



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

MINUTES OF PROCEEDINGS

No 26

THURSDAY, 7 OCTOBER 2021

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

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

This is Ngunnawal Country.

Today we are gathering on Ngunnawal country.

We always pay respect to Elders, female and male, and Ngunnawal country.

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

2 LEAVE OF ABSENCE TO MEMBER

Mr Hanson moved—That leave of absence be granted to Mr Milligan for today's sitting for personal reasons.

Question—put and passed.

3 AUTOMATED VEHICLES—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Minister for Transport and City Services) made a ministerial statement concerning automated vehicles and presented the following paper:

Automated vehicles—Ministerial statement, 7 October 2021.

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

Question—put and passed.

4 CONSULTATION DURING LOCKDOWN RELATED TO PLANNING AND DEVELOPMENT—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning consultation during lockdown in relation to planning and development and presented the following paper:

Consultation during lockdown related to planning and development—Ministerial statement, 7 October 2021.

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

Question—put and passed.

5 THREATENED SPECIES: A ROAD TO RECOVERY—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for the Environment) made a ministerial statement concerning threatened species and presented the following paper:

Threatened species: A Road to Recovery—Ministerial statement, 7 October 2021.

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

Debate ensued.

Question—put and passed.

6 WORLD MENTAL HEALTH DAY—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning World Mental Health Day and presented the following paper:

World Mental Health Day—Ministerial statement, 7 October 2021.

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

Debate ensued.

Question—put and passed.

7 ASSEMBLY PROCEEDINGS DURING COVID-19 LOCKDOWN—AMENDMENT TO RESOLUTION

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—That the resolution of 16 September 2021 concerning Assembly proceedings during COVID-19 lockdown be amended at paragraph (2), by:

- (1) omitting “(as at 16 September 2021)” and substituting “(as at 8 October 2021)”; and
- (2) omitting “or October” and substituting “, October or November”.

Question—put and passed.

**8 LIGHT RAIL STAGE 2 PROJECT—SELECT COMMITTEE—PROPOSED ESTABLISHMENT—
LIGHT RAIL STAGE 2 PROJECT—CONSIDERATION BY STANDING COMMITTEE ON
PUBLIC ACCOUNTS**

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

- (1) notes:
 - (a) the Light Rail Stage 2 proposal is the largest investment project ever undertaken by a Territory government;
 - (b) some billions of dollars are being invested in a single transport route and transport technology to connect Civic with Woden;
 - (c) the Canberra community will experience significant disruption to intra-city travel and business operations for four years or so while construction proceeds;
 - (d) many Canberrans, community bodies and business groups are taking a strong interest in this project;
 - (e) many local communities and living precincts will be affected by the construction and completion of the light rail corridor;
 - (f) the total project cost could be carried by several generations of Canberra's taxpayers;
 - (g) in August 2019, the Government published a business case for the Stage 2A element of the overall project to deliver light rail to Woden;
 - (h) the vast majority of financial information in that business case had been redacted; and
 - (i) given that Canberrans will pay for most of the light rail project, they are reasonably entitled to adequate information on this large project;
- (2) further notes that the ACT Auditor-General:
 - (a) on 24 August, released a report on the Government's economic analysis case for Light Rail Stage 2A;
 - (b) noted a number of significant cost omissions including wire-free power for light rail vehicles and disruption costs caused by the protracted construction period;
 - (c) also noted economic benefits claimed in the Government's analysis relied heavily on residential development value gains in the Acton precinct as well as less specific and un-quantified wider economic benefits elsewhere;
 - (d) raised concerns over lack of transparency, insufficient quantification of costs and benefits and lack of a benefits realisation plan including on how light rail will accelerate development of Acton; and
 - (e) also expressed other concerns and questions over the business case including the basis of patronage figures and the impact of COVID on future requirements for public transport; and

- (3) calls on the ACT Legislative Assembly to:
- (a) establish a select committee for the remainder of this Assembly term, to consider and report on any matter relating to the Light Rail Stage 2 Project, including:
 - (i) project implementation and progress;
 - (ii) management of disruption generated by project activity;
 - (iii) risks and their mitigation;
 - (iv) community and business issues and concerns;
 - (v) impact of COVID on commuter practices and public transport demand;
 - (vi) project resources including funding requirements;
 - (vii) implementation of the Auditor-General's recommendations; and
 - (viii) any other matter relating to the Light Rail Stage 2 Project;
 - (b) agree that in relation to the select committee:
 - (i) two Members be nominated by the Coalition Government;
 - (ii) two Members be nominated by the Opposition; and
 - (iii) an Opposition Member to be elected as chair by the committee; and
 - (c) agree that the committee:
 - (i) in conducting any public hearings, be mindful of the Public Health Emergency declaration;
 - (ii) report to the Assembly on a bi-annual basis;
 - (iii) be mindful of other committee and Assembly business requirements; and
 - (iv) deliver its final report by no later than the last sitting day of this term.

Debate ensued.

Mr Steel (Special Minister of State) moved the following amendment: Omit all text after "notes" (first occurring), substitute:

- “(a) Light Rail Stage 2 is the largest investment project ever undertaken by a territory government;
- (b) hundreds of millions of dollars are being invested in a single transport route and transport technology to connect Civic with Woden;
- (c) the Canberra community will experience significant disruption to intra-city travel and business operations for four years or so while construction proceeds;

- (d) many Canberrans, community bodies and business groups are taking a strong interest in this project;
 - (e) many local communities and living precincts will be affected by the construction and completion of the light rail corridor;
 - (f) the total project cost will be a major investment in Canberra's future;
 - (g) in August 2019, the Government published a Business case for the Stage 2A element of the overall project to deliver light rail to Woden;
 - (h) the majority of financial information in that business case had been redacted for commercial reasons; and
 - (i) given that Canberrans will pay for most of the light rail project they are reasonably entitled to adequate information on this large project;
- (2) further notes that the ACT Auditor-General:
- (a) on 24 September, released a report on the government's economic analysis case for Light Rail Stage 2A;
 - (b) noted items including wire-free power for light rail vehicles and disruption costs caused by the protracted construction period were not included in the original costings;
 - (c) also noted economic benefits claimed in the Government's analysis included residential development value gains in the Acton precinct as well as wider economic benefits elsewhere;
 - (d) raised questions about quantification of costs and benefits and highlighted the importance of developing a benefits realisation plan including on how light rail will facilitate development of Acton; and
 - (e) also raised further questions over the Business Case including the basis of patronage figures and the impact of COVID on future requirements for public transport; and
- (3) calls on the Legislative Assembly to:
- (a) request the Public Accounts Committee to consider and report on the Light Rail Stage 2 Project with a particular view to reporting on issues raised by the ACT Auditor-General; and
 - (b) note that the ACT Government will be providing a formal response to the Auditor-General's report within three months."

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 6
Ms Berry	Mr Gentleman	Mr Cain
Mr Braddock	Ms Orr	Ms Castley
Ms Burch	Mr Pettersson	Mr Hanson
Ms Cheyne	Mr Rattenbury	Mrs Jones
Ms Clay	Mr Steel	Mrs Kikkert
Ms Davidson	Ms Vassarotti	Mr Parton
Mr Davis		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) Light Rail Stage 2 is the largest investment project ever undertaken by a territory government;
 - (b) hundreds of millions of dollars are being invested in a single transport route and transport technology to connect Civic with Woden;
 - (c) the Canberra community will experience significant disruption to intra-city travel and business operations for four years or so while construction proceeds;
 - (d) many Canberrans, community bodies and business groups are taking a strong interest in this project;
 - (e) many local communities and living precincts will be affected by the construction and completion of the light rail corridor;
 - (f) the total project cost will be a major investment in Canberra’s future;
 - (g) in August 2019, the Government published a Business case for the Stage 2A element of the overall project to deliver light rail to Woden;
 - (h) the majority of financial information in that business case had been redacted for commercial reasons; and
 - (i) given that Canberrans will pay for most of the light rail project they are reasonably entitled to adequate information on this large project;
- (2) further notes that the ACT Auditor-General:
 - (a) on 24 September, released a report on the government’s economic analysis case for Light Rail Stage 2A;
 - (b) noted items including wire-free power for light rail vehicles and disruption costs caused by the protracted construction period were not included in the original costings;
 - (c) also noted economic benefits claimed in the Government’s analysis included residential development value gains in the Acton precinct as well as wider economic benefits elsewhere;

- (d) raised questions about quantification of costs and benefits and highlighted the importance of developing a benefits realisation plan including on how light rail will facilitate development of Acton; and
 - (e) also raised further questions over the Business Case including the basis of patronage figures and the impact of COVID on future requirements for public transport; and
- (3) calls on the Legislative Assembly to:
- (a) request the Public Accounts Committee to consider and report on the Light Rail Stage 2 Project with a particular view to reporting on issues raised by the ACT Auditor-General; and
 - (b) note that the ACT Government will be providing a formal response to the Auditor-General's report within three months."—

be agreed to—put and passed.

9 OPERATIONAL EFFICIENCIES (COVID-19) LEGISLATION AMENDMENT BILL 2021

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.

Debate adjourned (Mrs Jones) and the resumption of the debate made an order of the day for a later hour this day.

10 QUESTIONS

Questions without notice were asked.

11 PRESENTATION OF PAPER

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

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Community Services Directorate (HOU-21/13), dated 27 April 2021.

12 HEALTHCARE SERVICES

Mrs Jones, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) Canberra has been plagued for years by the worst emergency department wait times in the country, with patients being treated in hallways at the Canberra Hospital Emergency Department;
 - (b) Canberra junior doctors face the nation's highest rates of bullying and uncertainty about correct pay;
 - (c) all staff at Canberra Health Services, and especially those at the Canberra Hospital, have to work with bullying and harassment issues not yet resolved years after being identified;

- (d) we have seen Canberrans develop cancer while waiting more than a year for endoscopy examinations;
 - (e) the Minister for Health has admitted that we have seen a decline, in real terms, in investment in our health system over the past 10 years, leaving us unprepared for the increased demands of the COVID-19 pandemic and having to build temporary facilities in order to cope;
 - (f) we have seen the Canberra Hospital expansion and replacement of major infrastructure that is aged and at the end of its life promised at the 2012, 2016 elections, re-promised at the 2020 election, but yet to be delivered at all;
 - (g) the \$375 million budgeted for the Canberra Hospital expansion in 2012 being reallocated to the now empty tram;
 - (h) in January this year, the Minister for Health committed to ensuring 70 percent of emergency department presentations were seen within clinically appropriate timeframes “within nine months,” but the latest available data shows that “urgent” presentations to the Canberra Hospital Emergency Department were only seen in clinically appropriate timeframes 26 percent of the time;
 - (i) the “fit testing” of personal protective equipment for healthcare workers during the latest COVID-19 has been distressingly inadequate, with most nurses and physicians in the Emergency Department and in COVID wards not having been appropriately fit tested at the start of the current COVID-19 outbreak as per basic occupational health and safety requirements;
 - (j) health workforce shortages, and 1000 workers wanting to re-enter the health workforce, but no clear pathway or re-registration process outlined by the Government for them to re-enter for those with lapsed registrations;
 - (k) the Chief Minister claimed that the Garran Surge Centre would get our intensive care unit (ICU) capacity “into the low hundreds” on 22 September, yet the beds in the centre will not be classified ICU beds, but instead as emergency beds; and
 - (l) to add insult to injury, the pre-Budget announcement in health—promising 90 nurses, four ICU beds to be operational by 2023-24, the expansion of the Emergency Medical Unit and the Acute Medical Unit—is less than half of the promised 400 health care professionals, and along with the ICU beds will not be completely delivered until the next election; and
- (2) calls on the ACT Government to:
- (a) recognise and acknowledge the phenomenal effort, dedication and courage of our healthcare workers, and ensure that they are properly resourced, supported and protected during this current COVID-19 outbreak;
 - (b) make a substantial capital investment to finally begin the Canberra Hospital rebuild, providing clinically appropriate facilities at the Canberra Hospital;

- (c) outline the process for nurses seeking to re-enter the workforce to re-register, including what financial support will be provided by the Government;
- (d) develop and implement a comprehensive health workforce strategy to establish a pipeline of highly skilled healthcare professionals to serve the ACT in the decades to come and to achieve the ratios promised at last year's election, including a date by which the ratios will all be achieved; and
- (e) report back to the Assembly by the last sitting day in November 2021 on progress on (2)(a)-(d).

Ms Stephen-Smith (Minister for Health), by leave, moved the following amendments together:

1. Omit paragraphs (1)(a) to (l), substitute:

- “(a) ACT public health services are an integral part of the Canberra community providing essential services, particularly during the COVID-19 pandemic;
- (b) more than 500 additional staff have temporarily joined the frontline health workforce and administrative teams in response to the recent expressions of interest process, including 333 nurses and 61 student nurses;
- (c) the ACT Government is continuing to strongly invest in the public health system with a record \$8.5 billion investment over four years in the 2021-22 Budget for the health portfolio;
- (d) the ACT Government continues to grow critical hospital services through the provision of more than \$128 million to support increased demand, building further capacity and to support contemporary models of care for the Canberra community;
- (e) the ACT Government has allocated additional funds through the 2020-21 Budget and 2021-22 Budget to deliver more public endoscopy procedures and commence feasibility for upgrades at Canberra Hospital and Calvary Public Hospital Bruce to respond to growing demand in the ACT;
- (f) the 2021-22 Budget outlines an \$877 million health infrastructure pipeline over the coming five years, including the Canberra Hospital expansion and planning for a new northside hospital, to future proof our health system;
- (g) this pipeline builds on the ACT Government investment of over \$1 billion in health infrastructure in the previous decade, including delivery of the University of Canberra Hospital in 2018;
- (h) the \$624 million Canberra Hospital Expansion has already delivered two new buildings on the Canberra Hospital campus and refurbishment of multiple spaces, and the Critical Services Building is on track to be completed in 2024;

- (i) the ACT Government committed to hiring a further 400 health care professionals to the ACT public health system in this term of government and by the end of the 2021-22 financial year an additional 257 FTE will join the health workforce in the ACT;
- (j) this will include more than 90 additional FTE nursing positions as part of the first phase of Nursing and Midwifery ratios being implemented during 2021-22 to continue to improve the provision of safe, high quality care across our public hospitals;
- (k) infection prevention and control is a vital part of the response to COVID-19, including fit testing of N95 masks to maintain effective personal protective equipment for healthcare workers. Calvary Public Hospital operates one fit testing machine, with a second machine available intermittently, and Canberra Health Services operates three fit testing machines seven days a week to ensure health workers are able to wear the best mask for them while working on the frontline; and
- (l) implementation of the Culture Review continues to work on building a positive workplace culture for junior doctors and all health workers to support them to continue providing the best care to our community;".

2. Omit paragraphs (2)(b) to (e), substitute:

- "(b) continue to work with all states and the Northern Territory to engage the Commonwealth Government in meaningful discussions about health system sustainability, acknowledging the pressures experienced by public health systems in every jurisdiction."

Debate continued.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 14		NOES, 7
Ms Berry	Dr Paterson	Mr Cain
Mr Braddock	Mr Pettersson	Ms Castley
Ms Burch	Mr Rattenbury	Mr Hanson
Ms Cheyne	Mr Steel	Mrs Jones
Ms Clay	Ms Stephen-Smith	Mrs Kikkert
Ms Davidson	Ms Vassarotti	Ms Lawder
Mr Gentleman		Mr Parton
Ms Orr		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

"That this Assembly:

- (1) notes that:
 - (a) ACT public health services are an integral part of the Canberra community providing essential services, particularly during the COVID-19 pandemic;

- (b) more than 500 additional staff have temporarily joined the frontline health workforce and administrative teams in response to the recent expressions of interest process, including 333 nurses and 61 student nurses;
- (c) the ACT Government is continuing to strongly invest in the public health system with a record \$8.5 billion investment over four years in the 2021-22 Budget for the health portfolio;
- (d) the ACT Government continues to grow critical hospital services through the provision of more than \$128 million to support increased demand, building further capacity and to support contemporary models of care for the Canberra community;
- (e) the ACT Government has allocated additional funds through the 2020-21 Budget and 2021-22 Budget to deliver more public endoscopy procedures and commence feasibility for upgrades at Canberra Hospital and Calvary Public Hospital Bruce to respond to growing demand in the ACT;
- (f) the 2021-22 Budget outlines an \$877 million health infrastructure pipeline over the coming five years, including the Canberra Hospital expansion and planning for a new northside hospital, to future proof our health system;
- (g) this pipeline builds on the ACT Government investment of over \$1 billion in health infrastructure in the previous decade, including delivery of the University of Canberra Hospital in 2018;
- (h) the \$624 million Canberra Hospital Expansion has already delivered two new buildings on the Canberra Hospital campus and refurbishment of multiple spaces, and the Critical Services Building is on track to be completed in 2024;
- (i) the ACT Government committed to hiring a further 400 health care professionals to the ACT public health system in this term of government and by the end of the 2021-22 financial year an additional 257 FTE will join the health workforce in the ACT;
- (j) this will include more than 90 additional FTE nursing positions as part of the first phase of Nursing and Midwifery ratios being implemented during 2021-22 to continue to improve the provision of safe, high quality care across our public hospitals;
- (k) infection prevention and control is a vital part of the response to COVID-19, including fit testing of N95 masks to maintain effective personal protective equipment for healthcare workers. Calvary Public Hospital operates one fit testing machine, with a second machine available intermittently, and Canberra Health Services operates three fit testing machines seven days a week to ensure health workers are able to wear the best mask for them while working on the frontline; and
- (l) implementation of the Culture Review continues to work on building a positive workplace culture for junior doctors and all health workers to support them to continue providing the best care to our community; and

- (2) calls on the ACT Government to:
 - (a) recognise and acknowledge the phenomenal effort, dedication and courage of our healthcare workers, and ensure that they are properly resourced, supported and protected during this current COVID-19 outbreak; and
 - (b) continue to work with all states and the Northern Territory to engage the Commonwealth Government in meaningful discussions about health system sustainability, acknowledging the pressures experienced by public health systems in every jurisdiction.”—

be agreed to—put and passed.

13 COVID-19 PANDEMIC—SOCIAL AND ECONOMIC RECOVERY

Mr Braddock, by leave, having amended his notice, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) the social and economic impacts of the ACT’s COVID outbreak are having disproportionate impacts across the community, deepening inequality. This has particularly affected groups already experiencing disadvantage;
 - (b) these impacts are likely to last for many years, entrenching existing inequality through wage scarring, underemployment, unemployment, and reduced economic prospects;
 - (c) the Federal Government’s income supports are insufficient to keep Canberrans out of poverty, further exacerbating the economic consequences for marginalised groups;
 - (d) the Federal Government’s choice to stop the COVID disaster payments prioritises the economy over people, is inconsistent with ACT Health advice, and adversely affects thousands of Canberrans still facing restrictions;
 - (e) emergency relief is increasingly accessed repeatedly by Canberrans who are presenting with complex, long-term issues;
 - (f) the ACT Government has an essential role in providing long-term, strategic leadership, as well as supports and services, to help Canberra’s social recovery from COVID; and
 - (g) in 2020, the ACT Government commenced work on a community recovery plan to support our community through our extended pandemic community recovery, which is ongoing and being implemented. The Targeted Assistance Strategy, one of the ACT Government’s main mechanisms for alleviating hardship and social exclusion, has been agreed to be updated, with options potentially considered in the 2022 Budget process;
- (2) calls on the ACT Government to:
 - (a) develop an ACT Social Recovery plan to address the social and economic impacts of COVID. This plan shall:

- (i) identify:
 - (A) the long-term individual, community, and territory-wide impacts of COVID, in particular on groups already experiencing disadvantage; and
 - (B) what personal, material, social and financial supports and strategies are necessary to help Canberra's social recovery from COVID with a focus on marginalised or disadvantaged groups;
- (ii) be developed in consultation with impacted groups and the wider community, and be clear about the time frames and likely consequences of living with COVID;
- (iii) be underpinned by the ACT Wellbeing Framework, with a particular focus on living standards, access and connectivity, and social connection;
- (iv) create a roadmap to rebuild Canberra's social fabric, through the safe re-introduction of events, recreational and sporting activities, and educational and volunteering opportunities, with a focus on community building and inclusion;
- (v) specify regular opportunities for revision with feedback from key stakeholder groups; and
- (vi) identify the government programs through which these strategies could be funded and implemented;
- (b) provide quarterly reports to the Assembly on the development and implementation of the ACT Social Recovery Plan;
- (c) incorporate the relevant findings from the agreed update to the ACT's Targeted Assistance Strategy and associated targeted concession assistance measures, including the current rates concessions, rebates and deferments system; and
- (d) identify any further measures required to ensure concessions and rebates are adequate and well-targeted, with input from relevant community organisations working to support people in the community; and
- (3) calls on the leaders of all parties represented in the Assembly to write to the Federal leaders of their respective political parties calling for an increase to, and an indexation of, all social security payments so that these are above the Henderson Poverty Line. Copies of these letters shall be tabled in the Assembly by 11 November 2021.

Debate ensued.

Ordered—That the question be divided.

Debate continued.

Paragraph (2) agreed to.

Paragraphs (1) and (3)—Question—put.

The Assembly voted—

AYES, 14		NOES, 7
Ms Berry	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	Ms Castley
Ms Burch	Mr Pettersson	Mr Hanson
Ms Cheyne	Mr Rattenbury	Mrs Kikkert
Ms Clay	Ms Stephen-Smith	Ms Lawder
Ms Davidson	Ms Vassarotti	Ms Lee
Mr Davis		Mr Parton
Mr Gentleman		

And so it was resolved in the affirmative.

14 **CRIMES (STEALTHING) AMENDMENT BILL 2021**

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

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

15 **OPERATIONAL EFFICIENCIES (COVID-19) LEGISLATION AMENDMENT BILL 2021**

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 and 2, by leave, taken together and agreed to.

Clause 3—

On the motion of Mr Rattenbury (Attorney-General), his amendment No 1 (*see* [Schedule 1](#)) was made.

Paper: Mr Rattenbury presented a supplementary explanatory statement to the Government amendments.

Clause 3, as amended, agreed to.

Clauses 4 to 8, by leave, taken together and agreed to.

New clauses—

On the motion of Mr Rattenbury (Attorney-General), new clauses 8A to 8C (his amendment No 2—*see* [Schedule 1](#)) were inserted in the Bill.

Clauses 9 to 23, by leave, taken together and agreed to.

Clauses 24 to 40 (Part 11), by leave, taken together—

Debate continued.

Question—put.

The Assembly voted—

AYES, 14		NOES, 7
Ms Berry	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	Ms Castley
Ms Burch	Mr Pettersson	Mr Hanson
Ms Cheyne	Mr Rattenbury	Mrs Jones
Ms Clay	Ms Stephen-Smith	Mrs Kikkert
Ms Davidson	Ms Vassarotti	Ms Lee
Mr Davis		Mr Parton
Mr Gentleman		

And so it was resolved in the affirmative.

Title agreed to.

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

16 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 6.26 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Milligan*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

OPERATIONAL EFFICIENCIES (COVID-19) LEGISLATION AMENDMENT BILL 2021

Amendments circulated by the Attorney-General

1

Clause 3

Page 2, line 15—

insert

- *Children and Young People Act 2008*

2

Proposed new part 3A

Page 4, line 12—

insert

Part 3A

Children and Young People Act 2008

8A Declaration of emergency New section 149 (2A)

insert

- (2A) However, if the emergency relates to a COVID-19 emergency, the director-general may declare that an emergency exists in relation to the detention place for a period of not more than the duration of the COVID-19 emergency.

8B New section 149 (3A) to (3D)

insert

- (3A) If 1 or more declarations under subsection (2A) are in force for a consecutive period of 28 days or more, the director-general must—
- (a) at least every 28 days, conduct a review of whether there are reasonable grounds for continuing the declaration; and
 - (b) as soon as practicable after a review, advise the Minister in writing about any measures taken in response to the emergency under the declaration.

- (3B) The first annual report prepared by the director-general under the *Annual Reports (Government Agencies) Act 2004* after an emergency declaration ends must include information about the measures taken in response to the emergency while the declaration was in force.
- (3C) A failure by the director-general to comply with subsection (3A) or (3B) does not affect the validity of the declaration.
- (3D) A declaration made under subsection (2A) must be revoked if the director-general no longer believes there are reasonable grounds for the declaration.

8C New section 149 (8) and (9)

after the note, insert

- (8) In this section:

COVID-19 emergency means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
 - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (9) The following provisions expire on the day the *COVID-19 Emergency Response Act 2020* expires:
 - (a) this subsection;
 - (b) subsection (2A);
 - (c) subsections (3A) to (3D);
 - (d) subsection (8).
-