



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019

MINUTES OF PROCEEDINGS

No 116

THURSDAY, 26 SEPTEMBER 2019

- 1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

- 2 **2019-20 BUSHFIRE SEASON—COMMENCEMENT—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning the 2019-20 bushfire season in the Territory and presented the following papers:

Strategic Bushfire Management Plan 2019-2024.

Commencement of the 2019-20 bushfire season and the Strategic Bushfire Management Plan Version 4—Ministerial statement, 26 September 2019.

Mr Gentleman moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

- 3 **WORKPLACE CULTURE WITHIN A.C.T. PUBLIC HEALTH SERVICES—INDEPENDENT REVIEW—FINAL REPORT—BIANNUAL UPDATE ON IMPLEMENTATION OF THE RECOMMENDATIONS—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Stephen-Smith (Minister for Health) made a ministerial statement providing a biannual update on the implementation of the recommendations contained in the final report of the Independent Review into Workplace Culture within ACT Public Health Services, and presented the following paper:

Workplace Culture within ACT Public Health Services—Independent Review—Final Report—Biannual update on implementation of the recommendations—Ministerial statement, 26 September 2019.



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

Debate ensued.

Question—put and passed.

4 RESIDENTIAL TENANCIES AMENDMENT BILL 2019

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Residential Tenancies Act 1997*.

Papers: Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 25 September 2019.

Title read by Clerk.

Mr Ramsay moved—That this Bill be agreed to in principle.

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

5 ELECTORAL LEGISLATION AMENDMENT BILL 2019

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about electoral matters, and for other purposes.

Papers: Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 25 September 2019.

Title read by Clerk.

Mr Ramsay moved—That this Bill be agreed to in principle.

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

6 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

7 ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2019

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 Steel (Minister for City Services) presented a revised explanatory statement to the Bill.

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

Detail Stage

Clause 1 agreed to.

Clause 2—

On the motion of Mr Steel, his amendment No 1 (see [Schedule 1](#)) was made.

Paper: Mr Steel presented a supplementary explanatory statement to the Government amendments.

Clause 2, as amended, agreed to.

Clause 3—

On the motion of Mr Steel, his amendment No 2 (see [Schedule 1](#)) was made.

Clause 3, as amended, agreed to.

Clause 4—

Ms Lawder was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee.

Ms Lawder moved her amendment No 1 (see [Schedule 2](#)).

Debate continued.

Amendment negatived.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6—

On the motion of Mr Steel, by leave, his amendments Nos 3 and 4 (see [Schedule 1](#)) were made together.

Clause 6, as amended, agreed to.

Clauses 7 to 10, by leave, taken together and agreed to.

Clause 11—

On the motion of Mr Steel, by leave, his amendments Nos 5 to 7 (see [Schedule 1](#)) were made together.

Clause 11, as amended, agreed to.

Clauses 12 to 17, by leave, taken together and agreed to.

Clause 18—

On the motion of Mr Steel, his amendment No 8 (see [Schedule 1](#)) was made.

Ms Lawder moved her amendment No 3 (see [Schedule 2](#)).

Debate continued.

Amendment negatived.

Clause 18, as amended, agreed to.

New clauses—

On the motion of Mr Steel, new clauses 18A and 18B (his amendment No 9—see [Schedule 1](#)) were inserted in the Bill.

Clauses 19 to 78, by leave, taken together and agreed to.

Clause 79—

On the motion of Mr Steel, his amendment No 10 (see [Schedule 1](#)) was made.

Clause 79, as amended, agreed to.

Clauses 80 to 102, by leave, taken together and agreed to.

Ms Le Couteur, pursuant to standing order 182A(c), was granted leave to move an amendment that was in response to comment made by the Scrutiny Committee.

New clause—

On the motion of Ms Le Couteur, new clause 102A (her amendment No 1—see [Schedule 3](#)) was inserted in the Bill, after debate.

Clauses 103 to 121, by leave, taken together and agreed to.

Clause 122—

On the motion of Mr Steel, his amendment No 11 (see [Schedule 1](#)) was made.

Clause 122, as amended, agreed to.

Clauses 123 to 132, by leave, taken together and agreed to.

New parts—

On the motion of Mr Steel, new Parts 9 to 11 (new clauses 133 to 140) (his amendment No 12—see [Schedule 1](#)) were inserted in the Bill.

Title agreed to.

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

8 QUESTIONS

Questions without notice being asked—

Ministerial arrangements: Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Stephen-Smith and advised the Assembly that questions without notice normally directed to Minister Stephen-Smith could be directed to Mr Barr.

Questions continued.

9 LEAVE OF ABSENCE TO MEMBER

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Ms Cody for today due to illness.

Question—put and passed.

10 INTEGRITY COMMISSION—STANDING COMMITTEE—MEMBERSHIP

Mr Wall, pursuant to standing order 223, moved—That Mr Wall be discharged from the Standing Committee on the Integrity Commission and Ms Lee be appointed in his place.

Question—put and passed.

11 PRESENTATION OF PAPER

The Speaker presented the following paper:

Freedom of Information Act, pursuant to section 67—ACT Ombudsman—Report on the operation of the *Freedom of Information Act 2016*—2018-19, dated 30 September 2019.

12 PRESENTATION OF PAPER

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

Estimates 2019-2020—Select Committee—Report—Appropriation Bill 2019-2020 and Appropriation (Office of the Legislative Assembly) Bill 2019-2020—Information in accordance with the Government response to Recommendations 62, 64, 65, 66, 67, 68 and 69.

13 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—LONELINESS—PUBLIC HEALTH ISSUE

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mr Gupta, Mr Hanson, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Mr Milligan, Mr Pettersson and Mr Wall had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Ms Le Couteur be submitted to the Assembly, namely, “The importance of considering loneliness as a public health issue”.

Discussion ensued.

Discussion concluded.

14 PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2019

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.

The Assembly voted—

AYES, 10		NOES, 7	
Mr Barr	Mr Pettersson	Miss C. Burch	Mr Wall
Ms J. Burch	Mr Ramsay	Mr Coe	
Ms Cheyne	Mr Rattenbury	Mrs Jones	
Mr Gupta	Mr Steel	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	
Ms Orr		Mr Milligan	

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

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

15 FREEDOM OF INFORMATION AMENDMENT BILL 2019

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 Ramsay (Attorney-General) presented a revised explanatory statement to the Bill.

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.

16 ADJOURNMENT

Mr Ramsay (Attorney-General) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 4.07 pm, adjourned until Tuesday, 22 October 2019 at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Cody*, Mrs Dunne*, Ms Lee* and Mr Parton*.

*on leave

J Agostino
Acting Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2019

Amendments circulated by the Minister for City Services

1

Clause 2 (1), last dot point

Page 2, line 19—

omit last dot point, substitute

- parts 8 to 11.
-

2

Clause 3, proposed new dot points

Page 3, line 11—

insert

- *Major Events Act 2014*
 - *Nature Conservation Act 2014*
 - *Public Pools Act 2015*
-

3

Clause 6

Proposed new section 6A, definition of *confine*

Page 5, line 15—

omit the definition, substitute

confine, an animal, means—

- (a) enclose the animal in a pen, vehicle, cage, box or other container or small space; or
- (b) otherwise limit or restrict the animal's freedom of movement, including by—
 - (i) tying up the animal; or
 - (ii) using a device on the animal; or
 - (iii) impairing the animal.

Examples—device

hood, bridle, tether

Example—impairing animal

clipping the feathers of a bird's wing

4**Clause 6****Proposed new section 6D (1) (b)****Page 7, line 18—***omit*

are unhygienic

substitute

is unhygienic

5**Clause 11****Proposed new section 9 (1) (b)****Page 11, line 16—***omit*

injury or pain

substitute

injury, pain or death

6**Clause 11****Proposed new section 9 (3), example 2****Page 12, line 4—***omit*

wild

7**Clause 11****Proposed new section 9 (4), new example****Page 12, line 13—***insert***Example**

locking an animal in a hot car

8**Clause 18****Proposed new section 15****Page 17, line 3—***omit proposed new section 15, substitute***15 Transport of animals—generally**

- (1) A person commits an offence if the person transports an animal in a way that causes, or is likely to cause, the death of or unnecessary injury, pain or stress to the animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) In this section:

transport, an animal, includes—

- (a) carry the animal in a moving vehicle by itself or with other animals; and
- (b) confine the animal for the purpose of carrying the animal in a vehicle.

9

Proposed new clauses 18A and 18B

Page 17, line 11—

insert

18A Transport of dogs
Section 15A (1)

substitute

- (1) A person commits an offence if—
 - (a) the person carries a dog in or on a moving vehicle on a road or road related area; and
 - (b) the dog is not restrained in a way that—
 - (i) prevents the dog from moving around, out of or off the vehicle; and
 - (ii) protects the dog from injury when in or on the vehicle.

Maximum penalty: 20 penalty units.

Note 1 It is an offence to confine a dog in or on a vehicle if the confinement causes, or is likely to cause the dog injury, pain, stress or death (see s 9 (4)).

Note 2 The *Road Transport (Public Passenger Services) Regulation 2002* contains offences about confining animals (other than assistance animals) travelling in light rail vehicles (see that regulation, s 70AAD) and bookable vehicles (see that regulation, s 221W and s 227).

- (1A) This section does not apply—
 - (a) if the dog—
 - (i) is an assistance animal, or is being trained or assessed as, an assistance animal; and
 - (ii) is in the vehicle; or
 - (b) if the dog is being used to work livestock; or
 - (c) to a circumstance prescribed by regulation.

Note The defendant has an evidential burden in relation to the matters mentioned in s (1A) (see Criminal Code, s 58).

18B Section 15A (3), new definitions

insert

assistance animal—see the *Discrimination Act 1991*, section 5AA (3).

public passenger vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

restrain, a dog in relation to a vehicle, means—

- (a) using a harness or similar device to secure the dog to the vehicle;
or
- (b) putting the dog in an enclosure in or on the vehicle.

vehicle does not include a public passenger vehicle.

10

Clause 79

Proposed new section 86E (2)

Page 53, line 17—

after

the person

insert

individually or jointly with another person

11

Clause 122

Proposed new section 106C

Page 80, line 12—

omit proposed new section 106C, substitute

106C Rights of people accompanied by assistance animals

A person does not commit an offence only because the person—

- (a) is accompanied by an assistance animal; and
- (b) takes the animal onto or into, or allows the animal to enter, a public place or public premises.

12

Proposed new parts 9 to 11

Page 89—

after the table, insert

Part 9

Major Events Act 2014

133

Meaning of *prohibited item*

Section 12 (1), definition of *prohibited item*, paragraph (a) (xviii) (A)

substitute

- (A) if a person is accompanied by an assistance animal—
the animal; or

134 Section 12 (2), new definitions*insert*

accompanied by an assistance animal—a person is ***accompanied by an assistance animal*** if the person—

- (a) is a person with disability and is accompanied by an assistance animal that is assisting the person to alleviate the effect of the disability; or
- (b) is an assistance animal trainer and is accompanied by an animal that is being trained as an assistance animal; or
- (c) is an assistance animal assessor and is accompanied by an animal that is being assessed as an assistance animal.

assistance animal—see the *Discrimination Act 1991*, section 5AA (3).

assistance animal assessor—see the *Domestic Animals Act 2000*, section 94.

assistance animal trainer—see the *Domestic Animals Act 2000*, section 94.

Part 10 Nature Conservation Act 2014**135 Offence—take animal into reserve
Section 214 (3)***substitute*

Note A person does not commit an offence only because the person is accompanied by an assistance animal and takes the animal into a reserve (see *Domestic Animals Act 2000*, s 106C).

136 Section 214 (5)*omit***Part 11 Public Pools Act 2015****137 Disability—assistance animals
Section 29 (1)***substitute*

- (1) This section applies to a person if the person is accompanied by an assistance animal.

138 Section 29 (2), (3) and (4)*omit*

assistance

139 New section 29 (9)

insert

(9) In this section:

accompanied by an assistance animal—a person is ***accompanied by an assistance animal*** if the person—

- (a) is a person with disability and is accompanied by an assistance animal that is assisting the person to alleviate the effect of the disability; or
- (b) is an assistance animal trainer and is accompanied by an animal that is being trained as an assistance animal; or
- (c) is an assistance animal assessor and is accompanied by an animal that is being assessed as an assistance animal.

assistance animal assessor—see the *Domestic Animals Act 2000*, section 94.

assistance animal trainer—see the *Domestic Animals Act 2000*, section 94.

140 Dictionary, definition of *assistance animal*

substitute

assistance animal—see the *Discrimination Act 1991*, section 5AA (3).

Schedule 2**ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2019**

Amendments circulated by Ms Lawder

1

Clause 4**Proposed new section 4A (1A)****Page 4, line 12—**

insert

- (1A) This Act also recognises that the objects mentioned in subsection (1) align with community expectations and, accordingly, do not limit practices such as responsible and humane—
- (a) food production practices; and
 - (b) environmental management; and
 - (c) scientific research; and
 - (d) cultural and recreational activities.
-

2

Clause 4**Proposed new section 4A (2)****Page 4, line 13—**

omit

This is

substitute

The objects are

3

Clause 18**Proposed new section 15 (2)****Page 17, line 11—**

insert

- (2) For subsection (1), injury, pain or stress to an animal is not considered to be unnecessary only because the animal is transported or contained in a way that is—
- (a) consistent with any veterinary or industry requirement or practice; or
 - (b) generally accepted practice in the community.

Examples—par (a)

- 1 transporting livestock in a truck in accordance with industry standards
- 2 transporting a dog in the cargo hold of a plane in accordance with veterinary advice and industry standards

Examples—par (b)

- 1 transporting a horse in a horse float
 - 2 transporting a cat in a carrier in a car
-

Schedule 3**ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2019**

Amendment circulated by Ms Le Couteur

1

Proposed new clause 102A

Page 64, line 5—

insert

102A New section 113

insert

**113 Review of amendments made by Animal Welfare
Legislation Amendment Act 2019**

- (1) The Minister must review the operation of the amendments made by the *Animal Welfare Legislation Amendment Act 2019* as soon as practicable 3 years after the commencement of that Act, section 30.
 - (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
 - (3) This section expires 6 years after the day it commences.
-