



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2016–2017–2018–2019–2020

MINUTES OF PROCEEDINGS

No 125

THURSDAY, 13 FEBRUARY 2020

- 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 MOTOR ACCIDENT INJURIES AMENDMENT BILL 2020

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Motor Accident Injuries Act 2019*.

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 Coe—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

3 RATES AMENDMENT BILL 2020

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Rates Act 2004*.

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 Coe—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

4 FIREARMS LEGISLATION AMENDMENT BILL 2020

Mr Gentleman (Minister for Police and Emergency Services), pursuant to notice, presented a Bill for an Act to amend legislation about firearms, and for other purposes.

Paper: Mr Gentleman 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 Gentleman moved—That this Bill be agreed to in principle.

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

5 CORONERS AMENDMENT BILL 2020

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Coroners Act 1997*.

Paper: Mr Ramsay 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 Ramsay moved—That this Bill be agreed to in principle.

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

6 RESIDENTIAL TENANCIES AMENDMENT BILL 2020

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Residential Tenancies Act 1997* and the *Residential Tenancies Regulation 1998*, and for other purposes.

Paper: Mr Ramsay 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 Ramsay moved—That this Bill be agreed to in principle.

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

7 ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 10—INQUIRY INTO NATURE IN OUR CITY—REPORT NOTED

Ms Cheyne (Chair) presented the following report:

Environment and Transport and City Services—Standing Committee—Report 10—*Inquiry into Nature in Our City*, dated 10 February 2020, 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 CROSSBENCH EXECUTIVE MEMBERS' BUSINESS—PRECEDENCE

Ordered—That Crossbench Executive Members' business be called on forthwith.

9 SMOKE AND AIR QUALITY

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

(1) notes:

- (a) over the 2019-20 summer, severe bushfires caused ongoing smoke pollution in the ACT, with air quality readings for PM2.5 reaching extreme hazardous levels on several occasions, and extended periods of poor air quality;
- (b) smoke pollution was stressful and disruptive for ACT residents, caused short-term health issues for many people, and may contribute to long-term health issues;
- (c) smoke pollution caused significant disruption to activities in the ACT including the cancellation of events and the closure of businesses, facilities and workplaces;
- (d) climate change is leading to hotter, drier weather and extended fire seasons, creating a risk of further extended smoke events in the future; and
- (e) the summer's events have revealed a range of issues that the ACT Government should consider regarding air quality, including:
 - (i) extent and quality of indoor and outdoor air quality monitoring and data;
 - (ii) availability and distribution of face masks;
 - (iii) ability of buildings to protect people from smoke;
 - (iv) measures to protect vulnerable people from smoke;
 - (v) air quality standards for workers, especially outdoor workers;
 - (vi) air quality standards for events, including sporting events;
 - (vii) mental health and wellbeing support during extended smoke events;
 - (viii) availability of public places for people to shelter from smoke; and

- (ix) availability of public information and research on air quality issues;
- (2) acknowledges the work of the Chief Health Officer and the staff of Health Protection Services, including:
 - (a) issuing several public health alerts;
 - (b) establishing a “heavy smoke and hot conditions” website to provide a single source of truth for the community;
 - (c) developing a new website to provide the community with hourly P2.5 quality updates; and
 - (d) facilitating the distribution of nearly 400 000 P2 masks to the most vulnerable in our community; and
- (3) calls on the ACT Government to:
 - (a) create a whole-of-government strategy on smoke and air quality in the ACT, to be completed and released before the beginning of the 2020-21 fire season; and
 - (b) report to the Assembly on the progress of the strategy in August 2020.

Debate ensued.

Mr Milligan addressing the Assembly—

It being 45 minutes after the commencement of Crossbench Executive members’ business—

Ordered—That the time allotted to Crossbench Executive Members’ business be extended by 30 minutes.

Mr Milligan continued.

Ms Berry (Minister for Education and Early Childhood Development) moved the following amendment: Insert new paragraph (2)(A):

“(2A) acknowledges:

- (a) the ACT Government’s investment in government school infrastructure upgrades to respond to the impact of climate change, such as double glazing, insulation and building fabric improvements to reduce air leakage;
- (b) the work of the Education Directorate to prepare government schools and support non-government schools to prepare to respond to smoke pollution and hot conditions, including:
 - (i) timely, collaborative and responsive consultation with staff, unions, parents, health experts, WorkSafe ACT, and other stakeholders;
 - (ii) clear guidance for schools on assessing the air quality risk on a day-by-day basis; and
 - (iii) clear guidance for schools on managing the risk of poor air quality, particularly for sensitive groups; and

- (c) Asthma Australia’s endorsement of the ACT Government’s work to prepare schools to respond to poor air quality caused by bushfire smoke;”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) over the 2019-20 summer, severe bushfires caused ongoing smoke pollution in the ACT, with air quality readings for PM2.5 reaching extreme hazardous levels on several occasions, and extended periods of poor air quality;
 - (b) smoke pollution was stressful and disruptive for ACT residents, caused short-term health issues for many people, and may contribute to long-term health issues;
 - (c) smoke pollution caused significant disruption to activities in the ACT including the cancellation of events and the closure of businesses, facilities and workplaces;
 - (d) climate change is leading to hotter, drier weather and extended fire seasons, creating a risk of further extended smoke events in the future; and
 - (e) the summer’s events have revealed a range of issues that the ACT Government should consider regarding air quality, including:
 - (i) extent and quality of indoor and outdoor air quality monitoring and data;
 - (ii) availability and distribution of face masks;
 - (iii) ability of buildings to protect people from smoke;
 - (iv) measures to protect vulnerable people from smoke;
 - (v) air quality standards for workers, especially outdoor workers;
 - (vi) air quality standards for events, including sporting events;
 - (vii) mental health and wellbeing support during extended smoke events;
 - (viii) availability of public places for people to shelter from smoke; and
 - (ix) availability of public information and research on air quality issues;
- (2) acknowledges the work of the Chief Health Officer and the staff of Health Protection Services, including:
- (a) issuing several public health alerts;
 - (b) establishing a ‘heavy smoke and hot conditions’ website to provide a single source of truth for the community;

- (c) developing a new website to provide the community with hourly P2.5 quality updates; and
 - (d) facilitating the distribution of nearly 400 000 P2 masks to the most vulnerable in our community;
- (3) acknowledges:
- (a) the ACT Government’s investment in government school infrastructure upgrades to respond to the impact of climate change, such as double glazing, insulation and building fabric improvements to reduce air leakage;
 - (b) the work of the Education Directorate to prepare government schools and support non-government schools to prepare to respond to smoke pollution and hot conditions, including:
 - (i) timely, collaborative and responsive consultation with staff, unions, parents, health experts, WorkSafe ACT, and other stakeholders;
 - (ii) clear guidance for schools on assessing the air quality risk on a day-by-day basis; and
 - (iii) clear guidance for schools on managing the risk of poor air quality, particularly for sensitive groups; and
 - (c) Asthma Australia’s endorsement of the ACT Government’s work to prepare schools to respond to poor air quality caused by bushfire smoke; and
- (4) calls on the ACT Government to:
- (a) create a whole-of-government strategy on smoke and air quality in the ACT, to be completed and released before the beginning of the 2020-21 fire season; and
 - (b) report to the Assembly on the progress of the strategy in August 2020.”—
- be agreed to—put and passed.

10 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

11 RESIDENTIAL TENANCIES AMENDMENT BILL 2019

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.

12 QUESTIONS

Questions without notice were asked.

13 PAPERS

Mr Steel (Minister for City Services), having added to an answer to a question without notice asked by Mr Coe (Leader of the Opposition), presented the following papers:

Claims for tree damage—Transport Canberra and City Services procedures—

Tree damage to private property.

Tree root damage to pavement.

Tree root damage to private property.

Tree root damage to sewer and storm water.

14 PRESENTATION OF PAPERS

The Speaker presented the following paper:

Parliamentary Partnership Agreement between the Prince Edward Island Legislature and the Legislative Assembly for the Australian Capital Territory, and visit by to Nova Scotia and British Columbia Legislatures by the Speaker in November 2019—Report, dated February 2020.

15 PRESENTATION OF PAPERS

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

Commissioner for Sustainability and the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—State of the Environment Report 2019.

Courts Construction Project—Update to the Legislative Assembly on the progress, February 2020.

Education and Care Services National Law as applied by the law of the States and Territories—Education and Care Services National Amendment Regulations 2019, dated December 2019, together with an explanatory memorandum.

Financial Management Act—

Pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2019.

Pursuant to section 30E—Half-yearly directorate performance reports—December 2019, for the following directorates:

ACT Local Hospital Network, dated 13 February 2020.

Canberra Health Services, dated 13 February 2020.

Chief Minister, Treasury and Economic Development Directorate, dated February 2020.

Community Services Directorate, dated February 2020.

Education Directorate, dated February 2020.

Environment, Planning and Sustainable Development Directorate, dated February 2020.

Health Directorate, dated 13 February 2020.

Housing ACT, dated February 2020.

Justice and Community Safety Directorate.

Major Projects Canberra, dated February 2020.

Transport Canberra and City Services Directorate.

Flexible payment options for fees and charges—Government response to the resolution of the Assembly of 3 April 2019, dated February 2020.

Health Practitioner Regulation National Law as applied by the law of the States and Territories—Health Practitioner Regulation National Law Amendment (Miscellaneous) Regulation 2019 (No 141/2019), dated 10 December 2019.

Mental Health Act, pursuant to subsection 271(2)—Review of the Operation of Mental Health Orders under the *ACT Mental Health Act 2015*—Sections 58, 66, 101, 102, 108, dated 25 October 2019.

Our Booris, Our Way—Final report, dated December 2019.

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with accompanying statements for:

ACT Civil and Administrative Tribunal—Determination 9 of 2019, dated December 2019.

ACT Magistrates Court Judicial Positions—Determination 8 of 2019, dated December 2019.

ACT Supreme Court Judicial Positions—Determination 7 of 2019, dated December 2019.

Director of Public Prosecutions—Determination 12 of 2019, dated December 2019.

Full-time Statutory Office Holders—Determination 15 of 2019, dated December 2019.

Full-time Statutory Office Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 14 of 2019, dated December 2019.

Part-time Public Office Holders—Determination 13 of 2019, dated December 2019.

Part-time Statutory Office Holder: Integrity Commissioner—Determination 10 of 2019, dated December 2019.

Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 11 of 2019, dated December 2019.

Transport Action Plan—Quarterly update—Number 2, dated January 2020.

Wanniassa bus network changes—Petition No 27-19—Ministerial response—Additional information—Letter to the Clerk from the Minister for Transport, dated 12 February 2020.

16 FINANCIAL MANAGEMENT ACT—CONSOLIDATED FINANCIAL REPORT—PAPER NOTED

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

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2019.

Debate ensued.

Question—put and passed.

17 HEALTH PRACTITIONER REGULATION NATIONAL LAW—HEALTH PRACTITIONER REGULATION NATIONAL LAW AMENDMENT (MISCELLANEOUS) REGULATION 2019—PAPER NOTED

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

Health Practitioner Regulation National Law as applied by the law of the States and Territories—Health Practitioner Regulation National Law Amendment (Miscellaneous) Regulation 2019.

Debate ensued.

Question—put and passed.

18 OUR BOORIS, OUR WAY—FINAL REPORT—PAPER NOTED

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

Our Booris, Our Way—Final report.

Debate ensued.

Question—put and passed.

19 COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT ACT—COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT—STATE OF THE ENVIRONMENT REPORT 2019—PAPER NOTED

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

Commissioner for Sustainability and the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—State of the Environment Report 2019.

Debate ensued.

Question—put and passed.

20 MENTAL HEALTH ACT—REVIEW OF THE OPERATION OF MENTAL HEALTH ORDERS—PAPER NOTED

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

Mental Health Act, pursuant to subsection 271(2)—Review of the Operation of Mental Health Orders under the *ACT Mental Health Act 2015*—Sections 58, 66, 101, 102, 108.

Debate ensued.

Question—put and passed.

21 FINANCIAL MANAGEMENT ACT—BUDGET 2019-20—BUDGET REVIEW—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Mr Barr (Treasurer) made a ministerial statement concerning the 2019-20 Budget Review and presented the following paper:

Financial Management Act, pursuant to subsection 20A(2)—Budget 2019-20—Budget review.

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

Question—put and passed.

22 APPROPRIATION BILL 2019-2020 (NO 2)

Mr Barr (Treasurer) presented a Bill for an Act to appropriate additional money for the purposes of the Territory for the financial year that began on 1 July 2019.

Papers: Mr Barr presented the following papers:

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

Budget 2019-20—Financial Management Act, pursuant to section 13—Supplementary Budget Papers.

Title read by Clerk.

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

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

Public Accounts—Standing Committee—Reference—Appropriation Bill 2019-2020 (No 2): Mr Barr (Treasurer), pursuant to standing order 174, moved—That the Appropriation Bill 2019-2020 (No 2) be referred to the Standing Committee on Public Accounts for inquiry and report.

Question—put and passed.

23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—COST OF LIVING PRESSURES

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mrs Dunne, Mr Gupta, Mr Hanson, Mrs Kikkert, Ms Lawder, Ms Lee, Mr Milligan, Mr Parton, Mr Pettersson, and Mr Wall had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mr Wall be submitted to the Assembly, namely, “The importance of reducing cost of living pressures for all Canberrans”.

Discussion ensued.

Discussion concluded.

24 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF MOTOR ACCIDENT INJURIES AMENDMENT BILL 2020

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the Motor Accident Injuries Amendment Bill 2020, being called and debated forthwith.

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

25 MOTOR ACCIDENT INJURIES 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.

26 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 5.28 pm, adjourned until Tuesday, 18 February 2020 at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly