



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2020–2021–2022

MINUTES OF PROCEEDINGS

No 48

THURSDAY, 5 MAY 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** **WRONGFUL CONVICTION: REFORMS TO THE RIGHT TO APPEAL AND RIGHT TO COMPENSATION—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Rattenbury (Attorney-General) made a ministerial statement concerning reforms to rights to appeal and to compensation and presented the following paper:

Wrongful Conviction: Reforms to the Right to Appeal and Right to Compensation—
Ministerial statement, 5 May 2022.

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

Question—put and passed.

**3 HOME ENERGY SUPPORT PROGRAM AND BUSINESS FLEET ADVISORY SERVICE—
UPDATE—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Rattenbury (Minister for Water, Energy and Emissions Reduction) made a ministerial statement concerning an update to the Home Energy Support Program and Business Fleet Advisory Service and presented the following paper:

Home Energy Support Program and Business Fleet Advisory Service—Update—
Ministerial statement, 5 May 2022.

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

Debate ensued.

Question—put and passed.

**4 CANBERRA HOSPITAL EXPANSION PROJECT—MINISTERIAL STATEMENT—PAPER
NOTED**

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Canberra Hospital expansion project and presented the following paper:

Canberra Hospital Expansion Project—Ministerial statement, 5 May 2022.

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

Debate ensued.

Question—put and passed.

**5 BIMBERI HEADLINE INDICATORS REPORT—MINISTERIAL STATEMENT AND PAPER—
PAPER NOTED**

Ms Davidson (Assistant Minister for Families and Community Services) made a ministerial statement concerning the Bimberi Headline Indicators Report and presented the following papers:

Bimberi Headline Indicators Report—

Ministerial statement, 5 May 2022.

Report, May 2022.

Ms Davidson moved—That the Assembly take note of the ministerial statement.

Debate ensued.

Question—put and passed.

6 TERRORISM (EXTRAORDINARY TEMPORARY POWERS) AMENDMENT BILL 2022

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Terrorism (Extraordinary Temporary Powers) Act 2006*.

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

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

7 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—DHULWA MENTAL HEALTH UNIT—WORKPLACE SAFETY—PROPOSED REFERENCE

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

- (1) notes:
 - (a) on 5 April, the Australian Nursing and Midwifery Association (ANMF) launched a public campaign calling on the ACT Government to conduct an urgent inquiry into the operation of the Dhulwa Secure Mental Health Unit;
 - (b) the union said nurses had reported more than 100 physical assaults by patients over a six-month period to February this year with one nurse likening working at Dhulwa to being “sent into the killing fields”;
 - (c) nurses say they have pleaded with the Government to keep them safe and the Government has “failed” them over safety;
 - (d) staff turnover is high and nurses fear the Government’s failure to respond to their serious concerns poses “an imminent risk of a catastrophic event”; and
 - (e) violence has been an issue at Dhulwa since it opened. In 2018, several nurses reported being punched in the face and kicked in the head during multiple assaults by a patient and ACT Policing investigated;
- (2) further notes that Minister Davidson:
 - (a) has been slow to respond to the nurses’ pleas for an inquiry and dragged her feet on the issue;
 - (b) told Question Time on 6 April she was “listening” to nurses and made a flippant remark, “He’s got my number. Call me, maybe?” referring to the ANMF branch secretary; and
 - (c) announced on 2 May the Government would conduct an independent inquiry into legislative, clinical and governance policies at Dhulwa; and
- (3) refers to the Standing Committee on Health and Community Wellbeing the following matters:
 - (a) the adequacy of current security and staff safety arrangements to protect nurses at Dhulwa;
 - (b) staff numbers and roles/positions to ensure staff are safe and protected at work; and
 - (c) current protocols and procedures for staff responding to, and reporting on, incidents and violence.

Ms Davidson (Minister for Mental Health), by leave, moved the following amendments together:

1. Omit paragraphs (1) (a) to (e), substitute:
 - “(a) on 5 April, the Australian Nursing and Midwifery Federation (ANMF) called for an inquiry into the Dhulwa Mental Health Unit;

- (b) on 2 May 2022, the ACT Government committed to an inquiry into the legislative, clinical and governance framework to ensure the Dhulwa Mental Health Unit operates under best practice standards;
- (c) that the ACT Government is working collaboratively with the ANMF to finalise the terms of reference for the inquiry and appoint a suitably qualified and independent Chair;”.

2. Omit paragraph (2), substitute:

- “(d) the ACT Government is committed to providing exceptional healthcare for all Canberrans when they need it;
- (e) the ACT Government is equally committed to ensuring all health workers have a safe workplace and are supported through effective measures to prevent and respond to occupational violence;
- (f) Dhulwa is a secure mental health facility that may accommodate patients with very complex needs who may present a risk to public safety and cannot be cared for in any other setting in the Territory; and
- (g) the ACT Government has listened to the concerns of staff and the ANMF and demonstrated its commitment to exceptional health services, as well as the safety and wellbeing of staff, by establishing an inquiry;”.

3. Omit paragraph (3), substitute:

- “(2) supports the inquiry into the operation of Dhulwa; and
- (3) defers a decision on the referral of the matter of Dhulwa’s operation to the Standing Committee on Health and Community Wellbeing, until such time that the final report of the inquiry is published.”.

Debate ensued.

The question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 15		NOES, 8
Ms Berry	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	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	Ms Lee
Mr Davis	Ms Vassarotti	Mr Milligan
Mr Gentleman		Mr Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:

- (a) on 5 April, the Australian Nursing and Midwifery Federation (ANMF) called for an inquiry into the Dhulwa Mental Health Unit;
 - (b) on 2 May 2022, the ACT Government committed to an inquiry into the legislative, clinical and governance framework to ensure the Dhulwa Mental Health Unit operates under best practice standards;
 - (c) that the ACT Government is working collaboratively with the ANMF to finalise the terms of reference for the inquiry and appoint a suitably qualified and independent Chair;
 - (d) the ACT Government is committed to providing exceptional healthcare for all Canberrans when they need it;
 - (e) the ACT Government is equally committed to ensuring all health workers have a safe workplace and are supported through effective measures to prevent and respond to occupational violence;
 - (f) Dhulwa is a secure mental health facility that may accommodate patients with very complex needs who may present a risk to public safety and cannot be cared for in any other setting in the Territory; and
 - (g) the ACT Government has listened to the concerns of staff and the ANMF and demonstrated its commitment to exceptional health services, as well as the safety and wellbeing of staff, by establishing an inquiry;
- (2) supports the inquiry into the operation of Dhulwa; and
 - (3) defers a decision on the referral of the matter of Dhulwa’s operation to the Standing Committee on Health and Community Wellbeing, until such time that the final report of the inquiry is published.”—

be agreed to—put and passed.

8 ASSEMBLY BUSINESS—EXTENSION OF TIME

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

9 PLANNING, TRANSPORT, AND CITY SERVICES—STANDING COMMITTEE—RENTAL HOUSING MARKET—IMPACT OF SHORT-TERM HOLIDAY LETTING—REQUEST TO CONSIDER

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

- (1) notes that:
 - (a) the ACT is experiencing a shortage of long-term rental accommodation which is increasing rent;
 - (b) platform-based short-term accommodation is an increasingly common way for landlords to earn an income on their properties without entering into tenancy agreements;
 - (c) an entire residential dwelling which is used for platform-based short-term accommodation, is a habitable dwelling that is removed from the rental market;

- (d) bringing platform-based short-term accommodation back into the long-term rental accommodation market would create an immediate increase in housing supply without urban sprawl and carbon emissions from construction;
 - (e) there are currently no regulations or restrictions on platform-based short-term accommodation in the ACT;
 - (f) many cities around the world, and within Australia, have implemented regulations on platform-based short-term accommodation with the aim of increasing rental affordability; and
 - (g) several Australian state parliaments have undertaken inquiries and tabled legislation to address this issue including South Australia, Tasmania, Western Australia, New South Wales, and Victoria;
- (2) further notes that:
- (a) the local hotel industry has been disproportionately impacted by the economic impacts of COVID-19; and
 - (b) over the last 10 years, platform-based short-term accommodation providers have competed with the local hotel industry creating excess capacity within licensed hotels;
- (3) requests that the Standing Committee on Planning, Transport and City Services consider investigating the impact of platform-based short-term accommodation providers on rental affordability in the ACT;
- (4) requests the Committee, should it decide to inquire into this matter, to investigate:
- (a) the current regulatory and planning settings for managing platform-based short-term accommodation in other states in Australia;
 - (b) the current regulatory and planning settings for managing platform-based short-term accommodation in the ACT;
 - (c) whether these settings may contribute to the number of long-term rental properties available in the ACT;
 - (d) whether additional regulatory and planning settings are required to manage the ACT's platform-based short-term accommodation industry; and
 - (e) any other related matters; and
- (5) requests the Committee, should it decide to inquire into this matter, determine a reporting date based on the Committee's capacity.

Debate ensued.

Question—put and passed.

10 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—REPORT 3—MANAGING ACT SCHOOL INFRASTRUCTURE—REPORT NOTED

Mr Pettersson (Chair) presented the following report:

Education and Community Inclusion—Standing Committee—Report 3—*Managing ACT School Infrastructure*, dated 4 May 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.

11 QUESTIONS

Questions without notice were asked.

12 PRESENTATION OF PAPERS

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

A Step Up for Our Kids—Snapshot Report—A presentation of data covering—1 July 2017 to 31 December 2021.

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2020-2021—Justice and Community Safety Directorate—Corrigendum.

Coroners Act—Report of Coroner, pursuant to subsection 57(4)—Inquest into the death of Blake Andrew Corney—

Report, dated 16 November 2021.

Government response, dated 5 May 2022.

Freedom of Information Act—Freedom of Information (Accessibility of Government Information) Statement 2022 (No 1)—Notifiable Instrument NI2022-205, dated 11 May 2022.

Inspector of Correctional Services Act—Review of a Critical Incident by the ACT Inspector of Correctional Services—Hostage taking incident at the Alexander Maconochie Centre on 27 March 2021—Government response.

Our Booris, Our Way—Review, Six Monthly Update (July 2021 to December 2021), dated May 2022.

Planning and Development Act—

Pursuant to subsection 79(1)—Variations to the Territory Plan together with associated documents—

No 368—City and Gateway South Northbourne Avenue Corridor.

No 369—Living Infrastructure in Residential Zones.

Pursuant to subsection 242 (2)—Statement of Leases granted for the period 1 January to 31 March 2022.

Planning, Transport and City Services—Standing Committee—Reports presented—2021—Report 9—*Inquiry into the impact of revised speed limits in Civic—Petitions 31-21 and 38-21*—Government response.

13 CORONERS ACT—REPORT OF CORONER—INQUEST INTO THE DEATH OF BLAKE ANDREW CORNEY—REPORT AND GOVERNMENT RESPONSE—PAPERS NOTED

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

Coroners Act—Report of Coroner, pursuant to subsection 57(4)—Inquest into the death of Blake Andrew Corney—

Report, dated 16 November 2021.

Government response, dated 5 May 2022.

Debate ensued.

Mr Steel, by leave, was granted an extension of time.

Question—put and passed.

14 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Gaming Machine Act—Gaming Machine (Authorisation Surrender - Fee Waiver) Determination 2022 (No 1)—Disallowable Instrument DI2022-34 (LR, 28 March 2022).

Legal Aid Act—Legal Aid (Commissioner Law Society Nominee) Appointment 2022—Disallowable Instrument DI2022-30 (LR, 25 March 2022).

Liquor Regulation 2010—Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2022 (No 1)—Disallowable Instrument DI2022-36 (LR, 31 March 2022).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2022 (No 1)—Disallowable Instrument DI2022-29 (LR, 24 March 2022).

Public Health Act—Public Health (Fees) Determination 2022 (No 1)—Disallowable Instrument DI2022-35 (LR, 27 March 2022).

Road Transport (General) Act—

Road Transport (General) (COVID-19 Emergency Response) Application Order 2022 (No 2)—Disallowable Instrument DI2022-37 (LR, 31 March 2022).

Road Transport (General) Application of Road Transport Legislation Declaration 2022 (No 4)—Disallowable Instrument DI2022-33 (LR, 28 March 2022).

Taxation Administration Act—Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 2022—Disallowable Instrument DI2022-32 (LR, 24 March 2022).

Workers Compensation Act—Workers Compensation Amendment Regulation 2022 (No 1)—Subordinate Law SL2022-4 (LR, 31 March 2022).

15 A STEP UP FOR OUR KIDS—SNAPSHOT REPORT—A PRESENTATION OF DATA COVERING 1 JULY 2017 TO 31 DECEMBER 2021—OUR BOORIS, OUR WAY—REVIEW—SIX MONTHLY UPDATE—MOTION TO TAKE NOTE OF PAPERS

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

A Step Up for Our Kids—Snapshot Report—A presentation of data covering—1 July 2017 to 31 December 2021.

Our Booris, Our Way—Review—Six Monthly Update (July 2021 - December 2021), dated May 2022.

Debate ensued.

Ms Stephen-Smith (Minister for Health), by leave, was granted an extension of time.

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

16 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 9—INQUIRY INTO THE IMPACT OF REVISED SPEED LIMITS IN CIVIC—PETITIONS 31-21 AND 38-21—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:

Planning, Transport and City Services—Standing Committee—Report 9—Inquiry into the Impact of Revised Speed Limits in Civic—Petitions 31-21 and 38-21—Government Response.

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

17 PLANNING AND DEVELOPMENT ACT—VARIATION TO THE TERRITORY PLAN NO 369—LIVING INFRASTRUCTURE IN RESIDENTIAL ZONES—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:

Planning and Development Act, pursuant to subsection 79(1)—Variation to the Territory Plan No 369—Living Infrastructure in Residential Zones.

Debate ensued.

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

18 FREEDOM OF INFORMATION ACT—FREEDOM OF INFORMATION (ACCESSIBILITY OF GOVERNMENT INFORMATION) STATEMENT 2022 (NO 1)—NOTIFIABLE INSTRUMENT NI2022-205—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:

Freedom of Information Act—Freedom of Information (Accessibility of Government Information) Statement 2022 (No 1)—Notifiable Instrument NI2022-205, dated 11 May 2022.

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

19 PLANNING AND DEVELOPMENT ACT—STATEMENT OF LEASES GRANTED—1 JANUARY TO 31 MARCH 2022—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:

Planning and Development Act, pursuant to subsection 242 (2)—Statement of Leases granted for the period 1 January to 31 March 2022.

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

20 PLANNING AND DEVELOPMENT ACT—VARIATION TO THE TERRITORY PLAN NO 368—CITY AND GATEWAY SOUTH NORTHBOURNE AVENUE CORRIDOR—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:

Planning and Development Act, pursuant to subsection 79(1)—Variation to the Territory Plan No 368—City and Gateway South Northbourne Avenue Corridor.

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

21 INSPECTOR OF CORRECTIONAL SERVICES ACT—REVIEW OF A CRITICAL INCIDENT BY THE A.C.T. INSPECTOR OF CORRECTIONAL SERVICES—HOSTAGE TAKING INCIDENT AT THE ALEXANDER MACONOCHIE CENTRE ON 27 MARCH 2021—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:

Inspector of Correctional Services Act—Review of a Critical Incident by the ACT Inspector of Correctional Services—Hostage taking incident at the Alexander Maconochie Centre on 27 March 2021—Government response.

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

22 ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT—ANNUAL REPORT 2020-2021—JUSTICE AND COMMUNITY SAFETY DIRECTORATE—CORRIGENDUM—PAPER NOTED

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2020-2021—Justice and Community Safety Directorate—Corrigendum.

Question—put and passed.

23 A.C.T. ABORIGINAL AND TORRES STRAIT ISLANDER AGREEMENT 2019-2028—ACT IMPACT STATEMENT 2021—REVISED—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:

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

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

24 CRIMES (CONSENT) 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.

Paper: Dr Paterson presented a revised explanatory statement to the Bill.

Question—That this Bill be agreed to in principle—put and passed.

Detail Stage

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4—

Dr Paterson, pursuant to standing orders 182A (b) and (c), was granted leave to move amendments that were minor or technical in detail and in response to comments made by the Scrutiny Committee.

Dr Paterson, by leave, moved her amendments Nos 1 to 3 together. (See [Schedule 1](#))

Paper: Dr Paterson, by leave, presented a supplementary explanatory statement to the Government amendments.

Debate continued.

Amendments Nos 1 to 3—agreed to.

Clause 4, as amended, agreed to.

Clause 5—

On the motion of Dr Paterson, by leave, her amendments Nos 4 to 7 were made. (See [Schedule 1](#))

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7—

On the motion of Dr Paterson, by leave, her amendments Nos 8 and 9 were made. (See [Schedule 1](#))

Clause 7, as amended, agreed to.

Clause 8—

On the motion of Dr Paterson, her amendment No 10 was made. (See [Schedule 1](#))

Clause 8, as amended, agreed to.

Title debated and agreed to.

Question—That this Bill, as amended, be agreed to—put and passed.

25 LAND RELEASE PROGRAM

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

- (1) notes:
 - (a) in 2014, a review of the National Capital Plan was undertaken to better balance land use options for the ACT;
 - (b) in 2016, the National Capital Plan was amended, greatly reducing the amount of ACT land controlled by the Commonwealth and transferring it to the jurisdiction of the ACT Government;
 - (c) as part of the amended National Capital Plan, the National Capital Authority identified 726 hectares of land in Tuggeranong, west of the Murrumbidgee, as suitable for potential residential development; and
 - (d) the ACT Labor-Greens Government has the jurisdictional authority to release this additional land in West Tuggeranong for residential purposes;
- (2) further notes:
 - (a) there is a housing crisis in Canberra, driven in part by the decisions of the ACT Labor-Greens Government;
 - (b) 12 417 Canberrans applied for 101 blocks of land in Whitlam in March 2022;
 - (c) 8 700 Canberrans applied for 71 blocks of land in Macnamara in February 2022;
 - (d) 7 484 Canberrans applied for 115 blocks of land in Taylor in October 2021;
 - (e) 7 566 Canberrans applied for 92 blocks of land in Whitlam in March 2021;
 - (f) there is clear demand for blocks of land for detached housing, and the Labor-Greens Government's land release strategy does not meet the community's needs or wants;
 - (g) more must be done to increase the supply of detached housing in Canberra; and
 - (h) medium and high density housing, such as townhouses and apartments, form part of a balanced approach to provide more choice; and
- (3) calls on the ACT Government to:
 - (a) provide Canberrans with more choice, including land for detached and medium-density housing in the Indicative Land Release Program;
 - (b) give proper consideration to possible future suburban sites now permitted by the National Capital Plan;

- (c) commit to a feasibility study into the West Tuggeranong site and its potential for residential development and in doing so, take into consideration:
 - (i) housing affordability for thousands of Canberrans who want the option to purchase land for a detached house;
 - (ii) identification and assessment of environmental impacts, including minimisation, mitigation and offsets; and
 - (iii) the future infrastructure needs of any potential new residential development to deliver essential services; and
- (d) report back to the Assembly by the last sitting day in 2022.

Mr Gentleman (Minister for Planning and Land Management) moved the following amendment:

Omit all text after 'That this Assembly' and substitute:

“(1) notes that:

- (a) the ACT Government conducted initial planning studies in West Murrumbidgee in 2015 and found that:
 - (i) the area is restricted in terms of conservation areas and reserves, threatened species and ecological communities, heritage and topography;
 - (ii) the environmental constraints and topography both limit the developable area and make infrastructure servicing expensive;
 - (iii) the Murrumbidgee River is a significant boundary to urban development, both from a landscape and practical perspective; and
 - (iv) other areas need to be considered to determine if they could be developed more effectively and with less environmental impact;
- (b) the ACT Government considered development in West Greenway, between the Tuggeranong Town Centre and the Murrumbidgee River, in 2016 and found that:
 - (i) community, sporting and environmental groups opposed the development; and
 - (ii) the area close to the Murrumbidgee River corridor is home to endangered flora and fauna as well as natural and built heritage sites;
- (c) the ACT Government has commenced preliminary investigations for potential future greenfield development in the Western Edge; and
- (d) the CT Government ruled out development in West Murrumbidgee in the 2018 Planning Strategy;

(2) further notes that:

- (a) Australia, including the ACT, is facing significant increases in house prices;

- (b) development of greenfields land takes approximately seven to ten years before housing is available, due to a range of factors;
 - (c) the ACT Government is committed to ensuring 70 percent of development is within our existing urban footprint;
 - (d) the ACT Government is committed to protecting environmental habitat and ensuring proper environmental assessments are conducted prior to any land release;
 - (e) the ACT Government is committed to taking action on climate change which, as highlighted by recent IPCC reports, requires less urban sprawl and more high-quality climate-resilient infill along transit corridors that are well-served by public and active transport; and
 - (f) Legislative Assembly Committees are investigating several specific areas of housing and rental affordability, including vacancy rates and the impacts of the platform-based short-term accommodation sector; and
- (3) calls on the ACT Government to:
- (a) continue a policy of 70 percent urban infill and 30 percent greenfields development;
 - (b) continue identifying suitable locations for additional medium density development in our inner suburbs; and
 - (c) provide an update by the last sitting day in 2022.”

Debate ensued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 15		NOES, 8
Ms Berry	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	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	Ms Lee
Mr Davis	Ms Vassarotti	Mr Milligan
Mr Gentleman		Mr Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz—

“That this Assembly:

- (1) notes that:
 - (a) the ACT Government conducted initial planning studies in West Murrumbidgee in 2015 and found that:

- (i) the area is restricted in terms of conservation areas and reserves, threatened species and ecological communities, heritage and topography;
 - (ii) the environmental constraints and topography both limit the developable area and make infrastructure servicing expensive;
 - (iii) the Murrumbidgee River is a significant boundary to urban development, both from a landscape and practical perspective; and
 - (iv) other areas need to be considered to determine if they could be developed more effectively and with less environmental impact;
 - (b) the ACT Government considered development in West Greenway, between the Tuggeranong Town Centre and the Murrumbidgee River, in 2016 and found that:
 - (i) community, sporting and environmental groups opposed the development; and
 - (ii) the area close to the Murrumbidgee River corridor is home to endangered flora and fauna as well as natural and built heritage sites;
 - (c) the ACT Government has commenced preliminary investigations for potential future greenfield development in the Western Edge; and
 - (d) the CT Government ruled out development in West Murrumbidgee in the 2018 Planning Strategy;
- (2) further notes that:
- (a) Australia, including the ACT, is facing significant increases in house prices;
 - (b) Development of greenfields land takes approximately seven to ten years before housing is available, due to a range of factors;
 - (c) The ACT Government is committed to ensuring 70 percent of development is within our existing urban footprint;
 - (d) The ACT Government is committed to protecting environmental habitat and ensuring proper environmental assessments are conducted prior to any land release;
 - (e) The ACT Government is committed to taking action on climate change which, as highlighted by recent IPCC reports, requires less urban sprawl and more high-quality climate-resilient infill along transit corridors that are well-serviced by public and active transport; and
 - (f) Legislative Assembly Committees are investigating several specific areas of housing and rental affordability, including vacancy rates and the impacts of the platform-based short-term accommodation sector; and
- (3) calls on the ACT Government to:
- (a) continue a policy of 70 percent urban infill and 30 percent greenfields development;

(b) continue identifying suitable locations for additional medium density development in our inner suburbs; and

(c) provide an update by the last sitting day in 2022.”—

be agreed to—put and passed.

26 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—REPORT 5—REVIEW OF A.C.T. HEALTH PROGRAMS—CHILDREN AND YOUNG PEOPLE AND RESPONSES TO FETAL ALCOHOL SPECTRUM DISORDER (FASD)—REPORT NOTED

Mr Davis (Chair) presented the following report:

Health and Community Wellbeing—Standing Committee—Report 5—*Review of ACT Health Programs—Children and young people and responses to Fetal Alcohol Spectrum Disorder (FASD)*, dated 27 April 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.

27 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—INQUIRY—A.C.T. SKATE PARKS—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 conduct an inquiry into and report on ACT skate parks.

Mr Braddock, by leave, made a statement in relation to the statement.

28 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Dr Paterson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Environment, Climate Change and Biodiversity.

Paper: Dr Paterson, pursuant to Continuing Resolution 5A, presented the following paper:

Environment, Climate Change and Biodiversity—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 July to 31 December 2021.

29 FAIR TRADING AND OTHER JUSTICE 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.

Paper: Mr Rattenbury tabled a revised explanatory statement.

Adjournment negatived: It being 6.30 pm—The question was proposed—That the Assembly do now adjourn.

Mr Rattenbury (Minister for Consumer Affairs) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr Rattenbury, by leave, was granted an extension of time.

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.

30 ADJOURNMENT

Mr Rattenbury (Minister for Consumer Affairs) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.42 pm, adjourned until Wednesday, 1 June 2022 at 10 am.

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

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

CRIMES (CONSENT) AMENDMENT BILL 2022

Amendments circulated by Dr Paterson

1

Clause 4 heading

Page 2, line 9—

omit the heading, substitute

4 New sections 50A to 50C

2

Clause 4

Proposed new section 50A

Page 2, line 11—

omit proposed new section 50A, substitute

50A Objects—pt 3

An object of this part is to recognise the following in relation to a sexual act:

- (a) consent to participate in a sexual act is not to be presumed;
- (b) every person has a right to choose not to participate in a sexual act;
- (c) a consensual sexual act involves ongoing and mutual communication and decision-making by the people participating in the sexual act.

3

Clause 4

Proposed new section 50C

Page 3, line 7—

insert

50C Meaning of *sexual act*—pt 3

- (1) In this part:

sexual act—

- (a) means—
 - (i) sexual intercourse; and
 - (ii) sexual touching; and

- (iii) any other act in circumstances where a reasonable person would consider the act to be sexual; but
 - (b) does not include an act carried out for a proper medical purpose or otherwise authorised by law.
- (2) The matters to be taken into account in deciding whether a reasonable person would consider an act to be sexual include the following:
- (a) whether the area of the body involved in the act is a person's breasts, genital area or anal area;
 - (b) whether the person carrying out the act does so for the purpose of sexual arousal or sexual gratification;
 - (c) whether any other aspect of the act (including the circumstances in which it is carried out) makes it sexual.
- (3) In this section:
- object**—see section 50 (2).
- sexual touching**, by a person (the **first person**) means—
- (a) touching another person, including through something, with any part of the first person's body or with an object in circumstances where a reasonable person would consider the touching to be sexual; and
 - (b) the continuation of sexual touching as defined in paragraph (a).

4

Clause 5

Proposed new section 67 (2)

Page 4, line 15—

omit proposed new section 67 (2), substitute

- (2) A person also does not consent to an act with another person (the **accused person**) only because the person—
- (a) does not say or do something to resist the act; or
 - (b) consented to—
 - (i) another act with the accused person; or
 - (ii) the same act with the accused person at a different time or place; or
 - (iii) the same act with a person other than the accused person; or
 - (iv) a different act with a person other than the accused person.

5**Clause 5****Proposed new section 67 (3)****Page 4, line 23—***omit*

a person

substitute

an accused person

6**Clause 5****Proposed new section 67 (3)****Page 4, line 26—***omit*

subsection (1) (a) to (o), the

substitute

subsection (1) (a) to (o), the accused

7**Clause 5****Proposed new section 67 (4)****Page 5, line 1—***omit*A person (the *accused person*)*substitute*

An accused person

8**Clause 7****Proposed new section 442D heading****Page 6, line 3—***omit the heading, substitute***442D Review—pt 3**

9**Clause 7****Proposed new section 442D (3)****Page 6, line 10—***omit*

6 months

substitute

12 months

10
Clause 8
Page 6, line 12—

omit clause 8, substitute

8 **Dictionary, new definitions**

insert

consent, for part 3 (Sexual offences)—see section 50B.

sexual act, for part 3 (Sexual offences)—see section 50C.
