



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

## MINUTES OF PROCEEDINGS

No 97

THURSDAY, 14 SEPTEMBER 2023

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- 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 LEAVE OF ABSENCE TO MEMBER

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Mr Barr (Chief Minister) for this sitting due to his attending ministerial duties.

Question—put and passed.

### 3 LEAVE OF ABSENCE TO MEMBER

Mr Braddock moved—That leave of absence be granted to Ms Davidson (Minister for Disability) for this sitting due to illness.

Question—put and passed.

**4 ALLEGED MISREPRESENTATION BY A MEMBER—SPEAKER’S RULING**

The Speaker made a statement concerning a point of order raised by a Minister in relation to comments made by a Member during a motion debate on 13 September 2023. Having considered the matter, she ruled that the comments did not contain any imputations against the Member concerned.

**5 PETITION—PETITION NOTED**

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

Mr Braddock, from 25 residents, requesting that the Assembly call on the Government to consider the impact of the lighting of Ngunnawal Oval on local residents by stopping it or amending it to more reasonable hours (Pet 025-23).

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

Debate ensued.

Question—put and passed.

**6 A.C.T. WOMEN’S PLAN 2016-2026—THIRD ACTION PLAN—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Ms Berry (Minister for Women) made a ministerial statement concerning the *Third Action Plan 2023-26* under the *ACT Women’s Plan 2016-26* and presented the following papers:

ACT Women’s Plan 2016-26: Third Action Plan—Ministerial statement, 14 September 2023.

Advancing Gender Equality—Third Action Plan 2023-26—ACT Women’s Plan 2016-26, undated.

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

Debate ensued.

Question—put and passed.

**7 BUILDING AND CONSTRUCTION LEGISLATION AMENDMENT BILL 2023**

Ms Vassarotti (Minister for Sustainable Building and Construction), pursuant to notice, presented a Bill for an Act to amend legislation about building and construction.

*Paper:* Ms Vassarotti 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 Vassarotti moved—That this Bill be agreed to in principle.

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

**8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—INQUIRY—GAMING MACHINE AMENDMENT BILL 2023—AMENDMENT TO REPORTING DATE**

Mr Cain (Chair) moved—That, notwithstanding the provisions of the resolution of the Assembly of 2 December 2020, as amended, that established general purpose standing committees, the Standing Committee on Justice and Community Safety shall present its report on the Gaming Machine Amendment Bill 2023 by 1 December 2023.

Question—put and passed.

**9 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—REPORT 9—INQUIRY INTO THE FUTURE OF THE WORKING WEEK—REPORT NOTED**

Ms Castley (Chair) presented the following report:

Economy and Gender and Economic Equality—Standing Committee—Report 9—*Inquiry into the future of the working week*, dated 8 September 2023, including a dissenting report (Ms Castley), 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.

**10 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 15—INQUIRY INTO ELECTRIC VEHICLE (EV) ADOPTION IN THE A.C.T.—REPORT NOTED**

Ms Clay (Chair) presented the following report:

Planning, Transport and City Services—Standing Committee—Report 15—*Inquiry into electric vehicle (EV) adoption in the ACT*, dated 7 September 2023, 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.

**11 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—BUILDING (SWIMMING POOL SAFETY) LEGISLATION AMENDMENT 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 conduct an inquiry into the Building (Swimming Pool Safety) Legislation Amendment Bill 2023.

**12 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—CIRCULAR ECONOMY 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 conduct an inquiry into the Circular Economy Bill 2023.

**13 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION 002-23—ANU BUS ROUTE—REINSTATEMENT—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 conduct an inquiry into petition 002-23 concerning the reinstatement of ANU bus route.

**14 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION 003-23—CASEY AND SURROUNDING AREAS—IMPROVEMENTS TO TRAFFIC AND PUBLIC TRANSPORT—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 conduct an inquiry into petition 003-23 concerning improvements to traffic and public transport in Casey and surround areas.

**15 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—INQUIRY—TERRITORY PLAN AND OTHER ASSOCIATED DOCUMENTS—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 to conduct an inquiry into and report on the Territory Plan and other associated documents.

**16 EXECUTIVE BUSINESS—PRECEDENCE**

Ordered—That Executive business be called on forthwith.

**17 PLANNING (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.

**18 MINISTERIAL ARRANGEMENTS**

Ms Berry (Deputy Chief Minister) informed the Assembly of the absence of Chief Minister, Minister Davidson and Minister Cheyne, and advised that questions without notice normally directed to the Chief Minister could be directed to Minister Berry, and those normally directed to Minister Davidson could be directed to Minister Rattenbury. Further, question without notice normally directed to the Minister for Business and Better Regulation could be directed to Minister Berry, while questions normally directed to the Minister for the Arts could be directed to Minister Stephen-Smith, and those normally directed to the Minister for Human Rights could be directed to Minister Gentleman.

**19 QUESTIONS**

Questions without notice were asked.

**20 PRESENTATION OF PAPERS**

Mr Gentleman (Manager of Government Business) presented the following papers:

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—Australian Criminal Intelligence Commission—Controlled Operations Annual report 2022-23, dated 2 August 2023.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—Australian Criminal Intelligence Commission—Surveillance Devices Annual report 2022-23, dated 2 August 2023.

Education and Care Services National Law as applied by the law of the States and Territories—

Education and Care Services National Amendment (Bassinets) Regulations 2023 (2023 No 448), including an explanatory statement.

Education and Care Services National Further Amendment Regulations 2023 (2023 No 399), including an explanatory statement.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Community Services Directorate (FOI-CYF-22/10), dated 13 June 2023.

**21 NEURODIVERSITY IN THE A.C.T.**

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

(1) notes:

- (a) neurodivergent people experience, and interact with, the world in different ways, and that there is no right way of thinking, learning, and behaving;
- (b) neurodivergent people in Australia often experience barriers to accessing appropriate and quality services and supports, education, employment, and broader social inclusion, due to social and institutional attitudinal issues, which can lead to poorer health, wellbeing and other life outcomes compared to other Australians; and
- (c) the community benefits from being more inclusive of, and learning from, neurodivergent people;

(2) acknowledges:

- (a) that neurodivergent people are experts of their own lives;
- (b) the importance of neurodivergent people being involved in decisions that impact them as per the principle “Nothing About Us Without Us”; and
- (c) ongoing efforts by all governments to better support neurodivergent people, including:
  - (i) the Australian Government’s commitment to developing a National Autism Strategy (NAS). The NAS will cover key reform areas including access to services, healthcare, education and employment; help guide a more coordinated, national approach supporting autistic people at each stage of life; and be informed by autistic people, their families and carers, the autism sector and researchers;

- (ii) the findings and recommendations of the final report of the Senate Select Committee on Autism;
  - (iii) the Senate Committee’s inquiry into assessment and support services for people with ADHD, which is scheduled to deliver its final report by 18 October 2023;
  - (iv) South Australia’s State Autism Strategy, and their commitment to funding the new Office for Autism;
  - (v) the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability which will deliver its final report to the Australian Government by 29 September 2023;
  - (vi) Australia’s Disability Strategy as Australia’s national disability policy framework to which Commonwealth, state and territory governments are all signatory to;
  - (vii) the ACT Government’s commitment to developing and investing in an ambitious 10-year ACT Disability Strategy, and the extensive community consultation that has taken place. This Strategy will take a systemic, holistic and intersectional approach to supporting people with disability, including people with intellectual disability, psychosocial disability and neurodiversity;
  - (viii) the ACT Government is also developing the ACT Inclusive Education Strategy, an ACT Disability Health Strategy and the ACT Disability Justice Strategy Second Action Plan; and
  - (ix) the roles and functions of the Office for Disability and Office for Mental Health and Wellbeing within the ACT Government; and
- (3) calls on the ACT Government to:
- (a) consider developing an ACT Neurodiversity Strategy, in close consultation with neurodivergent Canberrans, their families and carers, and relevant stakeholders, that:
    - (i) upholds the social model of disability and human rights principles; and
    - (ii) aligns with NAS, the ACT Disability Strategy, the ACT Inclusive Education Strategy and other relevant policies;
  - (b) consider establishing an Office for Neurodiversity in the ACT Government; and
  - (c) report back to the Assembly on these matters by June 2024.

Debate ensued.

Ms Vassarotti (Minister for the Environment) moved the following amendment: Insert new paragraph after paragraph(2)(c):

- “(d) the NDIS provides a key role in supporting people with disability, including neurodiverse people, and that:
  - (i) the NDIS Review’s overarching goal is to “put people with disability back at the centre of the NDIS” and the Review Panel will provide its final report to disability ministers by October 2023;

- (ii) National Cabinet has agreed to an eight percent growth target for the NDIS to be achieved by the end the forward estimates period; and
- (iii) the Commonwealth has indicated that 27,000 people with psychosocial disability could be diverted from the NDIS by 2026-2027 through the provision of additional psychosocial support services outside of the NDIS and across all levels of government.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) neurodivergent people experience, and interact with, the world in different ways, and that there is no right way of thinking, learning, and behaving;
  - (b) neurodivergent people in Australia often experience barriers to accessing appropriate and quality services and supports, education, employment, and broader social inclusion, due to social and institutional attitudinal issues, which can lead to poorer health, wellbeing and other life outcomes compared to other Australians; and
  - (c) the community benefits from being more inclusive of, and learning from, neurodivergent people;
- (2) acknowledges:
  - (a) that neurodivergent people are experts of their own lives;
  - (b) the importance of neurodivergent people being involved in decisions that impact them as per the principle “Nothing About Us Without Us”; and
  - (c) ongoing efforts by all governments to better support neurodivergent people, including:
    - (i) the Australian Government’s commitment to developing a National Autism Strategy (NAS). The NAS will cover key reform areas including access to services, healthcare, education and employment; help guide a more coordinated, national approach supporting autistic people at each stage of life; and be informed by autistic people, their families and carers, the autism sector and researchers;
    - (ii) the findings and recommendations of the final report of the Senate Select Committee on Autism;
    - (iii) the Senate Committee’s inquiry into assessment and support services for people with ADHD, which is scheduled to deliver its final report by 18 October 2023;
    - (iv) South Australia’s State Autism Strategy, and their commitment to funding the new Office for Autism;
    - (v) the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability which will deliver its final report to the Australian Government by 29 September 2023;

- (vi) Australia’s Disability Strategy as Australia’s national disability policy framework to which Commonwealth, state and territory governments are all signatory to;
- (vii) the ACT Government’s commitment to developing and investing in an ambitious 10-year ACT Disability Strategy, and the extensive community consultation that has taken place. This Strategy will take a systemic, holistic and intersectional approach to supporting people with disability, including people with intellectual disability, psychosocial disability and neurodiversity;
- (viii) the ACT Government is also developing the ACT Inclusive Education Strategy, an ACT Disability Health Strategy and the ACT Disability Justice Strategy Second Action Plan; and
- (ix) the roles and functions of the Office for Disability and Office for Mental Health and Wellbeing within the ACT Government;
- (d) the NDIS provides a key role in supporting people with disability, including neurodiverse people, and that:
  - (i) the NDIS Review’s overarching goal is to “put people with disability back at the centre of the NDIS” and the Review Panel will provide its final report to disability ministers by October 2023;
  - (ii) National Cabinet has agreed to an eight percent growth target for the NDIS to be achieved by the end the forward estimates period; and
  - (iii) the Commonwealth has indicated that 27,000 people with psychosocial disability could be diverted from the NDIS by 2026-2027 through the provision of additional psychosocial support services outside of the NDIS and across all levels of government; and
- (3) calls on the ACT Government to:
  - (a) consider developing an ACT Neurodiversity Strategy, in close consultation with neurodivergent Canberrans, their families and carers, and relevant stakeholders, that:
    - (i) upholds the social model of disability and human rights principles; and
    - (ii) aligns with NAS, the ACT Disability Strategy, the ACT Inclusive Education Strategy and other relevant policies;
  - (b) consider establishing an Office for Neurodiversity in the ACT Government; and
  - (c) report back to the Assembly on these matters by June 2024.”—

be agreed to—put and passed.

## 22 FREEDOM OF INFORMATION AMENDMENT BILL 2022 [NO 2]

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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



The Assembly voted—

AYES, 6

Mr Cocks  
Mr Hanson  
Mrs Kikkert  
Ms Lee  
Mr Milligan  
Mr Parton

NOES, 12

|              |                  |
|--------------|------------------|
| Ms Berry     | Dr Paterson      |
| Mr Braddock  | Mr Pettersson    |
| Ms Burch     | Mr Steel         |
| Ms Clay      | Ms Stephen-Smith |
| Mr Davis     | Ms Vassarotti    |
| Mr Gentleman |                  |
| Ms Orr       |                  |

And so it was negatived.

## 23 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 4.48 pm, adjourned until Tuesday, 19 September 2023 at 10 am.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Mr Barr\* and Ms Davidson\*.

\*on leave.

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**Tom Duncan**  
Clerk of the Legislative Assembly