



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

MINUTES OF PROCEEDINGS

No 9

TUESDAY, 20 APRIL 2021

- 1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms Burch) took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

This is Ngunnawal Country.

Today we are gathering on Ngunnawal country.

We always pay respect to Elders, female and male, and Ngunnawal country.

The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

- 2 **HRH PRINCE PHILIP, DUKE OF EDINBURGH—CONDOLENCE—STATEMENT BY SPEAKER**

Ms Burch (Speaker) made a statement regarding the death of HRH Prince Philip, Duke of Edinburgh, and, as a mark of respect to the family members of the deceased, all members present stood, in silence.

- 3 **CORRECTION OF RECORD—STATEMENT BY MINISTER**

Ms Cheyne (Minister for Human Rights), by leave, made a statement correcting her reference to the Minister for Seniors, Veterans, Families and Community Services, on 31 March 2021, as a veteran.

Ms Davidson, by leave, also made a statement in relation to the matter.

4 PETITIONS—PETITIONS NOTED

Petitions

The Clerk announced that the following Members had lodged petitions for presentation:

Mr Pettersson, from 601 residents, requesting that the Government support the establishment of “The Friends of Yerrabi Pond Association” and upgrade and maintain the facilities at Yerrabi Ponds (e-Pet 5-21).

Ms Burch, from 1043 and 321 residents, respectively, requesting that the Government recognise and understand community concerns surrounding the proposed development at Chisholm Village by Ganellen (e-Pet 10-21 and Pet 11-21).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Planning, Transport and City Services.

The Speaker proposed—That the petitions so lodged be noted.

Debate ensued.

Question—put and passed.

5 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—REPORT 2—REPORT ON INQUIRIES INTO ANNUAL AND FINANCIAL REPORTS 2019-20 AND A.C.T. BUDGET 2020-21—REPORT NOTED

Ms Lawder (Chair), pursuant to order, presented the following report:

Economy and Gender and Economic Equality—Standing Committee—Report 2—*Report on inquiries into Annual and Financial Reports 2019-20 and ACT Budget 2020-21* dated 7 April 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

6 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—REPORT 1—ANNUAL AND FINANCIAL REPORTS 2019-2020 AND APPROPRIATION BILL 2020-2021—REPORT NOTED

Mr Pettersson (Chair), pursuant to order, presented the following report:

Education and Community Inclusion—Standing Committee—Report 1—*Annual and Financial Reports 2019-2020 and Appropriation Bill 2020-2021*, dated 6 April 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**7 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—
REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2019-20 AND
ESTIMATES 2020-21—REPORT NOTED**

Dr Paterson (Chair), pursuant to order, presented the following report:

Environment, Climate Change and Biodiversity—Standing Committee—Report 1—*Report on Annual and Financial Reports 2019-20 and Estimates 2020-21*, dated 31 March 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**8 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—REPORT 1—
ANNUAL AND FINANCIAL REPORTS 2019-2020; APPROPRIATION BILL 2020-2021
AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021—
REPORT NOTED**

Mr Davis (Chair), pursuant to order, presented the following report:

Health and Community Wellbeing—Standing Committee—Report 1—*Annual and Financial Reports 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021*, dated 9 April 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**9 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—
REPORT 1—ESTIMATES 2020-21 AND ANNUAL REPORT 2019-20—REPORT NOTED**

Ms Clay (Chair), pursuant to order, presented the following report:

Planning, Transport and City Services—Standing Committee—Report 1—*Estimates 2020-21 and Annual Report 2019-20*, dated 9 April 2021, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debated ensued.

Question—put and passed.

**10 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE
SCRUTINY ROLE)—SCRUTINY REPORT 3—STATEMENT BY CHAIR**

Mr Hanson (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 3, dated 14 April 2021, together with a copy of the extracts of the relevant minutes of proceedings—

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

11 COVID-19—UPDATE ON GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Government response to the COVID-19 emergency and presented the following papers:

COVID-19—Update on Government response—Ministerial statement, 20 April 2021.

Status of the public health emergency due to COVID-19—Chief Health Officer Report 13, dated 14 April 2021.

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

Question—put and passed.

12 UTILITIES AMENDMENT BILL 2021

Mr Barr (Treasurer) and Mr Rattenbury (Minister for Water, Energy and Emissions Reduction), by leave, presented a Bill for an Act to amend the *Utilities Act 2000*.

Paper: Mr Barr presented the following paper:

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

Title read by Clerk.

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

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

13 COURTS AND OTHER JUSTICE LEGISLATION AMENDMENT BILL 2021

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about courts, and for other purposes.

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

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

14 STATUTE LAW AMENDMENT BILL 2021

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation for the purpose of statute law revision, and for other purposes.

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

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

15 STANDING COMMITTEES—REPORTS—REPORTS ON 2020-21 A.C.T. BUDGET AND THE APPROPRIATION BILL 2020-2021 AND THE APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021—GOVERNMENT RESPONSE—PAPER NOTED

Mr Barr (Treasurer) presented the following paper:

Standing Committees—Reports on 2020-21 ACT Budget and the *Appropriation Bill 2020-2021* and the *Appropriation (Office of the Legislative Assembly) Bill 2020-2021*—Government response, dated April 2021—

and moved—That the Assembly take note of the paper.

Question—put and passed.

16 SUSPENSION OF STANDING ORDERS—COGNATE BILL

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the order of the day Assembly Business relating to the Government response to the standing committees' reports on the Appropriation Bill 2020-2021 and the Appropriation (Office of the Legislative Assembly) Bill 2020-2021 being called on and debated cognately with orders of the day Nos 1 and 2, Executive Business, relating to the Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021.

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

17 APPROPRIATION BILL 2020-2021

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 and passed.

Detail Stage

Schedule 1—Appropriations—

Part 1.1—ACT Local Hospital Network.

Debate continued.

Proposed expenditure agreed to.

Part 1.2—ACT Health Directorate.

Proposed expenditure agreed to.

Part 1.3—Canberra Health Services.

Proposed expenditure agreed to.

Part 1.4—Education Directorate.

Question—That the proposed expenditure be agreed to.

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.

18 QUESTIONS

Questions without notice were asked.

19 PRESENTATION OF PAPERS

Ms Burch (Speaker) presented the following papers:

Inspector of Correctional Services Act—Pursuant to subsection 30(2)—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Serious fire at the Alexander Maconochie Centre on 14 November 2020, dated 20 April 2021.

Planning, Transport and City Services—Standing Committee—Bills referred and not being inquired into—Domestic Animals Legislation Amendment Bill 2021—Correspondence to Speaker, dated 1 April 2021.

Standing order 191—Amendments—

Crimes Legislation Amendment Bill 2020, dated 8 April 2021.

Planning and Unit Titles Legislation Amendment Bill 2020, dated 8 April 2021.

Plastic Reduction Bill 2020, dated 8 April 2021.

20 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act—Pursuant to section 13—Annual Reports—2019-2020—

Canberra Institute of Technology, dated 23 March 2021.

Justice and Community Safety Directorate—Corrigendum.

Coroners Act—Report of Coroner—Pursuant to subsection 57(4)—

Inquest into the death of Dr Teresa Erika Foce, dated 24 September 2020.

Government Response.

Freedom of Information Act—Pursuant to section 39—Copy of notice provided to the Ombudsman—

Community Services Directorate—Freedom of Information request—Decision not made in time—

CYF-20/9, CYF-20/11, CYF20/12, CYF20-13, dated 30 October 2020.

HOU-20/19, dated 10 December 2020.

Justice and Community Safety Directorate—Freedom of Information request—Decision not made in time, dated 2 March 2021.

Subordinate legislation (including explanatory statements unless otherwise stated)

Bail Act—Bail Amendment Regulation 2021 (No 1)—Subordinate Law SL2021-4 (LR, 1 April 2021).

Gambling and Racing Control Act and Financial Management Act—Gambling and Racing Control (Governing Board) Appointment 2021 (No 1)—Disallowable Instrument DI2021-44 (LR, 18 March 2021).

Legal Profession Act—Legal Profession (Barristers) Rules 2021—Subordinate Law SL2021-5 (LR, 6 April 2021).

