



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

## MINUTES OF PROCEEDINGS

No 4

TUESDAY, 9 FEBRUARY 2021

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- 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 E-PETITIONS AND PETITION—E-PETITIONS AND PETITION NOTED

### Petitions

The Clerk announced that the following Members had lodged petitions for presentation:

Ms Orr, from 321 residents, requesting that the Assembly seek a full update from the developer of Giralang shops on any progress on delivering the shops (e-Pet 1-21).

Mrs Kikkert, from 212 and 487 residents, requesting that the Assembly call on the Government to conduct an inquiry into the alcohol, tobacco and other drug treatment services sector (e-Pet 25-20 and Pet 3-21).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Health and Community Wellbeing.

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

Debate ensued.

Question—put and passed.

### **3 COVID-19—UPDATE ON GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPERS—STATEMENT NOTED**

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

COVID-19—Update on Government response—Ministerial statement, 9 February 2021.

Status of the public health emergency due to COVID-19—

Chief Health Officer Report, dated 14 December 2020.

Chief Health Officer Report, dated 14 January 2021.

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

Question—put and passed.

### **4 ORDER OF BUSINESS**

Mr Gentleman (Manager of Government Business), by leave, moved—

That the resolution of the Assembly of 3 December 2020 setting the order of business of the Assembly for the sitting period 9 to 11 February 2021, be amended by omitting paragraph (1) and substituting:

“(1) the ordinary business of the Assembly for 9 February 2021 shall be:

Prayer or reflection

Presentation of petitions

Ministerial statements

Private Members’ business (one item as ordered by the Standing Committee on Administration and Procedure)

Questions without notice

Presentation of papers

Notices and orders of the day (Executive business)

provided that at 2 pm the Speaker shall interrupt the business before the Assembly in order that questions on notice shall be called on;

(2) the ordinary business of the Assembly for 10 February 2021 shall be:

Prayer or reflection

Presentation of petitions

Ministerial statements

Executive business - presentation of Bills

Notices and orders of the day (Executive business)

Private Members business (one item as ordered by the Standing Committee on Administration and Procedure)

Questions without notice

Presentation of papers

Presentation of Private Members' business (two items as ordered by the Standing Committee on Administration and Procedure)

Notices and orders of the day (Executive business)

provided that at 2 pm the Speaker shall interrupt the business before the Assembly in order that questions on notice shall be called on; and

- (3) the ordinary business of the Assembly for 11 February 2021 shall be:

Prayer or reflection

Presentation of petitions

Ministerial statements

Executive business - presentation of Bills

Notices and orders of the day (Executive business)

Questions without notice

Presentation of papers

Presentation of Private Members' business (2 items as ordered by the Standing Committee on Administration and Procedure)

Notices and orders of the day (Executive business)

provided that at 2 pm the Speaker shall interrupt the business before the Assembly in order that questions on notice shall be called on;".

Question—put and passed.

## **5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 1—STATEMENT BY CHAIR**

Mr Hanson (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 1, dated 2 February 2021, together with a copy of the extracts of the relevant minutes of proceedings—

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

**6 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 2—  
REPORT ON THE CONDUCT OF MR COE, MLA—REPORT NOTED**

Ms Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 2—*Report on the Conduct of Mr Coe, MLA*, dated 9 February 2021, together with a copy of the extracts of the relevant minutes of proceedings—

Ms Orr, by leave, moved—That the report be noted.

Question—put and passed.

**7 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—  
REPORT 1—INQUIRY INTO COVID-19 EMERGENCY RESPONSE LEGISLATION  
AMENDMENT BILL 2020 (NO 3)—REPORT NOTED**

Ms Lawder (Chair) presented the following report:

Economy and Gender and Economic Equality—Standing Committee—Report 1—*Inquiry into COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 3)*, dated 27 January 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**8 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—  
CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER**

Ms Lawder (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Economy and Gender and Economic Equality.

*Paper:* Ms Lawder, pursuant to Continuing Resolution 5A, presented the following paper:

Economy and Gender and Economic Equality—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 July 2020 to 31 December 2020.

**9 ALEXANDER MACONOCHIE CENTRE—RACISM**

Mrs Kikkert, pursuant to notice, moved—That this Assembly:

(1) notes that:

- (a) in 2020, the ACT Government promised to commission a review of Aboriginal and Torres Strait Islander overrepresentation in the Territory's incarceration rates, which remains the highest in Australia;
- (b) in 2019, the ACT Government committed \$1.35 million in Justice Reinvestment funding to help address the incarceration rates of Aboriginal and Torres Strait Islander people;

- (c) it has been acknowledged that the systemic racism that exists across our community may also exist within the Territory's prison and impact its operation; and
  - (d) certain historical incidents, along with alleged incidents now under investigation, have damaged the confidence of some Aboriginal and Torres Strait Islander Canberrans in the prison as an institution; and
- (2) calls on the ACT Government to commission and fund an external, independent inquiry with the obligation to:
- (a) investigate and document the incidence of institutional and/or systemic racism in relation to the Alexander Maconochie Centre;
  - (b) develop advice and recommendations to address and eliminate this racism; and
  - (c) report back to the Assembly by the last sitting day of September 2021.

Mr Gentleman (Minister for Corrections) moved the following amendment: Omit all words in (1)(a) after "in 2020, the ACT Government promised to commission" and substitute:

"an Aboriginal and Torres Strait Islander led review of Aboriginal and Torres Strait Islander overrepresentation in the Territory's justice system;

- (b) it has been acknowledged that systemic racism exists across our community and addressing systemic racism has been identified as a priority whole-of-government action under the ACT Aboriginal and Torres Strait Islander Agreement 2019-2028;
- (c) in 2019, the ACT Government committed \$1.35 million in Justice Reinvestment funding to help address the incarceration rates of Aboriginal and Torres Strait Islander people;
- (d) the ACT Government has also provided funding to pilot the Functional Family Therapy program to prevent young people from entering or becoming involved in the justice system, with a particular focus on Aboriginal and Torres Strait Islander families;
- (e) the 2020-21 Territory Budget will work with the Territory's local Aboriginal and Torres Strait Islander community to strengthen services and promote healing and reconciliation, building on investments made in previous budgets;
- (f) the requirement of one Official Visitor appointed under the *Official Visitor Act 2012* to be Aboriginal or Torres Strait Islander, with two Aboriginal or Torres Strait Islander Official Visitors currently supporting Aboriginal and Torres Strait Islander detainees;
- (g) the Aboriginal and Torres Strait Islander Services Committee was established to oversee the delivery of initiatives in the ACT Corrective Services arising from the Justice and Community Services Directorate Reconciliation Plan;

- (h) there are a range of training and programs that custodial officers undertake to support Aboriginal and Torres Islander detainees. These include:
- Cultural Awareness training;
  - Indigenous Liaison Officer and Royal Commission into Aboriginal Death in Custody session;
  - Diversity training;
  - Certificate III in Correctional Practice, which covers working effectively with diversity, protecting the safety and welfare of Aboriginal and Torres Strait Islander offenders and protecting the safety and welfare of vulnerable offenders;
  - Certificate IV Correctional Practice, which covers working effectively with culturally diverse offenders and colleagues; and
- (i) supporting Aboriginal and Torres Strait Islander people in custody is a key concern for ACT Corrective Services staff and that they will continue to implement positive initiatives to enable the safe, secure, and humane treatment of offenders in custody; and
- (2) calls on the ACT Government to:
- (a) proceed with the review into over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system in a timely way; and
- (b) report back to the Assembly on progress by the last sitting day of September 2021.”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 16

Mr Barr	Ms Orr
Ms Berry	Dr Paterson
Mr Braddock	Mr Pettersson
Ms Burch	Mr Rattenbury
Ms Cheyne	Mr Steel
Ms Clay	Ms Stephen-Smith
Ms Davidson	Ms Vassarotti
Mr Davis	
Mr Gentleman	

NOES, 9

Mr Cain
Ms Castley
Mr Coe
Mr Hanson
Mrs Jones
Mrs Kikkert
Ms Lawder
Ms Lee
Mr Parton

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:

- (a) in 2020, the ACT Government promised to commission an Aboriginal and Torres Strait Islander led review of Aboriginal and Torres Strait Islander overrepresentation in the Territory's justice system;
- (b) it has been acknowledged that systemic racism exists across our community and addressing systemic racism has been identified as a priority whole-of-government action under the ACT Aboriginal and Torres Strait Islander Agreement 2019-2028;
- (c) in 2019, the ACT Government committed \$1.35 million in Justice Reinvestment funding to help address the incarceration rates of Aboriginal and Torres Strait Islander people;
- (d) the ACT Government has also provided funding to pilot the Functional Family Therapy program to prevent young people from entering or becoming involved in the justice system, with a particular focus on Aboriginal and Torres Strait Islander families;
- (e) the 2020-21 Territory Budget will work with the Territory's local Aboriginal and Torres Strait Islander community to strengthen services and promote healing and reconciliation, building on investments made in previous budgets;
- (f) the requirement of one Official Visitor appointed under the *Official Visitor Act 2012* to be Aboriginal or Torres Strait Islander, with two Aboriginal or Torres Strait Islander Official Visitors currently supporting Aboriginal and Torres Strait Islander detainees;
- (g) the Aboriginal and Torres Strait Islander Services Committee was established to oversee the delivery of initiatives in the ACT Corrective Services arising from the Justice and Community Services Directorate Reconciliation Plan;
- (h) there are a range of training and programs that custodial officers undertake to support Aboriginal and Torres Strait Islander detainees. These include:
  - Cultural Awareness training;
  - Indigenous Liaison Officer and Royal Commission into Aboriginal Death in Custody session;
  - Diversity training;
  - Certificate III in Correctional Practice, which covers working effectively with diversity, protecting the safety and welfare of Aboriginal and Torres Strait Islander offenders and protecting the safety and welfare of vulnerable offenders; and
  - Certificate IV Correctional Practice, which covers working effectively with culturally diverse offenders and colleagues; and
- (i) supporting Aboriginal and Torres Strait Islander people in custody is a key concern for ACT Corrective Services staff and that they will continue to implement positive initiatives to enable the safe, secure, and humane treatment of offenders in custody; and

- (2) calls on the ACT Government to:
- (a) proceed with the review into over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system in a timely way; and
  - (b) report back to the Assembly on progress by the last sitting day of September 2021.”—

be agreed to—put and passed.

## **10 QUESTIONS**

Questions without notice were asked.

## **11 PRESENTATION OF PAPERS**

Ms Burch (Speaker) presented the following papers:

Annual Reports (Government Agencies) Act—

Pursuant to section 14— Extension of time for presenting Annual Reports—  
2019-2020—Letter to the Speaker from the ACT Integrity Commissioner, dated  
17 December 2020.

Pursuant to section 15—Annual Reports—2019-2020—

ACT Electoral Commission, dated 11 December 2020.

ACT Integrity Commission, dated 3 February 2021.

Auditor-General Act—Auditor-General’s Reports—

2020—No 10/2020—2019-20 Financial Audits - Financial Results and Audit  
Findings.

2021—No 1/2021—Land Management Agreements.

Climate Change and Greenhouse Gas Reduction Act—

Pursuant to subsection 12(4)—ACT Greenhouse Gas Inventory for 2019-20—  
Prepared by Strategy. Policy. Research., dated October 2020.

Pursuant to subsection 12(5)—Correspondence from the Minister for Water,  
Energy and Emissions Reduction to the Speaker, dated 15 December 2020.

Economy and Gender and Economic Equality—Standing Committee—Bill referred  
and being inquired into—COVID-19 Emergency Response Legislation Amendment Bill  
2020 (No 3)—Correspondence to Speaker, dated 10 December 2020.

Justice and Community Safety—Standing Committee—Bills referred and not being  
inquired into—

Crimes Legislation Amendment Bill 2020—Correspondence to Speaker, dated 10  
December 2020.

Justice and Community Safety Legislation Amendment Bill 2020—Correspondence  
to Speaker, dated 10 December 2020.



Legislation Act—

Schedule of relevant committees to be consulted in relation to appointments made by Ministers to statutory offices, dated 15 December 2020.

Schedule of relevant committees to be consulted in relation to appointments made by Ministers to statutory offices, dated 18 January 2021.

Planning, Transport and City Services—Standing Committee—Bills referred and not being inquired into —

Planning and Unit Titles Bill 2020—Correspondence to Speaker, dated 8 December 2020.

Plastic Reduction Bill 2020—Correspondence to Speaker, dated 8 December 2020.

## 12 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports—2019-2020—

ACT Building and Construction Industry Training Fund Authority, dated 28 October 2020.

ACT Commissioner for Sustainability and the Environment, dated 16 November 2020.

ACT Gambling and Racing Commission, dated 9 November 2020.

ACT Health Directorate, dated 2 December 2020.

ACT Human Rights Commission, dated 11 December 2020.

ACT Inspector of Correctional Services, dated November 2020.

ACT Insurance Authority, dated 25 November 2020.

ACT Policing Special Projects, dated 17 September 2020.

ACT Policing Special Purposes, dated 17 September 2020.

ACT Policing, dated 29 October 2020, in accordance with the Policing Arrangement between the Commonwealth and Australian Capital Territory Governments.

ACT Public Service—State of the Service Report, dated 9 December 2020.

Canberra Health Services, dated 12 October 2020.

Chief Minister, Treasury and Economic Development Directorate (3 volumes), dated 30 November 2020.

City Renewal Authority, dated 18 November 2020.

Community Services Directorate, dated 13 November 2020, together with a corrigendum.

Cultural Facilities Corporation, dated 11 December 2020.

Director of Public Prosecutions, dated 11 December 2020.

Education Directorate, dated 3 December 2020.

Environment, Planning and Sustainable Development Directorate, dated 9 December 2020.

Icon Water Limited, dated 2 September 2020.

Independent Competition and Regulatory Commission, dated 25 November 2020.

Justice and Community Safety Directorate, dated 10 December 2020.

Legal Aid Commission (ACT), dated 26 November 2020.

Long Service Leave Authority, dated 5 November 2020.

Public Trustee and Guardian, dated 17 September 2020.

Major Projects Canberra, dated 20 November 2020.

Suburban Land Agency, dated 4 November 2020.

Transport Canberra and City Services Directorate, dated 4 December 2020.

Auditor-General Act—Auditor-General's Reports—2020—No 7/2020—Management and care for people living with serious and continuing illness, dated 10 September 2020—Government response.

Australian Commission for Law Enforcement Integrity—Summary of issues relating to ACT Policing 2019-2020, as reported.

COVID-19 Emergency Response Act—pursuant to subsection 3(3)—COVID-19 Measures—

Report No 8—Reporting period 1-30 November 2020.

Report No 9—Reporting period 1-31 December 2020.

Education, Employment and Youth Affairs—Standing Committee—Ninth Assembly—Report 9—Youth Mental Health in the ACT—Government response, dated December 2020, together with a statement, dated February 2021.

COVID-19 Pandemic Response—Select Committee—Ninth Assembly—*Interim Report 4* and *Final Report*—Government response, dated December 2020.

Crimes (Assumed Identities) Act, pursuant to subsection 38(4)—Australian Crime Commission Assumed Identities—Annual Report 2019-20, dated 13 September 2020.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time—(CYF-20/64 & CYF-20/67, CYF-20/74, CYF-20/16).

Loose Fill Asbestos Insulation Eradication Scheme—Implementation—Report—1 July to 31 December 2020.

Official Visitor Act, pursuant to subsection 17(4)—Annual reports 2019-20—Official Visitor (Mental Health), dated February 2021, together with a statement.

Planning and Urban Renewal—Standing Committee—Ninth Assembly—Report 14—*Inquiry into Planning for the Surgical Procedures, Interventional Radiology and Emergency Centre (SPIRE) and the Canberra Hospital campus and immediate surrounds*—Government response.

Smoke and air quality—Development of a strategy—Government response to the resolution of the Assembly of 13 February 2020—Update—letter from the Minister for Health to the Speaker, dated February 2021.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Litter Act—Litter (Amenity Impact) Code of Practice 2020 (No 1)—Disallowable Instrument DI2020-287 (LR, 14 September 2020).

Medicines, Poisons and Therapeutic Goods Regulation 2008—Medicines, Poisons and Therapeutic Goods (Nurse and Midwife Immunisers) Direction 2020 (No 1)—Disallowable Instrument DI2020-290 (LR, 12 October 2020).

Motor Accident Injuries Act—Motor Accident Injuries (Premiums) Guidelines 2020 (No 1)—Disallowable Instrument DI2020-293 (LR, 29 October 2020).

Pest Plants and Animals Act—Pest Plants and Animals (Pest Plant) Declaration 2020—Disallowable Instrument DI2020-291 (LR, 8 October 2020).

Public Place Names Act—

Public Place Names (Strathnairn) Determination 2020 (No 3)—Disallowable Instrument DI2020-292 (LR, 22 October 2020).

Public Place Names (Taylor) Determination 2020 (No 4)—Disallowable Instrument DI2020-288 (LR, 18 September 2020).

Public Place Names (Taylor) Determination 2020 (No 5)—Disallowable Instrument DI2020-289 (LR, 18 September 2020).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Instructor Code of Practice 2020 (No 1)—Subordinate Law DI2020-294 (LR, 5 November 2020).

Taxation Administration Act—

Taxation Administration (Payroll Tax) COVID-19 Exemption Scheme Determination 2021—Disallowable Instrument DI2021-11 (LR, 20 January 2021).

Taxation Administration (Payroll Tax—Businesses Not Permitted to Operate) COVID-19 Exemption Scheme Determination 2021—Disallowable Instrument DI2021-10 (LR, 20 January 2021).

Territory Records Act—

Territory Records (Advisory Council) Appointment 2020 (No 2)—Disallowable Instrument DI2020-262 (LR, 19 September 2020).

Territory Records (Advisory Council) Appointment 2020 (No 3)—Disallowable Instrument DI2020-263 (LR, 19 September 2020).

Territory Records (Advisory Council) Appointment 2020 (No 4)—Disallowable Instrument DI2020-264 (LR, 19 September 2020).

Territory Records (Advisory Council) Appointment 2020 (No 5)—Disallowable Instrument DI2020-265 (LR, 19 September 2020).

Territory Records (Advisory Council) Appointment 2020 (No 6)—Disallowable Instrument DI2020-266 (LR, 19 September 2020).

### **13 SMOKE AND AIR QUALITY—RESPONSE TO RESOLUTION OF THE ASSEMBLY—PAPER NOTED**

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

Smoke and Air Quality—Response to resolution of the Assembly of 13 February 2020, dated February 2021.

Debate ensued.

Question—put and passed.

### **14 APPROPRIATION BILL 2020-2021**

Mr Barr (Treasurer) presented a Bill for an Act to appropriate money for the purposes of the Territory for the financial year beginning 1 July 2020, and for other purposes.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Budget 2020-21—Financial Management Act—Pursuant to section 10—

Budget Speech (Budget Paper 1).

Budget Outlook (Budget Paper 2).

Budget Statements—

A—ACT Executive | ACT Integrity Commission | Auditor-General | Electoral Commissioner | Office of the Legislative Assembly.

B—Chief Minister, Treasury and Economic Development Directorate together with associated agencies.

C—ACT Health Directorate | Canberra Health Services | ACT Local Hospital Network.

D—Justice and Community Safety Directorate | Legal Aid Commission (ACT) | Public Trustee for the ACT.

E—Environment, Planning and Sustainable Development Directorate | City Renewal Authority | Suburban Land Agency.

F—Education Directorate.

G—Community Services Directorate | Housing ACT.

H—Transport Canberra and City Services Directorate | Transport Canberra Operations | The Cemeteries and Crematoria Authority.

I—Major Projects Canberra.

Financial Management Act—Pursuant to subsection 62(1)—Statements of Intent—  
2020-21—ACT Long Service Leave Authority.

2020-21—ACT Building and Construction Industry Training Fund Authority.

Title read by Clerk.

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

Debate adjourned (Ms Lee—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

## **15 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021**

Mr Barr (Treasurer) presented a Bill for an Act to appropriate money for expenditure in relation to the Office of the Legislative Assembly and officers of the Assembly for the financial year beginning on 1 July 2020, and for other purposes.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Budget 2020-21—Financial Management Act, pursuant to section 20AC—  
Appropriation (Office of the Legislative Assembly) Bill 2020-21—Departures from  
Recommended Appropriations—Statement of Reasons.

Title read by Clerk.

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

Debate adjourned (Ms Lee—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

## **16 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 3:42 pm, adjourned until tomorrow at 10 am.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly