



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

## MINUTES OF PROCEEDINGS

No 65

THURSDAY, 20 OCTOBER 2022

- 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 LEAVE OF ABSENCE TO MEMBER

Ms Cheyne (Minister for Business and Better Regulation) moved—That leave of absence be granted to Mr Gentleman for this sitting due to illness.

Question—put and passed.

### 3 LEAVE OF ABSENCE TO MEMBERS

Mr Braddock moved—That leave of absence be granted to Ms Vassarotti and Ms Davidson for this sitting due to ministerial business.

Question—put and passed.

#### 4 BACKGROUND CHECKING LEGISLATION AMENDMENT BILL 2022

Ms Stephen-Smith (Minister for Families and Community Services), pursuant to notice, presented a Bill for an Act to amend the Children and Young People Act 2008 and the Working with Vulnerable People (Background Checking) Act 2011.

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

#### 5 WORK HEALTH AND SAFETY AMENDMENT BILL 2022

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the Work Health and Safety Act 2011.

*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 (Mr Cain) and the resumption of the debate made an order of the day for the next sitting.

#### 6 SITTING PATTERN 2023

Notice No 1, Assembly Business, having been called on—

Ms Cheyne (Minister of Business and Better Regulation), by leave, in the absence of the proposer, pursuant to notice, moved—That the Assembly shall meet as follows for 2023 unless an absolute majority of Members request, in writing, that the Speaker or in the absence of the Speaker, the Deputy Speaker, or in the absence of both the Speaker and the Deputy Speaker, the Clerk, fixes an alternative day or hour of meeting or the Assembly otherwise orders:

<b>February</b>	7	8	9
<b>March</b>	21	22	23
	28	29	30
<b>May</b>	9	10	11
	31		
<b>June</b>		1	
	6	7	8
	27	28	29
<b>August</b>	29	30	31

<b>September</b>	12	13	14
	19	20	21
<b>October</b>	24	25	26
	31		
<b>November</b>		1	2
	28	29	30

Debate ensued.

Question—put and passed.

**7 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—PETITIONS—A.C.T. JUDICIARY APPOINTMENT AND PERFORMANCE REVIEW AND SENTENCING GUIDELINES—STATEMENT BY CHAIR**

Mr Cain (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Justice and Community Safety had considered Petitions 023-22 and 024-22 regarding the ACT Judiciary appointment process and performance review in regard to sentencing, and Petition 025-22 concerning the implementation of “Matthew’s Law” sentencing guidelines. Noting that the issues raised in the petitions are already being considered as part of its inquiry on dangerous driving, the Committee had resolved not to conduct inquiries into these petitions.

**8 SUSPENSION OF STANDING ORDERS—PRECEDENCE TO PRIVATE MEMBERS’ BUSINESS**

Ms Cheyne (Minister of Business and Better Regulation) moved— That so much of standing orders be suspended as would prevent Private Members Business order of the Day No 5 being the Drugs of Dependence (Personal Use) Amendment Bill 2021 being called on and debated forthwith; and, should the debate not be concluded by Question time, the resumption of debate be set for after the conclusion of Private Members Business notice No 3.

Debate ensued.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 6
Mr Barr	Ms Orr	Mr Cain
Ms Berry	Dr Paterson	Ms Castley
Mr Braddock	Mr Pettersson	Mr Hanson
Ms Burch	Mr Rattenbury	Mrs Kikkert
Ms Cheyne	Mr Steel	Mr Milligan
Ms Clay	Ms Stephen-Smith	Mr Parton
Mr Davis		

And so it was resolved in the affirmative, with the concurrence of an absolute majority.

**9 DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021**

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

Debate resumed.

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

The Assembly voted—

AYES, 13		NOES, 6
Mr Barr	Ms Orr	Mr Cain
Ms Berry	Dr Paterson	Ms Castley
Mr Braddock	Mr Pettersson	Mr Hanson
Ms Burch	Mr Rattenbury	Mrs Kikkert
Ms Cheyne	Mr Steel	Mr Milligan
Ms Clay	Ms Stephen-Smith	Mr Parton
Mr Davis		

And so it was resolved in the affirmative—Bill agreed to in principle.

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*Detail Stage*

New Part 1 heading—

On the motion of Ms Stephen-Smith, her amendment No 2 was agreed to (see [Schedule 1](#)), after debate.

*Paper:* Ms Stephen-Smith presented a supplementary explanatory statement to the Government amendments.

New Part 1 heading agreed to.

Clause 1—agreed to.

Clause 2—

Mr Hanson, by leave, moved his amendment No 1 that had not been considered or reported on by the Scrutiny Committee (see [Schedule 2](#)).

Debate ensued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 6	NOES, 13
Mr Cain	Mr Barr
Ms Castley	Ms Berry
Mr Hanson	Mr Braddock
Mrs Kikkert	Ms Burch
Mr Milligan	Ms Cheyne
Mr Parton	Ms Clay
	Mr Davis
	Ms Orr
	Dr Paterson
	Mr Pettersson
	Mr Rattenbury
	Mr Steel
	Ms Stephen-Smith

And so it was negated.

On the motion of Ms Stephen-Smith, her amendment No 3 was made (see [Schedule 1](#)).

Clause 2, as amended, agreed to.

Clause 3—

On the motion of Ms Stephen-Smith, her amendment No 4 was made (see [Schedule 1](#)).

Clause 3, as amended, agreed to.

New Part 2 heading—

On the motion of Ms Stephen-Smith, her amendment No 5 was made (see [Schedule 1](#)).

