



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 103

THURSDAY, 26 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 INCLUSIVE ACCESS TO SWIMMING FACILITIES—ASSEMBLY RESOLUTION OF 12 OCTOBER 2022—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Berry (Minister for Sport and Recreation) made a ministerial statement concerning the Government's response to the Assembly resolution of 12 October 2022 relating to inclusive access to swimming facilities and presented the following paper:

Inclusive access to swimming facilities—Assembly resolution of 12 October 2022—Government response—Ministerial statement, 26 October 2023.

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

Debate ensued.

Question—put and passed.

3 MENSTRUATION AND MENOPAUSE SUPPORT—ASSEMBLY RESOLUTION OF 21 MARCH 2023—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Women) made a ministerial statement concerning the Government's response to Assembly resolution of 21 March 2023 relating to menstruation and menopause support and presented the following paper:

Menstruation and menopause support—Assembly resolution of 21 March 2023—Government response—Ministerial statement, 26 October 2023.

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

Debate ensued.

Question—put and passed.

4 SAFE SWIMMING INFRASTRUCTURE—ASSEMBLY RESOLUTION OF 30 NOVEMBER 2022—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning the Government's response to the Assembly resolution of 30 November 2022 relating to safe swimming infrastructure and presented the following paper:

Safe swimming infrastructure—Assembly resolution of 30 November 2022—Government response—Ministerial statement, 26 October 2023.

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

Debate ensued.

Question—put and passed.

5 IMPROVEMENTS ACROSS THE HEALTH SYSTEM—ASSEMBLY RESOLUTIONS OF 11 OCTOBER 2022 (CARDIOVASCULAR DISEASE IN WOMEN) AND 29 NOVEMBER 2022 (AUTOIMMUNE DISORDER AWARENESS)—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Government's response to the resolution of the Assembly of 11 October 2022 relating to cardiovascular disease in women, and a resolution of 29 November 2022 concerning autoimmune disorder awareness and presented the following paper:

Improvements across the health system—Response to Assembly resolution of 11 October 2022—Cardiovascular disease in women and Assembly resolution of 29 November 2022—Autoimmune disorder awareness—Ministerial statement, 26 October 2023.

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

Debate ensued.

Question—put and passed.

6 A.C.T. CARERS STRATEGY 2018-2028—ANNUAL PROGRESS UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Assistant Minister for Families and Community Services) made a ministerial statement concerning the implementation progress of the ACT Carers Strategy and presented the following paper:

ACT Carers Strategy 2018-2028 —Annual progress update—Ministerial statement, 26 October 2023.

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

Debate ensued.

Question—put and passed.

7 A.C.T. WAR WIDOW'S DAY 2023—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Veterans and Seniors) made a ministerial statement concerning ACT War Widow's Day 2023 and presented the following paper:

ACT War Widow's Day 2023—Ministerial statement, 26 October 2023.

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

Question—put and passed.

8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 20—INQUIRY INTO PENALTIES FOR MINOR OFFENCES AND VULNERABLE PEOPLE—REPORT NOTED

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee—Report 20—*Inquiry into penalties for minor offences and vulnerable people*, dated 18 October 2023, 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.

9 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—INQUIRY—IMMEDIATE TRAUMA SUPPORT SERVICES IN THE A.C.T.—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 and report on immediate trauma support services in the ACT.

10 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—BUILDING AND CONSTRUCTION LEGISLATION AMENDMENT BILL 2023—STATEMENT BY CHAIR

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services, having considered the matter, had resolved not to conduct an inquiry into the Building and Construction Legislation Amendment Bill 2023.

11 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITIONS 012-23 AND 016-23—MOUNT AINSLIE NATURE RESERVE—PROPOSED EXPANSION—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 not to inquire further into the matters raised in e-petition 012-23 and petition 016-23 concerning the proposed incorporation of Ainslie Volcanics site into Mount Ainslie Nature Reserve.

12 VICTIMS OF CRIME AMENDMENT 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.

13 HUMAN RIGHTS (HEALTHY ENVIRONMENT) AMENDMENT BILL 2023

Ms Cheyne (Minister for Human Rights), pursuant to notice, presented a Bill for an Act to amend the *Human Rights Act 2004*.

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

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

14 EDUCATION (EARLY CHILDHOOD) LEGISLATION AMENDMENT BILL 2023

Ms Berry (Minister for Education and Youth Affairs), pursuant to notice, presented a Bill for an Act to amend legislation about education, and for other purposes.

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

15 CRIMES LEGISLATION AMENDMENT BILL 2023

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about crimes, 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 (Mr Cain) and the resumption of the debate made an order of the day for the next sitting.

16 PAPERS

Ms Stephen-Smith (Minister for Health) presented the following papers:

Northside Hospital Project—Development—Correspondence—

Copies of letters to the ACT Minister for Health from the National Chief Executive Officer, Little Company of Mary Health Care Ltd—

Letter, dated 21 September 2022.

Letter, dated 28 November 2022.

Copy of letter responding to the National Chief Executive Officer, Calvary from the ACT Minister for Health, dated 10 January 2023.

Notice of the ACT Government's intention—Copy of letter to the National Chief Executive Officer, Calvary Health Care (Australia) from the ACT Chief Minister and the Minister for Health, undated, together with attachments.

17 MINISTERIAL ARRANGEMENTS

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

18 QUESTIONS

Questions without notice were asked.

19 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Decision by the ACT Electoral Commissioner not to deploy Overseas Electronic Voting system (OEV) for the 2024 Legislative Assembly election—Copy of letter to the Speaker from the ACT Electoral Commission, dated 23 October 2023.

Memorandum of Understanding between the Speaker and WorkSafe ACT—Status—Correspondence—

Copy of letter to the Work Health and Safety Commissioner from the Speaker of the Legislative Assembly, dated 24 October 2023.

Copy of letter responding to the Speaker of the Legislative Assembly from the Work Health and Safety Commissioner, dated 25 October 2023.

20 PRESENTATION OF PAPERS

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

Auditor-General Act, pursuant to section 21—Auditor-General’s Reports—Government responses—

No 3/2023—Financial Management Services for Protected Persons, dated October 2023.

No 4/2023—Procurement of a hybrid electric fire truck, dated October 2023.

Canberra Hospital Workforce Planning Update—FRANZCOG, dated August 2023, in response to Assembly resolution of 31 August 2023 concerning specialist medical training accreditation.

Crimes (Assumed Identities) Act, pursuant to section 38(1)—Australian Criminal Intelligence Commission—Assumed Identities Annual report—2022-23, dated 5 September 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—Community Services Directorate—FOI-HOU-23/7, dated 11 September 2023.

Justice and Community Safety—Standing Committee—Report 19—*Inquiry into Electoral and Road Safety Legislation Amendment Bill 2023*—Government response, dated October 2023.

Planning and Development Act, pursuant to subsection 242(2)—Schedule of Leases Granted—1 July to 30 September 2023.

21 LITERACY RESULTS IN THE A.C.T.

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

- (1) notes that:
 - (a) outcomes for literacy in ACT Government schools have been consistently identified as underperforming by reports from multiple highly regarded research institutions and other bodies in the ACT, nationally and internationally;
 - (b) a recent report into literacy results in the ACT indicates that performance has fallen over the last 20 years;
 - (c) the hard working and dedicated ACT Government school teachers, support and administrative staff who are passionate about achieving the best outcomes for ACT students are being let down by the ACT education system; and
 - (d) reasons put forward for declining literacy rates include, equity, school resources, inadequate monitoring and interventions, teacher shortages, teaching methodology, inadequate phonics instruction, staff and principal workload, overcrowded schools, student behaviour and violence, run-down school facilities, curriculum, and initial teacher training; and

- (2) calls on the ACT Government to conduct an independent inquiry into literacy performance in the ACT and how results could be enhanced.

Ms Berry (Minister for Education and Youth Affairs) moved the following amendment:
Omit all text after that “That this Assembly”, substitute:

“(1) notes that:

- (a) the ACT is the highest performing Australian jurisdiction in reading literacy, as measured through international assessments PISA and PIRLS;
- (b) promoting greater equity in learning outcomes in and across ACT public schools is an ACT Government priority, and has been one of the ACT Education Directorate’s strategic objectives since 2018;
- (c) the equity gap in reading narrowed between 2018 and 2021;
- (d) however, 2022 data shows the equity gap in reading has widened, confirming that the sustained duration of the pandemic has had a more significant impact on the learning of less advantaged students in the ACT;
- (e) this system level outcome requires a system level response; and
- (f) hard working and dedicated ACT Government school leaders, teachers, support and administrative staff are passionate about achieving the best outcomes for ACT students, and should be supported at the system level to provide the right supports to students who are performing at all levels in their classrooms; and

(2) calls on the ACT Government to:

- (a) conduct an independent inquiry into literacy performance in the ACT that provides advice on how results and supports for educators and students could be enhanced, and works with and reflects the views of academics, educators, unions, parents and carers, and students; and
- (b) table the inquiry’s full report by the last sitting day in June 2024.”.

Debate continued.

Ms Berry, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes that:

- (a) the ACT is the highest performing Australian jurisdiction in reading literacy, as measured through international assessments PISA and PIRLS;
- (b) promoting greater equity in learning outcomes in and across ACT public schools is an ACT Government priority, and has been one of the ACT Education Directorate’s strategic objectives since 2018;
- (c) the equity gap in reading narrowed between 2018 and 2021;

- (d) however, 2022 data shows the equity gap in reading has widened, confirming that the sustained duration of the pandemic has had a more significant impact on the learning of less advantaged students in the ACT;
 - (e) this system level outcome requires a system level response; and
 - (f) hard working and dedicated ACT Government school leaders, teachers, support and administrative staff are passionate about achieving the best outcomes for ACT students, and should be supported at the system level to provide the right supports to students who are performing at all levels in their classrooms; and
- (2) calls on the ACT Government to:
- (a) conduct an independent inquiry into literacy performance in the ACT that provides advice on how results and supports for educators and students could be enhanced, and works with and reflects the views of academics, educators, unions, parents and carers, and students; and
 - (b) table the inquiry’s full report by the last sitting day in June 2024.”—
- be agreed to—put and passed.

22 PAPERS PRESENTED ON 26 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.

23 MEMBERS’ STATEMENTS

Members’ statements were made.

24 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 4.22 pm, adjourned until Tuesday, 31 October 2023 at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly