

Mr Tom Duncan
Clerk
ACT Legislative Assembly
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Dear Mr Duncan

Thank you for your letter about petitions E-PET-055-25 and PET-069-25 lodged by Mr Andrew Braddock MLA in the Legislative Assembly on 22 October 2025 about Divestment from the Economy of Genocide.

The ACT Government remains committed to a responsible investment framework and ongoing and regular reviews of the Responsible Investment Policy to ensure a cohesive, reliable and robust framework continues to be applied to investments the ACT makes.

As the Assembly would be aware, on 31 January 2025, I wrote to you with the ACT Government's response to a similar petition E-PET-034-24 about Human Rights and Palestine. This followed on from the response tabled on 29 August 2024 by the former Treasurer, Mr Andrew Barr MLA, to the Assembly's 7 February 2024 motion about Human Rights Incompliant Companies Divestments.

While I note that since my last response in early 2025, in September 2025 the United Nations Office of the High Commissioner for Human Rights (UN OHCHR) updated its database (the first since 30 June 2023), the ACT Government continues to consider this database, or lists such as the companies mentioned in the report released by the UN Special Rapporteur, Francesca Albanese, are not an appropriate tool for inclusion in the ACT Government's Responsible Investment Policy framework.

As previously noted, the Responsible Investment Policy assessment already includes Environmental, Social and Corporate Governance (ESG) controversies research methodologies and rating assessment processes, which are comprehensive, robust and consistently applied across all listed company investments. Importantly, the ESG-related controversy assessment framework is supported by independent research, clear, consistent and transparent

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methodologies and processes, with the assessment criteria aligned with accepted international norms and conventions.

The ACT Government Procurement Framework incorporates requirements which support Territory entities to address transparent and ethical engagement and fair and safe conditions for workers throughout the procurement lifecycle, including: the *Government Procurement (Charter of Values) Direction 2020*, which codifies the ACT Government's commitment to ensuring that ACT Government procurement is transparent and ethical through the 'Transparent and Ethical Engagement' procurement values.

Further restrictions on the sale and procurement of goods and services from the particular location may be inconsistent with Australia's obligations under various free trade agreements, agreements which the Territory is bound to comply with being part of the Commonwealth of Australia. The Legislative Assembly's competence to enact a ban may also be impeded by the Commonwealth Constitution. Respectfully, the ACT Government considers that this issue would be more appropriately directed to the Commonwealth Government.

With respect to the application of the *Human Rights Act 2004* (ACT), the human rights issues raised by the petitioners are also more appropriately directed to the Commonwealth as it is the Commonwealth that is the 'State Party' to the international human rights conventions and upon which obligations are imposed.

I acknowledge the requests of the petitioners, and as advised previously, these matters are complex and pose a range of significant legal and jurisdictional questions. The ACT Government is not in position to address these matters, which are more appropriately dealt with by the Commonwealth.

I thank the petitioners for raising these matters with the Legislative Assembly. I trust this response is of assistance.

Yours sincerely



Chris Steel MLA
Treasurer
January 2026