



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 56

THURSDAY, 4 AUGUST 2022

- 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 **RESIDENTIAL TENANCIES LEGISLATION AMENDMENT BILL 2022—PUBLIC EXPOSURE DRAFT, AND TENANCY RIGHTS—RESPONSE TO RESOLUTION OF THE ASSEMBLY— MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Mr Rattenbury (Attorney-General) made a ministerial statement in relation to the public exposure draft of the Residential Tenancies Legislation Amendment Bill 2022, and the Government response to the resolution of the Assembly of 23 March 2022 concerning tenancy rights, and presented the following papers:

Residential Tenancies Legislation Amendment Bill 2022—Exposure draft.

Residential Tenancies Legislation Amendment Bill 2022—Public exposure draft, and Tenancy Rights—Response to Resolution of the Assembly—Ministerial Statement, 4 August 2022.

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

Debate ensued.

Question—put and passed.

3 COMBUSTIBLE CLADDING SCHEME—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for Sustainable Building and Construction) made a ministerial statement concerning an update on the Combustible Cladding Scheme update and presented the following paper:

Combustible Cladding Scheme—Update—Ministerial statement, 4 August 2022.

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

Question—put and passed.

4 CORRECTION OF RECORD—STATEMENT BY MEMBER

Mr Davis, by leave, made a statement to correct the record.

5 CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION (NATURAL GAS TRANSITION) AMENDMENT BILL 2022

Mr Rattenbury (Minister for Water, Energy and Emissions Reduction), pursuant to notice, presented a Bill for an Act to amend the *Climate Change and Greenhouse Gas Reduction Act 2010*, and for other purposes.

Paper: Mr Rattenbury 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.

Mr Rattenbury moved—That this Bill be agreed to in principle.

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

6 SENIOR PRACTITIONER AMENDMENT BILL 2022

Ms Davidson (Minister for Disability), pursuant to notice, presented a Bill for an Act to amend the *Senior Practitioner Act 2018*.

Paper: Ms Davidson 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 Davidson moved—That this Bill be agreed to in principle.

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

7 STANDING COMMITTEES—ESTABLISHMENT—AMENDMENT TO RESOLUTION—COMMITTEE RESPONSIBLE FOR PARKS AND CONSERVATION

Dr Paterson, pursuant to notice, moved—That the resolution of the Assembly of 2 December 2020, as amended, that established general purpose standing committees, be amended by:

- (1) in the table at 1. Planning, Transport and City Services—Areas of Responsibility, after the words “Planning and Land Management”, insert “(excluding parks and conservation)”; and
- (2) in the table at 2. Environment, Climate Change and Biodiversity—Areas of Responsibility, add “Parks and Conservation”.

Question—put and passed.

8 INTEGRITY—STANDING COMMITTEE—PROPOSED ESTABLISHMENT

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

- (1) notes that:
 - (a) integrity in the Canberra’s public institutions is essential;
 - (b) there are opportunities to continuously improve Canberra’s integrity system; and
 - (c) the Australian Capital Territory is the only state or territory jurisdiction in Australia without a dedicated parliamentary committee on integrity;
- (2) amends the resolution of the Assembly of 2 December 2020, as amended, which established general purpose standing committees, by omitting “ACT Integrity Commission” from the Standing Committee on Justice and Community Safety’s area of responsibility; and
- (3) establishes a Standing Committee on Integrity, with the following terms of reference:
 - (a) monitor and report on the performance of the Integrity Commission and the Inspector of the Integrity Commission, or the exercise of the powers and functions of the Integrity Commission and the Inspector of the Integrity Commission, including examining the annual reports of the Integrity Commission and the Inspector of the Integrity Commission and any other reports they make;
 - (b) inquire into and report on integrity matters referred to it by the Assembly or that are considered by the Committee to be of concern to the community;
 - (c) examine matters related to integrity in public administration;
 - (d) perform all functions required of it pursuant to the *Integrity Commission Act 2018*;
 - (e) the Committee be composed of:
 - (i) two Members to be nominated by the Coalition Government; and

- (ii) two Members to be nominated by the Opposition;
to be notified in writing to the Speaker within two hours of this motion passing; and
- (f) the chair shall be an Opposition Member.

Debate ensued.

Mr Gentleman (Manager of Government Business) moved the following amendment:
Omit paragraphs (1)(b) to (3)(f), substitute:

- “(b) Canberra’s integrity system has been continuously improved, most recently with the establishment of the ACT Integrity Commission;
 - (c) all jurisdictions in Australia have a parliamentary committee which provides oversight of integrity matters and, where applicable, meets all legislative requirements under that jurisdiction’s integrity legislation;
 - (d) the standing committees in other parliaments which consider integrity can, and in some instances do, have oversight responsibilities for matters in addition to integrity;
 - (e) at the start of the Tenth Assembly, the Legislative Assembly committee structure for the parliamentary term was established by a tripartisan resolution of the Assembly; and
 - (f) under the motion establishing the standing committees of the Tenth Assembly, the Legislative Assembly Standing Committee on Justice and Community Safety has responsibility for the ACT Integrity Commission and related matters; and
- (2) calls on Members to support the Standing Committee on Justice and Community Safety in their role overseeing integrity in the ACT and the ACT Integrity Commission.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) integrity in the Canberra’s public institutions is essential;
 - (b) Canberra’s integrity system has been continuously improved, most recently with the establishment of the ACT Integrity Commission;
 - (c) all jurisdictions in Australia have a parliamentary committee which provides oversight of integrity matters, and where applicable, meets all legislative requirements under that jurisdiction’s integrity legislation;
 - (d) the standing committees in other parliaments which consider integrity can, and in some instances do, have oversight responsibilities for matters in addition to integrity;
 - (e) at the start of the Tenth Assembly, the Legislative Assembly committee structure for the parliamentary term was established by a tripartisan resolution of the Assembly; and
 - (f) under the motion establishing the standing committees of the Tenth Assembly, the Legislative Assembly Standing Committee on Justice and Community Safety has responsibility for the ACT Integrity Commission and related matters; and
- (2) calls on Members to support the Standing Committee on Justice and Community Safety in their role overseeing integrity in the ACT and the ACT Integrity Commission.”—

be agreed to—put and passed.

9 CORRECTION OF RECORD—STATEMENT BY MINISTER

Ms Stephen-Smith, by leave, made a statement to correct the record regarding amendments to the Drugs of Dependence (Personal Use) Amendment Bill 2021.

10 CORRECTION OF RECORD—STATEMENT BY MINISTER

Mr Steel, by leave, made a statement to correct the record in relation to membership of the CIT Board.

11 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—REPORT 5—INQUIRY INTO A.C.T. AUDITOR-GENERAL’S REPORT NO. 6 OF 2021: TEACHING QUALITY IN ACT PUBLIC SCHOOLS—REPORT NOTED

Mr Pettersson (Chair) presented the following report:

Education and Community Inclusion—Standing Committee—Report 5—*Inquiry into ACT Auditor-General’s Report No. 6 of 2021: Teaching Quality in ACT Public Schools*, dated 29 July 2022, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**12 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—
CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR**

Dr Paterson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Environment, Climate Change and Biodiversity.

Paper: Dr Paterson, pursuant to Continuing Resolution 5A, presented the following paper:

Environment, Climate Change and Biodiversity—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2022.

**13 ENVIRONMENT, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE
(NINTH ASSEMBLY)—ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—
STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—
STATEMENT BY CHAIR**

Dr Paterson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Ninth Assembly's Standing Committee on Environment and Transport and City Services and the Tenth Assembly's Standing Committee on Environment, Climate Change and Biodiversity.

Paper: Dr Paterson, pursuant to Continuing Resolution 5A, presented the following paper:

Environment, Transport and City Services—Standing Committee (Ninth Assembly)—Environment, Climate Change and Biodiversity—Standing Committee—Schedule of Statutory Appointments—9th Assembly and 10th Assembly—Period 1 July to 31 December 2020.

**14 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—INQUIRY—
ABORTION AND REPRODUCTIVE CHOICE IN THE A.C.T.—STATEMENT BY CHAIR**

Mr Davis (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Health and Community Wellbeing had resolved to conduct an inquiry into, and report on, abortion and reproductive choice in the ACT.

**15 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—INQUIRY—
DANGEROUS DRIVING—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 conduct an inquiry into dangerous driving.

**16 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION—
DRAFT VARIATION NO 375—MANOR HOUSE—GRIFFITH—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 considered Petition 28-21 concerning Draft Variation No 375—Manor House, Griffith, and the Government response, and had resolved not to inquire further into the matters raised in this petition.

17 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION—MONCRIEF DRYING PAD—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 considered Petition 49-21 concerning Moncrief drying pad, and the Government response, and had resolved not to inquire further into the matters raised in this petition.

18 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—INQUIRY—ELECTRIC VEHICLE ADOPTION IN THE A.C.T.—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 to extend the deadline for submissions to its inquiry into electric vehicle adoption in the ACT.

19 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR

Ms Clay (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Planning, Transport and City Services.

Paper: Ms Clay, pursuant to Continuing Resolution 5A, presented the following paper:

Planning, Transport and City Services—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2022.

20 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE (NINTH ASSEMBLY)—PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR

Ms Clay (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Ninth Assembly's Standing Committee on Planning and Urban Renewal and the Tenth Assembly's Standing Committee on Planning, Transport and City Services.

Paper: Ms Clay, pursuant to Continuing Resolution 5A, presented the following papers:

Planning and Urban Renewal—Standing Committee (Ninth Assembly)—Planning, Transport and City Services—Standing Committee—Schedule of Statutory Appointments—9th Assembly and 10th Assembly—Period 1 July to 31 December 2020.

