudsman that is non-adversarial and accessible with the power to make binding decisions to resolve disputes between a resident of a retirement village and the operator of the village, and report back to the Assembly by the last sitting day in September 2023; and
 - (b) advocate for the Federal Government to establish a national retirement villages and aged care ombudsman to further support and advocate for the rights of older people.

Debate ensued.

Question—put and passed.

14 REVENUE 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.

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 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 5.01 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Burch*, Mr Cain*, Ms Clay* and Mr Milligan*.

*on leave.

Tom Duncan
Clerk of the Legislative Assembly