



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019

MINUTES OF PROCEEDINGS

No 109

WEDNESDAY, 21 AUGUST 2019

- 1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

- 2 LEAVE OF ABSENCE TO MEMBER**

Mr Wall moved—That leave of absence be granted to Ms Lawder for this sitting due to illness.

Question—put and passed.

- 3 DEAF AND DEAFBLIND COMMUNITY—MENTAL HEALTH SERVICES**

Notice No 1, Private Members' business, having been called on—

Mr Wall, pursuant to standing order 127, and at the request of the proposer, Ms Lawder, fixed the next day of sitting for the moving of the motion.

- 4 TAXATION**

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

- (1) notes that:
 - (a) rapidly increasing taxation by the ACT Government is driving Canberrans into financial hardship; and
 - (b) the ACT Government and the Legislative Assembly have a duty of care and obligation to put the best interests of Canberrans first; and



- (2) calls on the Labor-Greens Government to stop their punitive increases to rates, taxes, fees and charges.

Mr Barr (Treasurer) moved the following amendment: In paragraph (1), omit all text after “notes”, substitute:

- “(a) that, according to the Australian Bureau of Statistics, the ACT’s tax per capita is in line with the national average and significantly lower than New South Wales and Victoria;
 - (b) the financial volatility experienced in other Australian states and territories which has led to multi-billion-dollar budget write-downs as a result of shortfalls in stamp duty revenue caused by the boom and bust cycle of the Australian property market;
 - (c) the recommendation contained in the final report of the *Australia’s Future Tax System Review*—informally known as the *Henry Tax Review*—for Australian states and territories to undertake a tax-mix switch away from inefficient taxes such as stamp duty to more efficient broad-based taxes;
 - (d) that the ACT Government is currently undertaking such a tax-mix switch through its 20-year tax reform agenda, which is designed to create stability in the ACT Budget and avoid the financial volatility experienced in other Australian jurisdictions; and
 - (e) that the heaviest lifting of this reform process has now been achieved and the rate of growth in rates will now begin to slow as the ACT Government moves towards the next five-year phase of tax reform;
- (2) further notes that the ACT Government and the Legislative Assembly each have an obligation to put the best interests of Canberrans first; and
- (3) calls on the ACT Government to continue putting Canberrans first by maintaining its focus on raising revenue in a way that is responsible and ensures the ACT Government is able to continue delivering the public service and infrastructure needs of a growing Canberra.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Mr Barr	Mr Pettersson	Miss C. Burch	Mr Parton
Ms Cody	Mr Ramsay	Mr Coe	Mr Wall
Mr Gentleman	Mr Rattenbury	Mr Hanson	
Mr Gupta	Mr Steel	Mrs Jones	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Mr Milligan	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) that, according to the Australian Bureau of Statistics, the ACT’s tax per capita is in line with the national average and significantly lower than New South Wales and Victoria;
 - (b) the financial volatility experienced in other Australian states and territories which has led to multi-billion-dollar budget write-downs as a result of shortfalls in stamp duty revenue caused by the boom and bust cycle of the Australian property market;
 - (c) the recommendation contained in the final report of the *Australia’s Future Tax System Review*—informally known as the *Henry Tax Review*—for Australian states and territories to undertake a tax-mix switch away from inefficient taxes such as stamp duty to more efficient broad-based taxes;
 - (d) that the ACT Government is currently undertaking such a tax-mix switch through its 20-year tax reform agenda, which is designed to create stability in the ACT Budget and avoid the financial volatility experienced in other Australian jurisdictions; and
 - (e) that the heaviest lifting of this reform process has now been achieved and the rate of growth in rates will now begin to slow as the ACT Government moves towards the next five-year phase of tax reform;
- (2) further notes that the ACT Government and the Legislative Assembly each have an obligation to put the best interests of Canberrans first; and
- (3) calls on the ACT Government to continue putting Canberrans first by maintaining its focus on raising revenue in a way that is responsible and ensures the ACT Government is able to continue delivering the public service and infrastructure needs of a growing Canberra.”—

be agreed to—put.

The Assembly voted—

AYES, 11

NOES, 8

Mr Barr	Mr Pettersson	Miss C. Burch	Mr Parton
Ms Cody	Mr Ramsay	Mr Coe	Mr Wall
Mr Gentleman	Mr Rattenbury	Mr Hanson	
Mr Gupta	Mr Steel	Mrs Jones	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Mr Milligan	

And so it was resolved in the affirmative.

5 LARGE-SCALE VENUE FOR MULTICULTURAL AND COMMUNITY EVENTS AT EPIC—FEASIBILITY

Mr Gupta and Ms Orr, pursuant to notice, moved—that this Assembly:

- (1) notes:

- (a) that the Gungahlin region is the most culturally and linguistically diverse region in Canberra with 33.2 percent of people born overseas and 33.3 percent of people speaking a language other than English at home;
 - (b) the important contribution that culturally and linguistically diverse organisations make in building and fostering inclusive communities across the ACT;
 - (c) that, with a rapidly growing population in Gungahlin, the ACT Government will need to continue investing in social infrastructure to ensure the community has access to essential facilities;
 - (d) that, whilst existing community and private facilities in Gungahlin and across the city provide a range of spaces and services for multicultural groups to engage in performance and events, these venues have limited capacity to facilitate larger events of more than 350 people;
 - (e) that the Theo Notaras Multicultural Centre can host a maximum of 300 people in its function room and is in consistently high demand, especially at peak times, with events on most days and an average of six large events per month;
 - (f) the ACT Government's commitment under the *ACT Multicultural Framework 2015-2020* to ensuring Canberra is an inclusive and cohesive society that celebrates and promotes cultural diversity;
 - (g) that, in March 2019, the ACT joined the *Welcoming Cities* network to demonstrate this commitment to inclusiveness; and
 - (h) the ACT Government is currently undertaking a review of EPIC to inform its future requirements as a venue; and
- (2) calls on the ACT Government to:
- (a) explore the feasibility of a large-scale venue suitable for hosting multicultural and other community events to be located at EPIC;
 - (b) include scoping of alternative potential sites for such a centre in the wider Gungahlin region; and
 - (c) report back to the Assembly on the feasibility of such a centre within 12 months.

Debate ensued.

Question—put and passed.

6 QUESTIONS

Questions without notice being asked—

Paper: Mr Gentleman (Minister Police and Emergency Services) presented the following paper:

Tweet by Mr Parton MLA, 14 August at 19:44.

Questions continued.

7 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2019-2020—STATEMENT BY MEMBER

Mrs Dunne, by leave, made a statement to correct the record in relation to comments made by her during debate on the Appropriation (Office of the Legislative Assembly) Bill 2019-2020 yesterday.

8 DEVELOPMENT APPLICATION ASSESSMENTS

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

- (1) notes the:
 - (a) importance of an efficient development assessment system in achieving the Territory's economic development objectives;
 - (b) vital role an efficient development assessment system plays in achieving the housing aspirations of the ACT community;
 - (c) average days to make a decision on a Development Application (DA) have increased from 62 days in mid-2018 to 90 days in January 2019;
 - (d) proportion of DAs decided within specified timeframes has fallen to 30 percent;
 - (e) significant schedule and financial losses these delays impose on individuals and companies that have submitted a DA;
 - (f) tenuous position this imposes on many applicants;
 - (g) negative impact on the ACT Government's credibility and reputation arising from these delays; and
 - (h) impact on the health and wellbeing of overloaded planning staff caught up in this stressful problem; and
- (2) calls on the ACT Government to:
 - (a) take immediate steps to increase resources allocated to the DA determination and approval process;
 - (b) undertake regular monitoring of DA workloads to ensure applicants' requirements are met within prescribed timeframes;
 - (c) ensure staff in the DA assessment and processing areas are appropriately overseen to avoid negative health impacts arising from stressful workload levels;
 - (d) provide a report for each quarter on DA assessment and processing that details the following:
 - (i) staffing strength at the beginning of the quarter, staff departures from the DA assessment area during the quarter, staff recruited or added to the assessment area during the quarter, and staff strength at the end of each quarter;
 - (ii) number of staff in each quarter on leave, including sick leave and other categories of leave;

- (iii) the average number of DAs processed by each assessor during the quarter; and
 - (iv) the number of DAs waiting for processing at the beginning of the quarter, the number received during the quarter, the number processed during the quarter and the number outstanding at the end of the quarter; and
- (e) that the report detailed above be provided commencing with the June quarter 2019.

Mr Wall moved the following amendment: Insert new paragraphs (2)(d)(v) to (ix):

- “(v) total cost to process DAs for the quarter;
- (vi) average cost to process DAs in the quarter;
- (vii) the number of DAs processed within prescribed timeframes;
- (viii) number of DAs processed beyond prescribed timeframes; and
- (ix) number of DAs still waiting to be processed that have exceeded prescribed processing times;”.

Debate continued.

Amendment negated.

Mr Gentleman (Minister for Planning and Land Management), who had already spoken, by leave, again addressed the Assembly.

Mr Gentleman moved the following amendment: Omit all text after paragraph (1)(d), substitute:

- “(e) Planning and Land Authority has introduced a new staged assessment model to efficiently assess DAs and manage staff workload; and
 - (f) ACT Budget 2019-20 provided funding for an additional six DA assessors; and
- (2) calls on the ACT Government to:
- (a) undertake regular monitoring of compliance with statutory timeframes for assessment of DAs;
 - (b) undertake regular monitoring of DA workloads to ensure applicants' requirements are met within prescribed timeframes; and
 - (c) ensure staff in the DA assessment and processing areas are appropriately overseen to avoid negative health impacts arising from stressful workload levels.”.

Debate continued.

Amendment agreed to.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the:
 - (a) importance of an efficient development assessment system in achieving the Territory’s economic development objectives;
 - (b) vital role an efficient development assessment system plays in achieving the housing aspirations of the ACT community;
 - (c) average days to make a decision on a Development Application (DA) have increased from 62 days in mid-2018 to 90 days in January 2019;
 - (d) proportion of DAs decided within specified timeframes has fallen to 30 percent;
 - (e) Planning and Land Authority has introduced a new staged assessment model to efficiently assess DAs and manage staff workload; and
 - (f) ACT Budget 2019-20 provided funding for an additional six DA assessors; and
- (2) calls on the ACT Government to:
 - (a) undertake regular monitoring of compliance with statutory timeframes for assessment of DAs;
 - (b) undertake regular monitoring of DA workloads to ensure applicants’ requirements are met within prescribed timeframes; and
 - (c) ensure staff in the DA assessment and processing areas are appropriately oversighted to avoid negative health impacts arising from stressful workload levels.”—

be agreed to—put and passed.

9 PLANT-BASED FOODS

Ms Le Couteur, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the International Panel on Climate Change’s recent report on climate change and land use emphasises the importance of shifting towards plant-based diets to reduce greenhouse gas emissions and help address climate change;
 - (b) that shifting towards plant-based diets would, generally, be beneficial for overall population health outcomes;
 - (c) the animal welfare and environmental concerns related to intensive farming of animals for food; and
 - (d) latest research from Roy Morgan estimates that 2.5 million people (12.1 percent of the population) in Australia are now eating all or almost all vegetarian food; and

- (2) calls on the ACT Government to support a shift to more plant-based foods through its operations and to support a shift more broadly in the ACT through a range of initiatives, including by:
- (a) Events ACT ensuring that all events catered by the ACT Government include plant-based food options in sufficient quantity to adequately cater for vegetarians and vegans—noting that all people eat plant-based foods when on offer, as well as having some events where the food is purely plant-based;
 - (b) supporting and encouraging local cafes, restaurants and food retailers to supply low carbon meals and plant-based meals;
 - (c) the Education Directorate:
 - (i) ensuring that all school students studying the Australian curriculum subjects of “health and wellbeing” (kindergarten to year 6) and “food technology” (years 7-10) study the environmental, ethical and human health implications of food choices in an age-appropriate way and this would include ensuring that all students are able to prepare a plant-based meal;
 - (ii) supporting increased school food gardens and provision of kitchen space for preparation and education about food grown on site; and
 - (iii) requiring all school canteens to provide plant-based food options for students;
 - (d) updating the health promotion programs including *Healthier Choices Canberra, Healthy Food and Drink Choices Policy, ACT Health Promotion Grants Program*, and *Healthy Children and Young People* to better support plant-based foods and include environmental and animal welfare considerations;
 - (e) Canberra Health Services changing the “default meal” in hospitals to be plant-based (so that patients who do not choose a specific meal receive a plant-based meal);
 - (f) supporting local food production by increased support for community gardens and food forests and considering planting fruit and nut trees on public land;
 - (g) where people are in the custody of the ACT Government, such as Dhulwa, Alexander Maconochie Centre and Bimberi, increase the amount of plant-based meals offered, and support residents to learn how to prepare inexpensive and healthy meals; and
 - (h) reporting back to the Assembly on progress on the above by the last sitting day in June 2020.

Debate ensued.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 2	NOES, 17
Ms Le Couteur	Ms Berry
Mr Rattenbury	Miss C. Burch
	Ms J. Burch
	Ms Cheyne
	Mr Coe
	Mr Gentleman
	Mr Gupta
	Mr Hanson
	Mrs Jones
	Mrs Kikkert
	Mr Milligan
	Ms Orr
	Mr Parton
	Mr Pettersson
	Mr Ramsay
	Mr Steel
	Mr Wall

And so it was negatived.

10 DROUGHT RELIEF FOR FARM BUSINESSES

Mr Wall, pursuant to notice, moved—that this Assembly:

- (1) notes:
 - (a) that severe drought conditions continue throughout NSW and the ACT;
 - (b) that, according to the Bureau of Meteorology, the 31 months between January 2017 and July 2019 have been the driest on record for the State of NSW;
 - (c) the ACT Government put in place a 50 percent freight transport subsidy scheme for ACT farm businesses based on the NSW model for a 12 month period that ended in July 2019;
 - (d) the NSW Government are providing extended drought relief to NSW farm businesses through their Emergency Drought Relief Package 2019-2020—this package includes further drought transport subsidies; and
 - (e) that the ACT has a relatively small number of farm businesses operating in comparison to NSW, however, the shared border requires both jurisdictions to operate in the same market; and
- (2) calls on the ACT Government to extend drought relief to ACT farm businesses in line with the NSW Government and ensure valid applications for any freight subsidy scheme are considered retrospectively from 31 July 2019.

Mr Gentleman (Minister for the Environment and Heritage) moved the following amendment: Omit all text after “That this Assembly”, substitute:

- (1) notes that:
 - (a) severe dry conditions continue throughout NSW and the ACT;
 - (b) according to the Bureau of Meteorology, the 31 months between January 2017 and July 2019 have been the driest on record for the ACT since the height of the millennium drought of 1996 to 2010;
 - (c) the ACT Government has:
 - (i) put in place a 50 percent freight transport subsidy scheme for ACT farm businesses for a 12-month period that ended in July 2019, based on the NSW model;

- (ii) provided access to rural resilience grants for rural landholders to support on-farm infrastructure that will build future resilience; and
 - (iii) where possible, has assisted rural leaseholders with short-term leases for drought relief purposes;
 - (d) the NSW Government is providing extended drought relief to NSW farm businesses through their Emergency Drought Relief Package 2019-2020, including drought transport subsidies;
 - (e) the ACT Government is facilitating the Australian Government's On-Farm Emergency Stock Water Infrastructure Rebate Scheme, which enables ACT rural landholders to seek a 25 percent rebate on expenditure for emergency stock water infrastructure; and
 - (f) the ACT has a relatively small number of farm businesses operating in comparison to NSW, however, the shared border requires both jurisdictions to operate in the same market;
- (2) commends the ACT Government for:
- (a) supporting territory farmers, and for its ongoing engagement with this sector during dry conditions; and
 - (b) its commitment to review the appropriate support mechanisms in consultation with relevant farming and environmental groups, with a view to extending the freight subsidy.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Ms J. Burch	Mr Pettersson	Miss C. Burch	Mr Parton
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Wall
Mr Gentleman	Mr Rattenbury	Mr Hanson	
Mr Gupta	Mr Steel	Mrs Jones	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Mr Milligan	

And so it was resolved in the affirmative.

Mr Rattenbury (Minister for Climate Change and Sustainability), by leave, moved the following amendment to the motion, as amended: Insert new paragraphs (1)(g) to (j):

- “(g) the climate modelling that shows that the accumulative impacts of climate change are affecting local weather patterns, resulting in more frequent extreme weather events for the ACT and surrounding region;
- (h) the global scientific consensus is that climate change is occurring due to human made carbon emissions;
- (i) the ACT Legislative Assembly recently acknowledged that we are in a state of climate emergency that requires urgent actions across all levels of Government; and

- (j) primary producers and agriculture businesses on the world's driest continent are being directly impacted by the impacts of climate change and, in coming years, governments will need to continue to support further work to shift some agricultural production methods to adapt to further droughts; and”.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
- (a) severe dry conditions continue throughout NSW and the ACT;
 - (b) according to the Bureau of Meteorology, the 31 months between January 2017 and July 2019 have been the driest on record for the ACT since the height of the millennium drought of 1996 to 2010;
 - (c) the ACT Government has:
 - (i) put in place a 50 percent freight transport subsidy scheme for ACT farm businesses for a 12-month period that ended in July 2019, based on the NSW model;
 - (ii) provided access to rural resilience grants for rural landholders to support on-farm infrastructure that will build future resilience; and
 - (iii) where possible, has assisted rural leaseholders with short-term leases for drought relief purposes;
 - (d) the NSW Government is providing extended drought relief to NSW farm businesses through their Emergency Drought Relief Package 2019-2020, including drought transport subsidies;
 - (e) the ACT Government is facilitating the Australian Government’s On-Farm Emergency Stock Water Infrastructure Rebate Scheme, which enables ACT rural landholders to seek a 25 percent rebate on expenditure for emergency stock water infrastructure;
 - (f) the ACT has a relatively small number of farm businesses operating in comparison to NSW, however, the shared border requires both jurisdictions to operate in the same market;
 - (g) the climate modelling that shows that the accumulative impacts of climate change are affecting local weather patterns, resulting in more frequent extreme weather events for the ACT and surrounding region;
 - (h) the global scientific consensus is that climate change is occurring due to human made carbon emissions;
 - (i) the ACT Legislative Assembly recently acknowledged that we are in a state of climate emergency that requires urgent actions across all levels of Government; and

- (j) primary producers and agriculture businesses on the world's driest continent are being directly impacted by the impacts of climate change and, in coming years, governments will need to continue to support further work to shift some agricultural production methods to adapt to further droughts; and
- (2) commends the ACT Government for:
- (a) supporting territory farmers, and for its ongoing engagement with this sector during dry conditions; and
 - (b) its commitment to review the appropriate support mechanisms in consultation with relevant farming and environmental groups, with a view to extending the freight subsidy.”—

be agreed to—put and passed.

11 WATER QUALITY

Notice No 6, Private Members' business, having been called on—

Mr Wall, pursuant to standing order 127, and at the request of the proposer, Ms Lawder, fixed the next day of sitting for the moving of the motion.

12 ANIMAL RELATED BUSINESSES—CRIMINAL TRESPASS OFFENCES

Mr Wall, pursuant to notice, moved—that this Assembly:

- (1) notes:
- (a) the ACT is home to a number of animal related businesses, including primary production, wildlife parks, as well as research facilities such as the CSIRO;
 - (b) recent protests around Australia co-ordinated by vegans opposed to all forms of livestock production;
 - (c) that up to 100 people at a time have stormed onto family farms, the addresses of which have been published online, with the intention of intimidating, threatening and bullying the owners;
 - (d) that these groups oppose many forms of animal related business and research, including wildlife parks;
 - (e) the ACT has already experienced agricultural attacks when, in 2011, Greenpeace protesters destroyed genetically modified wheat designed to increase nutrition and bowel health developed by the CSIRO;
 - (f) that any potential protests targeting wildlife parks pose a significant biosecurity and quarantine risk to the ACT and the broader Australian community;
 - (g) the Commonwealth Government's call for states and territories to strengthen penalties and enforcement of criminal trespass offences for such events if they are carried out in the ACT; and

- (h) that the NSW Government has passed legislation, creating a new offence for those causing a biosecurity risk by trespassing on a farm that incurs on the spot fines of \$1000 increasing to \$220 000 for breaching farm biosecurity plans; and
- (2) calls on the ACT Government to:
- (a) commit to developing legislation to strengthen criminal trespass offences in line with the financial penalties recently implemented in NSW;
 - (b) ensure legislation in the ACT offers protection to all forms of animal related businesses, including primary production, wildlife parks and research facilities; and
 - (c) condemn such offences and commit to actively deterring protests that illegally interfere with the conduct of a business.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 8

Miss C. Burch	Mr Parton
Mr Coe	Mr Wall
Mr Hanson	
Mrs Jones	
Mrs Kikkert	
Mr Milligan	

NOES, 11

Ms J. Burch	Mr Pettersson
Ms Cheyne	Mr Ramsay
Mr Gentleman	Mr Rattenbury
Mr Gupta	Mr Steel
Ms Le Couteur	Ms Stephen-Smith
Ms Orr	

And so it was negatived.

13 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 6.05 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Lawder* and Ms Lee*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly