



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 21

WEDNESDAY, 2 AUGUST 2017

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Ms Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 CRIMES (INVASION OF PRIVACY) AMENDMENT BILL 2017

Ms Le Couteur, pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

Papers: Ms Le Couteur presented an explanatory statement and an amended explanatory statement to the Bill.

Title read by Clerk.

Ms Le Couteur moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Ramsay—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

3 DOG ATTACKS—COMPENSATION FOR VICTIMS

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

(1) notes:

- (a) that in May 2017, the Supreme Court of the Australian Capital Territory handed down a decision in *Hartigan v Commissioner for Social Housing in the ACT* which reveals serious and alarming deficiencies in the laws of this Territory regarding the control of dangerous dogs and lack of effective remedy for people attacked, mauled and injured dogs;



- (b) that evidence has been provided to the office of Mr Doszpot MLA that Domestic Animal Services (DAS) and ACT Housing had been aware of unmanaged dogs menacing people at a particular ACT Housing premises in Griffith for many years prior to 2010;
 - (c) in October 2010, a boy was attacked by a dog at those premises and sustained an injured eye, lost 13 teeth and has had 17 operations including skin grafts to his skull and continues to suffer;
 - (d) that action was taken by the boy through his lawyers against the ACT Government to compensate the boy for the injuries;
 - (e) although unsuccessful, the judgement notes the boy is “clearly entitled to compensation”, but that the person responsible was not capable of satisfying judgement, and the Government was not liable;
 - (f) as a result, the boy had applied, through his lawyers, for an ex gratia payment from the Government to be held in trust, to pay for his ongoing medical expenses;
 - (g) on 3 July 2017, the Chief Minister wrote a response regarding the ex gratia request in which he asserted the injuries that the boy sustained are not the Territory’s responsibility, and the Territory would not provide an ex gratia payment;
 - (h) ex gratia payments are commonly used to provide relief when other avenues are unavailable, and are defined as “a payment of money made or given as a concession, without legal compulsion” and are provided for in the Financial Management Act;
 - (i) the Chief Minister has asserted that he could not see any special circumstances to warrant his authorising any payment to the boy;
 - (j) that a six year old boy is savagely mauled by dogs on premises of ACT public housing, there is no effective legal remedy and the circumstances are not regarded by the Chief Minister as special circumstances raises the question as to what circumstances would the Chief Minister ever regard as being special; and
 - (k) the Government parades a Human Rights Act asserting rights and freedoms (which one may assume includes the right and freedom of a six year old boy residing in the ACT to be secure from attack by vicious dogs in properties owned by ACT Housing) but which does not give people properly effective remedies when such rights are breached; and
- (2) calls on the ACT Government to:
- (a) reconsider its decision not to provide an ex gratia payment;
 - (b) show what actions the Government has taken to address the suggestion by the court to address the serious and alarming deficiencies in the laws of this Territory regarding the control of dangerous dogs and lack of effective remedy for people attacked, mauled and injured by dogs;

- (c) show what actions the Government has taken to address the suggestion by the court to consider the requirement to have the Housing Commissioner to have a duty to regulate the keeping of dogs in public housing;
- (d) show what actions the Government has taken to address the suggestion by the court to tighten the capacity for DAS to act against dangerous and menacing dogs; and
- (e) show what actions the Government has taken to address the suggestion by the court to establish a scheme of insurance to cover and compensate people so injured by attacking dogs.

Mr Barr (Treasurer) moved the following amendment: Omit all words after “notes” (first occurring), substitute:

- “(a) that, in October 2010, a young boy was attacked by a dog while resident at an ACT Housing property, and sustained serious injuries as a result of the attack;
 - (b) that all Assembly Members express sympathy for the boy affected by this case, and his family, for the distressing events which led to, and followed from, his injuries;
 - (c) that, in May 2017, the Supreme Court of the Australian Capital Territory handed down a decision in *Hartigan v Commissioner for Social Housing in the ACT*, which found that, although the boy’s injuries were serious and extensive, the Commissioner for Social Housing was not liable for the dog involved in the attack and breached no duty of care to prevent the dog attack;
 - (d) while the Treasurer has a discretionary power to award Act of Grace payments upon application, assessment of these applications is undertaken against a clear and long-established framework which includes specific criteria for the granting of such a request; and
 - (e) that a request by the boy, through his lawyers, for a \$200 000 Act of Grace compensation payment from the ACT Government has not been granted on the basis that it did not meet the criteria under this framework, specifically that the actions or inaction of the Government had not contributed to the injuries sustained; and
- (2) further notes that:
- (a) while the ACT has some of the strongest laws in Australia in relation to management of dog attacks, the Minister for Transport and City Services has committed to reporting back to the Assembly by the end of September regarding further improvements to our animal management regime; and
 - (b) the Government will table the framework under which applications for Act of Grace payments are assessed and detail how the framework was adhered to in assessing this specific application.”.

Paper: Mr Barr presented the following paper:

Act of Grace payments—assessment framework, dated August 2017.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 12		NOES, 9	
Mr Barr	Ms Orr	Mr Coe	Ms Lee
Ms Berry	Mr Pettersson	Mr Doszpot	Mr Milligan
Ms Burch	Mr Ramsay	Mrs Dunne	Mr Parton
Ms Cheyne	Mr Rattenbury	Mr Hanson	
Ms Fitzharris	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	

And so it was resolved in the affirmative.

Question—That the motion as amended viz:

“That this Assembly:

(1) notes:

- (a) that, in October 2010, a young boy was attacked by a dog while resident at an ACT Housing property, and sustained serious injuries as a result of the attack;
- (b) that all Assembly Members express sympathy for the boy affected by this case, and his family, for the distressing events which led to, and followed from, his injuries;
- (c) that, in May 2017, the Supreme Court of the Australian Capital Territory handed down a decision in *Hartigan v Commissioner for Social Housing in the ACT*, which found that, although the boy’s injuries were serious and extensive, the Commissioner for Social Housing was not liable for the dog involved in the attack and breached no duty of care to prevent the dog attack;
- (d) while the Treasurer has a discretionary power to award Act of Grace payments upon application, assessment of these applications is undertaken against a clear and long-established framework which includes specific criteria for the granting of such a request; and
- (e) that a request by the boy, through his lawyers, for a \$200 000 Act of Grace compensation payment from the ACT Government has not been granted on the basis that it did not meet the criteria under this framework, specifically that the actions or inaction of the Government had not contributed to the injuries sustained; and

(2) further notes that:

- (a) while the ACT has some of the strongest laws in Australia in relation to management of dog attacks, the Minister for Transport and City Services has committed to reporting back to the Assembly by the end of September regarding further improvements to our animal management regime; and
- (b) the Government will table the framework under which applications for Act of Grace payments are assessed and detail how the framework was adhered to in assessing this specific application.” —

be agreed to—put and passed.

4 RIGHTS AND INTERESTS OF WOMEN AND GIRLS

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

- (1) notes that the ACT Government is committed to representing the rights and interests of women and girls in the ACT, including by:
 - (a) establishing the Ministerial Advisory Council on Women to guide policy-making across government;
 - (b) committing to a strategic and comprehensive approach to tackle domestic and family violence;
 - (c) establishing the Women’s Grants Program and the Audrey Fagan Grants program and return to work grants to support initiatives aimed at improving the safety, status and lives of women and girls in the ACT; and
 - (d) introducing tailored policies and work programmed through the women’s action plan, and initiatives across all areas of government, particularly for women’s health, education, sport and employment;
- (2) reaffirms its strong commitment to putting women’s health and wellbeing outcomes first, noting in particular:
 - (a) the Australian Charter of Healthcare Rights states that everyone has the right to access healthcare that respects the patient, their cultural beliefs, values and personal characteristics; and
 - (b) a woman’s right to self-determine and exercise autonomy in respect of her reproductive and sexual health is critical to her full and fair participation in our society, including the achievement of her own educational, economic and familial aspirations;
- (3) recognises the significant and positive steps taken by ACT Labor, the ACT Greens and the ACT Government to stand up for Canberra women by taking a progressive and supportive approach to women’s health, including:
 - (a) supporting a woman’s right to choose, by decriminalising and regulating for safe and accessible abortion in the ACT in 2002; and
 - (b) implementing a protest-free zone around approved medical facilities in March 2016 to protect women who have already made the difficult decision to terminate a pregnancy;

- (4) proudly recognises the diversity of backgrounds, values and beliefs that make up the ACT community, while reinforcing that an individual's own, legal, health choices should not be the subject of interference by others;
- (5) notes that the ACT Liberals have publicly espoused a deeply conservative health ideology which shows a lack of understanding and lack of respect for the autonomy, dignity and health of Canberra women, including:
 - (a) attempting to amend legislation in 2015 to water down the protections for women provided by the protest-free zone around approved medical facilities;
 - (b) statements in May 2017 from the ACT Liberals Shadow Health Minister supporting a regressive and oppressive approach to women's reproductive rights;
 - (c) a column written in May 2017 by Mr Andrew Wall MLA, ACT Liberals Member for Brindabella, in which he criticised the ACT Government's efforts to publicly recognise and pay tribute to inspiring and dynamic activists, including feminists who fought for women's rights;
 - (d) the actions of the Shadow Minister for Women, Mrs Giulia Jones MLA, in February 2016, when she addressed the National Civic Council—an ultra-conservative group vehemently opposed to same-sex marriage, a woman's right to choose and divorce; and
 - (e) statements from the Leader of the Opposition at the 2016 Australian Christian Lobby Election Forum, in which he indicated all abortions are immoral; and
- (6) calls on the Leader of the Opposition to clarify the Liberal Party position on a woman's right to make her own health choices, including in respect of her reproductive and sexual health.

Debate ensued.

Question—put and passed.

5 THE CANBERRA HOSPITAL—IDENTIFIED INFRASTRUCTURE RISKS

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

- (1) notes that the *ACT Health Infrastructure Asset Condition Report and Minor Works Priorities* prepared by AECOM Australia Pty Ltd identified four extreme risks and 143 high risks at The Canberra Hospital; and
- (2) calls on the Minister for Health and Wellbeing to report to the Legislative Assembly, by the first sitting day of September 2017, on the progress of work to fix each of the extreme and high risk issues identified in the AECOM report including:
 - (a) the cost of fixing each of the issues;
 - (b) progress to date on each of the issues; and
 - (c) when each of the problems will be rectified.

Debate ensued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

6 QUESTIONS

Questions without notice were asked.

7 QUESTIONS ON NOTICE NOS 245, 329, 331, 333 AND 338—ANSWERS—EXPLANATIONS

Mr Coe (Leader of the Opposition), pursuant to standing order 118A, asked Ms Fitzharris (Minister for Transport and City Services) for an explanation concerning the answers to questions on notice Nos 245, 329, 331, 333 and 338.

Ms Fitzharris gave an explanation.

8 QUESTION ON NOTICE NO 320—ANSWER—FAILURE TO PROVIDE ANSWER WITHIN TIME PROVIDED FOR BY THE STANDING ORDERS

Mr Coe (Leader of the Opposition), pursuant to standing order 118A, asked Mr Barr (Minister for Economic Development) for an explanation concerning the answer to question on notice No 320.

As the Minister was not present in the Chamber, no explanation was given.

Mr Coe, pursuant to standing order 118A(c), moved—That the Assembly requests the Minister for Economic Development provide an answer as to why question on notice No 320 is unanswered and report back to the Assembly by close of business today.

Question—put and passed.

9 LEAVE OF ABSENCE TO MEMBER

Ms Berry (Acting Manager of Government Business) moved—That leave of absence be granted to Ms Cody for today and tomorrow's sitting due to illness.

Question—put and passed.

10 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker made a statement concerning an alleged breach of privilege raised by Mr Pettersson in relation to the disclosure of confidential proceedings of the Standing Committee on Public Accounts to *The Canberra Times*.

Having considered the matter, the Speaker stated that she was prepared to allow precedence to a motion under standing order 276(e).

11 PRIVILEGES 2017—SELECT COMMITTEE—PROPOSED ESTABLISHMENT

Mr Pettersson moved—That:

- (1) pursuant to standing order 276, a Select Committee on Privileges 2017 be established to examine whether there was an unauthorised disclosure of the private deliberations of the Standing Committee on Public Accounts;
- (2) the Committee shall report back to the Assembly by the first sitting day in October 2017; and

- (3) the Committee shall be composed of:
- (a) one member nominated by the Government;
 - (b) one member nominated by the Opposition; and
 - (c) one member nominated by the Crossbench;
- to be notified to the Speaker within one hour of the passing of this motion.

Paper: The Speaker presented the following paper:

Possible matter of privilege—Matter raised by Mr Pettersson—Clerk’s advice, dated 31 July 2017.

Debate ensued.

Ms Berry (Acting Manager of Government Business) moved—That the debate be adjourned.

Question—put.

The Assembly voted—

AYES, 10		NOES, 11	
Mr Barr	Mr Pettersson	Mr Coe	Ms Lawder
Ms Berry	Mr Ramsay	Mr Doszpot	Ms Le Couteur
Ms Burch	Mr Steel	Mrs Dunne	Mr Milligan
Ms Cheyne	Ms Stephen-Smith	Mr Hanson	Mr Parton
Ms Fitzharris		Mrs Jones	Mr Rattenbury
Ms Orr		Mrs Kikkert	

And so it was negatived.

Closure: Mr Coe (Leader of the Opposition) moved—That the question be now put.

Question—put and passed.

And the question—That the motion be agreed to—being accordingly put—

Question—put and negatived.

12 THE CANBERRA HOSPITAL—IDENTIFIED INFRASTRUCTURE RISKS

The order of the day having been read for the resumption of the debate on the motion of Mrs Dunne (*see entry 5*)—

Debate resumed.

Question—put and passed.

13 WORKPLACE SAFETY TRAINING IN GOVERNMENT SCHOOLS

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

- (1) notes:
- (a) that for over a decade Unions ACT and unions have been invited to ACT government schools and colleges regularly to talk to students about workplace safety rights;

- (b) that the ACT Education Directorate *Workplace Learning Program Guidelines and Requirements 2017* states that students are required to receive information about their workplace safety rights and responsibilities in preparation for workplace experience placements;
 - (c) the strong political affiliation between ACT Labor and Unions ACT;
 - (d) reports from parents that work experience information sessions provided by Unions ACT were used as an opportunity to recruit members;
 - (e) WorkSafe ACT's role as the primary enforcer of the Territory's health and safety and workers compensation laws through a mixture of education and compliance activities; and
 - (f) the ACT Government's refusal to answer questions about the appropriateness of third-party organisations recruiting members in schools; and
- (2) calls on the:
- (a) ACT Government to explain why WorkSafe ACT do not currently provide and deliver workplace safety rights and responsibilities programs in ACT government schools;
 - (b) ACT Labor Government to utilise existing resources of WorkSafe ACT to deliver information about workplace safety rights and responsibilities to students attending ACT government schools;
 - (c) ACT Labor Government to ensure that WorkSafe ACT is the primary provider of any workplace safety learning program commencing immediately; and
 - (d) ACT Education Directorate to immediately establish guidelines for external organisations and individuals presenting to students in ACT government schools.

Ms Berry (Minister for Education and Early Childhood Development) moved the following amendment: Omit all words after paragraph (1)(b), substitute:

- “(c) the aligned values of the Australian Labor Party and the labour movement;
- (d) WorkSafe ACT's role as the regulator of the Territory's health and safety and workers compensation laws through a mixture of education and compliance activities;
- (e) the vital importance of ensuring that new workers are informed of their workplace rights and responsibilities and protected from threats to their health, safety and welfare, because of the particular vulnerability of these workers; and
- (f) the duty of government schools to be responsive to community needs and prepare students to be independent and effective local and global citizens; and

- (2) supports the Government continuing to make sure that students in all schools have appropriate access to expert advice on workplace rights and responsibilities and health, safety and welfare.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Mr Barr	Mr Pettersson	Mr Coe	Mr Milligan
Ms Berry	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Ms Cheyne	Mr Steel	Mrs Jones	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Ms Lawder	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) that for over a decade Unions ACT and unions have been invited to ACT government schools and colleges regularly to talk to students about workplace safety rights;
 - (b) that the ACT Education Directorate *Workplace Learning Program Guidelines and Requirements 2017* states that students are required to receive information about their workplace safety rights and responsibilities in preparation for workplace experience placements;
 - (c) the aligned values of the Australian Labor Party and the labour movement;
 - (d) WorkSafe ACT’s role as the regulator of the Territory’s health and safety and workers compensation laws through a mixture of education and compliance activities;
 - (e) the vital importance of ensuring that new workers are informed of their workplace rights and responsibilities and protected from threats to their health, safety and welfare, because of the particular vulnerability of these workers; and
 - (f) the duty of government schools to be responsive to community needs and prepare students to be independent and effective local and global citizens; and
- (2) supports the Government continuing to make sure that students in all schools have appropriate access to expert advice on workplace rights and responsibilities and health, safety and welfare.”—

be agreed to—put and passed.

14 QUESTION ON NOTICE NO 320—EXPLANATION—STATEMENT BY MEMBER

Mr Barr (Minister for Economic Development), pursuant to the resolution of the Assembly earlier today, provided an explanation as to why question on notice No 320 was not answered within the time provided for by the standing orders.

Mr Coe (Leader of the Opposition), by leave, made a statement in relation to the matter.

15 SUSPENSION OF STANDING ORDERS—MOVING OF MOTION

Ms Berry (Acting Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent Ms Orr from moving the motion standing on the *Notice Paper* in Ms Cody's name, relating to gender equality in sport.

Question—put and passed, with the concurrence of an absolute majority.

16 GENDER EQUITY IN SPORT

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

(1) notes:

- (a) the extensive commitments made by the ACT Government at the 2016 election to grow participation and equity for women and girls in sport and active recreation including:
 - (i) four-year elite funding agreements for the Canberra Capitals and Canberra United;
 - (ii) funding for female friendly sports infrastructure;
 - (iii) funding for initiatives to develop women and girls as participants and leaders at all levels of sport; and
 - (iv) a new online hub for women's and girls' sport and active recreation;
- (b) that funding provided in the 2017 Budget will provide for delivery of each of these commitments in the next four years, building on significant work already underway;
- (c) rates of participation in sport and active recreation in Canberra are the highest in Australia; and
- (d) the ability of sport to drive greater gender equity with benefits which flow into other parts of the community; and

(2) calls on the Government to:

- (a) continue to work with local sport and recreation organisations in the implementation of its gender equity in sport initiatives;
- (b) continue to explore new opportunities to further this program of work including the development of new strategies to increase the participation of women and girls at all levels of sport;

- (c) actively advocate for similar initiatives to be implemented at the national level;
- (d) continue to progress actions through the ACT Women's Plan to promote gender equity across the ACT; and
- (e) keep the Assembly informed, including through the annual ministerial statement on the status of women, about the progress of this work.

Debate ensued.

Question—put and passed.

17 LAPSE OF NOTICE

Upon notice No 7, Private Members' business, being called on and the Member not being present, pursuant to standing order 127, it was withdrawn from the *Notice Paper*.

18 SUSPENSION OF STANDING ORDERS—MOVING OF MOTION

Mr Coe (Leader of the Opposition) moved—That so much of the standing orders be suspended as would prevent Mr Coe from moving notice No 7 on the *Notice Paper*.

Question—put and passed, with the concurrence of an absolute majority.

19 ICON WATER AND ACTEWAGL SERVICE AGREEMENTS—TRANSPARENCY

Mr Coe (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the ongoing and secure supply of water and power are integral to modern life and that appropriate, effective and commercially sound practices of the suppliers of these services are in the best interests of Canberra;
 - (b) the essential service provided by Icon Water to the ACT community, and that its methods of operation impact both residential and commercial consumers;
 - (c) that Icon Water is a wholly Territory-owned corporation, and is subject to reporting and transparency requirements, including:
 - (i) freedom of information requests;
 - (ii) annual report hearings;
 - (iii) estimates hearings; and
 - (iv) auditing by the Auditor-General;
 - (d) that the inclusion of Icon Water in these government accountability processes presupposes that Icon Water should be subject to a high level of scrutiny and through its involvement in these procedures should not only provide information upon request, but also proactively disclose information that would be in the public's interest;

- (e) that there is concern that Icon Water is seen to be protected or exempt from rigorous public scrutiny by virtue of its unique standing as a private corporation, despite being wholly Territory-owned;
 - (f) that the shared services agreements between Icon Water and ActewAGL valued at nearly \$300 million over 11 years were only revealed and scrutinised publicly after the Canberra Liberals uncovered the existence of the agreements in the course of the estimates process;
 - (g) that Icon Water admits it did not take the contract out to tender or ask for expressions of interest; that Icon Water has asserted it did not have an obligation to take the agreements to market; that the agreements have not been reviewed by the Government; and that Icon Water has declined to provide answers to fundamental questions about the agreements based on the content being commercial-in-confidence;
 - (h) that the Territory through its directorates, agencies and authorities, regularly enters into and reports on contracts with terms that are commercial-in-confidence, and is able to both proactively publish and specifically provide information upon request; and
 - (i) that while some terms of the agreements between Icon Water and third parties may be commercial-in-confidence, the existence of such contracts are not; and
- (2) calls on the Government to table the Customer Services and Community Support Agreement, and the Corporate Services Agreement between Icon Water and ActewAGL for public scrutiny.

Adjournment negatived: It being 6 pm—The question was proposed—That the Assembly do now adjourn.

Mr Barr (Chief Minister) requiring the question to be put forthwith without debate—
Question—put and negatived.

Mr Coe continued.

Mr Barr (Treasurer) moved the following amendment: Omit all words after paragraph (1)(c), substitute:

- “(d) that the inclusion of Icon Water in these government accountability processes provides a high level of scrutiny and allows for the disclosure of information that is in the public’s interest where it does not unreasonably impinge upon the corporation’s operations as a commercial entity;
- (e) that the relationship between Icon Water and the ACT Government differs fundamentally from government directorates, in that Icon has a board and management which intentionally operates on a commercial footing;

- (f) that in order to ensure effective commercial management of Icon Water, its shareholder Ministers provide approval only on a narrow range of significant decisions such as board appointments and major purchases or divestments;
- (g) that the services provided to Icon Water under its current corporate and customer services agreements are not matters that fall within the scope of these arrangements, and that these contract arrangements are further not subject to the ACT Government's procurement rules because of Icon Water's status as a commercial entity;
- (h) that Icon Water's current corporate and customer services agreements represent contracts with a third party which contain significant commercial-in-confidence elements, and that their full release may impact on the legitimate commercial activities of that third party;
- (i) that the shareholders will use their limited powers of direction to request that the company's board and CEO review these agreements to determine what elements can be released to the public without compromising their commercial confidentiality; and
- (j) the shareholders will notify Icon Water's board and CEO about the ACT Government's expectations regarding contestability and value for money ahead of the expiry of the current contract in 2023, and request the board and CEO take appropriate steps to address these expectations ahead of entering into new service agreements."

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

"That this Assembly notes:

- (1) the ongoing and secure supply of water and power are integral to modern life and that appropriate, effective and commercially sound practices of the suppliers of these services are in the best interests of Canberra;
- (2) the essential service provided by Icon Water to the ACT community, and that its methods of operation impact both residential and commercial consumers;
- (3) that Icon Water is a wholly Territory-owned corporation, and is subject to reporting and transparency requirements, including:
 - (a) freedom of information requests;
 - (b) annual report hearings;
 - (c) estimates hearings; and
 - (d) auditing by the Auditor-General;
- (4) that the inclusion of Icon Water in these government accountability processes provides a high level of scrutiny and allows for the disclosure of information that is in the public's interest where it does not unreasonably impinge upon the corporation's operations as a commercial entity;

- (5) that the relationship between Icon Water and the ACT Government differs fundamentally from government directorates, in that Icon has a board and management which intentionally operates on a commercial footing;
- (6) that in order to ensure effective commercial management of Icon Water, its shareholder Ministers provide approval only on a narrow range of significant decisions such as board appointments and major purchases or divestments;
- (7) that the services provided to Icon Water under its current corporate and customer services agreements are not matters that fall within the scope of these arrangements, and that these contract arrangements are further not subject to the ACT Government's procurement rules because of Icon Water's status as a commercial entity;
- (8) that Icon Water's current corporate and customer services agreements represent contracts with a third party which contain significant commercial-in-confidence elements, and that their full release may impact on the legitimate commercial activities of that third party;
- (9) that the shareholders will use their limited powers of direction to request that the company's board and CEO review these agreements to determine what elements can be released to the public without compromising their commercial confidentiality; and
- (10) the shareholders will notify Icon Water's board and CEO about the ACT Government's expectations regarding contestability and value for money ahead of the expiry of the current contract in 2023, and request the board and CEO take appropriate steps to address these expectations ahead of entering into new service agreements."—

be agreed to—put and passed.

20 ADJOURNMENT

Mr Barr (Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.40 pm, adjourned until tomorrow at 10 am.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly