



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

## MINUTES OF PROCEEDINGS

No 105

WEDNESDAY, 1 NOVEMBER 2023

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- 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 PETITION—PETITION NOTED

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Parton, from 101 residents, requesting that the Assembly call on the Government to complete a paved section of the Point Hut Pond Parkrun path (e-Pet 020-23).

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

Debate ensued.

Question—put and passed.

**3 MATERNITY SERVICES AND HEALTH SERVICES FOR WOMEN—ASSEMBLY RESOLUTIONS OF 7 FEBRUARY 2023 AND 21 MARCH 2023—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning maternity services and health services for women in the ACT in response to the Assembly resolution of 7 February 2023 relating to maternity services and birthing centres, and Assembly resolution of 21 March 2023 regarding gynaecology oncology unit, and presented the following paper:

Maternity services and health services for women—Assembly resolutions of 7 February 2023 and 21 March 2023—Government response—Ministerial statement, 1 November 2023.

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

Debate ensued.

Question—put and passed.

**4 FUEL PRICE MONITORING—ASSEMBLY RESOLUTION OF 31 MAY 2023—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Ms Cheyne (Minister for Business and Better Regulation) made a ministerial statement concerning the Government's response to the Assembly resolution of 31 May 2023 relating to fuel price monitoring and presented the following papers:

FuelCheck Post-Implementation Review—Summary Report, dated August 2023.

Fuel price monitoring—Assembly resolution of 31 May 2023—Government response—Ministerial statement, 1 November 2023.

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

Question—put and passed.

**5 JUSTICE (AGE OF CRIMINAL RESPONSIBILITY) LEGISLATION AMENDMENT BILL 2023**

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

Debate resumed.

*Paper:* Mr Rattenbury (Attorney-General) presented a revised explanatory statement to the Bill.

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

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*Detail Stage*

Clause 1—

Debate adjourned (Ms Stephen-Smith—Minister for Families and Community Services) and the resumption of the debate made an order of the day for a later hour this day.

## 6 QUESTIONS

Questions without notice were asked.

## 7 LEAVE OF ABSENCE TO MEMBER

Ms Lawder moved—That leave of absence be granted to Mr Cocks for this sitting due to illness.

Question—put and passed.

## 8 BUSHFIRE PREPAREDNESS

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

(1) notes:

- (a) that on 20 September 2023, the ACT Government claim reported in *The Canberra Times* that “... the ACT is more prepared in 2023 than in any time in our past”;
- (b) that by the Minister’s own admission during question time on Thursday 26 October, the reality on the ground would not support this ministerial claim, given the condition of the Namadgi National Park fire trail network today, that is post-Orroral Valley Fire of 2020, and excessive rainfall of the past two years;
- (c) critical fire trails remain either closed, not fully accessible to Rural Fire Service appliances, such as large flow trucks, and certainly not built and therefore maintained to the required standards, that only a band aid approach to repairs and maintenance has been implemented nearly four years post 2020;
- (d) that according to the Minister’s response, they would not be able to get large equipment up to the higher parts of Namadgi National Park; and
- (e) that Corin Dam is not accessible and so water supply to that area remains uncertain;

(2) further notes:

- (a) an “articulated float” or flow truck means having a road network built to such a standard which allows a small dozer to be floated (transported) on the back of a large truck, thus allowing rapid response access to remote fires to quickly commence building fire containment lines; and
- (b) that such a “roading standard” was a key recommendation from the 2003 McLeod fire inquiry; and

(3) calls on the ACT Government to:

- (a) fully commit to reinstating the Namadgi National Park fire trail network, returning the network to its pre-Orroral Valley Fire 2020 accessibility status, as per *ACT Bushfire Management Standards* July 2023, section A3.9.4, *Standards – Fire Trails* (pages 97 and 98), including articulated float roading classification to ensure rapid access to remote locations within the Bimberi Wilderness area of the Park;

- (b) reports to the Assembly on a quarterly basis, progress on the implementation of these fire trail repair works as per *ACT Bushfire Management Standards* July 2023; and
- (c) report back to the Assembly by the final sitting day of 2023, on the status of the repair of the critical fire trails network in Namadgi National Park.

Debate ensued.

*Paper:* Mr Braddock, by leave, presented the following paper:

Naas Valley Fire Trail—Copy of photo, National Parks Association of the ACT, dated August 2023.

Mr Braddock moved the following amendment: Omit all text after “That this Assembly”, substitute:

“(1) notes:

- (a) that on 20 September 2023, the ACT Government claim reported in *The Canberra Times* that “... the ACT is more prepared in 2023 than in any time in our past”;
- (b) the impacts of extreme weather events, exacerbated by climate change, have affected the accessibility of fire trails such that ongoing work is required to keep them in a state of good repair;
- (c) work is currently required to ensure that critical fire trails will be fully accessible to Rural Fire Service appliances, such as large fire trucks;
- (d) there are legitimate concerns in the community that firefighters may not be able to get large equipment up to the higher parts of Namadgi National Park if required in the immediate future; and
- (e) that these concerns extend to access to Corin Dam and the associated water supply;

(2) further notes:

- (a) access for a float truck means having a road network built to such a standard which allows a small dozer to be floated (transported) on the back of a large truck, thus allowing rapid response access to remote fires to quickly commence building fire containment lines; and
- (b) a key recommendation from the 2003 McLeod fire inquiry was to ensure that fire trails should be established and maintained for accessibility as informed by risk assessments conducted by the relevant government directorate; and

(3) calls on the ACT Government to:

- (a) fully commit to reinstating the Namadgi National Park fire trail network, to an appropriate and risk-informed accessibility status, as per *ACT Bushfire Management Standards*, July 2023, section A3.9.4, *Standards – Fire Trails* (pages 97 and 98) including, articulated float roading classification to ensure rapid access to remote locations within the Bimberi Wilderness area of the Park;

- (b) reports to the Assembly bi-annually, including prior to the commencement of each fire season, regarding progress on the implementation of these fire trail repair works as per the *ACT Bushfire Management Standards* July 2023; and
- (c) report back to the Assembly by the final sitting day of 2023, on the status of the repair of the critical fire trails network in Namadgi National Park.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) that on 20 September 2023, the ACT Government claim reported in *The Canberra Times* that “... the ACT is more prepared in 2023 than in any time in our past”;
  - (b) the impacts of extreme weather events, exacerbated by climate change, have affected the accessibility of fire trails such that ongoing work is required to keep them in a state of good repair;
  - (c) work is currently required to ensure that critical fire trails will be fully accessible to Rural Fire Service appliances, such as large fire trucks;
  - (d) there are legitimate concerns in the community that firefighters may not be able to get large equipment up to the higher parts of Namadgi National Park if required in the immediate future; and
  - (e) that these concerns extend to access to Corin Dam and the associated water supply;
- (2) further notes:
  - (a) access for a float truck means having a road network built to such a standard which allows a small dozer to be floated (transported) on the back of a large truck, thus allowing rapid response access to remote fires to quickly commence building fire containment lines; and
  - (b) a key recommendation from the 2003 McLeod fire inquiry was to ensure that fire trails should be established and maintained for accessibility as informed by risk assessments conducted by the relevant government directorate; and
- (3) calls on the ACT Government to:
  - (a) fully commit to reinstating the Namadgi National Park fire trail network, to an appropriate and risk-informed accessibility status, as per *ACT Bushfire Management Standards*, July 2023, section A3.9.4, *Standards – Fire Trails* (pages 97 and 98) including, articulated float roading classification to ensure rapid access to remote locations within the Bimberi Wilderness area of the Park;

- (b) reports to the Assembly bi-annually, including prior to the commencement of each fire season, regarding progress on the implementation of these fire trail repair works as per the *ACT Bushfire Management Standards* July 2023; and
- (c) report back to the Assembly by the final sitting day of 2023, on the status of the repair of the critical fire trails network in Namadgi National Park.”—

be agreed to—put and passed.

## 9 BELCONNEN TO CIVIC BUS CORRIDOR—UPGRADES

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

- (1) notes that:
  - (a) a petition calling for improved bus priority measures between Belconnen and Canberra City was tabled in the Assembly last sitting week, and all three parties voiced their support for such improvements;
  - (b) the population in the Belconnen Town Centre has doubled in the last 10 years with more major residential developments being planned or commencing construction;
  - (c) there are significant patronage attractors on the corridor including the Australian National University (ANU), CSIRO, Northside Hospital Precinct, Canberra Institute of Technology Bruce, Radford College and the University of Canberra (UC) that would benefit from faster and more frequent bus services;
  - (d) Canberra Stadium game day matches, and extensive shuttle buses will benefit from bus priority and faster travel times to town centres using a busway;
  - (e) there are opportunities to encourage interchanging between local and rapid routes to provide connections to the City and Belconnen directly by providing interchange style facilities at the ANU, Northside Hospital, and the UC, inclusive of end of trip facilities and potential park and ride opportunities;
  - (f) Transport Canberra bus routes to and from Belconnen are among the busiest in the city and are getting busier;
  - (g) congestion at key intersections along the route is increasingly problematic and causing delays to buses;
  - (h) the bus corridor dog leg along College Street and Haydon Drive is currently not the most direct option and adds travel time to journeys from through routed buses in the outer suburbs operating to the City and further south;
  - (i) improvements to the Belconnen to Civic transitway have been mooted since 2005;
  - (j) national agencies identified the Belconnen to Civic busway as an infrastructure priority in 2016;

- (k) the tram is unlikely to expand to Belconnen before at least 2040, after Commonwealth Park (2A) and Woden (2B); and
  - (l) a future proof solution is required to speed up journeys and make bus travel a more attractive option to commuting to the City by private car; and
- (2) calls on the ACT Government to:
- (a) investigate and deliver upgrades to the bus corridor between Belconnen and Civic before 2027, to deliver bus priority for the entire Belconnen to City corridor; and
  - (b) report back to the Assembly on the progress of these matters by the last sitting day of the 10th Assembly in 2024.

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

“(1) notes that:

- (a) a petition calling for improved bus priority measures between Belconnen and Canberra City was tabled in the Assembly last sitting week and all three parties voiced their support for such improvements;
- (b) the population in the Belconnen Town Centre has doubled in the last 10 years with more major residential developments being planned or commencing construction;
- (c) there are significant patronage attractors on the corridor including Australian National University, CSIRO, Northside Hospital Precinct, Belconnen Community Centre, CIT Bruce, Radford College and University of Canberra that would benefit from faster and more frequent bus services;
- (d) Canberra Stadium game day matches, and extensive shuttle buses will benefit from bus priority and faster travel times to town centres using a busway;
- (e) there are opportunities to encourage interchanging between local and rapid routes to provide connections to the City and Belconnen directly by providing interchange style facilities at the Australian National University, Northside Hospital, and the University of Canberra, inclusive of end of trip facilities and potential park and ride opportunities;
- (f) Transport Canberra bus routes to and from Belconnen are among the busiest in the city and are getting busier;
- (g) congestion at key intersections along the route is increasingly problematic and causing delays to buses;
- (h) the bus corridor dog leg along College Street and Haydon Drive is currently not the most direct option and adds travel time to journeys from through routed buses in the outer suburbs operating to the City and further south;
- (i) national agencies identified the Belconnen to Civic busway as an infrastructure priority in 2016; and

- (j) a future proof solution is required to speed up journeys and make bus travel a more attractive option to commuting to the City by private car; and
- (2) calls on the ACT Government to:
  - (a) deliver an updated feasibility study which investigates upgrades to the Belconnen Bus Transitway, to inform the delivery of bus priority between Belconnen and Civic in the next term of government;
  - (b) consider other modes of transport during investigations, including future planning for light rail and active travel connections; and
  - (c) report back to the Assembly on the progress of these matters by the last sitting day of the 10th Assembly in 2024.”.

Debate continued.

Mr Parton moved the following amendment to Mr Steel’s proposed amendment: Add new paragraph after paragraph (2)(c):

- “(d) commit to the delivery of bus priority between Belconnen and Civic before the election of 2028.”.

Debate continued.

Amendment to proposed amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) a petition calling for improved bus priority measures between Belconnen and Canberra City was tabled in the Assembly last sitting week and all three parties voiced their support for such improvements;
  - (b) the population in the Belconnen Town Centre has doubled in the last 10 years with more major residential developments being planned or commencing construction;
  - (c) there are significant patronage attractors on the corridor including Australian National University, CSIRO, Northside Hospital Precinct, Belconnen Community Centre, CIT Bruce, Radford College and University of Canberra that would benefit from faster and more frequent bus services;
  - (d) Canberra Stadium game day matches, and extensive shuttle buses will benefit from bus priority and faster travel times to town centres using a busway;
  - (e) there are opportunities to encourage interchanging between local and rapid routes to provide connections to the City and Belconnen directly by providing interchange style facilities at the Australian National University, Northside Hospital, and the University of Canberra, inclusive of end of trip facilities and potential park and ride opportunities;



- (f) Transport Canberra bus routes to and from Belconnen are among the busiest in the city and are getting busier;
  - (g) congestion at key intersections along the route is increasingly problematic and causing delays to buses;
  - (h) the bus corridor dog leg along College Street and Haydon Drive is currently not the most direct option and adds travel time to journeys from through routed buses in the outer suburbs operating to the City and further south;
  - (i) national agencies identified the Belconnen to Civic busway as an infrastructure priority in 2016; and
  - (j) a future proof solution is required to speed up journeys and make bus travel a more attractive option to commuting to the City by private car; and
- (2) calls on the ACT Government to:
- (a) deliver an updated feasibility study which investigates upgrades to the Belconnen Bus Transitway, to inform the delivery of bus priority between Belconnen and Civic in the next term of government;
  - (b) consider other modes of transport during investigations, including future planning for light rail and active travel connections;
  - (c) report back to the Assembly on the progress of these matters by the last sitting day of the 10th Assembly in 2024; and
  - (d) commit to the delivery of bus priority between Belconnen and Civic before the election of 2028.”—

be agreed to—put and passed.

## 10 JUSTICE (AGE OF CRIMINAL RESPONSIBILITY) LEGISLATION AMENDMENT BILL 2023

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

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### *Detail Stage*

Clause 1 agreed to.

Clause 2—

On the motion of Mr Rattenbury (Attorney-General), his amendment No 1 (see [Schedule 1](#)) was made, after debate.

*Paper:* Mr Rattenbury presented a supplementary explanatory statement to the Government amendments.

Clause 2, as amended, agreed to.

Clauses 3 to 6, by leave, taken together and agreed to.

*New clauses—*

On the motion of Mr Rattenbury, new clauses 6A and 6B (his amendment No 2—see [Schedule 1](#)) were inserted in the Bill.

Clauses 7 to 9, by leave, taken together and agreed to.

Clause 10—

On the motion of Mr Rattenbury, by leave, his amendments Nos 3 to 5 (see [Schedule 1](#)) were made together.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12—

On the motion of Mr Rattenbury, by leave, his amendments Nos 6 to 9 (see [Schedule 1](#)) were made together.

Clause 12, as amended, agreed to.

Clauses 13 to 55, by leave, taken together and agreed to.

Clause 56—

Mr Cain was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee.

*Paper:* Mr Cain presented a supplementary explanatory statement to his amendments.

Debate continued.

Clause 56 agreed to.

Clause 57—

On the motion of Mr Rattenbury, his amendment No 10 (see [Schedule 1](#)) was made.

Clause 57, as amended, agreed to.

Clause 58—

On the motion of Mr Rattenbury, his amendment No 11 (see [Schedule 1](#)) was made.

Clause 58, as amended, agreed to.

*Proposed new clause—*

Mr Braddock moved his amendment No 4 (see [Schedule 2](#)) which would insert new clause 58A in the Bill.

*Paper:* Mr Braddock presented a supplementary explanatory statement to his amendments.

Debate continued.

Question—put.

The Assembly voted—

AYES, 5

Andrew Braddock  
Jo Clay  
Emma Davidson  
Shane Rattenbury  
Rebecca Vassarotti

NOES, 14

Yvette Berry	James Milligan
Joy Burch	Suzanne Orr
Peter Cain	Mark Parton
Tara Cheyne	Marisa Paterson
Mick Gentleman	Chris Steel
Jeremy Hanson	Rachel Stephen-Smith
Elizabeth Kikkert	
Nicole Lawder	

And so it was negatived.

Clauses 59 to 91, by leave, taken together and agreed to.

Clause 92 agreed to.

*New clauses—*

On the motion of Mr Rattenbury, new clauses 92A to 92C (his amendment No 12—*see* [Schedule 1](#)) were inserted in the Bill.

Clause 93 agreed to.

Clause 94 agreed to.

Clause 95 agreed to.

Clause 96 agreed to.

Clause 97 agreed to.

Clause 98 agreed to.

Clause 99 agreed to.

Clause 100 agreed to.

Clause 101 agreed to.

Clause 102 agreed to.

Clause 103 agreed to.

Clause 104 agreed to.

Clause 105 agreed to.

Clauses 106 to 108, by leave, taken together and agreed to.

Clauses 109 and 110, by leave, taken together and agreed to.

*New clauses—*

On the motion of Mr Rattenbury, new clauses 110A to 110D (his amendment No 13—*see* [Schedule 1](#)) were inserted in the Bill.

Clause 111 agreed to.

Clause 112 agreed to.

Clauses 113 to 115, by leave, taken together and agreed to.

Clause 116 agreed to.

Clauses 117 to 120, by leave, taken together and agreed to.

Clauses 121 to 126, by leave, taken together and agreed to.

*New clause—*

On the motion of Mr Rattenbury, new clause 126A (his amendment No 14—*see* [Schedule 1](#)) was inserted in the Bill.

Clauses 127 and 128, by leave, taken together and agreed to.

Clause 129—

On the motion of Mr Rattenbury, by leave, his amendments Nos 15 to 18 (see [Schedule 1](#)) were made together.

Clause 129, as amended, agreed to.

Clauses 130 and 131, by leave, taken together and agreed to.

Clauses 132 to 137, by leave, taken together and agreed to.

Schedule 1—

On the motion of Mr Rattenbury, by leave, his amendments Nos 19 to 21 (see [Schedule 1](#)) were made together.

Schedule 1, as amended, agreed to.

Title agreed to.

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

The Assembly voted—

AYES, 13		NOES, 6
Yvette Berry	Suzanne Orr	Peter Cain
Andrew Braddock	Marisa Paterson	Jeremy Hanson
Joy Burch	Shane Rattenbury	Elizabeth Kikkert
Tara Cheyne	Chris Steel	Nicole Lawder
Jo Clay	Rachel Stephen-Smith	James Milligan
Emma Davidson	Rebecca Vassarotti	Mark Parton
Mick Gentleman		

And so it was resolved in the affirmative.

## 11 BUILDING (SWIMMING POOL SAFETY) LEGISLATION AMENDMENT BILL 2023

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

Debate resumed.

*Papers:* Ms Vassarotti (Minister for Sustainable Building and Construction) presented the following papers:

Revised explanatory statement to the Bill.

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 36—Government response to comments concerning the Building (Swimming Pool Safety) Legislation Amendment Bill 2023, dated 1 November 2023.

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

### *Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Ms Vassarotti, by leave, her amendments Nos 1 to 7 (see [Schedule 4](#)) were made together, after debate.

*Paper:* Ms Vassarotti presented a supplementary explanatory statement to the Government amendments.

Bill, as a whole, as amended, agreed to.

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

**12 MEMBERS' STATEMENTS**

Members' statements were made.

**13 ADJOURNMENT**

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.53 pm, adjourned until tomorrow at 10 am.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Mr Cocks\*, Mr Davis\* and Mr Pettersson\*.

\*on leave.

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**Tom Duncan**  
Clerk of the Legislative Assembly

## SCHEDULES OF AMENDMENTS

### Schedule 1

#### JUSTICE (AGE OF CRIMINAL RESPONSIBILITY) LEGISLATION AMENDMENT

#### BILL 2023

Amendments circulated by the Attorney-General

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**1**

**Clause 2**

**Page 2, line 5**

*omit clause 2, substitute*

**2**

#### **Commencement**

- (1) This Act (other than the provisions mentioned in subsections (2) and (3)) commences on the 7th day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Parts 2, 4, 10 (other than sections 130 and 131) and schedule 1 commence on—

- (a) 27 March 2024; or
- (b) if, before 27 March 2024, the Minister fixes another day by written notice—the day fixed.

*Note* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (3) The following provisions commence on 1 July 2025:

- section 56
- section 58
- section 92
- section 94
- section 94F
- section 96
- section 98
- section 100
- section 102
- section 104
- section 106
- section 108
- section 110
- section 110B

- section 110D
- section 112
- section 116
- section 118
- section 120
- section 130
- section 131.

---

2

**Proposed new clauses 6A and 6B**

Page 5, line 7

*insert*

**6A**

**Definitions—pt 5.2**

**Section 114, definition of *young offender*, paragraph (b)**

*substitute*

- (b) was under 18 years old when the offence was committed but not under the age of criminal responsibility for the offence; and

**New section 114 (2)**

*insert*

- (2) In this section:

*under the age of criminal responsibility*—a person is *under the age of criminal responsibility* for an offence if the person is not criminally responsible under the Criminal Code, section 25 for the offence.

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3

**Clause 10**

**Proposed new section 501E (2) (a) (va)**

Page 9, line 22

*insert*

- (va) working with culturally and linguistically diverse children and young people;

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4

**Clause 10**

**Proposed new section 501Q (1)**

Page 16, line 4

*omit proposed new section 501Q (1), substitute*

- (1) A referring entity may make a referral to the therapeutic support panel if the entity believes on reasonable grounds that a child or young person—
- (a) has a genuine need for therapeutic support services; and

- (b) is at risk of engaging in or has engaged in—
  - (i) harm to themselves or someone else; or
  - (ii) serious damage to property or the environment or cruelty to an animal; or
  - (iii) any other serious or destructive behaviour.

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5

**Clause 10**

**Proposed new section 501T (1)**

**Page 19, line 4**

*after*

time

*insert*

, but must at least once each calendar year,

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6

**Clause 12**

**Proposed new section 575 (3) and (4)**

**Page 50, line 7**

*insert*

- (3) The Childrens Court may, under an interim intensive therapy order or intensive therapy order, include a requirement that the child or young person submit to the jurisdiction of the ACAT if satisfied that an order with the requirement is the best way to support the child or young person.
- (4) If the Childrens Court makes an order under subsection (1), or an order with a requirement mentioned in subsection (3), the order must contain a provision directing the child or young person to submit to the jurisdiction of the ACAT to allow the ACAT—
  - (a) to decide whether the child or young person has a mental disorder or mental illness; and
  - (b) if the ACAT decides that the child or young person has a mental disorder or mental illness—to make recommendations to the Childrens Court about how the child or young person should be dealt with.

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7

**Clause 12**

**Proposed new section 578**

**Page 52, line 2**

*omit proposed new section 578, substitute*

**578 Who is an accredited person?**

- (1) In this division:



**accredited person**, for a child or young person in intensive therapy, means each of the following:

- (a) the director-general;
  - (b) a representative of an entity providing a service or program to the child or young person at an intensive therapy place;
  - (c) a lawyer representing the child or young person;
  - (d) a health practitioner providing a health service to the child or young person;
  - (e) an official visitor;
  - (f) the chair of the therapeutic support panel;
  - (g) the public advocate;
  - (h) a commissioner exercising functions under the *Human Rights Commission Act 2005*;
  - (i) if the child or young person is an Aboriginal or Torres Strait Islander person—the Aboriginal and Torres Strait Islander children and young people commissioner;
  - (j) the ombudsman;
  - (k) the senior practitioner;
  - (l) a person prescribed by regulation.
- (2) In this section:

**senior practitioner**—see the *Senior Practitioner Act 2018*, dictionary.

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8

**Clause 12**

**Proposed new section 587 (2), example 2**

**Page 57, line 9**

*omit proposed new example 2, substitute*

2 disposing of a forfeited thing of little value

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9

**Clause 12**

**Proposed new section 589 (2) (a)**

**Page 58, line 9**

*omit proposed new section 589 (2) (a), substitute*

- (a) is not a detention place, former detention place or any part of a place that accommodates young detainees; and

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10

Clause 57

Proposed new section 628

Page 81, line 25

*after*

committed

*insert*

, or who is alleged to have committed,

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11

Clause 58

Proposed new section 640

Page 87, line 7

*after*

committed

*insert*

, or who is alleged to have committed,

---

12

Proposed new clauses 92A to 92C

Page 120, line 13

*insert*

**92A**

**Incitement**

**New section 47 (5) (c)**

*insert*

(c) even if the person incited was under the age of criminal responsibility for the offence incited.

**92B**

**New section 47 (8)**

*insert*

(8) In this section:

***under the age of criminal responsibility***—a person is ***under the age of criminal responsibility*** for an offence if the person is not criminally responsible under section 25 for the offence.

**92C**

**Recruiting people to engage in criminal activity**

**New section 655 (2A)**

*insert*

(2A) For subsection (2), ***criminal activity*** includes conduct that makes up the physical elements of an indictable offence engaged in by a person who is under the age of criminal responsibility for the offence.

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**13****Proposed new clauses 110A to 110D****Page 135, line 10***insert***110A Recognised orders—registration  
Section 92 (1)***substitute*

- (1) On receiving an application under section 91 for registration of a recognised order, the registrar must register the order unless the respondent to the order was under 12 years old when the recognised order was made.

**110B Section 92 (1)***substitute*

- (1) On receiving an application under section 91 for registration of a recognised order, the registrar must register the order unless the respondent to the order was under 14 years old when the recognised order was made.

**110C Registered orders—revocation  
Section 95 (1)***substitute*

- (1) This section applies if—
  - (a) a recognised court tells the registrar that a registered order has been revoked; or
  - (b) the respondent to a recognised order registered under section 92 was under 12 years old when the recognised order was made.

**110D Section 95 (1)***substitute*

- (1) This section applies if—
  - (a) a recognised court tells the registrar that a registered order has been revoked; or
  - (b) the respondent to a recognised order registered under section 92 was under 14 years old when the recognised order was made.

---

**14****Proposed new clause 126A****Page 150, line 17***insert***126A      New section 14AA***insert***14AA      Application of victims rights to victims under div 3A.3A**

- (1) A victims right applies, as far as possible, to a victim of a child's harmful behaviour under division 3A.3A.
- (2) In this section:  
*harmful behaviour*—see section 15CA (1).

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**15****Clause 129****Proposed new section 15CA (1), definition of *victim*, paragraph (b)****Page 152, line 6***omit*

immediately

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**16****Clause 129****Proposed new section 15CE (2)****Page 154, line 15***omit*

maker

*substitute*

victim

---

**17****Clause 129****Proposed new section 15CF (2) (b)****Page 155, line 10***omit*

maker of the statement

*substitute*

victim

---

18

**Clause 129**

**Proposed new section 15CG (1) (d) (i)**

**Page 155, line 21**

*omit proposed new section 15CG (1) (d) (i), substitute*

- (i) a copy of the statement may be given to the child but only if the victim agrees; and

---

19

**Schedule 1, part 1.8**

**Amendment 1.32**

**Proposed new section 37 (1) (c)**

**Page 167, line 7**

*omit proposed new section 37 (1) (c), substitute*

- (c) the person is required to submit to the jurisdiction of the ACAT under—
  - (i) an ACAT mental health provision in a care and protection order or interim care and protection order; or
  - (ii) a mental health referral by the Childrens Court in a proceeding for an interim intensive therapy order or intensive therapy order; or
  - (iii) a requirement of an interim intensive therapy order or intensive therapy order.

---

20

**Schedule 1, part 1.8**

**Amendment 1.33**

**Page 167, line 10**

*omit amendment 1.33, substitute*

**[1.33] Section 178 (1)**

*omit*

or interim therapeutic protection order

*insert*

, a mental health referral in a proceeding for an interim intensive therapy order or intensive therapy order, an interim intensive therapy order or intensive therapy order

---

21

Schedule 1, part 1.8

Amendment 1.34

Page 168, line 1

*omit amendment 1.34, substitute*

**[1.34] Dictionary, new definitions**

*insert*

***intensive therapy order***, for a child or young person—see the *Children and Young People Act 2008*, section 532.

***interim intensive therapy order***, for a child or young person—see the *Children and Young People Act 2008*, section 543.

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## **Schedule 2**

### **JUSTICE (AGE OF CRIMINAL RESPONSIBILITY) LEGISLATION AMENDMENT BILL 2023**

Amendments circulated by Mr Braddock

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**1**

**Clause 2 (1)**

**Page 2, line 6—**

*omit*

subsection (2)

*substitute*

subsections (2) and (3)

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**2**

**Proposed new clause 2 (3)**

**Page 3, line 2—**

*insert*

(3) Sections 56A and 58A commence on 1 July 2030.

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**3**

**Proposed new clause 56A**

**Page 78, line 18—**

*insert*

#### **56A      Section 442A (2) and (3)**

*substitute*

(2) In this section:

*youth offence* means an offence against a territory law committed or allegedly committed by the person when under 14 years old.

---

**4**

**Proposed new clause 58A**

**Page 89, line 20—**

*insert*

#### **58A      New part 35**

*insert*

### **Part 35**

### **Transitional—Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023**

#### **Division 35.1**

#### **General**

**646**

**Definitions—pt 35**

In this part:

**commencement day** means the day the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*, section 58A commences.

**schedule offence** means an offence mentioned in the [Criminal Code](#), schedule 1, column 2 as in force before the commencement day.

**youth offence** means a schedule offence committed or alleged to have been committed by a person who was at least 12 years old but under 14 years old when the offence happened.

## **647 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act.

## **648 Expiry—pt 35**

This part expires 5 years after the commencement day.

*Note* A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

## **Division 35.2 Ending action etc for youth offences**

### **649 Application—div 35.2**

This division applies, despite any territory law to the contrary, to a person who is—

- (a) in police custody in relation to a youth offence, whether or not the person has been charged with the offence; or
- (b) subject to a criminal proceeding for a youth offence; or
- (c) subject to a sentencing order for a youth offence.

### **650 Law enforcement action**

- (1) Law enforcement action carried out by a police officer in relation to a person for a youth offence before the commencement day ends on the commencement day.
- (2) If the law enforcement action that ends under subsection (1) is arrest or police custody, the chief police officer must ensure that reasonable steps are taken to ensure the safety of the person on the person's release from arrest or custody.



- (3) In this section:

***law enforcement action*** means any of the following actions:

- (a) enforcement of a warrant;
- (b) arrest;
- (c) police custody;
- (d) beginning a criminal proceeding;
- (e) administration of police bail.

## **651 Criminal procedures, proceedings and sentences**

- (1) A summons issued for a youth offence is withdrawn and ceases to have effect on the commencement day.
- (2) A warrant issued for a youth offence is revoked and ceases to have effect on the commencement day.
- (3) A decision of a police officer to grant or refuse to grant bail to a person for a youth offence ceases to have effect and the person is entitled to be at liberty on the commencement day.
- (4) A decision of a court to grant or refuse to grant bail to a person, or otherwise remand a person, in a criminal proceeding for a youth offence ceases to have effect and the person is entitled to be at liberty on the commencement day.
- (5) A criminal proceeding against a person for a youth offence is discontinued on the commencement day.
- (6) A sentence imposed on a person for a youth offence ends on the commencement day.
- (7) In this section:

***court attendance notice***—see the [\*Magistrates Court Act 1930\*](#), section 41B.

***summons*** includes a court attendance notice.

## **652 Destruction of forensic material etc**

- (1) This section applies if, before the commencement day, any of the following happened in relation to a person who committed a youth offence:
  - (a) identification material was taken from the person;
  - (b) forensic material was taken from the person;
  - (c) a forensic procedure was carried out on the person.
- (2) The chief police officer must ensure the destruction of each of the following:
  - (a) the identification material;
  - (b) the forensic material;

- (c) any information obtained from the forensic material;
  - (d) any record of a thing mentioned in paragraph (a) to (c).
- (3) The chief police officer must also ensure any information about a thing mentioned in subsection (2) entered into a database or record by a police officer is removed from the database or record.
- (4) In this section:
- forensic material*—see the *Crimes (Forensic Procedures) Act 2000*, section 5.
- forensic procedure*—see the *Crimes (Forensic Procedures) Act 2000*, section 5.
- identification material*, in relation to a person—see section 185.

### 653 Release of person from custody

- (1) This section applies if, on the commencement day, the director-general responsible for the *Crimes (Sentence Administration) Act 2005* is required under this part to release from custody a person who committed, or is alleged to have committed, a youth offence.
- (2) The director-general responsible for that Act must ensure that reasonable steps are taken to ensure the safety of the person on the person's release from custody.

## Division 35.3 Validity of past criminal justice action

### 654 Meaning of *criminal justice action*—div 35.3

In this division:

*criminal justice action*, for a youth offence, includes any of the following:

- (a) investigating, apprehending, arresting, detaining, charging, or prosecuting a person for the youth offence;
- (b) adjudicating a charge against a person for the youth offence;
- (c) convicting or sentencing a person for the youth offence;
- (d) administering or enforcing any pre-sentence orders or sentence for the youth offence;
- (e) enforcing a requirement to pay a fine, costs, restitution, compensation or other money as a result of being found guilty, convicted, or sentenced for the youth offence.

### 655 Past lawful acts not affected

The commencement of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023* does not affect the validity of criminal justice action, for a youth offence, under a territory law before the commencement day.

**656 Protection from liability**

- (1) A person is not personally liable for any criminal justice action for a youth offence done or omitted to be done honestly and without recklessness before the commencement day—
- (a) in the exercise of a function under a territory law; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a function under a territory law.
- (2) Any liability that, apart from subsection (1), would attach to a person attaches instead to the Territory.

**657 No entitlement to compensation etc**

A person who committed a youth offence before the commencement day is not, because of the enactment of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*, entitled to compensation or damages as a result of any criminal justice action for the offence.

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**5****Clause 92****Proposed new section 25 (4)****Page 120, line 6—***insert*

- (4) Subsections (2) and (3), this subsection and schedule 1 expire on 30 June 2030.
-

**Schedule 3****JUSTICE (AGE OF CRIMINAL RESPONSIBILITY) LEGISLATION AMENDMENT  
BILL 2023**

Amendments circulated by Mr Cain

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**1**

**Clause 2**

**Page 2, line 5—**

*omit clause 2, substitute*

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**2**

**Commencement**

This Act commences on the 7th day after its notification day.

*Note*      The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

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**2**

**Clause 56**

**Page 78, line 6—**

*[oppose the clause]*

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**3**

**Clause 58**

**Page 84, line 9—**

*[oppose the clause]*

---

**4**

**Clause 92**

**Page 119, line 17—**

*[oppose the clause]*

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**5**

**Clause 93**

**Proposed new section 801 (1) (a)**

**Page 120, line 21—**

*after*

*Justice (Age of Criminal Responsibility) Legislation Amendment  
Act 2023*

*insert*

, and whether the minimum age of criminal responsibility should be raised above 12 years old,

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**6****Clause 93****Proposed new section 801 (1) (a)****Page 120, line 22—***omit*

5 years

*substitute*

2 years

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**7****Clause 93****Proposed new section 801 (1) (b)****Page 120, line 24—***omit*

6 years

*substitute*

3 years

---

**8****Clause 93****Proposed new section 801 (2)****Page 120, line 25—***omit*

7 years

*substitute*

4 years

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**9****Clause 94****Page 121, line 1—***[oppose the clause]*

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**10****Clause 96****Page 122, line 7—***[oppose the clause]*

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**11****Clause 98****Page 122, line 19—***[oppose the clause]*

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**12****Clause 100****Page 123, line 7—***[oppose the clause]*

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**13****Clause 102****Page 123, line 16—***[oppose the clause]*

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**14****Clause 104****Page 129, line 1—***[oppose the clause]*

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**15****Clause 106****Page 134, line 7—***[oppose the clause]*

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**16****Clause 108****Page 134, line 19—***[oppose the clause]*

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**17****Clause 110****Page 135, line 7—***[oppose the clause]*

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**18****Clause 112****Page 140, line 1—***[oppose the clause]*

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**19****Clause 116****Page 146, line 1—***[oppose the clause]*

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**20****Clause 118****Page 146, line 13—***[oppose the clause]*

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**21****Clause 120****Page 147, line 14—***[oppose the clause]*

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**22****Clause 130****Page 157, line 9—***[oppose the clause]*

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**23****Clause 131****Page 157, line 13—***[oppose the clause]*  
  

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## **Schedule 4**

### **BUILDING (SWIMMING POOL SAFETY) LEGISLATION AMENDMENT BILL 2023**

Amendments circulated by the Minister for Sustainable Building and Construction

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1

**Clause 4**

**Proposed new section 83B (2), definitions of *demountable swimming pool* and *inflatable pool***

**Page 6, line 9—**

*omit the definitions, substitute*

***demountable swimming pool*** means a swimming pool—

- (a) that can be assembled and disassembled by hand, or with hand tools, without damaging the pool's components; or
- (b) that—
  - (i) can be inflated and deflated; and
  - (ii) has a filtration system.

***inflatable pool*** means a pool that—

- (a) can be inflated and deflated; but
- (b) does not have a filtration system.

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2

**Clause 4**

**Proposed new section 83I (1) (b)**

**Page 12, line 20—**

*omit*

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3

**Clause 4**

**Proposed new section 83J (1) (b)**

**Page 13, line 5—**

*omit*

---

4

**Clause 4**

**Proposed new section 83L (1) (c)**

**Page 15, line 21—**

*insert*

- (c) if a Ministerial exemption applies to the regulated swimming pool and the exemption is revoked—the day on which the revocation of the exemption takes effect.



*Note* The reason for the revocation of a Ministerial exemption affects when the revocation takes effect (see s 83F (4)).

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5

**Clause 28**

**Proposed new section 10B (1) (b) (i) (A)**

**Page 35, line 14—**

*omit proposed new section 10B (1) (b) (i) (A), substitute*

(A) the exemption certificate in force for the pool; and

---

6

**Clause 29**

**Proposed new section 10B (1) (a) (i)**

**Page 37, line 16—**

*omit proposed new section 10B (1) (a) (i), substitute*

(i) the exemption certificate in force for the pool; and

---

7

**Clause 29**

**Proposed new section 10B (2) (a) (i)**

**Page 38, line 6—**

*omit proposed new section 10B (2) (a) (i), substitute*

(i) the exemption certificate in force for the pool; and

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