Magistrates Court Act—Magistrates Court (Public Health (COVID-19) Infringement Notices) Amendment Regulation 2021 (No 1)—Subordinate Law SL2021-6 (LR, 1 April 2021).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2021 (No 1)—Disallowable Instrument DI2021-48 (LR, 29 March 2021).

Public Place Names Act—Public Place Names (Beard) Determination 2021—Disallowable Instrument DI2021-43 (LR, 15 March 2021).

Racing Act—Racing Appeals Tribunal (Assessor) Appointment 2021—Disallowable Instrument DI2021-49 (LR, 29 March 2021).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2021 (No 4)—Disallowable Instrument DI2021-42 (LR, 5 March 2021).

Road Transport (General) Application of Road Transport Legislation Declaration 2021 (No 3)—Disallowable Instrument DI2021-41 (LR, 4 March 2021).

Road Transport (General) Application of Road Transport Legislation Declaration 2021 (No 4)—Disallowable Instrument DI2021-45 (LR, 16 March 2021).

Road Transport (General) Application of Road Transport Legislation Declaration 2021 (No 5)—Disallowable Instrument DI2021-47 (LR, 22 March 2021).

Road Transport (General) Application of Road Transport Legislation Declaration 2021 (No 6)—Disallowable Instrument DI2021-50 (LR, 6 April 2021).

Security Industry Act—Security Industry Amendment Regulation 2021 (No 1)—Subordinate Law SL2021-2 (LR, 18 March 2021).

Surveyors Act—Surveyors (Surveyor-General) Practice Directions 2021 (No. 1)—Disallowable Instrument DI2021-51 (LR, 6 April 2021).

Taxation (Government Business Enterprises) Act—Taxation (Government Business Enterprises) Amendment Regulation 2021 (No 1)—Subordinate Law SL2021-3 (LR, 29 March 2021).

Taxation Administration Act—Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 2021—Disallowable Instrument DI2021-46 (LR, 22 March 2021).

21 POLICE NUMBERS

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

- (1) notes:
 - (a) the latest Report on Government Services (ROGS) from the Productivity Commission shows that the ACT has the lowest number of police per-capita in Australia;
 - (b) ROGS shows that the ACT has fewer sworn operational staff now than it did nearly a decade ago;
 - (c) ROGS shows that the ACT spends the least per-capita on police in Australia and this amount has declined over the decade;
 - (d) the ACT Government cut \$15 million from the ACT Policing in 2013;
 - (e) the Australian Federal Police Association say that “Police officers are constantly asked to do more with less and police officers are breaking as a result”;
 - (f) the significant population growth in the Molonglo region of Canberra;
 - (g) the reports of criminal activity in Molonglo Valley and adjacent suburbs in Weston Creek; and
 - (h) the lack of a permanent police presence in Molonglo or Weston Creek; and
- (2) calls on the ACT Government to:
 - (a) increase the number of police to at least match per-capita levels with NSW by 2024; and
 - (b) establish a permanent police station in Molonglo Valley by the end of 2022.

Mr Gentleman moved the following amendment: Omit all words after “That this Assembly” and substitute:

- “(1) notes that the ACT Government has:
- (a) worked closely with ACT Policing to reduce crime and ensure Canberra remains one of the safest cities in Australia, with crime rates in the ACT on average lower than 10 years ago; and
 - (b) in the 2019-20 ACT Budget, the ACT Government delivered a \$33.9 million commitment dedicated to the Police Services Model, which will deliver more than 60 ACT Policing members in its first four years;
- (2) further notes that the Standing Committee on Justice and Community Safety Annual and Financial Report 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021 cites the following evidence provided by the Chief Police Officer during the Committee’s hearings:

“We talk about police numbers all the time. It is very difficult to compare the Territory with any other jurisdiction in the country because our population is

fairly compacted to a very small part of the Territory. I always hear people talk about the number of police in a place like Tasmania. The fact is, it is three hours between their biggest cities- here it is literally 10 minutes and I can move patrols around very quickly.”; and

- (3) calls on the ACT Government to continue to:
- (a) implement the Police Services Model; and
 - (b) invest in ACT Policing members, better facilities, and equipment to ensure ACT Policing remains well-resourced the keep Canberra safe.”