New Part 2 heading agreed to.

New Clause 3A— New Clause 3A—

On the motion of Ms Stephen-Smith, her amendment No 6 was made (see [Schedule 1](#)).

New Clause 3A agreed to.

Clause 4—

Ms Stephen-Smith moved her amendment No 7 (see [Schedule 1](#)).

Debate ensued.

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.

## **10 MINISTERIAL ARRANGEMENTS**

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Gentleman, Minister Vassarotti and Minister Davidson and advised the Assembly that questions without notice normally directed to—

Minister for Planning and Land Management, the Minister for Police and Emergency Services, and the Minister for Corrections could be directed to Minister Steel.

Minister for Industrial relations and Workplace Safety could be directed to Mr Barr (Chief Minister).

Minister for the Environment and the Minister for Heritage could be directed to Minister Rattenbury.

Minister for Homelessness and Housing Services and the Minister for Sustainable Building and Construction could be directed to Minister Berry.

Minister Davidson could be directed to Minister Stephen-Smith.

## **11 QUESTIONS**

Questions without notice were asked.

## **12 PRESENTATION OF PAPER**

The Assistant Speaker presented the following paper:

Committee Reports—Schedule of Government Responses—Tenth Assembly, as at 19 October 2022.

**13 PRESENTATION OF PAPERS**

Ms Cheyne (Acting Manager of Government Business) presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—No 4/2022—Governance arrangements for the planning of services for Parkwood, Ginninderry—Government response.

Early Childhood Legislation Amendment Act 2022 (VIC) Parts 5 and 7, together with an explanatory statement.

Environment, Climate Change and Biodiversity—Standing Committee—Report 4—*Inquiry into renewable energy innovation in the ACT*—Government response.

Justice and Community Safety—Standing Committee—Report 7—*Report into the Inquiry into Petition 32-21 (No Rights Without Remedy)*—Government response, dated October 2022, together with a tabling statement.

Procurement Reform Program 2022.

Water Resources Act, pursuant to subsection 67D(3)—ACT and Region Catchment Management Coordination Group—Annual report 2021-22, dated September 2022, together with a statement.

**14 PROCUREMENT REFORM PROGRAM 2022—PAPER NOTED**

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

Procurement Reform Program 2022.

Debate ensued.

Mr Steel (Special Minister of State), by leave, was granted an extension of time.

Question—put and passed.

**15 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 7—REPORT INTO THE INQUIRY INTO PETITION 32-21 (NO RIGHTS WITHOUT REMEDY)—GOVERNMENT RESPONSE—PAPER NOTED**

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

Justice and Community Safety—Standing Committee—Report 7—*Report into the Inquiry into Petition 32-21 (No Rights Without Remedy)*—Government response.

Debate ensued.

Question—put and passed.

**16 RESOLVE HEALTH ADVISORY—DEPARTMENT OF PAEDIATRICS ORGANISATIONAL AND SERVICE PLAN 2021-2023—PAPER AND STATEMENT BY MINISTER**

Ms Stephen-Smith (Minister for Health) presented the following paper:

Resolve Health Advisory—Department of Paediatrics Organisational and Service Plan 2021-2023—Version 2.2—Final for release.

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

**17 INTEGRITY COMMISSION AMENDMENT BILL 2022 (NO 2)**

Mr Cain, for Ms Lee (Leader of the Opposition), by leave, pursuant to notice, presented a Bill for an Act to amend the *Integrity Commission Act 2018*.

*Paper:* Mr Cain presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Barr—Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

**18 A.C.T. POLICING—ACKNOWLEDGEMENT**

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

- (1) notes that:
  - (a) ACT Policing has faced a particularly challenging few years with bushfires, COVID-19, and protests; and
  - (b) front-line policing is often dangerous, difficult and stressful work;
- (2) further notes that 29 September 2022 was National Police Remembrance Day; and
- (3) thanks and commends ACT Policing members for the vital work they do for the ACT community.

Debate ensued.

Question—put and passed.

**19 STROMLO FOREST PARK MASTERPLAN—MOUNTAIN BIKING**

Ms Clay, pursuant to notice, moved—That this Assembly:

- (1) notes that:
  - (a) the Stromlo Forest Park masterplan process began in 2009 with the ACT Government reconfirming its commitment to the 2010 masterplan in 2014;
  - (b) in December 2019, the ACT Government released the *Draft Canberra Mountain Bike Report* for public consultation with the final version of the report published in 2021;
  - (c) on 12 October 2020, Shane Rattenbury MLA, Leader of the ACT Greens, costed an ACT Greens election commitment through the ACT parliamentary budget office to “implement the priority recommendations from the *Canberra Mountain Biking Report*”. This was expected to cost \$700,000;
  - (d) on 14 October 2020, Chief Minister Andrew Barr MLA, costed an ACT Labor election commitment through the ACT parliamentary budget office for “\$1.2 million in a ‘flow’ style trail from Stromlo Forest Park to Cotter Recreation Area with a return climb, [which] will create a link between the two popular recreation hubs. The 13 to 15 kilometre trail will pass through nature reserve enabling riders to experience the unique landscape in the ACT and providing an opportunity for commercial cultural and heritage adventure tours”; and

- (e) in November 2020, ACT Labor and the ACT Greens finalised the 10<sup>th</sup> Assembly Parliamentary and Governing Agreement. Appendix 4, item 6.2 of the Parliamentary and Governing Agreement was “Make Stromlo Forest Park a premier mountain biking destination by finishing the Stromlo Park Masterplan, implementing recommendations from the ‘Mountain Biking ACT report’ and building a flow trail from Stromlo Forest Park to Cotter”;
- (2) further notes that:
  - (a) some regular users of Stromlo Forest Park do not feel they are adequately and directly consulted with on changes proposed at the park; and
  - (b) investment in mountain biking facilities at Stromlo Forest Park is no longer keeping up with regional mountain biking competitors and the needs of a rapidly growing sport; and
- (3) calls on the ACT Government to:
  - (a) continue works towards the delivery of the \$1.2m Stromlo to Cotter flow trail and the \$700,000 priority *Canberra Mountain Biking Report* recommendations, as per the Parliamentary and Governing Agreement (Appendix 4, item 6.2);
  - (b) establish a single point of contact for mountain biking within ACT Government where mountain bikers can seek information on the ACT Government’s work on mountain biking;
  - (c) improve processes for further consultation with a wider range of mountain bikers and regular Stromlo Forest Park users on proposed changes at the park, including further consultation with a wider range of users on the \$2.88 million carpark and event space proposal;
  - (d) consider further tourism opportunities associated with investment in mountain biking facilities at Stromlo Forest Park and across the ACT; and
  - (e) update the Assembly on the implementation of the Stromlo Forest Park masterplan and the progress of this motion by the last sitting week in June 2023.

Debate ensued.

Mr Steel (Minister for Transport and City Services), by leave, moved the following amendments:

- (1) Insert after (1)(a):
  - “(b) the Master Plan, issued in 2016, established the plan for formal all weather car parking area at Stromlo Village and that infrastructure would be provided in the form of paved and lit car parks;
  - (c) an extensive consultation period with the public occurred on the masterplan in 2015 and 2016;”
- (2) Insert after (2)(b):
  - “(c) there is an existing Stromlo Forest Park volunteer program established in December 2021 which provides opportunity for volunteers to be engaged directly in the future of the Park, including trail shaping, maintenance and development;”



- (3) Insert after (3)(a):
  - “(b) develop a trails master plan for Stromlo Forest Park to guide trail infrastructure development over the next five years, in consultation with relevant stakeholders and the mountain biking community;”
- (4) Omit (3)(c), substitute:
  - “(c) expand the Stromlo Stakeholder Consultative Committee to a wider range of mountain biking user groups and the Molonglo Valley Community Forum and engage in further consultation with all users of Stromlo Forest Park at each stage of the masterplan implementation, including the existing carpark project and event space proposal;”
- (5) Omit (3)(e) substitute:
  - “(e) update the Assembly on the implementation of the Stromlo Forest Park Master Plan and the progress of this motion by the last sitting week in August 2023.”

Debate continued.

Amendments agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) the Stromlo Forest Park masterplan process began in 2009 with the ACT Government reconfirming its commitment to the 2010 masterplan in 2014;
  - (b) the Master Plan, issued in 2016, established the plan for formal all weather car parking area at Stromlo Village and that infrastructure would be provided in the form of paved and lit car parks;
  - (c) an extensive consultation period with the public occurred on the masterplan in 2015 and 2016;”
  - (d) in December 2019, the ACT Government released the *Draft Canberra Mountain Bike Report* for public consultation with the final version of the report published in 2021;
  - (e) on 12 October 2020, Shane Rattenbury MLA, Leader of the ACT Greens, costed an ACT Greens election commitment through the ACT parliamentary budget office to “implement the priority recommendations from the *Canberra Mountain Biking Report*”. This was expected to cost \$700,000;
  - (f) on 14 October 2020, Chief Minister Andrew Barr MLA, costed an ACT Labor election commitment through the ACT parliamentary budget office for “\$1.2 million in a ‘flow’ style trail from Stromlo Forest Park to Cotter Recreation Area with a return climb, [which] will create a link between the two popular recreation hubs. The 13 to 15 kilometre trail will pass through nature reserve enabling riders to experience the unique landscape in the ACT and providing an opportunity for commercial cultural and heritage adventure tours”; and

- (g) in November 2020, ACT Labor and the ACT Greens finalised the 10<sup>th</sup> Assembly Parliamentary and Governing Agreement. Appendix 4, item 6.2 of the Parliamentary and Governing Agreement was “Make Stromlo Forest Park a premier mountain biking destination by finishing the Stromlo Park Masterplan, implementing recommendations from the ‘Mountain Biking ACT report’ and building a flow trail from Stromlo Forest Park to Cotter”;
- (2) further notes that:
  - (a) some regular users of Stromlo Forest Park do not feel they are adequately and directly consulted with on changes proposed at the park;
  - (b) investment in mountain biking facilities at Stromlo Forest Park is no longer keeping up with regional mountain biking competitors and the needs of a rapidly growing sport; and
  - (c) there is an existing Stromlo Forest Park volunteer program established in December 2021 which provides opportunity for volunteers to be engaged directly in the future of the Park, including trail shaping, maintenance and development; and
- (3) calls on the ACT Government to:
  - (a) continue works towards the delivery of the \$1.2m Stromlo to Cotter flow trail and the \$700,000 priority *Canberra Mountain Biking Report* recommendations, as per the Parliamentary and Governing Agreement (Appendix 4, item 6.2);
  - (b) develop a trails master plan for Stromlo Forest Park to guide trail infrastructure development over the next five years, in consultation with relevant stakeholders and the mountain biking community;
  - (c) establish a single point of contact for mountain biking within ACT Government where mountain bikers can seek information on the ACT Government’s work on mountain biking;
  - (d) expand the Stromlo Stakeholder Consultative Committee to a wider range of mountain biking user groups and the Molonglo Valley Community Forum and engage in further consultation with all users of Stromlo Forest Park at each stage of the masterplan implementation, including the existing carpark project and event space proposal;
  - (e) consider further tourism opportunities associated with investment in mountain biking facilities at Stromlo Forest Park and across the ACT; and
  - (f) update the Assembly on the implementation of the Stromlo Forest Park Master Plan and the progress of this motion by the last sitting week in August 2023.” —

be agreed to—put and passed.

**20 SUSPENSION OF STANDING ORDERS—PRECEDENCE TO PRIVATE MEMBERS' BUSINESS**

Ms Orr moved—That, notwithstanding the motion passed earlier this morning calling on the Drugs of Dependence (Personal Use) Amendment Bill 2021, so much of standing orders be suspended as would prevent Private Members Business order of the day No 8 being the motion on climate change impacts on health being called on and debated forthwith.

Question—put and passed, with the concurrence of an absolute majority.

**21 CLIMATE CHANGE IMPACTS ON HEALTH**

The order of the day having been read for the resumption of the debate on the motion of Mr Davis—That this Assembly:

- (1) notes that:
  - (a) fair, equitable and universal access to quality public health services is a human right;
  - (b) access to primary and preventive public health care is vital and people should be encouraged to interact with public health services before they become unwell;
  - (c) climate change adversely impacts public health;
  - (d) climate change impacts public health in a variety of ways, such as exposing people to increased temperatures, heatwaves, and smoke from bushfires, and increasing the spread of disease;
  - (e) people on low incomes or experiencing economic disadvantage are the most vulnerable to health complications related to climate change; and
  - (f) as a nation leader in the fight against climate change, the ACT Government should have a strategic, health-based response to climate change including a plan for the health sector to reduce its own contribution to climate change;
- (2) further notes that:
  - (a) in May 2019, the ACT Legislative Assembly declared a climate emergency;
  - (b) on 11 November 2021, the Minister for Health and the Minister for the Environment released the ACT Government's *Bushfire Smoke and Air Quality Strategy* to establish a whole of government approach to managing smoke from significant bushfire events and household wood fires;
  - (c) on 8 June 2022, Johnathan Davis MLA successfully moved a motion in the Legislative Assembly calling on the ACT Government to reform the *Wood Heater Replacement Scheme* to increase uptake of the scheme, improve access to the scheme and remove upfront costs for the scheme, especially for low-income households;
  - (d) the ACT Government joined the Global Healthy Hospitals Network in 2021, a worldwide group of hospitals and health facilities that are committed to sustainable healthcare operations, including reduced emissions;
  - (e) the *ACT Climate Change Strategy 2019-2025* includes a commitment to establish and implement a pathway to a zero emissions ACT Government health sector by 2040 informed by an assessment of all current and planned public health facilities; and

- (f) the ACT Greens took a commitment to the 2020 election to include a right to a healthy environment in our ACT Human Rights Act. On 27 February 2022, Jo Clay MLA successfully moved a motion in the Legislative Assembly calling on the ACT Government to investigate the inclusion of a right to a healthy environment into the *Human Rights Act 2004*; and
- (3) calls on the ACT Government to:
  - (a) ensure that public health services are adequately prepared for the impacts of climate change;
  - (b) ensure that the ACT Government brings a proposal to the National Council of Australian Governments (or equivalent) for a national strategy on climate, health, and wellbeing for Australia;
  - (c) develop an ACT Government climate change preparedness strategy for the ACT public health sector, ensuring that the sector recognises and responds to climate change risks to the health of patients, the delivery of care, infrastructure, service provision, the health workforce, and supply chains. This includes continued work on the impact of smoke on air quality;
  - (d) ensure that ACT Health collects and reports on data to monitor progress against resilience indicators, including continuation of the longitudinal survey and climate-related health impacts and costs; and
  - (e) report back to the Legislative Assembly by the last sitting of 2023.—

and on the amendment moved by Ms Stephen-Smith (Minister for Health): Omit all text after part (2)(f), substitute:

- “(g) on 7 April 2022, the Minister for Health moved an executive motion in the ACT Legislative Assembly noting World Health Day and its 2022 theme of "Our planet, our health" and the work the ACT Government is progressing to respond to the impact of climate change on our community and health system;
- (h) the ACT Government has been investigating formal participation in the World Health Organisation's Alliance for Transformative Action on Climate and Health, which is working to realise the ambition set at COP26 to build climate resilient and sustainable health systems, and the Minister for Health participated in an associated Health Leadership Roundtable on Climate Action on 29 June 2022;
- (i) the Albanese Government committed to developing Australia's first National Climate Health Strategy and make climate health a national health priority, ahead of the 2022 Federal Election;
- (j) On 1 July 2022 at the first Health Ministers' meeting with the new federal Labor Health Minister, the Hon Mark Butler MP, Minister Stephen-Smith raised the importance of responding collaboratively and nationally to the challenge climate change presents to public health and Australia's health system; and

- (k) on 3 August 2022, Minister Butler publicly confirmed that the Albanese Government has commenced early work on developing a National Climate Health Strategy in collaboration with state and territory governments; and
- (3) calls on the ACT Government to:
  - (a) continue delivering the *ACT Climate Change Strategy 2019-2025* and the *Bushfire Smoke and Air Quality Strategy 2020-2025* to ensure that public health services and the community are prepared for the impacts of climate change;
  - (b) continue to work with the Albanese Government, through National Cabinet and Health Ministers' meetings to support the development of a National Climate Health Strategy;
  - (c) develop a nation leading ACT climate change and health plan that reflects the ongoing work of National Cabinet and Health Ministers on a National Climate Health Strategy;
  - (d) continue to participate in knowledge and information sharing through the Alliance for Transformative Action on Climate and Health and expedite consideration of formal membership;
  - (e) ensure that the ACT Health Directorate collects and reports on data to monitor progress against resilience indicators, including continuation of the longitudinal survey and climate-related health impacts and costs; and
  - (f) report back to the ACT Legislative Assembly by the last sitting of 2023.” —

Debate resumed.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) fair, equitable and universal access to quality public health services is a human right;
  - (b) access to primary and preventive public health care is vital and people should be encouraged to interact with public health services before they become unwell;
  - (c) climate change adversely impacts public health;
  - (d) climate change impacts public health in a variety of ways, such as exposing people to increased temperatures, heatwaves, and smoke from bushfires, and increasing the spread of disease;
  - (e) people on low incomes or experiencing economic disadvantage are the most vulnerable to health complications related to climate change; and
  - (f) as a nation leader in the fight against climate change, the ACT Government should have a strategic, health-based response to climate change including a plan for the health sector to reduce its own contribution to climate change;

- (2) further notes that:
- (a) in May 2019, the ACT Legislative Assembly declared a climate emergency;
  - (b) on 11 November 2021, the Minister for Health and the Minister for the Environment released the ACT Government's *Bushfire Smoke and Air Quality Strategy* to establish a whole of government approach to managing smoke from significant bushfire events and household wood fires;
  - (c) on 8 June 2022, Johnathan Davis MLA successfully moved a motion in the Legislative Assembly calling on the ACT Government to reform the *Wood Heater Replacement Scheme* to increase uptake of the scheme, improve access to the scheme and remove upfront costs for the scheme, especially for low-income households;
  - (d) the ACT Government joined the Global Healthy Hospitals Network in 2021, a worldwide group of hospitals and health facilities that are committed to sustainable healthcare operations, including reduced emissions;
  - (e) the *ACT Climate Change Strategy 2019-2025* includes a commitment to establish and implement a pathway to a zero emissions ACT Government health sector by 2040 informed by an assessment of all current and planned public health facilities;
  - (f) the ACT Greens took a commitment to the 2020 election to include a right to a healthy environment in our ACT Human Rights Act. On 27 February 2022, Jo Clay MLA successfully moved a motion in the Legislative Assembly calling on the ACT Government to investigate the inclusion of a right to a healthy environment into the *Human Rights Act 2004*;
  - (g) on 7 April 2022, the Minister for Health moved an executive motion in the ACT Legislative Assembly noting World Health Day and its 2022 theme of "Our planet, our health" and the work the ACT Government is progressing to respond to the impact of climate change on our community and health system;
  - (h) the ACT Government has been investigating formal participation in the World Health Organisation's Alliance for Transformative Action on Climate and Health, which is working to realise the ambition set at COP26 to build climate resilient and sustainable health systems, and the Minister for Health participated in an associated Health Leadership Roundtable on Climate Action on 29 June 2022;
  - (i) the Albanese Government committed to developing Australia's first National Climate Health Strategy and make climate health a national health priority, ahead of the 2022 Federal Election;
  - (j) on 1 July 2022 at the first Health Ministers' meeting with the new federal Labor Health Minister, the Hon Mark Butler MP, Minister Stephen-Smith raised the importance of responding collaboratively and nationally to the challenge climate change presents to public health and Australia's health system; and

- (k) on 3 August 2022, Minister Butler publicly confirmed that the Albanese Government has commenced early work on developing a National Climate Health Strategy in collaboration with state and territory governments; and
  - (3) calls on the ACT Government to:
    - (a) continue delivering the *ACT Climate Change Strategy 2019-2025* and the *Bushfire Smoke and Air Quality Strategy 2020-2025* to ensure that public health services and the community are prepared for the impacts of climate change;
    - (b) continue to work with the Albanese Government, through National Cabinet and Health Ministers' meetings to support the development of a National Climate Health Strategy;
    - (c) develop a nation leading ACT climate change and health plan that reflects the ongoing work of National Cabinet and Health Ministers on a National Climate Health Strategy;
    - (d) continue to participate in knowledge and information sharing through the Alliance for Transformative Action on Climate and Health and expedite consideration of formal membership;
    - (e) ensure that the ACT Health Directorate collects and reports on data to monitor progress against resilience indicators, including continuation of the longitudinal survey and climate-related health impacts and costs; and
    - (f) report back to the ACT Legislative Assembly by the last sitting of 2023."—
- be agreed to—put and passed.

## 22 DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021

The Assembly, according to order, resumed consideration at the detail stage (see [entry 9](#))—

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### *Detail Stage*

Clause 4—

Ms Stephen-Smith (Minister for Health), by leave, withdrew her amendment no 7.

Mr Davis, by leave, moved his amendments Nos 1 to 3 together (see [Schedule 3](#)).

*Paper:* Mr Davis presented a supplementary explanatory statement to his amendments.

Debate ensued.

Amendments Nos 1 to 3 negatived.

On the motion of Ms Stephen-Smith, her amendment No 7 was made (see [Schedule 1](#)).

Clause 4, as amended, agreed to.

Clause 5—

On the motion of Ms Stephen-Smith, her amendment No 8 was made (see [Schedule 1](#)).

Clause 5, as amended, agreed to.

Clause 6—agreed to.

Clauses 7 to 12, by leave, taken together—

On the motion of Ms Stephen-Smith, her amendment No 9 was made (see [Schedule 1](#)).

Debate ensued.

Mr Davis moved his amendment No 1 to Ms Stephen-Smith's amendment No 9 (see [Schedule 4](#)).

*Paper:* Mr Davis presented a supplementary explanatory statement to his amendment.

Amendment to amendment No 9 agreed to.

Ms Stephen-Smith's amendment, as amended, agreed to.

Clauses 7 to 12, as amended, agreed to.

New Clause 12A—

On the motion of Ms Stephen-Smith, her amendment No 10 (see [Schedule 1](#)) was made.

New Clause 12A agreed to.

New Clause 12A—

On the motion of Mr Davis, his amendment No 4 (see [Schedule 3](#)) was made, after debate.

New Clause 12A agreed to.

Clause 13—

On the motion of Ms Stephen-Smith, her amendment No 12 was made (see [Schedule 1](#)).

Clause 13, as amended, agreed to.

New Part 3—

On the motion of Ms Stephen-Smith, her amendment No 13 was made (see [Schedule 1](#)).

New Part 3 agreed to.

Title—

On the motion of Ms Stephen-Smith, her amendment No 1 (see [Schedule 1](#)) was made, after debate.

Title, as amended, agreed to.

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

The Assembly voted—

AYES, 13		NOES, 6
Mr Barr	Ms Orr	Mr Cain
Ms Berry	Dr Paterson	Ms Castley
Mr Braddock	Mr Pettersson	Mr Hanson
Ms Burch	Mr Rattenbury	Mrs Kikkert
Ms Cheyne	Mr Steel	Mr Milligan
Ms Clay	Ms Stephen-Smith	Mr Parton
Mr Davis		

And so it was resolved in the affirmative—Bill, as amended, agreed to.



**23 ADJOURNMENT**

Ms Cheyne (Minister for Business and Better Regulation) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.18 pm, adjourned until Tuesday, 22 November 2022 at 10 am.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Ms Davidson\*, Mr Gentleman\*, Ms Lee\*, and Ms Vassarotti\*.

\*on leave.

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**Tom Duncan**  
Clerk of the Legislative Assembly

## SCHEDULES OF AMENDMENTS

### Schedule 1

#### DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021

Amendments circulated by the Minister for Health

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**1**

**Long title**

*after*

*Drugs of Dependence Act 1989*

*insert*

*and the Drugs of Dependence Regulation 2009*

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**2**

**Proposed new part 1 heading**

**Page 2, line 1—**

*before clause 1, insert*

### **Part 1**

### **Preliminary**

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**3**

**Clause 2**

**Page 2, line 5—**

*omit*

*on 1 February 2022*

*substitute*

*12 months after its notification day*

---

**4**

**Clause 3**

**Page 2, line 9—**

*after*

*Drugs of Dependence Act 1989*

*insert*

*and the Drugs of Dependence Regulation 2009*

---

**5**  
**Proposed new part 2 heading**  
**Page 2, line 9—**

*insert*

---

## **Part 2                      Drugs of Dependence Act 1989**

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**6**  
**Proposed new clause 3A**  
**Page 2, line 9—**

*insert*

### **3A                      Offences against Act—application of Criminal Code etc** **Section 4, note 1, new dot points**

*insert*

- s 169 (Possessing drugs of dependence)
- s 171AAD (Possessing multiple small quantities of different kinds of relevant substances)

---

**7**  
**Clause 4**  
**Page 2, line 10—**

*omit clause 4, substitute*

### **4                      Sections 169 and 171**

*substitute*

#### **169                      Possessing drugs of dependence**

- (1) A person commits an offence if—
  - (a) the person possesses a drug of dependence; and
  - (b) the quantity of the drug is not more than a small quantity for the drug.

Maximum penalty: 1 penalty unit.

- (2) A person commits an offence if—
  - (a) the person possesses a drug of dependence; and
  - (b) either—
    - (i) the quantity of the drug is more than a small quantity for the drug; or
    - (ii) no small quantity is prescribed for the drug.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) This section does not apply if the person is authorised under the *Medicines, Poisons and Therapeutic Goods Act 2008*, or another territory law, to possess the drug of dependence.

## **171 Possessing prohibited substances**

- (1) A person commits an offence if—
- (a) the person possesses a prohibited substance; and
  - (b) the quantity of the substance is not more than a small quantity for the substance.

Maximum penalty: 1 penalty unit.

- (2) A person commits an offence if—
- (a) the person possesses a prohibited substance; and
  - (b) either—
    - (i) the quantity of the substance is more than a small quantity for the substance; or
    - (ii) no small quantity is prescribed for the substance.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) This section does not apply if the person is authorised under the *Medicines, Poisons and Therapeutic Goods Act 2008*, or another territory law, to possess the prohibited substance.

- (4) In this section:

*prohibited substance* does not include cannabis.

---

**8**

**Clause 5**

**Page 5, line 1—**

*omit clause 5, substitute*

## **5 Possessing cannabis Section 171AA (1) and (2)**

*substitute*

- (1) A person commits an offence if the person possesses not more than a small quantity of cannabis.

Maximum penalty: 1 penalty unit.

- (2) A person commits an offence if the person possesses more than a small quantity of cannabis.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

9  
**Clauses 7 to 12**  
**Page 5, line 13—**

*omit clauses 7 to 12, substitute*

**7 New section 171AAD**

*insert*

**171AAD Possessing multiple small quantities of different kinds of relevant substances**

- (1) A person commits an offence if—
- (a) the person possesses 3 or more different kinds of relevant substance; and
  - (b) the quantity of each substance is not more than the small quantity for the substance; and
  - (c) the total of the small quantity fractions for each substance is more than 2.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

*Note* Other offences under the Criminal Code, ch 6 (Serious drug offences) may apply in relation to a person in possession of 2 or more kinds of controlled drugs, controlled precursors and controlled plants.

- (2) In this section:

***relevant substance—***

- (a) for a person who is 18 years old or older means any of the following—
  - (i) a drug of dependence for which a small quantity is prescribed;
  - (ii) a prohibited substance for which a small quantity is prescribed;
- (b) for a person who is under 18 years old means any of the following—
  - (i) a drug of dependence for which a small quantity is prescribed;
  - (ii) a prohibited substance for which a small quantity is prescribed;
  - (iii) cannabis for which a small quantity is prescribed.

***small quantity fraction***, for a relevant substance a person possesses, means—

the actual quantity of the relevant substance  
the small quantity for the relevant substance

## **8 Section 171A**

*substitute*

### **171A Offence notices**

- (1) If a police officer believes on reasonable grounds that a person has committed a simple drug offence, the police officer may serve an offence notice on the person.
- (2) If an offence notice is served on a child and the police officer serving the notice believes on reasonable grounds that the child is living with a person with parental responsibility for the child, the police officer must serve a copy of the notice on the person with parental responsibility.
- (3) An offence notice must—
  - (a) specify the nature of the alleged simple drug offence to which the notice relates; and
  - (b) specify the date and time when, and place where, the simple drug offence is alleged to have been committed; and
  - (c) state that no further action will be taken in relation to the alleged simple drug offence if the alleged offender—
    - (i) pays the prescribed penalty for the alleged offence within 60 days after the date of service of the notice; or
    - (ii) satisfies the attendance requirements of an approved drug diversion program within 60 days after the date of service of the notice; and
  - (d) specify details of the following:
    - (i) for payment of the penalty—the amount of the penalty, how the penalty may be paid and the place where payment may be made;
    - (ii) for attendance at a drug diversion program—where and how to satisfy the attendance requirements of the program; and
  - (e) for a notice alleging a simple drug offence involving cannabis state that—
    - (i) unless a court orders otherwise, the government analyst may, under section 193C (Destruction of cannabis without court order), destroy seized cannabis without a court order; and
    - (ii) the alleged offender may apply to the Magistrates Court, under section 193D (Order for preservation of cannabis),

for an order for the preservation of cannabis to which the alleged simple drug offence relates; and

- (f) contain any other particulars prescribed by regulation.
- (4) If the alleged offender pays the penalty in accordance with subsection (3) (d) (i), or satisfies the attendance requirements in accordance with subsection (3) (d) (ii)—
  - (a) any liability of the person in relation to the alleged simple drug offence is discharged; and
  - (b) no further proceeding may be taken in relation to the alleged simple drug offence; and
  - (c) the person must not be regarded as having been convicted of the alleged simple drug offence.
- (5) Except as provided in subsection (4), this section does not affect the institution or prosecution of a proceeding for a simple drug offence.
- (6) Any substance, equipment or object seized under any Act in connection with the alleged simple drug offence that would have been liable to forfeiture in the event of a conviction is forfeited to the Territory on—
  - (a) payment of the penalty in accordance with subsection (3) (d) (i); or
  - (b) satisfying the attendance requirements of the approved drug diversion program in accordance with subsection (3) (d) (ii).
- (7) In this section:

***approved drug diversion program*** means a program approved under section 171BB.

***attendance requirements***, for an approved drug diversion program, means—

- (a) attending the assessment session of the program; and
- (b) attending any other part of the program that the person is required to attend after the assessment session is completed; and
- (c) complying with all reasonable directions given in relation to the program.

***child*** means a person who is under 18 years old on the date of the alleged offence.

***person with parental responsibility***, for a child—means a person with parental responsibility for the child under the *Children and Young People Act 2008*, division 1.3.2.

*simple drug offence* means an offence against any of the following:

- (a) section 162 (1);
- (b) section 169 (1);
- (c) section 171 (1);
- (d) section 171AA (1).

---

**10****Proposed new clause 12A****Page 6, line 20—**

*insert*

**12A      New section 171BB**

*in part 10, insert*

**171BB      Drug diversion program**

- (1) The Minister may approve a drug diversion program for the assessment and treatment of people who are found in possession of drugs of dependence or prohibited substances.
- (2) An approval is a notifiable instrument.

---

**11****Proposed new clause 12B****Page 6, line 20—**

*insert*

**12B      New section 205B**

*insert*

**205B      Review of amendments related to personal use of certain drugs etc**

- (1) The Minister must review the operation of the amendments of this Act made by the *Drugs of Dependence (Personal Use) Amendment Act 2021* as soon as practicable after the end of their 2nd year of operation.
- (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
- (3) This section expires 4 years after the day it commences.



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**12**  
**Clause 13**  
**Page 7, line 1—**

*omit clause 13, substitute*

**13      Dictionary, new definition of *small quantity***

*insert*

*small quantity*, for a drug of dependence or a prohibited substance, means a quantity of the drug or substance that is not more than the quantity prescribed by regulation.

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**13**  
**Proposed new part 3**  
**Page 7, line 4—**

*insert*

**Part 3                      Drugs of Dependence  
Regulation 2009**

**14      New section 3A**

*insert*

**3A      Offence notice penalty—Act, s 171A (3) (c) (i)**

The prescribed penalty is \$100.

**15      New section 6**

*insert*

**6      Small quantity—Act, dict, def *small quantity***

- (1) For the Act—
- (a) the small quantity mentioned in table 6.1, column 3 for a drug of dependence mentioned in column 2, whether in pure form or a mixture containing the drug, is prescribed; and
  - (b) the small quantity mentioned in table 6.2, column 3 for a prohibited substance mentioned in column 2, other than items 5 and 6, whether in pure form or a mixture containing the substance, is prescribed; and
  - (c) the small quantity mentioned in table 6.2, column 3 for a prohibited substance mentioned in column 2, items 5 and 6, in a pure form of the substance, is prescribed.

**Table 6.1 Small quantity—drugs of dependence**

column 1 item	column 2 drug of dependence	column 3 small quantity	column 4 discrete dosage unit (DDU)
1	amphetamine	1.5g	
2	cocaine	1.5g	
3	methylamphetamine	1.5g	

**Table 6.2 Small quantity—prohibited substances**

column 1 item	column 2 prohibited substance	column 3 small quantity	column 4 discrete dosage unit (DDU)
1	3,4-Methylenedioxymethylamphetamine (MDMA)	5 DDU or 1.5g	0.3g
2	cannabis (dried cannabis)	50g	
3	cannabis (harvested cannabis)	150g	
4	heroin	1g	
5	lysergic acid	5 DDU or 0.001g	0.0002g
6	lysergide (LSD, LSD-25)	5 DDU or 0.001g	0.0002g
7	psilocybine	1.5g	

(2) In this section:

*discrete dosage unit* (or *DDU*), for a drug of dependence or a prohibited substance, means the drug or substance in a form—

- (a) prepared, or apparently prepared, to be administered as a single dose; and
- (b) containing not more than—
  - (i) for a drug of dependence—the quantity mentioned in table 6.1, column 4 for a drug mentioned in column 2, whether in pure form or a mixture containing the drug; and
  - (ii) for a prohibited substance—the quantity mentioned in table 6.2, column 4 for a substance mentioned in column 2, other than items 5 and 6, whether in pure form or a mixture containing the substance; and
  - (iii) for a prohibited substance—the quantity mentioned in table 6.2, column 4 for a substance mentioned in column 2, items 5 and 6, in a pure form of the substance.

**Examples—par (a)**

tablet, capsule

***dried cannabis*** means cannabis that has been subjected to a drying process.

***harvested cannabis*** means cannabis that has been harvested and—

- (a) is not dried cannabis; or
  - (b) is a mixture of dried cannabis and cannabis that is not dried cannabis.
-

## **Schedule 2**

### **DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021**

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Amendments circulated by Mr Hanson

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**1**

**Clause 2**

**Page 2, line 5—**

*omit*

1 February 2022

*substitute*

20 December 2024

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## **Schedule 3**

### **DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021**

Amendments circulated by Mr Davis

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**1**

**Clause 4**

**Proposed new section 169 (2A)**

**Page 2, line 24—**

*insert*

(2A) Subsection (1) does not apply if the person—

- (a) is 18 years old or older; and
- (b) possesses the drug of dependence in the ACT.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2A) (see Criminal Code, s 58).

---

**2**

**Clause 4**

**Proposed new section 170, table 170**

**Page 3, line 7—**

*omit table 170, substitute*

**Table 170**

<b>column 1 item</b>	<b>column 2 substance</b>	<b>column 3 personal possession limit</b>
1	3,4-Methylenedioxymethylamphetamine (MDMA)	10g
2	amphetamine	6g
3	cannabis (dried cannabis)	50g
4	cannabis (harvested cannabis)	150g
5	cocaine	6g
6	heroin	5g
7	lysergic acid	0.003g
8	lysergide (LSD, LSD-25)	0.003g
9	methylamphetamine	6g
10	psilocybine	2g

---

**3****Clause 4****Proposed new section 171 (2A)****Page 4, line 21—**

*insert*

(2A) Subsection (1) does not apply if the person—

- (a) is 18 years old or older; and
- (b) possesses the prohibited substance in the ACT.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2A) (see Criminal Code, s 58).

---

**4****Proposed new clause 12A****Page 6, line 20—**

*insert*

---

**12A New section 205B**

*insert*

**205B Review of certain amendments related to personal use**

- (1) The Minister must appoint a person with expertise in relation to people who use drugs or substances to which this Act applies (an *independent reviewer*) to review the operation of the amendments of this Act made by the *Drugs of Dependence (Personal Use) Amendment Act 2021*, as soon as practicable after the end of their 2nd year of operation.
  - (2) The Minister must not appoint a person as the independent reviewer if the person is a public servant.
  - (3) The person undertaking the review must consult with the members of any community the reviewer considers is affected, or likely to be affected, by the operation of the amendments.
  - (4) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
  - (5) This section expires 4 years after the day it commences.
-

## **Schedule 4**

### **DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021**

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Amendments circulated by Mr Davis to the amendments moved by the Minister for Health

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**1**

#### **Amendment 9**

#### **Proposed new section 171A (7), definition of *attendance requirements***

*omit the definition, substitute*

*attendance requirements*, for an approved drug diversion program, means attending the first session of the program.

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