



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

MINUTES OF PROCEEDINGS

No 31

TUESDAY, 23 NOVEMBER 2021

- 1 The Assembly met at 10 am, pursuant to adjournment. The Acting Speaker (Mr Parton) 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 wanggiraldjinyin.

This is Ngunnawal country.

Today we are all meeting together on Ngunnawal country.

We always respect Elders, female and male.

The Acting 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 MEMBERS

Mr Gentleman (Manager of Government Business) moved—That leave of absence for this sitting be granted to Ms Berry and Ms Lee for COVID-related reasons and to Dr Paterson for personal reasons.

Question—put and passed.

3 LEAVE OF ABSENCE TO MEMBER

Ms Clay moved—That leave of absence be granted to Mr Braddock for this sitting for family reasons.

Question—put and passed.

4 PETITION AND MINISTERIAL RESPONSE—PETITION AND RESPONSE NOTED**Petition**

The Clerk announced that the following Member had lodged a petition for presentation:

Dr Paterson, from 518 residents, requesting that the Assembly establish a mechanism to enable citizens to seek conciliation and resolution of complaints where human rights have been breached by ACT Government bodies or services providers (e-Pet 32-21).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Justice and Community Safety.

Ministerial response

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

Mr Gentleman (Minister for Planning and Land Management), dated 18 November 2021—Response to petition No 28-21, lodged by Ms Lee on 3 August, concerning Draft Variation No 375 to the Territory Plan.

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

Question—put and passed.

5 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—REPORT 3—APPROPRIATION BILL 2021-2022 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2021-2022—REPORT NOTED

Mr Davis (Chair), pursuant to order, presented the following report:

Health and Community Wellbeing—Standing Committee—Report 3—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*, dated 12 November 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

6 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 3—APPROPRIATION BILL 2021-2022 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2021-2022—REPORT NOTED

Mr Hanson (Chair), pursuant to order, presented the following report:

Justice and Community Safety—Standing Committee—Report 3—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*, dated 10 November 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

7 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 6—APPROPRIATION BILL 2020-2021 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021—REPORT NOTED

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

Planning, Transport and City Services—Standing Committee—Report 6—*Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021*, dated 12 November 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 11—STATEMENT BY CHAIR

Mr Hanson (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 11, dated 19 November 2021, 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 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITIONS—GUNGAGHLIN TOWN CENTRE—LAND SALES AND NICHOLLS OVAL UPGRADES—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 the following petitions, and the Ministerial responses, and had resolved not to inquire further into the matters raised in the petitions:

E-petition 16-21—Gungahlin Town Centre—Land sales; and

E-petition 22-21—Nicholls Oval upgrades.

10 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—INQUIRY—DRAFT VARIATION NO 369 TO THE TERRITORY PLAN—IMPACT OF CHANGES—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 Draft Variation No 369 to the Territory Plan—Living Infrastructure in Residential Zones and had resolved to conduct an inquiry into the impact of changes made by the Draft Variation 12 to 18 months after it has been implemented.

11 STANDING COMMITTEES—REPORTS—APPROPRIATION BILL 2021-2022 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2021-2022—GOVERNMENT RESPONSE—PAPER—PAPER NOTED

Mr Barr (Treasurer) presented the Government response to the following Committee reports:

Economy and Gender and Economic Equality—Standing Committee—Report 3—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*.

Education and Community Inclusion—Standing Committee—Report 2—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*.

Environment, Climate Change and Biodiversity—Standing Committee—Report 2—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*.

Health and Community Wellbeing—Standing Committee—Report 3—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*.

Justice and Community Safety—Standing Committee—Report 3—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*.

Planning, Transport and City Services—Standing Committee—Report 6—*Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021*.

Public Accounts—Standing Committee—Report 2—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*—

and moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

12 SUSPENSION OF STANDING ORDERS—COGNATE DEBATE

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent orders of the day Nos 1 and 2, Executive business, relating to the Appropriation Bill 2021-2022 and the Appropriation (Office of the Legislative Assembly) Bill 2021-2022, being debated cognately.

Question—put and passed, with the concurrence of an absolute majority.

13 APPROPRIATION BILL 2021-2022

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.

Detail Stage

Schedule 1—Appropriations—Proposed expenditure—

Part 1.1—ACT Local Hospital Network, Part 1.2—ACT Health Directorate and Part 1.3—Canberra Health Services, by leave, taken together and agreed to, after debate.

Part 1.4—Education Directorate—debated and agreed to.

Part 1.5—Chief Minister, Treasury and Economic Development Directorate—

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

14 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly that, due to the absence of Minister Berry, questions without notice normally directed to Minister Berry could be directed to Mr Barr.

15 QUESTIONS

Questions without notice were asked.

16 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—

No 10/2021—2020-21 Financial Audits—Overview, dated 16 November 2021.

No 11/2021—Digital Records Management, dated 18 November 2021.

Bills referred to Committees, pursuant to the resolution of the Assembly of 2 December 2020, as amended—Bills—Not inquired into—

Civil Law (Sale of Residential Property) Amendment Bill 2021 (Government bill)—Copy of letter to the Speaker from the Chair of the Standing Committee on Justice and Community Safety, dated 17 November 2021.

Civil Law (Sale of Residential Property) Amendment Bill 2021 (Private Member's bill)—Copy of letter to the Speaker from the Chair of the Standing Committee on Justice and Community Safety, dated 17 November 2021.

Emergencies Amendment Bill 2021—Copy of letter to the Speaker from the Chair of the Standing Committee on Justice and Community Safety, dated 17 November 2021.

Government Procurement Amendment Bill 2021—Copy of letter to the Speaker from the Chair of the Standing Committee on Economy and Gender and Economic Equality, dated 18 November 2021.

Justice and Community Safety Legislation Amendment Bill 2021—Copy of letter to the Speaker from the Chair of the Standing Committee on Justice and Community Safety, dated 17 November 2021.

Remuneration Tribunal Amendment Bill 2021—Copy of letter to the Speaker from the Chair of the Standing Committee on Economy and Gender and Economic Equality, dated 18 November 2021.

Public Accounts—Standing Committee—Report 2—*Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022*—Speaker's response to Recommendations 20 and 21, dated 15 November 2021.

Standing order 191—Amendments to the Planning and Unit Titles Legislation Amendment Bill 2021, dated 15 November 2021.

17 PRESENTATION OF PAPERS

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

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3), Schedule 4—Professional Standards Council—Annual report 2020-2021.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Community Services Directorate (HOU-21/3), dated 22 April 2021.

18 ANIMAL-FRIENDLY NETTING

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

- (1) notes that:
 - (a) climate change, bushfires, smokepocalypse and urban development have all increased the pressure on habitat and wildlife;
 - (b) ACT legislation recognises the sentience of animals and the ACT Government should take steps to protect animals;
 - (c) loosely-draped netting of certain gauges on household trees and plants causes injuries to wildlife in the ACT, such as cuts, strangulation and death. The nature of these injuries to wildlife often result in a long recovery time;
 - (d) native species are harmed by backyard netting in the ACT, such as birds, snakes and flying foxes. Some of these species are protected under specific legislation;
 - (e) in the ACT, the grey-headed flying-fox is listed as a vulnerable species and is protected under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). It is also listed as a vulnerable species and is protected under the *Nature Conservation Act 2014* (ACT);
 - (f) ACT Government conservation advice for the grey-headed flying-fox acknowledges that “entrapment in wide-gauge netting loosely draped over backyard fruit trees” is a threat to this species;
 - (g) the ACT Government’s proposed management actions include “improving public attitudes toward grey-headed flying-foxes, promote the recovery program to the wider community and encourage participation in recovery actions”;
 - (h) animal-friendly netting is netting with a mesh size of 5mm x 5mm or less at full stretch and is widely available and performs the same function without injuring wildlife;
 - (i) some major vendors, such as Bunnings, have already ceased to sell inappropriately gauged netting in recognition of the harm it does to wildlife and only sell animal-friendly netting; and
 - (j) protection of flying foxes and native birds is important to ensure their continuing contribution to a healthy environment. Native birds and flying foxes both play an important role in pollination and dispersal of seeds;

- (2) further notes that:
 - (a) on 1 September 2021, the Victorian Government amended their animal cruelty laws to limit the type of netting for household use; and
 - (b) Victorian legislation limits the sale and use of netting for household use to netting that has a mesh size of 5mm x 5mm or less at full stretch; and
- (3) calls on the ACT Government, by 1 January 2023, to:
 - (a) in consultation with local businesses and other stakeholders including ACT Wildlife, develop and introduce and, if possible, pass legislation equivalent to that in Victoria that allows only the sale and use of netting of animal-friendly netting with a mesh size of 5mm x 5mm or less at full stretch;
 - (b) develop an educational program for the ACT community on the dangers and risks of inappropriately gauged netting on our wildlife;
 - (c) develop a program to help residents replace old netting with animal-friendly netting; and
 - (d) report back to the Legislative Assembly on these measures.

Ms Castley, by leave, moved the following amendments together:

1. In paragraph (1)(b), following “protect animals”, insert “and ecosystems”.
2. In paragraph (1)(g), following “actions” (first occurring), insert “of May 2019”.
3. In paragraph (1)(j), omit “a healthy environment”, substitute “our ecosystems”.
4. In paragraph (3), omit “1 January 2023”, substitute “30 June 2022”.
5. In paragraph (3)(b), following “develop”, insert “and implement in 2022”.
6. In paragraph (3)(c), following “develop”, insert “and implement”.
7. In paragraph (3)(d), add “by 30 December 2022”.

Debate continued.

Ordered—That the question be divided.

Amendments 1 to 3 agreed to.

Amendment 4—Question—put.

The Assembly voted—

AYES, 5

Mr Cain
Ms Castley
Mr Hanson
Mr Milligan
Mr Parton

NOES, 12

Ms Burch	Ms Orr
Ms Cheyne	Mr Pettersson
Ms Clay	Mr Rattenbury
Ms Davidson	Mr Steel
Mr Davis	Ms Stephen-Smith
Mr Gentleman	Ms Vassarotti

And so it was negatived.

Amendments 5 to 7 agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) climate change, bushfires, smokepocalypse and urban development have all increased the pressure on habitat and wildlife;
 - (b) ACT legislation recognises the sentience of animals and the ACT Government should take steps to protect animals and ecosystems;
 - (c) loosely-draped netting of certain gauges on household trees and plants causes injuries to wildlife in the ACT, such as cuts, strangulation and death. The nature of these injuries to wildlife often result in a long recovery time;
 - (d) native species are harmed by backyard netting in the ACT, such as birds, snakes and flying foxes. Some of these species are protected under specific legislation;
 - (e) in the ACT, the grey-headed flying-fox is listed as a vulnerable species and is protected under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). It is also listed as a vulnerable species and is protected under the *Nature Conservation Act 2014* (ACT);
 - (f) ACT Government conservation advice for the grey-headed flying-fox acknowledges that “entrapment in wide-gauge netting loosely draped over backyard fruit trees” is a threat to this species;
 - (g) the ACT Government’s proposed management actions of May 2019 include “improving public attitudes toward grey-headed flying-foxes, promote the recovery program to the wider community and encourage participation in recovery actions”;
 - (h) animal-friendly netting is netting with a mesh size of 5mm x 5mm or less at full stretch and is widely available and performs the same function without injuring wildlife;
 - (i) some major vendors, such as Bunnings, have already ceased to sell inappropriately gauged netting in recognition of the harm it does to wildlife and only sell animal-friendly netting; and
 - (j) protection of flying foxes and native birds is important to ensure their continuing contribution to our ecosystems. Native birds and flying foxes both play an important role in pollination and dispersal of seeds;
- (2) further notes that:
 - (a) on 1 September 2021, the Victorian Government amended their animal cruelty laws to limit the type of netting for household use; and
 - (b) Victorian legislation limits the sale and use of netting for household use to netting that has a mesh size of 5mm x 5mm or less at full stretch; and

- (3) calls on the ACT Government, by 1 January 2023, to:
- (a) in consultation with local businesses and other stakeholders including ACT Wildlife, develop and introduce and, if possible, pass legislation equivalent to that in Victoria that allows only the sale and use of netting of animal-friendly netting with a mesh size of 5mm x 5mm or less at full stretch;
 - (b) develop and implement in 2022 an educational program for the ACT community on the dangers and risks of inappropriately gauged netting on our wildlife;
 - (c) develop and implement a program to help residents replace old netting with animal-friendly netting; and
 - (d) report back to the Legislative Assembly on these measures by 30 December 2022.”—

be agreed to—put and passed.

19 AUSTRALIAN DEFENCE FORCE BUDGET CUTS

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

- (1) notes:
- (a) the ACT is home to the Australian Defence Force (ADF) headquarters and approximately 8000 ADF and 7000 Australian Public Service Defence personnel;
 - (b) the ACT is home to approximately 26 000 ADF Veterans;
 - (c) the economic contribution of the Defence industry to the ACT and surrounding region is \$4.3 billion Gross State Product and 25 000 defence-related jobs;
 - (d) Australia faces an uncertain security environment;
 - (e) the Greens have pledged to cut defence spending by \$300 billion over a decade which would halve the Defence budget;
 - (f) defence cuts of this magnitude would place ADF personnel at significantly increased risk in future conflicts and compromise the ability to defend Australia;
 - (g) defence cuts of this magnitude would be devastating to the ACT economy and cause thousands of lost jobs; and
 - (h) the Greens plan to form coalition government with the Australian Labor Party (ALP) and hold the balance of power in the Senate and will “be pushing for it [ADF cuts] as much as possible”;
- (2) further notes the:
- (a) Federal ALP has described the Greens’ plan as “delusional”; and
 - (b) Government has described the plan as “dangerous”; and

- (3) calls on the leaders of the three parties represented in the ACT Assembly to write to all Federal Greens representatives and express their concern for the safety and lives of ADF personnel and oppose the economic and job losses the planned defence cuts would cause.

Ms Davidson (Assistant Minister for Seniors, Veterans, Families and Community Services) moved the following amendment: Omit all text after “That this Assembly”, substitute:

“(1) notes:

- (a) the ACT is home to the Australian Defence Force (ADF) headquarters and approximately 8000 ADF and 7000 APS Defence personnel;
- (b) the ACT is home to approximately 26 000 ADF veterans;
- (c) the economic contribution of the defence industry to the ACT and surrounding region is \$4.3 billion GSP and 25 000 defence-related jobs;
- (d) and expresses thanks for the ADF’s recent contribution towards the ACT’s COVID response;
- (e) that the ACT Government considers the skills and experience of veterans as a valuable asset to the ACT community;
- (f) that the ACT Government has been very successful in implementing strategies to attract and retain veterans in the ACT Public Service, with the number of veterans employed increasing from 102 in 2017 to 235 in 2021;
- (g) that, in recognition of the steps the ACTPS has taken to support veterans in transitioning to civilian life, the ACT Public Service was awarded the 2020 Veterans Employer of the Year for Public Sector Organisations in the Prime Minister’s Veterans’ Employment Awards;
- (h) that the ACT Government will continue to advocate for the ACT, noting its relatively large veteran population, to be a location for a Commonwealth Government-funded Veteran Wellbeing Centre;
- (i) the valued ongoing work by the diverse members of the Ministerial Advisory Council on Veterans and their Families; and
- (j) the leaders of the three parties represented in the ACT Legislative Assembly may choose to write to the Australian Greens, outlining their feedback on Australian Greens Defence Policy and perceived implications for ADF personnel; and

(2) calls on the:

- (a) Chief Minister and the Minister for Veteran Affairs to write to the Prime Minister and the Commonwealth Minister for Veteran Affairs to advocate for the ACT to be selected as a location for a Veteran Wellbeing Centre, and build on the successful work to date on career transition pathways for veterans into the ACT Public Service; and

- (b) ACT Government to continue investing in programs and services aimed at supporting the ACT's veteran community.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 14		NOES, 7
Mr Barr	Mr Gentleman	Mr Cain
Mr Braddock	Ms Orr	Ms Castley
Ms Burch	Mr Pettersson	Mr Hanson
Ms Cheyne	Mr Rattenbury	Mrs Kikkert
Ms Clay	Mr Steel	Ms Lawder
Ms Davidson	Ms Stephen-Smith	Mr Milligan
Mr Davis	Ms Vassarotti	Mr Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) the ACT is home to the Australian Defence Force (ADF) headquarters and approximately 8000 ADF and 7000 APS Defence personnel;
 - (b) the ACT is home to approximately 26 000 ADF veterans;
 - (c) the economic contribution of the defence industry to the ACT and surrounding region is \$4.3 billion GSP and 25 000 defence-related jobs;
 - (d) and expresses thanks for the ADF's recent contribution towards the ACT's COVID response;
 - (e) that the ACT Government considers the skills and experience of veterans as a valuable asset to the ACT community;
 - (f) that the ACT Government has been very successful in implementing strategies to attract and retain veterans in the ACT Public Service, with the number of veterans employed increasing from 102 in 2017 to 235 in 2021;
 - (g) that, in recognition of the steps the ACTPS has taken to support veterans in transitioning to civilian life, the ACT Public Service was awarded the 2020 Veterans Employer of the Year for Public Sector Organisations in the Prime Minister's Veterans' Employment Awards;
 - (h) that the ACT Government will continue to advocate for the ACT, noting its relatively large veteran population, to be a location for a Commonwealth Government-funded Veteran Wellbeing Centre;

- (i) the valued ongoing work by the diverse members of the Ministerial Advisory Council on Veterans and their Families; and
 - (j) the leaders of the three parties represented in the ACT Legislative Assembly may choose to write to the Australian Greens, outlining their feedback on Australian Greens Defence Policy and perceived implications for ADF personnel; and
- (2) calls on the:
- (a) Chief Minister and the Minister for Veteran Affairs to write to the Prime Minister and the Commonwealth Minister for Veteran Affairs to advocate for the ACT to be selected as a location for a Veteran Wellbeing Centre, and build on the successful work to date on career transition pathways for veterans into the ACT Public Service; and
 - (b) ACT Government to continue investing in programs and services aimed at supporting the ACT's veteran community."—

be agreed to—put and passed.

20 APPROPRIATION BILL 2021-2022

The Assembly, according to order, resumed consideration at the detail stage—

Detail Stage

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.5—Chief Minister, Treasury and Economic Development Directorate—

Debate continued.

Proposed expenditure agreed to.

Part 1.6—Transport Canberra and City Services Directorate—

Debate adjourned (Mr Gentleman—Manager of Government Business) and the resumption of the debate made an order of the day for the next sitting.

21 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 6.10 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Berry*, Ms Lee* and Dr Paterson*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly