



Standing Committee on Health and Community Wellbeing

Inquiry into Annual and Financial Reports 2022-2023 **ANSWER TO QUESTION TAKEN ON NOTICE**

Asked by **Ms Leanne Castley** on 16 November 2023: Ms Cross took on notice the following question(s):

Reference: Hansard uncorrected proof transcript 16 November 2023 [PAGES 7-8]

In relation to: Health Infrastructure Enabling Bill 2022 – Ministerial brief

MS CASTLEY: There was a brief to you, minister, to remove the Health Infrastructure Enabling Bill 2022 from the spring program. We saw that through FOI. The brief was not released, but there was a piece of information in that FOI. I am just wondering who wrote paragraph 9 of the brief, that it had been the intention to introduce or debate the bill during the negotiation period? We have got information here that there is a response that says:

Regarding paragraph 9, it was never the intention to introduce or debate the bill during negotiation period. This is an odd thing to say. Early consideration by cabinet was proposed to ensure that any issues are able to be worked through. Given the complexity and sensitivity, we do not want to be in a position where introduction of the bill is delayed. It is indeed required because there are still issues.

I am just wondering who wrote that brief to you, because it indicated that you did indeed want the—

Ms Cross: So Rebecca Cross, Director-General ACT Health and I have read and understood the privilege statement. I think we can tell you who signed the brief off, but the process of drafting any brief can involve any number of people sort of contributing and editing, so we can certainly tell you who signed the brief off and approved that wording and I am looking at Ms Lopa; I am guessing it was her.

Ms Lopa: It was probably me. I do not have it in front of me, but chances are it probably was me. I think when we were looking at whether we would go to this legislation in the spring sitting, it really was—you know, the processes of government mean that you need to, you know, put your marker down to go into legislation quite early to go through all the processes.

We put it on a spring legislative program in anticipation of those negotiations, you know, being done. They were not done. The wording of the brief, I do not have it in front of me. The intention

was never to debate legislation while we were still negotiating, as the minister marked on the brief, so I do not have that paragraph in front of me, but it could have just been loose wording.

But we prepared and put it on the spring legislative program. We did not start drafting legislation. And then indeed when we briefed up it was like, no, we are not doing this until negotiations have been concluded and it was withdrawn from the program. So it was really just an early preparation thing to make sure that we were there if we needed to be there on the program, but we did not need to be there.

Minister Rachel Stephen-Smith MLA: The answer to the Member's question is as follows:

The comment referred to was written on a brief provided from Ms Liz Lopa, Deputy Director-General, Infrastructure and Engagement. However, as discussed in the Annual and Financial Reports 2022-2023 on 16 November 2023, there are often a number of people that contribute to the writing and editing of a Ministerial brief.

Please note that the correct quote from my comment on the brief is as follows:

Re par 9, it was never the intention to introduce or debate the Bill during the negotiation period – this is an odd thing to say. Early consideration by Cabinet was proposed to ensure that any issues are able to be worked through, given complexity and sensitivity. We do not want to be in a position where introduction of the Bill is delayed if it is indeed required because there are still issues to work through.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature:



Date:

27/11/23

By the Minister for Health, Ms Rachel Stephen-Smith MLA