



Matters of public importance—your Assembly @ work

Sitting week—29 November to 3 December 2021

Issue 12/2021

Government Business

Includes business items presented to the Assembly by the Executive including bills, motions, and papers

Bills introduced

[Crimes \(Policing\) Legislation Amendment Bill 2021](#) (presented 1 December)

Summary: This bill will amend a number of Territory statutes by enhancing the ability of ACT Policing to protect the lives and sexual safety of children by providing higher levels of compliance with reporting obligations by those convicted of child sex offences. The bill will also make amendments to firearms legislation by introducing a permanent amnesty so that a person will not face penalty under an offence provision if unregistered firearms are surrendered to police. The bill includes provisions for the Firearms Registrar to destroy or dispose of firearms surrendered under the amnesty, without requiring a court order to do so.

[Financial Management Amendment Bill 2021 \(No 2\)](#) (presented 1 December)

Summary: This bill will amend the *Financial Management Act 1996* to require an evaluation to be completed prior to the outsourcing and/or privatisation of public sector jobs. The bill will include provisions to require that proposed services or works with an estimates value equal to or greater than an amount that may be prescribed by regulation be evaluated in accordance with the Insourcing Framework to be determined by the Chief Minister through a notifiable instrument.

[Public Health Amendment Bill 2021 \(No 2\)](#) (presented 2 December)

Summary: This bill will amend the *Public Health Act 1997* and a number of other COVID-19 related statutes to allow the Executive, after consultation with the Chief Health Officer, to make a COVID-19 Management Direction where it is satisfied that COVID-19 presents a serious risk to public health. Any direction made must be published on the ACT Legislation Register for transparency and accountability. The bill will require that the Human Rights Commission is consulted in the making of directions and any direction made will require a statement on how the direction is consistent with human rights.

[Road Transport Legislation Amendment Bill 2021 \(No 2\)](#) (presented 1 December)

Summary: This bill will amend the Territory's road transport legislation to introduce a regulatory timeframe of three months before the owner of a vehicle that is kept at an ACT garage address must transfer its registration to the ACT. The bill will also introduce a legislative exemption to the regulatory timeframe for vehicles registered in the name of a transferred defence force member and their eligible family members. Amendments made by the bill will also introduce provisions in relation to the use of certain vehicles, including e-scooters, or animals on the road while under influence of alcohol or drugs. The bill will also make minor and technical amendments to road transport legislation.

Bills debated

[Appropriation Bill 2021-2022](#) (presented 6 October)

Summary: This bill will appropriate money for the purposes of the Territory for the financial year beginning on 1 July 2021.

Proceedings: Debate resumed on this bill on 30 November with the bill being passed by the Assembly, without amendment, following a vote of the Assembly.

[Appropriation \(Office of the Legislative Assembly\) Bill 2021-2022](#) (presented 6 October)

Summary: This bill will appropriate money for expenditure in relation to the Office of the Legislative Assembly and officers of the Assembly, including the Auditor-General, the Electoral Commissioner and the Integrity Commissioner for the financial year beginning on 1 July 2021.

Proceedings: This bill was agreed to in principle by the Assembly when debate resumed on 30 November.

The bill was passed by the Assembly without amendment.

[Civil Law \(Sale of Residential Property\) Amendment Bill 2021](#) (presented 9 November)

Summary: This bill will amend the *Civil Law (Sale of Residential Property) Act 2003* to provide additional protection to buyers who purchase a residential property off-the-plan by imposing conditions on the use of certain rescission clauses in off-the-plan contracts. The bill will also provide that a seller may apply for an order from the ACT Supreme Court permitting the rescission of the contract due to a delay event or sunset event, however, the seller must satisfy the Court that the order sought is just and equitable. Amendments to the Act also include a regulation-making power to prescribe additional circumstances in which the rescission of an off-the-plan property purchase contract may occur.

Proceedings: The bill was agreed to in principle when debate resumed on 1 December.

The bill was passed by the Assembly without amendment.

[Emergencies Amendment Bill 2021](#) (presented 9 November)

Summary: This bill will amend the *Emergencies Act 2004* by creating a legislative power to appoint the ACT Recovery Coordinator. The bill will amend the Act by requiring that emergency management in the Territory develops community resilience to emergencies. Amendments also include providing for the transition of the ACT Bushfire Council into the ACT Multi-Hazard Advisory Council and allowing for the appointment of an Assistant Emergency Services Commissioner.

The bill will also include provisions relating to the declaration of a state of alert and state of emergency, the use of social media to inform the community about emergencies, the delegation of certain powers to a police officer and the issuing of fire permits.

Proceedings: Debate resumed on this bill on 30 November with all parties in the Assembly indicating support for the proposed legislation. The bill was agreed to in principle.

The bill was passed by the Assembly without amendment.

[Justice and Community Safety Legislation Amendment Bill 2021](#) (presented 11 November)

Summary: This bill will make minor and technical amendments to a number of Territory laws to improve the administration and operation of the laws for the more vulnerable members of the community and also to improve regulatory framework and the operation of the ACT Government and its agencies.

Proceedings: Debate resumed on this bill on 1 December with all parties supporting the bill in principle. During the detail stage amendments were moved by the Government to address a recent decision of the Supreme Court around mental impairment. The amendments were agreed to.

The amended bill was passed by the Assembly.

[Public Health Amendment Bill 2021](#) (presented 10 November)

Summary: This bill will amend the *Public Health Act 1997* by including temporary provisions to ensure that the Government's response to the COVID-19 pandemic can continue to effectively address public health risks as the Territory moves into the next phase of the public health response.

Proceedings: Debate resumed on the proposed legislation on 1 December with all parties in the Assembly agreeing to the bill in principle.

The bill was passed without amendment.

Motion debated

On 2 December the Government moved a motion that included recognising that escaping violent relationships takes time and resources that are not equally available to everyone, especially if time off from work cannot be taken and also noted that, in 2013, the ACT Government introduced 20 days of paid leave for domestic and family violence purposes as a formal entitlement in ACT Government enterprise agreements. The motion included noting that the Fair Work Commission was currently undertaking a review of the family and domestic violence leave clause in modern awards and called on the Australian Government to, among other things, include 10 days of paid domestic and family violence leave in the National Employment Standards. The motion also invited leaders of the ACT Labor, ACT Greens and the Canberra Liberals, responsible spokespersons and any other interested Member of the ACT Legislative Assembly to sign a letter to Senator the Hon Michaelia Cash, Federal Government Minister for Industrial Relations attaching the Assembly's motion.

The motion was passed by the Assembly following debate.

Ministerial statements

The Chief Minister made a ministerial statement on 1 December concerning progress on the **Capital of Equality LGBTIQ+ Strategy**. During the statement the Chief Minister updated the Assembly on the strategy and outlined the steps the Government had taken to promote the understanding of LGBTIQ+ people and the issues they face. At the conclusion of the statement the Chief Minister thanked those across ACT Government, the community sector, the private sector, and all well-meaning and fantastic Canberrans who had committed their time and demonstrated in their actions, a commitment to inclusion and protection of human rights for all Canberrans. Mr Davis MLA also addressed the Assembly in relation to the strategy.

On 2 December, the Minister for Health provided an update on the **ACT Government response to COVID-19**. During the statement the minister presented the Chief Health Officer's 20th report on the status of the Public Health Emergency due to COVID-19, dated 7 November 2021.

International Day of People with Disability (iDay) was the subject of a ministerial statement made by the Minister for Disability on 2 December with the minister stating that the 2021 theme for iDay was leadership and participation of people with disability toward an inclusive, accessible and sustainable post-COVID-19 world. During the statement the minister acknowledged the people with disability who demonstrate their tenacity and leadership to ensure their voice is heard and experiences included as they work with commitment to change our community for the better. The minister also thanked the services, business and community groups who listen and respond and who seek out the voice of diversity in the shaping of their programs, service officers and businesses. The Minister for Health also made a statement in relation to iDay.

The full terms of the above motion can be found in the [Minutes of Proceedings](#).

Private Members' Business

Includes items presented to the Assembly by all non-Executive Members, including bills and motions

Bills introduced

[Electoral Amendment Bill 2021](#) (*presented 2 December*)

Summary: This bill will amend the *Electoral Act 1992* to lower the mandatory voting age from 18 to 16 years of age.

[Public Place Names Amendment Bill 2021](#) (*presented 30 November*)

Summary: This bill will amend the *Public Place Names Act 1989* to replace "colonisation" with "reconciliation" which will broaden the scope of persons famous in Australian fields whom the Minister can have regard in determining a public place name.

Motions debated

A proposed external review of a workers compensation data breach was the subject of a motion moved by Ms Lee MLA on 30 November. The motion included noting *The Canberra Times* article of 25 November in relation to the online availability of workers compensation data and recognised the significant distress this proposed breach caused to employees who were affected.

The motion also called on the ACT Government to establish an independent review into the workers compensation data breach and table the terms of reference of the review in the Assembly by the last sitting day in February 2022. The motion also included calling on the Government to table the findings of the review by the last sitting day in September 2022. During debate an amendment was moved by the Government that included outlining the timeline and circumstances that led to certain spreadsheet information being available to registered users of the Tenders ACT website. The amendment also sought to note the identifying information not included in the spreadsheet. The amendment noted that the Government had made a self-referral of the matter to the Office of the Australian Information Commissioner and included calling on the Government to cooperate fully with any investigation the Australian Information Commissioner may choose to initiate in relation to the release of the data. The ACT Greens indicated support for the amendment and it was agreed to following a vote of the Assembly. The amended motion was passed by the Assembly.

Ms Clay MLA moved a motion on 30 November concerning the **repurposing of dryland ovals** in the Territory. The motion included noting that the ACT has 31 dryland ovals and that these ovals were converted from irrigated sports fields due to drought, the cost of irrigation and the increasing amount of water needed to upkeep the sports fields. The motion also highlighted the cost of converting the drylands back to irrigated fields and noted that local communities provide valuable feedback about what is in and around the suburbs and should play an active role in the development of their suburbs. The motion included calling on the ACT Government to conduct public consultation on land management plans for urban open spaces with the local community, including the 31 dryland ovals and also finalise updated land management plans, which would include specific consideration of dryland ovals and incorporate feedback and aspirations on their future use received from the community. The motion called on the Government to report back to the Assembly on progress of these matters by the first sitting week in 2023. During debate an amendment was moved by the Opposition seeking to include calling on the Government to explicitly exclude the ACT's dryland ovals from future residential and commercial development. An amendment to the Opposition's amendment was then moved and agreed to. The amended Opposition's amendment was agreed to by the Assembly.

The amended motion was passed by the Assembly.

Proposed development of a cinema for the Gungahlin Town Centre was the subject of a motion moved by Mr Petterson on 1 December. The motion noted the timeline in relation to the selection of the site and tender process undertaken for the proposed cinema. The motion also noted that, following a range of delays, the project was given approval in 2017, however, construction was further delayed and new plans were lodged and approved in 2020 with construction due to have commence in mid-2020. The motion noted that there is ongoing uncertainty surrounding the project. The motion also included calling on the ACT Government to, among other things, confirm its commitment to delivering a cinema in Gungahlin and meet with the developer of the cinema to determine their capacity to secure finance, commence construction and deliver a cinema complex for the residents of Gungahlin. The motion also included calling on the Government to revise the guidelines for granting extensions on development applications to ensure greater certainty for the community on development timeframes and encourage retail, entertainment and hospitality providers to commence or expand operations in Gungahlin.

During debate both the Opposition and the ACT Greens, while supporting the motion, outlined the need to improve development requirements to ensure the needs of the community are met.

The motion was passed by the Assembly without amendment.

Further motions debated during the sitting week related to:

Pay and conditions for those working in the ACT education system—Mr Hanson MLA (*1 December*)

Treatment services for people with mental health disorders and alcohol and other drug disorders—Ms Lee MLA (*2 December*)

Bill debated

[Carers Recognition Bill 2021](#) (*presented 23 June*)

Summary: This bill aims to recognise, promote, and value the role of unpaid carers within the community, by putting in place measures requiring certain entities and organisations to consider and adapt business practices to support the care relationship that exists between carers and the people they care for.

Proceedings: This bill was agreed to in principle on 2 December following debate. During the detail stage a number of amendments were moved by Ms Orr MLA responding to an issue raised by the Scrutiny Committee in relation to reporting requirements. The amendments were agreed to.

The amended bill was passed by the Assembly.

The full debate on the above motions and bill can be accessed from the Assembly [Hansard](#) site once finalised.

Petitions and petition responses

The following petitions were lodged—

- Cricket infrastructure in eastern Belconnen—lodged by Ms Clay (*2 December*)
- Eating disorder services—lodged by Dr Paterson (*30 November*)
This petition was referred to the Standing Committee on Health and Community Wellbeing
- Fencing of playgrounds—lodged by Mrs Jones (*2 December*)
- Multipurpose indoor sports stadium for Woden—lodged by Ms Davidson (*30 November and 1 December*)
These petitions were referred to the Standing Committee on Planning, Transport and City Services
- Proposed upgrade of Phillip pool—lodged by Mrs Jones (*30 November*)
This petition was referred to the Standing Committee on Planning, Transport and City Services

The following ministerial responses to petitions were lodged—

- Integrated Plan for Red Hill Nature Reserve (*2 December*)
- Maintenance of public housing—Minister for Housing and Suburban Development (*1 December*)

A copy of the petitions and petition response can be found on the [Assembly website](#).

Papers Presented

The following are papers of interest that were presented during the sitting week:

- ACT Carers Strategy 2018-2028—First Three-Year Action Plan—Final report
- ACT Community Language Schools—Independent Review of the Investment Report
- ACT Multicultural Framework 2015-2020: Implementation and outcomes (Second Action Plan 2019-2020)—Second Report
- ACT Road Safety Strategy 2020-25—Road Safety Report Card 2021
- ACT Volunteering—Update
- Annual Reports 2020-21—
 - ACT Building and Construction Industry Training Fund Authority
 - ACT Container Deposit Scheme
 - ACT Electoral Commission
 - ACT Gambling and Racing Commission
 - ACT Health Directorate
 - ACT Inspector of Correctional Services
 - ACT Insurance Authority
 - ACT Integrity Commission
 - ACT Long Service Leave Authority
 - ACT Policing
 - ACT Policing Special Purposes
 - Administrator of the National Health Funding Pool
 - Australian Health Practitioner Regulation Agency and the National Boards, reporting on the National Registration and Accreditation Scheme
 - Canberra Health Services
 - Chief Minister, Treasury and Economic Development Directorate
 - City Renewal Authority
 - Climate Change and Greenhouse Gas Reduction Act—Minister’s annual report
 - Commissioner for Sustainability and the Environment
 - Community Services Directorate
 - Cultural Facilities Corporation
 - Director of Public Prosecutions
 - Disability Justice Strategy
 - Education Directorate
 - Environment, Planning and Sustainable Development Directorate
 - Human Rights Commission
 - Icon Water Limited
 - Independent Competition and Regulatory Commission
 - Integrity Commissioner—Summary of corruption issues relating to ACT Policing Appointees 2020-2021
 - Justice and Community Safety Directorate
 - Legal Aid Commission
 - Major Projects Canberra

- Mental Health Official Visitors
- National Health Funding Body
- National Health Practitioner Ombudsman and Privacy Commissioner
- Office of the Australian Information Commissioner Memorandum of Understanding with the ACT for the provision of privacy services
- Office of the Commissioner for Sustainability and the Environment
- Office of the Gene Technology Regulator
- Office of the Legislative Assembly
- Office of the Work Health Safety Commissioner
- Public Trustee and Guardian
- ACT Public Service—State of the Service
- Suburban Land Agency
- Transport Canberra and City Services Directorate
- Auditor-General’s Report No 8/2021—Canberra Light Rail Stage 2a: Economic Analysis—Government response
- ChooseCBR Evaluation and Review Report
- Disability Justice Strategy—Second Annual Progress Report
- Domestic Violence Prevention Council—Progress Report—Delivering the recommendations made by the Council following their Extraordinary Meeting on Children and Young People
- Government responses to Assembly resolutions—
 - Light rail vehicle fleet—Safety—Response to the resolution of the Assembly of 10 November 2021
 - Molonglo Group Centre and Surrounds—Response to the resolution of the Assembly of 8 October 2021
 - Out-of-home care education—Response to the resolution of the Assembly of 3 June 2021
- Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Use of force to conduct a strip search at the Alexander Maconochie Centre on 11 January 2021 (CIR 01/21)—Government response
- Review of *Climate Change and Greenhouse Gas Reduction Act 2010* and Government response to review

Committee Activities

Committee reports

COVID-19 2021 pandemic response—Select Committee

[Report—Inquiry into the COVID-19 2021 pandemic response](#)

Drugs of Dependence (Personal Use) Amendment Bill 2021—Select Committee

[Report—Inquiry into the Drugs of Dependence \(Personal Use\) Amendment Bill 2021](#)

Planning, Transport and City Services— Standing Committee

[Report 7—Road Transport Legislation Amendment Bill 2021 and Road Transport \(Safety and Traffic Management Amendment Bill 2021 \(No 2\)](#)

Committee statements

Education and Community Inclusion—Standing Committee

The chair of the committee made a statement on 30 November informing the Assembly that the committee had resolved to conduct an inquiry into Auditor-General's Report No 6/2021 entitled *Teaching Quality in ACT Public Schools*.

Health and Community Wellbeing—Standing Committee

On 1 December, the chair of the committee informed the Assembly that the committee had considered the **Public Health Amendment Bill 2021** and had resolved not to conduct an inquiry into the bill. During the statement the chair provided reasons as to why the committee would not conduct an inquiry.

The chair made a further statement on 2 December concerning the committee's consideration of **statutory appointments** for the period 1 July to 31 December 2020 and 1 January to 30 June 2021.

Planning, Transport and City Services—Standing Committee

The chair of the committee made a statement on 2 December informing the Assembly that the committee had not considered any **statutory appointments** for the period 1 January to 30 June 2021.

Public Accounts—Standing Committee

The chair of the committee made a statement on 1 December informing the Assembly that the committee had resolved to conduct an inquiry into Auditor-General's Report No 8/2021 entitled *Canberra Light Rail Stage 2a: Economic Analysis*.

Committee referral

Health and Community Wellbeing—Standing Committee

On 2 December, a motion was moved by the Minister for Health, referring the Public Health Amendment Bill 2021 (No 2) to the committee for inquiry and report by 28 February 2022.

The motion was agreed to by the Assembly.

Responses to committee reports

Health and Community Wellbeing—Standing Committee

Report 2—Report on inquiry into the Carers Recognition Bill 2021

Planning, Transport and City Services—Standing Committee

Report 3—Draft Land Management Plan: Canberra Urban Lakes and Ponds

Public Accounts—Standing Committee

Report 2—Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-22—Ombudsman’s response to Recommendation 19.

Members of the Legislative Assembly for the ACT

Electorate of Brindabella

Ms Joy Burch (Australian Labor Party)
Mr Johnathan Davis (ACT Greens)
Mr Mick Gentleman (Australian Labor Party)
Ms Nicole Lawder (Canberra Liberals)
Mr Mark Parton (Canberra Liberals)

Electorate of Ginninderra

Ms Yvette Berry (Australian Labor Party)
Mr Peter Cain (Canberra Liberals)
Ms Tara Cheyne (Australian Labor Party)
Ms Jo Clay (ACT Greens)
Mrs Elizabeth Kikkert (Canberra Liberals)

Electorate of Kurrajong

Mr Andrew Barr (Australian Labor Party)
Ms Elizabeth Lee (Canberra Liberals)
Mr Shane Rattenbury (ACT Greens)
Ms Rachel Stephen-Smith (Australian Labor Party)
Ms Rebecca Vassarotti (ACT Greens)

Electorate of Murrumbidgee

Emma Davidson (ACT Greens)
Mr Jeremy Hanson CSC (Canberra Liberals)
Mrs Giulia Jones (Canberra Liberals)
Dr Marisa Paterson (Australian Labor Party)
Mr Chris Steel (Australian Labor Party)

Electorate of Yerrabi

Mr Andrew Braddock (ACT Greens)

Ms Leanne Castley (Canberra Liberals)

Mr James Milligan (Canberra Liberals)

Ms Suzanne Orr (Australian Labor Party)

Mr Michael Pettersson (Australian Labor Party)

Next Sitting

Tuesday, 8 February 2022.

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