



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 55

WEDNESDAY, 3 AUGUST 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 **CHIEF MINISTER—NOTICE OF MOTION OF NO CONFIDENCE**

Ms Lee (Leader of the Opposition), having delivered a notice of motion of no confidence in the Chief Minister, the Clerk, pursuant to standing order 103, reported the notice as follows:

Ms Lee to move, in accordance with standing order 81—That this Assembly no longer has confidence in the Chief Minister, Mr Andrew Barr MLA.

- 3 **SITTING PATTERN 2022—AMENDMENT**

Mr Gentleman (Manager of Government Business) moved—That the resolution of the Assembly of 11 November 2021 setting the sitting days for 2022 be amended to add a meeting of the Assembly at 9.30 am on 15 August 2022, with the only item of business being the motion moved by Ms Lee in relation to the Chief Minister, and for the Assembly to adjourn after consideration of the motion.

Debate ensued.

Ms Lawder moved the following amendment: Omit “9.30 am”, substitute “8.30 am”.

Debate continued.

Ms Berry (Deputy Chief Minister) moved the following amendment to Ms Lawder’s proposed amendment: Omit “8.30 am”, substitute “9 am”.

Debate continued.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That the resolution of the Assembly of 11 November 2021 setting the sitting days for 2022 be amended to add a meeting of the Assembly at 9 am on 15 August 2022, with the only item of business being the motion moved by Ms Lee in relation to the Chief Minister, and for the Assembly to adjourn after consideration of the motion.”—

be agreed to—put and passed.

4 PETITION—PETITION NOTED

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

Mr Davis, from 2696 residents, requesting that the Assembly call upon the Government to urgently develop, invest in and facilitate a clear and sustained recovery plan for nursing and midwifery workers, with a focus on health and wellbeing (Pet 19-22).

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

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

Debate ensued.

Question—put and passed.

5 ASSISTED REPRODUCTIVE TECHNOLOGY—REGULATION AND ACCESS—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Government response to the resolution of the Assembly of 20 April 2021 concerning regulation and access to assisted reproductive technology and presented the following papers:

Assisted reproductive technology—Regulation and access—ACT Government response, dated August 2022.

Assisted reproductive technology—Regulation and access—ACT Government response—Ministerial statement, 3 August 2022.

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

Debate ensued.

Question—put and passed.

6 HEALTH, AGEING AND COMMUNITY SERVICES—STANDING COMMITTEE (NINTH ASSEMBLY)—REPORT 10—REPORT ON INQUIRY INTO MATERNITY SERVICES IN THE A.C.T.—UPDATE ON GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning an update to the Government response to Report 10—*Report on Inquiry into Maternity Services in the ACT* of the Standing Committee on Health, Ageing and Community Services (Ninth Assembly) and presented the following papers:

Maternity in Focus:

The ACT Public Maternity System Plan 2022-2023, dated June 2022.

First Action Plan 2022-2025.

Health, Ageing and Community Services—Standing Committee (Ninth Assembly)—Report 10—*Report on Inquiry into Maternity Services in the ACT*—Update on Government response—Ministerial statement, 3 August 2022.

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

Debate ensued.

Question—put and passed.

7 UNDERSTANDING THE ‘MISSING MIDDLE’—FINAL REPORT—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning Understanding the ‘Missing Middle’—Final Report and presented the following papers:

Understanding the ‘Missing Middle’: Children and Young People With Moderate to Severe Mental Health Concerns who experience difficulties accessing services—Final Report.

Understanding the ‘Missing Middle’—Final Report—Ministerial statement, 3 August 2022.

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

Question—put and passed.

8 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—INQUIRY—WASTE MANAGEMENT OF ABSORBENT HYGIENE PRODUCTS IN THE A.C.T.—STATEMENT BY CHAIR

Dr Paterson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Environment, Climate Change and Biodiversity had resolved to conduct an inquiry into, and report on, waste management of absorbent hygiene products in the ACT.

9 URBAN FOREST BILL 2022

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act for the protection of trees to support a sustainable urban forest, and for other purposes.

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

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

10 RURAL ROAD FUNDING

Mr Steel (Minister for Transport and City Services), pursuant to notice, moved—That this Assembly:

- (1) notes that the:
 - (a) Commonwealth Government currently funds road projects on an 80:20 basis with state and territory governments if the project is in a regional area, while funding for road projects within the defined urban area for each of Australia's capital cities is on a 50:50 basis;
 - (b) Commonwealth Government currently considers all roads within the ACT as urban roads regardless of whether they are in an urban area or not;
 - (c) ACT is home to a variety of regional roads, some of which are largely unsealed, and are not urban, such as Boboyan Road, Smiths Road, Brindabella Road and others;
 - (d) Commonwealth Government considers the same roads, including Bobeyan Road and Brindabella Road, on the NSW side of the border, as regional; and
 - (e) ACT Government proposed upgrades to Boboyan Road, on the basis of an 80:20 funding arrangement with the Commonwealth, however, this was rejected by the previous Commonwealth Government; and
- (2) calls on the Commonwealth Government to:
 - (a) reclassify roads in the ACT, which are regional roads and not in Canberra's urban footprint, as regional, thus attracting 80:20 funding for agreed projects;
 - (b) work collaboratively with the ACT Government to explore further opportunities for co-investment on the ACT's regional roads; and
 - (c) continue support for road safety improvements and upgrades on rural roads in the ACT and the broader south-east NSW region.

Mr Parton moved the following amendment: Add:

- “(3) calls on the ACT Government, should they be unable to secure an 80:20 funding arrangement with the Commonwealth Government within three months, to upgrade Boboyan Road and other rural roads to an acceptable standard.”.

Debate continued.

Amendment negated.

Question—That the motion be agreed to—put and passed.

11 FAMILY VIOLENCE 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.

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.

12 QUESTIONS

Questions without notice were asked.

13 PAPER

Ms Lee (Leader of the Opposition), by leave, presented the following paper:

Canberra Institute of Technology Board—Canberra Institute of Technology Annual Report 2018—Copy of page 18.

14 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services— Death in custody at the Alexander Maconochie Centre on 1 February 2022 (CIR 03/22), dated August 2022.

Commissioner for Standards, pursuant to Continuing Resolution 5AA of the Assembly of 31 October 2013, as amended—Annual report 2021/2022, dated 1 July 2022.

15 PRESENTATION OF PAPERS

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

Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act 2020, pursuant to section 258A—Statutory Review, dated August 2022, together with a statement dated August 2022.

Language challenges facing Canberra's multicultural community—Government response to the resolution of the Assembly of 4 August 2021, dated August 2022.

Towards our Vision:—

Mental Health Portfolio Action Plan—2022.

Taking a Strategic Approach to Mental Health in the ACT.

Statement.

16 LANGUAGE CHALLENGES FACING CANBERRA'S MULTICULTURAL COMMUNITY—GOVERNMENT RESPONSE TO THE RESOLUTION OF THE ASSEMBLY—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:

Language challenges facing Canberra's multicultural community—Government response to the resolution of the Assembly.

Paper: Ms Cheyne (Minister for Multicultural Affairs) presented the following paper:

Language challenges facing Canberra's multicultural community—Government response to the resolution of the Assembly—Tabling statement, dated August 2022.

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

17 CONFISCATION OF CRIMINAL ASSETS (UNEXPLAINED WEALTH) AMENDMENT ACT 2020—STATUTORY REVIEW—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:

Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act 2020, pursuant to section 258A—Statutory Review, together with a statement.

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

18 TOWARDS OUR VISION: MENTAL HEALTH PORTFOLIO ACTION PLAN—2022, TOWARDS OUR VISION: TAKING A STRATEGIC APPROACH TO MENTAL HEALTH IN THE A.C.T.—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:

Towards our Vision:—

Mental Health Portfolio Action Plan—2022.

Taking a Strategic Approach to Mental Health in the ACT.

Statement.

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

19 LEAVE OF ABSENCE TO MEMBER

Ms Lawder moved—That leave of absence be granted to Mrs Kikkert for this sitting for personal reasons.

Question—put and passed.

20 CORRECTION OF RECORD—STATEMENT BY MINISTER

Ms Stephen-Smith, by leave, made a statement to clarify an answer given during question time.

21 DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021

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.

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

Debate continued.

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

22 POINT OF CONSUMPTION TAX—ONLINE GAMBLING—RACING CODES

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

- (1) notes:
 - (a) a point of consumption tax (POCT) is imposed on online gambling in all Australian jurisdictions;
 - (b) the POCT generated \$17 million in the last financial year in the ACT;
 - (c) the POCT rate in the ACT was recently retrospectively increased from 15 percent to 20 percent on 1 July which should increase the revenue to government to approximately \$23 million;
 - (d) all Australian states return a portion of POCT to racing codes in their jurisdiction, with legislation proposed by the Queensland Labor Government set to return 80 percent of revenue to the racing industry which equates to approximately \$80 million per year;
 - (e) Tasmania also returns 80 percent of POCT to racing codes;
 - (f) racing clubs in Canberra will receive \$7.5 million each year over the next five years under the memorandum of understanding (MOU) with the ACT Government;
 - (g) the ACT is now the highest taxing jurisdiction of racing in Australia but returns the least back to the racing codes;
 - (h) thoroughbred racing in Canberra contributes \$55 million per year to the ACT economy and supports more than 400 full-time jobs; and
 - (i) the ACT Government collected \$69 million in total gambling taxes in 2020-21 and is forecast to collect more than \$77 million in 2024-25; and
- (2) calls on the Government to:
 - (a) return a reasonable portion of POCT revenue to racing codes still legal in the ACT; and
 - (b) continue supporting Canberra's racing clubs beyond the current MOU.

Debate ensued.

Mr Steel (Special Minister of State) moved the following amendment: Omit all text after "That this Assembly", substitute:

- "(1) notes:
- (a) a point of consumption tax (POCT) is imposed on online gambling in all Australian jurisdictions except the Northern Territory;
 - (b) the POCT generated \$17 million in the last financial year in the ACT;
 - (c) the POCT rate in the ACT was recently increased from 15 percent to 20 percent on 1 July which should increase the revenue to government to approximately \$23 million;

- (d) the ACT POCT is levied on ‘race and other sport betting taxes’ via online bets placed by a person located in the ACT on many sports and other events, including golf, rugby, motorcross and horseracing, and it is levied on those sports all around Australia, which means that the ACT POCT is not primarily levied on bets placed on ACT horseracing and, in fact, ACT horseracing comprises a relatively small proportion of overall wagering;
 - (e) unlike other Australian states and territories, the ACT does not return a portion of POCT to racing codes in their jurisdiction, determining instead to support the racing clubs through direct Budget funding arrangements via a clearly articulated Memorandum of Understanding (MOU) setting out requirements for humane treatment of horses, and workplace health and safety for industry workers;
 - (f) racing clubs in Canberra will receive \$8 million each year, indexed over the next five years under an MOU with the ACT Government;
 - (g) the ACT has increased the POCT rate broadly in line with NSW and Queensland, with other jurisdictions considering their own increases; and
 - (h) the ACT Government collected \$69 million in total gambling taxes in 2020-21 across lotteries, gambling machines, casino taxes, race and other sports betting and other gambling taxes and is forecast to collect more than \$77 million in 2024-25, which is transferred to General Revenue and then used by Government to help fund the expansion of health services, construction of schools, new ambulances and hiring of additional paramedics among other essential Government services funded in the 2022-23 Budget; and
- (2) calls on the Government to:
- (a) oversee compliance with the newly-agreed five-year MOU by the racing clubs to ensure a safe, humane and sustainable racing industry in the ACT;
 - (b) publicly report on the economic impact of the racing industry and the breakdown of POCT revenue; and
 - (c) continue to work with the Canberra Racing Club to appropriately facilitate a diversified and sustainable revenue stream over the medium term.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13

NOES, 6

Mr Braddock	Dr Paterson	Mr Cain
Ms Burch	Mr Pettersson	Ms Castley
Ms Cheyne	Mr Rattenbury	Mr Cocks
Ms Clay	Mr Steel	Mr Hanson
Ms Davidson	Ms Stephen-Smith	Ms Lawder
Mr Davis	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) a point of consumption tax (POCT) is imposed on online gambling in all Australian jurisdictions except the Northern Territory;
- (b) the POCT generated \$17 million in the last financial year in the ACT;
- (c) the POCT rate in the ACT was recently increased from 15 percent to 20 percent on 1 July which should increase the revenue to government to approximately \$23 million;
- (d) the ACT POCT is levied on ‘race and other sport betting taxes’ via online bets placed by a person located in the ACT on many sports and other events, including golf, rugby, motorcross and horseracing, and it is levied on those sports all around Australia, which means that the ACT POCT is not primarily levied on bets placed on ACT horseracing and, in fact, ACT horseracing comprises a relatively small proportion of overall wagering;
- (e) unlike other Australian states and territories, the ACT does not return a portion of POCT to racing codes in their jurisdiction, determining instead to support the racing clubs through direct Budget funding arrangements via a clearly articulated Memorandum of Understanding (MOU) setting out requirements for humane treatment of horses, and workplace health and safety for industry workers;
- (f) racing clubs in Canberra will receive \$8 million each year, indexed over the next five years under an MOU with the ACT Government;
- (g) the ACT has increased the POCT rate broadly in line with NSW and Queensland, with other jurisdictions considering their own increases; and
- (h) the ACT Government collected \$69 million in total gambling taxes in 2020-21 across lotteries, gambling machines, casino taxes, race and other sports betting and other gambling taxes and is forecast to collect more than \$77 million in 2024-25, which is transferred to General Revenue and then used by Government to help fund the expansion of health services, construction of schools, new ambulances and hiring of additional paramedics among other essential Government services funded in the 2022-23 Budget; and

(2) calls on the Government to:

- (a) oversee compliance with the newly-agreed five-year MOU by the racing clubs to ensure a safe, humane and sustainable racing industry in the ACT;
- (b) publicly report on the economic impact of the racing industry and the breakdown of POCT revenue; and
- (c) continue to work with the Canberra Racing Club to appropriately facilitate a diversified and sustainable revenue stream over the medium term.”—

be agreed to—put and passed.

23 FAMILY VIOLENCE 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.

The debate having been closed by the reply of the mover—Ms Berry (Minister for the Prevention of Domestic and Family Violence), by leave, addressed the Assembly.

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

Detail Stage

Bill, by leave, taken as a whole—

Mr Cain was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee, together.

Mr Cain moved his amendments Nos 1 to 3 (see [Schedule 1](#)).

Paper: Mr Cain presented a supplementary explanatory statement to his amendments.

Debate continued.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 6

Mr Cain
Ms Castley
Mr Cocks
Mr Hanson
Ms Lawder
Mr Parton

NOES, 13

Mr Braddock
Ms Burch
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.

Bill, as a whole, agreed to.

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

24 STATUTE LAW 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.

25 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 6.50 pm adjourned until tomorrow at 10 am.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

FAMILY VIOLENCE LEGISLATION AMENDMENT BILL 2022

Amendments circulated by Mr Cain

1

Clause 94

Proposed new section 156 (1) (a)

Page 53, line 23—

omit

3 years

substitute

2 years

2

Clause 94

Proposed new section 156 (1) (b)

Page 53, line 26—

omit

4 years

substitute

3 years

3

Clause 94

Proposed new section 156 (2)

Page 53, line 27—

omit

5 years

substitute

4 years
