



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023–2024

MINUTES OF PROCEEDINGS

No 132

WEDNESDAY, 4 SEPTEMBER 2024

- 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 PETITIONS AND MINISTERIAL RESPONSE—PETITIONS AND RESPONSE NOTED

Petitions

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

Mr Hanson, from 378 residents, requesting that the Assembly call on the ACT Government to provide a facility for veterans of the ADF, AFP, ACT fire fighters, paramedics and other frontliner responders (Pet 041-24).

Ms Clay, from 87 residents, requesting that the Assembly call on the Government to upgrade the C5 cycle path through Macquarie and Cook with raised pedestrian crossings and reduced speed limits and investigate other active travel measures (Pet 042-24).

Ministerial response

The Clerk announced that the following response to a petition had been lodged:

Ms Berry (Minister for Sport and Recreation), dated 2 September 2024—Response to e-petition No 014-24 and Pet 025-24, lodged by Mr Parton on 25 June 2024, concerning the provision of permanent facilities at the Gordon playing fields.

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

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

Petition which does not conform with the standing orders—Cook and Macquarie—Upgrade to the C5 cycle path and other active travel measures—Ms Clay (745 signatures).

Papers: Mr Hanson, by leave, presented the following papers:

Petitions which do not conform with the standing orders—

Drugs decriminalisation—Objection—Mr Hanson (3160 signatures).

Molonglo Valley—Increase of police numbers and resources—Mr Hanson (154 signatures).

Tram—Objection—Mr Hanson (2710 signatures).

Weston Creek—Increase of police numbers and resources—Mr Hanson (119 signatures).

Papers: Mr Cocks, by leave, presented the following papers:

Petitions which do not conform with the standing orders—

Cooleman Court—Parking improvement—Mr Cocks (190 signatures).

Deakin Shops— Parking improvement—Mr Cocks (15 signatures).

Farrer Primary School—Objection to playing fields fence—Mr Cocks (121 signatures).

Garran Shops— Parking improvement —Mr Cocks (53 signatures).

Pearce Shops—Upgrade—Mr Cocks (54 signatures).

Torrens Shops—Parking improvement—Mr Cocks (36 signatures).

Waramanga Shops—Parking improvement—Mr Cocks (26 signatures).

Yarralumla—Parking improvement—Mr Cocks (55 signatures).

Debate continued.

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

Petition which does not conform with the standing orders—Fraser Oval—Improvement (643 signatures).

Debate continued.

Paper: Mrs Kikkert, by leave, presented the following paper:

Petition which does not conform with the standing orders—Hawker—Construction of a raised pedestrian crossing in Coniston Street—Mrs Kikkert (99 signatures).

Ms Berry, pursuant to standing order 47, made a statement.

Question—put and passed.

3 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 31—INQUIRY INTO INTEGRITY COMMISSION’S CONFIDENTIAL REPORT INTO OPERATION KITE—REPORT NOTED

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee—Report 31—*Inquiry into Integrity Commission’s confidential report into Operation Kite*, dated 2 September 2024, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

4 APPROPRIATION BILL 2024-2025

The Assembly, according to order, resumed further consideration at the detail stage—

Detail Stage

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.8—Community Services Directorate—

Debate continued.

Proposed expenditure agreed to.

Part 1.9—Major Projects Canberra—debated and agreed to.

Part 1.10—Superannuation Provision Account—debated and agreed to.

Part 1.11—Environment, Planning and Sustainable Development Directorate—

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

5 QUESTIONS

Questions without notice were asked.

6 SUSPENSION OF STANDING ORDERS—VALEDICTORY—MS LAWDER AND MS BURCH

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent:

- (1) Ms Lawder and Ms Burch making their valedictory speeches at 4 pm on Wednesday 4 September and Thursday 5 September 2024 respectively;
- (2) any business before the Assembly at 4 pm on Wednesday 4 September 2024 being interrupted to allow Ms Lawder to make a valedictory speech;
- (3) any business before the Assembly at 4 pm on Thursday 5 September 2024 being interrupted to allow Ms Burch to make a valedictory speech; and
- (4) debate on any motion before the Assembly at the time of interruption being adjourned and the Chair fixing the resumption of the debate on the matter interrupted being called on immediately after the valedictory is made.

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

7 CFMEU—A.C.T. BRANCH

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

- (1) notes:
 - (a) that on 23 August 2024, the Federal Government placed all branches of the construction and general division of the Construction, Forestry and Maritime Employees Union (CFMEU) into administration, including the ACT Branch;
 - (b) that this action was in response to the recent disturbing allegations of corruption and links to organised crime within the CFMEU;
 - (c) comments by Master Builders ACT (MBA) that the cost of construction can increase by up to 30 percent due to delays brought about by CFMEU influence on building sites, and that they have been raising concerns about union interference in procurement for years;
 - (d) that the unions recently sought to be given greater power to investigate and prosecute companies in breach of the Secure Local Jobs Code, and sought the right to oversee the appointment of senior public servants in the ACT; and
 - (e) the MBA’s response to this push by the union for more power was “If the CFMEU get their way, they will continue to bully and harass not only our builders and subcontractors, but our government officials too”;
- (2) further notes:
 - (a) that Operation Kingfisher is a current investigation by the Integrity Commission into whether public officials within the Education Directorate failed to exercise their official functions honestly when making recommendations and decisions regarding the Campbell Primary School Modernisation Project;
 - (b) that the investigation heard evidence that the CFMEU pressured the Government not to award the contract for the Campbell Primary School Modernisation Project to the company that was the preferred option following a tender process;
 - (c) comments by the Integrity Commissioner during recent hearings of the Select Committee on Estimates 2024-2025 where he said “The question of the CFMEU raises the whole question of lobbying by organisations, both of departments of particular public servants and of politicians. It is a problem in every jurisdiction in Australia. If I had the resources, I would have an inquiry about lobbying in the ACT”;
 - (d) the Integrity Commissioner’s further comments that “The ACT is a small and highly interconnected community where links (personal, political and commercial) are invasive. Lobbying on an official and unofficial basis can occur easily”;
 - (e) that the Premiers of Victoria, South Australia, New South Wales, Queensland, the Labor Opposition Leader in Tasmania, and the former Chief Minister of the Northern Territory, have all taken action to suspend the CFMEU from their respective state Labor branches; and
 - (f) that the ACT Chief Minister has, to date, failed to take any action to suspend the CFMEU from ACT Labor, leaving him as the only Labor leader in the country not to take decisive action; and

- (3) calls on the Chief Minister to immediately take action and to suspend the ACT Branch of the CFMEU from ACT Labor.

Debate ensued.

Mr Gentleman (Minister for Industrial Relations and Workplace Safety) moved the following amendment: Omit all text after “That this Assembly”, substitute:

“(1) notes:

- (a) that on 23 August 2024, the Federal Government placed all branches of the construction and general division of the Construction, Forestry and Maritime Employees Union (CFMEU) into administration, in response to the recent disturbing allegations of corruption and links to organised crime;
- (b) that the ACT Branch of the CFMEU has been suspended from the Australian Labor Party (ALP) since 29 August 2024, per decision of the ALP National Executive. The construction and general division’s affiliation has been suspended in New South Wales, Victoria, South Australia, and Tasmania since 18 July 2024, and all suspensions will remain in place until further notice;
- (c) for the duration of this suspension, the construction and general division of the CFMEU will be excluded from all rights ordinarily afforded to an affiliated union under both Labor’s National Constitution, and the rules of all ALP state and territory branches; and
- (d) ACT Labor will not levy or accept any affiliation fees or political donations from any branch of the construction and general division of the CFMEU for the period of the suspension, including the division’s national office; and

(2) recognises:

- (a) that the ACT branch of the CFMEU will be investigated by the independent administrator with a view to confirming that there are no current issues that would require long-term intervention;
- (b) that it is important the ACT Branch be returned to the control of its members as soon as is practicable; and
- (c) that any allegations of criminal behaviour within the construction industry should and must be referred to the appropriate authorities for investigation.”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 15		NOES, 8
Andrew Barr	Laura Nuttall	Leanne Castley
Yvette Berry	Suzanne Orr	Ed Cocks
Andrew Braddock	Marisa Paterson	Jeremy Hanson
Joy Burch	Michael Pettersson	Elizabeth Kikkert
Tara Cheyne	Chris Steel	Nicole Lawder
Jo Clay	Rachel Stephen-Smith	Elizabeth Lee
Emma Davidson	Rebecca Vassarotti	James Milligan
Mick Gentleman		Mark Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) that on 23 August 2024, the Federal Government placed all branches of the construction and general division of the Construction, Forestry and Maritime Employees Union (CFMEU) into administration, in response to the recent disturbing allegations of corruption and links to organised crime;
 - (b) that the ACT Branch of the CFMEU has been suspended from the Australian Labor Party (ALP) since 29 August 2024, per decision of the ALP National Executive. The construction and general division’s affiliation has been suspended in New South Wales, Victoria, South Australia, and Tasmania since 18 July 2024, and all suspensions will remain in place until further notice;
 - (c) for the duration of this suspension, the construction and general division of the CFMEU will be excluded from all rights ordinarily afforded to an affiliated union under both Labor’s National Constitution, and the rules of all ALP state and territory branches; and
 - (d) ACT Labor will not levy or accept any affiliation fees or political donations from any branch of the construction and general division of the CFMEU for the period of the suspension, including the division’s national office; and
- (2) recognises:
 - (a) that the ACT branch of the CFMEU will be investigated by the independent administrator with a view to confirming that there are no current issues that would require long-term intervention;
 - (b) that it is important the ACT Branch be returned to the control of its members as soon as is practicable; and
 - (c) that any allegations of criminal behaviour within the construction industry should and must be referred to the appropriate authorities for investigation.”—

be agreed to—put and passed.

8 BUILDING CERTIFIERS—CONSTRUCTION AND STRATA COMMISSIONER—PROPOSED APPOINTMENT

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

- (1) notes:
 - (a) in July 2020, the Minister for Building Quality Improvement, Gordon Ramsay MLA, announced that the ACT Government would establish a team of public sector certifiers to restore confidence in the Territory’s construction sector;
 - (b) ACT Labor, ahead of the 2020 ACT election, committed to “establishing an expert team of publicly funded building certifiers within the ACT Public Service”; and

- (c) the ACT Greens, ahead of the 2020 ACT election, committed to “bring[ing] back government building certifiers for multi-unit residential developments, and for all projects where the builder or major subcontractors have been the subject of regulatory action by Access Canberra or WorkSafe. This will be revenue neutral, funded by regulatory fees”; and
- (2) calls on the ACT Government to establish an expert team of publicly funded building certifiers within the ACT Public Service.

Debate ensued.

Ms Vassarotti (Minister for Sustainable Building and Construction) moved the following amendment: Omit all text after paragraph (1)(c), substitute:

- “(d) to address these commitments, the ACT Government has implemented a suite of reforms to improve building quality and enhance consumer protections. These have included:
 - (i) a nation leading Property Developer Licencing Scheme;
 - (ii) a registration scheme for engineers;
 - (iii) universal accessibility standards;
 - (iv) improving energy efficiency standards;
 - (v) reviewing and improving building warranty programs; and
 - (vi) developing a plan to enable the ACT’s buildings to meet world’s best practice in relation to sustainability;
- (e) in addition, under the leadership of the Minister for Sustainable Building and Construction, the Environment, Planning and Sustainable Development Directorate undertook a program of work to explore and consider a range of options to strengthen building certification services, including public certifiers;
- (f) analysis informed by independent expert advice, the experience of other jurisdictions and the impact of other building reforms introduced to the ACT since 2020, led to the conclusion that the most effective way to reduce building defects and improve consumer protection would be to establish a public service team of building surveyors, engineers and other professionals responsible for a number of additional steps to improve the certification process. This includes additional requirements at the documentation stage, onsite inspections by public certifiers through the construction phase and additional checks prior to providing a certificate of occupation; and
- (g) the new building certification reforms were agreed to by Cabinet, funded through the 2024-2025 Budget, and were announced by the ACT Government on 13 August. The reforms will be implemented by July 2025; and
- (2) calls on the ACT Government to:
 - (a) continue to implement these reforms from July 2025; and
 - (b) commit to monitoring the effectiveness of the changes, evaluate the outcomes and share the findings publicly by 30 September 2027, including any recommendations for change.”.

Ms Vassarotti addressing the Assembly—

It being 4 pm, debate was adjourned pursuant to the resolution of the Assembly, and resumption of debate made an order of the day at the conclusion of the valedictory.

9 VALEDICTORY

Ms Lawder made a statement concerning her retirement from the Assembly.

Presence of Auslan Interpreter on floor of the chamber: Pursuant to standing order 210, an Auslan interpreter was present on the floor of the Chamber during the above statement.

Ms Lee (Leader of the Opposition), Mr Barr (Chief Minister) and Mr Rattenbury (Leader of the ACT Greens), by leave, also made statements.

Suspension of sitting: The Speaker, at 4.59 pm, suspended the sitting and announced that the Chair would be resumed at the ringing of the bells.

Resumption of sitting: The bells having been rung, the Speaker resumed the Chair at 5.03 pm.

10 BUILDING CERTIFIERS—CONSTRUCTION AND STRATA COMMISSIONER—PROPOSED APPOINTMENT

The order of the day having been read for the resumption of the debate on the motion of Mr Pettersson and on the amendment moved by Ms Vassarotti (Minister for Sustainable Building and Construction) (*see entry 8*)—

Debate resumed.

Amendment negatived.

Mr Parton moved the following amendment: Omit all text after paragraph (1)(c), substitute:

- “(d) Labor and the Greens have failed to improve building quality in the ACT;
 - (e) in 2019, the NSW Government appointed an independent Building Commissioner to restore trust in the construction industry;
 - (f) jurisdictions across Australia have introduced or sought to introduce a similar Building Commissioner including Western Australia, South Australia, and Victoria; and
 - (g) over the term of the Tenth Assembly, this Government has introduced more than 125 law and regulatory changes in a failed attempt to improve building quality in Canberra. These changes have instead resulted in a significant amount of construction insolvencies; and
- (2) calls on the ACT Government to:
- (a) appoint a Construction and Strata Commissioner to ensure building quality standards in the ACT; and

- (b) task the Commissioner with establishing an expert team of publicly funded building certifiers within the ACT Public Service.”.

Debate continued.

Mr Orr, by leave, moved the following amendments to Mr Parton’s proposed amendment, together:

1. Omit paragraph (1)(d).
2. Omit paragraph (1)(g).
3. Omit in paragraph (2)(a) “appoint”, substitute “investigate appointing”.
4. Add new paragraph after paragraph (2)(b): “continue implementing reforms that are already underway.”.

Ms Orr’s amendments to Mr Parton’s proposed amendment agreed to.

Ms Vassarotti (Minister for Sustainable Building and Construction), by leave, moved the following amendment to Mr Parton’s proposed amendment, as amended: Omit paragraph (2)(b), substitute:

- “(b) task the Commissioner with exploring establishing an expert team of publicly funded building certifiers within the ACT Public Service.”.

Ms Vassarotti’s amendment to Mr Parton’s proposed amendment, as amended, agreed to.

Debate continued.

Mr Parton’s amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) in July 2020, the Minister for Building Quality Improvement, Gordon Ramsay MLA, announced that the ACT Government would establish a team of public sector certifiers to restore confidence in the Territory’s construction sector;
 - (b) ACT Labor, ahead of the 2020 ACT election, committed to “establishing an expert team of publicly funded building certifiers within the ACT Public Service”;
 - (c) the ACT Greens, ahead of the 2020 ACT election, committed to “bring[ing] back government building certifiers for multi-unit residential developments, and for all projects where the builder or major subcontractors have been the subject of regulatory action by Access Canberra or WorkSafe. This will be revenue neutral, funded by regulatory fees”;
 - (d) in 2019, the NSW Government appointed an independent Building Commissioner to restore trust in the construction industry; and
 - (e) jurisdictions across Australia have introduced or sought to introduce a similar Building Commissioner including Western Australia, South Australia, and Victoria; and

- (2) calls on the ACT Government to:
- (a) investigate appointing a Construction and Strata Commissioner to ensure building quality standards in the ACT;
 - (b) task the Commissioner with exploring establishing an expert team of publicly funded building certifiers within the ACT Public Service; and
 - (c) continue implementing reforms that are already underway.”—
- be agreed to—put and passed.

11 APPROPRIATION BILL 2024-2025

The Assembly, according to order, resumed further consideration at the detail stage—

Detail Stage

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.11—Environment, Planning and Sustainable Development Directorate—

Debate continued.

Proposed expenditure agreed to.

Part 1.12—Housing ACT—debated and agreed to.

Suspension of standing order 76: Ms Orr moved—That standing order 76 be suspended for the remainder of this sitting.

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

Part 1.13—Canberra Institute of Technology—agreed to.

Part 1.14—City Renewal Authority—agreed to.

Part 1.15—Legal Aid Commission (ACT)—agreed to.

Part 1.16—Office of the Work Health and Safety Commissioner—agreed to.

Part 1.17—ACT Executive—agreed to.

Part 1.18—ICON Water Limited—debated and agreed to.

Part 1.19—Cultural Facilities Corporation—agreed to.

Part 1.20—ACT Gambling and Racing Commission—debated and agreed to.

Part 1.21—Public Trustee and Guardian—debated and agreed to.

Part 1.22—Independent Competition and Regulatory Commission—agreed to.

Total Appropriated to Territory Entities—agreed to.

Part 1.23—Treasurer’s Advance—agreed to.

Part 1.24—Capital Works Reserve—agreed to.

Total Appropriations—agreed to.

Clauses 1 to 5, by leave, taken together and agreed to.

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

Question—That this Bill be agreed to—put.

The Assembly voted—

AYES, 15

NOES, 8

Andrew Barr	Laura Nuttall	Peter Cain
Yvette Berry	Suzanne Orr	Leanne Castley
Andrew Braddock	Marisa Paterson	Ed Cocks
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Elizabeth Lee
Emma Davidson	Rebecca Vassarotti	James Milligan
Mick Gentleman		Mark Parton

And so it was resolved in the affirmative—Bill agreed to.

12 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2024-2025

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 MEMBERS' STATEMENTS

Members' statements were made.

14 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 8.55 pm, adjourned until tomorrow at 10 am.

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MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.
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Tom Duncan
Clerk of the Legislative Assembly