



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023–2024

MINUTES OF PROCEEDINGS

No 127

THURSDAY, 27 JUNE 2024

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

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

This is Ngunnawal Country.

Today we are gathering on Ngunnawal country.

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

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

- 2 UNPARLIAMENTARY LANGUAGE AND DISCLOSURE OF COMMITTEE PROCEEDINGS—
STATEMENT BY SPEAKER—SPEAKER'S RULING**

The Speaker made a statement concerning matters raised during debates yesterday. The first matter was related to unparliamentary language. Having considered the matter, the Speaker ruled that a comment made by a Member yesterday was unparliamentary and asked the Member, who was not present, to withdraw. The Speaker also made a statement concerning standing order 241 relating to the authorised disclosure of a committee's proceedings, and the utilisation of standing orders 242 and 276 to address the breach in standing order 241.

- 3 LEAVE OF ABSENCE TO MEMBER**

Ms Clay moved—That leave of absence be granted to Mr Braddock for this sitting due to personal reasons.

Question—put and passed.

4 VAPING AND NICOTINE DEPENDENCE—HARM MINIMISATION—ASSEMBLY RESOLUTION OF 20 MARCH 2024—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Population Health) made a ministerial statement concerning the Government response to the Assembly resolution of 20 March 2024 relating to harm minimisation approach to address vaping and nicotine dependence, and presented the following paper:

Vaping and nicotine dependence—Harm minimisation—Assembly resolution of 20 March 2024—Government response—Ministerial statement, 27 June 2024.

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

Debate ensued.

Question—put and passed.

5 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—CHILD SAFETY CODE OF CONDUCT AND POLICY AND RESPECT IN THE WORKPLACE POLICY—STATEMENT BY CHAIR—PAPERS

Ms Burch (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Administration and Procedure had completed the process of revising the Assembly's Child Safety Code of Conduct and Policy and Respect in the Workplace Policy.

Papers: Ms Burch presented the following papers:

Legislative Assembly for the Australian Capital Territory—

Child Safety Code of Conduct and Policy, dated 26 June 2024.

Respect in the Workplace Policy, dated 26 June 2024.

6 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—PROTECTIVE NOTICES OF DISALLOWANCE—STATEMENT BY CHAIR

Mr Cain (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Justice and Community Safety had resolved to adopt a process for the lodgement of protective notices of disallowance.

7 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—DRAFT PLAN AMENDMENT A EAST LAKE – THE CAUSEWAY AREA—STATEMENT BY CHAIR

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had resolved not to inquire into the draft major amendment to the Territory Plan, *Draft Plan Amendment A East Lake – The Causeway Area*.

8 NUCLEAR POWER IN AUSTRALIA—OBJECTION

Mr Barr (Minister for Climate Action) and Mr Rattenbury (Minister for Water, Energy and Emissions Reduction), pursuant to notice, moved—That this Assembly:

(1) notes that:

(a) we face a climate emergency and cannot delay efforts to reduce emissions;

- (b) the most cost effective and efficient way to cut emissions and provide reliable and affordable electricity in Australia is by delivering renewable energy with storage;
 - (c) Australia is fortunate to have more than enough renewable energy resources to power our country with zero emissions electricity, offering us an enviable opportunity to position Australia as a renewable energy superpower;
 - (d) the ACT is powered by 100 percent renewable electricity, has banned new gas connections, and will phase out fossil gas use by 2045;
 - (e) the ACT Government does not support the use of nuclear power generation in Australia and would strongly oppose any plans to introduce nuclear power generation;
 - (f) building nuclear power in Australia would be financially irresponsible and would push up power prices for all Australians, while creating toxic waste and polluting ecosystems for generations to come;
 - (g) nuclear power is not a viable or credible option for Australia, and is an outdated and unnecessarily risky option that we simply do not need;
 - (h) modular nuclear reactors were identified by the 2023-24 CSIRO GenCost report as the most expensive option for new electricity generation in Australia, while solar and wind were the least expensive;
 - (i) nuclear power generation is slow to build and would not be built in time to help achieve Australia's net zero emissions by 2050 target;
 - (j) nuclear power and the uranium mining needed to support it create toxic waste that is hazardous to humans and ecosystems for many thousands of years; and
 - (k) due to the status of territories under the Australian Constitution, there is a greater legal risk of nuclear generation or waste deposit sites being imposed upon them, as sites in states are ruled out; and
- (2) expresses a commitment to:
- (a) powering Australia with 100 percent renewable energy as soon as possible;
 - (b) maintaining the ACT's 100 percent renewable electricity supply as electricity demand increases into the future; and
 - (c) ensuring the ACT and Australia remain free of nuclear power generation and nuclear waste.

Debate ensued.

Question—put and passed.

9 PROPERTY DEVELOPERS BILL 2023

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

Debate resumed.

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

Detail Stage

Clause 1—

Debate adjourned (Mr Gentleman—Manager of Government Business) and the resumption of the debate made an order of the day for a later hour this day.

10 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.

11 UNPARLIAMENTARY LANGUAGE—WITHDRAWAL

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

12 QUESTIONS

Questions without notice were asked.

13 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.

