



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023–2024

MINUTES OF PROCEEDINGS

No 120

WEDNESDAY, 15 MAY 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 RESPONSES—PETITIONS AND RESPONSES NOTED

Petitions

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

Mrs Kikkert, from 172 residents, requesting that the Assembly call on the ACT Government to construct a footpath between the western side of Fullagar Crescent and the Higgins Shops (Pet 019-24).

Ms Burch, from 13 residents, requesting that the Assembly call on the ACT Government to address the state of the Richardson Shops (Pet 020-24).

Ministerial response

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

Ms Cheyne (Minister for City Services) and Mr Steel (Minister for Transport), dated 13 May 2024—Response to e-petition No 031-23, lodged by Mr Parton on 6 February 2024, concerning access roads to connect Tralee to the Monaro Highway.

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

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

Petition which does not conform with the standing orders—Higgins—Construction of a footpath between the western side of Fullagar Crescent and the Higgins Shops—Mrs Kikkert (41 signatures).

Debate ensued.

Question—put and passed.

3 A.C.T. YOUTH WEEK 2024—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Education and Youth Affairs) made a ministerial statement concerning the ACT Youth Week 2024 and presented the following paper:

ACT Youth Week 2024—Ministerial statement, 15 May 2024.

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

Debate ensued.

Question—put and passed.

4 JUSTICE REINVESTMENT FUNDING—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Attorney-General) made a ministerial statement concerning Government spending on justice reinvestment in the last five years and presented the following paper:

Justice reinvestment funding—Ministerial statement, 15 May 2024.

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

Debate ensued.

Question—put and passed.

5 PALLIATIVE CARE—CURRENT INVESTMENTS—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning Government investment in palliative care in the ACT, in response to recommendation 15 of the report of the Select Committee into Voluntary Assisted Bill 2023, and presented the following paper:

Current investments into palliative care—Ministerial statement, 15 May 2024.

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

Question—put and passed.

6 REMUNERATION TRIBUNAL AMENDMENT BILL 2024

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.

7 ESTIMATES 2024-2025—SELECT COMMITTEES—INQUIRY—APPROPRIATION BILL 2024-2025 AND THE APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2024-2025—TIMEFRAME FOR LODGEMENT OF QUESTIONS AND ANSWERS

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

- (1) notes that:
 - (a) on 11 April 2024 the Assembly passed a motion relating to the establishment of the Select Committee on Estimates 2024-2025;
 - (b) the last day of Estimates hearings is on 31 July 2024;
 - (c) the report is to be tabled by 16 August 2024; and
 - (d) the committee will be unable to undertake its important scrutiny and oversight role within that short timeframe if answers to Questions on Notice, and Questions Taken on Notice have not been received and considered by the committee;
- (2) further notes that a shorter timeframe for answers to Questions on Notice and Questions Taken on Notice to be provided would significantly contribute to the considerations and deliberations of the Select Committee on Estimates 2024-2025; and
- (3) approve that for the Select Committee on Estimates 2024-2025, notwithstanding the provisions of Standing Order 254D:
 - (a) Questions on Notice from Members must be lodged by close of business on the day after the conclusion of the Committee hearing (in other words, within one business day);
 - (b) an answering entity must respond to a Question on Notice within one business day of the answering entity receiving the question; and
 - (c) an answering entity must respond to a Question Taken on Notice within one business day of the answering entity receiving the uncorrected proof Hansard.

Mr Barr (Chief Minister), by leave, moved the following amendments together:

1. In paragraph (1)(b), omit “31 July”, substitute “5 August”.
2. Omit all text in paragraphs (3)(a) to (c), substitute:
 - “(a) Questions on Notice from Members must be lodged by close of business within three business days of conclusion of the Committee hearing or by 5pm 6 August 2024, whichever is earlier;

- (b) an answering entity must respond to a Question on Notice within five business days of the answering entity receiving the Question or by 5pm 8 August 2024 whichever is earlier; and
- (c) an answering entity must respond to a Question Taken on Notice within three business day of the answering entity receiving the uncorrected proof Hansard or by 5pm 8 August 2024, whichever is earlier.”.

Debate continued.

Amendments agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) on 11 April 2024 the Assembly passed a motion relating to the establishment of the Select Committee on Estimates 2024-2025;
 - (b) the last day of Estimates hearings is on 5 August 2024;
 - (c) the report is to be tabled by 16 August 2024; and
 - (d) the committee will be unable to undertake its important scrutiny and oversight role within that short timeframe if answers to Questions on Notice, and Questions Taken on Notice have not been received and considered by the committee;
- (2) further notes that a shorter timeframe for answers to Questions on Notice and Questions Taken on Notice to be provided would significantly contribute to the considerations and deliberations of the Select Committee on Estimates 2024-2025; and
- (3) approve that for the Select Committee on Estimates 2024-2025, notwithstanding the provisions of Standing Order 254D:
 - (a) Questions on Notice from Members must be lodged by close of business within three business days of conclusion of the Committee hearing or by 5pm 6 August 2024, whichever is earlier;
 - (b) an answering entity must respond to a Question on Notice within five business days of the answering entity receiving the Question or by 5pm 8 August 2024 whichever is earlier; and
 - (c) an answering entity must respond to a Question Taken on Notice within three business day of the answering entity receiving the uncorrected proof Hansard or by 5pm 8 August 2024, whichever is earlier.”—

be agreed to—put and passed.

8 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2024

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety, and for other purposes.

Paper: Mr Rattenbury presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

Mr Rattenbury moved—That this Bill be agreed to in principle.

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

9 CIVIL LAW (WRONGS) AMENDMENT BILL 2024

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.

Leave granted to dispense with the detail stage.

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

10 ROAD 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.

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.

11 PLANNING AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2024

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.

12 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 Minister for Water, Energy and Emissions Reduction could be directed to Mr Barr, and those normally directed to the Attorney-General, the Minister for Consumer Affairs and the Minister for Gaming could be directed to Ms Cheyne (Minister for City Services).

13 QUESTIONS

Questions without notice were asked.

14 PRESENTATION OF PAPER

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

Independent Review of the ACT's Eastern Grey Kangaroo: Controlled Native Species Management Plan, dated 12 March 2024, prepared by S Legge.

15 CONSTRUCTION SECTOR—REGULATORY ENVIRONMENT

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

(1) notes:

- (a) there has been a string of building company collapses in the Territory recently, with four businesses going into administration within the space of a month. The companies are Project Coordination, Rork Projects, Cubitt's Granny Flats and Home Extensions and Voyager Projects;
- (b) long-established company, PBS Building, also entered administration last year;
- (c) since July 2023, there have been 58 construction industry insolvencies in the ACT;
- (d) workers' compensation payments in the ACT are significantly higher than in NSW;
- (e) the Lease Variation Charge remains a major stumbling block to much development in the ACT;
- (f) commercial rates are much higher in the ACT than in NSW;
- (g) this Government has introduced at least 120 different laws, rules, and regulatory requirements to the construction sector in the last 12 months;
- (h) most of these changes require an additional spend on each construction and impose a redtape and paperwork burden that is often beyond the reach of smaller local firms;
- (i) that the living infrastructure changes force many new dwellings to two storeys greatly increasing the cost of each dwelling and the timeframe for those builds;
- (j) the average time to get a Development Application approved in the ACT continues to rise despite a drop off in construction activity;
- (k) the industry consensus is that the Property Developers Bill 2023 will make it even more difficult and expensive to build things in Canberra; and
- (l) that the ACT Government consistently fails to meet its own land release targets;

(2) further notes that:

- (a) the importance of safety training for construction workers in the ACT;
- (b) this is the only jurisdiction in Australia that has a mandatory requirement for every single construction sector employee to undertake silica dust training and that the only course that the 20,000+ participants were forced to take is licensed to a CFMEU subsidiary;

- (c) the CFMEU wholly owned subsidiary is paid a fee of \$130 for each participant in the mandatory course;
 - (d) this has resulted in over \$2.6 million being funnelled back to the CFMEU; and
 - (e) the CFMEU is a major donor to ACT Labor;
- (3) calls on the ACT Government to acknowledge that the:
- (a) current regulatory environment has contributed greatly to “housing unaffordability” in the ACT; and
 - (b) avalanche of regulatory changes has contributed to the cost of doing business and therefore has been a major contributor to the recent liquidations; and
- (4) further calls on the ACT Government to:
- (a) seriously expedite the Development Application pipeline;
 - (b) put a moratorium on any further regulatory burden to the construction sector; and
 - (c) to table in the Legislative Assembly an update on the indicative Land Release Program 2023-24 to 2027-28 which details the number of single detached residential blocks of land released in the 2023-24 financial year by the last sitting week in June 2024.

Debate ensued.

Ms Vassarotti (Minister for Sustainable Building and Construction) moved the following amendment: Omit all text after “That this Assembly”, substitute:

- (1) notes:
- (a) building and construction sector insolvencies are a national problem reflecting a trend of rising insolvencies across the Australian economy;
 - (b) a combination of factors contribute to pressures in the building and construction industry including supply chain issues, labour shortages, rising interest rates and fixed-price contracts;
 - (c) the ACT has experienced similar pressures, leading to several construction companies entering administration in recent months;
 - (d) the ACT Government held a Construction Industry Roundtable on 2 May 2024 to listen to industry about issues affecting business in the ACT;
 - (e) industry representatives said that the macro-economic environment, including interest rates, are the primary driver impacting construction businesses; and
 - (f) further issues raised at the Roundtable included current market conditions, impact of reforms, infrastructure pipeline certainty, and need for Government engagement;

- (2) notes that:
 - (a) the ACT Government has undertaken a significant reform program over the last two years as part of its commitment to:
 - (i) protecting homeowners and the community;
 - (ii) addressing building safety and quality;
 - (iii) driving an accountable and transparent building and construction industry; and
 - (iv) delivering sustainable and climate resilient buildings;
 - (b) residential building defects in the ACT have an estimated cost of \$44.7 million;
 - (c) Australia's first licensing and regulation scheme for property developers will tackle the problems of defects and compliance failures in residential property developments, ensuring that developers are accountable to protect consumers and strengthen the construction sector; and
 - (d) it is estimated that the indicative price impact per new dwelling as a result of the Property Developers Bill is less than \$400;
- (3) further notes that significant change occurred for the construction sector through the introduction of the new *Planning Act 2023* and associated living infrastructure reforms in the *Urban Forest Act 2023*, on the basis that:
 - (a) living infrastructure requirements ensure that trees and permeable surfaces are provided for in development to support sustainable development as the city grows, and ensure that through densification the city remains liveable in the face of a warming climate, protects green infrastructure and reduces heating and cooling costs for residents; and
 - (b) the planning system required fundamental reform, as it was not delivering the planning outcomes expected by the community and construction industry;
- (4) finally notes that the ACT Government sets ambitious land release targets each year as part of the Indicative Land Release Program; and
- (5) calls upon the ACT Government to:
 - (a) continue identifying and progressing reforms needed to increase community assurance in the building and construction sector and adapt to future challenges presented by a changing climate;
 - (b) continue to work with industry to assess the current regulatory environment on business viability and options to streamline regulatory measures;
 - (c) appropriately balance business interests in the development of new legislation with community safety, protection, wellbeing and the environment;

- (d) continue to monitor assessment times for Development Applications under the new Planning System; and
- (e) table in the Assembly single residential block release data for 2023-2024 as part of the next Suburban Land Agency annual report.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 15		NOES, 8
Andrew Barr	Laura Nuttall	Peter Cain
Yvette Berry	Marisa Paterson	Leanne Castley
Andrew Braddock	Michael Pettersson	Ed Cocks
Joy Burch	Shane Rattenbury	Jeremy Hanson
Tara Cheyne	Chris Steel	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
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) building and construction sector insolvencies are a national problem reflecting a trend of rising insolvencies across the Australian economy;
 - (b) a combination of factors contribute to pressures in the building and construction industry including supply chain issues, labour shortages, rising interest rates and fixed-price contracts;
 - (c) the ACT has experienced similar pressures, leading to several construction companies entering administration in recent months;
 - (d) the ACT Government held a Construction Industry Roundtable on 2 May 2024 to listen to industry about issues affecting business in the ACT;
 - (e) industry representatives said that the macro-economic environment, including interest rates, are the primary driver impacting construction businesses; and
 - (f) further issues raised at the Roundtable included current market conditions, impact of reforms, infrastructure pipeline certainty, and need for Government engagement;
- (2) notes that:
 - (a) the ACT Government has undertaken a significant reform program over the last two years as part of its commitment to:
 - (i) protecting homeowners and the community;

