



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

## MINUTES OF PROCEEDINGS

No 66

**TUESDAY, 22 NOVEMBER 2022**

- 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 LEAVE OF ABSENCE TO MEMBER

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Ms Orr for this sitting period due to illness.

Question—put and passed.

### 3 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 11— INQUIRY INTO URBAN FOREST BILL 2022—REPORT NOTED

Ms Clay (Chair), pursuant to order, presented the following report:

Planning, Transport and City Services—Standing Committee—Report 11—*Inquiry into Urban Forest Bill 2022*, dated 17 November 2022, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

#### **4 PETITIONS AND MINISTERIAL RESPONSES—PETITIONS AND RESPONSES NOTED**

##### **Petitions**

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

Ms Lee, from 322 and 266 residents respectively, requesting that the Assembly call on the ACT Government to ensure the removal of the new pine trees, to be replaced with appropriate deciduous trees for the front of all north-facing buildings in the developments on Bradfield Street, Downer (e-Pet 020-22 and Pet 036-22).

Ms Orr, from 590 residents, requesting that the Assembly call on the ACT Government to consider taking back the undeveloped land at Block 6 Section 88 Gungahlin and make this underground paid parking with urban open space on top for Gungahlin apartment dwellers and small business owners (e-Pet 026-22).

Ms Lawder, from 513 residents, requesting that the Assembly call on the ACT Government to better incentivise Richardson shops landlords to lease shop fronts rather than keeping them vacant and upgrade the area surrounding the shops to increase the appeal to potential lease holders (e-Pet 031-22).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Planning, Transport and City Services.

Mr Pettersson, from 820 and 308 residents respectively, requesting that the Assembly call on the ACT Government to implement a broad property developer licensing scheme (e-Pet 029-22 and Pet 037-22).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Economy and Gender and Economic Equality.

Ms Burch, from 287 residents, requesting that the Assembly call on the ACT Government to oppose the proposed KFC Development Application for Chisholm shops from proceeding as it will have a direct and undesirable impact on the local community (e-Pet 032-22).

##### **Ministerial responses**

The Clerk announced that the following responses to petitions had been lodged:

Mr Gentleman (Minister for Planning and Land Management), dated 10 November 2022—Response to petition No 011-22, lodged by Dr Paterson on 2 August 2022, concerning the protection of Bluetts Block-Piney Ridge.

Mr Gentleman (Minister for Planning and Land Management), dated 14 November 2022—Response to petition No 016-22, lodged by Ms Clay on 2 August 2022, concerning the protection of Callum Brae Nature reserve.

Mr Steel (Minister for Transport and City Services), dated 2 November 2022—Response to petition No 018-22, lodged by Ms Lee on 2 August 2022, concerning speed limit reductions on Canberra Avenue.

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

Debate ensued.

Question—put and passed.

**5 A.C.T. HOUSING STRATEGY YEAR 4 REPORT CARD—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Ms Berry (Minister for Housing and Suburban Development) made a ministerial statement concerning the fourth year report card of the ACT Housing Strategy and presented the following papers:

ACT Housing Strategy Year 4 Report Card—

Ministerial statement, 22 November 2022.

Report card, dated November 2022.

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

Debate ensued.

Question—put and passed.

**6 LAND RELEASE PROGRAM—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning the land release program and presented the following paper:

Land release program—Ministerial statement, 22 November 2022.

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

Question—put and passed.

**7 LONG SERVICE LEAVE (PORTABLE SCHEMES) AMENDMENT BILL 2022**

Mr Gentleman (Minister for Industrial Relations and Workplace Safety), pursuant to notice, presented a Bill for an Act to amend *the Long Service Leave (Portable Schemes) Act 2009*, and for other purposes.

*Paper:* Mr Gentleman 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 Gentleman moved—That this Bill be agreed to in principle.

Debate adjourned (Ms Lee—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

**8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 23—STATEMENT BY CHAIR**

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 23, dated 15 November 2022, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, made a statement in relation to the report.

**9 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—REPORT 6—INQUIRY INTO ENVIRONMENTAL VOLUNTEERISM—REPORT NOTED**

Dr Paterson (Chair) presented the following report:

Environment, Climate Change and Biodiversity—Standing Committee—Report 6—*Inquiry into environmental volunteerism*, dated 15 November 2022, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**10 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—INQUIRY—AUSLAN—ACCESS TO SERVICES AND INFORMATION—AMENDMENT TO REPORTING DATE—STATEMENT BY CHAIR**

Mr Pettersson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Education and Community Inclusion had resolved to extend the reporting date for its inquiry into access to services and information in Auslan to 28 February 2023.

**11 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—INQUIRY—ABORTION AND REPRODUCTIVE CHOICE IN THE A.C.T.—STATEMENT BY CHAIR**

Mr Davis (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Health and Community Wellbeing had resolved to extend the reporting date for its inquiry into abortion and reproductive choice in the ACT to 28 February 2023.

**12 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—ANIMAL MANAGEMENT AND WELFARE LEGISLATION AMENDMENT BILL 2022—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had resolved not to conduct an inquiry into the Animal Management and Welfare Legislation Amendment Bill 2022.

**13 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—ELECTRICITY SAFETY LEGISLATION AMENDMENT BILL 2022—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had resolved not to conduct an inquiry into Electricity Safety Legislation Amendment Bill 2022.

**14 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITIONS—SAFE ACTIVE TRAVEL TO SCHOOL IN LYNEHAM AND SAFETY OF PEDESTRIANS IN NARRABUNDAH—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had considered Petition 07-22 concerning safe active travel to school in Lyneham and Petition 013-22 concerning the safety of pedestrians at Narrabundah, and the Government responses to these petitions, and had resolved not to inquire further into matters raised in these petitions.

**15 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—MEMBERSHIP**

The Assistant Speaker, pursuant to standing order 223, informed the Assembly that the Speaker had been notified, in writing, of the proposed changes to the membership of the Standing Committee on Health and Community Wellbeing. The Speaker agreed to the following changes on 4 November 2022: Dr Paterson be discharged from the Standing Committee on Health and Community Wellbeing and Mr Pettersson be appointed in her place.

*Paper:* The Assistant Speaker presented the following paper:

Health and Community Wellbeing—Standing Committee—Change of membership—Copy of email correspondence between the Labor Party Whip and the Speaker, dated 4 November 2022.

Mr Gentleman (Manager of Government Business) moved—That:

The change to the membership of the Standing Committee on Health and Community Wellbeing as proposed to and agreed by the Speaker, pursuant to Standing order 223 be adopted.

Question—put and passed.

**16 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2022**

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.

**17 SENIOR PRACTITIONER AMENDMENT BILL 2022**

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.

**16 QUESTIONS**

Questions without notice were asked.

**17 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Report No 7/2022—ACT Childhood Healthy Eating and Active Living Programs, dated 9 November 2022.

Bills, referred to Committees, pursuant to resolution of the Assembly of 2 December 2020, as amended—Correspondence—

Bills—Inquiry—

Integrity Commission Amendment Bill 2022 (No 2)—from the Chair, Standing Committee on Justice and Community Safety, dated 31 October 2022.

Work Health and Safety Amendment Bill 2022—from the Chair, Standing Committee on Public Accounts, dated 2 November 2022.

Bills—Not inquired into—

Animal Management and Welfare Legislation Amendment Bill 2022—from the Chair, Standing Committee on Planning, Transport and City Services, dated 27 October 2022.

Background Checking Legislation Amendment Bill 2022—from the Chair, Standing Committee on Education and Community Inclusion, dated 7 November 2022.

Electricity Safety Legislation Amendment Bill 2022—from the Chair, Standing Committee on Planning, Transport and City Services, dated 27 October 2022.

Multiculturalism Bill 2022—from the Chair, Standing Committee on Education and Community Inclusion, dated 7 November 2022.

Estimates 2022-2023—Select Committee—

Revised answer to question on notice No 306, dated 3 November 2022.

Schedule of questions un-answered 30 days after tabling, pursuant to standing order 253A, dated 2 November 2022.

Mr Shinzo Abe, former Prime Minister of Japan—Statement of Condolence by Speaker—Response from the Ambassador of Japan to Australia, dated 17 October 2022.

Standing order 191—Amendments—Drugs of Dependence (Personal Use) Amendment Bill 2021, dated 26 and 27 October 2022.

## 20 PRESENTATION OF PAPERS

Mr Gentleman (Manager of Government Business) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports—2021-2022—Icon Water Limited, dated 16 September 2022—Revised Annual Report, together with a statement.

COVID-19 Emergency Response Act, pursuant to subsection 3(3)—COVID-19 Measures—Report No 16—Reporting period 1 July to 30 September 2022, dated 18 October 2022.

Financial Management Act—

Pursuant to section 10—Budget Outlook—Revised Appendix F—General Government Sector—Key Aggregates History—Budget Statements 2020-21, 2021-22, and 2022-23.

Pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2021-22 financial year, dated 28 and 31 October 2022.

Pursuant to section 26—Consolidated Financial Report for the financial quarter ending 30 September 2022.

Judicial Commissions Act, pursuant to subsection 61A(5)—ACT Judicial Council—Annual Report 2021-22, dated October 2022.

Justice and Community Safety—Standing Committee—Report 7—*Report into the Inquiry into Petition 32-21 (No Rights Without Remedy)*—Revised Government response, dated November 2022.

Information Privacy Act, pursuant to section 54(3)—Annual Report—2021-22, dated 1 September 2022—Office of the Australian Information Commissioner—Memorandum of Understanding with the Australian Capital Territory for the provision of privacy services.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2022 (No 1)—Disallowable Instrument DI2022-239 (LR, 31 October 2022).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Determination of Trustee) Determination 2022 (No 2)—Disallowable Instrument DI2022-235 (LR, 31 October 2022).

Crimes (Sentencing) Act—Crimes (Sentencing) Amendment Regulation 2022 (No 1)—Subordinate Law SL2022-14 (LR, 27 October 2022).

Electoral Act—

Electoral (Electoral Commissioner) Appointment 2022 (No 1)—Disallowable Instrument DI2022-236 (LR, 27 October 2022).

Electoral (Fees) Determination 2022 (No 2)—Disallowable Instrument DI2022-232 (LR, 20 October 2022).

Motor Accident Injuries Act—Motor Accident Injuries (Premiums) Guidelines 2022 (No 1)—Disallowable Instrument DI2022-231 (LR, 17 October 2022).

Public Health Act—

Public Health (Notifiable Conditions) Determination 2022 (No 2)—Disallowable Instrument DI2022-237 (LR, 27 October 2022).

Public Health (Reporting of Notifiable Conditions) Code of Practice 2022 (No 2)—Disallowable Instrument DI2022-238 (LR, 27 October 2022).

Territory Records Act—Territory Records (Advisory Council) Appointment 2022 (No 1)—Disallowable Instrument DI2022-233 (LR, 20 October 2022).

Victims of Crime Act—Victims of Crime (Victims Advisory Board) Appointment 2022 (No 1)—Disallowable Instrument DI2022-234 (LR, 20 October 2022).

Work Health and Safety Act—

Work Health and Safety Amendment Regulations 2022 (No 2)—Subordinate Law SL2022-13 (LR, 17 October 2022).

Work Health and Safety Amendment Regulations 2022 (No 3)—Subordinate Law SL2022-15 (LR, 1 November 2022).

**21 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 7—REPORT INTO THE INQUIRY INTO PETITION 32-21 (NO RIGHTS WITHOUT REMEDY)—REVISED GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER**

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly take note of the following paper:

Justice and Community Safety—Standing Committee—Report 7—*Report into the Inquiry into Petition 32-21 (No Rights Without Remedy)*—Revised Government response.

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

**22 BEES AND OTHER POLLINATORS**

Notice No 1, Private Members' business, having been called on—

Dr Paterson, by leave, in the absence of the proposer, pursuant to notice, moved—That this Assembly:

- (1) notes that:
  - (a) bees and other pollinators are fundamental to our environment, with an essential role in pollinating plants, helping them grow and reproduce;
  - (b) bees and other pollinators are crucial to our food chain as they help pollinate most of the crops we eat, as well as the crops that feed farm livestock;
  - (c) without bees and other pollinators pollinating our crops, whole industries would collapse, and severe food shortages would impact all Australians;
  - (d) destruction of their natural habitat, intensive farming practices, climate change, and pests and diseases are just some of the complex reasons driving a decline in both the number and diversity of bees and other pollinators every year;
  - (e) the decline of bee and other pollinators populations is an issue that is present all around the world, not just within Australia;
  - (f) the varroa mite is currently threatening a large number of beehives around the NSW region with many beekeepers having to destroy their colonies; and
  - (g) Australia has around 2,000 species of native bees, with the introduced European honeybee species having a negative impact on our own native bee population but providing essential pollination for crops and other plant species;
- (2) further notes:
  - (a) in 2018-19, honey and beeswax production was valued at \$162 million in Australia, and the unrecognised value of pollination is believed to be in the order of \$14.2 billion to the Australian economy; and



- (b) Hall Village in Yerrabi, is the first Bee Friendly Village in Australia, with over 90 percent of household's gardens being registered as bee friendly, according to Hall Village's February 2020 report;
- (3) calls on the ACT Government to outline:
  - (a) the variety and types of bees and other pollinators in Canberra;
  - (b) current populations and locations of native hives, feral European beehives and beekeepers and their hives;
  - (c) what the ACT Government currently does to support our bee and other pollinator population including but not limited to:
    - (i) easily available pollinator friendly planting guides;
    - (ii) targeted efforts to promote pollinator planting in different urban forms e.g. low, medium and high density;
    - (iii) plantings on public land that support bees and other pollinators;
    - (iv) spatial mapping of pollinator resources including pollinator gardens; and
    - (v) any other relevant information;
  - (d) the response to currently identified threats to the ACT's bee and other pollinators population including but not limited to:
    - (i) insufficient diversity in public and private planting stock;
    - (ii) the potential for commercially available bee hotels to be unsuitable for native bees;
    - (iii) the identification and implementation of potential methods of pest control which are alternatives to pesticides but are currently not used in the ACT;
    - (iv) the methods for safely and properly disposing of domestic herbicides and pesticides; and
    - (v) any other relevant information;
  - (e) current biosecurity threats and the Government's response to an endemic threat;
  - (f) how Canberrans are educated on the importance and role of bees and other pollinators within our environment; and
  - (g) ongoing activities and potential opportunities where the ACT Government and Canberra community can collaborate to better protect our bees and other pollinators; and
- (4) calls on the ACT Government to report back to the Assembly on points (3)(a) to (3)(g) by World Bee Day on Saturday 20 May 2023.

Debate ensued.

Question—put and passed.

**23 ROAD PROJECTS—FEDERAL FUNDING**

Ms Lee (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes the ACT Government:
  - (a) welcomed road funding commitments made by the previous Federal Coalition Government for \$85.9 million;
  - (b) cancelled an agreement with the Federal Labor Government for \$85.9 million of federal funding for road projects; and
  - (c) in conjunction with the Federal Labor Government, allocated \$85.9 million of federal funding to Stage 2A of the light rail;
- (2) recognises:
  - (a) road safety and quality is an important responsibility of the ACT Government; and
  - (b) the death toll on ACT roads this calendar year to date is at a 12 year high, with the busiest period of the year yet to come and has been climbing year on year over the last four years; and
- (3) calls on the leaders of all three parties represented in the ACT Legislative Assembly to:
  - (a) write to the Federal Labor Government requesting the reinstatement of \$85.9 million in federal funding for road projects in the ACT, particularly the three main projects in the South West Corridor, on Boboyan Road and on Pialligo Avenue; and
  - (b) table that letter in the ACT Legislative Assembly by the last sitting day in 2022.

Debate ensued.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 7

Mr Cain  
Ms Castley  
Mr Cocks  
Mrs Kikkert  
Ms Lee  
Mr Milligan  
Mr Parton

NOES, 14

Mr Barr  
Ms Berry  
Mr Braddock  
Ms Cheyne  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Gentleman  
Dr Paterson  
Mr Pettersson  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith  
Ms Vassarotti

And so it was negatived.

**24 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 5.02 pm, adjourned until tomorrow at 10 am.

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

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly