Matters of public importance—your Assembly @ work

Sitting of 20 August 2020
Issue 12/2020

Government Business

*Includes business items presented to the Assembly by the Executive including bills, motions, and papers*

**Bill introduced**

- **Emergencies Amendment Bill 2020**
  
  *Summary:* This bill will amend the *Emergencies Act 2004* and a number of other Territory Acts to implement recommendations from the whole of ACT Government review of the effectiveness of the response to the 2019-20 bushfire season. The amendments contained in the bill primarily relate to the appointment of an emergency controller as well as the functions and powers of that position.

  A full record of the presentation speeches can be accessed at [Hansard](#).

**Bills debated**

- **Electoral Amendment Bill 2018**
  
  This bill will amend the *Electoral Act 1992* to prohibit property developers and close associates giving gifts to political entities and will place a prohibition on political entities accepting such gifts. The bill also amends the definition of gift and amends the timeframe for reporting of gifts received over the $1 000 threshold.

  *Proceedings:* When debate resumed on 20 August the bill was agreed to in principle after receiving support by all parties in the Assembly. During the detail stage amendments proposed by the Government, the Opposition and the ACT Greens were debated. Debate on the bill was adjourned at Clause 11 for further consideration at future sitting of the Assembly.

- **Justice Legislation Amendment Bill 2020**
  
  *Summary:* This bill will make amendments to a number of Territory laws by introducing a fit and proper person test to licence a real estate agent or register a salesperson and by protecting consumers by enabling the Commissioner of Fair Trading to conduct binding conciliation for consumer disputes up to $5000. The bill will also streamline and strengthen processes at the ACT Human Rights Commission, improve and clarify processes under the *Crimes (Sentence Administration) Act 2005* and allow for particular youth sexual offence convictions to be spent subject to robust safeguards. The bill also makes a number of technical amendments to ACT legislation.
Proceedings: Debate resumed on the proposed legislation on 20 August in the detail stage with a number of proposed Government amendments being agreed to by the Assembly.

The amended bill was passed by the Assembly.

Mental Health Amendment Bill 2020

Summary: This bill will amend the Mental Health Act 2015 by improving the rights of mental health consumers subject to the Act through the inclusion of additional safeguards to apprehension and provides additional clarity about contraventions orders. The bill will also extend the affected persons register and providing a mechanism for the ACT Civil and Administrative Tribunal to consider the views of the affected person and the Victims of Crime Commissioner when orders are being contemplated. Amendments to the Act will also provide the Chief Psychiatrist with a power to issue guidelines that can provide greater detail on complex questions of operationalising the Act.

Proceedings: The bill received the support of all parties in the Assembly when debate resumed on 20 August with the bill being agreed to in principle.

The bill was passed by the Assembly without amendment.

Ministerial statement

On 20 August, the Minister for Health updated the Assembly on the ACT Government’s response to the COVID-19 emergency. During the statement the Minister presented a report by the Chief Health Officer entitled Status of the public health emergency due to COVID-19—18 August 2020.

A full record of the debates and statement can be accessed at Hansard.

Crossbench Executive Members’ Business

Includes items presented to the Assembly by the Crossbench Executive Member, including bills and motions

Motion debated

The ACT’s minimum age of criminal responsibility was the subject of a motion moved by Mr Rattenbury MLA on 20 August. The motion included noting that the ACT’s minimum age of 10 for criminal responsibility was out of step with the rest of the world and called on the ACT Government to support raising the age of criminal responsibility to 14 years of age. The motion also called on the Government to recognise the need to resource new programs and implement new policy frameworks to support young offenders under the age of 14 and to commission preliminary work to prepare legislative, policy and resourcing frameworks for any incoming government to legislate for raising the age of criminal responsibility. During debate an amendment was moved by the Government that noted that the minimum age of criminal responsibility across all Australian jurisdictions is currently 10 years of age and also included noting that in the 11 years from 2008-09 to 2018-19 only one person under the age of 14 had been sentenced to a term of detention at Bimberi Youth Justice Centre. The amendment included calling on the Government to, among other things, support raising the age of criminal responsibility to 14 years of age, taking into account medical and other relevant evidence and with consideration given to exemptions for serious offences.
An amendment to the Government’s amendment was then moved by the Opposition that called on the Government to refrain from proceeding unilaterally with any decision to raise the age of criminal responsibility before the Council of Attorneys-General has reached its conclusion on the matter. The Opposition’s amendment was negatived following a vote of the Assembly. The Government’s proposed amendment was then agreed to.

The amended motion was passed by the Assembly.

The full terms of the above motion and the proposed amendment can be found in the Minutes of Proceedings.

Private Members’ Business

Includes items presented to the Assembly by all non-Executive Members, including bills and motions

Motions debated

A motion in relation to Canberra’s health workers was moved by Mrs Dunne MLA on 20 August. The motion included noting the dedication of health workers during the COVID-19 pandemic and also sought to thank health workers for their service to the Canberra community. The motion noted the possible neglect by the ACT Labor/Greens Government on the rights of these workers in relation to safe workplace culture, proper leave provisions and breaks and proper remuneration and called on the Government to commence an independent audit of the Canberra Health Services’ pay system over the last six years. Amendments moved by the ACT Greens included removing a number of parts of the original motion and noting the ACT Government’s commitment to ensuring all staff are treated with respect and paid fairly and accurately. The amendment also called on the Minister for Health to report back to the Assembly, by the end of April 2021, on the collaborative work underway between Canberra Health Services and Shared Services to examine payroll issues. The amendments proposed by the ACT Greens were passed following a vote of the Assembly.

The amended motion was agreed to.

A motion moved by Mr Pettersson MLA on 20 August relating to harm minimisation approaches to alcohol and drug use included noting the approach taken by the ACT Government in advancing a harm minimisation approach and called on the Government, and whichever party or parties in the Assembly that form government following the October 2020 election, to continue to take a harm minimisation approach in relation to alcohol and drug issues and to invest in community and hospital-based alcohol and other drug and mental health services. The motion also included a requirement for the relevant government to report back to the Assembly, no later than November 2021, on the progress of these matters. An amendment was moved by the ACT Greens that called on which ever party that formed Government following the October 2020 election to explore a pill testing facility pilot in the city entertainment area, informed by expert health advice, during the 2020-21 summer. The proposed amendment was agreed to following a vote of the Assembly.

The amended motion was agreed to.
**Bill debated**

Planning Legislation Amendment Bill 2020

*Summary:* This bill will improve environmental outcomes of planning and residential tenancies legislation by amending the *Planning and Development Act 2007*, the *Planning and Development Regulation 2008* and the *Residential Tenancies Act 1997*. The amendments will improve the community’s ability to engage with the planning system and improve the outcomes of the planning system for the wider community.

*Proceedings:* Debate resumed on 20 August in the detail stage of the bill with a number of amendments being proposed and agreed to during the debate and several clauses in the bill being negatived.

The amended bill was passed by the Assembly.

The full terms of the above motions and amendments can be found in the [Minutes of Proceedings](#).

**Papers Presented**

The following papers of interest were presented on 20 August 2020:

- ACT Climate Change Council—Annual Report 2019-20
- Annual Reports (Government Agencies) Act—Statement of reasons for extension of time for presenting 2019-2020 annual reports
- Coroner’s Act—
  - Report of Coroner into the death of Joanne Lea Lovelock
  - Government’s response to Coroner’s report into the death of Joanne Lea Lovelock
- Feasibility of large-scale venue for multicultural and community events at EPIC—Correspondence regarding Government response to resolution of the Assembly of 21 August 2019
- Learning from Canberra’s Climate-Fuelled Summer of Crisis—A report by the ACT Climate Change Council with recommendations submitted to the ACT Minister for Sustainability and Climate Change by the ACT Climate Change Council
- Protection of Yellow Box Woodland Ecosystems—Government response to resolution of the Assembly of 20 February 2020

A copy of the above papers can be found on the [Assembly](#) website.

**Petitions and petition response**

The following petitions were lodged on 20 August—

- Proposed off-leash dog park—Kingston Foreshore—lodged by Miss C Burch
- Proposed off-leash dog park—Campbell—lodged by Miss C Burch

The following response to a petition was lodged—

- Sittings of the Assembly *(Speaker)*

A copy of the petitions and response can be found on the Assembly [Hansard](#) site.
Committee Activities

Committee reports presented

Scrutiny Committee

Scrutiny Report 49

This report contained the committee’s comments on two bills and one government response.

Administration and Procedure—Standing Committee

Report 17—Inquiry into possible structures of the committee system for the 10th Legislative Assembly for the Australian Capital Territory

Planning and Urban Renewal—Standing Committee

Report 14—Inquiry into planning for the Surgical Procedures, Interventional Radiology and Emergency Centre (SPIRE) and The Canberra Hospital campus and immediate surrounds

Committee statement

Health, Ageing and Community Services—Standing Committee

The chair made a statement informing the Assembly that the committee had concluded its consideration of petitions No 21-19 and 1-20 in relation to newborn screening for severe combined immune deficiency and concluded consideration of the minister’s response to those petitions.

The full text of the statement can be found on the Assembly Hansard site.

Responses to committee reports

End of Life Choices in the ACT—Select Committee

Report—Recommendation 12—Update on Government response

Environment and Transport and City Services—Standing Committee

Report 10—Inquiry into Nature in Our City—Government response

Report 11—Inquiry into the supply of water to the Tharwa community—Government response

Planning and Urban Renewal—Standing Committee

Report 12—Inquiry into Engagement with Development Application Processes in the ACT—Government response

Public Accounts—Standing Committee

Report 10—Inquiry into the Appropriation Bill 2019-2020 (No 2)—Government response

Report 11—Tender for the sale of Block 30 Dickson—Government response
Members of the Legislative Assembly for the ACT

**Electorate of Brindabella**

Ms Joy Burch (Australian Labor Party)
Mr Mick Gentleman (Australian Labor Party)
Ms Nicole Lawder (Canberra Liberals)
Mr Mark Parton (Canberra Liberals)
Mr Andrew Wall (Canberra Liberals)

**Electorate of Ginninderra**

Ms Yvette Berry (Australian Labor Party)
Ms Tara Cheyne (Australian Labor Party)
Mrs Vicki Dunne (Canberra Liberals)
Mrs Elizabeth Kikkert (Canberra Liberals)
Mr Gordon Ramsay (Australian Labor Party)

**Electorate of Kurrajong**

Mr Andrew Barr (Australian Labor Party)
Miss Candice Burch (Canberra Liberals)
Ms Elizabeth Lee (Canberra Liberals)
Mr Shane Rattenbury (ACT Greens)
Ms Rachel Stephen-Smith (Australian Labor Party)

**Electorate of Murrumbidgee**

Ms Bec Cody (Australian Labor Party)
Mr Jeremy Hanson CSC (Canberra Liberals)
Mrs Giulia Jones (Canberra Liberals)
Ms Caroline Le Couteur (ACT Greens)
Mr Chris Steel (Australian Labor Party)

**Electorate of Yerrabi**

Mr Alistair Coe (Canberra Liberals)
Mr Deepak Gupta (Australian Labor Party)
Mr James Milligan (Canberra Liberals)
Ms Suzanne Orr (Australian Labor Party)
Mr Michael Pettersson (Australian Labor Party)
Next Sitting

Thursday, 27 August 2020.

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