



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 51

TUESDAY, 7 JUNE 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 **2021 ACT YOUTH ASSEMBLY 'OUR VOICE, OUR IMPACT' REPORT—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED**

Ms Berry (Minister for Education and Youth Affairs) made a ministerial statement concerning the Government response to the 2021 ACT Youth Assembly 'Our voice, Our Impact' Report and presented the following papers:

2021 ACT Youth Assembly 'Our voice, Our Impact' —

Report.

Government response.

Ministerial statement, 7 June 2022.

Ms Berry moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

3 SAFER FAMILIES ANNUAL STATEMENT 2022—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED

Ms Berry (Minister for the Prevention of Domestic and Family Violence) made a ministerial statement concerning the 2022 Annual Safer Families Statement and presented the following papers:

Safer Families Annual Statement—

2022.

Ministerial statement, 7 June 2022.

Ms Berry moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

4 MULTICULTURAL RECOGNITION ACT—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED

Ms Cheyne (Minister for Multicultural Affairs) made a ministerial statement concerning progress on the development of the ACT's Multicultural Recognition Act and presented the following papers:

Multicultural Recognition Bill 2022—Exposure Draft.

Multicultural Recognition Act—Ministerial statement, 7 June 2022.

Ms Cheyne moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 17—STATEMENT BY CHAIR

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 17, dated 6 June 2022, together with a copy of the extracts of the relevant minutes of proceedings—

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

6 PUBLIC HEALTH AMENDMENT BILL 2021 (NO 2)

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

Debate resumed.

Ms Stephen-Smith, by leave, was granted an extension of time.

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

Detail Stage

Clauses 1 to 4 agreed to.

Clause 5—

On the motion of Ms Stephen-Smith (Minister for Health), by leave, her amendments Nos 1 to 4 were made together (see [Schedule 1](#)).

Paper: Ms Stephen-Smith presented a supplementary explanatory statement to the Government amendments.

Ms Lee (Leader of the Opposition), by leave, moved her amendments Nos 1 to 5, that had not been considered or reported on by the Scrutiny Committee, together (see [Schedule 2](#)).

Paper: Ms Lee presented a supplementary explanatory statement to her amendments.

Debate continued.

Question—put

The Assembly voted—

AYES, 7		NOES, 15	
Mr Cain		Mr Barr	Mr Gentleman
Ms Castley		Ms Berry	Ms Orr
Mrs Kikkert		Mr Braddock	Dr Paterson
Ms Lawder		Ms Burch	Mr Pettersson
Ms Lee		Ms Cheyne	Mr Rattenbury
Mr Milligan		Ms Clay	Mr Steel
Mr Parton		Ms Davidson	Ms Stephen-Smith
		Mr Davis	

And so it was negatived.

On the motion of Ms Stephen-Smith, her amendment No 5 was agreed to (see [Schedule 1](#)).

Ms Lee, by leave, moved her amendments Nos 6 to 13 together (see [Schedule 2](#)).

Question—put.

The Assembly voted—

AYES, 7		NOES, 15	
Mr Cain		Mr Barr	Mr Gentleman
Ms Castley		Ms Berry	Ms Orr
Mrs Kikkert		Mr Braddock	Dr Paterson
Ms Lawder		Ms Burch	Mr Pettersson
Ms Lee		Ms Cheyne	Mr Rattenbury
Mr Milligan		Ms Clay	Mr Steel
Mr Parton		Ms Davidson	Ms Stephen-Smith
		Mr Davis	

And so it was negatived.

On the motion of Ms Stephen-Smith, by leave, her amendments Nos 6 to 21 were made together (see [Schedule 1](#)).

Ms Lee moved her amendment No 14 (see [Schedule 2](#)).

Question—put.

The Assembly voted—

AYES, 7		NOES, 15	
Mr Cain		Mr Barr	Mr Gentleman
Ms Castley		Ms Berry	Ms Orr
Mrs Kikkert		Mr Braddock	Dr Paterson
Ms Lawder		Ms Burch	Mr Pettersson
Ms Lee		Ms Cheyne	Mr Rattenbury
Mr Milligan		Ms Clay	Mr Steel
Mr Parton		Ms Davidson	Ms Stephen-Smith
		Mr Davis	

And so it was negatived.

Ms Stephen-Smith moved her amendment No 22 (see [Schedule 1](#)).

Ms Lee, by leave, moved her amendment No 1 to Ms Stephen-Smith's amendment that had not been considered or reported on by the Scrutiny Committee (see [Schedule 3](#)).

Paper: Ms Lee presented a supplementary explanatory statement to her amendment.

Question—put.

The Assembly voted—

AYES, 7		NOES, 15	
Mr Cain		Mr Barr	Mr Gentleman
Ms Castley		Ms Berry	Ms Orr
Mrs Kikkert		Mr Braddock	Dr Paterson
Ms Lawder		Ms Burch	Mr Pettersson
Ms Lee		Ms Cheyne	Mr Rattenbury
Mr Milligan		Ms Clay	Mr Steel
Mr Parton		Ms Davidson	Ms Stephen-Smith
		Mr Davis	

And so it was negatived.

Question—that Ms Stephen-Smith's amendment No 22 be agreed to—put and passed.

On the motion of Ms Stephen-Smith, by leave, her amendment No 23, which had not been considered or reported on by the Scrutiny Committee, was made.

Ms Lee, by leave, moved her amendments Nos 15 to 17 together (see [Schedule 2](#)).

Question—put.

The Assembly voted—

AYES, 7		NOES, 15	
Mr Cain		Mr Barr	Mr Gentleman
Ms Castley		Ms Berry	Ms Orr
Mrs Kikkert		Mr Braddock	Dr Paterson
Ms Lawder		Ms Burch	Mr Pettersson
Ms Lee		Ms Cheyne	Mr Rattenbury
Mr Milligan		Ms Clay	Mr Steel
Mr Parton		Ms Davidson	Ms Stephen-Smith
		Mr Davis	

And so it was negatived.

On the motion of Ms Stephen-Smith, by leave, her amendments Nos 24 and 25 were made together (see [Schedule 1](#)).

Clause 5, as amended, agreed to.

Clauses 6 to 15 taken together and agreed to.

Clause 16—

On the motion of Ms Stephen-Smith, by leave, her amendments Nos 26 and 27 were made together (see [Schedule 1](#)).

Clause 16, as amended, agreed to.

Remainder of the Bill, by leave, taken as a whole and agreed to.

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

7 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Vassarotti and advised the Assembly that questions without notice normally directed to the Minister for Homelessness and Housing Services, Minister for the Environment and the Minister for Heritage could be directed to Minister Gentleman, and at questions without notice normally directed to the Minister for Sustainable Building and Construction could be directed to Minister Berry.

8 QUESTIONS

Questions without notice being asked—

Paper: Mr Steel (Minister for Skills) presented the following paper:

Canberra Institute of Technology contract 2022.GS3003590.220—Letter to Mr Craig Sloan, Chair Board of Directors, Canberra Institute of Technology, from Mr Chris Steel, Minister for Skills.

Questions continued.

9 PAPER

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

Posting of tweets during question time—Copy of tweet posted by Ms Lee in relation to CIT contracts.

10 QUESTIONS ON NOTICE NOS 675, 738, 741, 771, 772—ANSWERS—EXPLANATION

Ms Castley, pursuant to standing order 118A, asked Ms Stephen-Smith (Minister for Health) for an explanation concerning the answers to questions on notice Nos 675, 738, 741, 771, and 772.

Ms Stephen-Smith gave an explanation.

11 QUESTION ON NOTICE NO 776—ANSWER—EXPLANATION

Ms Castley, pursuant to standing order 118A, asked Ms Berry (Minister for Education and Youth Affairs) for an explanation concerning the answer to question on notice No 776.

Ms Berry gave an explanation.

12 LEAVE OF ABSENCE TO MEMBER

Mr Braddock moved—That leave of absence be granted to Ms Vassarotti for today and tomorrow due to personal reasons.

Question—put and passed.

13 PRESENTATION OF PAPER

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

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 375 to the Territory Plan—Demonstration Housing—Manor House—Griffith section 31 block 6, dated 2 June 2022, including associated documents.

14 PLANNING AND DEVELOPMENT ACT—APPROVAL OF VARIATION NO 375 TO THE TERRITORY PLAN—DEMONSTRATION HOUSING—MANOR HOUSE—GRIFFITH SECTION 31 BLOCK 6—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 79(1)—Approval of Variation No 375 to the Territory Plan—Demonstration Housing—Manor House—Griffith section 31 block 6, dated 2 June 2022, including associated documents.

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

15 CANBERRA INSTITUTE OF TECHNOLOGY—CONSULTANCY CONTRACTS

Ms Lee (Leader of the Opposition), by leave, moved—That the Assembly:

(1) notes that:

- (a) Canberra Institute of Technology (CIT) receives the majority of its funding from the ACT Government, and is accountable to Canberra taxpayers;
 - (b) CIT has awarded seven contracts for consultancy services valued at \$8.87 million since 2017 to one individual and their associated business entities;
 - (c) three of the contracts were sole-sourced, and four went to open tender. The same individual and their associated business entities continued to win each tender;
 - (d) the value of contracts has steadily escalated since 2017;
 - (e) one of the earliest contracts in 2017 was valued at \$86 280.58; the contract in 2022 was valued at \$4 999 990.00;
 - (f) the daily cost of contracted services has risen from \$1058.82 per day in 2017 to \$9980.02 per day for the contract signed in March 2022, plus associated travel and related costs;
 - (g) despite these steeply increasing costs, the services provided by the contractor have not substantially changed over the same period of time;
 - (h) the services provided by the contractor are predominantly mentoring and workshops for the Chief Executive Officer (CEO) and executive team;
 - (i) in 2019, CIT ignored a request from the Government Procurement Board to provide them with an update related to these procurements;
 - (j) it is not clear, and there is very little publicly available information as to what outcomes or results have been delivered by the contractor;
 - (k) the contract documents for these procurements do not contain information that would otherwise normally be included in ACT Government contracts for consultancy services, such as:
 - (i) names of specified personnel providing the services;
 - (ii) hourly or daily rates;
 - (iii) milestone payment amounts and dates; and
 - (iv) defined deliverables and due dates; and
- (2) calls on the ACT Government to:
- (a) commission an independent, comprehensive audit of this series of procurements made by CIT, to determine:
 - (i) whether CIT requires the services;
 - (ii) whether procurement processes were unbiased;
 - (iii) whether it was appropriate to use a contractor based interstate for services that could have been provided by a Canberra-based supplier; and
 - (iv) what outcomes have been delivered for CIT and Canberra taxpayers; and

- (b) report to the ACT Legislative Assembly on the findings of the audit by the final sitting day in September 2022.

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

Thought Piece—Redacted, undated.

Mr Steel moved that debate be adjourned the resumption of the debate made an order of the day for a later hour this day.

Question—put.

The Assembly voted—

AYES, 15		NOES, 7
Mr Barr	Mr Gentleman	Mr Cain
Ms Berry	Ms Orr	Mr Hanson
Mr Braddock	Dr Paterson	Mrs Kikkert
Ms Burch	Mr Pettersson	Ms Lawder
Ms Cheyne	Mr Rattenbury	Ms Lee
Ms Clay	Mr Steel	Mr Milligan
Ms Davidson	Ms Stephen-Smith	Mr Parton
Mr Davis		

And so it was resolved in the affirmative.

16 TEXTILE CIRCULAR ECONOMY

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

- (1) notes:
 - (a) Australia is the second highest consumer of textiles per person in the world;
 - (b) Australians on average acquire 27 kilograms of new clothing per person and discard around 23 kilograms of clothing to landfill each year;
 - (c) of the textile waste sent to landfill each year in Australia, 93 percent is from clothing;
 - (d) national product stewardship initiatives include a focus on textile waste; and
 - (e) creating a circular economy provides significant opportunity to drive innovation, better design, create new jobs, and recover valuable resources going to landfill; and
- (2) calls on the ACT Government to:
 - (a) consult with the local textile sector and interested community members as part of consultation on the upcoming draft circular economy plan to identify opportunities to improve textile stewardship in the ACT, including consideration of the following:
 - (i) ways to re-use textiles such as clothes swaps;
 - (ii) ways to re-purpose textiles such as upcycling into something else;

- (iii) ways to recycle textiles that cannot be re-used or re-purposed;
 - (iv) the benefits of establishing a textiles hub in the ACT to support local designers, crafts people, and industry to realise circular economy opportunities as well as educate the broader community on circular economy possibilities; and
 - (v) the economic and employment opportunities that could be realised from the support of a circular textile economy in the ACT; and
- (b) include actions to reduce textile waste as part of the draft circular economy strategy to be released before the end of the year.

Debate ensued.

Question—put and passed.

17 LIGHT RAIL STAGE 2A—BUSINESS CASE

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

That this Assembly:

- (1) notes that, in the Public Accounts Committee (PAC) hearing on 12 May regarding its inquiry into the Auditor-General's Report on the Light Rail Stage 2A Economic Analysis, the Auditor-General:
 - (a) was critical of cost omissions from the Light Rail Stage 2A Business Case that could have been reasonably foreseen, particularly in relation to a wire free operating system;
 - (b) believed the present value of the project cost estimate was understated for a variety of reasons including the absence of a nominal cost figure for development of the Acton waterfront;
 - (c) indicated that Acton waterfront development costs could be in the order of between \$80 million and \$100 million compared with a present value figure of \$23 million cited in the business case;
 - (d) reiterated that expected costs associated with light rail stage 2A, including Acton waterfront development costs, should be updated in publicly available documents;
 - (e) observed that the benefits generated by the Light Rail Stage 2A project are probably overestimated with a significant amount dependant on it facilitating development on the Acton waterfront;
 - (f) noted that neither the Stage 2A business case nor the economic appraisal provides information or evidence on how Light Rail Stage 2 is expected to accelerate development in the Acton precinct;
 - (g) reiterated a previous criticism over the lack of a benefits realisation plan committed to in the Stage 2A business case;
 - (h) advised that, despite an audit request, the Government failed to provide detailed documentation that should have been available in keeping with good practice;

- (i) observed that “If the public cannot have faith in and do not have access to reasonable information in relation to this stage, it brings into question the veracity of information that is put out into the public domain for future stages”; and
 - (j) concluded there was insufficient attention paid to preparation of the economic analysis and a lack of professionalism on the part of the people who put it together;
- (2) further notes that an expert witness in the PAC hearing referred to incompetence regarding understated costs and overstated benefits;
 - (3) affirms the role of an independent audit authority as a vital quality assurance function for ensuring public money is efficiently and effectively expended;
 - (4) acknowledges the professionalism and expertise of the ACT Auditor-General;
 - (5) acknowledges the quality of advice tendered by the ACT Auditor-General generally, and specifically, in relation to the Light Rail Stage 2A project;
 - (6) acknowledges the validity of the ACT Auditor-General’s findings on deficiencies in the business case and economic analysis for the Light Rail Stage 2A Project;
 - (7) agrees that both this Assembly and the ACT public have not been presented with a proper coverage and transparent appraisal of the true costs and benefits of the Light Rail Stage 2A Project; and
 - (8) directs the Government to provide before the Assembly’s 22 November sitting, a revised business case and economic analysis that properly meets the Auditor General’s recommendations and findings including his views offered in the Public Accounts Committee hearing on 12 May 2022.

Mr Steel (Minister for Transport and City Services) moved the following amendment:
Omit all text after “That this Assembly”, substitute:

- “(1) acknowledges the role of an independent audit authority as a vital quality assurance function for ensuring public money is efficiently and effectively expended, and recognises the professionalism and expertise of the ACT Auditor-General;
- (2) notes the ACT Auditor-General has provided a report into the business case prepared to inform Stage 2A of light rail to Woden and that the findings of this report are publicly available;
- (3) notes the ACT Government is committed to delivering light rail to Woden, with Stage 2A representing an essential first stage of the route; and
- (4) acknowledges the ACT Government will:
 - (a) prepare and publish a Benefits Realisation Plan for Stage 2A of light rail following receipt of Works Approval by the National Capital Authority and entry into a main works contract for this project;
 - (b) prepare the business case for Stage 2B and any future stages of light rail with the Auditor-General’s advice and views in mind; and

- (c) publicly release the business case for Stage 2B and any future stage of light rail at an appropriate time, in line with the practice for Stage 1 and Stage 2A, so that these can also be transparently reviewed by the Canberra community and offices like the Auditor-General.”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 15		NOES, 7
Mr Barr	Mr Gentleman	Mr Cain
Ms Berry	Ms Orr	Ms Castley
Mr Braddock	Dr Paterson	Mr Hanson
Ms Burch	Mr Pettersson	Mrs Kikkert
Ms Cheyne	Mr Rattenbury	Ms Lawder
Ms Clay	Mr Steel	Mr Milligan
Ms Davidson	Ms Stephen-Smith	Mr Parton
Mr Davis		

And so it was resolved in the affirmative.

Question—that the motion, as amended, viz:

“That this Assembly:

- (1) acknowledges the role of an independent audit authority as a vital quality assurance function for ensuring public money is efficiently and effectively expended, and recognises the professionalism and expertise of the ACT Auditor-General;
- (2) notes the ACT Auditor-General has provided a report into the business case prepared to inform Stage 2A of light rail to Woden and that the findings of this report are publicly available;
- (3) notes the ACT Government is committed to delivering light rail to Woden, with Stage 2A representing an essential first stage of the route; and
- (4) acknowledges the ACT Government will:
 - (a) prepare and publish a Benefits Realisation Plan for Stage 2A of light rail following receipt of Works Approval by the National Capital Authority and entry into a main works contract for this project;
 - (b) prepare the business case for Stage 2B and any future stages of light rail with the Auditor-General’s advice and views in mind; and
 - (c) publicly release the business case for Stage 2B and any future stage of light rail at an appropriate time, in line with the practice for Stage 1 and Stage 2A, so that these can also be transparently reviewed by the Canberra community and offices like the Auditor-General.”—

be agreed to—put and passed.

18 CANBERRA INSTITUTE OF TECHNOLOGY—CONSULTANCY CONTRACTS

The order of the day having been read for the resumption of the debate on the motion of Ms Lee (Leader of the Opposition) (see [entry 15](#))—

Mr Steel (Minister for Skills) moved the following amendment: Omit all text after “That this Assembly”, substitute:

“(1) notes that:

- (a) Canberra Institute of Technology (CIT) receives the majority of its funding from the ACT Government, and is accountable to Canberra taxpayers;
- (b) CIT has awarded seven contracts for consultancy services valued at \$8.87 million since 2017 to one individual and their associated business entities;
- (c) three of the contracts were sole-sourced, and four went to open tender. The same individual and their associated business entities continued to win each tender;
- (d) the value of contracts has steadily escalated since 2017;
- (e) one of the earliest contracts in 2017 was valued at \$86 280.58; the contract in 2022 was valued at \$4 999 990.00;
- (f) the reported daily cost of contracted services has risen from \$1058.82 per day in 2017 to \$9980.02 per day for the contract signed in March 2022, plus associated travel and related costs;
- (g) despite these steeply increasing costs, the services reported to be provided by the contractor have not substantially changed over the same period of time;
- (h) the services provided by the contractor are predominantly mentoring and workshops for the Chief Executive Officer and executive team;
- (i) it is not clear, and there is very little publicly available information, as to what outcome or results have been delivered by the contractor;
- (j) the contract documents for these procurements do not contain information that would otherwise normally be included in ACT Government contracts for consultancy services, such as:
 - (i) names of specified personnel providing the services;
 - (ii) hourly or daily rates;
 - (iii) milestone payment amounts and dates; and
 - (iv) defined deliverables and due dates;

(2) further notes that having been advised by CIT of the latest \$4.99 million contract, the Minister for Skills wrote to the Chair of the Canberra Institute of Technology on 7 June 2022 seeking a response within five working days on the following matters:

- (a) how and why CIT determined that the work to be procured under the most recent contract for \$4.99 million represents necessary, efficient and appropriate expenditure of public funds;
 - (b) specifically what will be delivered under the terms of this new contract, and what personnel will be involved in its delivery;
 - (c) what justification there is for such a large quantum of funding, at \$4.99 million, being used for change management services of this nature and whether lower cost alternatives were considered;
 - (d) given CIT has been procuring change management services from this external consultant since 2018, why the Institute has not recruited an in-house adviser or team to undertake this work at less expense than ongoing external consultancies;
 - (e) what oversight the CIT Board has had of services delivered under the prior contracts, and how the board has assured itself that this expenditure represents ongoing value for money; and
 - (f) what assurance the Board can provide that the procurement process for this contract was conducted with the highest levels of probity and impartiality;
- (3) submits the above information to the ACT Auditor-General and invites their review and further advice; and
 - (4) requests the Auditor-General advise the Speaker on whether they intend to pursue an inquiry into these contracts, with this information to be provided to all Members following receipt by the Speaker.”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 15		NOES, 7
Mr Barr	Mr Gentleman	Mr Cain
Ms Berry	Ms Orr	Mr Hanson
Mr Braddock	Dr Paterson	Mrs Kikkert
Ms Burch	Mr Pettersson	Ms Lawder
Ms Cheyne	Mr Rattenbury	Ms Lee
Ms Clay	Mr Steel	Mr Milligan
Ms Davidson	Ms Stephen-Smith	Mr Parton
Mr Davis		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) Canberra Institute of Technology (CIT) receives the majority of its funding from the ACT Government, and is accountable to Canberra taxpayers;
 - (b) CIT has awarded seven contracts for consultancy services valued at \$8.87 million since 2017 to one individual and their associated business entities;
 - (c) three of the contracts were sole-sourced, and four went to open tender. The same individual and their associated business entities continued to win each tender;
 - (d) the value of contracts has steadily escalated since 2017;
 - (e) one of the earliest contracts in 2017 was valued at \$86 280.58; the contract in 2022 was valued at \$4 999 990.00;
 - (f) the reported daily cost of contracted services has risen from \$1058.82 per day in 2017 to \$9980.02 per day for the contract signed in March 2022, plus associated travel and related costs;
 - (g) despite these steeply increasing costs, the services reported to be provided by the contractor have not substantially changed over the same period of time;
 - (h) the services provided by the contractor are predominantly mentoring and workshops for the Chief Executive Officer and executive team;
 - (i) it is not clear, and there is very little publicly available information, as to what outcome or results have been delivered by the contractor;
 - (j) the contract documents for these procurements do not contain information that would otherwise normally be included in ACT Government contracts for consultancy services, such as:
 - (i) names of specified personnel providing the services;
 - (ii) hourly or daily rates;
 - (iii) milestone payment amounts and dates; and
 - (iv) defined deliverables and due dates;
- (2) further notes that having been advised by CIT of the latest \$4.99 million contract, the Minister for Skills wrote to the Chair of the Canberra Institute of Technology on 7 June 2022 seeking a response within five working days on the following matters:
 - (a) how and why CIT determined that the work to be procured under the most recent contract for \$4.99 million represents necessary, efficient and appropriate expenditure of public funds;
 - (b) specifically what will be delivered under the terms of this new contract, and what personnel will be involved in its delivery;

- (c) what justification there is for such a large quantum of funding, at \$4.99 million, being used for change management services of this nature and whether lower cost alternatives were considered;
 - (d) given CIT has been procuring change management services from this external consultant since 2018, why the Institute has not recruited an in-house adviser or team to undertake this work at less expense than ongoing external consultancies;
 - (e) what oversight the CIT Board has had of services delivered under the prior contracts, and how the board has assured itself that this expenditure represents ongoing value for money; and
 - (f) what assurance the Board can provide that the procurement process for this contract was conducted with the highest levels of probity and impartiality;
- (3) submits the above information to the ACT Auditor-General and invites their review and further advice; and
 - (4) requests the Auditor-General advise the Speaker on whether they intend to pursue an inquiry into these contracts, with this information to be provided to all Members following receipt by the Speaker.”—

be agreed to—put and passed.

19 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 5:03 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting except Ms Vassarotti.*

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

PUBLIC HEALTH AMENDMENT BILL 2021 (NO 2)

Amendments circulated by the Minister for Health

1

Clause 5

Proposed new section 118N, definition of *vaccination direction*

Page 4, line 4—

omit

section 118ZM (1)

substitute

section 118Z (1)

2

Clause 5

Proposed new section 118P (1) (b)

Page 5, line 12—

omit

6 months

substitute

90 days

3

Clause 5

Proposed new section 118P (2)

Page 5, line 16—

omit

6 months

substitute

90 days

4**Clause 5****Proposed new section 118P (3)****Page 5, line 18—***omit*

60 days

substitute

30 days

5**Clause 5****Proposed new section 118V (5)****Page 11, line 26—***insert*

- (5) If the chief health officer makes a segregation or isolation direction in relation to a particular person, the chief health officer must give a copy of the direction to the public advocate.

6**Clause 5****Proposed new section 118Z (3) (b)****Page 15, line 15—***omit*

the Executive

substitute

the director-general

7**Clause 5****Proposed new section 118Z (3) (c)****Page 15, line 17—***omit*

the Executive

substitute

the director-general

8**Clause 5****Proposed new section 118ZC, definition of *affected person*, new paragraph (aa)****Page 17, line 27—***insert*

- (aa) in relation to a standing exemption—a person to whom the exemption applies; and
-

9

Clause 5**Proposed new section 118ZC, definition of *externally reviewable decision*, paragraph (a)****Page 18, line 9—***omit*

- (a) a Ministerial direction to prevent or limit entry into the ACT, where the decision relates to an application to exempt a person—

substitute

- (a) a Ministerial direction to prevent or limit entry into the ACT, or a standing exemption from the direction, where the decision relates to an application to exempt a person from the direction or a condition to which the standing exemption is subject—

10

Clause 5**Proposed new section 118ZC, definition of *relevant decision-maker*, new paragraph (c)****Page 18, line 26—***insert*

- (c) in relation to an application to exempt a person from a vaccination direction—the director-general.

11

Clause 5**Proposed new section 118ZC, new definition of *standing exemption*****Page 18, line 26—***insert**standing exemption*—see section 118ZCA (1).

12

Clause 5**Proposed new section 118ZCA****Page 19, line 2—***insert***118ZCA Standing exemption**

- (1) The relevant decision-maker for a Ministerial direction or chief health officer direction may exempt a class of people from complying with a requirement of the direction (a *standing exemption*).

Note Power to make a standing exemption includes power to make different provision in relation to different matters or different classes of matters, and to make an exemption that applies differently by reference to stated exceptions or factors (see Legislation Act, s 48).

- (2) A standing exemption may be subject to conditions.
- (3) A standing exemption may be made on the relevant decision-maker's own initiative or the request of a person.

- (4) In making a standing exemption, the relevant decision-maker must comply with the requirements (if any) of—
- (a) for a standing exemption from a Ministerial direction—a Ministerial exemption guideline; or
 - (b) for a standing exemption from a chief health officer direction—a chief health officer exemption guideline.
- (5) A standing exemption is a notifiable instrument.

13**Clause 5****Proposed new section 118ZD (1A)****Page 19, line 6—***insert*

- (1A) An affected person in relation to a standing exemption may apply to the relevant decision-maker to exempt the person from complying with a condition to which a standing exemption is subject.

14**Clause 5****Proposed new section 118ZD (2) (c)****Page 19, line 10—***after*

relevant direction

insert

or standing exemption

15**Clause 5****Proposed new section 118ZD (3) (a)****Page 19, line 13—***after*

Ministerial direction

insert

or standing exemption from a Ministerial direction

16**Clause 5****Proposed new section 118ZD (3) (b)****Page 19, line 15—***after*

chief health officer direction

insert

or standing exemption from a chief health officer direction

17**Clause 5****Proposed new section 118ZE (1)****Page 20, line 2—***omit*

section 118ZD

substitute

section 118ZD (1)

18**Clause 5****Proposed new section 118ZE (1A)****Page 20, line 5—***insert*

- (1A) On application under section 118ZD (1A), the relevant decision-maker may exempt an affected person in relation to a standing exemption from complying with a condition to which the exemption is subject.

19**Clause 5****Proposed new section 118ZE (5) (a)****Page 20, line 25—***after*

Ministerial direction

insert

or standing exemption from a Ministerial direction

20**Clause 5****Proposed new section 118ZE (5) (b)****Page 20, line 27—***after*

chief health officer direction

*insert*or standing exemption from a chief health officer direction

21

Clause 5
Proposed new section 118ZF (1)
Page 21, line 10—
before
review
insert
internal

22

Clause 5
Proposed new subdivision 6C.6.4A
Page 25, line 4—
insert
**Subdivision 6C.6.4A Exemptions—vaccination directions—
internal review**
118ZJA Internal review—vaccination direction—application

- (1) This section applies if—
 - (a) a person makes an application for an exemption from complying with a requirement of a vaccination direction in accordance with a vaccination exemption guideline; and
 - (b) the relevant decision-maker makes either of the following decisions (an *internally reviewable decision*):
 - (i) not to exempt the person;
 - (ii) exempt the person subject to conditions.
- (2) The person may apply to the relevant decision-maker for internal review of the decision.
- (3) An application may only be made on a ground stated in the vaccination direction.
- (4) An application must—
 - (a) be in writing; and
 - (b) set out the grounds on which internal review of the decision is sought.
- (5) The making of the application does not affect the operation of the internally reviewable decision.

118ZJB Internal review—vaccination direction—decision

- (1) On application under section 118ZJA, the relevant decision-maker must arrange for someone else (an *internal reviewer*) to review the internally reviewable decision.

- (2) The internal reviewer must review the internally reviewable decision and—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) revoke the decision and make a new decision.
- (3) The internal reviewer must give written notice of their decision under subsection (2) as soon as possible, and not later than 5 days, after the day the application for internal review is made.
- (4) Failure to comply with subsection (3) is taken to be a decision to confirm the internally reviewable decision.
- (5) In making a decision under this section, the internal reviewer must comply with the requirements (if any) of a vaccination exemption guideline.
- (6) In this section:

internally reviewable decision—see section 118ZJA (1) (b).

23
Clause 5**Proposed new section 118ZL (1) (a)****Page 26, line 14—***omit*

Ministerial direction

substitute

chief health officer direction

24
Clause 5**Proposed new section 118ZQA****Page 30, line 12—***insert***118ZQA Oversight functions unaffected**

- (1) Nothing in this part is intended to interfere with the exercise of a function by an entity that involves visiting a place of detention under another territory law.

Examples—other territory laws

- *Auditor-General Act 1996*
- *Children and Young People Act 2008*
- *Corrections Management Act 2007*
- *Inspector of Correctional Services Act 2017*
- *Integrity Commission Act 2018*
- *Mental Health Act 2015*
- *Mental Health (Secure Facilities) Act 2016*

- *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*
 - *Official Visitor Act 2012*
- (2) However, a person visiting a place of detention must comply with any chief health officer direction or vaccination direction that applies to the place or the person.

25

Clause 5

Proposed new section 118ZR (2) (ia)

Page 31, line 3—

insert

(ia) *standing exemption*;

26

Clause 16

Proposed new dictionary definition of *standing exemption*

Page 41, line 2—

insert

standing exemption—see section 118ZCA (1).

27

Clause 16

Proposed new dictionary definition of *vaccination direction*

Page 41, line 8—

omit

section 118ZM (1)

substitute

section 118Z (1)

Schedule 2

PUBLIC HEALTH AMENDMENT BILL 2021 (NO 2)

Amendments circulated by the Leader of the Opposition

1

Clause 5

Proposed new section 118R (5)

Page 7, line 17—

omit

notifiable

substitute

disallowable

2

Clause 5

Proposed new section 118S (6)

Page 8, line 10—

omit

notifiable

substitute

disallowable

3

Clause 5

Proposed new section 118U (5)

Page 10, line 25—

omit proposed new section 118U (5), substitute

- (5) A chief health officer direction must not be made in relation to a particular person.
-

4

Clause 5

Proposed new section 118U (6)

Page 10, line 27—

omit proposed new section 118U (6), substitute

- (6) A chief health officer direction is a disallowable instrument.
-

5

Clause 5

Proposed new section 118V (1)

Page 11, line 3—

omit

, whether made in relation to a particular person or not,

6**Clause 5****Proposed new section 118W (1)****Page 12, line 2—**

omit proposed new section 118W (1), substitute

- (1) A chief health officer direction comes into force immediately after it is made, or at a later time stated in the direction.

7**Clause 5****Proposed new section 118W (2)****Page 12, line 9—**

omit

made other than in relation to a particular person

8**Clause 5****Proposed new section 118W (3)****Page 12, line 12—**

omit

For a chief health officer direction made other than in relation to a particular person, the chief health officer may extend the period for which the direction

substitute

The chief health officer may extend the period for which a chief health officer direction

9**Clause 5****Proposed new section 118W (4) and (5)****Page 12, line 17—**

omit proposed new section 118W (4) and (5), substitute

- (4) An extension of a chief health officer direction is a disallowable instrument.

10**Clause 5****Proposed new section 118X (1)****Page 12, line 22—**

omit

11**Clause 5****Proposed new section 118X (2)****Page 12, line 24—***omit*

the chief health officer direction

*substitute*a chief health officer direction

12**Clause 5****Proposed new section 118Y (1)****Page 13, line 5—***omit*

13**Clause 5****Proposed new section 118Y (2)****Page 13, line 7—***omit*

the chief health officer direction

*substitute*a chief health officer direction

14**Clause 5****Proposed new section 118ZH****Page 23, line 3—***relocate to subdivision 6C.6.1 as section 118ZCA*

15**Clause 5****Proposed new section 118ZK (6)****Page 26, line 9—***omit*

notifiable

*substitute*disallowable

16**Clause 5****Proposed new section 118ZL (6)****Page 27, line 8—***omit*

notifiable

substitute

disallowable

17**Clause 5****Proposed new section 118ZM (6)****Page 28, line 5—***omit*

notifiable

*substitute*disallowable

Schedule 3

PUBLIC HEALTH AMENDMENT BILL 2021 (NO 2)

Amendments to the Minister for Health's amendments, circulated by the
Leader of the Opposition

1

Amendment 22

Proposed new subdivision 6C.6.4A, new subdivision 6C.6.4B

after proposed new subdivision 6C.6.4A, insert

Subdivision 6C.6.4B Exemptions—vaccination directions— external review

118ZJC External review—vaccination directions—application

- (1) A person in relation to whom a decision has been made under section 118ZJB may apply to an external reviewer for review of the decision.
- (2) The application must—
 - (a) be in writing; and
 - (b) set out the grounds on which external review of the decision is sought.
- (3) The making of the application does not affect the operation of the externally reviewable decision.

118ZJD External review—decision

- (1) On application under section 118ZJC, the external reviewer must review the externally reviewable decision against the following (the *relevant requirements*):
 - (a) the requirements in relation to exemptions under this division;
 - (b) the requirements (if any) of a vaccination exemption guideline.
 - (2) After completing the review, the external reviewer must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) revoke the decision and make a new decision; or
 - (d) refer the decision to the relevant decision-maker for the decision to be remade.
 - (3) If the external reviewer refers the decision back to the relevant decision-maker under subsection (2) (d), the external reviewer must tell the decision-maker how the decision did not comply with the relevant requirements.
-