- (ii) addressing building safety and quality;
 - (iii) driving an accountable and transparent building and construction industry; and
 - (iv) delivering sustainable and climate resilient buildings;
 - (b) residential building defects in the ACT have an estimated cost of \$44.7 million;
 - (c) Australia’s first licensing and regulation scheme for property developers will tackle the problems of defects and compliance failures in residential property developments, ensuring that developers are accountable to protect consumers and strengthen the construction sector; and
 - (d) it is estimated that the indicative price impact per new dwelling as a result of the Property Developers Bill is less than \$400;
- (3) further notes that significant change occurred for the construction sector through the introduction of the new *Planning Act 2023* and associated living infrastructure reforms in the *Urban Forest Act 2023*, on the basis that:
- (a) living infrastructure requirements ensure that trees and permeable surfaces are provided for in development to support sustainable development as the city grows, and ensure that through densification the city remains liveable in the face of a warming climate, protects green infrastructure and reduces heating and cooling costs for residents; and
 - (b) the planning system required fundamental reform, as it was not delivering the planning outcomes expected by the community and construction industry;
- (4) finally notes that the ACT Government sets ambitious land release targets each year as part of the Indicative Land Release Program; and
- (5) calls upon the ACT Government to:
- (a) continue identifying and progressing reforms needed to increase community assurance in the building and construction sector and adapt to future challenges presented by a changing climate;
 - (b) continue to work with industry to assess the current regulatory environment on business viability and options to streamline regulatory measures;
 - (c) appropriately balance business interests in the development of new legislation with community safety, protection, wellbeing and the environment;
 - (d) continue to monitor assessment times for Development Applications under the new Planning System; and
 - (e) table in the Assembly single residential block release data for 2023-2024 as part of the next Suburban Land Agency annual report.”—

be agreed to—put and passed.

16 BELCONNEN TOWN CENTRE—PRIMARY AND SECONDARY SCHOOL—PROPOSED ESTABLISHMENT

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

- (1) notes:
 - (a) the ACT Government’s 2019 Infrastructure Plan identified new or expanded P-6 schools with early childhood centres and new or expanded 7-10 high schools as longer-term priorities for areas across Canberra, including the Belconnen Town Centre;
 - (b) in the 2023-24 Budget Estimates hearings Education Minister Berry stated “During the last hearings when we talked about this, at that time there was no decision or no plan to build a new school in Belconnen.”;
 - (c) the ACT Government’s 2023 Infrastructure Plan Education update identified that the central Belconnen district, including the town centre, is forecast to grow over the next decade, and additional primary and high school places may be required to meet demand as the population grows and new suburbs come online;
 - (d) the 2024 Standing Committee on Education and Community Inclusion report into the Future of School Infrastructure in the ACT recognised the opportunities presented by vertical schools and recommended the government build them in the ACT, committee witnesses identified the Belconnen Town Centre as an area suitable for this type of development;
 - (e) the ACT Council of Parents & Citizens Associations have recommended the ACT Government build a new primary school in the Belconnen Town Centre in each of their budget submissions since 2021-22;
 - (f) the Belconnen Community Council have recommended the ACT Government prioritise resources for school planning and design work in the Belconnen Town Centre in their 2023-24 Budget Submission; and
 - (g) ACT Policing have identified that they intend to move from Winchester Police Centre to a new location in Central Canberra, presenting an opportunity for a large scale, holistic redevelopment of the 41,840 square metre Section 31, Block 7, Belconnen police site, as well as the adjacent 4,459 square metre Roads ACT surface carpark and this might be one suitable site for a future school; and
- (2) calls on the ACT Government to:
 - (a) commit to undertaking feasibility work for a new primary and secondary school in the Belconnen Town Centre, including investigation of potential sites;
 - (b) commit to exploring a “vertical school” model which prioritises maximising ground space on campus for sports facilities and provides ample green space and outdoor playground areas;
 - (c) commit to delivering a new primary and secondary school in the Belconnen Town Centre, subject to the outcomes of feasibility work and the identification of a suitable site; and

- (d) report back to the Assembly on progress on these measures by the last sitting day in May 2025.

Ms Lee (Leader of the Opposition) moved the following amendment: Omit all text after paragraph (2)(b), substitute:

“(c) report back to the Assembly on the feasibility work by 5 September 2024.”.

Debate continued.

Amendment negated.

Question—That the motion be agreed to—put and passed.

17 PAPERS PRESENTED ON 15 MAY 2024—PAPERS NOTED

The Speaker, pursuant to standing order 211A, proposed—That the papers presented under standing order 211 during the presentation of papers in the routine of business today be noted.

Question—put and passed.

18 HUMAN RIGHTS COMMISSION (CHILD SAFE STANDARDS) AMENDMENT BILL 2024

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.

19 MEMBERS' STATEMENTS

Members' statements were made.

20 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 5.38 pm, adjourned until tomorrow at 10 am.

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

*on leave.

Hamish Finlay
Acting Clerk of the Legislative Assembly