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that the ACT Government has:
- (a) worked closely with ACT Policing to reduce crime and ensure Canberra remains one of the safest cities in Australia, with crime rates in the ACT on average lower than 10 years ago; and
 - (b) in the 2019-20 ACT Budget, the ACT Government delivered a \$33.9 million commitment dedicated to the Police Services Model, which will deliver more than 60 ACT Policing members in its first four years;
- (2) further notes that the Standing Committee on Justice and Community Safety Annual and Financial Report 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021 cites the following evidence provided by the Chief Police Officer during the Committee’s hearings:
- “We talk about police numbers all the time. It is very difficult to compare the Territory with any other jurisdiction in the country because our population is fairly compacted to a very small part of the Territory. I always hear people talk about the number of police in a place like Tasmania. The fact is, it is three

hours between their biggest cities- here it is literally 10 minutes and I can move patrols around very quickly.”; and

- (3) calls on the ACT Government to continue to:
 - (a) Implement the Police Services Model; and
 - (b) Invest in ACT Policing members, better facilities, and equipment to ensure ACT Policing remains well-resourced the keep Canberra safe.”—
- be agreed to—put and passed.

22 ASSISTED REPRODUCTION TECHNOLOGY—REGULATION AND ACCESS

Dr Paterson, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) in 2018, there were 84 064 initiated Assisted Reproductive Technology (ART) cycles in Australia and New Zealand. In the five years to 2017, the number of ART procedures increased, on average, by over 10 percent a year;
 - (b) ART can provide an option for individuals and couples looking to conceive and may or may not include the use of donated gametes;
 - (c) currently the ACT does not have any specific regulatory arrangements for ART, though these services are guided by the National Health and Medical Research Council’s *Ethical guidelines on the use of assisted reproductive technology in clinical practice and research*;
 - (d) the recently established national register of in-vitro fertilisation (IVF) clinics provides some comparative data and information about the likelihood of success for individuals and couples trying to conceive which addresses some concerns about access to transparent information about IVF services;
 - (e) other states have legislation regulating ART, which provides a framework for ART providers and individuals and couples who choose to access these services, including for:
 - (i) support and counselling;
 - (ii) access to donor information and linking;
 - (iii) surrogacy;
 - (iv) patient access; and
 - (v) provider accreditation and licensing;
 - (f) people born as a result of donated gametes, and their parents, may find it difficult to access information about their donor, obtain information about their genetic heritage and background or find and connect with siblings born from the same donor; and

- (g) the Commonwealth Government is currently considering legislation regarding mitochondrial donation clinical trials with the intent to eventually become accessible through ART; and
- (2) calls on the ACT Government to:
 - (a) review the availability of support services for individuals and couples choosing to access ART to ensure that appropriate information and care are readily available—pre, during and post treatment;
 - (b) investigate and review comparable ART regulatory arrangements in other states and territories;
 - (c) consider establishing a regulatory framework for ART in the ACT, including consideration of the position of sexuality and gender diverse couples;
 - (d) consider the establishment of a register that will contain mandatory information in relation to all births resulting from ART treatment where donor gametes are used;
 - (e) support the welfare of donor conceived people by providing regulated access to identifying information about their donor and links to siblings from the central register looking to connect;
 - (f) consider the potential impact of the Mitochondrial Donation Law Reform (Maeve’s Law) Bill 2021 currently being considered by the Commonwealth Parliament and related issues on the ACT’s current legislative arrangements;
 - (g) consider the accessibility of ART for individuals coming from low socio-economic backgrounds; and
 - (h) report back to the Legislative Assembly no later than August 2022 on findings.

Debate ensued.

Question—put and passed.

23 CORRECTION—STATEMENT BY MINISTER

Ms Stephen-Smith, by leave, made a statement correcting her answer to a question taken earlier today.

24 APPROPRIATION BILL 2020-2021

The Assembly, according to order, resumed further consideration at the detail stage—

Detail Stage

Schedule 1—Appropriations—

Consideration resumed on Part 1.4—Education Directorate.

Debate continued.

Proposed expenditure agreed to.

Part 1.5—Chief Minister, Treasury and Economic Development Directorate.

Debate continued.

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

25 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 6:46 pm, adjourned until tomorrow at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly