



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023–2024

MINUTES OF PROCEEDINGS

No 126

WEDNESDAY, 26 JUNE 2024

- 1** The Assembly met at 10 am, pursuant to adjournment. The Acting Speaker (Mr Parton) took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi wanggiralidjinyin.

This is Ngunnawal country.

Today we are all meeting on Ngunnawal country.

We always pay respect to Elders, female and male.

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

2 LEAVE OF ABSENCE TO MEMBER

Mr Gentleman moved—That leave of absence be granted to Ms Cheyne for this sitting and tomorrow due to personal reasons.

Question—put and passed.

3 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.

4 PETITIONS—PETITIONS NOTED

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

Ms Stephen-Smith, from 94 residents, requesting that the Assembly to call on the ACT Government to install CCTV and more secure bike cages at the Phillip Avenue light rail stop in Watson (e-Pet 022-24).

Mrs Kikkert, from 31 residents, requesting that the Assembly call on the ACT Government to work closely with the Page community to identify and implement improvements to the Newbery Crescent neighbourhood playground in Page (Pet 026-24).

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

Debate ensued.

Question—put and passed.

5 LITERACY AND NUMERACY EDUCATION EXPERT PANEL REPORT—LITERACY RESULTS IN THE A.C.T.—ASSEMBLY RESOLUTION OF 26 OCTOBER 2023—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Berry (Minister for Education and Youth Affairs) made a ministerial statement concerning the Literacy and Numeracy Education Expert Panel Final Report, in response to the Assembly resolution of 26 October 2023 relating to literacy results in the ACT, and presented the following papers:

Literacy and Numeracy Education Expert Panel—

Achieving equity and excellence through evidence-informed consistency—Final report, dated April 2024.

Report (in response to Assembly resolution of 26 October 2023—Literacy results in the ACT)—Ministerial statement, 26 June 2024.

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

Debate ensued.

Question—put and passed.

6 RESIDENTIAL BUILDING WORK INSURANCE REGULATORY SETTINGS—REVIEW—FINAL REPORT—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Vassarotti (Minister for Sustainable Building and Construction) made a ministerial statement concerning the final report of the review of residential building work insurance regulatory settings and presented the following papers:

Review of Residential Building Work Insurance Regulatory Settings—Final report—
Report, dated December 2023.

Ministerial statement, 26 June 2024.

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

Question—put and passed.

7 MENTAL HEALTH SERVICES FOR PEOPLE WITH INTELLECTUAL DISABILITY POSITION STATEMENT—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning the ACT Government's position statement on mental health services for people with intellectual disability and presented the following papers:

Improving Mental Health and Wellbeing Outcomes for People with Intellectual Disability—Position Statement, undated.

Mental Health Services for People with Intellectual Disability Position Statement—Ministerial statement, 26 June 2024.

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

Question—put and passed.

8 STANDING COMMITTEES—PROPOSED REFERENCE—LAW OFFICERS LEGAL SERVICES DIRECTIONS 2023 AND LEGAL ASSISTANCE PROVIDED TO A PUBLIC SERVANT

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 Kingfisher, into whether public officials within the ACT Education Directorate failed to exercise their official functions honestly and/or impartially when making recommendations and decisions regarding the Campbell Primary School Modernisation Project between 2019 and 2020;
 - (b) this followed a damning report into the conduct of the procurement process for the project in 2021 by the ACT Auditor-General who found that:
 - (i) “The procurement process for the Campbell Primary School Modernisation Project lacked probity. Tenderers were not dealt with fairly, impartially and consistently”;
 - (ii) “The procurement process was also characterised by informal, uncontrolled and poorly documented communication with tenderers and other parties. This undermines the probity of the procurement process”; and
 - (iii) that the delegate's decision was not based on the evaluation criteria with which the Territory approached the market and sought tenders; and
 - (c) during the course of the Integrity Commission's investigation, serious allegations were raised that the final decision may have been the result of direct pressure from the Minister for Education and Youth Affairs' office;
- (2) this Assembly further notes:
 - (a) case number SC/0354/23 *Haire v Adams KC Commissioner of the ACT Integrity Commission & Anor*, listed in the ACT Supreme Court;

- (b) on Tuesday 21 May 2024, the Minister for Education and Youth Affairs said, “I’m not part of the process and neither is the government and any questions about what’s happening need to go to the people who have put in the claims”. The Minister went on to say “I have no knowledge of the matter and the government has no knowledge of the matter”;
 - (c) that the Attorney-General publicly confirmed on Wednesday, 22 May 2024 that the ACT Government is assisting Ms Haire with her legal fees, pursuant to the Law Officers Legal Services Directions 2023 (the Directions); and
 - (d) clause 13.10 of the Directions states “Assistance will generally not be provided to a public employee in relation to...(2) defending professional or personal disciplinary investigation or action, whether by the Territory or another person or body”;
- (3) this motion be referred to the appropriate standing committee to inquire into:
- (a) whether the Minister for Education and Youth Affairs misled the public when she said on 21 May 2024 “I have no knowledge of the matter and the government has no knowledge of the matter”;
 - (b) how much the legal fees are for Ms Haire;
 - (c) whether there has been a breach of the Law Officers Legal Services Directions 2023;
 - (d) whether changes are required to the Law Officers Legal Services Directions 2023 to ensure it is being used as intended; and
 - (e) whether there has been any interference in the Integrity Commission’s ability to undertake the Kingfisher investigation; 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, 6	NOES, 13	
Peter Cain	Yvette Berry	Marisa Paterson
Ed Cocks	Andrew Braddock	Michael Pettersson
Elizabeth Kikkert	Jo Clay	Shane Rattenbury
Elizabeth Lee	Emma Davidson	Chris Steel
James Milligan	Mick Gentleman	Rachel Stephen-Smith
Mark Parton	Laura Nuttall	Rebecca Vassarotti
	Suzanne Orr	

And so it was negatived.

9 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—REPORT 12—INQUIRY INTO SKATEBOARDING AND SKATE PARKS IN THE A.C.T.—REPORT NOTED

Mr Pettersson (Chair) presented the following report:

Education and Community Inclusion—Standing Committee—Report 12—*Inquiry into Skateboarding and Skate Parks in the ACT*, dated 18 June 2024, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

10 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 29—INQUIRY INTO CASHLESS GAMING IN THE A.C.T.—REPORT NOTED

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee—Report 29—*Inquiry into Cashless Gaming in the ACT*, dated 19 June 2024, including additional comments (*Mr Braddock*) and 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.

11 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 23—INQUIRY INTO AUDITOR-GENERAL'S PERFORMANCE AUDIT REPORTS JANUARY-JUNE 2023—REPORT NOTED

Mr Cocks (Chair) presented the following report:

Public Accounts—Standing Committee—Report 23—*Inquiry into Auditor-General's Performance Audit Reports January-June 2023*, dated 20 June 2024, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

12 PUBLIC ACCOUNTS—STANDING COMMITTEE—STRATEGIC REVIEWS OF THE A.C.T. AUDITOR-GENERAL—RECOMMENDATION—STATEMENT BY CHAIR

Mr Cocks (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had resolved to publicly note a reoccurring recommendation of the strategic reviews of the ACT Auditor-General for consideration by the Standing Committee on Public Accounts in the next Assembly.

13 INTEGRITY LEGISLATION AMENDMENT BILL 2024

Notice No 1, Executive business, having been called on—

Ms Orr, pursuant to standing order 127, and at the request of the proposer, Mr Barr, fixed a later hour of this day for the presentation of this Bill.

14 EDUCATION AND CARE SERVICES NATIONAL LAW (A.C.T.) 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: Ms Berry (Minister for Early Childhood Development) presented a revised explanatory statement to the Bill.

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

Leave granted to dispense with the detail stage.

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

15 GAMING MACHINE (COMPULSORY SURRENDER) 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

Clause 1—

Debate adjourned (Mr Gentleman—Manager of Government Business) and the resumption of the debate made an order of the day for the next sitting.

16 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. Further, Mr Barr advised the Assembly of the absence of Minister Stephen-Smith from 2.30 pm and that questions without notice normally directed to Minister Stephen-Smith could be directed to Mr Steel.

17 QUESTIONS

Questions without notice were asked.

18 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.

19 NEIGHBOURHOOD DEMOCRACY PROGRAMS—PROPOSED EXPANSIONS

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

- (1) notes:
 - (a) adopting a participatory approach to making decisions about suburban improvements provides an opportunity for people to connect with others in their community and gives them a voice in deciding the future of their suburb;
 - (b) it is important for governments to welcome a broad range of ideas for consideration and implementation, and that they be considered with the recognition that people are experts in their own lived experiences;
 - (c) benefits of effective participatory democracy-based consultation include greater local community connections and resilience, improved skills and knowledge, and an engaged community that is willing to participate and contribute to their neighbourhood; and
 - (d) the “My little BIG idea” program for Richardson and Page investigated how Canberrans can assist government decision-making about the ways their communities are supported. It built on previous programs inviting input from Canberrans on what is needed in their suburb and explored how participatory approaches can be integrated into existing budget consultation processes;
- (2) calls on the Government to release the evaluation reports from the neighbourhood democracy pilot projects in Richardson and Page as soon as possible;
- (3) recognises that people are experts in their own lives, and that respecting their lived experiences must be a central consideration when supporting the development of local communities;
- (4) agrees that the application of participatory democracy principles is important in the determination of suburb-level priorities and the allocation of funds for suburb-level projects, in order to achieve the best outcomes and avoid any perception of “pork-barrelling”; and
- (5) calls for future expansions of neighbourhood democracy programs to consider the experiences of the Page and Richardson pilot projects, ensure that budgets are of an effective size, consider a suburb’s relative size, and are available to all suburbs in the ACT.

Mr Barr (Chief Minister), by leave, moved the following amendment: Omit paragraph (5), substitute:

- “(5) calls for future expansions of neighbourhood democracy programs to consider the experiences of the Page and Richardson pilot projects, ensure that budgets are of an effective size, consider a suburb’s relative size, and consider making it available to more suburbs in the ACT subject to proper budgetary consideration.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) adopting a participatory approach to making decisions about suburban improvements provides an opportunity for people to connect with others in their community and gives them a voice in deciding the future of their suburb;
 - (b) it is important for governments to welcome a broad range of ideas for consideration and implementation, and that they be considered with the recognition that people are experts in their own lived experiences;
 - (c) benefits of effective participatory democracy-based consultation include greater local community connections and resilience, improved skills and knowledge, and an engaged community that is willing to participate and contribute to their neighbourhood; and
 - (d) the “My little BIG idea” program for Richardson and Page investigated how Canberrans can assist government decision-making about the ways their communities are supported. It built on previous programs inviting input from Canberrans on what is needed in their suburb and explored how participatory approaches can be integrated into existing budget consultation processes;
- (2) calls on the Government to release the evaluation reports from the neighbourhood democracy pilot projects in Richardson and Page as soon as possible;
- (3) recognises that people are experts in their own lives, and that respecting their lived experiences must be a central consideration when supporting the development of local communities;
- (4) agrees that the application of participatory democracy principles is important in the determination of suburb-level priorities and the allocation of funds for suburb-level projects, in order to achieve the best outcomes and avoid any perception of “pork-barrelling”; and
- (5) calls for future expansions of neighbourhood democracy programs to consider the experiences of the Page and Richardson pilot projects, ensure that budgets are of an effective size, consider a suburb’s relative size, and consider making it available to more suburbs in the ACT subject to proper budgetary consideration.”—

be agreed to—put and passed.

20 FOOTPATH MAINTENANCE

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

- (1) acknowledges that:
 - (a) walking, jogging, cycling, riding, scooting and skating are essential parts of Canberra’s active travel and recreation system. These activities help to enhance fitness, health and general life enjoyment, improve traffic congestion, and reduce greenhouse gas emissions;

- (b) suburban maintenance standards are important to all Canberrans to enable us to maintain our amenity, enjoyment, and wellbeing;
 - (c) residential rates have been rising, on average, by more than 8 percent over the past decade, which are intended to fund public services, including active transport infrastructure, path maintenance, and community amenity; and
 - (d) community members have a right to expect these public services will be high-quality and delivered as expected;
- (2) notes that:
- (a) Transport Canberra and City Services have been reducing path resurfacing, falling from 44,000m² in 2020-21, to 40,434m² in 2021-22, to 27,871m² in 2022-23 (asphalt and concrete path works);
 - (b) the Government announced a \$5 million funding commitment for path and cycle maintenance in the 2023-24 Budget, without detail;
 - (c) the Government subsequently announced a \$5.8 million funding commitment for path and cycle maintenance in the 2024-25 Budget, also without detail; and
 - (d) the Government has failed to meet its own target for community satisfaction with the maintenance of community paths;
- (3) condemns the Labor-Greens Government for failing to adequately maintain footpaths across the Territory; and
- (4) calls on the ACT Government to:
- (a) table financial statements for each of the last five years showing how much the Government has spent on path resurfacing, and how much concrete and asphalt path has been resurfaced for each area, by the end of June 2024;
 - (b) table the most recent Priority Path List for the ACT, along with a yearly comparison of how it has changed each year for the past five years by the end of June 2024;
 - (c) implement a proactive comprehensive maintenance program to ensure footpaths across Canberra are maintained to an acceptable/appropriate standard in the 11th Assembly, as previously recommended in a review; and
 - (d) focus on delivering path maintenance rather than press releases.

Mr Steel (Minister for Transport) moved the following amendment: Omit all text after paragraph (1) (b), substitute:

- “(c) recent climate events have led to increased degradation of the ACT’s path network and heightened the need for resilience and sustainability in path infrastructure; and
- (d) with an increased occurrence of defects due to a changing climate, the Transport Canberra and City Services Directorate (TCCS) has been prioritising the highest risk path defects that present trip hazards, ahead of lower risk defects that may have aesthetic concerns but not pose a trip hazard, such as those identified in the previous path audit;

- (2) notes that:
- (a) TCCS addresses path defects and undertakes path resurfacing using both recurrent and capital funding through both the Roads ACT and Infrastructure Delivery branches, and not all of these works are reflected in annual report path resurfacing figures;
 - (b) in 2020-21, a stimulus package of \$300,000 was provided for an asphalt cycle and shared path maintenance blitz, which is less expensive than concrete path maintenance, leading to a significant increase in overall path resurfacing coverage in 2020-21 and 2021-22;
 - (c) the 2023-24 ACT Budget invested \$5 million over two years in path maintenance, including to increase path repair and to establish an insourced path grinding crew to more rapidly address immediate trip hazards;
 - (d) the 2024-25 ACT Budget invests \$5.81 million over four years in path maintenance, to establish a new path panel replacement crew to completely replace sections of path that are reaching end of life;
 - (e) combined with a new Strategic Path Maintenance Program, these investments reflect a step change in how the ACT Government delivers path maintenance to ensure greater efficiency, responsiveness and service delivery; and
 - (f) from 2024-25, TCCS will report on two new accountability indicators regarding the annual active travel renewal coverage across the off-road network (in m²) and annual percentage of off-road active travel renewal works undertaken on asphalt routes;
- (3) calls on the ACT Government to:
- (a) table financial statements for each of the last four years showing how much the Government has spent on path maintenance, and how many path defects have been addressed, by the end of this parliamentary term;
 - (b) continue its delivery of a better connected and maintained path network in line with Priority 2 in the Active Travel Plan 2024-30;
 - (c) continue implementation of its proactive and evidence-based Strategic Path Maintenance Program, in accordance with the Legislative Assembly resolution of 1 June 2023;
 - (d) continue reporting on accountability indicators, including the new indicators from 2024-25, to measure progress in improving path infrastructure;
 - (e) investigate opportunities to better communicate planned path maintenance activities with the community, including through the City Services website; and
 - (f) improve communication regarding existing and planned active travel initiatives, including proposed locations for new infill footpaths, with the community, including through the City Services website, social media, press releases and a new Active Travel Projects Map by the end of August 2024; and

- (4) calls on all members of the ACT Legislative Assembly to model and continue promoting that the most effective way to make path maintenance requests is via the Fix My Street Portal online or via Access Canberra at 13 22 81.”.

Debate continued.

Question—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) acknowledges that:
 - (a) walking, jogging, cycling, riding, scooting and skating are essential parts of Canberra’s active travel and recreation system. These activities help to enhance fitness, health and general life enjoyment, improve traffic congestion, and reduce greenhouse gas emissions;
 - (b) suburban maintenance standards are important to all Canberrans to enable us to maintain our amenity, enjoyment, and wellbeing;
 - (c) recent climate events have led to increased degradation of the ACT’s path network and heightened the need for resilience and sustainability in path infrastructure; and
 - (d) with an increased occurrence of defects due to a changing climate, the Transport Canberra and City Services Directorate (TCCS) has been prioritising the highest risk path defects that present trip hazards, ahead of lower risk defects that may have aesthetic concerns but not pose a trip hazard, such as those identified in the previous path audit;
- (2) notes that:
 - (a) TCCS addresses path defects and undertakes path resurfacing using both recurrent and capital funding through both the Roads ACT and Infrastructure Delivery branches, and not all of these works are reflected in annual report path resurfacing figures;

- (b) in 2020-21, a stimulus package of \$300,000 was provided for an asphalt cycle and shared path maintenance blitz, which is less expensive than concrete path maintenance, leading to a significant increase in overall path resurfacing coverage in 2020-21 and 2021-22;
 - (c) the 2023-24 ACT Budget invested \$5 million over two years in path maintenance, including to increase path repair and to establish an insourced path grinding crew to more rapidly address immediate trip hazards;
 - (d) the 2024-25 ACT Budget invests \$5.81 million over four years in path maintenance, to establish a new path panel replacement crew to completely replace sections of path that are reaching end of life;
 - (e) combined with a new Strategic Path Maintenance Program, these investments reflect a step change in how the ACT Government delivers path maintenance to ensure greater efficiency, responsiveness and service delivery; and
 - (f) from 2024-25, TCCS will report on two new accountability indicators regarding the annual active travel renewal coverage across the off-road network (in m²) and annual percentage of off-road active travel renewal works undertaken on asphalt routes;
- (3) calls on the ACT Government to:
- (a) table financial statements for each of the last four years showing how much the Government has spent on path maintenance, and how many path defects have been addressed, by the end of this parliamentary term;
 - (b) continue its delivery of a better connected and maintained path network in line with Priority 2 in the Active Travel Plan 2024-30;
 - (c) continue implementation of its proactive and evidence-based Strategic Path Maintenance Program, in accordance with the Legislative Assembly resolution of 1 June 2023;
 - (d) continue reporting on accountability indicators, including the new indicators from 2024-25, to measure progress in improving path infrastructure;
 - (e) investigate opportunities to better communicate planned path maintenance activities with the community, including through the City Services website; and
 - (f) improve communication regarding existing and planned active travel initiatives, including proposed locations for new infill footpaths, with the community, including through the City Services website, social media, press releases and a new Active Travel Projects Map by the end of August 2024; and
- (4) calls on all members of the ACT Legislative Assembly to model and continue promoting that the most effective way to make path maintenance requests is via the Fix My Street Portal online or via Access Canberra at 13 22 81.”—

be agreed to—put and passed.

21 INTEGRITY LEGISLATION AMENDMENT BILL 2024

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to amend legislation about the integrity commission, and for other purposes.

Paper: Mr Barr presented the following paper:

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

Title read by Clerk.

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

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

22 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2024 (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 and passed.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Ms Stephen-Smith (Minister for Children, Youth and Family Services), pursuant to standing order 182A (c), by leave, her amendment No 1 (*see Schedule 1*), which was in response to comment made by the Scrutiny Committee, was made.

Paper: Ms Stephen-Smith presented a supplementary explanatory statement to the Government amendment.

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

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

23 ENVIRONMENT PROTECTION 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: Ms Vassarotti (Minister for the Environment, Parks and Land Management) presented a revised explanatory statement to the Bill.

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 MEMBERS' STATEMENTS

Members' statements were made.

25 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 Ms Cheyne* and Mr Hanson*.

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENT

Schedule 1

CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2024 (NO 2)

Amendment circulated by the Minister for Children, Youth and Family Services

1
Proposed new clauses 22A to 22I
Page 23, line 20—

insert

22A Offence—secrecy of protected information **New section 846 (3)**

insert

- (3) A person, other than an information holder, commits an offence if the person—
- (a) is given protected information about someone else under section 856C for the purpose of the proper handling of a civil claim by the person or someone else; and
 - (b) divulges the protected information for a purpose other than the proper handling of the civil claim; and
 - (c) is reckless about whether—
 - (i) the information is protected information about someone else; and
 - (ii) the purpose is for the proper handling of the civil claim.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

22B Exception to s 846—information given under this Act **Section 847 (2)**

omit

Section 846 (2) does not apply

substitute

Section 846 (2) and (3) do not apply

**22C Exception to s 846—information given under another law
Section 848 (2)**

omit

Section 846 (2) does not apply

substitute

Section 846 (2) and (3) do not apply

22D New section 849A

in part 25.2, insert

849A Exception to s 846—information given for civil claims in which Territory is respondent

- (1) Section 846 (1) does not apply to the making of a record of protected information if the record is made by a person in accordance with section 856C.
- (2) Section 846 (2) does not apply to the divulging of protected information if the protected information is divulged by a person in accordance with section 856C.

Note The defendant has an evidential burden in relation to the matters mentioned in s (1) and s (2) (see Criminal Code, s 58).

22E New section 856C

insert

856C Giving and using information for civil claims in which Territory is respondent

- (1) This section applies in relation to a civil claim if—
 - (a) the claimant, or person on whose behalf the claim is made, was a child or young person when the act or omission the subject of the claim happened; and
 - (b) the act or omission relates to child abuse; and
 - (c) the Territory is a respondent to the claim.
- (2) The director-general may give protected information to—
 - (a) a territory entity, or person acting on behalf of the Territory, in relation to the civil claim as reasonably required by the entity or person for the proper handling of the civil claim; or
 - (b) any other entity if the director-general is satisfied on reasonable grounds that giving the information is necessary for the proper handling of the civil claim.

Examples—par (b)

- a party to the claim
- a legal representative of a party to the claim

Note **Entity** includes an unincorporated body and a person (see Legislation Act, dict, pt 1).

- (3) An entity that receives protected information under this section in relation to a civil claim may give the information to someone else if satisfied on reasonable grounds that giving the information is necessary for the proper handling of the civil claim.
- (4) An entity that receives protected information under this section in relation to a civil claim may use the information only for a purpose reasonably related to the proper handling or management of the civil claim.
- (5) For subsection (4), **use** information includes give information to another entity.
- (6) This section does not limit the information that the director-general may otherwise give a person under this Act or any other territory law.
- (7) In this section:

child abuse—see the *Civil Law (Wrongs) Act 2002*, section 114AA.

civil claim means a claim within the meaning of the *Civil Law (Wrongs) Act 2002*.

territory entity means any of the following:

- (a) an administrative unit;
- (b) a territory authority;
- (c) a public employee;
- (d) a police officer.

22F Court may order sensitive information to be given or produced
Section 866 (1)

omit

in any proceeding

substitute

in any civil claim or any proceeding

22G Section 866 (1) (a)

after

the court

insert

or a party to a civil claim or any proceeding

22H Section 866 (2)

substitute

- (2) However, the court must not allow information given or produced to it under subsection (1) to be given to the parties to the civil claim or the proceeding unless satisfied that—
- (a) the information is materially relevant to the claim or the proceeding; and
 - (b) if the information is about a child or young person—the best interests of the child or young person are protected.

22I New section 866 (8)

insert

- (8) In this section:
- civil claim*—see section 856C (7).
-