



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 42

THURSDAY, 24 MARCH 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 **BUDGET 2021-22—BUDGET REVIEW—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Mr Barr (Treasurer) made a ministerial statement concerning the 2021-22 Budget Review and presented the following papers:

Financial Management Act, pursuant to section 20A—Budget 2021-22—Budget review.

Budget 2021-22—Budget review—Ministerial statement, 24 March 2022.

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

Question—put and passed.

3 VARIATION 369 TO THE TERRITORY PLAN—LIVING INFRASTRUCTURE IN RESIDENTIAL ZONES—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning Variation 369 to the Territory Plan—Living Infrastructure in Residential Zones, and presented the following paper:

Variation 369 to the Territory Plan—Living Infrastructure in Residential Zones—Ministerial statement, 24 March 2022.

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

Debate ensued.

Question—put and passed.

4 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 4—INQUIRY INTO THE AUDITOR-GENERAL'S REPORT NO. 6 OF 2020: TRANSFER OF WORKER'S COMPENSATION ARRANGEMENTS FROM COMCARE—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Industrial Relations and Workplace Safety) made a ministerial statement concerning the Government's response to Report 4 of the Standing Committee on Public Accounts—*Inquiry into the Auditor-General's Report No. 6 of 2020: Transfer of Worker's Compensation Arrangements from Comcare*, and presented the following paper:

Public Accounts—Standing Committee—Report 4—*Inquiry into the Auditor-General's Report No. 6 of 2020: Transfer of Worker's Compensation Arrangements from Comcare*—Government response—Ministerial statement, 24 March 2022.

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

Question—put and passed.

5 OUR PUBLIC HEALTH WORKFORCE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the public health workforce and presented the following paper:

Our Public Health Workforce—Ministerial statement, 24 March 2022.

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

Debate ensued.

Question—put and passed.

6 BEST START FOR CANBERRA'S CHILDREN: FIRST 1000 DAYS STRATEGY—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the development and implementation of the Best Start for Canberra's Children: First 1000 Days Strategy and presented the following paper:

Best Start for Canberra's Children: First 1000 Days Strategy—Ministerial statement, 22 March 2022.

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

Question—put and passed.

7 CORRECTION OF RECORD—STATEMENT BY MEMBER

Ms Castley, by leave, made a statement to correct the record to reflect that she had requested a briefing from the Minister for Health in February.

8 DOMESTIC VIOLENCE AGENCIES AMENDMENT BILL 2022

Ms Berry (Minister for the Prevention of Domestic and Family Violence), pursuant to notice, presented a Bill for an Act to amend the *Domestic Violence Agencies Act 1986*, 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 (Mrs Kikkert) and the resumption of the debate made an order of the day for the next sitting.

9 RADIATION PROTECTION AMENDMENT BILL 2022

Ms Stephen-Smith (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Radiation Protection Act 2006* and the *Radiation Protection Regulation 2007*, and for other purposes.

Paper: Ms Stephen-Smith 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 Stephen-Smith moved—That this Bill be agreed to in principle.

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

10 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—FOSSIL EMBLEM FOR THE A.C.T.—REQUEST TO CONSIDER

Ms Vassarotti (Minister for the Environment), pursuant to notice, moved—That this Assembly:

(1) notes:

- (a) in June 2020, Minister Gentleman (the then Minister for the Environment) was approached by representatives from Geoscience Australia, the Australian Marine Sciences Association, and the Geological Society of Australia (ACT Division) proposing the adoption of a fossil emblem for the ACT;

- (b) Minister Gentleman endorsed the proposal put forward;
 - (c) during September and October 2020, the public voted on five expertly selected fossils relevant to the ACT. A total of 1135 votes were cast;
 - (d) on 21 October 2020, Minister Gentleman announced the trilobite *Batocara mitchelli* as the winner of the public selection process;
 - (e) fossil emblems have been adopted in Western Australia, New South Wales and South Australia, with Victoria set to ratify a fossil emblem following a public vote; and
 - (f) a fossil emblem will complement the existing suite of Territory emblems including the Royal Bluebell (floral), Southern Brush-tailed Rock Wallaby (mammal) and the Gang-Gang Cockatoo (faunal) in representing the ACT's rich and diverse natural values;
- (2) agrees to refer consideration of the adoption of an ACT fossil emblem to the Standing Committee on Environment, Climate Change and Biodiversity; and
 - (3) calls on the Standing Committee on Environment, Climate Change and Biodiversity to inquire and report on the adoption of a fossil emblem, with due regard to the publicly voted fossil emblem, trilobite *Batocara mitchelli*.

Ms Orr moved the following amendment: Omit paragraph (3), substitute:

- “(3) requests the Standing Committee on Environment, Climate Change and Biodiversity consider inquiring and reporting on the adoption of a fossil emblem, with due regard to the publicly voted fossil emblem, trilobite *Batocara mitchelli*.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) in June 2020, Minister Gentleman (the then Minister for the Environment) was approached by representatives from Geoscience Australia, the Australian Marine Sciences Association, and the Geological Society of Australia (ACT Division) proposing the adoption of a fossil emblem for the ACT;
 - (b) Minister Gentleman endorsed the proposal put forward;
 - (c) during September and October 2020, the public voted on five expertly selected fossils relevant to the ACT. A total of 1135 votes were cast;
 - (d) on 21 October 2020, Minister Gentleman announced the trilobite *Batocara mitchelli* as the winner of the public selection process;
 - (e) fossil emblems have been adopted in Western Australia, New South Wales and South Australia, with Victoria set to ratify a fossil emblem following a public vote; and

- (f) a fossil emblem will complement the existing suite of Territory emblems including the Royal Bluebell (floral), Southern Brush-tailed Rock Wallaby (mammal) and the Gang-Gang Cockatoo (faunal) in representing the ACT's rich and diverse natural values;
- (2) agrees to refer consideration of the adoption of an ACT fossil emblem to the Standing Committee on Environment, Climate Change and Biodiversity; and
- (3) requests the Standing Committee on Environment, Climate Change and Biodiversity consider inquiring and reporting on the adoption of a fossil emblem, with due regard to the publicly voted fossil emblem, trilobite *Batocara mitchelli*." —

be put and passed.

11 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—HOUSING AND RENTAL AFFORDABILITY—REQUEST TO CONSIDER

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

- (1) notes that:
 - (a) property price rises in the last five years have outstripped the long-term average and have exacerbated issues of housing and rental affordability in the ACT;
 - (b) in 2018, after advocacy from former ACT Greens MLA, Caroline Le Couteur, the ACT Government extended land tax to vacant dwellings in addition to rented properties and included subsequent exemptions for certain properties which may have legitimate reasons for being vacant;
 - (c) the ACT has a rental vacancy rate below one percent which is increasing rent prices;
 - (d) the rental vacancy rate calculation does not include properties intentionally left vacant;
 - (e) artificial supply constraints such as leaving habitable dwellings intentionally vacant for speculative future gains are a contributing factor to the housing and rental affordability crisis;
 - (f) levying additional taxation upon intentionally vacant dwellings in line with the long-term average annual price increase of approximately five percent per annum of improved (market) value would make keeping residential dwellings intentionally vacant unprofitable, therefore bringing that housing supply back into the rental or housing market;
 - (g) the Queensland Greens campaigned on a five percent improved capital value vacancy levy for Brisbane City during the 2017 State election;
 - (h) the Victorian Labor Government introduced a one percent improved capital value vacancy levy in 2018 for Metro Melbourne and the NSW Labor Opposition also had this policy as part of their 2019 election platform; and
 - (i) a vacancy tax is an effective lever available to the ACT Government to rapidly increase our city's housing stock;

- (2) further notes that:
- (a) many local shopping centres around the ACT have been left untenanted for many years leaving communities without a local shopping centre;
 - (b) this has an impact on the vibrancy of communities and the liveability of a suburb to low-income people and families;
 - (c) lack of affordable commercial rentals influences the capacity for ACT small businesses to thrive and help rejuvenate local centres; and
 - (d) there are a range of opportunities available to the ACT Government to incentivise commercial landlords to regenerate these shopping centres, including introducing new taxation policies on vacant commercial sites;
- (3) refers this matter for an inquiry to the Standing Committee on Economy and Gender and Economic Equality to investigate legislative reforms, regulatory levers, and creative mechanisms available to the ACT Government to reduce the number of vacant properties and commercial sites;
- (4) requests the Committee in conducting its inquiry to have regard to:
- (a) the rapidly increasing cost of renting or buying a home in the Territory;
 - (b) the impact of intentionally vacant habitable dwellings on the housing and rental affordability crisis in Canberra;
 - (c) the ways to determine whether a residential property is vacant;
 - (d) the impact of intentionally vacant habitable dwellings on the land release program and development in greenfield areas;
 - (e) how we may reinvigorate local shopping centres by addressing long-term commercial vacancies at these sites using a vacancy tax; and
 - (f) options for changes to legislation or taxation of vacant habitable dwellings in the ACT and the impact of this on the cost of housing; and
- (5) requests the Committee to report back to the Assembly by 27 January 2023.

Mr Parton, by leave, moved the following amendments together:

1. Omit paragraph (3), substitute:

“(3) requests that the Standing Committee on Economy and Gender and Economic Equality consider investigating the legislative reforms, regulatory levers and creative mechanisms available to the ACT Government to reduce the number of vacant properties and commercial sites;”.

2. Omit paragraph (5), substitute:

“(5) requests that the Committee, should it decide to inquire into this matter, determine a reporting date based on the Committee’s capacity.”.

Amendments agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes that:

- (a) property price rises in the last five years have outstripped the long-term average and have exacerbated issues of housing and rental affordability in the ACT;
- (b) in 2018, after advocacy from former ACT Greens MLA, Caroline Le Couteur, the ACT Government extended land tax to vacant dwellings in addition to rented properties and included subsequent exemptions for certain properties which may have legitimate reasons for being vacant;
- (c) the ACT has a rental vacancy rate below one percent which is increasing rent prices;
- (d) the rental vacancy rate calculation does not include properties intentionally left vacant;
- (e) artificial supply constraints such as leaving habitable dwellings intentionally vacant for speculative future gains are a contributing factor to the housing and rental affordability crisis;
- (f) levying additional taxation upon intentionally vacant dwellings in line with the long-term average annual price increase of approximately five percent per annum of improved (market) value would make keeping residential dwellings intentionally vacant unprofitable, therefore bringing that housing supply back into the rental or housing market;
- (g) the Queensland Greens campaigned on a five percent improved capital value vacancy levy for Brisbane City during the 2017 State election;
- (h) the Victorian Labor Government introduced a one percent improved capital value vacancy levy in 2018 for Metro Melbourne and the NSW Labor Opposition also had this policy as part of their 2019 election platform; and
- (i) a vacancy tax is an effective lever available to the ACT Government to rapidly increase our city’s housing stock;

(2) further notes that:

- (a) many local shopping centres around the ACT have been left untenanted for many years leaving communities without a local shopping centre;
- (b) this has an impact on the vibrancy of communities and the liveability of a suburb to low-income people and families;
- (c) lack of affordable commercial rentals influences the capacity for ACT small businesses to thrive and help rejuvenate local centres; and
- (d) there are a range of opportunities available to the ACT Government to incentivise commercial landlords to regenerate these shopping centres, including introducing new taxation policies on vacant commercial sites;

- (3) requests that the Standing Committee on Economy and Gender and Economic Equality consider investigating the legislative reforms, regulatory levers and creative mechanisms available to the ACT Government to reduce the number of vacant properties and commercial sites;
- (4) requests the Committee in conducting its inquiry to have regard to:
 - (a) the rapidly increasing cost of renting or buying a home in the Territory;
 - (b) the impact of intentionally vacant habitable dwellings on the housing and rental affordability crisis in Canberra;
 - (c) the ways to determine whether a residential property is vacant;
 - (d) the impact of intentionally vacant habitable dwellings on the land release program and development in greenfield areas;
 - (e) how we may reinvigorate local shopping centres by addressing long-term commercial vacancies at these sites using a vacancy tax; and
 - (f) options for changes to legislation or taxation of vacant habitable dwellings in the ACT and the impact of this on the cost of housing; and
- (5) requests that the Committee, should it decide to inquire into this matter, determine a reporting date based on the Committee's capacity."—

be agreed to—put and passed.

12 ESTIMATES 2022-2023—SELECT COMMITTEE—ESTABLISHMENT

The order of the day having been read for the resumption of the debate on the motion of Ms Lawder—That:

- (1) a Select Committee on Estimates 2022-2023 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2022-2023, the Appropriation (Office of the Legislative Assembly) Bill 2022-2023 and any revenue estimates proposed by the Government in the 2022-2023 Budget and prepare a report to the Assembly;
- (2) the Committee be composed of:
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Greens; and
 to be notified in writing to the Speaker within two hours of this motion passing;
- (3) an Opposition Member shall be elected chair of the Committee by the Committee;
- (4) funds be provided by the Assembly to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
- (5) the Committee is to report by Friday, 29 July 2022;

- (6) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Debate resumed.

Ms Orr, by leave, moved the following amendments together:

- 1. Omit paragraphs (2)(a) and (b), substitute:
 - “(a) one Member to be nominated by the Labor Party;
 - (b) one Member to be nominated by the Liberal Party; and”.
- 2. In paragraph (3), omit “an Opposition”, substitute “the Liberal Party”.
- 3. Insert new paragraph (3A):
 - “(3A) the Committee shall be established from 1 July 2022;”.
- 4. In paragraph (5), omit “29 July”, substitute “9 September”.

Debate continued.

Amendments agreed to.

Question—That the motion, as amended, viz:

“That:

- (1) a Select Committee on Estimates 2022-2023 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2022-2023, the Appropriation (Office of the Legislative Assembly) Bill 2022-2023 and any revenue estimates proposed by the Government in the 2022-2023 Budget and prepare a report to the Assembly;
- (2) the Committee be composed of:
 - (a) one Member to be nominated by the Labor Party;
 - (b) one Member to be nominated by the Liberal Party; and
 - (c) one Member to be nominated by the Greens; and
 to be notified in writing to the Speaker within two hours of this motion passing;
- (3) the Liberal Party Member shall be elected chair of the Committee by the Committee;
- (4) the Committee shall be established from 1 July 2022;
- (5) funds be provided by the Assembly to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
- (6) the Committee is to report by Friday, 9 September 2022;

- (7) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (8) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.”—

be agreed to—put and passed.

13 LEGISLATION (LEGISLATIVE ASSEMBLY COMMITTEES) AMENDMENT BILL 2022

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.

14 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Rattenbury and advised the Assembly that questions without notice normally directed to the Attorney-General, the Minister for Consumer Affairs and the Minister for Gaming could be directed to Minister Cheyne and questions normally directed to the Minister for Water, Energy and Emissions Reduction could be directed to Mr Barr.

15 LEAVE OF ABSENCE TO MEMBER

Ms Lawder moved—That leave of absence be granted to Mr Hanson for today for personal reasons.

Question—put and passed.

16 QUESTIONS

Questions without notice were asked.

17 QUESTIONS ON NOTICE NOS 647 AND 648—ANSWERS—EXPLANATION

Mrs Kikkert, pursuant to standing order 118A, asked Ms Davidson (Minister for Mental Health) for an explanation concerning the answers to questions on notice Nos 647 and 648.

Ms Davidson gave an explanation.

18 ESTIMATES 2022-2023—SELECT COMMITTEE—MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that she had been notified, in writing, of the nominations of Mr Braddock, Mr Milligan and Dr Paterson to be members of the Select Committee on Estimates 2022-2023.

Mr Gentleman (Manager of Government Business) moved—That the Members so nominated be appointed as members of the Select Committee on Estimates 2022-2023.

Question—put and passed.

19 PRESENTATION OF PAPERS

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

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 (HOU-21/46), dated 13 August 2021.

Gungahlin—Cinema development—Response to the resolution of the Assembly of 1 December 2021, dated 24 March 2022.

Justice and Community Safety—Standing Committee—

Report 2—*Inquiry into the 2020 ACT Election and the Electoral Act*—Supplementary Government response, dated March 2022.

Report 4—*Inquiry into the Electoral Amendment Bill 2021*—Government response—Copy of letter to the Chair from the Special Minister of State, dated 22 March 2022.

Planning, Transport and City Services—Standing Committee—Report 7—*Road Transport Legislation Amendment Bill 2021 and Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2)*—Government response, dated March 2022.

Public Sector Management Standards, pursuant to section 56—Engagements of long term senior executive service members—Schedule—1 September 2021 to 28 February 2022, dated March 2022.

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determination, together with accompanying statement—Head of Service, Directors-General and Executives—Determination 1 of 2022, dated March 2022.

20 REMUNERATION TRIBUNAL ACT—HEAD OF SERVICE, DIRECTORS-GENERAL AND EXECUTIVES—DETERMINATION 1 OF 2022—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:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determination, together with accompanying statement—Head of Service, Directors-General and Executives—Determination 1 of 2022.

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

21 PUBLIC SECTOR MANAGEMENT STANDARDS—ENGAGEMENTS OF LONG TERM SENIOR EXECUTIVE SERVICE MEMBERS—SCHEDULE—1 SEPTEMBER 2021 TO 28 FEBRUARY 2022—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:

Public Sector Management Standards, pursuant to section 56—Engagements of long term senior executive service members—Schedule—1 September 2021 to 28 February 2022.

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

22 GUNGAHLIN—CINEMA DEVELOPMENT—RESPONSE TO THE RESOLUTION OF THE ASSEMBLY—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:

Gungahlin—Cinema development—Response to the resolution of the Assembly of 1 December 2021.

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

23 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 7—ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2021 AND ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2021 (NO 2)—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:

Planning, Transport and City Services—Standing Committee—Report 7—*Road Transport Legislation Amendment Bill 2021 and Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2)*—Government response.

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

24 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 2—INQUIRY INTO THE 2020 A.C.T. ELECTION AND THE ELECTORAL ACT—SUPPLEMENTARY 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:

Justice and Community Safety—Standing Committee—Report 2—*Inquiry into the 2020 ACT Election and the Electoral Act*—Supplementary Government response.

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

25 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 4—INQUIRY INTO THE ELECTORAL AMENDMENT BILL 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:

Justice and Community Safety—Standing Committee—Report 4—*Inquiry into the Electoral Amendment Bill 2021*—Government response.

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

26 FREEDOM OF INFORMATION ACT—COPY OF NOTICE PROVIDED TO THE OMBUDSMAN—FREEDOM OF INFORMATION REQUEST—DECISION NOT MADE IN TIME—COMMUNITY SERVICES DIRECTORATE (HOU-21/46)—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:

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 (HOU-21/46).

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

27 LEAVE OF ABSENCE TO MEMBER

Mr Braddock moved—That leave of absence be granted to Mr Rattenbury for today for health reasons.

Question—put and passed.

28 NON-PAYMENT OF FINES—PENALTIES FOR MINOR OFFENCES

Mr Braddock, by leave, having amended his notice, pursuant to notice, moved—That this Assembly:

(1) notes that:

(a) The ACT Government's compliance model is based on a model of *Engage, Educate, Enforce*, with the following key principles:

- (i) risk-based;
- (ii) proportionate;
- (iii) effective; and
- (iv) accountable;

(b) nationally, abundant evidence demonstrates that fines have disproportionate and serious impacts on marginalised communities, including Aboriginal and Torres Strait Islanders, young people, detainees, welfare recipients, the homeless and people with disabilities and/or mental health issues;

(c) ACT Government legislation contains penalties in the form of fines for a wide range of offences varying in severity from serious to minor offences. Non-payment of fines can result in:

- (i) further financial penalties regardless of the offender's ability to pay; and
 - (ii) interaction with the court system;
 - (d) the systemic impacts of applying these penalties, and any consequential court action for non-payment of fines, may be inconsistent with the ACT Government's compliance model and its principles; and
 - (e) the ACT Government has taken steps to mitigate those harms, including enabling alternatives to paying fines, and payment plans. Despite this, vulnerable Canberrans may still face court due to non-payment of fines for what most would view as minor transgressions; and
- (2) calls on the ACT Government to:
- (a) provide information (in the form of general information and statistics, or representative samples, as appropriate) on:
 - (i) the extent to which unpaid infringement or penalty notices for minor offences are pursued through the courts; and
 - (ii) the resource implications of that enforcement action, with regard to the magnitude of the fine;
 - (b) examine alternative options to improve equity, including whether and in what circumstances a fines regime would be likely to remain effective without the option to pursue a prosecution through the Courts; and
 - (c) report back to the Assembly by 30 September 2022.

Debate ensued.

Question—put and passed.

29 A.C.T. GOVERNMENT PROCUREMENT PROCESSES

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

- (1) notes that the:
 - (a) ACT Auditor-General's Report No 13/2021 identified serious probity issues in procurement practices for the Campbell Primary School Modernisation Project; and
 - (b) ACT Integrity Commissioner has publicly stated that the probity problems identified by the Auditor-General are "likely to be endemic" in the ACT Government;
- (2) recognises that:
 - (a) the concerns raised by the Auditor-General are serious, and require the ACT Government to review and make necessary changes to its procurement culture, processes and practice; and
 - (b) Canberrans deserve assurance that their tax dollars are being used by the ACT Government to provide the best value for money; and

- (3) calls on the ACT Government to:
- (a) commission an independent audit of all ACT Government procurements contracted from 2016-17 to the present;
 - (b) table the audit terms of reference and the identity of the appointed auditor in the Assembly by the next sitting; and
 - (c) table the audit report in full in the Assembly within seven days of receiving it from the independent auditor.

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

“(1) notes that:

- (a) the ACT Government is committed to ensuring that all procurement activity is fair, open and undertaken in accordance with the provisions of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and all relevant policy and guidance material;
- (b) the ACT Government welcomes the ACT Auditor-General’s report on the Campbell Primary School Modernisation Project procurement and is currently developing a formal response to the report’s recommendations. This response will be tabled in the Assembly during the April sittings;
- (c) the Auditor-General undertook an audit on procurement exemptions and value for money in 2021. A government response was tabled in relation to that audit in October 2021 and Procurement ACT is progressing a work plan to implement its recommendations. The Auditor-General has also undertaken at least three other audits that relate to procurement processes in recent years;
- (d) separately, in 2021, the ACT Head of Service commissioned an independent review of Procurement ACT to establish whether it is delivering its role effectively and efficiently. A copy of this review will be released publicly as part of the Government’s response to the Auditor-General’s inquiry into the Campbell Primary School Modernisation Project, along with details of further priorities for ongoing improvements to transparency, probity and accountability in ACT Government procurement;
- (e) the Standing Committee on Public Accounts has an ongoing inquiry into the Auditor-General’s report on the Campbell Primary School Modernisation Project; and
- (f) the ACT Government established the ACT Integrity Commission in 2019, considered Australia’s strongest integrity framework. Last month, the Integrity Commissioner made a public call for information on ACT Government procurement processes. The Commission will determine whether an investigation is justified;

- (2) further notes that, since the procurement process was undertaken for the Campbell Primary School Modernisation Project, the ACT Government has made improvements and updates to procurement frameworks and guidance, as part of a process of continuous improvement. These include:
- (a) releasing the *Probity in Procurement Guide* which provides guidance on probity and how to maintain probity in ACT Government procurement processes. The Guide was reviewed and updated in May 2021 and again in February 2022;
 - (b) establishing a *Supplier Complaints Management Procedure* for managing supplier complaints about the conduct of Territory procurement in a consistent way across government;
 - (c) developing a range of factsheets and better practice guidance on key procurement topics and how they relate to the Territory, available on the Procurement ACT website;
 - (d) creating live virtual and face-to-face training on a range of procurement related topics, such as Probity, Procurement and Commissioning, Value for Money and Procurement and Panel Management;
 - (e) the release of a series of eLearning modules designed to support public servants undertaking procurement;
 - (f) Introduction to Procurement—released on 13 May 2021;
 - (g) ACT Government Probity in Procurement—released on 25 June 2021;
 - (h) Aboriginal and Torres Strait Islander Procurement Policy—released on 11 October 2021;
 - (i) launching the ACT Government *Procurement Capability Framework* to support the professional development of procurement professionals across the ACT Government; and
 - (j) establishing a Procurement Community of Practice to support procurement capability uplift and sharing of better practice knowledge; and
- (3) acknowledges that:
- (a) a significant amount of new and improved procurement policy and frameworks, guidance material, training, professional development and procurement capability building initiatives have been developed and implemented recently across the ACT Government; and
 - (b) the ACT Government enters into over 1000 notifiable contracts each year. An audit of all procurement processes would entail a disproportionate investment of time, staffing resources and associated costs, while pre-empting results of ongoing inquiries.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 12		NOES, 5
Mr Braddock	Ms Orr	Mr Cain
Ms Burch	Dr Paterson	Ms Castley
Ms Cheyne	Mr Pettersson	Mrs Kikkert
Ms Clay	Mr Steel	Ms Lee
Ms Davidson	Ms Stephen-Smith	Mr Parton
Mr Davis	Ms Vassarotti	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) the ACT Government is committed to ensuring that all procurement activity is fair, open and undertaken in accordance with the provisions of the *Government Procurement Act 2001*, the *Government Procurement Regulation 2007* and all relevant policy and guidance material;
 - (b) the ACT Government welcomes the ACT Auditor-General’s report on the Campbell Primary School Modernisation Project procurement and is currently developing a formal response to the report’s recommendations. This response will be tabled in the Assembly during the April sittings;
 - (c) the Auditor-General undertook an audit on procurement exemptions and value for money in 2021. A government response was tabled in relation to that audit in October 2021 and Procurement ACT is progressing a work plan to implement its recommendations. The Auditor-General has also undertaken at least three other audits that relate to procurement processes in recent years;
 - (d) separately, in 2021, the ACT Head of Service commissioned an independent review of Procurement ACT to establish whether it is delivering its role effectively and efficiently. A copy of this review will be released publicly as part of the Government’s response to the Auditor-General’s inquiry into the Campbell Primary School Modernisation Project, along with details of further priorities for ongoing improvements to transparency, probity and accountability in ACT Government procurement;
 - (e) the Standing Committee on Public Accounts has an ongoing inquiry into the Auditor-General’s report on the Campbell Primary School Modernisation Project; and
 - (f) the ACT Government established the ACT Integrity Commission in 2019, considered Australia’s strongest integrity framework. Last month, the Integrity Commissioner made a public call for information on ACT Government procurement processes. The Commission will determine whether an investigation is justified;

- (2) further notes that, since the procurement process was undertaken for the Campbell Primary School Modernisation Project, the ACT Government has made improvements and updates to procurement frameworks and guidance, as part of a process of continuous improvement. These include:
- (a) releasing the *Probity in Procurement Guide* which provides guidance on probity and how to maintain probity in ACT Government procurement processes. The Guide was reviewed and updated in May 2021 and again in February 2022;
 - (b) establishing a *Supplier Complaints Management Procedure* for managing supplier complaints about the conduct of Territory procurement in a consistent way across government;
 - (c) developing a range of factsheets and better practice guidance on key procurement topics and how they relate to the Territory, available on the Procurement ACT website;
 - (d) creating live virtual and face-to-face training on a range of procurement related topics, such as Probity, Procurement and Commissioning, Value for Money and Procurement and Panel Management;
 - (e) the release of a series of eLearning modules designed to support public servants undertaking procurement;
 - (f) Introduction to Procurement—released on 13 May 2021;
 - (g) ACT Government Probity in Procurement—released on 25 June 2021;
 - (h) Aboriginal and Torres Strait Islander Procurement Policy—released on 11 October 2021;
 - (i) launching the ACT Government *Procurement Capability Framework* to support the professional development of procurement professionals across the ACT Government; and
 - (j) establishing a Procurement Community of Practice to support procurement capability uplift and sharing of better practice knowledge; and
- (3) acknowledges that:
- (a) a significant amount of new and improved procurement policy and frameworks, guidance material, training, professional development and procurement capability building initiatives have been developed and implemented recently across the ACT Government; and
 - (b) the ACT Government enters into over 1000 notifiable contracts each year. An audit of all procurement processes would entail a disproportionate investment of time, staffing resources and associated costs, while pre-empting results of ongoing inquiries.” —

be agreed to—put and passed.

30 ADJOURNMENT

Mr Steel (Special Minister of State) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 4.27 pm, adjourned until Tuesday, 5 April 2022 at 10 am.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly