



# Legislative Assembly for the Australian Capital Territory

2020-2021-2022

## Notice Paper

No 38

Thursday, 10 February 2022

The Assembly meets this day at 10 am

---

### EXECUTIVE BUSINESS

#### Notices

- \*1 **MR RATTENBURY:** To present a Bill for an Act to amend legislation about family violence, and for other purposes. (*Notice given 9 February 2022*).
- \*2 **MR STEEL:** To present a Bill for an Act to amend legislation about domestic animals. (*Notice given 9 February 2022*).

---

### ASSEMBLY BUSINESS

#### Notices

- 1 **MS BURCH:** To present a Bill for an Act to amend legislation in relation to committees of the Legislative Assembly. (*Notice given 7 February 2022*).
- 2 **MS BURCH:** To move—That the resolution of the Assembly agreed to on 2 December 2020, as amended, be amended as follows—Paragraph (5), omit “14 days”, substitute “21 days”. (*Notice given 7 February 2022. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks – standing order 125A*).

- 3 **MS BURCH:** To move—That Continuing Resolution 5AA be amended by inserting the following paragraph:

“(7)(c) If the Commissioner receives a complaint and the Commissioner believes on reasonable grounds that there is insufficient evidence to justify an investigation or that the complaint is frivolous, vexatious or only for political advantage, the Commissioner will inform the complainant that the matter will not be further investigated. The Commissioner will also inform (without revealing the complainant’s identity or the nature of the complaint) both the committee and the Member the subject of the complaint that a complaint has been received but not further investigated.”.

*(Notice given 7 February 2022. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks – standing order 125A).*

- 4 **MS LAWDER:** To move—That:

- (1) a Select Committee on Estimates 2022-2023 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2022-2023, the Appropriation (Office of the Legislative Assembly) Bill 2022-2023 and any revenue estimates proposed by the Government in the 2022-2023 Budget and prepare a report to the Assembly;
- (2) the Committee be composed of:
  - (a) two Members to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition; and
  - (c) one Member to be nominated by the Greens; and
 to be notified in writing to the Speaker within two hours of this motion passing;
- (3) an Opposition Member shall be elected chair of the Committee by the Committee;
- (4) funds be provided by the Assembly to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
- (5) the Committee is to report by Friday 29 July 2022;
- (6) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders. *(Notice given 7 February 2022. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks – standing order 125A).*

5 **MR MILLIGAN:** To move—That this Assembly:

- (1) notes that:
  - (a) storms are a regular occurrence in the ACT, with 26 severe storms recorded in the last 10 years, that has included significant rainfalls contributing to flooding events, hail causing major damage, and strong winds gusts leaving a trail of debris;
  - (b) the storm season in the ACT runs from September to February each year;
  - (c) storms cause high social, emotional and financial costs;
  - (d) the 3 January supercell thunderstorm event caused significant damage to many homes and streetscapes;
  - (e) during the storm and after, the community perceived a significant lack of communication by the Minister, with no local area contact made with those who suffered the worst damage;
  - (f) the State Emergency Service responded to and completed more than 1023 jobs; however, some areas of Belconnen were without power for six days and storm debris clean up has taken more than a month and is still ongoing;
  - (g) however, there was limited and only very localised support offered, such as food services, power generators, clean up services, to many of those suffering from excessive and prolonged storm damage, with some of the most vulnerable forced to rely on the goodwill of their neighbours; and
  - (h) the ACT does not appear to have a second tier of support for cleaning up storm debris, beyond advising people to lodge their problems through the Fix my street site;
- (2) refers this matter to the Standing Committee on Justice and Community Safety for an inquiry to investigate the complete response to the recent storms, the appropriateness of the communication strategies used to reach out to those affected; and the service delivery options of various agencies throughout the storm period and in the weeks afterwards, to repair, redress and clean up the storm debris and support the community in these matters;
- (3) requests the Committee in conducting its inquiry to have regard to the:
  - (a) social, emotional and financial costs of those who have experienced storm damage and lengthy delays in the redress of these;
  - (b) effectiveness of existing reporting mechanisms of storm damage, both for redress concerning individual incidents and for statistical monitoring of the prevalence of storm damage experienced by individuals and by the people in the ACT community generally;
  - (c) adequacy of the response by various agencies, Government and otherwise, to the storm damage shared by members of the community, the length of time it took to correct matters, and the lack of support to clean up storm debris afterwards;

- (d) the adequacy and accessibility of communication both during and after the storm, when the clean up was occurring, as people struggled to maintain everyday lives deprived of adequate support, during a week without power;
  - (e) adequacy of services provided in the immediate and longer-term period after the storm, for electricity, livelihood support, and storm debris clean up;
  - (f) value of establishing, and possible roles of, a further tier of support to help with the clear up of storm damage, once the immediate emergency is over; and
  - (g) any other matter the Committee considers relevant; and
- (4) requests the Committee to:
- (a) encourage participation by affected individuals and groups by providing interpreter services, inviting confidential submissions, taking evidence in camera, holding documents in confidence where it considers it appropriate to do so, and otherwise making the hearings family-friendly and held virtually where applicable;
  - (b) consider whether to publish a discussion paper by 29 April 2022 and whether to provide an interim report before 9 June 2022; and
  - (c) report back to the Assembly by 1 September 2022, before the next storm season. *(Notice given 7 February 2022. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks – standing order 125A).*

## Orders of the day

- 1 **PROPOSED AMENDMENT TO STANDING ORDER 113A:** Resumption of debate *(from 16 September 2021—Mr Rattenbury)* on the motion of Mr Hanson—That standing order 113A be amended by omitting “all non-Executive Members seeking to speak have asked at least one question” and substituting “nine original questions have been asked by any Opposition Member, and other non-Executive Members seeking to speak have asked at least one question”.

---

### By 28 February 2022

- 2 **HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE:** Presentation of report on the inquiry into the Public Health Amendment Bill 2021 (No 2), pursuant to order of the Assembly of 2 December 2021.

### 31 May 2022

- 3 **STANDING COMMITTEES:** Presentation of reports on calendar and financial year annual and financial reports for 2020–2021, pursuant to order of the Assembly of 2 December 2020, as amended 11 February, 30 March, 22 April and 16 September 2021.

**30 September 2022**

- 4 **EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE:**  
Presentation of report on the prevalence of and, mechanisms for, reporting of vilification and threats of physical violence on persons in the Territory, pursuant to order of the Assembly of 11 November 2021.

---

**EXECUTIVE BUSINESS—continued**
**Orders of the day**

- 1 **UPDATE ON THE ACT GOVERNMENT'S WORK TO CREATE SUSTAINABLE CANBERRA JOBS—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate (*from 5 August 2021—Ms Orr*) on the motion of Mr Barr—That the Assembly take note of the paper.
  - 2 **CRIMES (POLICING) LEGISLATION AMENDMENT BILL 2021:** (*Minister for Police and Emergency Services*): Agreement in principle—Resumption of debate (*from 1 December 2021—Mr Hanson*).
  - 3 **COAG LEGISLATION AMENDMENT BILL 2021:** (*Chief Minister*): Agreement in principle—Resumption of debate (*from 4 August 2021—Ms Lee*).
  - 4 **ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2021:** (*Minister for Transport and City Services*): Agreement in principle—Resumption of debate (*from 5 August 2021—Mr Parton*).
  - 5 **FINANCIAL MANAGEMENT AMENDMENT BILL 2021 (NO 2):** (*Minister for Industrial Relations and Workplace Safety*): Agreement in principle—Resumption of debate (*from 1 December 2021—Mr Cain*).
  - 6 **ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2021 (NO 2):** (*Minister for Transport and City Services*): Agreement in principle—Resumption of debate (*from 1 December 2021—Mr Parton*).
  - 7 **PUBLIC HEALTH AMENDMENT BILL 2021 (NO 2):** (*Chief Minister and Minister for Health*): Agreement in principle—Resumption of debate (*from 2 December 2021—Ms Lee*). (*Referred to Standing Committee on Health and Community Wellbeing for report by 28 February 2022.*)
  - 8 **ABORIGINAL AND TORRES STRAIT ISLANDER LED REVIEW—OVERREPRESENTATION IN THE TERRITORY'S JUSTICE SYSTEM—GOVERNMENT RESPONSE TO RESOLUTION OF THE ASSEMBLY—PAPER—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate (*from 8 October 2021—Mrs Kikkert*) on the motion of Mr Gentleman—That the Assembly take note of the paper.
-

## PRIVATE MEMBERS' BUSINESS

### Notices

- 1 **MS CLAY:** To move—That this Assembly:
  - (1) recognises that:
    - (a) we have declared a climate emergency;
    - (b) we are part of the environment and, as a consequence, the health of the environment impacts on us and our actions impact on the health of the environment. The environment we live in is a precondition to a healthy life. The air we breathe, the water we drink, the food we eat and all our natural resources come from our environment and we must keep it healthy;
    - (c) COVID lockdowns and the COVID crisis have shown us how important access to nature and our local environment are to our mental and physical health;
    - (d) in 2018, the then Special Rapporteur on human rights and the environment, John Knox, presented to the United Nations Human Rights Council, a non-exhaustive list of 16 framework principles on human rights to the environment, summarising the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;
    - (e) the United Nations Human Rights Council passed a resolution on 1 October 2021 on the human right to a safe clean, healthy and sustainable environment. It recognised “that sustainable development... and the protection of the environment, including ecosystems, contribute to and promote human well-being and the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to housing, to safe drinking water and sanitation and to participation in cultural life, for present and future generations”;
    - (f) the Human Rights Council resolution further noted that “the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage has negative implications, both direct and indirect, for the effective enjoyment of all human rights”; and
    - (g) the right to a healthy environment is legally recognised by the overwhelming majority of United Nations Member States around the world;

- (2) notes that:
  - (a) the *Human Rights Act 2004* (ACT) was the first Human Rights Act introduced in a state or territory in Australia;
  - (b) the Parliamentary and Governing Agreement for the 10<sup>th</sup> Assembly commits the ACT Government to consider introducing the right to a healthy environment into the *Human Rights Act 2004* (ACT); and
  - (c) this commitment exists in the context of the ACT Government declaring a climate emergency in 2019, a commitment to rapid, science-based action to mitigate and adapt to climate change and a transition to net-zero emissions;
- (3) further notes that:
  - (a) human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing;
  - (b) the right to a healthy environment includes substantive elements, procedural elements and rights of the most vulnerable;
  - (c) internationally, substantive elements to a healthy environment include the right to clean air, a safe climate, healthy ecosystems and biodiversity which deliver healthy and sustainably produced food, clean water and sanitation, and a non-toxic environment;
  - (d) internationally, procedural elements to a healthy environment include the rights to information, participation in decision-making, access to justice and effective remedy;
  - (e) internationally, the right to a healthy environment protects the most vulnerable to environmental harm in our community and protects our environment for future generations;
  - (f) the impact of an unhealthy environment on people is immense, and disproportionately impacts the most disadvantaged and marginalised people and communities;
  - (g) our mental health and wellbeing is intricately linked to a healthy environment, including access to nature, spending time outdoors for exercise, recreation and leisure. Spending time in a healthy environment meets our inherent need for physical, mental, emotional, and spiritual wellbeing;
  - (h) Canberrans are fortunate to benefit from local bushland, national parks, the Canberra Nature Park, pocket parks, grasslands, rivers, lakes and ponds; and
  - (i) the ACT Government has committed to a wellbeing framework for the ACT to assist the ACT Government to measure living standards beyond the gross domestic product; and

- (4) calls on the ACT Government to:
- (a) investigate the inclusion of a right to a healthy environment into the *Human Rights Act 2004* (ACT), conduct community consultation and meet with stakeholders, including but not limited to the Australian Human Rights Commission, the Conservation Council ACT Region, the Environmental Defenders Office (ACT office), GreenLaw, the ACT Council of Social Service, the ACT Children and Young People Commissioner, the Commissioner for Sustainability and the Environment, the Aboriginal and Torres Strait Islander Elected Body, Dhawura Ngunnawal Caring for Country Committee and any other Indigenous stakeholders, to actively explore the inclusion of a right to a healthy environment into the *Human Rights Act 2004* (ACT); and
  - (b) report back to the Assembly by the first day of the last sitting week in 2022 with the substance of these consultations and a timeframe to introduce a right to a healthy environment. (*Notice given 7 February 2022. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks – standing order 125A*).

2 **MR HANSON:** To move—That this Assembly:

- (1) notes:
- (a) that, according to published reports, the ACT Greens made a profit of \$188,771 on the 2020 ACT election, at the expense of ACT taxpayers from public election funding;
  - (b) following the 2020 ACT election, the ACT Greens have opened a new office in Braddon, claiming that “After our huge success in 2020, we took stock, identified our priorities and began looking for a new home”;
  - (c) the ACT Greens have stated with regard to the new office that “We’ll be fitting out the space over the coming weeks to ensure it’s ready for our work, meetings, [and] the 2022 Federal Election...”;
  - (d) in its submission to the Standing Committee on Justice and Community Safety (JACS) inquiry into the 2020 ACT election, the ACT Electoral Commission recommended (Recommendation 22) amending the Electoral Act to include provisions to limit the amount of public funding that can be received by a political party or candidate to ensure that the amount received does not exceed the amount of electoral expenditure incurred;
  - (e) the ACT Labor submission to the JACS inquiry supported the Elections ACT recommendation, stating “The move towards a best practice public funding model by the ACT Labor Government was never intended as a means for parties or candidates to make a profit. This appears to have provided a situation in which some parties run with the intent of making a profit, so that they can then funnel this money to other campaigns such as the Federal election or to campaigns in other states. This practice does not meet community expectations”;



- (f) in their evidence to the Committee the Liberal Party representative stated that “...to happily take an additional \$200,000 or thereabouts from ratepayers, I think, is completely inappropriate and something that should be seriously considered, moving forward. I would have thought and hoped that the political party that was in that position would not accept an amount that would get to a point where they were turning a profit”;
  - (g) the JACS Committee in its report into the 2020 ACT election commented that “The Committee supports the policy intention of public funding for candidates and parties, in reducing risk of corruption in the political system. The Committee considers it is reasonable to limit public funding to not exceed a candidate’s electoral expenditure”;
  - (h) the JACS Committee recommended that the Electoral Act be amended to limit the amount of public funding received by a party or candidate to not exceed the amount of electoral expenditure incurred; and
  - (i) the ACT Government response agreed that public funding “should not necessarily provide individuals with an opportunity to gain profit”;
- (2) agrees that:
- (a) profiteering out of public election funding and channelling the money into Federal campaigns does not meet community expectations and is not the intent of ACT public funding; and
  - (b) legislation should be amended prior to the 2024 ACT election to ensure political parties do not profiteer at the expense of ACT taxpayers; and
- (3) calls on the ACT Greens MLAs to write to their party and request that they pay back the \$188,771 profit they made at taxpayers’ expense at the 2020 election. *(Notice given 7 February 2022. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks – standing order 125A).*

## Orders of the day

- 1 **DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021:**  
*(Mr Pettersson): Agreement in principle—Resumption of debate (from 11 February 2021—Ms Stephen-Smith).*
- 2 **ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2021 (NO 2):** *(Ms Clay): Agreement in principle—Resumption of debate (from 22 June 2021—Mr Steel).*
- 3 **CIVIL LAW (SALE OF RESIDENTIAL PROPERTY) AMENDMENT BILL 2021:**  
*(Mr Cain): Agreement in principle—Resumption of debate (from 9 November 2021—Mr Gentleman).*

- 4 **CORRECTIONS MANAGEMENT AMENDMENT BILL 2021:** *(Mrs Kikkert):* Agreement in principle—Resumption of debate *(from 25 November 2021—Mr Gentleman)*.
- 5 **PUBLIC PLACE NAMES AMENDMENT BILL 2021:** *(Dr Paterson):* Agreement in principle—Resumption of debate *(from 30 November 2021—Mr Gentleman)*.
- 6 **ELECTORAL AMENDMENT BILL 2021:** *(Mr Davis and Mr Braddock):* Agreement in principle—Resumption of debate *(from 2 December—Mr Steel)*.
- 7 **CRIMES (CONSENT) AMENDMENT BILL 2022:** *(Dr Paterson):* Agreement in principle—Resumption of debate *(from 8 February 2022—Mr Rattenbury)*.

---

## QUESTIONS ON NOTICE

On the first sitting day of a period of sittings a complete Notice Paper is published containing all unanswered questions. On subsequent days, only redirected questions are included on the Notice Paper together with a list of all unanswered questions.

A Questions on Notice Paper will be issued on the Friday of a sitting week, containing the text of all questions on notice lodged that week and can be accessed at <https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/chamber-documents>.

### *Unanswered Questions*

506, 523, 525.

**T Duncan**

Clerk of the Legislative Assembly

---

## GOVERNMENT TO RESPOND TO PETITIONS

(in accordance with standing order 100)

**10 February 2022**

Coombs convenience store—Crime prevention—Minister for Police and Emergency Services—Petition lodged by Mrs Jones (Pet 45-21).

**1 March 2022**

Eating disorder services in the ACT—Minister for Mental Health—Petition lodged by Dr Paterson (Pet 34-21). *(Referred to the Standing Committee on Health and Community Wellbeing on 30 November 2021.)*

Multipurpose sports stadium for Woden—Minister for Sport and Recreation—Petition lodged by Ms Davidson (Pet 23-21). *(Referred to the Standing Committee on Planning, Transport and City Services on 30 November 2021.)*

Phillip pool—Minister for Sport and Recreation—Petitions lodged by Mrs Jones (Pet 42-21 and Pet 47-21). *(Referred to the Standing Committee on Planning, Transport and City Services on 1 December 2021.)*

**2 March 2022**

Multipurpose sports stadium for Woden—Minister for Sport and Recreation—Petition lodged by Ms Davidson (Pet 48-21). *(Referred to the Standing Committee on Planning, Transport and City Services on 1 December 2021.)*

**3 March 2022**

Fencing of playgrounds—Minister for Transport and City Services—Petition lodged by Mrs Jones (Pet 30-21).

Cricket infrastructure in eastern Belconnen—Minister for Sport and Recreation—Petition lodged by Ms Clay (Pet 46-21).

**10 May 2022**

Proposed installation of speed limit signs on Bateman Street, Kambah—Minister for Transport and City Services—Petition lodged by Mr Davis (Pet 1-22).

Proposed inquiry into use of Auslan—Minister for Disability—Petition lodged by Ms Lawder (Pet 33-21). *(Referred to Standing Committee on Education and Community Inclusion on 8 February 2022.)*

---

**COMMITTEES**

Unless otherwise shown, appointed for the life of the Tenth Assembly. The dates of the amendments to the committees' resolution of appointment are reflected, but not changes in the membership.

## Standing

Pursuant to standing order

**ADMINISTRATION AND PROCEDURE:** *(Formed 3 November 2020):* The Speaker (Chair), Mr Braddock, Mr Hanson, Ms Orr.

Pursuant to resolution

**ECONOMY AND GENDER AND ECONOMIC EQUALITY:** *(Formed 2 December 2020):* Ms Lawder (Chair), Mr Davis, Ms Orr.

**EDUCATION AND COMMUNITY INCLUSION:** *(Formed 2 December 2020):* Mr Pettersson (Chair), Mr Cain, Mr Davis.

**ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY:** *(Formed 2 December 2020):* Dr Paterson (Chair), Ms Castley, Ms Clay.

**HEALTH AND COMMUNITY WELLBEING:** *(Formed 2 December 2020):* Mr Davis (Chair), Mr Milligan, Mr Pettersson.

**JUSTICE AND COMMUNITY SAFETY:** *(Formed 2 December 2020):* Mr Hanson (Chair), Mr Braddock, Dr Paterson.

**PLANNING, TRANSPORT AND CITY SERVICES:** *(Formed 2 December 2020):* Ms Clay (Chair), Mr Parton, Ms Orr.

**PUBLIC ACCOUNTS:** *(Formed 2 December 2020):* Mrs Kikkert (Chair), Mr Braddock, Mr Pettersson.

## Dissolved

**COVID-19 2021 PANDEMIC RESPONSE:** *(Formed 16 September 2021):* Ms Lee (Chair), Ms Clay, Ms Orr. *(Presented 2 December 2021)*

**DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021:** *(Formed 11 February 2021):* Mr Cain (Chair), Mr Davis, Dr Paterson. *(Presented 30 November 2021)*

---