



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 52

WEDNESDAY, 8 JUNE 2022

- 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 MINISTER FOR SKILLS—PROPOSED MOTION OF WANT OF CONFIDENCE

Ms Lee (Leader of the Opposition), in accordance with standing order 81A, by leave, moved—That this Assembly expresses no confidence in the Minister for Skills.

Debate ensued.

Paper: Mr Steel (Minister for Skills) presented the following papers:

Canberra Institute of Technology—Consultancy services—

Copy of letter to the CIT Board Chair, from the Minister for Skills, undated.

Copy of letter to the Minister for Skills from the CIT Board Chair, dated 5 March 2021, including CIT's Contemporary Organisational Transformation Report.

Debate continued.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 15	
Mr Cain		Mr Barr	Mr Gentleman
Mr Hanson		Ms Berry	Ms Orr
Mrs Kikkert		Mr Braddock	Dr Paterson
Ms Lawder		Ms Burch	Mr Pettersson
Ms Lee		Ms Cheyne	Mr Rattenbury
Mr Milligan		Ms Clay	Mr Steel
Mr Parton		Ms Davidson	Ms Stephen-Smith
		Mr Davis	

And so it was negatived.

3 PETITION—MINISTERIAL RESPONSE—RESPONSE NOTED

The Clerk announced that the following response to a petition had been lodged:

Ms Berry (Minister for Sport and Recreation), dated 7 June 2022—Response to petition No 39-21, lodged by Mr Rattenbury on 22 March 2022, concerning extending the fence at Reid Oval along Limestone Avenue.

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

Question—put and passed.

4 PRESENTATION OF PAPER

Ms Berry (Minister for the Prevention of Domestic and Family Violence) presented the following paper:

Domestic and Family Violence (Information Sharing) Amendment Bill 2022—Ministerial statement, dated 8 June 2022.

5 LONG SERVICE (PORTABLE SCHEMES) ACT—UPDATE ON PROGRESS TO EXPAND—GOVERNMENT RESPONSE TO RESOLUTION OF THE ASSEMBLY—MINISTERIAL STATEMENT—PAPER—PAPER NOTED

Mr Gentleman (Minister for Industrial Relations and Workplace Safety) presented the following paper:

Long Service (Portable Schemes) Act 2009—Update on progress to expand—Government response to resolution of the Assembly of 9 November 2021—Ministerial statement, 8 June 2022—

and moved—That the Assembly take note of the paper.

Question—put and passed.

6 KEY INFRASTRUCTURE PROJECTS UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Minister for Transport and City Services) made a ministerial statement concerning an update to key infrastructure projects and presented the following paper:

Key infrastructure projects update—Ministerial statement, 8 June 2022.

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

Debate ensued.

Question—put and passed.

7 NEXT STEPS FOR OUR KIDS 2022-2030 AND PROGRESS UPDATE ON RESOLUTION OF THE ASSEMBLY—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED

Ms Stephen-Smith (Minister for Families and Community Services) presented the following papers:

Next Steps for Our Kids 2022-2030—

Report, dated June 2022.

Appendix A—A Step Up for Our Kids journey, dated June 2022.

Appendix B—Review of contemporary practice in out of home care, dated June 2022.

Sources—References and useful resources that guide our work, dated June 2022.

Next Step for Our Kids 2022-2030 and progress update on resolution of the Assembly of 11 May 2021—Care and Protection Orders—Ministerial statement, 8 June 2022.

and moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

8 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Steel and Minister Vassarotti and advised the Assembly that questions without notice normally directed to the Minister for Homelessness and Housing Services, Minister for the Environment and the Minister for Heritage could be directed to Minister Gentleman, and questions without notice normally directed to the Minister for Sustainable Building and Construction could be directed to Minister Berry.

Questions without notice normally directed to Minister Steel could be directed to Mr Barr.

9 QUESTIONS

Questions without notice were asked.

10 QUESTION ON NOTICE NO 771—ANSWER—EXPLANATION

Ms Castley, pursuant to standing order 118A, asked Ms Stephen-Smith (Minister for Health) for an explanation concerning the answer to question on notice No 771.

Ms Stephen-Smith gave an explanation.

11 QUESTION ON NOTICE NO 776—ANSWER—EXPLANATION

Ms Castley, pursuant to standing order 118A, asked Ms Berry (Minister for Education and Youth Affairs) for an explanation concerning the answer to question on notice No 776.

Ms Berry gave an explanation.

12 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Bill referred to Committee, pursuant to resolution of the Assembly of 2 December 2020, as amended—Correspondence—Bill—Not inquired into—Statute Law Amendment Bill 2022—Copy of letter to the Speaker from the Chair of the Standing Committee on Justice and Community Safety, dated 6 June 2022.

Public Accounts—Standing Committee—Report 8—*Inquiry into Annual and Financial Reports 2020-21*—Speaker's response to Recommendations 8 and 9, dated 7 June 2022.

13 NURSE AND MIDWIFERY RATIOS

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

- (1) notes:
 - (a) phase 1 of the nursing and midwifery ratios began on 1 February 2022;
 - (b) the three key compliance measures being reported are:
 - (i) a supernumerary team leader on morning and afternoon shifts;
 - (ii) a nurse/patient ratio of 1:4 for morning shift, 1:4 for evening shift and 1:6 for night shift; and
 - (iii) skill mix of no more than 25 percent enrolled nurses and 75 percent registered nurses;
 - (c) an amnesty period was granted until 22 June;
- (2) further notes:
 - (a) a Freedom of Information (FOI) document obtained by the Canberra Liberals reveals Canberra Health Services (CHS) "remain confident that we will be fully compliant with phase 1 of the ratios by June 2022";
 - (b) FOI documents showing a "snapshot on ward compliance" on 15 February 2022 reveal only partial compliance with ratios;
 - (c) for the morning shift, only 9 out of 17 wards were fully compliant;
 - (d) for the evening shift, only 8 out of 17 wards were fully compliant; and
 - (e) predictions for the night shift were that it would not be fully compliant; and
- (3) calls on the ACT Government to:
 - (a) provide nurse ratio compliance figures since February 2022 (with a breakdown of the three key compliance measures being reported);

- (b) disclose if CHS are now “fully compliant” with phase 1 of the ratios, given we are now near the end of the amnesty period;
- (c) commit to publicly releasing nurse ratio compliance figures for CHS as happens in the Queensland health system; and
- (d) commit to publicly releasing nurse ratio compliance figures for the Calvary Public Hospital.

Ms Stephen-Smith (Minister for Health) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes:

- (a) mandated minimum Nurse/Midwife-to-Patient Ratios is a process of organising patient care with a mandated number of nurses and midwives every shift;
- (b) implementation of phase one of ratios commenced on 1 February 2022 at Canberra Hospital and Calvary Public Hospital Bruce following approval of the ACT Public Sector Nursing and Midwifery Enterprise Agreement 2020-2022 by the Fair Work Commission;
- (c) an amnesty period was agreed between the ACT Government and the Australian Nursing and Midwifery Federation until 30 June 2022 to allow time for implementation of ratios in both health services; and
- (d) ratios are currently being implemented in phase one across acute aged care, general medical, general surgical and adult mental health units with three key compliance measures:
 - (i) a supernumerary team leader on the morning and afternoon shifts;
 - (ii) the appropriate ratio for each shift which is dependent on the unit type, level of care being provided within that unit and the shift; and
 - (iii) skill mix of no more than 25 percent Enrolled Nurses to 75 percent Registered Nurses.

(2) further notes:

- (a) the ACT is just the third jurisdiction in Australia to implement ratios;
- (b) the Canberra Liberals did not commit to the implementation of ratios at the 2020 ACT Election unlike ACT Labor and the ACT Greens;
- (c) in the 2021-22 ACT Budget the ACT Government committed over \$50 million to implement phase one of ratios, which has supported the recruitment of 90 full-time equivalent nurses;
- (d) there is a recognised international shortage of nurses and other health professionals that is placing pressure on all health systems; and

(3) calls on the ACT Government to:

- (a) continue planning for ratios compliance to be publicly reported by health service and compliance measure each month;

- (b) continue to work with the Australian Nursing and Midwifery Federation to implement and manage phase one of ratios across Canberra Hospital and Calvary Public Hospital Bruce;
- (c) continue to work with the Australian Nursing and Midwifery Federation to negotiate the implementation, management and review of the next phase of ratios through the ACT Public Sector Nursing and Midwifery Enterprise Agreement; and
- (d) continue to progress work on the Territory-Wide Health Workforce Plan to support a sustainable health workforce in the ACT.”.

Paper: Ms Stephen-Smith presented the following paper:

Overall CHS Ratio Compliance—Point in Time—Period 23 to 29 May 2022.

Debate continued.

Question—put.

The Assembly voted—

AYES, 14		NOES, 6
Mr Barr	Mr Davis	Mr Cain
Ms Berry	Mr Gentleman	Ms Castley
Mr Braddock	Ms Orr	Mrs Kikkert
Ms Burch	Dr Paterson	Ms Lawder
Ms Cheyne	Mr Pettersson	Mr Milligan
Ms Clay	Mr Rattenbury	Mr Parton
Ms Davidson	Ms Stephen-Smith	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) mandated minimum Nurse/Midwife-to-Patient Ratios is a process of organising patient care with a mandated number of nurses and midwives every shift;
 - (b) implementation of phase one of ratios commenced on 1 February 2022 at Canberra Hospital and Calvary Public Hospital Bruce following approval of the ACT Public Sector Nursing and Midwifery Enterprise Agreement 2020-2022 by the Fair Work Commission;
 - (c) an amnesty period was agreed between the ACT Government and the Australian Nursing and Midwifery Federation until 30 June 2022 to allow time for implementation of ratios in both health services;
 - (d) ratios are currently being implemented in phase one across acute aged care, general medical, general surgical and adult mental health units with three key compliance measures:

- (i) a supernumerary team leader on the morning and afternoon shifts;
 - (ii) the appropriate ratio for each shift which is dependent on the unit type, level of care being provided within that unit and the shift; and
 - (iii) skill mix of no more than 25 percent Enrolled Nurses to 75 percent Registered Nurses.
- (2) further notes:
 - (a) the ACT is just the third jurisdiction in Australia to implement ratios;
 - (b) the Canberra Liberals did not commit to the implementation of ratios at the 2020 ACT Election unlike ACT Labor and the ACT Greens;
 - (c) in the 2021-22 ACT Budget the ACT Government committed over \$50 million to implement phase one of ratios, which has supported the recruitment of 90 full-time equivalent nurses; and
 - (d) there is a recognised international shortage of nurses and other health professionals that is placing pressure on all health systems; and
- (3) calls on the ACT Government to:
 - (a) continue planning for ratios compliance to be publicly reported by health service and compliance measure each month;
 - (b) continue to work with the Australian Nursing and Midwifery Federation to implement and manage phase one of ratios across Canberra Hospital and Calvary Public Hospital Bruce;
 - (c) continue to work with the Australian Nursing and Midwifery Federation to negotiate the implementation, management and review of the next phase of ratios through the ACT Public Sector Nursing and Midwifery Enterprise Agreement; and
 - (d) continue to progress work on the Territory-Wide Health Workforce Plan to support a sustainable health workforce in the ACT.”—

be agreed to—put and passed.

14 WOOD HEATER REPLACEMENT PROGRAM

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

- (1) notes that:
 - (a) Canberrans deserve to take pride in our clean air. Clean air is a universal right;
 - (b) as shown by the ACT Air Quality Report, air quality in the ACT is generally excellent compared with other Australian cities and is considered clean by world standards;
 - (c) air quality standards should be as rigorous as possible, recognising that some pollutants such as PM2.5 have no known safe level;

- (d) wood heaters generate a complex mixture of particles and gasses, such as carbon dioxide, carbon monoxide, nitrogen oxides, organic compounds and organic matter. These pollutants are both damaging to human health and the environment, but of these pollutants it is PM2.5 that has the greatest health impacts;
 - (e) although the number of Canberra households with wood heating is relatively small, these heating sources are largely responsible for increased PM2.5 pollution during the winter months;
 - (f) Tuggeranong Valley is among the three valleys worst affected by pollution from wood heater smoke in Australia, due to the topography, cold weather inversions during winter, and as demonstrated by continued PM2.5 monitoring;
 - (g) by the ACT Government's most recent ACT Air Quality Report, the air quality sensor in Monash recorded 37 days that exceeded safe levels of PM2.5 in 2020, 13 of which were attributable to domestic wood heater emissions between May and August;
 - (h) in 2019, only two such days were attributable to domestic wood heater emissions; and
 - (i) higher levels of PM2.5 during winter suggest that Canberrans have been staying home and using wood heaters more since the start of the COVID-19 pandemic;
- (2) acknowledges the work that the ACT Government is doing, including:
- (a) releasing, in November 2021, the Bushfire Smoke and Air Quality Strategy 2021-2025 – a whole of government approach to prevent, prepare for, respond to, and recover from significant bushfire smoke events and better manage smoke from wood heaters;
 - (b) that the first Action Plan outlines the ACT Government's commitment to review and improve the Wood Heater Replacement Strategy, to strengthen wood heater emissions standards for wood heaters, and to phase out older, polluting wood heaters that do not meet the standards;
 - (c) the ACT Government's Wood Heater Replacement Strategy, which commenced in 2004 and offers financial incentives to encourage removal of wood heaters from Canberra homes; and
 - (d) the ACT Government's 2021 Sustainable Household Scheme, which complements the Replacement Strategy with zero-interest loans for household emissions reductions;
- (3) further notes that:
- (a) low-income households can face challenges in being able to access rebate schemes to replace heaters with energy efficient split systems if it involves an out-of-pocket cost;

- (b) the current Wood Heater Replacement Program could be improved to make it more effective in reducing wood heater smoke in the Tuggeranong Valley in the ACT and improving air quality; and
 - (c) work has already commenced to review the Wood Heater Replacement Program, as referred to in the aforementioned Action Plan; and
- (4) calls on the Government to:
- (a) trial a program to assist low-income households to achieve the following outcomes:
 - (i) replace wood heaters with energy-efficient reverse cycle split system units;
 - (ii) limit the impost on the householder by ensuring the application process is as simple and accessible as possible; and
 - (iii) in order to make this transition accessible, explore the option that such a changeover comes at no up-front expense to the household, rather than a rebate;
 - (b) promote this and existing programs to increase uptake, and make sure that any householder that would benefit from said programs is made aware of such opportunities; and
 - (c) report back to the Assembly prior to the release of the next Action Plan 2023-2025.

Debate ensued.

Question—put and passed.

15 BETTER REGULATION TASK FORCE—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED

Ms Cheyne (Minister for Business and Better Regulation) made a ministerial statement concerning the Better Regulation Task Force and presented the following papers:

Better Regulation—

Report, dated May 2022.

Report—Summary, dated May 2022.

Task Force—Ministerial statement, 8 June 2022.

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

Question—put and passed.

16 SCHIZOPHRENIA AWARENESS WEEK—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning Schizophrenia Awareness Week and presented the following paper:

Schizophrenia Awareness Week—Ministerial statement, 8 June 2022.

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

Question—put and passed.

17 WORKPLACE LEGISLATION AMENDMENT BILL 2022

Mr Gentleman (Minister for Industrial Relations and Workplace Safety), pursuant to notice, presented a Bill for an Act to amend workplace legislation, and for other purposes.

Paper: Mr Gentleman 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 Gentleman moved—That this Bill be agreed to in principle.

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

18 EDUCATION AMENDMENT BILL 2022

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 Education and Youth Affairs) tabled the following paper:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 17—Government response to Scrutiny comments on the Education Amendment Bill 2022.

Ms Berry, by leave, was granted an extension of time.

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 Berry, by leave, her amendments Nos 1 to 46 (see [Schedule 1](#)) were made together.

Paper: Ms Berry 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.

19 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 5:56 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting except Ms Vassarotti.*

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

EDUCATION AMENDMENT BILL 2022

Amendments circulated by the Minister for Education and Youth Affairs

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

This Act commences on 20 December 2022.

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

2

Clause 8

Proposed new section 17B (1)

Page 6, line 9—

omit proposed new section 17B (1), substitute

- (1) For this chapter, the behaviour of a student at a school is ***unsafe or noncompliant*** if the behaviour reduces the safety or effectiveness of the learning environment at the school because it—
- (a) is persistently or disruptively noncompliant; or
 - (b) poses an unacceptable risk to the safety or wellbeing of—
 - (i) another student at the school; or
 - (ii) a member of staff of the school; or
 - (iii) someone else involved in the school's operation.
-

3

Clause 8

Proposed new section 17B (2), example

Page 6, line 22—

omit the example, substitute

Example

using social media outside school hours to encourage violence against a student at school the next day

4

Clause 8**Proposed new section 17C, proposed new definition of *reasonable alternative*****Page 7, line 19—***insert**reasonable alternative* means an alternative that a person is reasonably able to take considering all relevant matters.

5

Clause 8**Proposed new section 17D (b)****Page 8, line 8—***before*

alternative

insert

reasonable

6

Clause 8**Proposed new section 17H (1) (c)****Page 10, line 3—***omit*

, proportionate and justifiable

7

Clause 8**Proposed new section 17H (1) (c), proposed new note****Page 10, line 5—***insert*

Note *Unsafe or noncompliant behaviour—see s 17B.*
Reasonable alternatives—see s 17C.

8

Clause 8**Proposed new section 17H (3)****Page 10, line 20—***omit*

, proportionate and justifiable

9

Clause 8
Proposed new section 17K (4) (a) (ii)
Page 12, line 9—

omit proposed new section 17K (4) (a) (ii), substitute

- (ii) how they have exhausted reasonable alternatives to suspending the student;

Note **Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.**

10

Clause 8
Proposed new section 17L (2) (a) (ii)
Page 13, line 8—

omit proposed new section 17L (2) (a) (ii), substitute

- (ii) how they have exhausted reasonable alternatives to suspending the student; and

Note **Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.**

11

Clause 8
Proposed new section 17L (3) (a) and example
Page 13, line 18—

omit proposed new section 17L (3) (a) and example, substitute

- (a) the student's unsafe or noncompliant behaviour presents an immediate or imminent risk of harm to a person; and

Examples—behaviour that presents an immediate or imminent risk of harm to a person

- the student was physically violent to another student
 - the student threatened to be physically violent to a staff member
-

12

Clause 8
Proposed new section 17L (5)
Page 14, line 9—

omit

, proportionate and justifiable

13

Clause 8

Proposed new section 17N (1) (a) and (b)

Page 14, line 25—

omit proposed new section 17N (1) (a) and (b), substitute

- (a) review any reasonable adjustments in place for the student, including reviewing the way an adjustment is implemented; and
- (b) make any reasonable adjustments the principle considers would support the student, including changing the way an adjustment is implemented.

14

Clause 8

Proposed new section 17P (1) (d)

Page 16, line 1—

omit

, proportionate and justifiable

15

Clause 8

Proposed new section 17P (3)

Page 16, line 8—

omit

, proportionate and justifiable

16

Clause 8

Proposed new section 17R (3) (a) (ii)

Page 17, line 13—

omit proposed new section 17R (3) (a) (ii), substitute

- (ii) how they have exhausted reasonable alternatives to transferring the student;

Note *Unsafe or noncompliant behaviour—see s 17B.*
 Reasonable alternatives—see s 17C.

17

Clause 8

Proposed new section 17U (1) (d)

Page 19, line 8—

omit

, proportionate and justifiable

18**Clause 8****Proposed new section 17U (3)****Page 19, line 20—***omit*, proportionate and justifiable

19**Clause 8****Proposed new section 17S (a) (ii)****Page 18, line 7—***omit proposed new section 17S (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to transferring the student; and

Note ***Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.***

20**Clause 8****Proposed new section 17W (3) (a) (ii)****Page 20, line 25—***omit proposed new section 17W (3) (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to expelling the student;

Note ***Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.***

21**Clause 8****Proposed new section 17X (2) (a) (ii)****Page 21, line 17—***omit proposed new section 17X (2) (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to expelling the student; and

Note ***Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.***

22**Clause 8****Proposed new section 17ZA (1) (d)****Page 22, line 20—***omit*, proportionate and justifiable

23**Clause 8****Proposed new section 17ZA (3)****Page 23, line 3—***omit*

, proportionate and justifiable

24**Clause 8****Proposed new section 17ZC (3) (a) (ii)****Page 24, line 3—***omit proposed new section 17ZC (3) (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to excluding the student;

25**Clause 8****Proposed new section 17ZC (3) (a), proposed new note****Page 24, line 6—***insert*

Note ***Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.***

26**Clause 8****Proposed new section 17ZD (a) (ii)****Page 24, line 23—***omit proposed new section 17ZD (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to excluding the student;

Note ***Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.***

27**Clause 8****Proposed new section 17ZF (1) (d)****Page 26, line 2—***omit*

, proportionate and justifiable

28**Clause 8****Proposed new section 17ZF (3)****Page 26, line 8—***omit*, proportionate and justifiable

29

Clause 8

Proposed new section 17ZH (3) (a) (ii)

Page 27, line 14—

omit proposed new section 17ZH (3) (a) (ii), substitute

- (ii) how they have exhausted reasonable alternatives to excluding the student;

30

Clause 8

Proposed new section 17ZH (3) (a), proposed new note

Page 27, line 17—

insert

*Note Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.*

31

Clause 8

Proposed new section 17ZI (a) (ii)

Page 28, line 9—

omit proposed new section 17ZI (a) (ii), substitute

- (ii) how they have exhausted reasonable alternatives to excluding the student;

*Note Unsafe or noncompliant behaviour—see s 17B.
Reasonable alternatives—see s 17C.*

32

Clause 33

Proposed new section 85 (1)

Page 46, line 17—

omit

may

substitute

must

33

Clause 33

Proposed new section 110A

Page 65, line 5—

insert

110A Registrar to report concerns to registration standards advisory board

- (1) As soon as practicable after the end of each quarter the registrar must give the registration standards advisory board a report about concerns raised under section 110.

- (2) The report must not, without the written consent of the person who raised the concern, include information that—
 - (a) identifies the person as the person who raised the concern; or
 - (b) would allow the identity of the person to be worked out.
- (3) The report must comply with any requirements prescribed by regulation.

34

Clause 33

Proposed new section 116 (3)

Page 68, line 14—

omit

standards

substitute

review

35

Clause 33

Proposed new section 117

Page 68, line 15—

omit

36

Clause 33

Proposed new section 119 (1)

Page 69, line 21—

omit

may

substitute

must

37

Clause 39

Proposed new section 311M (1)

Page 97, line 5—

omit proposed new section 311M (1), substitute

- (1) This section applies if, immediately before the commencement day, a non-government school was registered under the pre-amendment Act, section 88 (including registration renewed under the pre-amendment Act, section 97).
-

38

Clause 39
Proposed new section 311M (3A)
Page 97, line 15—

insert

- (3A) However, no action under this Act may be taken against the school for failing to comply with the conditions mentioned in section 93 (a) and (b) during the first 9 months following the commencement day.

39

Clause 47
Proposed new dictionary definition of *levels of education*, examples
Page 103, line 26—

omit

preschool,

40

Clause 58
Proposed new dictionary definition of *school*
Page 106, line 22—

omit the definition, substitute

school means an institution providing 1 or more levels of education from kindergarten to year 12.

Note 1 A school may also deliver a preschool program (see *Education and Care Services National Law (ACT)*, s 5 (1), def ***education and care service***).

Note 2 The *Education and Care Services National Law (ACT) Act 2011* s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care National Law (ACT)*.

41

Clause 64
Proposed new standard 2.5 (1), note
Page 116, line 18—

omit

42

Clause 64
Proposed new standard 2.5 (2)
Page 116, line 23—

omit

the operation of the school's policies and procedures.

substitute

the following policies for the school—

- (a) the enrolment policy under standard 2.8;
- (b) the complaints policy under standard 2.9;
- (c) the behaviour management policy under standard 2.18.

43

Clause 64**Proposed new standard 2.6 (2), example****Page 117, line 13—***omit the example, substitute***Examples—made available to the public**

- included in a publicly available annual report
- published on the school's website

44

Clause 64**Proposed new standard 2.8 (3), note****Page 118, line 20—***omit*

policies and procedures and ensure they are

substitute

the school's enrolment policy and ensure it is

45

Clause 64**Proposed new standard 2.9 (2), note****Page 119, line 13—***omit*

policies and procedures and ensure they are

substitute

the school's complaints policy and ensure it is

46

Clause 64**Proposed new standard 2.18 (2), note****Page 124, line 6—***omit*

policies and procedures and ensure they are

substitute

the school's behaviour policy and ensure it is