Planning, Transport and City Services—Standing Committee—Schedule of Statutory Appointments—Period 1 July to 31 December 2021.

21 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION—PUBLIC SPACE ADVERTISING—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 considered Petition 35-21 concerning public space advertising, and the Government response, and had resolved not to inquire further into the matters raised in this petition.

22 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION—MELBA RECREATIONAL SPACE—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 considered Petition 15-21 and two out of order petitions concerning an upgrade to recreational space next to Melba High School on Conley Drive, and the Government response, and had resolved not to inquire further into the matters raised in these petitions.

23 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITIONS—MULTI-PURPOSE SPORTS STADIUM—WODEN TOWN CENTRE—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 considered Petitions 23-21 and 48-21 concerning a multi-purpose sports stadium in Woden Town Centre, and the Government response, and had resolved not to inquire further into the matters raised in these petitions.

24 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITIONS—PHILLIP POOL—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 considered Petitions 42-21 and 47-21 concerning Phillip pool, and the Government response, and had resolved not to inquire further into the matters raised in these petitions.

25 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITIONS—WARAMANGA PLAYING FIELDS—LIGHTING—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 considered Petitions 26-21 and 43-21 concerning lighting of the Waramanga playing fields, and the Government response, and had resolved not to inquire further into the matters raised in these petitions.

26 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—MEMBERSHIP

Ms Lawder, pursuant to standing order 223, moved—That Ms Castley be discharged from the Standing Committee on Environment, Climate Change and Biodiversity and Mr Cocks be appointed in her place.

Question—put and passed.

27 LEAVE OF ABSENCE TO MEMBERS

Ms Lawder moved—That leave of absence be granted to Mrs Kikkert and Mr Milligan for today's sitting for personal reasons.

Question—put and passed.

28 ABORTION RIGHTS IN THE USA—EXPRESSION OF SOLIDARITY

Ms Berry (Minister for Women), pursuant to notice, moved—That this Assembly:

- (1) recognises that:
 - (a) safe and accessible abortion is healthcare and a fundamental reproductive and human right;
 - (b) there is a long history of women and people who can become pregnant being denied the right to have control over decisions concerning their own bodies;
 - (c) for generations the feminist movement has fought hard to have the right to bodily autonomy enshrined in law; and
 - (d) a threat to this right is an undoing of generations of struggle for gender equality and a woman's right to choose;
- (2) notes:
 - (a) following the United States of America Supreme Court decision in *Dobbs v Jackson Women's Health Organization* finding that there is no constitutional right to abortion, overruling the 1973 *Roe v Wade* decision, people around the world have felt the personal impact of this ruling to strip away rights that generations before them had fought for;
 - (b) in the ACT a local solidarity protest was held in support of people impacted by the United States Supreme Court decision;
 - (c) in the ACT there has long been an agenda led by the ACT Labor Government to ensure abortion is decriminalised, and no one is subjected to abuse or discrimination when accessing an abortion;
 - (d) abortion was decriminalised in the ACT in 2002;
 - (e) exclusion zones preventing anti-abortion protesters from engaging in prohibited behaviour, such as protests, outside clinics in the ACT were introduced in 2016 to prevent patients from being harassed and intimidated;
 - (f) different definitions for medical and surgical abortions were legislated from 1 July 2019, to improve accessibility of abortions by allowing specially trained general practitioners and telehealth services to prescribe medical abortion medications, and specially trained pharmacists to dispense these medications;
 - (g) the ACT Government expanded access and provided more choice to people seeking abortion services through the *Health (Improving Abortion Access) Amendment Act 2018*; and
 - (h) the 2022-23 ACT Budget will continue the ACT Government's commitment to increasing accessibility by investing \$4.6 million over four years to remove out-of-pocket costs of abortion services, improving abortion affordability and access for both medical and surgical abortions. The provision of Long-Acting Reversible Contraceptives following an abortion will also be funded, as well as a communications package to improve accessibility of abortion services for people in the ACT; and

- (3) states the following as a joint message and call for support:
- (a) strong solidarity with women and people impacted by the United States Supreme Court decision to overturn *Roe v Wade*;
 - (b) acknowledges that the discrimination and injustice felt by women and people in the United States is felt globally; and
 - (c) upholds hope that change can happen, rights to abortion can be upheld and fundamental human rights protected.

Paper: Ms Berry presented the following papers:

Abortion rights in the USA—Expression of solidarity—

Copy of letter from the Minister for Women to Planned Parenthood Federation of America, NARAL Pro-Choice America, and American Civil Liberties Union, undated.

Copy of letter from the Deputy Chief Minister to the Speaker of the United States House of Representatives, undated.

Debate continued.

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.

29 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Steel due to his attendance at a ministerial meeting, and advised the Assembly that questions without notice normally directed to Minister Steel could be directed to Mr Barr.

30 QUESTIONS

Questions without notice were asked.

31 PAPER

Ms Stephen Smith (Minister for Health), having added to an answer, presented the following paper:

The BPA Top Drawer Report—2021 Workplace Culture Survey—Canberra Health Services, undated.

32 PRESENTATION OF PAPERS

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

Closed Circuit Television (CCTV) Policy, dated August 2022.

Co-designing an Aboriginal and Torres Strait Islander Children's Commissioner for the ACT—Jumbunna Institute of Indigenous Education and Research—

Report, dated March 2022.

Report Summary, dated May 2022.

Government response, dated July 2022.

Freedom of Information Act, pursuant to section 39—Copies of notices provided to the Ombudsman—Freedom of Information requests—Decisions not made in time—

ACT Government Solicitor, dated 29 July 2022.

Environment, Planning and Sustainable Development Directorate (FOI 22/43004 and FOI 22/52495), dated 26 July 2022.

Future of Education: An ACT Education Strategy for the Next Ten Years—Phase 2 Implementation Plan—1 March 2022.

Inspector of Correctional Services Act—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—A serious fire at the Alexander Maconochie Centre on 12 May 2021 (CIR 02/22)—Government response, dated August 2022.

Loose Fill Asbestos Insulation Eradication Scheme—Implementation—Quarterly report—1 January to 30 June 2022.

Mental Health (Security Facilities) Act 2016—Review, prepared by Angeline True on behalf of the ACT Health Directorate, dated March 2022.

Planning and Development Act—

Pursuant to subsection 79(1)—Approval—Variation to the Territory Plan No 357—End-of-Trip Facilities General Code, including associated documents, dated 9 August 2022.

Pursuant to subsection 242(2)—Statement of Leases granted for the period 1 April to 30 June 2022, dated August 2022.

Rail Safety National Law—

Rail Safety National Law National Regulations (Fees and FOI) Amendment Regulations 2022 (2022 No 317 South Australia), together with an explanatory statement.

Rail Safety National Law National Regulations (Reporting Requirements) Amendment Regulations 2022 (2022 No 269 South Australia), together with an explanatory statement.

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations together with accompanying statements for:

Head of Service, Directors-General and Executives—Determination 2 of 2022, dated July 2022.

Full-Time Statutory Office Holders—Determination 4 of 2022, dated July 2022.

Full-time Statutory Office Holders:—

Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 3 of 2022, dated July 2022.

Chief Executive Officer, City Renewal Authority and Chief Executive Officer, Suburban Land Agency—Determination 5 of 2022, dated July 2022.

Members of the ACT Legislative Assembly—Determination 6 of 2022, dated July 2022.

Set up for Success: An Early Childhood Strategy for the ACT—Phase One Implementation Plan—25 March 2022.

Territory-owned Corporations Act—

Pursuant to subsection 16(3)—Icon Water Limited—Proposed demerger with the AGL Australia entity—Correspondence between the ACT Government and Managing Director, Icon Water Limited, dated 25 March and 3 August 2022, together with accompanying statement.

Pursuant to subsection 19(3)—Icon Water Limited—Statement of Corporate Intent—2022-23 to 2025-26 Business Strategy.

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2021, dated April 2022.

33 CLOSED CIRCUIT TELEVISION (CCTV) POLICY—PAPER NOTED

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

Closed Circuit Television (CCTV) Policy.

Question—put and passed.

34 CO-DESIGNING AN ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN'S COMMISSIONER FOR THE A.C.T.—JUMBUNNA INSTITUTE OF INDIGENOUS EDUCATION AND RESEARCH—REPORT—GOVERNMENT RESPONSE—PAPER NOTED

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

Co-designing an Aboriginal and Torres Strait Islander Children's Commissioner for the ACT—Jumbunna Institute of Indigenous Education and Research—Report—Government response.

Debate ensued.

Question—put and passed.

35 REMUNERATION TRIBUNAL ACT—REMUNERATION TRIBUNAL DETERMINATIONS NOS 2 OF 2022 TO 6 OF 2022—PAPERS NOTED

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

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations together with accompanying statements for:

Head of Service, Directors-General and Executives—Determination 2 of 2022.

Full-Time Statutory Office Holders—Determination 4 of 2022.

Full-time Statutory Office Holders:—

Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 3 of 2022.

Chief Executive Officer, City Renewal Authority and Chief Executive Officer, Suburban Land Agency—Determination 5 of 2022.

Members of the ACT Legislative Assembly—Determination 6 of 2022.

Question—put and passed.

36 TERRITORY-OWNED CORPORATIONS ACT—ICON WATER LIMITED—STATEMENT OF CORPORATE INTENT—2022-23 TO 2025-26 BUSINESS STRATEGY—PAPER NOTED

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

Territory-owned Corporations Act, pursuant to subsection 19(3)—Icon Water Limited—Statement of Corporate Intent—2022-23 to 2025-26 Business Strategy.

Question—put and passed.

37 TERRITORY-OWNED CORPORATIONS ACT—ICON WATER LIMITED—PROPOSED DEMERGER WITH THE AGL AUSTRALIA ENTITY—CORRESPONDENCE—PAPER NOTED

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

Territory-owned Corporations Act, pursuant to subsection 16(3)—Icon Water Limited—Proposed demerger with the AGL Australia entity—Correspondence between the ACT Government and Managing Director, Icon Water Limited.

Question—put and passed.

38 UNIVERSITY OF CANBERRA ACT—UNIVERSITY OF CANBERRA—ANNUAL REPORT 2021—PAPER NOTED

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

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2021.

Question—put and passed.

39 SET UP FOR SUCCESS: AN EARLY CHILDHOOD STRATEGY FOR THE A.C.T.—PHASE ONE IMPLEMENTATION PLAN—MOTION TO TAKE NOTE OF PAPER

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

Set up for Success: An Early Childhood Strategy for the ACT—Phase One Implementation Plan.

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

40 FUTURE OF EDUCATION: AN A.C.T. EDUCATION STRATEGY FOR THE NEXT TEN YEARS—PHASE 2 IMPLEMENTATION PLAN—MOTION TO TAKE NOTE OF PAPER

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

Future of Education: An ACT Education Strategy for the Next Ten Years—Phase 2 Implementation Plan.

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

41 PLANNING AND DEVELOPMENT ACT—STATEMENT OF LEASES GRANTED—MOTION TO TAKE NOTE OF PAPER

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

Planning and Development Act, pursuant to subsection 242(2)—Statement of Leases granted for the period 1 April to 30 June 2022.

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

42 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION TO THE TERRITORY PLAN NO 357—PAPER NOTED

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

Planning and Development Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan No 357—End-of-Trip Facilities General Code, including associated documents.

Debate ensued.

Question—put and passed.

43 INSPECTOR OF CORRECTIONAL SERVICES A.C.T.—REPORT OF A REVIEW OF A CRITICAL INCIDENT BY THE A.C.T. INSPECTOR OF CORRECTIONAL SERVICES—A SERIOUS FIRE AT THE ALEXANDER MACONOCHIE CENTRE ON 12 MAY 2021—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

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

Inspector of Correctional Services Act—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—A serious fire at the Alexander Maconochie Centre on 12 May 2021 (CIR 02/22)—Government response.

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

44 FREEDOM OF INFORMATION ACT—COPY OF NOTICE PROVIDED TO THE OMBUDSMAN—FREEDOM OF INFORMATION REQUEST—DECISION NOT MADE IN TIME—A.C.T. GOVERNMENT SOLICITOR—PAPER NOTED

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

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—ACT Government Solicitor.

Question—put and passed.

45 RAIL SAFETY NATIONAL LAW—RAIL SAFETY NATIONAL LAW NATIONAL REGULATIONS 2022—MOTION TO TAKE NOTE OF PAPERS

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

Rail Safety National Law—

Rail Safety National Law National Regulations (Fees and FOI) Amendment Regulations 2022 (2022 No 317 South Australia), together with an explanatory statement.

Rail Safety National Law National Regulations (Reporting Requirements) Amendment Regulations 2022 (2022 No 269 South Australia), together with an explanatory statement.

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

46 LOOSE FILL ASBESTOS INSULATION ERADICATION SCHEME—IMPLEMENTATION—QUARTERLY REPORT—PAPER NOTED

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

Loose Fill Asbestos Insulation Eradication Scheme—Implementation—Quarterly report—1 January to 30 June 2022.

Question—put and passed.

47 FREEDOM OF INFORMATION ACT—COPY OF NOTICE PROVIDED TO THE OMBUDSMAN—FREEDOM OF INFORMATION REQUEST—DECISION NOT MADE IN TIME—ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE—PAPER NOTED

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

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Environment, Planning and Sustainable Development Directorate (FOI 22/43004 and FOI 22/52495).

Question—put and passed.

48 MENTAL HEALTH (SECURITY FACILITIES) ACT 2016—REVIEW—MOTION TO TAKE NOTE OF PAPER

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

Mental Health (Security Facilities) Act 2016—Review, prepared by Angeline True on behalf of the ACT Health Directorate.

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

49 PERIOD PRODUCTS AND FACILITIES (ACCESS) BILL 2022

Ms Orr, pursuant to notice, presented a Bill for an Act to provide free access to period products, facilities and information about menstruation, and for other purposes.

Paper: Ms Orr presented an explanatory statement to the Bill.

Title read by Clerk.

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

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

50 FUEL PRICING—FUELCHECK APPLICATION IMPLEMENTATION

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

- (1) notes that the:
 - (a) ACT has some of the highest fuel prices of any Australian capital city;
 - (b) ACT has one of the least competitive fuel retail markets in the country;
 - (c) ACT Labor/Greens Government has ignored advice from the ACT Legislative Assembly Select Committee on Fuel Pricing in 2019, to initiate a real time, mandatory price-monitoring scheme similar to the FuelCheck app in NSW;
 - (d) ACT Labor/Greens Government stated they believe that there is already a high degree of retail fuel price transparency in the ACT; and
 - (e) price of fuel is a significant impact on Canberrans' cost of living; and
- (2) calls on the ACT Government to introduce the FuelCheck app in the ACT.

Debate ensued.

Mr Barr (Chief Minister) moved the following amendment: Omit all text after "That this Assembly", substitute:

- "(1) notes that:
- (a) over recent months fuel prices have significantly increased across Australia, including in Canberra;
 - (b) the price of fuel impacts many Australians' cost of living, including Canberra road users;
 - (c) historically, Canberra has unfairly experienced higher fuel prices compared to other metropolitan markets and many regions of NSW;
 - (d) in 2019, the Chief Minister proposed, and the Assembly supported, the establishment of a Select Committee on Fuel Pricing to combat high fuel prices in Canberra that were not seen elsewhere. The Committee recommended the ACT Government investigate the feasibility of extending the NSW FuelCheck scheme to the ACT;

- (e) in 2020, the Chief Minister twice wrote to every major fuel operating retailer in the ACT, outlining the ACT Government’s concerns that retailer margins were unnecessarily high, and indicating the Government was considering using powers under the *Fair Trading (Fuel Prices) Act 1991* to introduce price regulation, if these concerns were not addressed;
- (i) since then, ACT prices have mostly been in line with the national metropolitan average price; and
- (ii) however, in light of a recent trend divergence between the national metropolitan price average and ACT price average, I have again written to retailers reminding them of their pricing policy obligations to the Canberra community;
- (f) there is already a high degree of retail fuel price transparency in the ACT, available via free, publicly-accessible apps such as MotorMouth and Petrol Spy, and associated fuel price monitoring by the ACT Independent Competition and Regulatory Commission; and
- (g) given the prohibitive cost of creating a stand-alone fuel monitoring scheme in a small jurisdiction, the ACT Government is continuing to actively work with the NSW Government to explore the possible extension of the mandatory NSW FuelCheck scheme to the ACT;
- (2) notes that the ACT Government will continue negotiating with NSW on extending NSW FuelCheck to the ACT so that the high proposed cost of expanding the scheme can be appropriately addressed; and
- (3) calls on the Commonwealth Government to adopt Euro VI standards and emissions standards for new vehicles that would reduce fuel costs and save motorists \$8500 over the life of a light vehicle.”.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 6
Mr Braddock	Ms Orr	Mr Cain
Ms Burch	Dr Paterson	Ms Castley
Ms Cheyne	Mr Petterson	Mr Cocks
Ms Clay	Mr Rattenbury	Mr Hanson
Ms Davidson	Ms Stephen-Smith	Ms Lawder
Mr Davis	Ms Vassarotti	Mr Parton
Mr Gentleman		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) over recent months fuel prices have significantly increased across Australia, including in Canberra;
 - (b) the price of fuel impacts many Australians’ cost of living, including Canberra road users;
 - (c) historically, Canberra has unfairly experienced higher fuel prices compared to other metropolitan markets and many regions of NSW;
 - (d) in 2019, the Chief Minister proposed, and the Assembly supported, the establishment of a Select Committee on Fuel Pricing to combat high fuel prices in Canberra that were not seen elsewhere. The Committee recommended the ACT Government investigate the feasibility of extending the NSW FuelCheck scheme to the ACT;
 - (e) in 2020, the Chief Minister twice wrote to every major fuel operating retailer in the ACT, outlining the ACT Government’s concerns that retailer margins were unnecessarily high, and indicating the Government was considering using powers under the *Fair Trading (Fuel Prices) Act 1991* to introduce price regulation, if these concerns were not addressed;
 - (i) since then, ACT prices have mostly been in line with the national metropolitan average price; and
 - (ii) however, in light of a recent trend divergence between the national metropolitan price average and ACT price average, I have again written to retailers reminding them of their pricing policy obligations to the Canberra community;
 - (f) there is already a high degree of retail fuel price transparency in the ACT, available via free, publicly-accessible apps such as MotorMouth and Petrol Spy, and associated fuel price monitoring by the ACT Independent Competition and Regulatory Commission; and
 - (g) given the prohibitive cost of creating a stand-alone fuel monitoring scheme in a small jurisdiction, the ACT Government is continuing to actively work with the NSW Government to explore the possible extension of the mandatory NSW FuelCheck scheme to the ACT;
- (2) notes that the ACT Government will continue negotiating with NSW on extending NSW FuelCheck to the ACT so that the high proposed cost of expanding the scheme can be appropriately addressed;
- (3) calls on the Commonwealth Government to adopt Euro VI standards and emissions standards for new vehicles that would reduce fuel costs and save motorists \$8500 over the life of a light vehicle.”—

be agreed to—put and passed.

51 CULTURALLY AND LINGUISTICALLY DIVERSE (CALD) DATA COLLECTION

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

- (1) notes:
 - (a) diversity should be reflected in all aspects of public life;
 - (b) that meaningful, evidence-based data collection practices are an important tool to expose potential discrimination and inequalities, and help us to make our city a better place for all Canberrans;
 - (c) in June 2022, new Immigration Minister, Andrew Giles MP, said “Australia does not effectively measure our diversity”, and that Australia’s failure to collect data on ethnicity or race—unlike the United States, Canada and New Zealand—was a “fundamental barrier to understanding the issues that face multicultural Australians”;
 - (d) while the ACT Government collects data about Culturally and Linguistically Diverse (CALD) representation in the ACT Public Service (ACTPS), the ACT’s diversity data collection reflects these national issues;
 - (e) the Federal Government is establishing a CALD data collection working group with representatives from peak multicultural bodies, along with data collection and demography experts to develop national standards for diversity data collection to address the gaps and shortfalls of current practices; and
 - (f) while the ACTPS policy and recruitment guidelines include the use of targeted recruitment strategies to encourage diversity, there are disparities in practice across the directorates, including whether CALD applicants are encouraged to apply; and
- (2) calls on the Government to:
 - (a) monitor, and if appropriate, contribute to and apply, national standards for diversity data collection;
 - (b) create an evidence-based best practice guideline that can be used in the recruitment, retention and promotion of ethnically and racially diverse people;
 - (c) consider for inclusion in the guidelines measures such as the de-identification of applications, unconscious bias and anti-racism training, and explicit encouragement of CALD applicants to apply for ACTPS jobs;
 - (d) make the best practice guideline available to all directorates and agencies as a guide and resource to inform their practices;
 - (e) use the guideline to inform the next available review of the ACTPS Recruitment Policy and Guidelines, with a particular focus on strategies to ensure management and executive levels reflect the wider population;
 - (f) encourage CALD applicants on ACTPS employment communication; and
 - (g) report back to the Assembly by the August 2023 sitting period on progress.

Mr Cain moved the following amendment: Omit paragraph (2), substitute:

“(2) calls on the ACT Government to:

- (a) once the new Commonwealth Government diversity collection standards have been finalised, consider any relevant updates to align ACTPS data collection policy and practice with the National standards;
- (b) update the currently existing ACT Public Service Recruitment Policy and Guidelines to include best practice guidelines that specifically support the recruitment, retention and promotion of CALD people into and across the ACT Public Service;
- (c) consider including in the best practice guidelines:
 - (i) deidentification of applications;
 - (ii) unconscious bias and anti-racism training;
 - (iii) encouragement of applications from people who identify in the CALD community;
 - (iv) any relevant changes or inclusions gathered from the Commonwealth Government’s recently announced diversity data collection reform;
- (d) report back to the Assembly by the August 2023 sitting period on progress; and
- (e) review the effectiveness of the new best practice guidelines in the ACT Public Service Recruitment Policy and Guidelines one financial year after implementation.”.

Ms Cheyne (Minister for Multicultural Affairs) moved the following amendment to Mr Cain’s proposed amendment: Omit paragraph (2)(d), substitute: “report back to the Assembly by the last sitting week of 2023;”.

Debate continued.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) diversity should be reflected in all aspects of public life;
 - (b) that meaningful, evidence-based data collection practices are an important tool to expose potential discrimination and inequalities, and help us to make our city a better place for all Canberrans;
 - (c) in June 2022, new Immigration Minister, Andrew Giles MP, said “Australia does not effectively measure our diversity”, and that Australia’s failure to collect data on ethnicity or race—unlike the United States, Canada and New Zealand—was a “fundamental barrier to understanding the issues that face multicultural Australians”;

- (d) while the ACT Government collects data about Culturally and Linguistically Diverse (CALD) representation in the ACT Public Service (ACTPS), the ACT’s diversity data collection reflects these national issues;
 - (e) the Federal Government is establishing a CALD data collection working group with representatives from peak multicultural bodies, along with data collection and demography experts to develop national standards for diversity data collection to address the gaps and shortfalls of current practices; and
 - (f) while the ACTPS policy and recruitment guidelines include the use of targeted recruitment strategies to encourage diversity, there are disparities in practice across the directorates, including whether CALD applicants are encouraged to apply; and
- (2) calls on the ACT Government to:
- (a) once the new Commonwealth Government diversity collection standards have been finalised, consider any relevant updates to align ACTPS data collection policy and practice with the National standards;
 - (b) update the currently existing ACT Public Service Recruitment Policy and Guidelines to include best practice guidelines that specifically support the recruitment, retention and promotion of CALD people into and across the ACT Public Service;
 - (c) consider including in the best practice guidelines:
 - (i) deidentification of applications;
 - (ii) unconscious bias and anti-racism training;
 - (iii) encouragement of applications from people who identify in the CALD community;
 - (iv) any relevant changes or inclusions gathered from the Commonwealth Government’s recently announced diversity data collection reform;
 - (d) report back to the Assembly by the last sitting week of 2023; and
 - (e) review the effectiveness of the new best practice guidelines in the ACT Public Service Recruitment Policy and Guidelines one financial year after implementation.”—

be agreed to—put and passed.

52 ABORTION RIGHTS IN THE USA—EXPRESSION OF SOLIDARITY

The order of the day having been read for the resumption of the debate on the motion of Ms Berry (Minister for Women) (see [entry 28](#))—

Debate resumed.

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

53 APPROPRIATION BILL 2022-2023

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.

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

Estimates 2022-2023—Select Committee—Reference—Appropriation Bill 2022-2023 and Appropriation (Office of the Legislative Assembly) Bill 2022-2023: Mr Gentleman (Manager of Government Business), by leave, moved—That the Appropriation Bill 2022-2023 and the Appropriation (Office of the Legislative Assembly) Bill 2022-2023 be referred to the Select Committee on Estimates 2022-2023 for inquiry and report by 9 September 2022.

Question—put and passed.

54 ABORTION RIGHTS IN THE USA—EXPRESSION OF SOLIDARITY

The order of the day having been read for the resumption of the debate on the motion of Ms Berry (Minister for Women) (see [entry 28](#) and [entry 52](#))—

Debate resumed.

Question—put and passed.

55 COVID-19 SUPPORT FOR VULNERABLE CANBERRANS OVER WINTER 2022

Ms Davidson (Minister for Disability), pursuant to notice, moved—That this Assembly:

- (1) recognises that:
 - (a) COVID-19 continues to affect every member of the Canberra community to varying degrees—from our health outcomes to changes in the way we work and live;
 - (b) the pandemic is far from over, and with the height of the winter months now upon us, including a sharp increase in COVID-19 case numbers, enduring support for Canberrans at most risk is imperative;
 - (c) reducing the spread of COVID-19 and other respiratory illnesses where possible is critical for protecting people at high risk of severe health outcomes;
 - (d) the combined impact of years of natural disasters, in addition to the ongoing pressures of COVID-19 on our essential workers, young people having to study at home, and throughout our community who may be impacted economically by reduced income or increased social isolation, means that large numbers of Canberrans are physically and mentally exhausted; and
 - (e) Commonwealth Government measures, such as pandemic leave payments, provide support for people who are unable to access paid leave due to being COVID-positive or isolating as a close contact, which helps reduce transmission and reduces the economic impact of COVID-19 for those who can least afford it;

- (2) notes:
- (a) clear and open lines of communication remain between all ACT Government Directorates—especially ACT Health and the Community Services Directorate—to ensure sharing of information on how the COVID-19 situation is impacting the disability sector;
 - (b) targeted communications continue through the ACT Government’s extensive network of service providers and our community organisation partners, and social and traditional media platforms, about the ways we can best protect those most at risk;
 - (c) continued provision by the ACT Government of vital personal protective equipment and rapid antigen tests (RATs), on demand during the winter months, to disability and in-home aged care workers, people with self-managed National Disability Insurance Scheme (NDIS) plans who do not access care via a provider organisation, non-government organisation frontline service workers, and youth detention centre and prison staff, is an important safety measure in high risk settings;
 - (d) the ACT Government continues to work with the National Disability Insurance Agency, and the NDIS Commission, to support individuals with NDIS plans with COVID-19 preventative measures;
 - (e) provision of RATs, on demand during the winter months, to schools so that students and educators are able to reduce the risk of transmitting COVID-19;
 - (f) additional measures at health facilities, including our hospitals, to reduce the risk of COVID-19 transmission by visitors or our healthcare workforce;
 - (g) ongoing support to our community sector food relief providers through development of a database and sector network support to better meet localised needs for households experiencing economic impacts of COVID-19;
 - (h) encouraging work from home where possible, and wearing masks indoors where it is not possible to be at a COVID-safe distance from other people; and
 - (i) continuing to support easy access to vaccination and boosters for those most at risk through the Weston Creek Walk-In Clinic with flexibility to meet individual needs for those whose clinical risks for vaccination require additional care. Individuals with further support requirements can access COVID testing through the access and sensory clinic located at the Garran Surge Centre; and
- (3) calls on all Members of the Assembly to:
- (a) support these measures to protect those most at risk in our community this winter; and
 - (b) work collaboratively towards community recovery, including mental wellbeing and economic impacts, once this peak period of risk to our community has passed.

Debate ensued.

Question—put and passed.

56 ANNE SHANNON AND DEVIKA NAIR—RETIREMENT—STATEMENT BY SPEAKER

The Speaker made a statement concerning the retirement of Anne Shannon and Devika Nair from the Office of the ACT Legislative Assembly and acknowledged their contribution to the Assembly.

57 ADJOURNMENT

Ms Cheyne (Assistant Minister for Economic Development) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.24 pm, adjourned until Monday, 15 August 2022 at 9 am, in accordance with the resolution agreed to yesterday.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly