



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019–2020

MINUTES OF PROCEEDINGS

No 135

THURSDAY, 23 JULY 2020

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 RE-CONFIGURATION OF CHAMBER—STATEMENT BY SPEAKER

The Speaker made a statement drawing attention to the reconfiguration of the chamber to accommodate physical distancing, and thanked all those who contributed to the redesign. The Speaker also thanked the members of the Standing Committee on Administration and Procedure, who set in place arrangements for the Assembly to continue sitting with a reduced membership prior to the re-configuration.

3 LEAVE OF ABSENCE TO MEMBERS

Mrs Dunne moved—That leave of absence for today be granted to Mr Wall for illness and Mrs Jones for family reasons.

Question—put and passed.

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

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the ACT Government's response to the COVID-19 emergency and presented the following papers:

Status of the public health emergency due to COVID-19—Acting Chief Health Officer Report—26 June 2020, dated 26 June 2020.

Coronavirus (COVID-19)—ACT Government response—Ministerial statement, 23 July 2020.

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

Question—put and passed.

5 SAFER FAMILIES—ANNUAL STATEMENT 2020—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for the Prevention of Domestic and Family Violence) made a ministerial statement concerning the fourth annual Safer Families Statement and presented the following paper:

Safer Families—Annual Statement 2020—Ministerial statement, 23 July 2020.

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

Question—put and passed.

6 BUILDING REFORMS—MINISTERIAL STATEMENT—PAPER NOTED

Mr Ramsay (Minister for Building Quality Improvement) made a ministerial statement concerning building reforms and presented the following paper:

Building reforms—Ministerial statement, 23 July 2020.

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

Question—put and passed.

7 PUBLIC HEALTH AMENDMENT BILL 2020 (NO 2)

Ms Stephen-Smith (Minister for Health), by leave, presented a Bill for an Act to amend the *Public Health Act 1997*.

Paper: Ms Stephen-Smith 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.

Ms Stephen-Smith moved—That this Bill be agreed to in principle.

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

8 EDUCATION AMENDMENT BILL 2020

Ms Berry (Minister for Education and Early Childhood Development), pursuant to notice, presented a Bill for an Act to amend the *Education Act 2004* and the *Education Regulation 2005*.

Paper: Ms Berry 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.

Ms Berry moved—That this Bill be agreed to in principle.

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

9 ADOPTION AMENDMENT BILL 2020

Ms Stephen-Smith (Minister for Children, Youth and Families), pursuant to notice, presented a Bill for an Act to amend the *Adoption Act 1993*.

Paper: Ms Stephen-Smith 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.

Ms Stephen-Smith moved—That this Bill be agreed to in principle.

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

10 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2020

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to notice, presented a Bill for an Act to amend the *Births, Deaths and Marriages Registration Act 1997*, and for other purposes.

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 Hanson) and the resumption of the debate made an order of the day for the next sitting.

11 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 46—STATEMENT BY CHAIR

Ms Cody (Deputy Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 46, dated 21 July 2020, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, made a statement in relation to the report.

12 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REPORT 9—INQUIRY INTO BUILDING QUALITY—REPORT NOTED

Mr Hanson (Chair) presented the following report:

Economic Development and Tourism—Standing Committee—Report 9 —*Inquiry into Building Quality*, dated 22 July 2020, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

13 CROSSBENCH EXECUTIVE MEMBERS' BUSINESS—PRECEDENCE

Ordered—That Crossbench Executive Members' business be called on forthwith.

14 PROBLEM GAMBLING—HARM MINIMISATION

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

- (1) notes that:
 - (a) in the ACT, people can lose more than \$1000 an hour playing poker machines;
 - (b) all Australian jurisdictions except for the ACT and NSW have bet limits of \$5 per spin;
 - (c) all Australian jurisdictions except for the ACT have load limits, and Queensland has introduced a load up limit of \$100;
 - (d) reports indicate that the COVID-19 shutdown period has been a relief for some people experiencing gambling harm;
 - (e) in 2014-15, almost 20 percent of ACT adults played the pokies at least once, with losses totalling \$37.48 million. Non-problem gamblers accounted for 37 percent of all money lost on poker machines, while 63 percent came from people with some problem gambling behaviours;
 - (f) the ACT Gambling Survey 2019 (Commissioned by the ACT Gambling and Racing Commission, undertaken by Australian National University) found that:
 - (i) 9.6 percent of the ACT adult population (approximately 31 000 adults) experienced gambling harm in the past 12 months; and
 - (ii) 64.3 percent of respondents agreed that poker machines do more harm than good for the community; and
 - (g) the 2010 Productivity Commission inquiry report on gambling found the significant social cost of problem gambling—estimated to be at least \$4.7 billion a year—means that even policy measures with modest efficacy in reducing harm will often be worthwhile; and
- (2) calls on the ACT Government to work with poker machine venues to implement bet limits of \$5 per spin, and a \$100 load up limit. The implementation should be completed within 18 months, with gaming tax waivers used to offset reasonable adjustment costs and reward those venues that implement the arrangements more quickly.

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.

15 QUESTIONS

Questions without notice were asked.

16 QUESTIONS ON NOTICE NOS 2996, 3008, 3034 AND 3054—ANSWERS—EXPLANATION

Mrs Dunne, pursuant to standing order 118A, asked Ms Stephen-Smith (Minister for Health) for an explanation concerning the answers to questions on notice Nos 2996, 3008, 3034 and 3054.

Ms Stephen-Smith gave an explanation.

17 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Legislative Assembly (Members' Superannuation Act), pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual report 2019-2020, dated 2 July 2020.

Budget 2020-2021—Financial Management Act, pursuant to section 20AB—Officers of the Assembly—Speaker's recommended appropriations—Copy of advice circulated to MLAs, dated 30 June 2020.

Standing order 191—Amendments to the:

Electoral Legislation Amendment Bill 2019, dated 6 and 7 July 2020.

Employment and Workplace Safety Legislation Amendment Bill 2020, dated 6 and 7 July 2020.

18 PRESENTATION OF PAPERS

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

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Jandy Renia Shea—

Report, dated 23 September 2019.

Government response.

Economic Development and Tourism—Standing Committee—Report 8—*Report into Annual and financial Reports 2018-2019*—Government response.

Education, Employment and Youth Affairs—Standing Committee—Report 8—*Report on Annual and Financial Reports 2018-2019*—Government response.

Environment and Transport and City Services—Standing Committee—Report 11—*Inquiry into the supply of water to the Tharwa community*—Copy of letter from the Minister for Planning and Land Management to the Chair of the Standing Committee on Environment and Transport and City Services, dated 2 July 2020, advising of delay in Government response.

Environment and Transport and City Services—Standing Committee—Report 12—*Report on Annual and Financial Reports 2018-2019*—Government response.

Fertility preservation—Resolution of the Assembly of 18 September 2019—Update on progress—Copy of letter to the Speaker from the Minister for Health, dated 15 July 2020.

Health, Ageing and Community Services—Standing Committee—Report 8—*Report on Annual and Financial Reports 2018-2019*—Government response.

Inspector of Correctional Services Act—Reports of Reviews of Critical Incidents by the ACT Inspector of Correctional Services—Assaults of detainees at the Alexander Maconochie Centre on 5 December 2019 and 13 January 2020—Government response, together with a statement.

Justice and Community Safety—Standing Committee—Report 8—*Report on Annual and Financial Reports 2018-2019*—Government response.

Planning and Urban Renewal—Standing Committee—Report 11—*Report on Annual and Financial Reports 2018-2019*—Government response.

Public Accounts—Standing Committee—Report 9—*Inquiry into Annual and Financial Reports 2018-19*—Government response.

Territory Records Act, pursuant to subsection 23B(4)—Agreement with the Australian Health Practitioners Registration Agency—Report, dated 29 June 2020.

Tree canopy protection—Response to the resolution of the Assembly of 25 October 2017.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-190 (LR, 30 June 2020).

Agents Act—Agents (Fees) Determination 2020—Disallowable Instrument DI2020-143 (LR, 18 June 2020).

Animal Welfare Act—

Animal Welfare (Advisory Committee) Establishment 2020 (No 1)—Disallowable Instrument DI2020-147 (LR, 18 June 2020).

Animal Welfare (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-159 (LR, 25 June 2020).

Architects Act—Architects (Fees) Determination 2020—Disallowable Instrument DI2020-181 (LR, 29 June 2020).

Associations Incorporation Act—Associations Incorporation (Fees) Determination 2020—Disallowable Instrument DI2020-152 (LR, 22 July 2020).

Building Act—Building (General) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-26 (LR, 30 June 2020).

Canberra Institute of Technology Act and Financial Management Act—

Canberra Institute of Technology (CIT Board Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020-145 (LR, 18 June 2020).

Canberra Institute of Technology (CIT Board Member) Appointment 2020 (No 3)—Disallowable Instrument DI2020-173 (LR, 2 July 2020).

Casino Control Act—Casino Control (Fees) Determination 2020—Disallowable Instrument DI2020-157 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency Act—

City Renewal Authority and Suburban Land Agency (Agency Board Chair) Appointment 2020—Disallowable Instrument DI2020-164 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency (Agency Board Deputy Chair) Appointment 2020—Disallowable Instrument DI2020-165 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2020 (No 1)—Disallowable Instrument DI2020-166 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020-167 (LR, 22 June 2020).

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2020 (No 3)—Disallowable Instrument DI2020-168 (LR, 22 June 2020).

Classification (Publications, Films and Computer Games) (Enforcement) Act—Classification (Publications, Films and Computer Games) (Enforcement) (Fees) Determination 2020—Disallowable Instrument DI2020-142 (LR, 18 June 2020).

Clinical Waste Act—Clinical Waste (Fees) Determination 2020—Disallowable Instrument DI2020-180 (LR, 29 June 2020).

Co-operatives National Law (ACT) Act—Co-operatives National Law (ACT) (Fees) Determination 2020—Disallowable Instrument DI2020-141 (LR, 18 June 2020).

Court Procedures Act—Court Procedures (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-154 (LR, 25 June 2020).

Dangerous Goods (Road Transport) Act—Dangerous Goods (Road Transport) Fees and Charges Determination 2020—Disallowable Instrument DI2020-184 (LR, 30 June 2020).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2020—Disallowable Instrument DI2020-185 (LR, 30 June 2020).

Domestic Animals Act—

Domestic Animals (Accredited Assistance Animal Public Access Standards) Determination 2020—Disallowable Instrument DI2020-169 (LR, 25 June 2020).

Domestic Animals (Assistance Animal Accreditation) Guidelines 2020—Disallowable Instrument DI2020-170 (LR, 25 June 2020).

Domestic Animals (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-160 (LR, 25 June 2020).

Duties Act—Duties (Pensioner Duty Deferral Scheme) Determination 2020—Disallowable Instrument DI2020-179 (LR, 29 June 2020).

Duties Act, Rates Act, Land Rent Act and Land Tax Act—Rates, Land Tax, Land Rent and Duties (Certificate and Statement Fees) Determination 2020—Disallowable Instrument DI2020-193 (LR, 30 June 2020).

Electoral Act—Electoral (Fees) Determination 2020—Disallowable Instrument DI2020-148 (LR, 18 June 2020).

Electricity Feed-in (Large-scale Renewable Energy Generation) Act—Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Support Payment Assessment Method 2020—Disallowable Instrument DI2020-174 (LR, 25 June 2020).

Environment Protection Act—Environment Protection (Fees) Determination 2020—Disallowable Instrument DI2020-197 (LR, 30 June 2020).

Financial Management Act—

Financial Management (Territory Authorities prescribed for Outputs) Guidelines 2020—Disallowable Instrument DI2020-183 (LR, 30 June 2020).

Financial Management (Territory Authorities) Guidelines 2020—Disallowable Instrument DI2020-182 (LR, 30 June 2020).

Guardianship and Management of Property Act—Guardianship and Management of Property (Fees) Determination 2020—Disallowable Instrument DI2020-153 (LR, 22 June 2020).

Health Act—Health (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-195 (LR, 30 June 2020).

Heritage Act—Heritage (Fees) Determination 2020—Disallowable Instrument DI2020-198 (LR, 30 June 2020).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2020 (No 1)—Disallowable Instrument DI2020-149 (LR, 18 June 2020).

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2020 (No 2)—Disallowable Instrument DI2020-146 (LR, 19 June 2020).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2020 (No 1)—Disallowable Instrument DI2020-150 (LR, 18 June 2020).

Lotteries Act—Lotteries (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-171 (LR, 25 June 2020).

Machinery Act—Machinery (Fees) Determination 2020—Disallowable Instrument DI2020-186 (LR, 30 June 2020).

Medicines, Poisons and Therapeutic Goods Act—

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 2)—Subordinate Law SL2020-21 (LR, 19 June 2020).

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 3)—Subordinate Law SL2020-24 (LR, 26 June 2020).

Nature Conservation Act—Nature Conservation (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-199 (LR, 30 June 2020).

Public Trustee and Guardian Act—Public Trustee and Guardian (Fees) Determination 2020—Disallowable Instrument DI2020-151 (LR, 22 June 2020).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-161 (LR, 25 June 2020).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Fees) Determination 2020—Disallowable Instrument DI2020-156 (LR, 22 June 2020).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2020 (No 2)—Disallowable Instrument DI2020-144 (LR, 18 June 2020).

Rates Act and Taxation Administration Act—Taxation Administration (Amounts Payable—Rates) Determination 2020—Disallowable Instrument DI2020-176 (LR, 29 June 2020).

Residential Tenancies Act—Residential Tenancies (COVID-19 Emergency Response) Declaration 2020 (No 2)—Disallowable Instrument DI2020-216 (LR, 21 July 2020).

Retirement Villages Act—Retirement Villages (Fees) Determination 2020—Disallowable Instrument DI2020-140 (LR, 18 June 2020).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 4)—Disallowable Instrument DI2020-191 (LR, 30 June 2020).

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 5)—Disallowable Instrument DI2020-192 (LR, 30 June 2020).

Road Transport (General) Certificate of Inspection Application Order 2020 (No 1)—Disallowable Instrument DI2020-175 (LR, 2 July 2020).

Road Transport (Offences) Amendment Regulation 2020 (No 2)—Subordinate Law SL2020-22 (LR, 25 June 2020).

Scaffolding and Lifts Act—Scaffolding and Lifts (Fees) Determination 2020—Disallowable Instrument DI2020-187 (LR, 30 June 2020).

Security Industry Act—Security Industry Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-25 (LR, 1 January 1900).

Stock Act—

Stock (Fees) Determination 2020—Disallowable Instrument DI2020-201 (LR, 30 June 2020).

Stock (Levy) Determination 2020—Disallowable Instrument DI2020-203 (LR, 30 June 2020).

Stock (Minimum Stock Levy) Determination 2020—Disallowable Instrument DI2020-202 (LR, 30 June 2020).

Surveyors Act—Surveyors (Fees) Determination 2020—Disallowable Instrument DI2020-204 (LR, 30 June 2020).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Land Tax) Determination 2020—Disallowable Instrument DI2020-194 (LR, 30 June 2020).

Taxation Administration (Amounts Payable—Land Tax) Determination 2020—Disallowable Instrument DI2020-177 (LR, 29 June 2020).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2020—Disallowable Instrument DI2020-178 (LR, 29 June 2020).

Taxation Administration (Owner Occupier Duty) COVID-19 Exemption Scheme Determination 2020—Disallowable Instrument DI2020-205 (LR, 2 July 2020).

Tree Protection Act—Tree Protection (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-162 (LR, 25 June 2020).

Unit Titles (Management) Act—Unit Titles (Management) (Fees) Determination 2020—Disallowable Instrument DI2020-155 (LR, 22 June 2020).

University of Canberra Act—

University of Canberra Council Appointment 2020 (No 1)—Disallowable Instrument DI2020-206 (LR, 2 July 2020).

University of Canberra Council Appointment 2020 (No 2)—Disallowable Instrument DI2020-207 (LR, 2 July 2020).

University of Canberra Council Appointment 2020 (No 3)—Disallowable Instrument DI2020-208 (LR, 2 July 2020).

Unlawful Gambling Act—Unlawful Gambling (Charitable Gaming Application Fees) Determination 2020—Disallowable Instrument DI2020-158 (LR, 22 June 2020).

Victims of Crime (Financial Assistance) Act—Victims of Crime (Financial Assistance) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-23 (LR, 29 June 2020).

Victims of Crime Act—Victims of Crime (Victims Advisory Board) Appointment 2020 (No 3)—Disallowable Instrument DI2020-196 (LR, 30 June 2020).

Victims of Crime Regulation—Victims of Crime (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-172 (LR, 25 June 2020).

Waste Management and Resource Recovery Act—Waste Management and Resource Recovery (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-163 (LR, 25 June 2020).

Water Resources Act—Water Resources (Fees) Determination 2020—Disallowable Instrument DI2020-200 (LR, 30 June 2020).

Work Health and Safety Act—

Work Health and Safety (Fees) Determination 2020—Disallowable Instrument DI2020-188 (LR, 30 June 2020).

Work Health and Safety Amendment Regulations 2020 (No 1)—Subordinate Law SL2020-27 (LR, 30 June 2020).

Workers Compensation Act—Workers Compensation (Fees) Determination 2020—Disallowable Instrument DI2020-189 (LR, 30 June 2020).

19 AFFORDABLE LAND RELEASE

Mr Coe (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) that very few ACT families are going to be able to take advantage of the Commonwealth Government’s HomeBuilder program for free-standing homes because of a lack of affordable land in Canberra;
 - (b) the Commonwealth Government’s HomeBuilder scheme grants \$25 000 for house and land packages valued at less than \$750 000; and
 - (c) the ACT Government took weeks to sign on to the National Partnership Agreement; and
- (2) calls on the Government to release more affordable land so that Canberrans can buy a house and land for a combined cost of less than \$750 000.

Ms Berry (Minister for Housing and Suburban Development) moved the following amendment: Omit all text after “That this Assembly”, substitute:

- “(1) notes:
- (a) the Commonwealth Government’s HomeBuilder scheme grants \$25 000 for house and land packages valued at less than \$750 000;
 - (b) there are 346 single residential blocks available over the counter through the Suburban Land Agency and the Ginninderry development as at 20 July 2020, ranging in price between \$197 000 and \$640 000;
 - (c) the average cost to build an average sized three bedroom home, which would suit most first home buyers, is \$330 000;
 - (d) there are 188 blocks available through the Suburban Land Agency and from the Ginninderry development as at 20 July 2020, which are priced below \$420,000 and could meet the combined thresholds under HomeBuilder; and
 - (e) the ACT Government:
 - (i) was not consulted prior to the Commonwealth Government’s HomeBuilder announcement;
 - (ii) worked with the Commonwealth Government following the announcement of HomeBuilder to ensure those in the Territory who could meet the eligibility criteria would gain access to the Commonwealth scheme; and
 - (iii) since the announcement, worked with Commonwealth officials to address implementation issues associated with definitions, compliance and monitoring;
- (2) further notes that the ACT Government:
- (a) has removed stamp duty for eligible owner occupier home buyers until 30 June 2021, with no stamp duty on single residential dwelling blocks and no stamp duty on off-the-plan unit titled purchases up to \$500 000;

- (b) has significantly reduced stamp duty for eligible owner occupier home buyers until 30 June 2021, with an \$11 400 stamp duty reduction for off-the-plan unit titled purchases between \$500 000 and \$750 000;
 - (c) prices land according to its market value as determined by multiple independent valuations to ensure transparency and probity; and
 - (d) uses the revenue from the sale of scarce land to fund infrastructure and services for Canberrans; and
- (3) calls on the ACT Government to continue to implement its affordable housing agenda and work towards further diversifying housing choice consistent with the ACT Housing Strategy.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 12		NOES, 9	
Ms Berry	Mr Pettersson	Miss C. Burch	Mr Milligan
Ms J. Burch	Mr Ramsay	Mr Coe	Mr Parton
Ms Cheyne	Mr Rattenbury	Mrs Dunne	
Mr Gentleman	Mr Steel	Mr Hanson	
Mr Gupta	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	
Ms Orr		Ms Lee	

And so it was resolved in the affirmative.

Question—That the motion, as amendment, viz:

“That this Assembly:

- (1) notes:
 - (a) the Commonwealth Government’s HomeBuilder scheme grants \$25 000 for house and land packages valued at less than \$750 000;
 - (b) there are 346 single residential blocks available over the counter through the Suburban Land Agency and the Ginninderry development as at 20 July 2020, ranging in price between \$197 000 and \$640 000;
 - (c) the average cost to build an average sized three bedroom home, which would suit most first home buyers, is \$330 000;
 - (d) there are 188 blocks available through the Suburban Land Agency and from the Ginninderry development as at 20 July 2020, which are priced below \$420,000 and could meet the combined thresholds under HomeBuilder; and
 - (e) the ACT Government:
 - (i) was not consulted prior to the Commonwealth Government’s HomeBuilder announcement;

- (ii) worked with the Commonwealth Government following the announcement of HomeBuilder to ensure those in the Territory who could meet the eligibility criteria would gain access to the Commonwealth scheme; and
 - (iii) since the announcement, worked with Commonwealth officials to address implementation issues associated with definitions, compliance and monitoring;
- (2) further notes that the ACT Government:
- (a) has removed stamp duty for eligible owner occupier home buyers until 30 June 2021, with no stamp duty on single residential dwelling blocks and no stamp duty on off-the-plan unit titled purchases up to \$500 000;
 - (b) has significantly reduced stamp duty for eligible owner occupier home buyers until 30 June 2021, with an \$11 400 stamp duty reduction for off-the-plan unit titled purchases between \$500 000 and \$750 000;
 - (c) prices land according to its market value as determined by multiple independent valuations to ensure transparency and probity; and
 - (d) uses the revenue from the sale of scarce land to fund infrastructure and services for Canberrans; and
- (3) calls on the ACT Government to continue to implement its affordable housing agenda and work towards further diversifying housing choice consistent with the ACT Housing Strategy.”—

be agreed to—put and passed.

20 OUTLAW MOTORCYCLE GANG VIOLENCE—LEGISLATIVE APPROACH

Mr Hanson, pursuant to notice, moved—That this Assembly calls on the ACT Government to urgently introduce anti-consorting legislation, consistent with NSW, to help prevent outlaw motorcycle gang violence in Canberra.

Mr Ramsay (Attorney-General) moved the following amendment: Omit all text after “That this Assembly”, substitute:

- “(1) notes the:
- (a) importance of evidence-based policy and laws;
 - (b) need for proactive measures which are proven to undermine the criminal profits of criminal gangs;
 - (c) anti-consorting laws have not prevented the operation of serious criminal gangs in other States; and
 - (d) independent reviews of anti-consorting laws have found these disproportionately target vulnerable people, including young people and Aboriginal and Torres Strait Islanders, and their freedom of movement and other human rights;
- (2) further notes:
- (a) the report of former police officer and Associate Professor Goldsworthy tabled in this place in February 2020, which finds:

- (i) anti-consorting laws are not evidence-based;
 - (ii) anti-consorting laws do not operate to target outlaw motorcycle gangs;
 - (iii) anti-consorting laws are not effective; and
 - (iv) measures which target unexplained wealth are effective;
- (b) the recommendations in the Goldsworthy Report that the Government has used evidence-based policy and legislation to address the risks and reality of organised crime, including:
- (i) since 2016, providing \$11 770 000 to police and the Office of the Director of Public Prosecutions to target, disrupt, deter, prevent and prosecute organised crime; and
 - (ii) introducing law reform which appropriately targets and punishes the criminal and profit-making activities of organised crime, including:
 - (A) increased penalties for drive-by shootings, fighting and offensive behaviour;
 - (B) increased penalties for specified offences committed in connection with a criminal group or committed by a person associated with a criminal group;
 - (C) new powers to ACT Policing to preserve evidence in a timely manner at crime scenes;
 - (D) new powers to permit ACT Policing to remove structures or devices which attempt to defeat the proper execution of search warrants;
 - (E) tiered offences of serious affray;
 - (F) introducing an exclusion order scheme to exclude certain people from specified licensed premises through a civil mechanism; and
 - (G) introducing cancellation of a licence under the *Liquor Act 2010* or the *Construction Occupations (Licensing) Act 2004* on the basis on a person's criminal activities;
- (c) the effectiveness of the Government's response to organised crime evidenced in police data showing the total number of members associated with ACT chapters of serious criminal gangs is estimated at approximately 30-40 people, a decrease from the previously reported numbers of approximately 70 members in 2018-19; and
- (d) that countering serious and organised crime by criminal gangs and maintaining public safety is a primary focus of ACT Policing. Through Taskforce Nemesis, ACT Policing continues to proactively disrupt criminal gang members to deter and detect criminal activity. ACT Policing has and will continue to deploy resources to target and disrupt those seeking to cause harm in our community; and

- (3) calls on the Government to:
- (a) continue to use evidence to lead its policy and legislative approach to crime;
 - (b) ensure adequate consultation with the community in the development of its policy and legislative approach to crime; and
 - (c) implement further measures, which target the profit of criminal gangs through the Confiscation of Criminal Assets (Unexplained Wealth) Amendment Bill 2020, as a matter of urgency.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 12		NOES, 9	
Ms J. Burch	Mr Pettersson	Miss C. Burch	Mr Milligan
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Parton
Ms Cody	Mr Rattenbury	Mrs Dunne	
Mr Gentleman	Mr Steel	Mr Hanson	
Mr Gupta	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	
Ms Orr		Ms Lee	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the:
- (a) importance of evidence-based policy and laws;
 - (b) need for proactive measures which are proven to undermine the criminal profits of criminal gangs;
 - (c) anti-consorting laws have not prevented the operation of serious criminal gangs in other States; and
 - (d) independent reviews of anti-consorting laws have found these disproportionately target vulnerable people, including young people and Aboriginal and Torres Strait Islanders, and their freedom of movement and other human rights;
- (2) further notes:
- (a) the report of former police officer and Associate Professor Goldsworthy tabled in this place in February 2020, which finds:
 - (i) anti-consorting laws are not evidence-based;
 - (ii) anti-consorting laws do not operate to target outlaw motorcycle gangs;

- (iii) anti-consorting laws are not effective; and
 - (iv) measures which target unexplained wealth are effective;
- (b) the recommendations in the Goldsworthy Report that the Government has used evidence-based policy and legislation to address the risks and reality of organised crime, including:
- (i) since 2016, providing \$11 770 000 to police and the Office of the Director of Public Prosecutions to target, disrupt, deter, prevent and prosecute organised crime; and
 - (ii) introducing law reform which appropriately targets and punishes the criminal and profit-making activities of organised crime, including:
 - (A) increased penalties for drive-by shootings, fighting and offensive behaviour;
 - (B) increased penalties for specified offences committed in connection with a criminal group or committed by a person associated with a criminal group;
 - (C) new powers to ACT Policing to preserve evidence in a timely manner at crime scenes;
 - (D) new powers to permit ACT Policing to remove structures or devices which attempt to defeat the proper execution of search warrants;
 - (E) tiered offences of serious affray;
 - (F) introducing an exclusion order scheme to exclude certain people from specified licensed premises through a civil mechanism; and
 - (G) introducing cancellation of a licence under the *Liquor Act 2010* or the *Construction Occupations (Licensing) Act 2004* on the basis on a person's criminal activities;
- (c) the effectiveness of the Government's response to organised crime evidenced in police data showing the total number of members associated with ACT chapters of serious criminal gangs is estimated at approximately 30-40 people, a decrease from the previously reported numbers of approximately 70 members in 2018-19; and
- (d) that countering serious and organised crime by criminal gangs and maintaining public safety is a primary focus of ACT Policing. Through Taskforce Nemesis, ACT Policing continues to proactively disrupt criminal gang members to deter and detect criminal activity. ACT Policing has and will continue to deploy resources to target and disrupt those seeking to cause harm in our community; and
- (3) calls on the Government to:
- (a) continue to use evidence to lead its policy and legislative approach to crime;

- (b) ensure adequate consultation with the community in the development of its policy and legislative approach to crime; and
- (c) implement further measures, which target the profit of criminal gangs through the Confiscation of Criminal Assets (Unexplained Wealth) Amendment Bill 2020, as a matter of urgency.”—

be agreed to—put and passed.

21 PROBLEM GAMBLING—HARM MINIMISATION

The order of the day having been read for the resumption of the debate on the motion of Mr Rattenbury (*see entry 14*)—

Debate resumed.

Mr Ramsay (Attorney-General), moved the following amendment:

Omit all text after “That this Assembly”, substitute:

“(1) notes that the ACT Government:

- (a) recognises that:
 - (i) clubs play an important role in the social life of many Canberrans, as meeting places, employers of around 1745 people, and supporting essential community groups, sporting codes and our rich multicultural community; and
 - (ii) clubs have gone through a period of significant reform over the past five years;
- (b) takes seriously the need to protect members of our community experiencing gambling harm, ensure there are rigorous and well-enforced safeguards in place, and continue to assist clubs to move away from reliance on gaming revenue; and
- (c) acknowledges the pressure that clubs have been under to remain viable, keep people employed, and support their communities during the COVID-19 pandemic, and the importance for clubs to survive, recover and thrive;

(2) notes that the ACT Government has this term:

- (a) reduced the number of poker machine authorisations from 4938 to 3888, which represents a 20 percent reduction in this term of government;
- (b) adopted a public health approach to addressing gambling harm, which has included targeted education campaigns, increasing funding to the Gambling Harm Prevention and Mitigation Fund, and introducing restrictions on EFTPOS withdrawals in clubs;
- (c) implemented a range of measures, including establishing the Diversification and Sustainability Support Fund, which are assisting clubs to diversify their revenue streams and move away from reliance on gaming revenue while still being able to fulfil their role in the community, supporting around 10 000 community, sport and multicultural groups; and

- (d) reviewed the Community Contributions scheme to improve transparency of funding by clubs to community support and to maximise this benefit to the community;
- (3) notes that:
- (a) in the ACT, people can lose more than \$1000 an hour playing poker machines;
 - (b) all Australian jurisdictions, except for the ACT and NSW, have bet limits of \$5 per spin for poker machines in clubs and hotels;
 - (c) all Australian jurisdictions, where poker machines accept banknotes, except for the ACT, have load limits in clubs and hotels, and Queensland has introduced a load up limit of \$100;
 - (d) reports indicate that the COVID-19 shutdown period has been a relief for some people experiencing gambling harm;
 - (e) in 2014-15, almost 20 percent of ACT adults played the pokies at least once, with losses totalling \$37.48 million. Non-problem gamblers accounted for 37 percent of all money lost on poker machines, while 63 percent came from people with some problem gambling behaviours;
 - (f) the ACT Gambling Survey 2019 (Commissioned by the ACT Gambling and Racing Commission, undertaken by Australian National University) found that:
 - (i) 9.6 percent of the ACT adult population (approximately 31 000 adults) experienced gambling harm in the past 12 months; and
 - (ii) 64.3 percent of respondents agreed that poker machines do more harm than good for the community; and
 - (g) the 2010 Productivity Commission inquiry report on gambling found the significant social cost of problem gambling—estimated to be at least \$4.7 billion a year—means that even policy measures with modest efficacy in reducing harm will often be worthwhile; and
- (4) calls on the ACT Government to:
- (a) continue to work alongside the clubs to help them secure their future over the long term, support their communities and protect their patrons, and to help them to continue to move to other income-generating activities; and
 - (b) work in close consultation with clubs, experts, the community, and people with lived experience on further evidence-based harm minimisation measures.”.

Debate continued.

Mr Rattenbury addressing the Assembly—

It being 45 minutes after the commencement of Crossbench Executive Members' business—

Ordered—That the time allotted to Crossbench Executive Members' business be extended by 30 minutes.

Mr Rattenbury continued.

Ordered—That the question be divided.

Paragraphs (1) to (3) agreed to.

Paragraph (4)—

Question—put.

The Assembly voted—

AYES, 17		NOES, 2
Miss C. Burch	Ms Lee	Ms Le Couteur
Ms J. Burch	Mr Milligan	Mr Rattenbury
Ms Cheyne	Ms Orr	
Mrs Dunne	Mr Parton	
Mr Gentleman	Mr Pettersson	
Mr Gupta	Mr Ramsay	
Mr Hanson	Mr Steel	
Mrs Kikkert	Ms Stephen-Smith	
Ms Lawder		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that the ACT Government:
 - (a) recognises that:
 - (i) clubs play an important role in the social life of many Canberrans, as meeting places, employers of around 1745 people, and supporting essential community groups, sporting codes and our rich multicultural community; and
 - (ii) clubs have gone through a period of significant reform over the past five years;
 - (b) takes seriously the need to protect members of our community experiencing gambling harm, ensure there are rigorous and well-enforced safeguards in place, and continue to assist clubs to move away from reliance on gaming revenue; and
 - (c) acknowledges the pressure that clubs have been under to remain viable, keep people employed, and support their communities during the

COVID-19 pandemic, and the importance for clubs to survive, recover and thrive;

- (2) notes that the ACT Government has this term:
- (a) reduced the number of poker machine authorisations from 4938 to 3888, which represents a 20 percent reduction in this term of government;
 - (b) adopted a public health approach to addressing gambling harm, which has included targeted education campaigns, increasing funding to the Gambling Harm Prevention and Mitigation Fund, and introducing restrictions on EFTPOS withdrawals in clubs;
 - (c) implemented a range of measures, including establishing the Diversification and Sustainability Support Fund, which are assisting clubs to diversify their revenue streams and move away from reliance on gaming revenue while still being able to fulfil their role in the community, supporting around 10 000 community, sport and multicultural groups; and
 - (d) reviewed the Community Contributions scheme to improve transparency of funding by clubs to community support and to maximise this benefit to the community;
- (3) notes that:
- (a) in the ACT, people can lose more than \$1000 an hour playing poker machines;
 - (b) all Australian jurisdictions, except for the ACT and NSW, have bet limits of \$5 per spin for poker machines in clubs and hotels;
 - (c) all Australian jurisdictions, where poker machines accept banknotes, except for the ACT, have load limits in clubs and hotels, and Queensland has introduced a load up limit of \$100;
 - (d) reports indicate that the COVID-19 shutdown period has been a relief for some people experiencing gambling harm;
 - (e) in 2014-15, almost 20 percent of ACT adults played the pokies at least once, with losses totalling \$37.48 million. Non-problem gamblers accounted for 37 percent of all money lost on poker machines, while 63 percent came from people with some problem gambling behaviours;
 - (f) the ACT Gambling Survey 2019 (Commissioned by the ACT Gambling and Racing Commission, undertaken by Australian National University) found that:
 - (i) 9.6 percent of the ACT adult population (approximately 31 000 adults) experienced gambling harm in the past 12 months; and
 - (ii) 64.3 percent of respondents agreed that poker machines do more harm than good for the community; and
 - (g) the 2010 Productivity Commission inquiry report on gambling found the significant social cost of problem gambling—estimated to be at least \$4.7 billion a year—means that even policy measures with modest efficacy in reducing harm will often be worthwhile; and

- (4) calls on the ACT Government to:
- (a) continue to work alongside the clubs to help them secure their future over the long term, support their communities and protect their patrons, and to help them to continue to move to other income-generating activities; and
 - (b) work in close consultation with clubs, experts, the community, and people with lived experience on further evidence-based harm minimisation measures.”—

be agreed to—put and passed.

22 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

23 ROYAL COMMISSION CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL 2020

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 Hanson, by leave, presented the following paper:

Royal Commission into Institutional Responses to Child Sexual Abuse—Copy of letter to Honourable Members from David Hamer, Professor of Evidence Law, Sydney Law School.

Debate continued.

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.

24 CORONERS AMENDMENT BILL 2020

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 CONFISCATION OF CRIMINAL ASSETS (UNEXPLAINED WEALTH) AMENDMENT BILL 2020

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.

26 VICTIMS RIGHTS LEGISLATION AMENDMENT BILL 2020

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 Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to standing order 182A(c), by leave, his amendments Nos 1 to 5 (see [Schedule 1](#)), that had not been circulated in accordance with standing order 178A, were made together.

Paper: Mr Rattenbury 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.

27 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.23 pm, adjourned until Thursday, 30 July 2020 at 10 am.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

VICTIMS RIGHTS LEGISLATION AMENDMENT BILL 2020

Amendments circulated by the Minister for Justice, Consumer Affairs and Road Safety

1

Clause 30

Proposed new section 16M (1)

Page 43, line 3—

omit

a victim of the offender

substitute

a registered affected victim of the offender

2

Clause 30

Proposed new section 16M (2)

Page 43, line 11—

omit

a victim of the offender

substitute

a registered affected victim of the offender

3

Clause 30

Proposed new section 16M (2), note

Page 43, line 15—

omit the note, substitute

Note 1 The *Mental Health Act 2015*, s 134 sets out information in relation to a forensic patient that must be disclosed to a registered affected person if a mental health order has been made (see that Act, s 134 (2)). Other information may be disclosed if necessary for the registered affected person's safety and wellbeing (see that Act, s 134 (3)). However, identifying information about a child, or a person who was a child when the offence was committed or alleged to have been committed, may only be given in certain circumstances (see that Act, s 134 (4)).

Note 2 The ACAT need not give the information mentioned in this section to the victim if another justice agency has already given the information to the victim (see s 14E (2) (b)).

4

Clause 30**Proposed new section 16M (3), definition of *offender*, new note****Page 43, line 19—***insert*

Note A victim can only be a registered affected person in relation to an offender who is a forensic patient.

5

Clause 30**Proposed new section 16M (3), new definition of *registered affected victim*****Page 43, line 19—***insert*

registered affected victim, of an offender, means a victim who is a registered affected person for an offence committed or alleged to have been committed by the offender.
