



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 108

WEDNESDAY, 29 NOVEMBER 2023

- 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 ANNOUNCEMENT OF MEMBER TO FILL CASUAL VACANCY

The Speaker announced that the Electoral Commissioner, pursuant to sections 189 and 194 of the *Electoral Act 1992*, had on 28 November 2023 declared Miss Laura Nuttall elected to the Legislative Assembly for the Australian Capital Territory. Miss Nuttall was filling the vacancy created as a result of the resignation of Mr Davis.

Paper: The Speaker presented the following paper:

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Declaration of the poll—Letter from the Electoral Commissioner, ACT Electoral Commission, to the Clerk, ACT Legislative Assembly, dated 28 November 2023.

3 OATH OR AFFIRMATION

The Speaker informed the Assembly of the requirement under the *Oaths and Affirmations Act 1984* for new Members to make and subscribe an oath or affirmation before the Chief Justice of the Supreme Court of the Australian Capital Territory or a Judge of that Court authorised by the Chief Justice.

The Honourable Chief Justice Lucy McCallum, Chief Justice of the Supreme Court of the Australian Capital Territory, entered the Chamber and was escorted by the Serjeant-at-Arms to the Chair.

4 AFFIRMATION BY MEMBER

Miss Nuttall was introduced.

Her Honour the Chief Justice informed the Assembly of the provisions of section 9 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth) and section 10A of the *Oaths and Affirmations Act 1984* whereby a Member of the Legislative Assembly, before taking his or her seat, must make and subscribe an oath or affirmation in accordance with the form set out in the Oaths and Affirmations Act.

Miss Nuttall made the affirmation required by law.

5 CODE OF CONDUCT—AFFIRMATION BY MEMBER

Miss Nuttall, in accordance with Continuing Resolution 5, affirmed her commitment to the principles, obligations and aspirations of the Code of Conduct for all Members of the Legislative Assembly for the Australian Capital Territory.

Her Honour the Chief Justice retired.

6 UNPARLIAMENTARY LANGUAGE—SPEAKER'S RULING

The Speaker, having considered a comment made by a Member during a motion debate on 28 November 2023, ruled that the comment was offensive and disorderly. The Speaker asked the Member to withdraw the word. The Member withdrew.

7 PETITION—MINISTERIAL RESPONSE—RESPONSE NOTED

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

Ms Vassarotti (Minister for the Environment), dated 27 November 2023—Response to e-petition No 017-23, lodged by Dr Paterson on Tuesday, 29 August 2023, concerning Common Indian Myna bird control.

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

Debate ensued.

Question—put and passed.

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

Ms Berry (Minister for Housing and Suburban Development) made a ministerial statement to update the Assembly on the fifth year of implementation of the ACT Housing Strategy and presented the following papers:

ACT Housing Strategy—Year 5 Report Card, dated November 2023.

ACT Housing Strategy—Year 5 Report Card—Ministerial statement, 29 November 2023.

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

Question—put and passed.

9 OUR BOORIS, OUR WAY REVIEW—SIX MONTHLY UPDATE AND OUT OF HOME CARE SNAPSHOT REPORT—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED

Ms Stephen-Smith (Minister for Families and Community Services) made a ministerial statement concerning the sixth combined six-monthly progress reports for the Government response to the recommendations from the *Our Booris, Our Way* Review and the *Out of Home Care Strategy Snapshot Report 2018-2023*, and presented the following papers:

Our Booris, Our Way—Review—

Six-monthly update (January to June 2023).

Six-monthly implementation update—Government response and Out of Home Care Snapshot Report—Ministerial Statement, 29 November 2023.

Out of Home Care Snapshot Report—A presentation of data covering 1 July 2017 to 30 June 2023.

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

Question—put and passed.

10 TRAUMA INFORMED PRACTICE FOR CHILDREN AND YOUNG PEOPLE—POSITION STATEMENT—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning the ACT Position Statement on Trauma Informed Practice for Children and Young People and presented the following papers:

ACT Trauma Informed Practice for Children and Young People Position Statement, undated.

Position Statement on Trauma Informed Practice for Children and Young People Ministerial statement, 29 November 2023.

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

Debate ensued.

Question—put and passed.

11 CODE OF CONDUCT—REAFFIRMATION

Ms Burch (Speaker), pursuant to notice, moved—That we, the Members of the Tenth Legislative Assembly for the Australian Capital Territory, having adopted a revised code of conduct for Members, reaffirm our commitment to the principles, obligations and aspirations of the code.

Question—put and passed.

12 LIQUOR AMENDMENT BILL 2023

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Liquor Act 2010* and the *Liquor Regulation 2010*.

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.

13 ROAD SAFETY LEGISLATION AMENDMENT BILL 2023

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend legislation about road safety, 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 (Mr Cain) and the resumption of the debate made an order of the day for the next sitting.

14 EDUCATION (EARLY CHILDHOOD) LEGISLATION AMENDMENT BILL 2023

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—Miss Nuttall, by leave, addressed the Assembly.

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.

15 BUILDING AND CONSTRUCTION LEGISLATION AMENDMENT BILL 2023

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

Bill, by leave, taken as a whole—

On the motion of Ms Vassarotti (Minister for Sustainable Building and Construction), pursuant to standing order 182A(b) and (c), by leave, her amendments Nos 1 to 7 ([see Schedule 1](#)) that were minor and technical in nature and in response to Scrutiny comments, were made together.

Paper: Ms Vassarotti presented a supplementary explanatory statement to the Government amendments.

Bill, as a whole, as amended, agreed to.

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

16 NATURE CONSERVATION AMENDMENT BILL 2023

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

17 QUESTIONS

Questions without notice were asked.

18 LEAVE OF ABSENCE TO MEMBER

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

Question—put and passed.

19 QUESTION ON NOTICE NO 1397—ANSWER—EXPLANATION

Dr Paterson, pursuant to standing order 118A, asked Mr Rattenbury (Attorney-General) for an explanation concerning the answer to question on notice No 1397.

Mr Rattenbury gave an explanation.

20 DUAL OCCUPANCY SIZE RESTRICTION

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

- (1) notes:
 - (a) the ACT Government announced on 11 September 2023 that dual-occupancy developments under a unit title will be permitted on Residential Zone 1 (RZ1) blocks of more than 800m²;
 - (b) the size of the second dwelling will be restricted to 120m² or less;
 - (c) the median land size in Canberra is 748m² according to Domain Group's *Unique Housing Affordability Report*, published 10 February 2023;
 - (d) there are a large number of blocks sized much larger than 800m² in the ACT, particularly in older, established suburbs which contain blocks over 1000m²; and
 - (e) local building and construction industry stakeholders are concerned that a size limit will act as a deterrent to construct a second dwelling; and
- (2) calls on the ACT Government to:
 - (a) allow an owner of an eligible RZ1 block to exercise choice in the construction of the second dwelling by removing the 120m² restriction to allow a residence of a size that conforms to established planning regulations; and
 - (b) allow an owner the option of surrendering their lease for the issue of two separate leases.

Debate ensued.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 7

Peter Cain
Leanne Castley
Ed Cocks
Elizabeth Kikkert
Nicole Lawder
James Milligan
Mark Parton

NOES, 14

Yvette Berry	Marisa Paterson
Joy Burch	Michael Pettersson
Tara Cheyne	Shane Rattenbury
Jo Clay	Chris Steel
Emma Davidson	Rachel Stephen-Smith
Mick Gentleman	Rebecca Vassarotti
Laura Nuttall	
Suzanne Orr	

And so it was negatived.

21 PUBLIC HOUSING—MINIMUM ENERGY EFFICIENCY STANDARD—PROPOSED UPGRADE

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

- (1) notes:
 - (a) the importance of public housing residents' reasonable entitlement to a dwelling that meets the minimum energy efficiency standards;

- (b) the Government's obligation to provide public housing dwellings that are energy efficient in particular ceiling insulation of a minimum R5 rating;
 - (c) in November 2020, the Government's Parliamentary and Governing Agreement for the 10th Assembly lists minimum energy efficiency standards regulation for rental properties as a policy issue of particular priority for the government;
 - (d) in 2021, consultations started to gather information on energy efficiency in ACT rentals, options for the energy standards and feedback on the roll out of the program;
 - (e) in 2022, the ACT Government considered feedback for the roll out of ceiling insulation;
 - (f) in November 2022, the ACT Government announced that from 1 April 2023 a minimum energy efficiency standard for rental properties will commence;
 - (g) Housing ACT were questioned in November 2022 if they knew the number of properties requiring an update, which they did not; and
 - (h) from then until November 2023, Housing ACT did not have the final number of properties requiring updates to meet the minimum ceiling insulation standard;
- (2) further notes the:
- (a) Government has over 5,000 properties requiring updates to meet the minimum standards;
 - (b) Government has accepted funding from the Commonwealth to assist with these upgrades worth \$7.2 million; and
 - (c) ACT Government has expected these upgrades to take the full three years until the end of the phase-in period to be compliant; and
- (3) calls on the Government as a model landlord to:
- (a) expediate the roll out of the program by completing the upgrades by the end of 2025;
 - (b) commit to on-going upgrades to ensure all properties remain compliant;
 - (c) provide a rental rebate for those in homes that do not meet the minimum standard;
 - (d) report back to this Assembly every three months to update on the progress of the upgrades; and
 - (e) report back to the Assembly, by the last sitting day of the 2023-24 financial year, with a full estimation of the total cost of the upgrades to minimum standards for the public housing stock.

Ms Berry (Minister for Housing and Suburban Development) moved the following amendment: Omit all text after paragraph (1)(f), substitute:

- “(g) Housing ACT were questioned in November 2022 if they knew the number of properties requiring upgrades, which they did not at that time because a program of property assessments was forthcoming; and

- (h) the property assessments program, which collected data about existing insulation levels, appliance types and general property condition, was completed in May 2023;
- (2) further notes the ACT Government:
- (a) has over 5,000 properties requiring updates to meet the minimum standards;
 - (b) has invested \$28 million in the 2023-24 Budget to bring these properties up to the minimum ceiling insulation standard and carry out replacement of gas appliances with energy efficient alternatives;
 - (c) has accepted funding from the Commonwealth to assist with these upgrades worth \$7.2 million, which will contribute to the gas replacement part of the project;
 - (d) has committed to these upgrades being complete by the November 2026 deadline for all landlords, but expects to complete most of the work by late 2025; and
 - (e) will meet the requirements of the minimum energy efficiency standard as required of all landlords, with newly leased properties complying with the requirement within nine months of a lease being signed; and
- (3) call on the ACT Government as a model landlord to:
- (a) carry out the program expediently while ensuring upgrades are delivered safely, efficiently, at a high quality and with minimal inconvenience to tenants;
 - (b) commit to ensuring all properties remain compliant;
 - (c) report back to this Assembly every six months to update on the progress of the upgrades; and
 - (d) report back to the Assembly, by the last sitting day of 2023-24 financial year, with a full estimation of the total cost of the upgrades to minimum standards for the public housing stock.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) the importance of public housing residents’ reasonable entitlement to a dwelling that meets the minimum energy efficiency standards;
 - (b) the Government’s obligation to provide public housing dwellings that are energy efficient in particular ceiling insulation of a minimum R5 rating;

- (c) in November 2020, the Government's Parliamentary and Governing Agreement for the 10th Assembly lists minimum energy efficiency standards regulation for rental properties as a policy issue of particular priority for the government;
 - (d) in 2021, consultations started to gather information on energy efficiency in ACT rentals, options for the energy standards and feedback on the roll out of the program;
 - (e) in 2022, the ACT Government considered feedback for the roll out of ceiling insulation;
 - (f) in November 2022, the ACT Government announced that from 1 April 2023 a minimum energy efficiency standard for rental properties will commence;
 - (g) Housing ACT were questioned in November 2022 if they knew the number of properties requiring upgrades, which they did not at that time because a program of property assessments was forthcoming; and
 - (h) the property assessments program, which collected data about existing insulation levels, appliance types and general property condition, was completed in May 2023;
- (2) further notes the ACT Government:
- (a) has over 5,000 properties requiring updates to meet the minimum standards;
 - (b) has invested \$28 million in the 2023-24 Budget to bring these properties up to the minimum ceiling insulation standard and carry out replacement of gas appliances with energy efficient alternatives;
 - (c) has accepted funding from the Commonwealth to assist with these upgrades worth \$7.2 million, which will contribute to the gas replacement part of the project;
 - (d) has committed to these upgrades being complete by the November 2026 deadline for all landlords, but expects to complete most of the work by late 2025; and
 - (e) will meet the requirements of the minimum energy efficiency standard as required of all landlords, with newly leased properties complying with the requirement within nine months of a lease being signed; and
- (3) call on the ACT Government as a model landlord to:
- (a) carry out the program expediently while ensuring upgrades are delivered safely, efficiently, at a high quality and with minimal inconvenience to tenants;
 - (b) commit to ensuring all properties remain compliant;
 - (c) report back to this Assembly every six months to update on the progress of the upgrades; and
 - (d) report back to the Assembly, by the last sitting day of 2023-24 financial year, with a full estimation of the total cost of the upgrades to minimum standards for the public housing stock."—

be agreed to—put and passed.

22 MEMBERS' STATEMENTS

Members' statements were made.

23 ADJOURNMENT

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Paper: Ms Clay, by leave, presented the following paper:

Proposed ACT Legislation to get fossil fuels off the field—Discussion paper—ACT Greens, undated.

Debate continued.

Question—put and passed.

And then the Assembly, at 5.00 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Braddock* and Mr Hanson*.

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

BUILDING AND CONSTRUCTION LEGISLATION AMENDMENT BILL 2023

Amendments circulated by the Minister for Sustainable Building and Construction

1

Clause 2 (1), second dot point

Page 2, line 9—

omit second dot point, substitute

- section 17
- section 19

2

Clause 2 (2), first dot point

Page 2, line 25—

omit first dot point, substitute

- part 4 (other than section 23)

3

Proposed new clause 2 (2A)

Page 3, line 2—

insert

(2A) Section 18 commences on 15 January 2024.

4

Clause 27

Page 16, line 1—

omit clause 27, substitute

27

**Due date for payment
Section 13 (1)**

substitute

- (1) A progress payment under a construction contract is payable on the earlier of the following:
 - (a) 15 business days after a payment claim is given under part 4 in relation to the payment;
 - (b) the day when the payment becomes payable under the contract.

5**Clause 32****Page 17, line 16—***[oppose the clause]*

6**Clause 33****Page 17, line 20—***[oppose the clause]*

7**Clause 44****Proposed new section 31D (4)****Page 23, line 2—***omit**notifiable**substitute**disallowable*
