



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 43

TUESDAY, 5 APRIL 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 PETITIONS—PETITIONS NOTED

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

Dr Paterson, from 206 residents, requesting that the Assembly take certain actions to address road safety issues in Kambah (e-Pet 50-21).

Ms Clay, from 9 residents, requesting that the Assembly take action to make it easy to change vehicle ownership between family members through Access Canberra (e-Pet 10-22).

Mr Braddock, from 60 residents, requesting that the Assembly amend the Residential Tenancies Act to include a wellbeing clause for tenants (e-Pet 4-22).

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

Debate ensued.

Question—put and passed.

3 ASSISTANT SPEAKER—NOMINATION—PAPER

The Speaker informed the Assembly that, pursuant to standing order 8, she had nominated Ms Orr to act as an Assistant Speaker, and presented the following paper:

Assistant Speaker—Warrant of nomination—Ms Orr, dated 4 April 2022.

4 CORONAVIRUS (COVID-19)—A.C.T. GOVERNMENT RESPONSE—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement to update the Assembly on the ACT Government response to the COVID-19 emergency and presented the following paper:

Coronavirus (COVID-19)—ACT Government response—Update—Ministerial statement, 5 April 2022.

Ms Stephen-Smith moved—That the Assembly take note of the paper.

Question—put and passed.

5 A.C.T. ABORIGINAL AND TORRES STRAIT ISLANDER AGREEMENT 2019-2028 AND NATIONAL AGREEMENT ON CLOSING THE GAP 2020—A.C.T. ANNUAL IMPACT STATEMENT 2021—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) made a ministerial statement concerning the first joint Annual Impact Statement for the Aboriginal and Torres Strait Islander Agreement 2019-2028 and National Agreement on Closing the Gap 2020 and presented the following papers:

ACT Aboriginal and Torres Strait Islander Agreement 2019-2028—ACT Impact Statement 2021.

ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 and National Agreement on Closing the Gap 2020—ACT Annual Impact Statement 2021—Ministerial statement, 5 April 2022.

Ms Stephen-Smith moved—That the Assembly take note of the ministerial statement.

Debate ensued.

Question—put and passed.

6 HERITAGE IN CANBERRA—LOOKING BACK TO SHAPE OUR FUTURE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for Heritage) made a ministerial statement about observing Canberra's heritage and presented the following paper:

Heritage in Canberra—looking back to shape our future—Ministerial statement, 5 April 2022.

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

Question—put and passed.

7 MENTAL HEALTH AND SUICIDE PREVENTION—BILATERAL AGREEMENT—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning the Bilateral Agreement on Mental Health and Suicide Prevention and presented the following paper:

Mental Health and Suicide Prevention—Bilateral Agreement—Ministerial statement, 5 April 2022.

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

Question—put and passed.

8 SUSPENSION OF STANDING ORDERS MOVED—PRECEDENCE TO ASSEMBLY BUSINESS

Mr Hanson moved—That so much of the standing orders be suspended as would prevent Assembly business, order of the day No 1, relating to a proposed amendment to standing order 113A, being called on and debated forthwith.

Debate ensued.

Question—put and negatived.

9 STANDING COMMITTEES—ESTABLISHMENT—AMENDMENT TO RESOLUTION—COMMITTEE RESPONSIBLE FOR A.C.T. OMBUDSMAN

Ms Burch (Speaker), by leave, moved—That the resolution of the Assembly of 2 December 2020, last amended on 10 February 2022, which establishes the Assembly's standing committees, be amended by omitting the words "ACT Ombudsman" in the row in the table labelled "6. Public Accounts" and inserting these words in the same column of the table in the row labelled "5. Justice and Community Safety".

Question—put and passed.

10 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 14—STATEMENT BY CHAIR

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 14, dated 29 March 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.

**11 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—
CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER**

Ms Castley (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Economy and Gender and Economic Equality.

Paper: Ms Castley, pursuant to Continuing Resolution 5A, presented the following paper:

Economy and Gender and Economic Equality—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 July to 31 December 2021.

12 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2021 (NO 2)

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.

13 MINISTERIAL ARRANGEMENTS

Ms Berry (Deputy Chief Minister) informed the Assembly of the absence of Mr Barr (Chief Minister) and advised the Assembly that questions without notice normally directed to Mr Barr could be directed to Ms Berry.

14 QUESTIONS

Questions without notice being asked—

Mr Steel (Minister for Transport and City Services) presented the following paper:

“My mum was a bus driver. Yours (or any woman you know) could be too”—Copy of article from HerCanberra.com.au, posted on 1 April 2022.

Questions continued.

15 QUESTION ON NOTICE NO 662—ANSWER—EXPLANATION

Ms Castley, pursuant to standing order 118A, asked Ms Berry (Minister for Education and Youth Affairs) for an explanation concerning the answer to question on notice No 662.

Ms Berry gave an explanation.

16 LEAVE OF ABSENCE TO MEMBER

Mr Braddock moved—That leave of absence be granted to Mr Davis for today for health reasons.

Question—put and passed.

17 LEAVE OF ABSENCE TO MEMBER

Ms Lawder moved—That leave of absence be granted to Mrs Jones until the end of the June sittings for personal reasons.

Question—put and passed.

18 LEAVE OF ABSENCE TO MEMBERS

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Mr Barr and Mr Pettersson for today for personal reasons.

Question—put and passed.

19 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Allocation of Statutory Functions to Assembly Committees (General) Nomination 2022, dated 4 April 2022.

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Report for the period 1 July to 31 December 2021, dated 28 March 2022, prepared by Professor Dennis Pearce AO.

Legislation Act—Assembly Committees for Consultation (Appointments to Statutory Provisions) Nomination 2022, dated 5 April 2022.

Standing order 191—Amendments to:

Crimes (Policing) Legislation Amendment Bill 2021, dated 29 March 2022.

Road Transport Legislation Amendment Bill 2021, dated 29 March 2022.

20 PRESENTATION OF PAPERS

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

Administrative Arrangements—

Administrative Arrangements 2022 (No 1)—Notifiable Instrument NI2022-157, dated 30 March 2022.

Australian Capital Territory (Self-Government) Ministerial Appointment 2022 (No 1)—Notifiable Instrument NI2022-158, dated 30 March 2022.

Planning and Development Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan 381—Local Centre shop size, dated 22 February 2022, including associated documents.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2022 (No 1)—Disallowable Instrument DI2022-15 (LR, 21 February 2022).

Board of Senior Secondary Studies Appointment 2022 (No 2)—Disallowable Instrument DI2022-16 (LR, 21 February 2022).

Board of Senior Secondary Studies Appointment 2022 (No 3)—Disallowable Instrument DI2022-17 (LR, 21 February 2022).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Determination of Trustee) Determination 2022 (No 1)—Disallowable Instrument DI2022-28 (LR, 21 March 2022).

Court Procedures Act—Court Procedures Amendment Rules 2022 (No 1)—Subordinate Law SL2022-2 (LR, 25 February 2022).

Food Act—Food (Regulated Events) Declaration 2022 (No 1)—Disallowable Instrument DI2022-18 (LR, 24 February 2022).

Long Service Leave (Portable Schemes) Act and Financial Management Act—Long Service Leave (Portable Schemes) Governing Board Appointment 2022 (No 4)—Disallowable Instrument DI2022-25 (LR, 15 March 2022).

Motor Accident Injuries Act—Motor Accident Injuries (Quality of Life Benefit) Guidelines 2022—Disallowable Instrument DI2022-22 (LR, 3 March 2022).

Planning and Development Act—Planning and Development Amendment Regulation 2022 (No 1)—Subordinate Law SL2022-3 (LR, 28 February 2022).

Public Health Act—

Public Health (Notifiable Conditions) Determination 2022 (No 1)—Disallowable Instrument DI2022-20 (LR, 24 February 2022).

Public Health (Reporting of Notifiable Conditions) Code of Practice 2022—Disallowable Instrument DI2022-19 (LR, 24 February 2022).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2022 (No 1)—Disallowable Instrument DI2022-27 (LR, 17 March 2022).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2022 (No 2)—Disallowable Instrument DI2022-13 (LR, 21 February 2022).

Road Transport (General) Application of Road Transport Legislation Declaration 2022 (No 2)—Disallowable Instrument DI2022-14 (LR, 21 February 2022).

Road Transport (General) Application of Road Transport Legislation Declaration 2022 (No 3)—Disallowable Instrument DI2022-23 (LR, 7 March 2022).

Road Transport (General) Concession Determination 2022 (No 1)—Disallowable Instrument DI2022-21 (LR, 3 March 2022).

Senior Practitioner Act—Senior Practitioner (Disability Support Providers) Implementation Guideline 2022 (No 1)—Disallowable Instrument DI2022-12 (LR, 21 February 2022).

Taxation Administration Act—Taxation Administration (Off the Plan Unit Duty Exemption Scheme) Determination 2022—Disallowable Instrument DI2022-31 (LR, 24 March 2022).

Veterinary Practice Act—

Veterinary Practice (Board) Appointment 2022 (No 1)—Disallowable Instrument DI2022-24 (LR, 11 March 2022).

Veterinary Practice (Board) Appointment 2022 (No 2)—Disallowable Instrument DI2022-26 (LR, 15 March 2022).

21 ADMINISTRATIVE ARRANGEMENTS 2022 (NO 1)—NOTIFIABLE INSTRUMENT NI2022-157—PAPER NOTED

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

Administrative Arrangements 2022 (No 1)—Notifiable Instrument NI2022-157.

Question—put and passed.

22 AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) MINISTERIAL APPOINTMENT 2022 (NO 1)—NOTIFIABLE INSTRUMENT NI2022-158—PAPER NOTED

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

Australian Capital Territory (Self-Government) Ministerial Appointment 2022 (No 1)—Notifiable Instrument NI2022-158.

Question—put and passed.

23 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION TO THE TERRITORY PLAN 381—LOCAL CENTRE SHOP SIZE—PAPER NOTED

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

Planning and Development Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan 381—Local Centre shop size.

Question—put and passed.

24 HOUSEHOLD WASTE MANAGEMENT

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

(1) notes:

(a) Canberrans are supportive of recycling, reducing waste to landfill, and cutting emissions;

(b) some families have large amounts of waste, such as bigger families, people with disabilities, those with additional medical needs, and multi-generational families;

- (c) at the time of promising a food organics and garden organics (FOGO) collection, Canberrans were not advised that this would mean a reduction in their general waste collection services or a charge for an additional or larger bin;
 - (d) some Canberra families already have their own composting and recycling practices in place yet still have rubbish to be collected;
 - (e) Canberrans pay excessive rates with the basic expectation that their rubbish will be collected;
 - (f) residents in some Tuggeranong suburbs are concerned about the odour from a new organic waste facility;
 - (g) commitment to organic waste recycling has seen very low contamination rates so far during the pilot;
 - (h) there is no scheme to incentivise or encourage the use of recyclable nappies in the ACT, despite single-use nappies being a key concern for FOGO participants; and
 - (i) the Labor-Greens Government has no online mechanism for residents to provide feedback on the FOGO pilot; and
- (2) calls on the Government to:
- (a) continue weekly rubbish pickups for Canberrans unless they opt out of weekly pickups;
 - (b) reassess charging for an additional or larger bin;
 - (c) ensure state of the art processing of organic waste and stringent odour reducing policies and practices;
 - (d) investigate how a recyclable nappy rebate scheme could be introduced in the ACT, similar to other local council initiatives and report these findings to the Assembly by the end of the June 2022 sitting period;
 - (e) create an online option for residents to provide their feedback on the pilot and encourage participants to do so; and
 - (f) publicly release the feedback and results of the current FOGO trial in Belconnen.

Mr Steel (Minister for Transport and City Services) moved the following amendment:
Omit all words after “That this Assembly”, substitute:

“(1) notes:

- (a) Canberrans are supportive of recycling, reducing waste to landfill, and cutting emissions;
- (b) since November 2021, the ACT Government has been undertaking a trial of Food Organic and Garden Organic (FOGO) collection services in four Belconnen suburbs, with this trial to inform the future design of a citywide household waste collection service;

- (c) commitment to organic waste recycling has seen very low contamination rates so far during the pilot; and
 - (d) no final decisions have yet been made about the format and delivery model for a citywide household FOGO collection service;
- (2) further notes:
- (a) some households produce more waste than others, including those with bigger families and young children, people with disabilities, those with additional medical needs, and multi-generational families;
 - (b) some Canberra families already have their own composting and recycling practices in place, yet still have rubbish to be collected;
 - (c) waste from nappies is a concern for many young families and those with caring responsibilities;
 - (d) the ACT Government is already engaging with pilot participants in a variety of ways to understand their experiences with the FOGO pilot, including an already existing online survey, a direct email address for collecting feedback at any time, a dedicated multi-unit development engagement officer and a detailed survey of participating households which will be launched this week; and
 - (e) the feasibility study into a dedicated FOGO facility recommended an in-vessel facility to reduce odour risk in processing organic waste, which is the preferred technology the ACT Government is procuring to build; and
- (3) calls on the Government to:
- (a) continue to collate input and feedback from pilot participants, through online and other forums, to inform the design of a future citywide FOGO collection service;
 - (b) consider and address the needs of Canberra households that produce a large amount of waste in the design of the citywide service, potentially including free additional bin upgrades for those who need more capacity;
 - (c) investigate better environmental options for nappy waste as part of planning for the citywide FOGO service and report back in June 2023 on how this waste stream will be addressed through future household collection services;
 - (d) ensure state of the art processing of organic waste and stringent odour reducing policies and practices for a future FOGO facility; and
 - (e) publicly release the feedback and results of the current FOGO trial in Belconnen.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 6
Ms Berry	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	Ms Castley
Ms Burch	Mr Rattenbury	Mrs Kikkert
Ms Cheyne	Mr Steel	Ms Lawder
Ms Clay	Ms Stephen-Smith	Mr Milligan
Ms Davidson	Ms Vassarotti	Mr Parton
Mr Gentleman		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) Canberrans are supportive of recycling, reducing waste to landfill, and cutting emissions;
 - (b) since November 2021, the ACT Government has been undertaking a trial of Food Organic and Garden Organic (FOGO) collection services in four Belconnen suburbs, with this trial to inform the future design of a citywide household waste collection service;
 - (c) commitment to organic waste recycling has seen very low contamination rates so far during the pilot; and
 - (d) no final decisions have yet been made about the format and delivery model for a citywide household FOGO collection service;
- (2) further notes:
 - (a) some households produce more waste than others, including those with bigger families and young children, people with disabilities, those with additional medical needs, and multi-generational families;
 - (b) some Canberra families already have their own composting and recycling practices in place, yet still have rubbish to be collected;
 - (c) waste from nappies is a concern for many young families and those with caring responsibilities;
 - (d) the ACT Government is already engaging with pilot participants in a variety of ways to understand their experiences with the FOGO pilot, including an already existing online survey, a direct email address for collecting feedback at any time, a dedicated multi-unit development engagement officer and a detailed survey of participating households which will be launched this week; and
 - (e) the feasibility study into a dedicated FOGO facility recommended an in-vessel facility to reduce odour risk in processing organic waste, which is the preferred technology the ACT Government is procuring to build; and

- (3) calls on the Government to:
- (a) continue to collate input and feedback from pilot participants, through online and other forums, to inform the design of a future citywide FOGO collection service;
 - (b) consider and address the needs of Canberra households that produce a large amount of waste in the design of the citywide service, potentially including free additional bin upgrades for those who need more capacity;
 - (c) investigate better environmental options for nappy waste as part of planning for the citywide FOGO service and report back in June 2023 on how this waste stream will be addressed through future household collection services;
 - (d) ensure state of the art processing of organic waste and stringent odour reducing policies and practices for a future FOGO facility; and
 - (e) publicly release the feedback and results of the current FOGO trial in Belconnen.”—

be agreed to—put and passed.

25 DIGITAL ACCESS AND INCLUSION

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

- (1) notes:
- (a) the importance of internet access for social connectivity, employment and lifelong learning;
 - (b) the importance of access to digital infrastructure and technology to achieve digital equality in our community;
 - (c) that not everyone in our community can easily afford or access the internet;
 - (d) the important community service that public libraries have provided in Australia for over 150 years;
 - (e) that investing in public library collections and infrastructure is necessary to maintain this important community service;
 - (f) the success of the provision of e-resources as part of the Libraries ACT collection, including:
 - (i) encyclopedia;
 - (ii) language learning resources;
 - (iii) coding resources for kids;
 - (iv) personal and professional development; and
 - (v) many more;

- (g) that the ACT Government is currently undertaking a community co-design process on the future of libraries through the *Imagine 2030* project, recognising that the role of libraries in our community and society is continually evolving;
 - (h) that governments across Australia and around the world are increasingly recognising the central role that libraries play in improving digital equality and access, such as the successful pilot of wireless internet device loans at Thomastown Library in Victoria; and
 - (i) that the ACT Government has a strong track record of working to improve digital access and inclusion, including through the distribution of chromebooks to all ACT public high school students and the Technology Upgrade Fund grants program; and
- (2) calls on the ACT Government to make improving digital access and inclusion a priority through the *Imagine 2030* libraries co-design process, including through consideration of wireless internet device loans and other initiatives to increase access to necessary digital equipment.

Debate ensued.

Question—put and passed.

26 ABSENCE OF SPEAKER

The Clerk informed the Assembly that the Speaker will be absent from the Assembly from 6 to 22 April 2022 inclusive and that, pursuant to standing order 6, the Deputy Speaker shall perform the duties of the Speaker during her absence.

27 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 4.59 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Barr*, Mr Davis*, Mrs Jones* and Mr Pettersson*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly