



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 109

THURSDAY, 30 NOVEMBER 2023

- 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 ALLEGED BREACH OF CODE OF CONDUCT BY A MEMBER—STATEMENT BY SPEAKER

The Speaker made a statement concerning comments made by a Member in the adjournment debate on 29 November 2023, which led to a Member raising a point of order relating to possible breaches of Code of Conduct. Having reviewed the uncorrected proof Hansard, the Speaker confirmed that such comments were made by the Member and suggested that any Member who believed that the code had not been abided could raise the matter with the Commissioner for Standards.

3 PETITION—MINISTERIAL RESPONSE—RESPONSE NOTED

The Clerk announced that the following response to a petition had been lodged:

Mr Gentleman (Minister for Planning and Land Management), dated 29 November 2023—Response to e-petition No 004-23, lodged by Ms Vassarotti on 29 August 2023, concerning car parking on public green open spaces.

The Speaker proposed—That the response so lodged be noted.

Debate ensued.

Question—put and passed.

4 LEAVE OF ABSENCE TO MEMBER

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

Question—put and passed.

5 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.

6 GROWING AND RENEWING PUBLIC HOUSING PROGRAM—FUTURE DIRECTIONS—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Housing and Suburban Development) made a ministerial statement concerning the Growing and Renewing Public Housing Program and the redesigned tenant relocation decision-process update and presented the following paper:

Growing and Renewing Public Housing Program—Future Directions—Ministerial statement, 30 November 2023.

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

Question—put and passed.

7 CLIMATE CHANGE IMPACTS ON HEALTH—ASSEMBLY RESOLUTION OF 20 OCTOBER 2022—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Government's response to Assembly resolution of 20 October 2022 relating to climate change impact on health and presented the following papers:

Climate change impacts on health—Assembly resolution of 20 October 2022—
Government response—

Response, dated November 2023.

Ministerial statement, 30 November 2023.

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

Question—put and passed.

8 SPECIALIST MEDICAL TRAINING—ASSEMBLY RESOLUTIONS OF 29 MARCH 2023 (MATERNAL AND FETAL MEDICINE UNIT) AND 31 AUGUST 2023 (SPECIALIST MEDICAL TRAINING ACCREDITATION)—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning specialist medical training, in response to Assembly resolution of 29 March 2023 relating to Maternal and Fetal Medicine Unit and Assembly resolution of 31 August 2023 relating to specialist medical training accreditation and presented the following paper:

Specialist medical training—Assembly resolutions of 29 March (Maternal and Fetal Medicine Unit) and 31 August 2023 (Specialist medical training accreditation)—Government response—Ministerial statement, 30 November 2023.

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

Debate ensued.

Question—put and passed.

9 CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION ACT—MINISTER’S ANNUAL REPORT 2022-23—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Mr Rattenbury (Minister for Water, Energy and Emissions Reduction) made a ministerial statement concerning the 2022-23 Minister’s Annual Report under the *Climate Change and Greenhouse Gas Reduction Act 2010* and presented the following papers:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister’s Annual Report 2022-23—

Report, undated.

Ministerial statement, 30 November 2023.

Mr Rattenbury moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

10 LEAVE OF ABSENCE TO MEMBERS

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted for all Members from 1 December 2023 to 5 February 2024.

Question—put and passed.

11 SELECT AND STANDING COMMITTEES—MEMBERSHIP

Ms Clay, pursuant to standing order 223, moved—That:

- (1) Miss Nuttall be appointed to the Standing Committee on Economy and Gender and Economic Equality;
- (2) Miss Nuttall be appointed to the Standing Committee on Education and Community Inclusion;
- (3) Ms Clay be appointed to the Standing Committee on Health and Community Wellbeing; and

- (4) Mr Braddock be appointed to the Select Committee on the Voluntary Assisted Dying Bill 2023.

Question—put and passed.

12 DOMESTIC VIOLENCE AGENCIES (INFORMATION SHARING) AMENDMENT BILL 2023

Ms Berry (Minister for the Prevention of Domestic and Family Violence), pursuant to notice, presented a Bill for an Act to amend the *Domestic Violence Agencies Act 1986*.

Paper: Ms Berry presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

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

Debate adjourned (Mrs Kikkert) and the resumption of the debate made an order of the day for the next sitting.

13 PROPERTY DEVELOPERS BILL 2023

Ms Vassarotti (Minister for Sustainable Building and Construction), pursuant to notice, presented a Bill for an Act to regulate residential development activities by property developers, and for other purposes.

Paper: Ms Vassarotti presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

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

Debate adjourned (Mr Parton) and the resumption of the debate made an order of the day for the next sitting.

14 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PROPERTY DEVELOPERS BILL 2023—REQUEST TO CONSIDER

Ms Lawder, by leave, moved—That, notwithstanding the provisions of standing order 174, this Assembly refers the Property Developers Bill 2023 to the Standing Committee on Planning, Transport and City Services for inquiry and report by the last sitting day in March 2024.

Mr Gentleman (Minister for Planning and Land Management) moved the following amendment: Omit “inquiry”, substitute “consideration of inquiry and, should the Committee decided to inquire,”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 6
Joy Burch	Marisa Paterson	Peter Cain
Tara Cheyne	Michael Pettersson	Leanne Castley
Jo Clay	Shane Rattenbury	Ed Cocks
Emma Davidson	Chris Steel	Elizabeth Kikkert
Mick Gentleman	Rachel Stephen-Smith	Nicole Lawder
Laura Nuttall	Rebecca Vassarotti	Mark Parton
Suzanne Orr		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That, notwithstanding the provisions of standing order 174, this Assembly refers the Property Developers Bill 2023 to the Standing Committee on Planning, Transport and City Services for consideration of inquiry and, should the Committee decide to inquire, report by the last sitting day in March 2024.”—

be agreed to—put and passed.

15 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2023 (NO 2)

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.

16 MINISTERIAL ARRANGEMENTS

Ms Berry (Deputy Chief Minister) informed the Assembly of the absence of Mr Barr (Chief Minister) and advised the Assembly that questions without notice normally directed to Minister Mr Barr could be directed to Ms Berry.

17 QUESTIONS

Questions without notice were asked.

18 QUESTION ON NOTICE NO 1397—ANSWER—EXPLANATION

Dr Paterson, pursuant to standing order 118A, asked Mr Rattenbury (Attorney-General) for an explanation concerning the answer to question on notice No 1397.

Mr Rattenbury gave an explanation.

19 RACIAL DISCRIMINATION ELIMINATION—ASSEMBLY RESOLUTION OF 23 MARCH 2023—RESPONSE—STATEMENT BY MEMBER

Ms Orr, pursuant to resolution, made a statement regarding ACT Labor Party’s response to the Assembly resolution of 23 March 2023 relating to racial discrimination elimination.

20 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(4)—Auditor-General’s Report No 9/2023—2022-23 Financial Audits – Overview, dated 29 November 2023.

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Review of a critical incident by the ACT Inspector of Correctional Services—An Alleged Sexual Assault of a Detained Person at the Alexander Maconochie Centre, dated November 2023.

21 PRESENTATION OF PAPERS

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

ACT Historic Housing Debt—Assembly resolutions of 2 June 2022 and 19 October 2022—Government response.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports—2022-23—

Chief Minister, Treasury and Economic Development Directorate (3 Volumes)—Corrigendum, dated November 2023.

Community Services Directorate—Corrigendum, dated November 2023.

Major Projects Canberra—Corrigendum to Independent Limited Assurance Report 2022-23, dated 26 September 2023.

Auditor-General Act, pursuant to section 21—Auditor-General’s Report No 6/2023—Implementation of the ACT Aboriginal and Torres Strait Islander Agreement—Government response, dated November 2023, together with a statement.

Australian Health Practitioner Regulation Agency and the National Boards, reporting on the National Registration and Accreditation Scheme—Annual report 2022-23, dated November 2023.

Bulk billing general practice services—Access—Assembly resolution of 29 June 2023—Government response, dated 30 November 2023.

Bushfire preparedness—Assembly resolution of 1 November 2023—Government Update, dated November 2023.

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3), Schedule 4—Professional Standards Councils—Annual reports—2022-2023, undated.

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 12(5)—ACT Greenhouse Gas Inventory—2022-23, dated 30 September 2023.

Culturally and Linguistically Diverse (CALD) Data Collection—Assembly resolution of 4 August 2022—Government response, dated November 2023.

Environment, Climate Change and Biodiversity—Standing Committee—Report 8—Inquiry into the waste management of absorbent hygiene products—Government response, undated.

Government Procurement (Ethical Treatment of Workers Evaluation) Direction 2023 (No 2)—Notifiable Instrument NI2023-728, dated 27 November 2023.

Gungahlin—Economic Development—Assembly resolution of 6 June 2023—Government response, dated November 2023.

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Annual Report 2022-23, dated 22 September 2023.

Information Privacy Act, pursuant to section 54(3)— Australian Government—Office of the Australian Information Commissioner—Memorandum of Understanding with the Australian Capital Territory for the provision of privacy services—Annual report 2022-23, dated 31 August 2023.

Integrity Commission Act, pursuant to section 303—Report of the Independent Statutory Review of the ACT's Integrity Commission Act 2018, dated 27 October 2023.

National Health Funding Body—Annual report—2022-23, dated 22 September 2023.

National Health Practitioner Ombudsman and National Health Privacy Commissioner—2022-23, September 2023.

Short-term rental accommodation in the ACT—Assembly resolution of 30 March 2023—Government response, dated November 2023.

Public Health Act, pursuant to subsection 123(3)—ACT Chief Health Officer's Report—COVID-19 Public Health Emergency, dated 14 November 2023.

Public Interest Disclosure Act—Report of the Review of the Public Interest Disclosure Act 2012 (ACT), dated 27 October 2023.

Remuneration Tribunal Act, pursuant to section 10—Determinations, together with statements for:

ACT Civil and Administrative Tribunal—Determination 13 of 2023, dated 22 November 2023.

ACT Magistrates Court Judicial Positions—Determination 12 of 2023, dated 22 November 2023.

ACT Supreme Court Judicial Positions—Determination 11 of 2023, dated 22 November 2023.

Director of Public Prosecutions—Determination 17 of 2023, dated 22 November 2023.

Full-time Statutory Office Holder—Chief Executive Officer, ACT Integrity Commission—Determination 15 of 2023, dated 22 November 2023.

Part-time Public Office Holders—Determination 18 of 2023, dated 22 November 2023.

Part-time Statutory Office Holder—Integrity Commissioner—Determination 14 of 2023, dated 22 November 2023.

Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 16 of 2023, dated 22 November 2023.

Urban tree canopy coverage—Assembly resolution of 31 March 2021—Government response—Urban Tree Canopy Coverage Report—Annual Update, dated November 2023.

Waste Management and Resource Recovery Act, pursuant to subsection 64U(2)—ACT Container Deposit Scheme—Annual statutory report 2022-23, undated.

22 PROCUREMENT REFORM PROGRAM

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

- (1) notes:
 - (a) it is essential that the process of awarding public funds through procurement to consultants, contractors and third parties is transparent and accessible;
 - (b) the ACT Government continues to underperform on management of shared services, major projects and digital transformation; and
 - (c) in June 2023, it was reported that the ACT Government has wasted over \$77.6 million on the delivery of a since-abandoned Human Resources Information System, which only came to light through media reporting;
- (2) further notes:
 - (a) the ACT Auditor-General has published numerous reports in the 10th Assembly alone on ACT Government procurement;
 - (b) the ACT Auditor-General summarised the deficiencies present in the ACT’s procurement management as “a lack of expertise, lack of practice, unawareness, in some cases even naivety”;
 - (c) the status and progression of government procurement programs is disparate and inconsistently presented, as evidenced by the ACT Auditor-General’s reports; and
 - (d) ACT Government procurement has lacked an aligned database, or single source of information, which collates and presents the details of procurement and tender data for public scrutiny; and
- (3) calls on the ACT Government to:
 - (a) prioritise transparent, efficient and effective expenditure of public monies;
 - (b) seek industry and public consultation to improve the tracking and progression of tenders and contracts awarded by each individual agency, through a cross-agency, aligned database, which holds data on procurement separated by projects or packages across the whole-of-government; and
 - (c) report back to the Assembly by 30 June 2024 to provide an update on (3)(a) and (3)(b).

Mr Steel (Special Minister of State) moved the following amendment: Omit all text after “That this Assembly” and substitute:

- “(1) notes that:
- (a) the expenditure of public funds through procurements must always pursue value for money and support public confidence in our procurement processes;
 - (b) the ACT Government commenced a procurement reform program in June 2022 that progresses three focus areas that will support:
 - (i) transparent, evidence-based procurement decisions which are conducted with probity and can withstand scrutiny;

- (ii) the public service, local industries and businesses through clear roles and the delivery of consistent, accurate, timely, practical and customer-focused services through all phases of the procurement lifecycle; and
- (iii) streamlining the legislative framework, policies, processes and templates to ensure that they are efficient and can facilitate timely procurement outcomes;
- (c) the procurement reform program was established by the Special Minister of State following an independent review of Procurement ACT and extensive consultation with the better regulation taskforce and industry;
- (d) through the procurement reform program, the ACT Government is progressing a combination of legislative, process and system-based reforms including upgrades to modernise the ICT systems that support procurement;
- (e) the Auditor-General provides regular audit reports into the expenditure of public money through procurements which have recommended improvements to the procurement framework that the ACT Government is progressing through the procurement reform program; and
- (f) the Auditor-General’s insights into the procurement framework are shaping current and future stages of the procurement reform program; and
- (2) calls on the ACT Government to:
 - (a) continue to deliver on the procurement reform program to ensure the ACT Government has a robust procurement framework; and
 - (b) provide an annual progress update to the Assembly for each of the remaining years of the procurement reform program.”.

Debate continued.

The Assembly voted—

AYES, 13		NOES, 6
Joy Burch	Marisa Paterson	Peter Cain
Tara Cheyne	Michael Pettersson	Leanne Castley
Jo Clay	Shane Rattenbury	Ed Cocks
Emma Davidson	Chris Steel	Elizabeth Kikkert
Mick Gentleman	Rachel Stephen-Smith	Elizabeth Lee
Laura Nuttall	Rebecca Vassarotti	Mark Parton
Suzanne Orr		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) the expenditure of public funds through procurements must always pursue value for money and support public confidence in our procurement processes;
 - (b) the ACT Government commenced a procurement reform program in June 2022 that progresses three focus areas that will support:

- (i) transparent, evidence-based procurement decisions which are conducted with probity and can withstand scrutiny;
 - (ii) the public service, local industries and businesses through clear roles and the delivery of consistent, accurate, timely, practical and customer-focused services through all phases of the procurement lifecycle; and
 - (iii) streamlining the legislative framework, policies, processes and templates to ensure that they are efficient and can facilitate timely procurement outcomes;
- (c) the procurement reform program was established by the Special Minister of State following an independent review of Procurement ACT and extensive consultation with the better regulation taskforce and industry;
 - (d) through the procurement reform program, the ACT Government is progressing a combination of legislative, process and system-based reforms including upgrades to modernise the ICT systems that support procurement;
 - (e) the Auditor-General provides regular audit reports into the expenditure of public money through procurements which have recommended improvements to the procurement framework that the ACT Government is progressing through the procurement reform program; and
 - (f) the Auditor-General’s insights into the procurement framework are shaping current and future stages of the procurement reform program; and
- (2) calls on the ACT Government to:
 - (a) continue to deliver on the procurement reform program to ensure the ACT Government has a robust procurement framework; and
 - (b) provide an annual progress update to the Assembly for each of the remaining years of the procurement reform program.”—

be agreed to—put and passed.

23 SEXUAL OFFENCES IN THE A.C.T.—SPECIALIST COURT—PROPOSED ESTABLISHMENT

Dr Paterson, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) the ACT Government’s response to the 2021 Sexual Assault Prevention and Response Steering Committee report stated that the Government will give further consideration to introducing a specialist court for sexual offences in the ACT through close engagement with the ACT courts and tribunals;
 - (b) in August 2023, Dr Paterson MLA, together with the Canberra Rape Crisis Centre, the Domestic Violence Crisis Centre, A Gender Agenda, the YWCA, the Aboriginal and Torres Strait Islander Elected Body and Women with Disabilities ACT, wrote an open letter to the Chief Minister, the Deputy Chief Minister and the Attorney-General calling on the ACT Government to explore the implementation of a specialist offences court;

- (c) the Chief Minister, wrote a reply to this open letter, encouraging Dr Paterson MLA to continue working in consultation with the Attorney-General, the Deputy Chief Minister and Minister for Women, to examine the establishment of a specialist court, and to investigate further reforms that could be undertaken to improve outcomes in our legal and support systems;
 - (d) on 9 November 2023, the Attorney-General chaired a Sexual Offences Court Roundtable attended by criminal justice stakeholders and victim-survivor advocacy groups;
 - (e) at the round table, the Attorney-General resolved to establish an advisory group to consider specialist approaches to sexual assault matters in ACT courts, and identify ways to improve the criminal justice experience for victims of sexual assault;
 - (f) on 12 August 2022, the Standing Council of Attorneys-General, of which Minister Rattenbury is a member, endorsed the Work Plan to Strengthen Criminal Justice Responses to Sexual Assault 2022-2027;
 - (g) the work plan identified as one of its three priority areas, a focus on “supporting research and greater collaboration to identify best practices, and to ensure actions are supported by a sound and robust evidence base”;
 - (h) the outcome of this research is the review Specialist Approaches to Managing Sexual Assault Proceedings, published in August 2023, undertaken by the Australasian Institute of Judicial Administration, the Commonwealth Attorney-General’s Department, the CQUniversity College of Law and Queensland Centre for Domestic and Family Violence Research; and
 - (i) the review identifies, internationally, three models that may be adopted by courts or lists implementing a specialist approach to managing sexual offence proceedings:
 - (A) the sexual offender re-entry model;
 - (B) the victim-centred problem-solving model; and
 - (C) the specialist criminal sexual offences model; and
- (2) calls on the ACT Government to:
- (a) examine the strengths and limitations of the three models as specified in the published review Specialist Approaches to Managing Sexual Assault Proceedings;
 - (b) identify which of the three models are appropriate for the ACT; and
 - (c) report this decision to the Assembly at or before the last sitting week in June 2024.

Paper: Dr Paterson, by leave, presented the following paper:

Specialist Approaches to Managing Sexual Assault Proceedings: an Integrative Review—Australian Institute of Judicial Administration Inc, dated August 2023.

Debate continued.

Question—put and passed.

24 PAPERS PRESENTED ON 30 NOVEMBER 2023—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.

Debate ensued.

Question—put and passed.

25 MEMBERS' STATEMENTS

Members' statements were made.

26 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 4.59 pm, adjourned until Tuesday, 6 February 2024 at 10 am.

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

*on leave.

Tom Duncan
Clerk of the Legislative Assembly