14 PRESENTATION OF PAPER

Mr Rattenbury (Leader of the ACT Greens) presented the following paper:

Public service workforce—Support—Assembly resolution of 4 June 2024—Response—
Copy of letter to the Federal Leader of the Opposition from the Leader of the ACT Greens, dated 24 June 2024.

15 PRESENTATION OF PAPERS

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

ACT Social Recovery Framework, dated June 2024, together with a statement.

Canberra Health Services—Maternal, Child and Family Health Report, dated March 2024.

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the deaths of Richard Roberts, Samantha Baglin and Dominic Coleman—

Report, dated 4 October 2023.

Government response, dated June 2024.

Domestic Violence Agencies Act—ACT Domestic and Family Violence Review—Domestic and Family Violence Homicide 2000-2022—Biennial Report—Government response, dated June 2024.

Economy and Gender and Economic Equality—Standing Committee—Report 10—Inquiry into Annual and Financial Reports 2022-23—Government response, dated June 2024.

Fire Trail Report June 2024—Bushfire preparedness—Assembly resolution of 1 November 2023—Government response.

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Report 5 of 2024—Retail electricity price investigation 2024-27—Final report, dated 23 May 2024.

Menstruation and menopause support—Assembly resolution of 19 March 2024—Government response, dated June 2024.

Multiculturalism Act, pursuant to section 17—Multiculturalism Annual Ministerial Statement 2024—Racial Discrimination Elimination—Assembly resolution of 23 March 2023—Government response, dated June 2024.

Neurodiversity in the ACT—Assembly resolution of 14 September 2023—Government response, dated June 2024.

Public Accounts—Standing Committee—Report 21—Inquiry into Annual and Financial Reports 2022-23—Government response, date June 2024.

Public service workforce—Support—Assembly resolution of 4 June 2024—Response—Copy of letter to the Federal Leader of the Opposition from the ACT Chief Minister, dated 27 June 2024.

Remuneration Tribunal Act, pursuant to section 10—Determination, together with accompanying statement—Part-time Public Office Holder—Chair, Deputy Chair and Members, Board of Engineering Excellence—Determination 7 of 2024, dated 28 May 2024.

School canteens—Assembly resolution of 30 August 2023—Government response—ACT Public School Kitchen and Canteen Facility Audit, dated June 2024, together with a statement.

Senior Practitioner Act, subsection 54(1)—Statutory review—Final Report, dated April 2024, together with a statement, dated June 2024.

Sexual offences in the ACT—Specialist Court—Proposed establishment—Assembly resolution of 30 November 2023—Government response, dated June 2024.

Territory-owned Corporations Act, pursuant to subsection 19(3)—Icon Water Limited—Statement of Corporate Intent—2024-25 to 2027-28 Business Strategy, undated.

Waste Management and Resource Recovery Act, pursuant to subsection 64ZC(2)—Five-year review of the ACT Container Deposit Scheme—Final Report, dated May 2024.

16 **SMALL BUSINESSES IN THE A.C.T.—PROPOSED SUPPORT**

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

(1) notes:

- (a) the ACT Small Business Strategy 2023-2026 was launched in July 2023, and one of its included priority areas is “futureproofing small business”;

- (b) that the Australian Bureau of Statistics has reported a continued decline in the net movement of surviving businesses, with the September 2023 quarter showing net movement of two, December 2023 negative 33 and the most recent March 2024 quarter negative 58 surviving businesses; and
 - (c) the Australian Securities and Investments Commission insolvency figures for May 2024 increased to 30 from 11 the previous year;
- (2) further notes that:
- (a) interest rate increases have flowed through the economy, hitting consumer confidence and discretionary spending and this has impacted on the business sector and particularly small business;
 - (b) input costs including labour, energy and insurance have greatly increased and these disproportionately impact on small business;
 - (c) the Government has not provided an update to the ACT Small Business Strategy even though there is a decline in business survivability, and business conditions have deteriorated since the strategy was launched last year; and
 - (d) when the ACT Small Business Strategy was launched, one of the action items was to “commission research to better understand the survival rates of business in Canberra including the success factors and the range of reasons businesses close”, to provide an evidence base for government decision-making to help improve business survival rates; and
- (3) calls on the ACT Government to:
- (a) ask the Minister for Business to apologise for failing local businesses; and
 - (b) establish a small business ministerial advisory council to give the local business community a seat at the table.

Debate ensued.

Question—put.

The Assembly voted—

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

And so it was negatived.

17 CANNABIS USE LAWS—SUPPORT

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

- (1) notes the:
 - (a) *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* came into effect on 31 January 2020, thereby legalising the personal possession of small quantities of cannabis in the ACT; and
 - (b) legalisation of cannabis possession in the ACT was an Australian first and began a new chapter of drug law reform led by the evidence-based principles of harm minimisation;
- (2) further notes:
 - (a) ACT Government research undertaken in 2018 showed that 54 percent of Canberrans supported the personal use of cannabis being made legal, with only 27 percent opposed; and
 - (b) in 2022, polling by Uniting NSW.ACT found that 82.3 percent of residents across the ACT support non-pecuniary responses to cannabis use, and 87.2 percent of residents across the ACT support non-criminal responses to cannabis use; and
- (3) calls on all parties to publicly affirm their support in the Chamber for the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* and rule out a politically motivated “review” or repeal of personal cannabis use laws.

Debate ensued.

Question—put and passed.

18 PAPERS PRESENTED ON 27 JUNE 2024—PAPERS NOTED

The Speaker, pursuant to standing order 211A, proposed—That the papers presented under standing order 211 during the presentation of papers in the routine of business today be noted.

Question—put and passed.

19 PROPERTY DEVELOPERS BILL 2023

The Assembly, according to order, resumed consideration at the detail stage—

Detail Stage

Ms Lawder drew the attention of the Speaker to the fact that a quorum of Members was not present.

The bells having been rung, and a quorum formed—

Clause 1 agreed to.

Clause 2—

Ms Vassarotti (Minister for Sustainable Building and Construction) was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee.

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

On the motion of Ms Vassarotti, her amendment No 1 (see [Schedule 1](#)) was made.

Clause 2, as amended, agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6—

On the motion of Ms Vassarotti, her amendment No 2 (see [Schedule 1](#)) was made, after debate.

Clause 6, as amended, agreed to.

Clauses 7 to 10, by leave, taken together—debated and negatived.

Clause 11—

On the motion of Ms Vassarotti, her amendment No 4 (see [Schedule 1](#)) was made.

Clause 11, as amended, agreed to.

Clause 12—

On the motion of Ms Vassarotti, her amendment No 5 (see [Schedule 1](#)) was made.

Clause 12, as amended, agreed to.

Clause 13—

On the motion of Ms Vassarotti, by leave, her amendments Nos 6 and 7 (see [Schedule 1](#)) were made together.

Clause 13, as amended, agreed to.

Clause 14 agreed to.

Clause 15—

On the motion of Ms Vassarotti, her amendment No 8 (see [Schedule 1](#)) was made.

Clause 15, as amended, agreed to.

Clauses 16 to 22, by leave, taken together and agreed to, after debate.

Clause 23—

On the motion of Ms Vassarotti, her amendment No 9 (see [Schedule 1](#)) was made.

Clause 23, as amended, agreed to.

Clause 24—

On the motion of Ms Vassarotti, her amendment No 10 (see [Schedule 1](#)) was made.

Clause 24, as amended, agreed to.

Clause 25—

On the motion of Ms Vassarotti, her amendment No 11 (see [Schedule 1](#)) was made.

Clause 25, as amended, agreed to.

Clause 26 agreed to.

Clause 27—

On the motion of Ms Vassarotti, by leave, her amendments Nos 12 and 13 (see [Schedule 1](#)) were made together.

Clause 27, as amended, agreed to.

New clause—

On the motion of Ms Vassarotti, new clause 27A (her amendment No 14—see [Schedule 1](#)) was inserted in the Bill.

Clause 28—

On the motion of Ms Vassarotti, by leave, her amendments Nos 15 and 16 (see [Schedule 1](#)) were made together.

Clause 28, as amended, agreed to.

Clauses 29 to 34, by leave, taken together and agreed to.

Clause 35—

On the motion of Ms Vassarotti, her amendment No 17 (see [Schedule 1](#)) was made.

Clause 35, as amended, agreed to.

Clauses 36 to 40, by leave, taken together and agreed to.

Clause 41—

On the motion of Ms Vassarotti, her amendment No 18 (see [Schedule 1](#)) was made.

Clause 41, as amended, agreed to.

Clauses 42 to 46, by leave, taken together and agreed to.

Clause 47—

On the motion of Ms Vassarotti, her amendment No 19 (see [Schedule 1](#)) was made.

Clause 47, as amended, agreed to.

Clause 48 agreed to.

Clause 49—

On the motion of Ms Vassarotti, by leave, her amendments Nos 20 to 23 (see [Schedule 1](#)) were made together.

Clause 49, as amended, agreed to.

Clause 50 agreed to.

Clause 51—

On the motion of Ms Vassarotti, her amendment No 24 (see [Schedule 1](#)) was made.

Clause 51, as amended, agreed to.

Clause 52—

On the motion of Ms Vassarotti, by leave, her amendments Nos 25 and 26 (see [Schedule 1](#)) were made together.

Clause 52, as amended, agreed to.

Clause 53—

On the motion of Ms Vassarotti, her amendment No 27 (see [Schedule 1](#)) was made, after debate.

Clause 53, as amended, agreed to.

It being 5 pm, debate adjourned pursuant to the resolution of the Assembly of 25 June 2024, and the resumption of the debate made an order of the day for a later hour this day.

20 APPROPRIATION BILL 2024-2025

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 (Ms Orr) and the resumption of the debate made an order of the day for the next sitting.

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

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 adjourned (Ms Orr) and the resumption of the debate made an order of the day for the next sitting.

22 INTEGRITY COMMISSION SPECIAL REPORT—PRESENTATION AND PUBLICATION—STATEMENT BY SPEAKER

The Speaker made a statement concerning a special report by the ACT Integrity Commission in the Assembly that she received today. The Speaker informed Members that, pursuant to section 213(1) of the *Integrity Commission Act 2018*, the Speaker was required to present the report in the next sitting day, in August. However, pursuant to section 214 of the Act, the report would be made available on the Commission's website as soon as practicable.

23 EMMA ROGERS—ACKNOWLEDGMENT—STATEMENT BY SPEAKER

The Speaker made a statement concerning the departure of Emma Rogers from the Office of the ACT Legislative Assembly for an extended period of leave and acknowledged her contribution to the Assembly over the last 12 years.

24 PROPERTY DEVELOPERS BILL 2023

The Assembly, according to order, resumed consideration at the detail stage—

Detail Stage

Clause 54—

On the motion of Ms Vassarotti (Minister for Sustainable Building and Construction), her amendment No 28 (see [Schedule 1](#)) was made.

Clause 54, as amended, agreed to.

Clause 55—

On the motion of Ms Vassarotti, her amendment No 29 (see [Schedule 1](#)) was made, after debate.

Question— That Clause 55, as amended, be agreed to—put.

The Assembly voted—

| AYES, 12 | | NOES, 5 |
|-----------------|----------------------|-------------------|
| Yvette Berry | Michael Pettersson | Ed Cocks |
| Joy Burch | Shane Rattenbury | Elizabeth Kikkert |
| Jo Clay | Chris Steel | Nicole Lawder |
| Emma Davidson | Rachel Stephen-Smith | James Milligan |
| Laura Nuttall | Rebecca Vassarotti | Mark Parton |
| Suzanne Orr | | |
| Marisa Paterson | | |

And so it was resolved in the affirmative.

Clauses 56 to 62, by leave, taken together and agreed to.

Clause 63—

On the motion of Ms Vassarotti, by leave, her amendments Nos 30 to 33 (see [Schedule 1](#)) were made together.

Clause 63, as amended, agreed to.

Clause 64—

On the motion of Ms Vassarotti, her amendment No 34 (see [Schedule 1](#)) was made.

Clause 64, as amended, agreed to.

Clause 65—

On the motion of Ms Vassarotti, by leave, her amendments Nos 35 and 36 (see [Schedule 1](#)) were made together.

Clause 65, as amended, agreed to.

Clause 66 agreed to.

Clause 67—

On the motion of Ms Vassarotti, by leave, her amendments Nos 37 and 38 (see [Schedule 1](#)) were made together.

Clause 67, as amended, agreed to.

Clause 68 debated and negatived.

Clauses 69 to 74, by leave, taken together and agreed to.

Clause 75—

On the motion of Ms Vassarotti, by leave, her amendments Nos 40 and 41 (see [Schedule 1](#)) were made together.

Clause 75, as amended, agreed to.

Clauses 76 to 92, by leave, taken together and agreed to.

Clause 93—

On the motion of Ms Vassarotti, her amendment No 43 (see [Schedule 1](#)) was made.

Clause 93, as amended, agreed to.

Clauses 94 to 108, by leave, taken together and agreed to.

Clause 109—

On the motion of Ms Vassarotti, her amendment No 42 (see [Schedule 1](#)) was made.

Clause 109, as amended, agreed to.

Clause 110—

On the motion of Ms Vassarotti, by leave, her amendments Nos 44 and 45 (see [Schedule 1](#)) were made together.

Clause 110, as amended, agreed to.

Clauses 111 to 130, by leave, taken together and agreed to.

Schedule 1, Part 1.1 agreed to.

Schedule 1, Part 1.2—

On the motion of Ms Vassarotti, her amendment No 46 (see [Schedule 1](#)) was made.

Schedule 1, Part 1.2, as amended, agreed to.

Schedule 2, Part 2.1—

On the motion of Ms Vassarotti, by leave, her amendments Nos 47 to 60 (see [Schedule 1](#)) were made together.

Schedule 2, Part 2.1, as amended, agreed to.

Schedule 2, Part 2.2—

On the motion of Ms Vassarotti, her amendment No 61 (see [Schedule 1](#)) was made.

Schedule 2, Part 2.2, as amended, agreed to.

Schedule 2, Part 2.3 agreed to.

Schedule 2, Part 2.4—

On the motion of Ms Vassarotti, by leave, her amendments Nos 62 to 71 (see [Schedule 1](#)) were made together.

Schedule 2, Part 2.4, as amended, agreed to.

Schedule 2, Part 2.5—

On the motion of Ms Vassarotti, by leave, her amendments Nos 72 to 75 (see [Schedule 1](#)) were made together.

Schedule 2, Part 2.5, as amended, agreed to.

Schedule 2, new Part—

On the motion of Ms Vassarotti, new Part 2.6 to Schedule 2 (her amendment No 76—see [Schedule 1](#)) was inserted in the Bill.

Dictionary—

On the motion of Ms Vassarotti, by leave, her amendments Nos 77 to 81 (see [Schedule 1](#)) were made together.

Dictionary, as amended, agreed to.

Title agreed to.

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

25 MEMBERS' STATEMENTS

Members' statements were made.

26 ADJOURNMENT

Mr Steel (Minister for Planning) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.33 pm, adjourned until Tuesday, 27 August 2024 at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Braddock* and Ms Cheyne*.

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

PROPERTY DEVELOPERS BILL 2023

Amendments moved by the Minister for Sustainable Building and Construction

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

- (1) The following provisions commence on the day after this Act's notification day:
- part 1 (Preliminary)
 - section 12 (Meaning of *associated entity* and *key person*)
 - part 6 (Rectification orders, stop work orders and undertakings) (other than section 63 (1) (b) and (6), definition of ***relevant provision***)
 - part 7 (Enforcement)
 - part 10 (Information sharing)
 - part 11 (Notification and review of decisions)
 - part 12 (Miscellaneous)
 - part 13 (Transitional)
 - schedule 1 (Reviewable decisions)
 - dictionary.

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

- (2) The following provisions commence on a day fixed by the Minister by written notice:
- (a) the licence requirement provisions;
 - (b) the remaining provisions.

Note A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (3) However—
- (a) if the licence requirement provisions have not commenced within 3 years beginning on this Act’s notification day, they automatically commence on the first day after that period; and
 - (b) if the remaining provisions have not commenced within 2 years beginning on this Act’s notification day, they automatically commence on the first day after that period.
- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.
- (5) In this section:
- licence requirement provisions* means—
- (a) section 11 (Purpose—pt 3); and
 - (b) section 63 (1) (b) and (6), definition of *relevant provision*; and
 - (c) the following provisions in schedule 2:
 - (i) amendments 2.1 to 2.4;
 - (ii) amendment 2.6;
 - (iii) parts 2.2 to 2.6.

2
Clause 6 (2) (c)
Page 4, line 19—

before
 residential buildings
insert
 regulated

3
Part 2
Page 5, line 1—

omit

4
Clause 11 (c)
Page 7, line 13—

before
 residential property
insert
 certain

5**Clause 12 (4), definition of *professional*, example****Page 9, line 9—***omit*

accountants, engaged

*substitute*accountants engaged

6**Clause 13 (1) (a)****Page 9, line 25—***omit clause 13 (1) (a), substitute*(a) the applicant's character;

7**Clause 13 (1) (g)****Page 10, line 20—***omit clause 13 (1) (g), substitute*

(g) if the applicant is an individual, whether the applicant has been—

- (i) an insolvent under administration under the Corporations Act, section 9; or
 - (ii) an executive officer of a corporation within 2 years before the corporation was placed into administration, receivership or liquidation; or
 - (iii) disqualified from managing a corporation under the Corporations Act;
-

8**Clause 15 (2) (b)****Page 11, line 23—***omit clause 15 (2) (b), substitute*(b) if requested by the registrar—include a rating report or any other report prescribed by regulation; and

9**Clause 23 (2), example 1****Page 16, line 11—***omit*

3 units

substitute

10 units

10**Clause 24 (b) (ii)****Page 17, line 7—***omit*

division 5.1

substitute

division 5.2

11**Clause 25 (1) (b)****Page 17, line 15—***omit*

division 5.1

substitute

division 5.2

12**Clause 27 (1) (e)****Page 19, line 17—***omit clause 27 (1) (e), substitute*

- (e) the licensee, or an associated entity, doing the earliest of the following:
- (i) entering into an off-the-plan contract for the sale of a regulated residential building;
 - (ii) applying for a development approval in relation to residential building work;
 - (iii) applying for a building approval in relation to residential building work;

13**Clause 27 (3), proposed new definition of *off-the-plan contract*****Page 19, line 25—***insert*

off-the-plan contract—see the *Civil Law (Sale of Residential Property) Act 2003*, section 19A (1).

14

Proposed new clause 27A

Page 19, line 25—

insert

27A Registrar may request rating report

- (1) The registrar may request a licensee to provide a rating report if the licensee—
 - (a) applies to vary a licence under section 26; or
 - (b) notifies the registrar about a matter under section 27.
- (2) The registrar may refuse to consider an application under section 26 that does not comply with subsection (1).

15

Clause 28 (2) (d)

Page 20, line 12—

after

names

insert

and director identification numbers

16

Proposed new clause 28 (6)

Page 21, line 15—

insert

- (6) In this section:

director identification number means a director identification number under the Corporations Act, section 9.

17

Clause 35, definition of *regulatory action*, paragraph (b) (ii)

Page 28, line 5—

omit

building

substitute

development

18

Clause 41 (1) (a)

Page 31, line 19—

omit

division 5.1

substitute
division 5.2

19
Clause 47
Page 36, line 4—

omit clause 47, substitute

47 **Application—pt 6**

- (1) This part applies to residential building work for which a development approval is given on or after the day this section commences.
- (2) In this section:
- development approval*—see the *Planning Act 2023*, dictionary.

20
Clause 49 (1), definition of *property developer*, paragraph (b)
Page 37, line 8—

omit paragraph (b), substitute

- (b) the owner of the land on which the building work is undertaken when the building work is undertaken;

21
Clause 49 (1), definition of *property developer*, paragraph (d)
Page 37, line 11—

before
residential building
insert
regulated

22
Clause 49 (3), definition of *commencement notice*
Page 37, line 18—

before
commencement notice
insert
building

23
Clause 49 (3), definition of *principal builder*
Page 37, line 22—

before
commencement notice

insert
building

24
Clause 51 (1) (b)
Page 39, line 26—

before
residential building
insert
regulated

25
Clause 52 (5)
Page 41, line 12—

omit clause 52 (5), substitute

- (5) A copy of the rectification order must be given to—
- (a) the owner of the land on which the residential building work is undertaken; or
 - (b) for a regulated residential building under a units plan—the unit owner and the owners corporation.

26
Clause 52 (6), definition of *10-year period*
Page 41, line 21—

omit the definition, substitute

10-year period means the period within which a building action may be brought in relation to the residential building work under the *Building Act 2004*, section 142 (1).

27
Clause 53 (3)
Page 42, line 23—

omit clause 53 (3), substitute

- (3) An emergency rectification order must—
- (a) state a period not less than 24 hours in which the required rectification work must be done; and
 - (b) contain a detailed written statement of the reasons for making the order, or a summary of reasons.

28

Proposed new clause 54 (3A)**Page 43, line 30—***insert*

- (3A) Subsection (3) does not apply to a property developer given a rectification order only because of section 52 (5) (a).

29

Proposed new clause 55 (4) and (5)**Page 45, line 8—***insert*

- (4) This section does not apply to—
- (a) a person who was a director of a territory entity or a Commonwealth or State entity; or
 - (b) a person excluded by regulation.
- (5) In this section:

Commonwealth or State entity means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

Note *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

30

Clause 63 (1) (a) (i)**Page 49, line 9—***before*

residential building

insert

regulated

31

Clause 63 (5) (a)**Page 50, line 15—***omit*

done

substitute

undertaken

32**Clause 63 (5) (b)**
Page 50, line 16—

omit

33**Clause 63 (6), definition of *relevant provision***
Page 50, line 21—

omit the definition, substitute

relevant provision means—

- (a) the *Planning Act 2023*, section 162A; or
- (b) the *Building Act 2004*, section 27 (1) (ca), section 28AA and section 69 (1) (c); or
- (c) the *Civil Law (Sale of Residential Property) Act 2003*, division 2A.2.

34**Clause 64 (1) to (3)**
Page 51, lines 6, 11 and 16—

after all mentions of

stop work order

insert

under section 63 (2)

35**Clause 65 (1)**
Page 52, line 3—

omit clause 65 (1), substitute

- (1) The registrar may accept a written undertaking (a ***compliance undertaking***) given by the following in relation to residential building work:
 - (a) a property developer;
 - (b) a director of a property developer that is a corporation if the developer—
 - (i) becomes the subject of a winding-up order; or
 - (ii) is placed into administration, receivership or liquidation;
or
 - (iii) is deregistered.

36**Clause 65 (2)****Page 52, line 7—***after*

property developer

insert

or director

37**Clause 67 (1)****Page 53, lines 21 and 23—***omit all mentions of*

property developer

substitute

person

38**Clause 67 (2)****Page 54, line 1—***omit everything before paragraph (a), substitute*

- (2) The registrar may give the person a written notice (a ***compliance cost notice***) requiring the person to pay all or any reasonable costs incurred by the Territory (including remuneration and other administrative costs) relating to—

39**Clause 68****Page 54, line 18—***[oppose the clause]*

40**Clause 75 (4), proposed new definition of *property developer*****Page 60, line 20—***insert****property developer***—see section 49.

41**Clause 75 (4), definition of *relevant person*, proposed new paragraphs (ca) and (cb)****Page 60, line 26—***insert*

- (ca) a property developer; or

- (cb) a person who may have information, a document or other thing that is relevant to determining whether this Act has been contravened; or

42**Clause 109 (1), example****Page 83, line 25—***omit*

construction occupations registrar,

43**Clause 93 (3)****Page 73, line 17—***omit*

subsection (2)

substitute

subsection (2) (a), (b) or (c)

44**Clause 110 (2)****Page 84, line 10—***omit*

division 5.1

substitute

division 5.2

45**Proposed new clause 110 (3)****Page 84, line 10—***insert*

- (3) In this section:

ground for regulatory action—see section 36.**46****Schedule 1, part 1.2, new items 8A to 8D****Page 98—***insert*

| | | | |
|----|--------|--|---------------------|
| 8A | 52 (2) | give rectification order to property developer | person given order |
| 8B | 55 (2) | give rectification order to director | person given order |
| 8C | 63 (2) | give stop work order | person given order |
| 8D | 67 (2) | give compliance cost notice | person given notice |

47

Schedule 2, part 2.1
Proposed new amendment 2.1A
Page 99, line 3—

insert

[2.1A] Section 6 (1), definition of *building work*, note

omit

(Residential buildings—statutory warranties, standard conditions, insurance and fidelity certificates)

substitute

(Residential building work—warranties, conditions, insurance etc)

48

Schedule 2, part 2.1
Amendment 2.2
Proposed new section 27 (1A)
Page 99, line 14—

omit proposed new section 27 (1A), substitute

(1A) Subsection (1) (ca) does not apply to the following:

(a) the Territory, the Commonwealth or a State;

Note **State** includes the Northern Territory (see Legislation Act, dict, pt 1).

(b) a territory entity or a Commonwealth or State entity;

(c) a person, or an application under section 26, excluded by regulation.

49

Schedule 2, part 2.1
Amendment 2.3
Section 27 (2), proposed new definition of *Commonwealth or State entity*
Page 99, line 17—

insert

Commonwealth or State entity means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

Note **State** includes the Northern Territory (see Legislation Act, dict, pt 1).

50

Schedule 2, part 2.1

Amendment 2.3

Section 27 (2), proposed new definitions of *residential building* and *residential building work*

Page 100, line 1—

omit the definitions, substitute

residential building work—see the *Property Developers Act 2023*, dictionary.

territory entity means—

- (a) a territory authority; or
- (b) a territory instrumentality; or
- (c) a territory-owned corporation.

51

Schedule 2, part 2.1

Amendment 2.9

Page 102, line 18—

omit the amendment

52

Schedule 2, part 2.1

Amendment 2.12

Page 103, line 12—

omit amendment 2.12, substitute

[2.12] Section 84, new definitions

insert

Commonwealth or State entity means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

Note *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

property developer, in relation to residential building work—

- (a) means—
 - (i) a person who contracts or arranges for, or facilitates or otherwise causes (whether directly or indirectly) the building work to be carried out; or
 - (ii) the owner of the land on which the building work is carried out when the building work is carried out; or
 - (iii) a person prescribed by regulation; but
- (b) does not include—
 - (i) the Territory, the Commonwealth or a State; or

Note *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

- (ii) a territory entity or a Commonwealth or State entity; or
- (iii) a person excluded by regulation.

territory entity means—

- (a) a territory authority; or
- (b) a territory instrumentality; or
- (c) a territory-owned corporation.

53

Schedule 2, part 2.1

Amendment 2.13

Proposed new section 88 (2A)

Page 104, line 5—

after

carried out

insert

, for any part of the work that is residential building work as defined in the *Property Developers Act 2023*

54

Schedule 2, part 2.1

Amendment 2.17

Proposed new section 89F (1)

Page 105, line 11—

omit proposed new section 89F (1), substitute

- (1) This section applies to residential building work carried out by a builder, or arranged to be carried out by a property developer, that is—
 - (a) claimed to be defective; and
 - (b) able to be rectified.

55

Schedule 2, part 2.1

Amendment 2.17

Proposed new section 89F (4)

Page 105, line 23—

omit proposed new section 89F (4), substitute

- (4) Nothing in this section affects the right of an affected party to claim from the builder, and any property developer, damages for any loss or damage to the affected party resulting from the defect that is reasonably foreseeable as a result of the defect (including a limitation period applying to the claim).

56

Schedule 2, part 2.1

Amendment 2.17

Proposed new section 89F (8), definition of *residential building work*

Page 106, line 19—

omit the definition, substitute

residential building work—see the *Property Developers Act 2023*, dictionary.

57

Schedule 2, part 2.1

Amendment 2.18

Proposed new section 95A (2), definition of *residential building work*

Page 107, line 12—

omit the definition, substitute

residential building work—see the *Property Developers Act 2023*, dictionary.

58

Schedule 2, part 2.1

Proposed new amendment 2.18A

Page 107, line 12—

insert

[2.18A] Dictionary, note 2

insert

- territory authority
 - territory instrumentality
 - territory-owned corporation
-

59

Schedule 2, part 2.1

Amendment 2.20

Dictionary, proposed new definition of *Commonwealth or State entity*

Page 108, line 10—

insert

Commonwealth or State entity, for part 6 (Residential building work—warranties, conditions, insurance etc)—see section 84.

60

Schedule 2, part 2.1

Amendment 2.20

Dictionary, proposed new definition of *territory entity*

Page 108, line 12—

insert

territory entity, for part 6 (Residential building work—warranties, conditions, insurance etc)—see section 84.

61
 Schedule 2, part 2.2
 Amendment 2.23
 Page 109, line 13—

omit amendment 2.23, substitute

[2.23] Part 4 heading

substitute

**Part 4 Residential building work—
 warranties, conditions, insurance
 etc**

[2.23A] Section 37

omit

(Residential buildings—statutory warranties, standard conditions, insurance and fidelity certificates)

substitute

(Residential building work—warranties, conditions, insurance etc)

[2.23B] New section 37A

insert

**37A People who are not property developers—Act, s 84,
 def *property developer*, par (b) (iii)**

- (1) The following people are excluded:
 - (a) a professional who contracts or arranges for, or facilitates or otherwise causes the residential building work to be carried out only because they provide professional advice in relation to the building work;
 - (b) a subcontractor engaged to carry out the residential building work by the principal builder of the building work;
 - (c) the owner-builder of the residential building work.
- (2) In this section:

professional—

 - (a) means a person who provides professional advice to more than 1 client; but
 - (b) does not include a person who provides professional advice to a client in their capacity as an employee of the client.

Example

a consultant, employed in that capacity by a firm of consultants engaged by a property developer to give the developer advice in relation to residential building work

[2.23C] Schedule 1, part 1.3, table, column 3*omit*

(Residential buildings—statutory warranties, standard conditions, insurance and fidelity certificates)

substitute

(Residential building work—warranties, conditions, insurance etc)

62**Schedule 2, part 2.4****Amendment 2.25****Proposed new section 9 (1) (ja)****Page 110, line 6—***omit*

section 19AC (1) (but not including paragraph (d))

substitute

section 19AD (1) (but not including paragraph (b))

63**Schedule 2, part 2.4****Amendment 2.27****Proposed new section 19AA (1), definition of *off-the-plan contract*****Page 110, line 23—**

omit the definition, substitute

***off-the-plan contract*—**

- (a) means a contract for the sale of—
 - (i) a unit for residential use before the units plan for the unit is registered; or
 - (ii) a residence (other than a unit) on land identified in the contract before the certificate of occupancy for the residence is issued; and
- (b) for division 2A.4—includes a contract for the sale of vacant land for residential use identified in the contract before the Crown lease for the land is registered.

64

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AA (1), new definition of *regulated residential building*

Page 111, line 6—

insert

regulated residential building—see the *Property Developers Act 2023*, dictionary.

65

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AB (1) (a)

Page 111, line 23—

after

contract

insert

for the sale of a regulated residential building

66

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AB (2) (a), new note

Page 112, line 8—

insert

Note *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

67

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AC (1) (a)

Page 112, line 15—

omit

premises

substitute

a regulated residential building

68

Schedule 2, part 2.4

Amendment 2.27

Proposed new section 19AC (3) (a)

Page 113, line 2—

omit

premises

substitute

a regulated residential building

69
Schedule 2, part 2.4
Proposed new amendment 2.31A
Page 115, line 5—

insert

[2.31A] Section 50

substitute

50 Existing off-the-plan contracts

- (1) Division 2A.4 applies to an off-the-plan contract in force immediately before the day the *Civil Law (Sale of Residential Property) Amendment Act 2021* commenced.
- (2) In this section:

off-the-plan contract—see section 19AA (1).

70
Schedule 2, part 2.4
Amendment 2.36
Page 116, line 1—

omit amendment 2.36, substitute

[2.36] Dictionary, new definitions

insert

property developer licence, for part 2.A (Off-the-plan contracts)—see section 19AA (1).

regulated residential building, for part 2.A (Off-the-plan contracts)—see the *Property Developers Act 2023*, dictionary.

related entity, of a seller, for part 2.A (Off-the-plan contracts)—see section 19AA (1).

71

Schedule 2, part 2.4
Amendment 2.38
Page 116, line 9—

omit the amendment

72

Schedule 2, part 2.5
Amendment 2.41
Proposed new section 162A (2A)
Page 117, line 16—

insert

(2A) This section does not apply if the applicant is—

(a) the Territory, the Commonwealth or a State; or

Note *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

(b) a territory entity or a Commonwealth or State entity.

73

Schedule 2, part 2.5
Amendment 2.41
Proposed new section 162A (4), new definitions of *Commonwealth or State entity* and *regulated residential building*
Page 117, line 19—

insert

Commonwealth or State entity means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

Note *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

regulated residential building—see the *Property Developers Act 2023*, dictionary.

74

Schedule 2, part 2.5
Amendment 2.41
Proposed new section 162A (4), definitions of *residential building* and *residential building development*
Page 117, line 24—

omit the definitions, substitute

residential building development means—

(a) building or altering a regulated residential building on land; and

(b) another development prescribed by regulation.

75

Schedule 2, part 2.5

Amendment 2.41

Proposed new section 162B (5), definition of *residential building*

Page 119, line 6—

*omit the definition, substitute**residential building development*—see section 162A (4).

76

Schedule 2

Proposed new part 2.6

Page 120, line 17—

insert

Part 2.6 Property Developers Act 2023

[2.45] Section 27 (3), definition of *off-the-plan contract*

omit

section 19A (1)

substitute

section 19AA (1)

77

Dictionary, definition of *registrar*

Page 123, line 28—

*omit the definition, substitute**registrar* means the construction occupations registrar.

78

Dictionary, proposed new definition of *regulated residential building*

Page 123, line 28—

*insert**regulated residential building*—

- (a) means a class 1 or class 2 building, or a building that contains a class 2 building, constructed as part of a project to construct 3 or more dwellings; but
- (b) does not include a building excluded by regulation.

Examples

- 1 Eddy and Ann engage Darcy Constructions to demolish their house and replace it with 2 duplex-style houses. Five years later they engage Darcy Constructions to construct a smaller house in the backyard. None of the houses are regulated residential buildings.
- 2 Poppy Projects buys a large infill site. They construct 20 detached class 1 houses on the site as part of a development project. The houses are sold

off-the-plan and constructed over 2 years. Each house is a regulated residential building.

- 3 Vivienne Developments buys 6 small adjoining blocks in a greenfield suburb. They engage an architect, builder and other professionals to construct matching class 1 row houses on the blocks. The houses are regulated residential buildings.

79

Dictionary, definition of *residential building*

Page 124, line 20—

omit the definition

80

Dictionary, definitions of *residential development activities* and *residential building work*

Page 125, line 1—

omit the definitions, substitute

***residential building work*—**

- (a) means building work in relation to a regulated residential building; but
- (b) does not include building work excluded by regulation.

Examples

- 1 Anthony and Lisa engage Fowler Build to demolish their house and replace it with a building containing 4 apartments and a shared basement. The project involves residential building work.
- 2 Cooney-Cross Constructions is engaged to alter an existing class 2 building by adding 2 more dwellings. The project does not involve residential building work.

***residential development activities* includes—**

- (a) undertaking residential building work, or arranging for residential building work to be undertaken; and
- (b) marketing and selling regulated residential buildings including off the plan.

81

Dictionary, definition of *show cause notice*

Page 125, line 11—

omit

division 5.1

substitute

division 5.2