



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 101

TUESDAY, 24 OCTOBER 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 DEATH OF MR VICTOR MARILLANCA

Mr Barr (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Mr Victor Marillanca, a dedicated leader within the multicultural community and the longest serving volunteer presenting a Latin American program on Australian Community Radio, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Ms Lee (Leader of the Opposition), Mr Rattenbury (Leader of the ACT Greens), Mr Parton, Ms Cheyne (Minister for Multicultural Affairs), Mr Braddock, Ms Berry (Deputy Chief Minister) and Mrs Kikkert addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

Suspension of sitting: The Speaker, at 10.39 am, suspended the sitting and announced that the Chair would be resumed at the ringing of the bells.

Resumption of sitting: The bells having been rung, the Speaker resumed the Chair at 10.47 am.

3 UNPARLIAMENTARY LANGUAGE—SPEAKER’S RULING

The Speaker, having considered comments made by a Minister during a bill debate on 21 September 2023, ruled that the comments were unparliamentary and highly disorderly. The Speaker asked the Minister to withdraw the words. The Minister withdrew.

4 PETITIONS—PETITIONS NOTED

The Clerk announced that the following Members had lodged petitions for presentation:

Ms Castley, from 86 residents, requesting that the Assembly call on the ACT Government to investigate road safety and traffic flow issues within the Gungahlin town centre and release the results of the study and any previous studies on the issues (e-Pet 015-23).

Ms Cheyne, from 109 residents, requesting that the Assembly call on the ACT Government to improve public transport options for Belconnen to the City by constructing bus priority measures, developing separated cycleways, start planning for Light Rail Stage 3 and any other measure to enhance connections (e-Pet 023-23).

Mr Cocks, from 100 residents, requesting that the Assembly establish a Board of Inquiry into the Voluntary Loose-Fill Asbestos Eradication Buyback Scheme to address a number of issues relating to the management of the scheme (e-Pet 018-23).

Mr Davis, from 519 residents, requesting that the Assembly call on the ACT Government to introduce Japanese domestic market style number plates in the ACT (e-Pet 019-23).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Planning, Transport and City Services.

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

Debate ensued.

Question—put and passed.

5 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REFERENCE—BELCONNEN TOWN CENTRE—PUBLIC TRANSPORT OUTCOMES—IMPROVEMENT—PETITION

Ms Cheyne, pursuant to standing order 99, moved—That e-petition 023-23 concerning improvement of public transport outcomes for Belconnen town centre that was tabled today be referred to the Standing Committee on Planning, Transport and City Services.

Question—put and passed.

6 A.C.T. RENTAL OMBUDSMAN OR COMMISSIONER—PROPOSED ESTABLISHMENT—ASSEMBLY RESOLUTION OF 10 MAY 2023—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Attorney-General) made a ministerial statement concerning the Government response to Assembly resolution of 10 May 2023 in relation to the proposal to establish ACT rental ombudsman or commissioner and presented the following paper:

ACT rental ombudsman or commissioner—Proposed establishment—Assembly resolution of 10 May 2023—Government response—Ministerial statement, 24 October 2023.

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

Debate ensued.

Question—put and passed.

7 TRANSPORT CANBERRA’S BUS FLEET—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Minister for Transport and City Services) made a ministerial statement to provide an update to the Assembly on Transport Canberra’s bus fleet and presented the following paper:

Update on Transport Canberra’s Bus Fleet—Ministerial statement, 24 October 2023.

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

Question—put and passed.

8 SITTING PATTERN 2024

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—That the Assembly shall meet as follows for 2024 unless an absolute majority of Members request, in writing, that the Speaker, or in the absence of the Speaker, the Deputy Speaker, or in the absence of both the Speaker and the Deputy Speaker, the Clerk, fix an alternative day or hour of meeting or the Assembly otherwise orders:

February	6	7	8
March	19	20	21
April	9	10	11
May	14	15	16
June	4	5	6
	25	26	27
August	27	28	29
September	3	4	5

Debate ensued.

Question—put and passed.

9 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 35—STATEMENT BY CHAIR

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 35, dated 17 October 2023, together with a copy of the extracts of the relevant minutes of proceedings—

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

10 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—REPORT 9—INQUIRY INTO A.C.T.'S HERITAGE ARRANGEMENTS—REPORT NOTED

Dr Paterson (Chair) presented the following report:

Environment, Climate Change and Biodiversity—Standing Committee—Report 9—*Inquiry into ACT's heritage arrangements*, dated 20 October 2023, including a dissenting report (Mr Cocks), together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

11 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 19—INQUIRY INTO RESPONSES TO AUDITOR-GENERAL RECOMMENDATIONS FOR REPORTS 5/2017, 7/2019 AND 6/2020—REPORT NOTED

Mrs Kikkert (Chair) presented the following report:

Public Accounts—Standing Committee—Report 19—*Inquiry into responses to Auditor-General recommendations for reports 5/2017, 7/2019 and 6/2020*, dated 18 October 2023, 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 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 20—INQUIRY INTO AUDITOR-GENERAL'S PERFORMANCE AUDIT REPORTS JULY — DECEMBER 2022—REPORT NOTED

Mrs Kikkert (Chair) presented the following report:

Public Accounts—Standing Committee—Report 20—*Inquiry into Auditor-General's Performance Audit Reports July — December 2022*, dated 18 October 2023, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

13 QUESTIONS

Questions without notice were asked.

14 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual Reports—2022-2023—

ACT Auditor-General, Report No 7/2023, dated 9 October 2023.

ACT Electoral Commission, dated 4 October 2023.

ACT Integrity Commission, dated September 2023.

ACT Ombudsman, dated 6 October 2023.

Inspector of the ACT Integrity Commission, dated 6 October 2023.

Office of the Legislative Assembly, dated October 2023.

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Report No 8/2023—2022-23 Performance Audit Report—Supports for students with disability in ACT public schools, dated 23 October 2023.

Bills, referred to Committees, pursuant to standing order 174—Correspondence—

Bills—Not inquired into—

ACT Teacher Quality Institute Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Education and Community Inclusion, dated 10 October 2023.

Births, Deaths and Marriages Registration Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 11 October 2023.

Building and Construction Legislation Amendment Bill 2023, Copy of letter to the Acting Speaker from the Chair, Standing Committee on Planning, Transport and City Services, dated 3 October 2023.

Human Rights (Complaints) Legislation Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 11 October 2023.

Justice and Community Safety Legislation Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 11 October 2023.

Mental Health Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Health and Community Wellbeing, dated 10 October 2023.

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 19(4)—ACT Climate Change Council Annual Report 2022-23, dated September 2023, together with a statement from the Minister for Water, Energy and Emissions Reduction responding to the advice given and recommendations made in the report.

Electoral Act, pursuant to section 54—Electoral Boundaries Redistribution 2023—Redistribution report—Augmented ACT Electoral Commission, dated 27 September 2023.

Freedom of Information Act, pursuant to section 67—A report on the operation of the *Freedom of Information Act 2016* for 2022-23, dated October 2023.

Standing order 191—Amendments to the Planning (Consequential Amendments) Bill 2023, dated 25 and 26 September 2023.

Water Resources Act, pursuant to subsection 67D(3)—ACT and Region Catchment Management Coordination Group—Annual report 2022-23, dated September 2023, together with a statement.

15 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports—2022-2023—

ACT Building and Construction Industry Training Fund Authority, dated 1 September 2023.

ACT Gambling and Racing Commission, dated 29 September 2023.

ACT Health Directorate, dated 3 October 2023.

ACT Human Rights Commission, dated 30 September 2023.

ACT Inspector of Correctional Services, dated October 2023.

ACT Insurance Authority, dated 20 September 2023.

ACT Long Service Leave Authority, dated 22 September 2023.

ACT Policing, dated 16 August 2023, in accordance with the Policing Arrangement between the Commonwealth and Australian Capital Territory Governments.

ACT Policing Special Purposes, dated 25 September 2023.

ACT Public Service—State of the Service Report, dated 22 September 2023.

Canberra Health Services, dated 28 September 2023.

Chief Minister, Treasury and Economic Development Directorate (Volumes 1, 2.1 and 2.2), dated 19 September 2023.

City Renewal Authority, dated 3 October 2023.

Community Services Directorate, dated 3 October 2023.

Cultural Facilities Corporation, dated 28 September 2023, together with a corrigendum.

Director of Public Prosecutions, dated 6 October 2023.

Education Directorate, dated 22 September 2023.

Environment, Planning and Sustainable Development Directorate, dated 29 September 2023.

Icon Water Limited, dated 5 October 2023.

Independent Competition and Regulatory Commission, dated 4 October 2023.

Justice and Community Safety Directorate, dated 29 September 2023.

Legal Aid Commission (ACT), dated 25 September 2023.

Major Projects Canberra, dated 27 September 2023.

Office of the Commissioner for Sustainability and the Environment, dated 6 September 2023.

Office of the Work Health and Safety Commissioner, dated 12 September 2023.

Public Trustee and Guardian, dated 28 September 2023.

Suburban Land Agency, dated 26 September 2023.

Transport Canberra and City Services Directorate, dated 3 October 2023.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Education Directorate, dated 19 October 2023.

Judicial Commissions Act, pursuant to section 61A—ACT Judicial Council—Annual Report 2022-23, dated 22 September 2023.

Official Visitor Act, pursuant to section 23DA—Official Visitors Scheme—Annual report 2022-23, undated.

Public Accounts—Standing Committee—Report 18—*Inquiry into Modern Slavery Legislation Amendment Bill 2023*—Government response, undated.

Remuneration Tribunal Act, pursuant to section 10—Determination 10 of 2023—Full-time Statutory Office Holder – Chair, Therapeutic Support Panel—Part-time Public Office Holder – Deputy Chair and Members, Therapeutic Support Panel, dated 5 October 2023, together with an accompanying statement.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Associations Incorporation Act—

Associations Incorporation Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-24 (LR, 29 September 2023).

Associations Incorporation Regulation 2023—Subordinate Law SL2023-25 (LR, 29 September 2023).

Building (General) Regulation 2008—Building (General) (Alternative requirements for unaltered parts) Determination 2023 (No 2)—Disallowable Instrument DI2023-237 (LR, 28 September 2023).

Building Act—

Building (ACT Appendix to the Building Code) Determination 2023 (No 2)—Disallowable Instrument DI2023-236 (LR, 28 September 2023).

Building and Construction Legislation Amendment Regulation 2023 (No 2)—Subordinate Law SL2023-23 (LR, 29 September 2023).

Health Act—Health (Interest Charge) Determination 2023 (No 1)—Disallowable Instrument DI2023-231 (LR, 25 September 2023).

Magistrates Court Act—Magistrates Court (Planning Infringement Notices) Regulation 2023—Subordinate Law SL2023-22 (LR, 18 September 2023).

Motor Accident Injuries Act—Motor Accident Injuries (Premiums) Guidelines 2023 (No 1)—Disallowable Instrument DI2023-232 (LR, 28 September 2023).

Nature Conservation Act—Nature Conservation (Loss of mature native trees key threatening process) Action Plan 2023—Disallowable Instrument DI2023-230 (LR, 18 September 2023).

Official Visitor Act—Official Visitor (Chair) Appointment 2023—Disallowable Instrument DI2023-224 (LR, 21 September 2023).

Territory Records Act—

Territory Records (Advisory Council) Appointment 2023 (No 1)—Disallowable Instrument DI2023-225 (LR, 14 September 2023).

Territory Records (Advisory Council) Appointment 2023 (No 2)—Disallowable Instrument DI2023-226 (LR, 14 September 2023).

Territory Records (Advisory Council) Appointment 2023 (No 3)—Disallowable Instrument DI2023-227 (LR, 14 September 2023).

Territory Records (Advisory Council) Appointment 2023 (No 4)—Disallowable Instrument DI2023-228 (LR, 14 September 2023).

Territory Records (Advisory Council) Appointment 2023 (No 5)—Disallowable Instrument DI2023-229 (LR, 14 September 2023).

Tree Protection Act—

Tree Protection (Advisory Panel) Appointment 2023 (No 1)—Disallowable Instrument DI2023-233 (LR, 28 September 2023).

Tree Protection (Advisory Panel) Appointment 2023 (No 2)—Disallowable Instrument DI2023-234 (LR, 28 September 2023).

Tree Protection (Advisory Panel) Appointment 2023 (No 3)—Disallowable Instrument DI2023-235 (LR, 28 September 2023).

16 SUSPENSION OF STANDING ORDERS—PRIVATE MEMBER'S BUSINESS—COGNATE DEBATE

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent Private Members Business Notice No. 5 being called and debated cognately with Private Members Business Notice No. 1.

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

17 AUSTRALIAN INSTITUTE OF SPORT—POSSIBLE RELOCATION

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

(1) notes:

- (a) since its establishment in Canberra in 1981, the Australian Institute of Sport (AIS) has elevated Australia to a world-leading position in international sporting competitions, and has been the training facility for some of the most successful athletes in our history;
- (b) the AIS continues to make a major contribution to Australia's sporting success on the world stage;

- (c) the AIS is an important national institution and a source of local Canberra pride; and
 - (d) the AIS benefits our national capital through facilities, employment and elite sports pathways for Canberrans;
- (2) further notes:
- (a) the Albanese Government recently announced a review of the AIS which is aimed at considering the viability of relocating the AIS to Queensland;
 - (b) documents released under freedom of information show that relocating the AIS would cost in excess of \$1 billion, take more than four years, and pose substantial risks to the organisation, and athlete preparation for the 2026 Commonwealth Games, and the 2028 and 2032 Olympic and Paralympic Games; and
 - (c) as an institution of national significance, the AIS should be located in our national capital; and
- (3) condemns the Albanese Government for creating uncertainty for Canberrans and athletes by considering moving the AIS out of Canberra; and
- (4) calls on all Members to affirm that the Assembly remains steadfast in its commitment that the AIS remain in Canberra.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 9

Peter Cain
 Leanne Castley
 Ed Cocks
 Jeremy Hanson
 Elizabeth Kikkert
 Nicole Lawder
 Elizabeth Lee
 James Milligan
 Mark Parton

NOES, 16

Andrew Barr	Suzanne Orr
Yvette Berry	Marisa Paterson
Andrew Braddock	Michael Pettersson
Joy Burch	Shane Rattenbury
Tara Cheyne	Chris Steel
Jo Clay	Rachel Stephen-Smith
Emma Davidson	Rebecca Vassarotti
Johnathan Davis	
Mick Gentleman	

And so it was negatived.

18 AUSTRALIAN INSTITUTE OF SPORT—SUPPORT TO REMAIN IN THE A.C.T.

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

- (1) notes:
- (a) the Australian Institute of Sport (AIS) is an important facility not only for elite Australian athletes but also the Canberra community;
 - (b) the ACT Academy of Sport is co-located on the AIS campus, which benefits and supplements the Academy's work to support local elite and aspiring athletes;

- (c) the Federal Government has recently announced a review of the AIS, which includes an assessment of its current and future location options;
 - (d) a 2018 masterplan commissioned by the Commonwealth found that:
 - (i) the best option for the AIS was to keep it in the ACT;
 - (ii) it would cost more than \$1 billion to relocate the AIS campus to Queensland; and
 - (iii) it would cost approximately \$200 million to refurbish the AIS Bruce campus;
 - (e) in June 2023, the ACT Government and the Australian Sports Commission signed a memorandum of understanding that included the consideration of a new stadium and discussion about development on the AIS site;
 - (f) both the ACT Chief Minister and Deputy Chief Minister have long advocated for increased funding for the AIS campus, particularly since the previous Federal Coalition Government failed to provide enough maintenance funding which resulted in the closure of the AIS health and fitness centre in 2021 and the AIS Arena in 2020; and
 - (g) the closure of the AIS Arena in 2020 had a significant impact on elite women's sport in the ACT; and
- (2) calls on the ACT Government to positively engage with the Federal Government's review of the AIS to ensure a clear understanding of the benefits to Australian sport and the ACT community of the facility remaining in the ACT.

Ms Lee (Leader of the Opposition) moved the following amendment: Add new paragraph:

“(3) calls on the ACT Government to write to the Albanese Labor Government to commit \$200 million to refurbish the AIS Bruce campus.”.

Ms Lee moved the following amendment to her proposed amendment: Omit new paragraph, substitute:

“(3) calls on the ACT Government to write to the Albanese Labor Government to commit at least \$200 million to begin the refurbishment of the AIS Bruce campus.”.

Debate continued.

Amendment to the proposed amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the Australian Institute of Sport (AIS) is an important facility not only for elite Australian athletes but also the Canberra community;
 - (b) the ACT Academy of Sport is co-located on the AIS campus, which benefits and supplements the Academy's work to support local elite and aspiring athletes;

- (c) the Federal Government has recently announced a review of the AIS, which includes an assessment of its current and future location options;
 - (d) a 2018 masterplan commissioned by the Commonwealth found that:
 - (i) the best option for the AIS was to keep it in the ACT;
 - (ii) it would cost more than \$1 billion to relocate the AIS campus to Queensland; and
 - (iii) it would cost approximately \$200 million to refurbish the AIS Bruce campus;
 - (e) in June 2023, the ACT Government and the Australian Sports Commission signed a memorandum of understanding that included the consideration of a new stadium and discussion about development on the AIS site;
 - (f) both the ACT Chief Minister and Deputy Chief Minister have long advocated for increased funding for the AIS campus, particularly since the previous Federal Coalition Government failed to provide enough maintenance funding which resulted in the closure of the AIS health and fitness centre in 2021 and the AIS Arena in 2020; and
 - (g) the closure of the AIS Arena in 2020 had a significant impact on elite women's sport in the ACT;
- (2) calls on the ACT Government to positively engage with the Federal Government's review of the AIS to ensure a clear understanding of the benefits to Australian sport and the ACT community of the facility remaining in the ACT; and
 - (3) calls on the ACT Government to write to the Albanese Labor Government to commit at least \$200 million to begin the refurbishment of the AIS Bruce campus."—

be agreed to—put and passed.

19 CASEY RETAIL PRECINCT—TRAFFIC AND TRANSPORT ISSUES

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

- (1) notes that Casey residents have a number of concerns relating to transport infrastructure and traffic management around the Casey Group Centre; and
- (2) calls on the ACT Government to:
 - (a) acknowledge the ongoing concerns of Casey residents;
 - (b) undertake a Casey commercial and retail precinct traffic and transport improvement study in consultation with the community;
 - (c) provide an update to the community on the proposed use of the Casey community land regarding Blocks 12 and 13 Section 132;
 - (d) provide guidance on how Casey residents can provide their feedback regarding the matters under consideration by the ACT Government so that those concerns can be taken into account; and
 - (e) report back to the Assembly before the last sitting day of the 10th Assembly.

Debate ensued.

Question—put and passed.

20 PAPERS PRESENTED ON 24 OCTOBER 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.

Question—put and passed.

21 CIRCULAR ECONOMY BILL 2023

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

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

22 MEMBERS' STATEMENTS

Members' statements were made.

23 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 5.53 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