



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

MINUTES OF PROCEEDINGS

No 13

TUESDAY, 11 MAY 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 Ngounaawalbun 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 ANNIVERSARY OF A.C.T. LEGISLATIVE ASSEMBLY—STATEMENT BY SPEAKER

The Speaker made a statement concerning the 32nd anniversary of the first sitting day of the Legislative Assembly.

3 PAPER—PETITION OUT-OF-ORDER—STATEMENT BY MEMBER

Ms Orr, by leave, presented the following paper:

Petition which does not conform with the standing orders—Gungahlin—Union Land Playground—Shade sail—Ms Orr (101 signatures)—

and, by leave, made a statement in relation to the paper.

4 A.C.T.'S SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for the Prevention of Domestic and Family Violence) made a ministerial statement concerning the ACT's sexual assault prevention and response program and presented the following paper:

Sexual assault—ACT's prevention and response program—Ministerial statement, 11 May 2021.

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

Debate ensued.

Question—put and passed.

5 COVID-19—UPDATE ON GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Government response to the COVID-19 emergency and presented the following papers:

COVID-19—Update on Government response—Ministerial statement, 11 May 2021.

Ms Stephen-Smith moved—That the Assembly take note of the paper.

Question—put and passed.

6 CORONIAL INQUEST INTO THE DEATH OF BRADYN DILLON—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Families and Community Services) made a ministerial statement concerning the coronial inquest into the death of Bradyn Dillon and presented the following paper:

Coronial inquest—Bradyn Dillon—Ministerial statement, 11 May 2021.

Ms Stephen-Smith moved—That the Assembly take note of the paper.

Question—put and passed.

7 GUNG AHLIN—PLANNING FOR THE TOWN CENTRE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning planning for the Gungahlin Town Centre and presented the following paper:

Gungahlin—Planning for the town centre—Ministerial statement, 11 May 2021.

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

Debate ensued.

Question—put and passed.

8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 4—STATEMENT BY CHAIR

Mr Hanson (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 4, dated 4 May 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, made a statement in relation to the report.

9 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORTABLE CONTRACTS—STATEMENT BY CHAIR—PAPER

Mrs Kikkert (Chair), pursuant to standing order 246A, made a statement concerning the reporting of reportable contracts, which are provided by agencies to the Standing Committee on Public Accounts under section 39 of the *Government Procurement Act 2001*, and, by leave, presented the following paper:

Reportable contracts—Agencies reporting reportable contracts for the period 1 April 2020 to 31 March 2021.

10 PUBLIC ACCOUNTS—STANDING COMMITTEE—AUDITOR-GENERAL'S REPORTS NOS 5/2019, 6/2019, 9/2019, 10/2020, 11/2020, 2/2020, 3/2020, 7/2020, 9/2020, 10/2020, 2/2021—STATEMENT BY CHAIR

Mrs Kikkert (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had resolved to note and not inquire further into the following Auditor-General's Reports:

No 2/2021—Total Facilities Management Contract Implementation;

No 2/2020—2018-19 Financial Audits -Computer Information systems;

No 3/2020—Data Security;

No 7/2020—Management and care for people living with serious and continuing illness;

No 9/2020—2019-20 Financial Audits Overview;

No 10/2020—2019-20 Financial Audits – Financial Results and Audit Findings;

No 5/2019—Management of the System-Wide Data Review implementation program;

No 6/2019—ICT Strategic Planning;

No 9/2019—2018-19 Financial Audits Overview;

No 10/2019—2018-19 Financial Audit - Financial Results and Audit Findings; and

No 11/2020—Maintenance of ACT Government School Infrastructure.

11 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRIES—AUDITOR-GENERAL'S REPORTS NOS 1/2020, 6/2020, 1/2021—STATEMENT BY CHAIR

Mrs Kikkert (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had resolved to conduct inquiries into and report on the following Auditor-General's reports:

No 1/2021—Land Management Agreements;

No 1/2020—Shared Services Delivery of HR and Finance Services; and

No 6/2020—Transfer of worker's compensation arrangements from Comcare.

12 PUBLIC ACCOUNTS—STANDING COMMITTEE—AUDITOR-GENERAL'S REPORT NO 7/2019—STATEMENT BY CHAIR

Mrs Kikkert (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had resolved to refer Auditor-General's report No 7/2019—Referral Processes for the Support of Vulnerable Children, to the Standing Committee on Health and Community Wellbeing.

13 UTILITIES 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.

14 QUESTIONS

Questions without notice were asked.

15 PRESENTATION OF PAPERS

Ms Burch (Speaker) presented the following papers:

Justice and Community Safety—Standing Committee—Bills referred but not inquired into—

Crimes (Stealth) Amendment Bill 2021—Correspondence to Speaker, dated 28 April 2021.

Statute Law Amendment Bill 2021—Correspondence to Speaker, dated 28 April 2021.

Public Accounts—Standing Committee—Bills referred but not inquired into—Utilities Amendment Bill 2021—Correspondence to Speaker, dated 5 May 2021.

16 PRESENTATION OF PAPERS

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

A Step Up for Our Kids—Snapshot Report Update, as at May 2021.

COVID-19 Emergency Response Act—pursuant to subsection 3(3)—COVID-19 Measures—Report No 10—Reporting period 1 January-31 March 2021.

Freedom of Information Act—Freedom of Information (Statement on Accessibility of Government Information) Approval 2021 (No 1)—Notifiable Instrument NI2021-275, dated 7 May 2021.

Our Booris, Our Way—Implementation Update, dated May 2021.

Planning and Development Act, pursuant to subsection 242(2)—Statement of Leases Granted—1 January to 31 March 2021.

Subordinate legislation (including explanatory statements unless otherwise stated)

Liquor Act—Liquor Amendment Regulation 2021 (No 1)—Subordinate Law SL2021-7 (LR, 13 April 2021).

Residential Tenancies Act—Residential Tenancies (COVID-19 Emergency Response) Declaration 2021—Disallowable Instrument DI2021-55 (LR, 22 April 2021).

17 OUR BOORIS, OUR WAY—IMPLEMENTATION UPDATE—PAPERS NOTED

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly take note of the following papers:

A Step Up for Our Kids—Snapshot Report Update, as at May 2021.

Our Booris, Our Way—Implementation Update, dated May 2021.

Debate ensued.

Question—put and passed.

18 CARE AND PROTECTION ORDERS

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

(1) notes that:

- (a) care and protection orders in the ACT terminate when a young person reaches the age of 18;
- (b) Australian and international research indicates that young people who exit care are more likely to leave school, be unemployed, experience homelessness, be involved with the criminal justice system, have children at a young age, and experience poor health and mental health outcomes;
- (c) for these reasons, in 2012 the ACT Government commenced providing financial and casework support to care leavers up to age 25, and has enhanced such supports under its current out-of-home care strategy; and
- (d) there is a growing national consensus that support for care leavers needs to include the option of remaining in care until age 21; and

- (2) calls on the ACT Government to:
- (a) commit in principle to support the extension of care to age 21, including for those exiting residential care and those unable to remain in a foster or kinship care placement;
 - (b) improve data collection on young people who have exited care to allow for robust evaluation of post-care support services, including any extension of care to age 21; and
 - (c) create a taskforce to review international best practice and then propose the best way to implement an extension of care to age 21 in the ACT, with a report of findings to be tabled in the Assembly by the last sitting day of June 2022.

Ms Stephen-Smith (Minister for Families and Community Services), by leave, moved the following amendments together:

1. Omit paragraph (1)(c) and (d) and substitute:
 - “(c) in 2015, the ACT Government enacted amendments to the *Children and Young People Act 2008* to extend the continuum of care subsidy payments for eligible care leavers up to the age of 21;
 - (d) young people aged up to 25 years and their carers can access post care support in the form of:
 - case work coordination;
 - planning and oversight of therapeutic interventions;
 - assistance to access their care records and life story work;
 - practical material support and/or time limited brokerage;
 - referral to services; and
 - mediation work with families and/or carers;
 - (e) there is a growing national consensus that support for care leavers needs to include the option of remaining in care until age 21; and
 - (f) the Government has committed, through the Parliamentary and Governing Agreement for the 10th Legislative Assembly, to improve the extended care system for 18-21 year olds in the out-of-home care system;” and
2. Omit paragraph (2) and substitute:

“(2) calls on the ACT Government to:

 - (a) commit in principle to support the extension of care to age 21 for any young person who wishes to remain in a supported care environment after they turn 18;

- (b) explore options to enact a presumption that the continuum care subsidy automatically extends to young people up to at least 21 years of age, including for those exiting residential care and those unable to remain in a foster or kinship care placement;
- (c) explore legal options to provide statutory provision for this presumption in the *Children and Young People Act 2008*;
- (d) explore ways to improve data collection on young people who have exited care to support robust evaluation of post-care support services; and
- (e) report back to the Assembly on the progress of this work by the last sitting day of June 2022.”.

Ms Stephen-Smith, by leave, tabled the following paper:

National Framework for Protecting Australia’s Children 2009-2020—Third Action Plan 2015-2018—Discussion paper—Transition from out of home care to adulthood: Mapping legislation and policy across Australian jurisdictions, dated December 2018.

Debate continued.

Mrs Kikkert moved the following amendment to Ms Stephen-Smith’s proposed amendments: In paragraph (2)(b), add “and to consider increasing the continuum case subsidy to a sufficient amount.”.

Debate continued.

Amendment negatived.

Question—That Ms Stephen-Smith’s amendments be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) care and protection orders in the ACT terminate when a young person reaches the age of 18;
 - (b) Australian and international research indicates that young people who exit care are more likely to leave school, be unemployed, experience homelessness, be involved with the criminal justice system, have children at a young age, and experience poor health and mental health outcomes;
 - (c) in 2015, the ACT Government enacted amendments to the *Children and Young People Act 2008* to extend the continuum of care subsidy payments for eligible care leavers up to the age of 21;
 - (d) young people aged up to 25 years and their carers can access post care support in the form of:
 - case work coordination;
 - planning and oversight of therapeutic interventions;
 - assistance to access their care records and life story work;

- practical material support and/or time limited brokerage;
 - referral to services; and
 - mediation work with families and/or carers;
- (e) there is a growing national consensus that support for care leavers needs to include the option of remaining in care until age 21; and
- (f) the Government has committed, through the Parliamentary and Governing Agreement for the 10th Legislative Assembly, to improve the extended care system for 18-21 year olds in the out-of-home care system;” and
- (2) calls on the ACT Government to:
- (a) commit in principle to support the extension of care to age 21 for any young person who wishes to remain in a supported care environment after they turn 18;
- (b) explore options to enact a presumption that the continuum care subsidy automatically extends to young people up to at least 21 years of age, including for those exiting residential care and those unable to remain in a foster or kinship care placement;
- (c) explore legal options to provide statutory provision for this presumption in the *Children and Young People Act 2008*;
- (d) explore ways to improve data collection on young people who have exited care to support robust evaluation of post-care support services; and
- (e) report back to the Assembly on the progress of this work by the last sitting day of June 2022.” —

put and passed.

19 NOTICE NO 2, PRIVATE MEMBERS’ BUSINESS—COMMITTEE INQUIRY ON SAME SUBJECT—STATEMENT BY SPEAKER

The Speaker made a statement concerning Mr Braddock’s motion about the development of the Gungahlin Town Centre, which is also the subject of an inquiry by the Standing Committee on Planning, Transport and City Services.

20 GUNGAHLIN TOWN CENTRE—DEVELOPMENT

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

- (1) notes:
- (a) the Suburban Land Agency auction on 12 May 2021 of the following blocks in the Gungahlin Town Centre:
- (i) section 246 block 4;
 - (ii) section 249 block 4;
 - (iii) section 249 block 5; and

- (iv) section 249 block 12;
 - (b) the Gungahlin Town Centre Planning Refresh Community Engagement Report;
 - (c) Draft Variation 364 (DV 364), Gungahlin Town Centre Precinct Code, is currently the subject of an inquiry by the Legislative Assembly's Standing Committee on Planning, Transport, and City Services;
 - (d) the resolution relating to development of the Gungahlin Town Centre passed by the Assembly on 10 February 2021 (the resolution) calling on the ACT Government to "support the further development of the Gungahlin region and town centre, ensuring that there are additional employment opportunities in Gungahlin by ... ensuring current sales of development sites incorporate the requirements to support best practice mixed-use developments"; and
 - (e) the importance of increasing the level of affordable rental and public housing stock in close consultation with the community so as to maintain community support and deliver good social outcomes; and
- (2) calls on the ACT Government to:
- (a) report to the Assembly by the next sitting day, how the sale of the aforementioned blocks meets the conditions specified in the resolution, in particular "ensuring current sales incorporate the requirements to support best practice mixed-use developments";
 - (b) acknowledge the level of community concern about Gungahlin Town Centre planning;
 - (c) address the community's concerns by developing through effective consultation with the community, and incorporating into the Territory Plan, a plan for the Gungahlin Town Centre that incorporates the following elements:
 - (i) no reduction in commercial office space, the area of the linear park, or Community Facilities Zoned land;
 - (ii) any variation to the use of blocks 3 and 5 section 231 must be done via a disallowable instrument; and
 - (iii) within current height limits;
 - (d) not proceed with any other sales of land in the Gungahlin Town Centre for the purpose of mixed-use development until these variations are incorporated into the Territory Plan;
 - (e) report to the Assembly every three months updates on Gungahlin Town Centre planning;
 - (f) direct the Suburban Land Agency to develop land in the Gungahlin Town Centre in a way that generates higher quality outcomes for the community by:

- (i) consulting widely with the Gungahlin community before future mixed-use or commercial blocks are sold, and ensuring that outcomes from that consultation are reflected in an appropriate sales process;
- (ii) consider bringing land to the market in larger blocks that encourage place making development; and
- (iii) increase the size of commercial premises allowed in the lease restrictions for mixed-use developments;
- (g) designate a single point of contact within ACT Government with responsibility for whole-of-government outcomes for Gungahlin; and
- (h) develop and publish a strategy to actively encourage employment in the Gungahlin Town Centre by 31 December 2021.

Debate ensued.

Mr Gentleman (Manager of Government Business) moved—That debate be adjourned.

The Assembly voted—

AYES, 16		NOES, 9
Mr Barr	Ms Orr	Mr Cain
Ms Berry	Dr Paterson	Ms Castley
Mr Braddock	Mr Pettersson	Mr Hanson
Ms Burch	Mr Rattenbury	Mrs Jones
Ms Cheyne	Mr Steel	Mrs Kikkert
Ms Clay	Ms Stephen-	Ms Lawder
Ms Davidson	Ms Vassarotti	Ms Lee
Mr Davis		Mr Milligan
Mr Gentleman		Mr Parton

And so it was resolved in the affirmative.

Resumption of debate made an order for the next day of sitting.

Suspension of standing orders—Continuation of debate: Mr Hanson moved—That so much of the standing orders be suspended as would prevent Mr Braddock's motion being called on for debate.

Debate ensued.

Mr Davis addressing the Assembly—

The time allotted for the debate having expired—Question—put and negatived.

21 ADJOURNMENT

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Paper: Ms Clay, by leave, presented the following paper:

Calling for a Fossil Fuel Non-Proliferation Treaty—Adjournment speech, 10 May 2021.

Debate continued.

Suspension of standing orders—Extension of debate: Mrs Jones moved—That so much of the standing orders be suspended as would prevent the adjournment debate continuing for a further 15 minutes.

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

Debate continued.

Question—put and passed.

And then the Assembly, at 5:23 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

Tom Duncan
Clerk of the Legislative Assembly