



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 107

TUESDAY, 28 NOVEMBER 2023

- 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 RESIGNATION OF MEMBER—PAPERS

The Speaker informed the Assembly that, pursuant to the resolution of the Assembly of 27 March 1992, as amended on 6 March 2008, the Speaker had received a letter from Mr Davis resigning his office as a Member of the Legislative Assembly for the Australian Capital Territory and presented the following papers:

Australian Capital Territory (Self-Government) Act 1988 (Cth), pursuant to subsection 13(3)—Resignation of office as Member—Mr Johnathan Davis—Copy of letter of resignation, dated 12 November 2023.

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Copy of letter to the ACT Electoral Commissioner, from the Speaker, dated 13 November 2023.

3 PETITIONS AND MINISTERIAL RESPONSES—PETITIONS AND RESPONSES NOTED

Petitions

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

Mr Cain, from 114 and 71 residents, respectively, requesting that the Assembly call on the Government to increase the number of police officers at the Kippax Group Centre and ensure that regular patrols are provided by police officers on foot and in police vehicles to increase safety for citizens (e-Pet 021-23 and Pet 030-23).

Ministerial responses

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

Ms Berry (Minister for Sport and Recreation), dated 14 November 2023—Response to petition No 025-23, lodged by Mr Braddock on 14 September 2023, concerning lighting at Gunnawal Oval.

Mr Steel (Minister for Transport and City Services), undated—Response to e-petition No 014-23, lodged by Ms Davidson on 29 August 2023, concerning a school bus between Lyons Early Childhood School and Hughes Primary School.

Mr Steel (Minister for Transport and City Services), undated—Response to e-petition No 011-23, lodged by Mr Braddock on 30 August 2023, concerning pedestrian safety at the Gribble and Hibberson Streets intersection.

Ms Cheyne (Minister for the Arts), dated 16 November 2023—Response to e-petition No 005-23 and petition No 026-23, lodged by Mr Cocks on 29 August and 19 September 2023, concerning arts and culture in the Woden Town Centre.

The Speaker proposed—That the petitions and responses so lodged be noted.

Debate ensued.

Question—put and passed.

4 LEAVE OF ABSENCE TO MEMBER

Ms Clay moved—That leave of absence be granted to Mr Braddock for today's sitting due to personal reasons.

Question—put and passed.

5 LEAVE OF ABSENCE TO MEMBER

Ms Lawder moved—That leave of absence be granted to Mr Hanson for this sitting week due to personal reasons.

Question—put and passed.

6 RESTORATIVE JUSTICE REFORMS—ASSEMBLY RESOLUTION OF 28 JUNE 2023—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Attorney-General) made a ministerial statement concerning the Government's response to Assembly resolution of 28 June 2023 relating to restorative justice reforms and presented the following paper:

Restorative justice reforms—Assembly resolution of 28 June 2023—Government response—Ministerial statement, 28 November 2023.

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

Question—put and passed.

7 ONLINE REPORTING MECHANISMS (A.C.T. POLICING)—ASSEMBLY RESOLUTIONS OF 8 FEBRUARY 2023 AND 29 MARCH 2023—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement to provide the Assembly with an update concerning two Assembly resolutions relating to ACT Policing—Online reporting mechanisms (resolution of 8 February 2023) and Sexual assault—Online reporting (resolution of 29 March 2023), and presented the following paper:

ACT Policing—Online reporting mechanisms—Assembly resolution of 8 February 2023 and Sexual assault—Online reporting—Assembly resolution of 29 March 2023—Update—Ministerial statement, 28 November 2023.

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

Question—put and passed.

8 BUSHFIRE SMOKE AND AIR QUALITY STRATEGY 2021-25—FIRST ACTION PLAN REPORT AND WOOD HEATER REPLACEMENT PROGRAM—ASSEMBLY RESOLUTION OF 8 JUNE 2022—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Vassarotti (Minister for the Environment) made a ministerial statement concerning the first action plan report under the Bushfire Smoke And Air Quality Strategy 2021-25, and the Government response to Assembly resolution of 8 June 2022 relating to wood heater replacement program, and presented the following papers:

Bushfire Smoke and Air Quality Strategy 2021-25—First Action Plan Report—Report, dated November 2023.

And wood heater replacement program—Assembly resolution of 8 June 2022—Government response—Ministerial statement, 28 November 2023.

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

Question—put and passed.

9 A.C.T. MENTAL HEALTH WORKFORCE FRAMEWORK FOR ACTION PLAN 2023-2026 INCLUDING WORK PLAN 2024—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning ACT Mental Health Workforce Framework for Action Plan 2023-2026, including Work Plan 2024, and presented the following papers:

ACT Mental Health Workforce Framework for Action Plan 2023-2026 including Work Plan 2024—Ministerial statement, 28 November 2023.

Mental Health Workforce Strategy 2023-2033—Framework for Action 2023-2026 including 2024 Work Plan, dated November 2023.

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

Question—put and passed.

10 BIMBERI HEADLINE INDICATORS REPORT—NOVEMBER 2023—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Davidson (Assistant Minister for Families and Community Services) made a ministerial statement concerning the twelfth Bimberi Headline Indicators Report and presented the following papers:

Bimberi Headline Indicators Report—November 2023—
Report.

Ministerial statement, 28 November 2023.

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

Question—put and passed.

11 ALLEGATIONS MADE AGAINST A MEMBER—HANDLING OF—REVIEW—STATEMENT BY SPEAKER

The Speaker made a statement concerning certain misconduct allegations made against a Member and initial inquiries about those allegations having been undertaken on behalf of Leader of the ACT Greens. The Speaker informed the Assembly that the Standing Committee on Administration and Procedure, having considered the matters, had unanimously agreed to recommend to the Assembly that an independent review by an expert be undertaken, pursuant to resolution.

Suspension of standing orders—Moving a motion: Ms Lawder moved—That so much of the standing orders be suspended as would prevent her moving a motion relating to the mishandling of allegations against a Member.

Question—put and passed, with the concurrence of an absolute majority.

12 ALLEGATIONS MADE AGAINST A MEMBER—HANDLING OF—REVIEW

Ms Lawder moved—That this Assembly:

(1) notes that:

- (a) on Friday 10 November 2023, allegations of ‘serious sexual misconduct’ were reported in *The Canberra Times* concerning then Member of the Legislative Assembly for the ACT, Mr Johnathan Davis;
- (b) on Sunday 12 November 2023, Mr Davis resigned his position as an MLA to the Speaker;
- (c) on Monday 13 November 2023, Mr Rattenbury MLA, gave a media conference in which he stated that he first became aware of concerns about the conduct of Mr Davis on Monday 6 November 2023 and that at that time he had asked a senior staff member to ‘conduct initial inquiries to determine the most appropriate next steps’;

- (d) on Monday 13 November 2023, the ACT Greens publicly released a statement about the allegations against Mr Davis and his resignation, as well as the document titled *Report to Leader of the ACT Greens Internal review to understand complaints made about Johnathan Davis MLA*;
 - (e) on 29 October 2023, Ms Emma Davidson MLA asked for a meeting with the senior staff member in Mr Rattenbury's office and the following day advised the senior staff member that 'there were rumours circulating about Mr Davis engaging in inappropriate behaviour with younger people, and that it was possible that some of those people might be between 15 and 17';
 - (f) there is significant concern across the Assembly and in the wider community about these allegations;
 - (g) there are also questions about the handling of the allegations, including in relation to the timeliness and completeness of reporting to relevant authorities; and
 - (h) the Standing Committee on Administration and Procedure has recommended that an independent review be conducted in relation to these matters, pursuant to Assembly resolution as outlined in this motion;
- (2) resolves that the Speaker engage on its behalf, an independent person and/or firm (the reviewer) with extensive experience in public administration, governance, or integrity matters to review:
- (a) the timeline during which material details of the allegations were received by Mr Rattenbury, Ms Davidson and the senior staff member given responsibility for conducting initial inquiries;
 - (b) the appropriateness of the steps taken by Mr Rattenbury and Ms Davidson in relation to the handling of the allegations and having regard to applicable laws, good governance, compliance with available policies, and community expectations;
 - (c) the timeliness and completeness of reporting the allegations to relevant authorities; and
 - (d) best practice and possible changes to laws, policies, and procedures to ensure that allegations of sexual misconduct against an MLA particularly those involving a child or young person—are appropriately reported and investigated, and in a way that is trauma-informed and responsive to the needs of victim/survivors;
- (3) resolves that the reviewer shall, on its behalf:
- (a) invite submissions from:
 - (i) MLAs; and
 - (ii) staff of MLAs involved in the processes conducted by, or on behalf of, Mr Rattenbury or Ms Davidson in these matters;
 - (b) afford procedural fairness to participants in the review;

- (c) give due consideration to the wellbeing of participants and protecting their identity;
 - (d) not make findings about the substance of allegations concerning Mr Davis, recognising that criminal investigation or other proceedings may yet occur; and
 - (e) present a written report to the Speaker containing findings and recommendations in relation to matters listed at paragraph 2(a)-(d); and
- (4) further resolves that:
- (a) upon receipt by the Speaker, the reviewer’s report is authorised for publication pursuant to standing order 212A, shall be circulated to Members of the Legislative Assembly and published on the Assembly website; and
 - (b) following its presentation to the Speaker, a copy of the report shall be presented to the Assembly at the next available sitting.

Debate ensued.

Question—put and passed.

13 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—INQUIRIES—CRIMES LEGISLATION AMENDMENT BILL 2023, PARENTAGE (SURROGACY) AMENDMENT BILL 2023 AND SEXUAL, FAMILY AND PERSONAL VIOLENCE LEGISLATION AMENDMENT BILL 2023—AMENDMENTS TO REPORTING DATES

Mr Cain, pursuant to notice, moved—That, notwithstanding the provisions of standing order 174 (d), the Standing Committee on Justice and Community Safety shall present its report on the Crimes Legislation Amendment Bill 2023, the Human Rights (Healthy Environment) Amendment Bill 2023, the Parentage (Surrogacy) Amendment Bill 2023, and the Sexual, Family and Personal Violence Legislation Amendment Bill 2023, on 14 March 2024.

Mr Gentleman (Manager of Government Business) moved the following amendment: Omit “Human Rights (Healthy Environment) Amendment Bill 2023”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13

Yvette Berry	Marisa Paterson
Joy Burch	Michael Pettersson
Tara Cheyne	Shane Rattenbury
Jo Clay	Chris Steel
Emma Davidson	Rachel Stephen-Smith
Mick Gentleman	Rebecca Vassarotti
Suzanne Orr	

NOES, 7

Peter Cain
Leanne Castley
Ed Cocks
Elizabeth Kikkert
Nicole Lawder
James Milligan
Mark Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That, notwithstanding the provisions of standing order 174 (d), the Standing Committee on Justice and Community Safety shall present its report on the Crimes Legislation Amendment Bill 2023, the Parentage (Surrogacy) Amendment Bill 2023, and the Sexual, Family and Personal Violence Legislation Amendment Bill 2023, on 14 March 2024.”—

be agreed to—put and passed.

14 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—INQUIRY—INTEGRITY COMMISSION AMENDMENT BILL 2022 (NO 2)—AMENDMENT TO REPORTING DATE

Mr Cain, pursuant to notice, moved—That the resolution of the Assembly of 24 November 2022 in relation to amending the reporting date for the inquiry into the Integrity Commission Amendment Bill 2022 (No 2) be amended, by omitting all words after “That”, and substituting “notwithstanding the provisions of standing order 174 (d), the Standing Committee on Justice and Community Safety shall present its report on the Integrity Commission Amendment Bill 2022 (No 2) within four months following when the Government review of the *Integrity Commission Act 2018* becomes available.

Question—put and passed.

15 STANDING COMMITTEES—ESTABLISHMENT—AMENDMENT TO RESOLUTION

Ms Lawder, pursuant to notice, moved—That the resolution of the Assembly of 2 December 2022, as amended, that established general purpose standing committees, be amended, by omitting paragraph (5).

Question—put and passed.

16 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the adjournment debates on 28, 29 and 30 November 2023 being extended by 15 minutes each day.

Question—put and passed, with the concurrence of an absolute majority.

17 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 37—STATEMENT BY CHAIR

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 37, dated 21 November 2023, together with a copy of the extracts of the relevant minutes of proceedings—

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

18 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 21—INQUIRY INTO GAMING MACHINE AMENDMENT BILL 2023—REPORT NOTED

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee—Report 21—*Inquiry into Gaming Machine Amendment Bill 2023*, dated 22 November 2023, including a dissenting report (*Mr Cain*), 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.

19 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Ms Castley (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Economy and Gender and Economic Equality.

Paper: Ms Castley, pursuant to Continuing Resolution 5A, presented the following paper:

Economy and Gender and Economic Equality—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 July to 31 December 2022.

20 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—CALVARY PUBLIC HOSPITAL BRUCE—TRANSITION TO CANBERRA HEALTH SERVICES—STATEMENT BY CHAIR—PAPER

Mr Milligan (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Health and Community Wellbeing had received further briefing from the Minister of Health and officials from ACT Health and Canberra Health Services concerning the progress of the transition of Calvary Public Hospital Bruce to Canberra Health Services.

Paper: Mr Milligan, by leave, presented the following paper:

Health and Community Wellbeing—Standing Committee—Calvary briefing by Minister for Health—Communique—Second, dated 27 October 2023.

21 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—URBAN FOREST (CONSEQUENTIAL AMENDMENTS) BILL 2023—STATEMENT BY CHAIR

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had resolved not to inquire into Urban Forest (Consequential Amendments) Bill 2023.

22 ASSISTED REPRODUCTIVE TECHNOLOGY BILL 2023

Ms Stephen-Smith (Minister for Health), pursuant to notice, presented a Bill for an Act to regulate assisted reproductive technology services, and for other purposes.

Paper: Ms Stephen-Smith 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.

Ms Stephen-Smith 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.

23 URBAN FOREST (CONSEQUENTIAL AMENDMENTS) BILL 2023

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.

24 QUESTIONS

Questions without notice were asked.

25 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Bills, referred to Committees, pursuant to standing order 174—Correspondence—

Bills—Inquiries—

Crimes Legislation Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 8 November 2023.

Human Rights (Healthy Environment) Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 27 November 2023.

Parentage (Surrogacy) Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 8 November 2023.

Sexual, Family and Personal Violence Legislation Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 8 November 2023.

Bill—Not inquired into—

Education (Early Childhood) Legislation Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Education and Community Inclusion, dated 7 November 2023.

Government Procurement Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Economy and Gender and Economic Equality, dated 9 November 2023.

Committee Reports—Schedule of Government Responses—Tenth Assembly, as at 24 November 2023.

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Thematic Review of a Correctional Service and National Preventative Mechanism Pilot Visit by the ACT Inspector of Correctional Services—Isolation of children and young people at Bimberi Youth Justice Centre, dated November 2023.

Integrity Commission Act, pursuant to section 278—Investigation into the dismissal of corruption reports by the ACT Integrity Commission—Special report of the Inspector of the ACT Integrity Commission, dated November 2023.

Standing order 191—Amendments to:

Electoral and Road Safety Legislation Amendment Bill 2023, dated 14 November 2023.

Justice and Community Safety Legislation Amendment Bill 2023, dated 8 November 2023.

26 PRESENTATION OF PAPERS

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, presented the following papers:

Financial Management Act—

Pursuant to section 26—Consolidated Financial Report for the financial quarter ending—30 September 2023.

Pursuant to subsection 30F(3)—2023-24 Capital Works Programs—Progress report—Year-to-date performance as at 30 September 2023.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Emergencies Act—Emergencies (Multi-Hazard Advisory Council Members)

Appointment 2023 (No 2)—Disallowable Instrument DI2023-240 (LR, 26 October 2023).

Magistrates Court Act—Magistrates Court (Circular Economy Infringement Notices)

Regulation 2023—Subordinate Law SL2023-26 (LR, 26 October 2023).

Road Transport (General) Act—Road Transport (General) Fee Determination

Revocation 2023 (No 1)—Disallowable Instrument DI2023-241 (LR, 26 October 2023).

27 RAIL CONNECTION BETWEEN SYDNEY AND CANBERRA—IMPROVEMENT

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

(1) notes that:

- (a) the ACT, NSW and Australian Greens support the improvement of regional rail connections, including the improvement of the rail connection between Canberra and Sydney, as well as the delivery of a national high-speed rail network;
- (b) in 2017, ACT Chief Minister and ACT Labor Leader Andrew Barr MLA discussed the importance of improving the Canberra to Sydney rail connection with his NSW counterparts;
- (c) in 2018, ACT Chief Minister and ACT Labor Leader Andrew Barr MLA welcomed an announcement from the NSW Government that they would improve rail travel times between Canberra and Sydney;

- (d) in 2018 the NSW Labor Party committed to funding a study into reducing the four-hour train journey time between Canberra and Sydney;
 - (e) Australian Labor Party Member for Fenner and Assistant Minister for Competition, Charities and Treasury, the Hon Dr Andrew Leigh MP called, in 2017, for the NSW Government to support a high-speed railway proposal between Canberra and Sydney;
 - (f) in 2019, Chief Minister Andrew Barr MLA identified that “Canberrans want fast rail. Local NSW councils want fast rail. The NSW Government wants fast rail. The Federal Liberal Party doesn’t want fast rail”;
 - (g) following the May 2022 Federal election, the Australian Labor Party formed government;
 - (h) following the March 2023 NSW election, the NSW Labor Party formed government in NSW; and
 - (i) following these elections, all three relevant governments, Federal, NSW and ACT, support or have supported delivering a faster rail connection between Canberra and Sydney; and
- (2) calls on the ACT Government to:
- (a) support the development of a faster rail connection between Canberra and Sydney;
 - (b) write to their NSW and Federal counterparts urging them to support the improvement of rail connections between Sydney and Canberra in a timely manner, noting their previous commitments; and
 - (c) table a copy of the letters and responses received, by the last sitting day in May 2024.

Mr Barr (Chief Minister) moved the following amendment: Insert after paragraph (1)(i):

- “(j) the Chief Minister has met with the current and previous NSW Premiers and Transport Ministers in support of improvements to the Sydney to Canberra rail link; and
- (k) the ACT Government continues to engage with the Commonwealth on this matter, including by listing Sydney to Canberra rail link improvements as one of the priority projects for joint investment under the National Capital Investment Framework.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) the ACT, NSW and Australian Greens support the improvement of regional rail connections, including the improvement of the rail connection between Canberra and Sydney, as well as the delivery of a national high-speed rail network;

- (b) in 2017, ACT Chief Minister and ACT Labor Leader Andrew Barr MLA discussed the importance of improving the Canberra to Sydney rail connection with his NSW counterparts;
 - (c) in 2018, ACT Chief Minister and ACT Labor Leader Andrew Barr MLA welcomed an announcement from the NSW Government that they would improve rail travel times between Canberra and Sydney;
 - (d) in 2018 the NSW Labor Party committed to funding a study into reducing the four-hour train journey time between Canberra and Sydney;
 - (e) Australian Labor Party Member for Fenner and Assistant Minister for Competition, Charities and Treasury, the Hon Dr Andrew Leigh MP called, in 2017, for the NSW Government to support a high-speed railway proposal between Canberra and Sydney;
 - (f) in 2019, Chief Minister Andrew Barr MLA identified that “Canberrans want fast rail. Local NSW councils want fast rail. The NSW Government wants fast rail. The Federal Liberal Party doesn’t want fast rail”;
 - (g) following the May 2022 Federal election, the Australian Labor Party formed government;
 - (h) following the March 2023 NSW election, the NSW Labor Party formed government in NSW;
 - (i) following these elections, all three relevant governments, Federal, NSW and ACT, support or have supported delivering a faster rail connection between Canberra and Sydney;
 - (j) the Chief Minister has met with the current and previous NSW Premiers and Transport Ministers in support of improvements to the Sydney to Canberra rail link; and
 - (k) the ACT Government continues to engage with the Commonwealth on this matter, including by listing Sydney to Canberra rail link improvements as one of the priority projects for joint investment under the National Capital Investment Framework; and
- (2) calls on the ACT Government to:
- (a) support the development of a faster rail connection between Canberra and Sydney;
 - (b) write to their NSW and Federal counterparts urging them to support the improvement of rail connections between Sydney and Canberra in a timely manner, noting their previous commitments; and
 - (c) table a copy of the letters and responses received, by the last sitting day in May 2024.”—

be agreed to—put and passed.

28 TERRITORY'S CREDIT RATING

Ms Lee (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) on 7 September 2023, Standard & Poor's (S&P) Global downgraded the Territory's credit rating from AAA to AA+;
 - (b) S&P Global found that "Rising expenses and large infrastructure program are delaying fiscal recovery" and "The downgrade reflects the Territory's slower fiscal recovery from the pandemic than we expected";
 - (c) the Chief Minister confirmed during annual reports hearings last week that interest rates on new borrowings will be higher due to the rating downgrade; and
 - (d) the 2023-24 Budget forecast total Labor-Greens Government borrowings at \$17.4 billion in the 2026-27 financial year, and interest costs of \$614 million per annum, and these figures will likely be higher as a result of the rating downgrade;
- (2) further notes:
 - (a) the rating downgrade is the result of more than a decade of persistent fiscal mismanagement by the Chief Minister and the Labor-Greens Government; and
 - (b) maintaining a AAA credit rating ensures favourable borrowing costs and enables access to the broadest possible investor base for government borrowings; and
- (3) calls on the ACT Labor-Greens Government to include the credit rating as an accountability measure in the Fiscal Strategy and Outlook of the 2024-25 Budget.

Mr Barr (Treasurer) moved the following amendment: Omit all text after paragraph (1)(a), substitute:

- “(b) all subnational jurisdictions in Australia now currently hold AA+ except for Western Australia (AAA) and Victoria (AA);
- (c) S&P has confirmed the ACT's economic fundamentals remain very strong, underpinned by high gross state product (GSP) per capita, household consumption, and public demand;
- (d) S&P have affirmed the ACT Government 'A-1+' short-term rating and the outlook on the long-term rating is stable;
- (e) like the other states and territories, the ACT Government supported households and businesses through the pandemic and then invested heavily in our community's economic and social recovery, with the cumulative cost to the Territory Budget of pandemic support measures reaching \$660 million by 2023-24;
- (f) the ACT's rapid economic growth, robust jobs market and consistent population growth, has meant the ACT is one of the strongest performing economies in Australia; and

- (g) the ACT's economic outlook remains positive, as confirmed by S&P, which stated that "Higher revenue from new tax initiatives, payroll tax receipts, and goods-and-services tax (GST) grants will contribute to modest operating surpluses from fiscal 2025. Our forecasts, such as GST, are more optimistic than those of ACT, which is conservative in budgeting, in our view";
- (2) further notes:
- (a) as the ACT population continues to grow rapidly, the Government has made a deliberate decision to deliver the necessary infrastructure program to boost productivity, reduce congestion, and support the community through projects such as the expansion of the Canberra Hospital, a new northside hospital, new community health centres, building more housing, new schools and TAFE facilities and public transport investment;
 - (b) investments in the Canberra community as the pandemic recovery and population growth continues is essential now, not delayed to make short-term improvements to the balance sheet;
 - (c) the ACT Government publishes the fiscal strategy and principles of good fiscal management in every Budget;
 - (d) the ACT Government has a transparent, clearly stated long term fiscal strategy to progressively improve the operating cash position and fully fund our superannuation liability, supporting intergenerational equity in our community; and
 - (e) the Government's fiscal strategy is underpinned by taxation reform providing a more stable revenue base compared to other jurisdictions, an approach supported by S&P's assessment of the ACT's credit rating; and
- (3) calls on:
- (a) the ACT Government to continue to responsibly manage the ACT Budget, maintaining the necessary flexibility for countercyclical fiscal policy response and investing in the infrastructure needs of the fastest growing jurisdiction in Australia; and
 - (b) the Liberal Opposition to advise the Canberra community what services, programs and projects they would cut, or what additional revenue measures they would introduce, to attempt to return to a AAA credit rating on a faster timeframe."

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 7
Yvette Berry	Marisa Paterson	Peter Cain
Joy Burch	Michael Pettersson	Leanne Castley
Tara Cheyne	Shane Rattenbury	Ed Cocks
Jo Clay	Chris Steel	Elizabeth Kikkert
Emma Davidson	Rachel Stephen-Smith	Elizabeth Lee
Mick Gentleman	Rebecca Vassarotti	James Milligan
Suzanne Orr		Mark Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) on 7 September 2023, Standard & Poor’s (S&P) Global downgraded the Territory’s credit rating from AAA to AA+;
 - (b) all subnational jurisdictions in Australia now currently hold AA+ except for Western Australia (AAA) and Victoria (AA);
 - (c) S&P has confirmed the ACT’s economic fundamentals remain very strong, underpinned by high gross state product (GSP) per capita, household consumption, and public demand;
 - (d) S&P have affirmed the ACT Government ‘A-1+’ short-term rating and the outlook on the long-term rating is stable;
 - (e) like the other states and territories, the ACT Government supported households and businesses through the pandemic and then invested heavily in our community’s economic and social recovery, with the cumulative cost to the Territory Budget of pandemic support measures reaching \$660 million by 2023-24;
 - (f) the ACT’s rapid economic growth, robust jobs market and consistent population growth, has meant the ACT is one of the strongest performing economies in Australia; and
 - (g) the ACT’s economic outlook remains positive, as confirmed by S&P, which stated that “Higher revenue from new tax initiatives, payroll tax receipts, and goods-and-services tax (GST) grants will contribute to modest operating surpluses from fiscal 2025. Our forecasts, such as GST, are more optimistic than those of ACT, which is conservative in budgeting, in our view”;

(2) further notes:

- (a) as the ACT population continues to grow rapidly, the Government has made a deliberate decision to deliver the necessary infrastructure program to boost productivity, reduce congestion, and support the community through projects such as the expansion of the Canberra Hospital, a new northside hospital, new community health centres, building more housing, new schools and TAFE facilities and public transport investment;
- (b) investments in the Canberra community as the pandemic recovery and population growth continues is essential now, not delayed to make short-term improvements to the balance sheet;
- (c) the ACT Government publishes the fiscal strategy and principles of good fiscal management in every Budget;
- (d) the ACT Government has a transparent, clearly stated long term fiscal strategy to progressively improve the operating cash position and fully fund our superannuation liability, supporting intergenerational equity in our community; and
- (e) the Government's fiscal strategy is underpinned by taxation reform providing a more stable revenue base compared to other jurisdictions, an approach supported by S&P's assessment of the ACT's credit rating; and

(3) calls on:

- (a) the ACT Government to continue to responsibly manage the ACT Budget, maintaining the necessary flexibility for countercyclical fiscal policy response and investing in the infrastructure needs of the fastest growing jurisdiction in Australia; and
- (b) the Liberal Opposition to advise the Canberra community what services, programs and projects they would cut, or what additional revenue measures they would introduce, to attempt to return to a AAA credit rating on a faster timeframe.”.

be agreed to—put and passed.

29 PAPERS PRESENTED ON 28 NOVEMBER 2023—PAPERS NOTED

The Speaker, pursuant to standing order 211A, proposed—That the papers presented under standing order 211 during the presentation of papers in the routine of business today be noted.

Question—put and passed.

30 HUMAN RIGHTS (COMPLAINTS) LEGISLATION AMENDMENT BILL 2023

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.

Detail Stage

Clause 1 to 15, by leave, taken together and agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

31 MEMBERS' STATEMENTS

Paper: Mr Rattenbury (Leader of the ACT Greens) made a statement and presented the following paper:

Racial discrimination elimination—Assembly resolution of 23 March 2023—Response, Copy of statement by Shane Rattenbury MLA, ACT Greens Member for Kurrajong, dated 28 November 2023.

Members' statements continued.

32 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 5.36 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Braddock* and Mr Hanson*.

*on leave.

Tom Duncan
Clerk of the Legislative Assembly