Matters of public importance—your Assembly @ work

Sitting week—2 and 3 December 2020

Issue 14/2020

Condolence Motion

A condolence motion was moved by the Chief Minister expressing the Assembly’s deep regret at the passing of Mr Lou Westende, a former member of the Legislative Assembly. The Leader of the Opposition and the Leader of the ACT Greens also addressed the Assembly in support of the motion.

At the conclusion all Members present stood in silence in support of the motion.

Inaugural speeches

Eight newly elected members of the Legislative Assembly made their inaugural speeches on 2 and 3 December 2020. Those members included Mr Braddock (Yerrabi), Mr Cain (Ginninderra), Ms Castley (Yerrabi), Ms Clay (Ginninderra), Ms Davidson (Murrumbidgee), Mr Davis (Brindabella), Dr Paterson (Murrumbidgee) and Ms Vassarotti (Kurrajong).

Government Business

Includes business items presented to the Assembly by the Executive including bills, motions, and papers

Bills introduced

COVID-19 Emergency Response Legislation Amendment Bill 2020 (presented 2 December)

Summary: This bill will amend a number of Territory statutes to extend certain existing COVID-19 legislative measures adopted due to the COVID-19 pandemic emergency. The measures will be in place for the duration of the COVID-19 emergency.

Crimes Legislation Amendment Bill 2020 (presented 3 December)

Summary: This bill will amend a number of Territory laws including the Confiscation of Criminal Assets Act 2003 to clarify legislation provisions that apply to applications for exclusion orders for property subject to an unexplained wealth restraining order. The Crimes (Sentencing Administration) Act 2005 will also be amended to create a clear mechanism to bring offenders before an appropriate court to consider whether to cancel an intensive correction order where an offender has committed and been convicted or found guilty of a new offence that is punishable by imprisonment. Amendments to the Criminal Code 2002 will be made to correct an anomaly in the definition of ‘threatening act’ for the offence of serious vilification and amendments to the Magistrates Court Act 1930 will be made to allow defendants to appeal against conviction in the Magistrates Court up to 28 days after sentence.
Justice and Community Safety Legislation Amendment Bill 2020 (presented 3 December)

Summary: This bill will make minor, technical and non-controversial amendments to a number of Territory laws to improve regulation of government, professional and community bodies and to better protect and promote improved services for vulnerable persons.

Planning and Unit Titles Legislation Amendment Bill 2020 (presented 2 December)

Summary: This bill will amend a number of Territory laws that deal with planning and unit titles matters to improve the operation of those laws. The amendments will make changes to existing legislative provisions regarding unit titles and community concessional leases.

Plastic Reduction Bill 2020 (presented 2 December)

Summary: This bill will enact policy to reduce the use of plastic in the Territory, particularly single-use plastic, by prohibiting the supply of identified single-use plastic items. The bill will also establish a framework for adding other products in the future, and absorbs the existing plastic shopping bag ban to streamline plastic-related regulation in the ACT.

In accordance with a resolution passed by the Assembly on 2 December 2020, these bills were referred to the relevant standing committee for inquiry and report within two months of the bill’s presentation date.

Ministerial statement

The Minister for Health provided the Assembly with an update on the Government’s response to the COVID-19 pandemic on 2 December. During the statement the Minister confirmed that the ACT had moved to Stage 4 of Canberra’s Recovery Plan and outlined what restrictions had been lifted as a consequence of moving to that stage.

The full text of the statements made by Ministers and Members can be accessed from the Assembly Hansard site.

Assembly Business

Includes any business relating to the establishment or membership of a committee or the proposed referral of a matter to a committee. It also includes business which proposes to amend, disallow, disapprove or declare void any instruments which are made under specific Acts agreed to by the Assembly. Assembly business also includes any notice or order of the day which deals with the administration of the Assembly or how the Assembly conducts its proceedings

Motion debated

On 2 December 2020, a motion was moved proposing the sitting pattern for 2021. The motion was agreed to following debate. The scheduled sitting dates for 2021 will be as follows:

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The full terms of the above motion can be found in the Minutes of Proceedings.

Private Members’ Business

Includes items presented to the Assembly by all non-Executive Members, including bills and motions

Motions debated

Support for and management of junior doctors within the ACT was the subject of a motion moved by Mrs Jones MLA on 2 December 2020. The motion included stating that the ACT Public Sector Medical Practitioners Enterprise Agreement 2017-21 governs how rostering, shifts and days free from duty is managed to avoid burnout and exhaustion of junior doctors. It also included calling on the Government to adhere to the Enterprise Agreement and to implement better systems to support and manage junior doctors. The motion called on the Government to report to the Assembly each year on the progress of reducing junior doctor burnout and exhaustion. During debate the ACT Greens indicated support for the motion with a number of amendments being moved by the Government. An amendment moved by the Opposition to one of the Government’s amendments was agreed to with the Government’s amendments then being passed by the Assembly.

The amended motion was agreed to by the Assembly

On 3 December, a motion was moved by Mr Parton MLA noting the important contribution made by community clubs in the ACT. The motion included calling on the Government to implement a moratorium on machine reductions and regulatory change until 2024 and to make the necessary adjustments to allow clubs to diversify to other revenue sources. During debate amendments were moved by the Government that included noting that a range of measures implemented over the past term have significantly reduced the number of gaming machines operating in the ACT, while helping clubs take steps to diversify their revenue stream. The amendments also noted that problem gambling, including poker machines, can cause significant harm to people, their families and communities. The amendments were agreed to following a vote of the Assembly.

The amended motion was passed by the Assembly.

The full debate on the above motions can be accessed from the Assembly Hansard site.

Petitions and petition responses

The following petitions were lodged—

- Proposed withdrawal of public funding for Thoroughbred Park and redirection of that funding to Canberra’s arts and entertainment industry—lodged by Ms Clay (2 December 2020)
• Alternative sites for proposed waste processing facilities in Fyshwick—lodged by Ms Lee (3 December 2020)

The following ministerial responses to petitions were lodged—

• Chisholm Centre Development (Minister for Planning and Land Management)
• Farrer Nature Play Toilet (Minister for City Services)
• Fraser West bus terminus—Reduction of bus usage (Minister for Transport)
• Live in Ya Lounge—Financial support proposal (Minister for the Arts)
• Proposed designated, fenced, off-leash dog parks in Campbell and Kingston foreshore (Minister for City Services)
• Proposed Turner Parklands bus layover—Review of loss of parkland and visual amenity, traffic management and safety and noise and fumes (Minister for Transport)
• Proposed waste processing facilities in Fyshwick—Alternative sites (Minister for Transport and City Services)
• Reinstatement of Transport Canberra bus services for Symonston (Minister for Transport)
• Watson pharmacy—Kerbside disability parking bays (Minister for City Services)
• Waston shops—Construction of pedestrian crossing across Windeyer Street (Minister for City Services)
• West Belconnen Waste Facility—Review of closure (Minister for Recycling and Waste Reduction)

A copy of the petitions and ministerial responses can be found on the Assembly Hansard site.

Papers Presented

The following are papers of interest that were presented by the Manager of Government Business during the sitting week:

• ACT Public Health System—Investing in Our People: A System-Wide, Evidence-Based Approach to Workplace Change
• Annual Reports—
  • ACT and Region Catchment Management Coordination Group Annual Report 2019-2020
  • ACT Judicial Council Annual Report 2019-2020
  • Administrator of the National Health Funding Pool Annual Report 2019-2020
  • Australian Criminal Intelligence Commission—Controlled Operations Annual Report 2019-2020
  • Australian Criminal Intelligence Commission—Surveillance Devices Annual Report 2019-2020
  • Australian Health Practitioner Regulation Agency and the National Boards, reporting on the National Registration and Accreditation Scheme—Annual Report 2019-2020
  • Board of the Australian Criminal Intelligence Commission Chair Annual Report 2018-2019
  • Climate Change and Greenhouse Gas Reduction Act—Minister’s annual report 2019-2020
  • Commissioner for Standards Annual Report 2019-2020
  • National Health Funding Body Annual Report 2019-2020
  • National Health Practitioner Ombudsman and Privacy Commissioner Annual Report 2019-2020
  • Office of the Australian Information Commissioner—Memorandum of Understanding with the Australian Capital Territory for the provision of privacy services—Annual report 2019-2020
• Professional Standards Council Annual Report 2019-2020
• Annual statement on asbestos related works across Canberra
• A Step Up for Our Kids—Snapshot Report—A Presentation of Data covering 1 July 2016 to 30 September 2020
• Auditor-General’s Report No 9/2020—2019-20 Financial Audits Overview
• Australian Capital Territory (Self-Government) Ministerial Appointment 2020 (No 2)
• COVID-19 measures pursuant to the COVID-19 Emergency Response Act 2020—
  • Report No 5—Reporting period 1-31 August 2020
  • Report No 6—Reporting period 1-30 September 2020
  • Report No 7—Reporting period 1-31 October 2020
• Government responses to Auditor-General’s reports—
  • No 4/2020—Residential Land Supply and Release
  • No 5/2020—Management of household waste services
• International Anti-Corruption Day—Statement from the ACT Integrity Commission
• Property Crime Prevention Strategy 2016-2020—Final Progress Report 2020
• Remuneration Tribunal Determinations, together with accompanying statements for—
  • ACT Civil and Administrative Tribunal—Determination 9 of 2020
  • ACT Magistrates Court Judicial Positions—Determination 8 of 2020
  • ACT Supreme Court Judicial Positions—Determination 7 of 2020
  • Director of Public Prosecutions—Determination 12 of 2020
  • Full-time Statutory Office Holders—Determination 4 of 2020
  • Full-time Statutory Office Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 3 of 2020
  • Full-time Statutory Office Holders: Chief Executive Officer, ACT Integrity Commission—Determination 6 of 2020
  • Full-time Statutory Office Holders: Chief Executive Officer, City Renewal Authority and Chief Executive Officer, Suburban Land Agency—Determination 5 of 2020
  • Head of Service, Directors-General and Executives—Determination 2 of 2020
  • Members of the ACT Legislative Assembly—Determination 1 of 2020
  • Part-time Public Office Holders—Determination 13 of 2020
  • Part-time Statutory Office Holder: Integrity Commissioner—Determination 10 of 2020
  • Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 11 2020
• Report of a review of a correctional service—ACT Corrective Services Court Transport Unit 2020
• Special Gazette No S4, Wednesday 29 July 2020, incorporating Administrative Arrangement 2020 (No 3)
• Statement of leases granted, under the Planning and Development Act 2007, for the period 1 July to 30 September 2020
Committee Activities

Establishment of Committees

A motion proposing the **committee structure for the Tenth Assembly** was moved on 2 December. During debate an amendment was moved by the Opposition seeking to extend the time committees would have to inquire and report on bills. The amendment was negatived following a vote of the Assembly.

The motion was passed by the Assembly without amendment.

Later that day, the following members were appointed to the below standing committees:

- **Economy and Gender and Economic Equality**—Standing Committee: Mr Davis, Ms Lawder, Ms Orr.
- **Education and Community Inclusion**—Standing Committee: Mr Cain, Mr Davis, Mr Pettersson.
- **Environment, Climate Change and Biodiversity**—Standing Committee: Mr Braddock, Ms Castley, Dr Paterson.
- **Health and Community Wellbeing**—Standing Committee: Mr Davis, Mrs Kikkert, Mr Pettersson.
- **Justice and Community Safety**—Standing Committee: Ms Clay, Mr Hanson, Dr Paterson.
- **Planning, Transport and City Services**—Standing Committee: Ms Clay, Mr Parton, Ms Orr.
- **Public Accounts**—Standing Committee: Mr Braddock, Mr Coe, Mr Pettersson.

Committee report

**Administration and Procedure—Standing Committee**

Report 1—Report on a referral to the Commissioner for Standards

Committee reference

**Justice and Community Safety—Standing Committee**

A motion was moved in the Assembly on 2 December referring the **operation of the 2020 ACT election** and the Electoral Act and other relevant legislation and policies concerning election-related matters to the Standing Committee on Justice and Community Safety for inquiry.

The motion was passed by the Assembly without amendment.

Responses to committee reports

**Economic Development and Tourism—Standing Committee (Ninth Assembly)**

Report 9—Inquiry into Building Quality—Government response (*presented 2 December 2020*)

**Health, Ageing and Community Services (Ninth Assembly)**


**Planning and Urban Renewal—Standing Committee (Ninth Assembly)**

Report 13—Draft Variation No 363—Curtin group centre and adjacent residential areas: zone changes and amendments to the Curtin precinct map and code—Government response (*presented 2 December 2020*)
Members of the Legislative Assembly for the ACT

Electorate of Brindabella

Ms Joy Burch (Australian Labor Party)
Mr Johnathan Davis (ACT Greens)
Mr Mick Gentleman (Australian Labor Party)
Ms Nicole Lawder (Canberra Liberals)
Mr Mark Parton (Canberra Liberals)

Electorate of Ginninderra

Ms Yvette Berry (Australian Labor Party)
Mr Peter Cain (Canberra Liberals)
Ms Tara Cheyne (Australian Labor Party)
Ms Jo Clay (ACT Greens)
Mrs Elizabeth Kikkert (Canberra Liberals)

Electorate of Kurrajong

Mr Andrew Barr (Australian Labor Party)
Ms Elizabeth Lee (Canberra Liberals)
Mr Shane Rattenbury (ACT Greens)
Ms Rachel Stephen-Smith (Australian Labor Party)
Ms Rebecca Vassarotti (ACT Greens)

Electorate of Murrumbidgee

Emma Davidson (ACT Greens)
Mr Jeremy Hanson CSC (Canberra Liberals)
Mrs Giulia Jones (Canberra Liberals)
Dr Marisa Paterson (Australian Labor Party)
Mr Chris Steel (Australian Labor Party)

Electorate of Yerrabi

Mr Andrew Braddock (ACT Greens)
Ms Leanne Castley (Canberra Liberals)
Mr Alistair Coe (Canberra Liberals)
Ms Suzanne Orr (Australian Labor Party)
Mr Michael Pettersson (Australian Labor Party)