



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023–2024

MINUTES OF PROCEEDINGS

No 125

TUESDAY, 25 JUNE 2024

- 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 UNPARLIAMENTARY LANGUAGE—SPEAKER’S RULING

The Speaker ruled that certain words said by the Chief Minister and the Leader of the Opposition during debates in the last sitting period were unparliamentary, and asked both Members, who were not present, to withdraw.

3 PETITIONS AND MINISTERIAL RESPONSES—PETITIONS AND RESPONSES NOTED

Petitions

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

Mr Cocks, from 134 residents, requesting that the Assembly call on the ACT Government to investigate the duplication of Dalrymple Street between Goyder Street and Hindmarsh Drive in the southbound direction (e-Pet 011-24).

Mr Parton, from 135 and 20 residents, requesting that the Assembly call on the ACT Government to expedite the provision of permanent facilities at Gordon Playing Fields and provide a firm timeline for this project (e-Pet 014-24 and Pet 025-24).

Ministerial responses

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

Mr Barr (Treasurer), dated 14 June 2024—Response to e-petition No 024-23, lodged by Ms Lee on 19 March 2024, concerning objection to general practitioners payroll tax.

Ms Berry (Minister for Education and Youth Affairs), dated 17 June 2024—Response to e-petition No 004-24, lodged by Ms Lee on 19 March 2024, concerning Telopea Park School timetable changes.

Ms Vassarotti (Minister for the Environment, Parks and Land Management), dated 18 June 2024—Response to e-petition No 005-24, lodged by Dr Paterson on 19 March 2024, concerning snake licensing, catching and education in the ACT.

Ms Cheyne (Minister for City Services), dated 18 June 2024—Response to e-petition No 001-24, lodged by Dr Paterson on 19 March 2024, concerning toilet facilities in Ruth Park playground in Coombs.

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

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

Petition which does not conform with the standing orders—Gordon Playing Fields—Provision of permanent facilities—Mr Parton (65 signatures).

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 this 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 due to personal reasons.

Question—put and passed.

6 SCIENTIFIC COMMITTEE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for the Environment, Parks and Land Management) made a ministerial statement acknowledging the contribution of retiring members of the ACT's Scientific Committee and presented the following paper:

Scientific Committee—Ministerial statement, 25 June 2024.

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

Question—put and passed.

7 CONNECTING NATURE CONNECTING PEOPLE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for the Environment, Parks and Land Management) made a ministerial statement concerning the completion of the Connecting Nature Connecting People initiative and presented the following paper:

Connecting Nature Connecting People—Ministerial statement, 25 June 2024.

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

Question—put and passed.

8 SUSPENSION OF STANDING ORDERS—APPROPRIATION BILL 2024-2025 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2024-2025

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent:

- (1) any business before the Assembly at 5 pm on Tuesday 25 June 2024 being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025;
- (2) where business before the Assembly has concluded before 5pm on 25 June 2024, the Assembly shall suspend proceedings and reconvene at 5pm to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025;
- (3) at 5pm on Thursday 27 June 2024, the order of the day for the resumption of debate on the question that Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025; be agreed to in principle, being called on notwithstanding any business before the Assembly;
- (4) debate on any motion before the Assembly at the time of interruption being adjourned until the adjournment questions in relation to the Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025 are determined; and
- (5) where business before the Assembly has concluded before 5pm on 27 June 2024, the Assembly shall suspend proceedings and reconvene at 5pm to allow resumption of debate on the question that Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025; be agreed to in principle.

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

9 UNPARLIAMENTARY LANGUAGE—WITHDRAWAL

Ms Lee (Leader of the Opposition), in accordance with the Speaker's ruling today, withdrew unparliamentary language.

10 STANDING COMMITTEES—PROPOSED REFERENCE—CANBERRA INSTITUTE OF TECHNOLOGY—CHIEF EXECUTIVE OFFICER—RESIGNATION

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

- (1) this Assembly notes:
 - (a) that the ACT Integrity Commission is undertaking an inquiry, Operation Luna, into circumstances surrounding the awarding of over \$8.5 million worth of consultancy contracts by the Canberra Institute of Technology (CIT) to ThinkGarden and Redrouge Nominees Pty Ltd;
 - (b) the investigation is to determine whether the conduct of certain CIT public officials amounts to corrupt conduct and/or serious or systemic corrupt conduct; and
 - (c) according to CIT documents, the contracts were for “strategic guidance and mentoring services to executives and staff” as well as “design structures and elements that enable greater coordination of analysis and decision-making in relation to products, offerings and service”;
- (2) this Assembly further notes:
 - (a) the Chief Executive Officer (CEO) of CIT was stood down by the CIT Board on 23 June 2022 on paid leave;
 - (b) the CEO of CIT was on a salary of \$318,687 per annum at the time she was stood down on paid leave;
 - (c) since being stood down, the ACT Remuneration Tribunal has approved three pay rises for the CEO, taking her salary from \$361,544 per annum to \$383,278 per annum, a total increase of over \$20,000 (noting the most recent pay rise takes effect on 1 July 2024); and
 - (d) that the CEO of CIT resigned on Tuesday, 18 June 2024, after being on paid leave for two years;
- (3) this motion be referred to the appropriate standing committee to inquire into:
 - (a) the circumstances around the CEO’s resignation on Tuesday, 18 June 2024;
 - (b) the details of any severance payment that the CEO is entitled to be paid as a result of her resignation; and
 - (c) what legislative changes would be required to the *Remuneration Tribunal Act 1995* to provide the Tribunal with the power to delay consideration of a determination for a particular position in the instance where the person holding the position is the subject of an Integrity Commission investigation in relation to their conduct in their official role; and
- (4) the committee report back to the Assembly on the last sitting day of this Assembly, Thursday, 5 September 2024.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 7	NOES, 14	
Peter Cain	Yvette Berry	Marisa Paterson
Leanne Castley	Joy Burch	Michael Pettersson
Ed Cocks	Tara Cheyne	Shane Rattenbury
Nicole Lawder	Jo Clay	Chris Steel
Elizabeth Lee	Emma Davidson	Rachel Stephen-Smith
James Milligan	Mick Gentleman	Rebecca Vassarotti
Mark Parton	Laura Nuttall	
	Suzanne Orr	

And so it was negatived.

11 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 43—STATEMENT BY CHAIR

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 43, dated 19 June 2024, together with a corrigendum to the report and a copy of the extracts of the relevant minutes of proceedings—

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

12 CONTROLLED SPORTS AMENDMENT BILL 2024

Ms Berry (Minister for Sport and Recreation), pursuant to notice, presented a Bill for an Act to amend the *Controlled Sports Act 2019*.

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

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

13 HOUSING AND CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2024

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.

Paper: Mr Rattenbury (Attorney-General) presented a supplementary explanatory statement to the Government amendments.

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

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Rattenbury, by leave, his amendments Nos 1 to 15 (see [Schedule 1](#)) that had not been circulated in accordance with standing order 178A, were made together, after debate.

Bill, as a whole, as amended, agreed to.

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

14 HEALTH (IMPROVED ABORTION ACCESS) AMENDMENT BILL 2024

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, 19		NOES, 4
Andrew Barr	Laura Nuttall	Peter Cain
Yvette Berry	Suzanne Orr	Ed Cocks
Joy Burch	Mark Parton	Elizabeth Kikkert
Leanne Castley	Marisa Paterson	James Milligan
Tara Cheyne	Michael Pettersson	
Jo Clay	Shane Rattenbury	
Emma Davidson	Chris Steel	
Mick Gentleman	Rachel Stephen-Smith	
Nicole Lawder	Rebecca Vassarotti	
Elizabeth Lee		

And so it was resolved in the affirmative—Bill agreed to in principle.

Leave granted to dispense with the detail stage.

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

15 UNPARLIAMENTARY LANGUAGE—WITHDRAWAL

Mr Barr (Chief Minister), in accordance with the Speaker's ruling today, withdrew unparliamentary language.

16 PARENTAGE (SURROGACY) 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

Bill, by leave, taken as a whole—

On the motion of Ms Cheyne (Minister for Human Rights), by leave, her amendments Nos 1 to 11 (see [Schedule 2](#)) were made together.

Paper: Ms Cheyne presented a supplementary explanatory statement to the Government amendments.

Bill, as a whole, as amended, agreed to.

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

17 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Cheyne and advised the Assembly that questions without notice normally directed to the Minister for City Services could be directed to Mr Steel (Minister for Transport), and those normally directed to the Minister for the Arts, Culture and the Creative Economy, the Minister for Government Services and Regulatory Reform and the Minister for Human Rights could be directed to Mr Barr.

18 QUESTIONS

Questions without notice being asked—

Papers: Mr Steel (Minister for Skills and Training) presented the following papers:

Canberra Institute of Technology—Chief Executive Officer—

Contract of employment, undated.

Resignation—

Copy of letter to the Minister for Skills and Training from Ms Lee (Leader of the Opposition), dated 24 June 2024.

Copy of response to Ms Lee from the Minister for Skills and Training, dated 25 June 2024.

Copy of letter to the Minister for Skills and Training from the Chair of Canberra Institute of Technology Board, dated 19 June 2024.

Copy of response to the Chair of CIT Board from the Minister for Skills and Training, dated 19 June 2024.

Financial Management Act, pursuant to section 80—Canberra Institute of Technology—Chief Executive Officer—Ending of appointment consideration—Copy of letter to the Minister for Skills and Training from the Chair of CIT Board, dated 11 June 2024.

Questions continued.

19 QUESTIONS ON NOTICE NOS 1842, 1869 AND 1873—ANSWERS—EXPLANATION

Dr Paterson, pursuant to standing order 118A, asked Mr Rattenbury (Minister for Gaming) for an explanation concerning the answers to questions on notice Nos 1842, 1869 and 1873.

Mr Rattenbury gave an explanation.

20 QUESTIONS ON NOTICE NOS 1868, 1897 AND 1898—ANSWERS—EXPLANATION

Mr Cain, pursuant to standing order 118A, asked Ms Stephen-Smith (Minister for Health), Mr Barr (Treasurer) and Ms Berry (Minister for Housing and Suburban Development) for an explanation concerning the answers to questions on notice Nos 1868, 1897 and 1898.

Ms Stephen-Smith, Mr Barr and Ms Berry gave an explanation.

21 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act—Auditor-General’s Report No 5/2024—Management and oversight of ACT Policing services, dated 21 June 2024.

Committee Reports—Schedule of Government Responses—Tenth Assembly, as at 21 June 2024.

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

Bills—Not inquired into—

Health Legislation Amendment Bill 2024—Copy of letter to the Speaker from the Chair, Standing Committee on Health and Community Wellbeing, dated 18 June 2024.

Public Sector Management Amendment Bill 2024—Copy of letter to the Speaker from the Chair, Standing Committee on Economy and Gender and Economic Equality, dated 17 June 2024.

Standing order 191—Amendments to the Voluntary Assisted Dying Bill 2023, dated 14 and 17 June 2024.

22 PRESENTATION OF PAPERS

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

Major infrastructure program—Investment—Transparency—Assembly resolution of 19 March 2024—Government response, dated June 2024.

Planning, Transport and City Services—Standing Committee—Report 17—Inquiry into Property Developers Bill 2023—Government response, dated June 2024.

Re-envisioning older persons mental health and wellbeing—Update, dated June 2024.

Update on the ACT Small Business Strategy 2023-26 and Business in the ACT—Support—Assembly resolution of 20 March 2024—Government response, dated June 2024.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Animal Welfare Act—Animal Welfare (Fees) Determination 2024 (No 1)—Disallowable Instrument DI2024-128 (LR, 13 June 2024).

Architects Act—Architects (Fees) Determination 2024—Disallowable Instrument DI2024-110 (LR, 11 June 2024).

Building Act—Building (Fees) Determination 2024 (No 2)—Disallowable Instrument DI2024-111 (LR, 11 June 2024).

Canberra Institute of Technology Act and Financial Management Act—

Canberra Institute of Technology (CIT Board Member) Appointment 2024 (No 1)—
Disallowable Instrument DI2024-119 (LR, 11 June 2024).

Canberra Institute of Technology (CIT Board Member) Appointment 2024 (No 2)—
Disallowable Instrument DI2024-120 (LR, 11 June 2024).

Canberra Institute of Technology (CIT Board Member) Appointment 2024 (No 3)—
Disallowable Instrument DI2024-121 (LR, 11 June 2024).

City Renewal Authority and Suburban Land Agency Act—

City Renewal Authority and Suburban Land Agency (Authority Board Chair)
Appointment 2024—Disallowable Instrument DI2024-95 (LR, 30 May 2024).

City Renewal Authority and Suburban Land Agency (Authority Board Deputy Chair)
Appointment 2024—Disallowable Instrument DI2024-97 (LR, 30 May 2024).

City Renewal Authority and Suburban Land Agency (Authority Board Member)
Appointment 2024 (No 2)—Disallowable Instrument DI2024-98 (LR, 30 May 2024).

City Renewal Authority and Suburban Land Agency (Authority Board Member)
Appointment 2024 (No 3)—Disallowable Instrument DI2024-99 (LR, 30 May 2024).

Clinical Waste Act—Clinical Waste (Fees) Determination 2024 (No 1)—Disallowable
Instrument DI2024-129 (LR, 13 June 2024).

Community Title Act—Community Title (Fees) Determination 2024—Disallowable
Instrument DI2024-104 (LR, 6 June 2024).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) (Fees)
Determination 2024 (No 2)—Disallowable Instrument DI2024-112 (LR, 11 June 2024).

Domestic Animals Act—Domestic Animals (Fees) Determination 2024 (No 1)—
Disallowable Instrument DI2024-130 (LR, 13 June 2024).

Electoral Act—Electoral (Fees) Determination 2024—Disallowable Instrument DI2024-134
(LR, 17 June 2024).

Electricity Safety Act—Electricity Safety (Fees) Determination 2024—Disallowable
Instrument DI2024-113 (LR, 11 June 2024).

Environment Protection Act—Environment Protection (Fees) Determination 2023—
Disallowable Instrument DI2024-114 (LR, 11 June 2024).

Fisheries Act—Fisheries (Fees) Determination 2024—Disallowable Instrument DI2024-123
(LR, 13 June 2024).

Gas Safety Act—Gas Safety (Fees) Determination 2024—Disallowable Instrument
DI2024-115 (LR, 11 June 2024).

Heritage Act—Heritage (Fees) Determination 2024—Disallowable Instrument DI2024-116
(LR, 11 June 2024).

Medicines, Poisons and Therapeutic Goods Regulation—Medicines, Poisons and
Therapeutic Goods (Vaccinations by Pharmacists) Direction 2024 (No 1)—Disallowable
Instrument DI2024-109 (LR, 11 June 2024).

Nature Conservation Act—

Nature Conservation (Fees) Determination 2024—Disallowable Instrument DI2024-117 (LR, 11 June 2024).

Nature Conservation (Scientific Committee) Appointment 2024—Disallowable Instrument DI2024-100 (LR, 6 June 2024).

Planning Act—Planning (Fees) Determination 2024—Disallowable Instrument DI2024-107 (LR, 6 June 2024).

Public Place Names Act—Public Place Names (Denman Prospect) Determination 2024 (No 2)—Disallowable Instrument DI2024-122 (LR, 13 June 2024).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2024 (No 1)—Disallowable Instrument DI2024-131 (LR, 13 June 2024).

Stock Act—

Stock (Fees) Determination 2024—Disallowable Instrument DI2024-101 (LR, 11 June 2024).

Stock (Levy) Determination 2024—Disallowable Instrument DI2024-102 (LR, 11 June 2024).

Stock (Minimum Stock Levy) Determination 2024—Disallowable Instrument DI2024-103 (LR, 11 June 2024).

Surveyors Act—Surveyors (Fees) Determination 2024—Disallowable Instrument DI2024-108 (LR, 6 June 2024).

Unit Titles Act—Unit Titles (Fees) Determination 2024—Disallowable Instrument DI2024-106 (LR, 6 June 2024).

Urban Forest Act—Urban Forest (Fees) Determination 2024 (No 1)—Disallowable Instrument DI2024-132 (LR, 13 June 2024).

Utilities (Technical Regulation) Act—

Utilities (Technical Regulation) (Non-drinking Water Supply Code) Approval 2024—Disallowable Instrument DI2024-126 (LR, 13 June 2024).

Utilities (Technical Regulation) (Operating Certificate Fees) Determination 2024—Disallowable Instrument DI2024-127 (LR, 13 June 2024).

Utilities (Technical Regulation) (Water and Sewerage Code) Approval 2024—Disallowable Instrument DI2024-125 (LR, 13 June 2024).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2024—Disallowable Instrument DI2024-118 (LR, 11 June 2024).

Water Resources Act—Water Resources (Fees) Determination 2024 (No 2)—Disallowable Instrument DI2024-124 (LR, 13 June 2024).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People Background Checking (Fees) Determination 2024—Disallowable Instrument DI2024-133 (LR, 17 June 2024).

23 CRIMES (COERCIVE CONTROL) AMENDMENT BILL 2024

Ms Castley, pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*, and for other purposes.

Paper: Ms Castley presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Rattenbury—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

24 TOILET FACILITIES—EQUITABLE ACCESS

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

- (1) notes that:
 - (a) the National Construction Code (NCC) is updated every three years, based on industry and public feedback and policy directions from governments between publishing cycles;
 - (b) in preparation for the next edition of the NCC, the Australian Building Codes Board (ABCB) is seeking feedback from the public and industry on the NCC Public Comment Draft;
 - (c) the Public Comment Draft is an opportunity to provide feedback on the proposed changes for the next edition of the NCC, and is currently open from 1 May until 1 July 2024;
 - (d) the NCC is Australia's primary set of technical design and construction provisions for buildings, and the ABCB on behalf of the Australian Government and each state and territory government, produces and maintains the NCC; and
 - (e) the NCC will also be presented to ministers responsible for building standards at a federal and state/territory level for their consideration;
- (2) further notes:
 - (a) a focus and priority in the 2025 Public Comment Draft is to provide adequate and equitable female toilet facilities by:
 - (i) increasing the number of female toilets (closet pans) in single auditorium theatres and cinemas (Class 9b buildings), from the current male to female average of 1:1.25 to 1:1.8; and
 - (ii) requiring dispensers for sanitary products in female toilet facilities in commercial buildings; and
 - (b) research from the NCC shows that females access a toilet facility 1.3 times more often and spend 1.6 times longer using a toilet facility, compared to males;
- (3) calls on all Members of the Legislative Assembly to affirm their support for addressing period poverty and supporting the improvements proposed in the NCC to help address the gender inequality around accessing toilet facilities; and
- (4) calls on the Minister for Sustainable Building and Construction to reflect the view of the Assembly in her representations at the ministers' forum.

Debate ensued.

Question—put and passed.

25 COMMUNITY CLUBS—SUSTAINABILITY AND GAMBLING HARM REDUCTION POLICIES

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

- (1) notes that:
 - (a) the recently announced ACT Labor gaming policy would see ATMs and EFT withdrawals banned at all licenced clubs despite a move to cashless gaming;
 - (b) Government policy overseen by the Greens Minister would see the establishment of an expensive Central Monitoring System apparently funded by clubs;
 - (c) both governing parties look set to attempt to outdo each other on machine reductions with the most recent Labor plan aiming for a reduction to 1,000 machines by 2045; and
 - (d) the overwhelming reaction from clubs is that either one of these policy proposals will lead to the entire collapse of the community club sector in the ACT;
- (2) further notes:
 - (a) the Labor-Greens Government has made numerous previous commitments regarding club diversification yet failed to achieve any of them;
 - (b) the community clubs sector in the ACT supports hundreds of community organisations that simply would not exist without their support;
 - (c) there are 43 licensed clubs in the ACT employing over 1,700 staff and supporting huge local supply chains in food and beverage;
 - (d) our clubs manage and maintain a swag of sporting infrastructure including 400 hectares of greenspace for community use, and support nearly 400 sporting groups;
 - (e) official data from the ACT Gambling and Racing Commission shows that over the last 10 years, our clubs have provided more than \$150 million in community contributions;
 - (f) our clubs have contributed over \$300 million in gaming taxes in that same period;
 - (g) during the Covid period, Canberrans flocked to Queanbeyan clubs in unprecedented numbers during the six week period when ACT clubs were closed, but they had re-opened in NSW;
 - (h) Canberra's community clubs help build social cohesion to tackle loneliness and social isolation; and
 - (i) the community clubs sector has been unfairly demonised by the Labor-Greens Government;
- (3) calls on the ACT Government to explain:
 - (a) how they intend to maintain all of the sporting infrastructure which is currently maintained by community clubs;

- (b) how they intend to support the hundreds of community organisations that exist from club support;
 - (c) how they intend to replace the hundreds of millions in foregone gaming tax revenue;
 - (d) how they intend to support the 1,700 direct staff and other supporting workers in related industries who are likely to lose their jobs;
 - (e) whether a “club of the future” in the Molonglo Valley will simply be a government-run bar and restaurant; and
 - (f) report back to the Assembly by the final sitting day of August; and
- (4) further calls on ACT Labor to divest itself of all poker machines operated by the Canberra Labor Clubs and to hand them back, without any taxpayer funded compensation.

Debate ensued.

Mr Rattenbury (Minister for Gaming) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes that:

- (a) clubs are a valued part of the Canberra community that contribute in a variety of ways;
 - (b) harm from gambling, including from electronic gaming machines in ACT clubs, is a serious problem for individuals and communities, and needs to be addressed, and this requires changes to clubs’ financial models;
 - (c) the Government should enact improved gambling harm reduction measures, while working with clubs to assist their diversification and sustainability; and
 - (d) ACT political parties have, and are expected to, develop and announce a range of policies relating to gambling harm and clubs in the lead up to the 2024 election; and
- (2) calls on all political parties to support evidence-based and best practice gambling harm reduction policies that also consider the ongoing sustainability of ACT clubs.”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 13		NOES, 6
Yvette Berry	Marisa Paterson	Peter Cain
Joy Burch	Michael Pettersson	Ed Cocks
Jo Clay	Shane Rattenbury	Elizabeth Kikkert
Emma Davidson	Chris Steel	Nicole Lawder
Mick Gentleman	Rachel Stephen-Smith	James Milligan
Laura Nuttall	Rebecca Vassarotti	Mark Parton
Suzanne Orr		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) clubs are a valued part of the Canberra community that contribute in a variety of ways;
 - (b) harm from gambling, including from electronic gaming machines in ACT clubs, is a serious problem for individuals and communities, and needs to be addressed, and this requires changes to clubs’ financial models;
 - (c) the Government should enact improved gambling harm reduction measures, while working with clubs to assist their diversification and sustainability; and
 - (d) ACT political parties have, and are expected to, develop and announce a range of policies relating to gambling harm and clubs in the lead up to the 2024 election; and
- (2) calls on all political parties to support evidence-based and best practice gambling harm reduction policies that also consider the ongoing sustainability of ACT clubs.”—

be agreed to—put and passed.

26 PAPERS PRESENTED ON 25 JUNE 2024—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.

27 HERITAGE AMENDMENT BILL 2024

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

Clauses 1 to 7, by leave, taken together and agreed to.

Clause 8—

Ms Lawder, pursuant to standing order 182A, by leave, moved her amendment No 1 (see [Schedule 3](#)) that was minor and technical in nature.

Paper: Ms Lawder presented a supplementary explanatory statement to her amendment.

Debate continued.

Amendment negatived.

Clause 8 agreed to.

Clause 9—

On the motion of Ms Vassarotti (Minister for Heritage), pursuant to standing order 182A (b), by leave, her amendment No 1 (see [Schedule 4](#)) that was minor and technical in nature was made.

Paper: Ms Vassarotti presented a supplementary explanatory statement to the Government amendment.

Clause 9, as amended, agreed to.

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

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

Suspension of sitting: The Speaker, at 4.45 pm, suspended the sitting and announced that the Chair would be resumed at the ringing of the bells.

Resumption of sitting: The bells having been rung, the Speaker resumed the Chair at 5 pm.

28 APPROPRIATION BILL 2024-2025

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to appropriate money for the purposes of the Territory for the financial year beginning on 1 July 2024, and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Budget 2024-2025—Financial Management Act, pursuant to section 10—

Budget Outlook.

Budget Statements—

A—ACT Electoral Commission | ACT Executive | ACT Integrity Commission | Auditor-General | Office of the Legislative Assembly.

B—Chief Minister, Treasury and Economic Development Directorate, together with associated agencies.

C—ACT Health Directorate | Canberra Health Services | ACT Local Hospital Network.

D—Justice and Community Safety Directorate | Legal Aid Commission (ACT) | Public Trustee and Guardian for the ACT.

E—Environment, Planning and Sustainable Development Directorate | City Renewal Authority | Suburban Land Agency.

F—Education Directorate.

G—Community Services Directorate | Housing ACT.

H—Transport Canberra and City Services Directorate | Transport Canberra Operations | Cemeteries and Crematoria Authority.

I—Major Projects Canberra.

Indicative Land Release Program—2024-25 to 2028-29.

Financial Management Act, pursuant to subsection 62(1)—Statements of Intent—2024-2025—

ACT Long Service Leave Authority.

Building and Construction Industry Training Fund Authority.

Title read by Clerk.

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

Debate adjourned (Ms Lee—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

29 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2024-2025

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to appropriate money for expenditure in relation to the Office of the Legislative Assembly and officers of the Assembly for the financial year beginning on 1 July 2024, and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Budget 2024-2025—Financial Management Act, pursuant to sections 20AA and 20AC—Appropriation (Office of the Legislative Assembly) Bill 2024-2025—Departures from Recommended Appropriations—Statement of Reasons, undated.

Title read by Clerk.

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

Debate adjourned (Ms Lee—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

30 MEMBERS' STATEMENTS

Members' statements were made.

31 ABSENCE OF SPEAKER

The Clerk informed the Assembly that the Speaker will be absent from the Assembly tomorrow morning and that, pursuant to standing order 6, the Deputy Speaker shall perform the duties of the Speaker during her absence.

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 5.45 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

SCHEDULES OF AMENDMENTS

Schedule 1

HOUSING AND CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2024

Amendments circulated by the Attorney-General

1

Clause 2 (1)
Page 2, line 6—

omit

section 5 and part 8

substitute

section 5 and parts 2, 8 and 8A

2

Clause 2 (3), except notes
Page 2, line 11—

omit clause 2 (3), except notes, substitute

- (3) Part 2 commences, or is taken to have commenced, on 1 July 2024.
- (4) Parts 8 and 8A commence on a day fixed by the Minister by written notice.

3

Proposed new clause 71A
Page 44, line 21—

insert

71A New section 64AE

in part 5, before section 64A, insert

64AE Meaning of *rental rate increase*—pt 5

In this part:

rental rate increase, for premises, means either of the following:

- (a) an increase in the rental rate for the premises under a residential tenancy agreement (including an existing consecutive tenancy agreement);
- (b) an increase in the rental rate for the premises that will take effect under a proposed consecutive tenancy agreement.

4

Clause 72

Page 44, line 22—

*omit clause 72, substitute***72****Section 64A***substitute***64A****Pre-amendment fixed term agreements—increase in rent**

- (1) This section applies only in relation to a fixed term agreement entered into before the commencement of the *Housing and Consumer Affairs Legislation Amendment Act 2024*, section 75.
- (2) The rental rate under the agreement must not be increased during the fixed term unless the amount of the increase, or a method for working it out, is set out in the agreement.

5

Clause 73, proposed new section 64AAA (1)

Page 45, line 4—

omit

may increase the rental rate under a residential tenancy agreement only if

substitute

must not increase the rental rate under a residential tenancy agreement unless

6

Clause 73, proposed new section 64AAA (2)

Page 45, line 10—

omit

may increase the rental rate only if

substitute

must not increase the rental rate unless

7

Clause 75

Page 46, line 4—

*omit clause 75, substitute***75****Section 64B (1)***omit everything before paragraph (b), substitute*

- (1) A rental rate increase for premises must not be more than the amount prescribed by regulation unless—

- (a) for a fixed term agreement to which section 64A applies—the agreement allows the lessor to increase the rental rate by the higher amount; or

8**Proposed new clauses 75A and 75B**

Page 46, line 7—

*insert***75A Guideline for orders
Section 68 (2)***substitute*

- (2) The ACAT must allow a rental rate increase if—
- (a) for a fixed term agreement to which section 64A applies—the increase is allowed under the agreement and is not excessive; or
- (b) in any other case—the increase is not excessive.

75B Sections 71 (5) and 71AAA (5)*omit*

increase in the rental rate

substitute

rental rate increase

9**Proposed new clause 83A**

Page 48, line 23—

*insert***83A Schedule 1, clause 34***substitute*

- 34 (1) The amount of rent under a residential tenancy agreement must not vary from period to period, except as provided by the Residential Tenancies Act.
- (2) Also, the amount of rent under a proposed or existing consecutive tenancy agreement must not vary from the amount of rent under a terminating or terminated residential tenancy agreement, except as provided by the Residential Tenancies Act (the meaning of consecutive tenancy agreement is set out in the Residential Tenancies Act).

10

Clause 84

Page 48, line 26—

omit

may not

substitute

must not

11

Clause 84

Page 49, line 1—

omit

may not

substitute

must not

12

Proposed new clauses 86A to 86C

Page 49, line 17—

insert

86A Schedule 1, clause 37

substitute

37 The restrictions on the amount and frequency of rental rate increases apply provided the identity of at least 1 of the tenants who occupy the premises remains the same as at the time of the last increase (the meaning of rental rate increase is set out in the Residential Tenancies Act).

86B Schedule 1, clause 38

substitute

38 (1) The lessor must give the tenant 8 weeks written notice of an intended:

- (a) increase in the rent under a residential tenancy agreement (including an existing consecutive tenancy agreement); or
- (b) increase in the rent that will take effect under a proposed consecutive tenancy agreement.

(2) The notice to the tenant must include the date when the increase is proposed to take effect, the amount of the proposed increase, whether the amount of the increase is more than the prescribed amount, and that ACAT's prior approval must be obtained for an increase that is more than the prescribed amount if the tenant does not agree to the increase.

86C Schedule 1, new clause 41 (2)*insert*

- (2) However, for an increase in the rent that will take effect under a proposed consecutive tenancy agreement, the tenant may terminate the existing tenancy under clause 88 (for a periodic tenancy) or clause 89 (for a fixed term tenancy).

13**Clause 93****Proposed new dictionary definition of *consecutive tenancy agreement*, paragraph (b)****Page 53, line 25—***omit*

a new residential tenancy agreement

substitute

the new agreement

14**Clause 97****Proposed new dictionary definition of *rental rate increase*****Page 55, line 12—***insert**rental rate increase*, for premises, for part 5 (Rental rate increases)—see section 64AE.**15****Proposed new part 8A****Page 56, line 18—***insert*

Part 8A Residential Tenancies Regulation 1998

101A Rental increase threshold—Act, s 64B and s 68 Section 5A (1)

substitute

- (1) The prescribed amount is worked out as follows:

$$1.1 \times \text{current rental rate} \times \frac{\text{current index number} - \text{initial index number}}{\text{initial index number}}$$

101B Section 5A (2), new definition of *current rental rate*

insert

current rental rate, for premises under a residential tenancy agreement, means—

- (a) for a proposed consecutive tenancy agreement—the most recent rental rate for the premises under a terminating or terminated residential tenancy agreement; or
- (b) in any other case—the most recent rental rate for the premises under the residential tenancy agreement.

101C Section 5A (2), definition of *initial index number*

substitute

initial index number means the most recently published index number on—

- (a) for a proposed consecutive tenancy agreement—
 - (i) if the rental rate has not been increased under a terminating or terminated residential tenancy agreement—the day the original tenancy agreement started; or
 - (ii) if the rental rate has been increased under a terminating or terminated residential tenancy agreement—the day the lessor gave the tenant notice of the most recent increase; or
- (b) for an existing consecutive tenancy agreement—
 - (i) if the rental rate has not been increased under the existing agreement or a terminated residential tenancy agreement—the day the original tenancy agreement started; or
 - (ii) if the rental rate has been increased under the existing agreement or a terminated residential tenancy agreement—the day the lessor gave the tenant notice of the most recent increase; or
- (c) in any other case—
 - (i) if the rental rate has not been increased under the residential tenancy agreement—the day the agreement started; or
 - (ii) if the rental rate has been increased under the residential tenancy agreement—the day the lessor gave the tenant notice of the most recent increase.

101D Section 5A (2), new definition of *original tenancy agreement*

insert

original tenancy agreement, for premises under an existing consecutive tenancy agreement or for which there is a proposed consecutive tenancy agreement, means the residential tenancy agreement that started immediately after the lessor last had possession of the premises.

101E Dictionary, note 2

insert

- consecutive tenancy agreement
-

Schedule 2

PARENTAGE (SURROGACY) AMENDMENT BILL 2023

Amendments circulated by the Minister for Human Rights

1
Clause 2
Page 2, line 3—

omit clause 2, substitute

2 Commencement

- (1) This Act (other than section 4) commences on the day after its notification today.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Section 4 commences on this Act's notification day.
-

2
Clause 8
Proposed new section 24
Page 5, line 1—

omit proposed new section 24, substitute

24 Meaning of *reasonable expense*

- (1) In this Act:
- reasonable expense***, in relation to a presumed parent under a surrogacy arrangement, means an expense paid or owing that is—
- (a) verified by a receipt or other document; and
 - (b) reasonably necessary or reasonably incidental to any of the following:
 - (i) becoming or trying to become pregnant;
 - (ii) a pregnancy or a birth;
 - (iii) entering into and giving effect to a surrogacy arrangement.
- (2) Without limiting subsection (1) (b), a regulation may also prescribe an expense as reasonably necessary or reasonably incidental to a matter mentioned in subsection (1) (b).

3

Clause 8

Proposed new section 24A

Page 5, line 12—

insert

24A Provision of counselling

Any counselling a person receives under this division must be provided by a person prescribed by regulation.

4

Clause 8

Proposed new section 28 (1)

Page 6, line 14—

omit

from a counselling service

5

Clause 8

Proposed new section 28 (2)

Page 6, line 17—

omit

counselling service that is different to the counselling service for which

substitute

person who is different to the person from whom

6

Clause 8

Proposed new section 28 (5)

Page 6, line 27—

omit

counselling service that

substitute

person who, or an entity providing counselling services that,

7

Clause 8

Proposed new section 28B (2A)

Page 7, line 15—

insert

- (2A) The birth parent must receive counselling from a person who is different to the person from whom the intended parent or parents to the surrogacy arrangement receive their counselling under section 28 (1).

8

Clause 8**Proposed new section 28B (3)**

Page 7, line 18—

omit

counselling service that

substitute

person who, or an entity providing counselling services that,

9

Clause 8**Proposed new section 28F (4)**

Page 9, line 5—

insert

- (4) However, an application for a child mentioned in section 28E (1) may be made after the end of the time limit specified in subsection (3) (a) if the Supreme Court is satisfied on reasonable grounds that exceptional circumstances justify the court deciding the application.

10

Schedule 2**Proposed new section 4**

Page 31, line 5—

*omit proposed new section 4, substitute***4 Reasonable expense—Act, s 24 (2)**

- (1) Expenses of the following kind are prescribed in relation to becoming or trying to become pregnant and a pregnancy or a birth (both antenatal and postnatal):
- (a) any reasonable medical expenses incurred by the birth parent;
 - (b) any reasonable travel or accommodation expenses incurred by a presumed parent;
 - (c) if the birth parent obtains insurance—the insurance premium paid or increase in an existing insurance premium paid;
 - (d) for becoming or trying to become pregnant—the expense in reimbursing the birth parent for a loss of earnings as a result of any unpaid leave taken;
 - (e) for a pregnancy or a birth—the expense in reimbursing the birth parent for a loss of earnings as a result of unpaid leave taken, but only for the following periods:
 - (i) a period of not more than 2 months during which the birth happened or was expected to happen;

- (ii) any other period during the pregnancy when the birth parent was unable to work on medical grounds related to pregnancy or birth;
 - (f) if the birth parent is the primary caregiver for another child, any reasonable out-of-pocket expenses associated with child care—
 - (i) incurred by the birth parent; and
 - (ii) including the expense in reimbursing the birth parent's partner for a loss of earnings as a result of unpaid leave taken to care for the child while the birth parent is unable to care for the child;
 - (g) the expense in reimbursing the birth parent's partner for a loss of earnings as a result of unpaid leave taken to care for the birth parent on medical grounds in accordance with a carer's medical certificate provided by a doctor;
 - (h) any reasonable expenses, including reasonable medical expenses, incurred in respect of the child of the surrogacy arrangement.
- (2) Expenses of the following kind are prescribed in relation to entering into and giving effect to a surrogacy arrangement:
- (a) the reasonable expenses associated with a presumed parent receiving counselling in relation to the surrogacy arrangement;
 - (b) the reasonable expenses associated with a presumed parent obtaining legal advice in relation to the surrogacy arrangement;
 - (c) the reasonable expenses associated with an application for a parentage order, including reasonable travel and accommodation expenses.
- (3) In this section:
- medical expenses*** do not include expenses that are recoverable by the presumed parent under—
- (a) Medicare, in accordance with the *Health Insurance Act 1973* (Cwlth); or
 - (b) any health insurance or other scheme.
- obtains insurance*** means enter into a contract for health, life or disability insurance or increase the level of insurance on an existing contract for the insurance.

11

Schedule 2

Proposed new section 5

Page 32, line 28—

insert

5 Prescribed person—Act, s 24A

The following people are prescribed:

- (a) a doctor who is registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the specialty of psychiatry;
 - (b) a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the psychology profession (other than as a student);
 - (c) a person with a social work qualification that provides eligibility for membership of the Australian Association of Social Workers;
 - (d) a person who is a member of the Australian and New Zealand Infertility Counsellors Association (other than as a provisional member or an affiliate member).
-

Schedule 3**HERITAGE AMENDMENT BILL 2024**

Amendment circulated by Ms Lawder

1

Clause 8**Proposed new section 28 (4)****Page 3, line 24—**

insert

- (4) To remove any doubt, subsection (3) does not apply in relation to a nomination application given to the council before the commencement of the *Heritage Amendment Act 2024*, section 3.
-

Schedule 4

HERITAGE AMENDMENT BILL 2024

Amendment circulated by the Minister for Heritage

1

Clause 9

Proposed new section 29 (3) (c)

Page 4, line 21—

omit proposed new section 29 (3) (c), substitute

- (c) the council—
- (i) knows, or believes on reasonable grounds, the application contains incorrect, insufficient or outdated information about the place or object the subject of the application; and
 - (ii) is satisfied on reasonable grounds that, because of the incorrect, insufficient or outdated information, accepting the application is unlikely to result in registration of the place or object; or
-