



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2020–2021

MINUTES OF PROCEEDINGS

No 8

WEDNESDAY, 31 MARCH 2021

- 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 BUSHFIRE RECOVERY AND LESSONS LEARNT A YEAR ON—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning bushfire recovery and lessons learnt a year on and presented the following paper:

Bushfire recovery and lessons learnt a year on—Ministerial statement, 31 March 2021.

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

Debate ensued.

Question—Put and passed.

3 END OF 2020-21 BUSHFIRE AND STORM SEASON—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning the end of the 2020-21 bushfire and storm season and presented the following paper:

End of 2020-21 bushfire and storm season—Ministerial statement, 31 March 2021.

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

Question—put and passed.

4 WORKPLACE CULTURE WITHIN A.C.T. PUBLIC HEALTH SERVICES—BIANNUAL UPDATE ON THE INDEPENDENT REVIEW—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Independent Review into Workplace Culture within ACT Public Health Services and presented the following papers:

Culture Review Implementation—Culture Connect newsletter.

Workplace Culture within ACT Public Health Services—Biannual update on the Independent Review—Ministerial statement, 31 March 2021.

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

Question—put and passed.

5 REVENUE LEGISLATION AMENDMENT BILL 2021

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend legislation about revenue collection, and for other purposes.

Paper: Mr Barr 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 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.

6 DOMESTIC ANIMALS LEGISLATION AMENDMENT BILL 2021

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend legislation about domestic animals.

Paper: Mr Steel presented the following paper:

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

Title read by Clerk.

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

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

7 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 1—ANNUAL AND FINANCIAL REPORTS 2019-2020; APPROPRIATION BILL 2020-2021 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021—REPORT NOTED

Mrs Kikkert (Chair) presented the following report:

Public Accounts—Standing Committee—Report 1—*Annual and Financial Reports 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021*, dated 29 March 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 PUBLIC ACCOUNTS—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Mrs Kikkert (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Public Accounts.

Paper: Mrs Kikkert, pursuant to Continuing Resolution 5A, presented the following paper:

Public Accounts—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 July to 31 December 2020.

9 TERRITORY RIGHTS—VOLUNTARY ASSISTED DYING IN THE A.C.T.

Ms Cheyne (Minister for Human Rights), Mr Rattenbury (Attorney-General) and Ms Lee (Leader of the Opposition), pursuant to notice, moved— That this Assembly:

- (1) recognises that:
 - (a) the Commonwealth Government conferred self-government on the Australian Capital Territory (ACT) in 1988; and
 - (b) after more than 30 years of self-government, the ACT has a:
 - (i) robust and established parliament;
 - (ii) strong jurisdictional identity; and
 - (iii) community which has an expectation that elected, local representatives should and will be able to decide on issues that matter to it;
- (2) notes that while section 122 of the Constitution empowers the Commonwealth to make laws for the ACT and Northern Territory on any subject, it rarely exercises this power;
- (3) notes with profound disappointment the continued existence of subsections 23(1A) and (1B) in the *Australian Capital Territory (Self-Government) Act 1988* (Cth) which exclude the ACT from the power to make laws with respect to voluntary assisted dying;

- (4) notes the stark inequity between states and territories clearly demonstrated in that, by mid-2021, all Australian states will have either passed legislation relating to voluntary assisted dying or have a bill before their parliament;
- (5) draws the Federal Parliament's attention to Australia's international human rights obligations under the International Covenant on Civil and Political Rights to which Australia is a party, and which guarantees citizens the right to take part in the conduct of public affairs, directly or through freely chosen representatives;
- (6) expresses its disappointment that the Commonwealth Government and the broader Federal Parliament has not resolved, with haste, this untenable situation for the territories;
- (7) acknowledges that there is a diversity of views about voluntary assisted dying in the ACT community;
- (8) affirms that, regardless of one's views about voluntary assisted dying, there should not be any controversy in allowing the ACT and Northern Territory to decide for themselves whether to introduce such legislation, and to allow citizens of the ACT an opportunity to legislate on this matter if their communities desire;
- (9) calls on the Federal Parliament to:
 - (a) resolve that no Australian citizen should be disadvantaged or discriminated against with respect to their democratic or human rights on the basis of where they live; and
 - (b) introduce and bring on for debate a bill to remove subsections 23(1A) and (1B) from the *Australian Capital Territory (Self-Government) Act 1988* (Cth) by the end of 2021; and
- (10) invites leaders of ACT Labor, ACT Greens and Canberra Liberals, responsible spokespersons and any other interested member of the ACT Legislative Assembly to sign a letter to all members and senators of Federal Parliament, which attaches this motion, by the end of this sitting week.

Debate ensued.

Question—put and passed.

10 PLANNING AND UNIT TITLES 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.

Leave granted to dispense with the detail stage.

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

11 QUESTIONS

Questions without notice were asked.

12 PRESENTATION OF PAPERS

Ms Burch (Speaker) presented the following papers:

Auditor-General Act, pursuant to subsection 17(4)—Auditor-General’s Report No 3/2021—Court Transport Unit Vehicle—Romeo 5, dated 30 March 2021.

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Riot and serious fires at the Alexander Maconochie Centre on 10 November 2020, dated 21 March 2021.

13 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 Filippo Onorato—Report, dated 10 January 2020.

Freedom of Information Act, pursuant to section 39—Copies of notices provided to the Ombudsman—Freedom of Information requests—Decisions not made in time—

Chief Minister, Treasury and Economic Development Directorate—Decision not made in time (CMTEDD2021-242 and 243), dated 28 February 2021.

Commonwealth Ombudsman—Decision not made in time, dated 2 November 2020.

Transport Canberra and City Services Directorate—Decision not made in time, dated 10 March 2021.

Health, Ageing and Community Services—Standing Committee—Ninth Assembly—Report 10—*Report on Inquiry into Maternity Services in the ACT*—Update on Government response to Recommendation 2—Implementation plan for Woman-centered care—Strategic directions for Australian maternity services (the National Maternity Strategy).

National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—Annual Report—2018-2019.

14 CANBERRA RAPE CRISIS SERVICE

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

(1) notes that:

- (a) at present Canberra’s forensic sexual assault clinic operates out of The Canberra Hospital (TCH);
- (b) the Canberra Rape Crisis Service which supports victims is only funded to have a support person available 7am to 11pm daily;

- (c) in order for sexual assault victims to receive the forensic services they need they are asked to not wash, eat or change their clothes until after the forensic procedures have been undertaken; and
 - (d) this is something which, when experienced after hours or on the weekend, women who have not involved the police have been referred to TCH to be swabbed during business hours which can mean not eating or washing overnight or longer; and
- (2) calls on the Government to:
- (a) ensure that the 24 hours a day 7 days a week forensic sampling service is reasonably accessible;
 - (b) make sure information about what to do in the event of a rape or sexual assault is made easily available including a number to phone directly to access the forensic service;
 - (c) consider staffing arrangements at the Canberra Rape Crisis Service so that their support workers are available to counsel victims through this process and other support needs are met 24 hours a day 7 days a week;
 - (d) investigate the possibility of this service being mobile and able to attend a private residence or workplace or other public place if there is a need or that is the preference of the victim of the sexual assault; and
 - (e) report back to the Assembly on the progress of these matters regarding the Canberra Rape Crisis Service and TCH forensic sexual assault service by the first sitting day in August 2021.

Ms Stephen-Smith, by leave, moved the following amendments together:

- (1) Omit paragraph (1) and substitute:
- “(1) notes that:
- (a) at present Canberra’s Forensic and Medical Sexual Assault Care (FAMSAC) service operates out of The Canberra Hospital (TCH) – with the ability to see patients at Calvary Hospital - 24 hours a day 7 days a week;
 - (b) the Canberra Rape Crisis Centre, which supports people who have experienced sexual assault, is funded to have a support person available 7am to 11pm daily, however patients who present at the FAMSAC are able to contact the Centre for in-person counsellor attendance; and
 - (c) clear and timely access to forensic services is important for people who are reporting a recent sexual assault, because they are asked to not wash, eat or change their clothes until after the forensic procedures have been undertaken.”
- (2) Omit paragraphs (2) (c), (d) and (e) and substitute:

- “(c) consider staffing arrangements at the Canberra Rape Crisis Centre and Victim Support ACT so that their support workers are available to counsel victims of sexual assault through this process and other support needs are met 24 hours a day 7 days a week;
- (d) investigate the possibility of the FAMSAC service being mobile and able to attend a private residence or workplace or other public place if there is a need or that is the preference of the victim of the sexual assault; and
- (e) report back to the Assembly on the progress of these matters regarding the Canberra Rape Crisis Centre and the FAMSAC service by the first sitting day in August 2021.”.

Debate continued.

Question—That Ms Stephen-Smith’s amendments be agreed to—put and passed.

Mr Davis moved the following amendment to the motion, as amended: Add to paragraph (2):

- “(f) consider whether resourcing for, and the development of, specialist expertise within the ACT Policing of the Sexual Assault and Child Abuse Team is adequate.”.

Debate continued.

Question—That Mr Davis’s amendment be agreed to—put and passed.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) at present Canberra’s Forensic and Medical Sexual Assault Care (FAMSAC) service operates out of The Canberra Hospital (TCH) – with the ability to see patients at Calvary Hospital - 24 hours a day 7 days a week;
 - (b) the Canberra Rape Crisis Centre, which supports people who have experienced sexual assault, is funded to have a support person available 7 am to 11 pm daily, however patients who present at the FAMSAC are able to contact the Centre for in-person counsellor attendance; and
 - (c) the Canberra Rape Crisis Centre, which supports people who have experienced sexual assault, is funded to have a support person available 7am to 11pm daily, however patients who present at the FAMSAC are able to contact the Centre for in-person counsellor attendance; and
- (2) calls on the Government to:
 - (a) ensure that the 24 hours a day 7 days a week forensic sampling service is reasonably accessible;

- (b) make sure information about what to do in the event of a rape or sexual assault is made easily available including a number to phone directly to access the forensic service;
- (c) consider staffing arrangements at the Canberra Rape Crisis Centre and Victim Support ACT so that their support workers are available to counsel victims of sexual assault through this process and other support needs are met 24 hours a day 7 days a week;
- (d) investigate the possibility of the FAMSAC service being mobile and able to attend a private residence or workplace or other public place if there is a need or that is the preference of the victim of the sexual assault; and
- (e) report back to the Assembly on the progress of these matters regarding the Canberra Rape Crisis Centre and the FAMSAC service by the first sitting day in August 2021; and
- (f) consider whether resourcing for, and the development of, specialist expertise within the ACT Policing of the Sexual Assault and Child Abuse Team is adequate.”—

be agreed to—put and passed.

15 URBAN TREE CANOPY COVERAGE

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

- (1) notes that:
 - (a) the ACT Government’s *ACT Climate Change Strategy 2019–25, Canberra Living Infrastructure Plan: Cooling the City*, and *Urban Forest Strategy*, recognise the increasingly critical role that living infrastructure plays in our city, with a key commitment being the “30% tree canopy cover (or equivalent) and 30% permeable surfaces in Canberra’s urban footprint by 2045” (the targets);
 - (b) urban trees are recognised for their role in micro-climate regulation, including reducing the urban heat island effect, reducing air pollutants, increasing carbon sequestration, improving resilience in a changing climate, conserving and enhancing biodiversity and providing recreation and wellbeing benefits to residents;
 - (c) all three major parties of the ACT Legislative Assembly support an increase in the urban tree canopy of the ACT to at least 30 percent. To date, the differentials are delivery of the targets (timeframe), budget allocations and exact measures; and
 - (d) achievement of the targets will require coordinated, long-term and active participation from ACT residents and many different parts of government and tri-partisan support; and
- (2) calls on the ACT Government to:
 - (a) present to the Assembly:

- (i) by the end of 2021, detail on the estimated contribution actions within each objective of the strategy will make towards achieving the canopy cover target;
 - (ii) by the end of 2021, detail on the estimated contribution different regions of Canberra will make towards achievement of the canopy cover target;
 - (iii) by the end of 2021, detail on suburbs identified for priority action to improve equity of canopy cover across Canberra;
 - (iv) annually, a progress update on all initiatives and their contribution towards the targets; and
 - (v) every five years, provide a report on the current tree canopy cover percentage, by suburb, for Canberra's urban footprint;
- (b) actively support community-led contributions towards the targets; and
 - (c) ensure that the urban forest provides for habitat and resources for wildlife (flora and fauna) including threatened species and ecosystems, mature native trees, and culturally significant trees.

Debate ensued.

Paper: Mr Steel (Minster for Transport and City Service) tabled the following paper:
Urban Forest Strategy 2021-2045—Report.

Debate continued.

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

16 CRIMES 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 (Attorney-General), by leave, his amendments Nos 1 and 2 (see [Schedule 1](#)) were made.

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.

17 ROYAL COMMISSION INTO VETERANS SUICIDE

Ms Davidson (Minister for Mental Health) pursuant to notice, moved—That this Assembly:

- (1) recognises that:
 - (a) mental health is a long-standing and prevailing concern for the Veteran community;
 - (b) overall, Australian Defence Force (ADF) personnel have a suicide rate nearly twice the rate of suicide after leaving the ADF;
 - (c) women who have left the ADF are 127 percent more likely to die by suicide than the average Australian woman;
 - (d) there is currently an absence of robust data on the factors contributing to Veteran suicide; and
 - (e) the public data currently available on Veteran suicide shows an urgent national crisis;
- (2) recognises that the ACT is home to a significant population of current and ex-serving ADF members and they are valued members of our community;
- (3) notes that:
 - (a) there is significant community-led advocacy and appetite for a royal commission into the rate of suicide among current and former serving ADF personnel, with over 397 000 signatures on a public petition (<https://www.change.org/p/a-royal-commission-into-the-veteran-suicide-rate-in-australia>);
 - (b) on 18 March 2021 a motion was passed, unanimously, in the Australian Senate, calling on the Morrison Government to establish a Royal Commission into Veterans Suicide; and
 - (c) on 22 March this motion passed the House of Representatives; and
- (4) calls on the Australian Government to urgently establish a royal commission into Veterans Suicide, noting the Ministerial Advisory Council for Veterans and their Families have expressed a desire for a “standing”, or “rolling” royal commission, which allows for actions while any inquiries are undertaken.

Debate ensued.

Mr Hanson moved the following amendment:

- (1) Replace all words after paragraph (4), substitute:
 - “(4) notes that the *Federal* Government has announced the National Commissioner for Defence and Veteran Suicide Prevention which has the powers of a royal commission and has the additional benefit of being ongoing;
- (5) notes that the National Commissioner has received strong support from Veterans’ medical, suicide prevention and mental health organisations;

- (6) notes that Dr Bernadette Boss CSC was appointed as the interim commissioner on 16 November 2020;
- (7) calls on this Assembly to support the National Commissioner for Defence and Veteran Suicide Prevention; and
- (8) calls on Ms Davidson to write to the Federal Minister for Veterans’ affairs supporting the National Commissioner, and asking that he consider a separate Royal Commission into Veterans’ suicide following the successful passage of legislation establishing the National Commissioner for Defence and Veteran Suicide Prevention.”.

Debate continued.

Question—That Mr Hanson’s amendment be agreed to—put.

The Assembly voted—

AYES, 9	NOES, 16
Mr Cain	Mr Barr
Ms Castley	Ms Berry
Mr Hanson	Mr Braddock
Mrs Jones	Ms Burch
Mrs Kikkert	Ms Cheyne
Ms Lawder	Ms Clay
Ms Lee	Ms Davidson
Mr Milligan	Mr Davis
Mr Parton	Mr Gentleman
	Ms Orr
	Dr Paterson
	Mr Pettersson
	Mr Rattenbury
	Mr Steel
	Ms Stephen-Smith
	Ms Vassarotti

And so it was negatived.

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

18 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 5:52 pm adjourned until Tuesday, 20 April 2021 at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

CRIMES LEGISLATION AMENDMENT BILL 2020

Amendments circulated by the Attorney-General

1

Clause 3

Page 2, line 9—

insert

- *Bail Act 1992*
 - *Bail Regulation 1992*
-

2

Proposed new parts 1A and 1B

Page 2, line 13—

insert

Part 1A

Bail Act 1992

3A Written notice of conditions of bail **Section 34 (4)**

substitute

- (4) A court continuing bail on an adjournment or a postponement of a proceeding must give the accused person written notice stating—
- (a) that bail is continued until the proceeding resumes; and
 - (b) the place, day and time at which the proceeding will resume or, if that is not yet decided, that the proceeding will resume at a place, day and time stated in an additional written notice; and
 - (c) the conditions on which bail is allowed.
- (5) A notice under subsection (4) must be given—
- (a) as soon as practicable—
 - (i) after deciding to continue bail; or
 - (ii) for an additional notice—after deciding the place, day and time for resuming the proceeding; and
 - (b) in a way—
 - (i) prescribed by regulation (a *prescribed way of service*); or
 - (ii) if the accused person makes a nomination under subsection (6)—nominated by the person.

- (6) The accused person may nominate a prescribed way of service for being given a notice under subsection (4), other than a way that involves personal service on the person or any other person.
- (7) Failure to comply with subsection (4) or (5) does not invalidate the continuation of bail.

Part 1B **Bail Regulation 1992**

3B	Section 4 heading
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substitute

4	Service of notice—Act, section 34 (5) (b) (i)
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