



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020

MINUTES OF PROCEEDINGS

No 1

TUESDAY, 3 NOVEMBER 2020

The Legislative Assembly for the Australian Capital Territory convened at 10 a.m. in the Legislative Assembly Chamber, Canberra, on Tuesday, 3 November 2020.

- 1** On which day, being the first day of the meeting of the Tenth Assembly for the despatch of business pursuant to a Notice of the Speaker, Thomas Duncan, Clerk of the Legislative Assembly, Julia Agostino, Deputy Clerk and Serjeant-at-Arms and Janice Margaret Rafferty, Clerk Assistant, attending in the Assembly according to their duty, the said Notice was read at the Table by the Clerk:

**NOTICE CONVENING THE FIRST MEETING OF THE TENTH LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

Pursuant to subsection 17(2) of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth), I, Joy Burch, Speaker of the Legislative Assembly for the Australian Capital Territory, do by this Notice convene the first meeting of the Tenth Legislative Assembly for the Australian Capital Territory at 10 am on Tuesday 3 November 2020, in the Chamber of the Legislative Assembly, Canberra, in the Australian Capital Territory.

Dated 28 October 2020

JOY BURCH
Speaker, Legislative Assembly
for the Australian Capital Territory

2 OATH OR AFFIRMATION OF ALLEGIANCE

The Clerk informed the Assembly of the requirements under section 9 of the *Australian Capital Territory (Self-Government) Act 1988* and sections 6A and 10A of the *Oaths and Affirmations Act 1984* for Members to make and subscribe an oath or affirmation before the Chief Justice of the Supreme Court or a person authorised by the Chief Justice.

The Honourable Justice Helen Gay Murrell, Chief Justice of the Supreme Court of the Australian Capital Territory, entered the Chamber and was escorted by the Serjeant-at-Arms to the Chair.

3 NOTIFICATION OF CANDIDATES ELECTED

The Clerk laid on the Table the instrument, dated Wednesday, 28 October 2020, notifying the names of candidates elected to the Legislative Assembly for the Australian Capital Territory at the general election held on Saturday, 17 October 2020, which showed that the following had been elected:

Electorate of Brindabella:

Joy Burch
Mick Gentleman
Nicole Lawder
Mark Parton
Johnathan Davis

Electorate of Ginninderra:

Yvette Berry
Elizabeth Kikkert
Tara Cheyne
Jo Clay
Peter Cain

Electorate of Kurrajong:

Andrew Barr
Shane Rattenbury
Rachel Stephen-Smith
Elizabeth Lee
Rebecca Vassarotti

Electorate of Murrumbidgee:

Jeremy Hanson
Chris Steel
Giulia Jones
Marisa Paterson
Emma Davidson

Electorate of Yerrabi:

Alistair Coe
Michael Pettersson
Suzanne Orr
Andrew Braddock
Leanne Castley.

4 OATHS OR AFFIRMATIONS BY MEMBERS

The Members, whose names are set out above, made and subscribed an oath or affirmation as required by law.

Her Honour Justice Murrell retired.

5 ELECTION OF SPEAKER

Mr Barr (Chief Minister), addressing himself to the Clerk, proposed Ms Burch to the Assembly for its Speaker, and moved—That Ms Burch take the Chair of the Assembly as Speaker.

Ms Burch informed the Assembly that she accepted the nomination.

There being no further proposal, the time for proposals expired.

Ms Burch was declared elected as Speaker, and she was escorted to the Chair.

Ms Burch returned her acknowledgements to the Assembly for the honour it had conferred on her.

6 ACKNOWLEDGEMENT OF COUNTRY

The Speaker, by indulgence, 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.

7 ELECTION OF CHIEF MINISTER

Ms Berry (Deputy Chief Minister) proposed Mr Barr to the Assembly as Chief Minister, and moved—That Mr Barr be elected Chief Minister for the Territory.

Mr Barr informed the Assembly that he accepted the nomination.

Mrs Jones proposed Ms Lee to the Assembly as Chief Minister, and moved—That Ms Lee be elected Chief Minister for the Territory.

Ms Lee informed the Assembly that she accepted the nomination.

There being no further proposal, the time for proposals expired.

The Assembly proceeded to ballot; and the ballot being concluded, the Speaker reported the result, as follows:

Mr Barr—16 votes

Ms Lee—9 votes

Mr Barr was declared elected as Chief Minister.

Mr Barr (Chief Minister), by leave, made a statement concerning his election as Chief Minister.

8 LEADER OF THE OPPOSITION—ELECTION—CONSENT—PAPER—STATEMENT BY MEMBER

The Speaker informed the Assembly that she had received correspondence advising her of the appointment of Ms Lee as Leader of the Opposition, and Ms Lee's consent to the appointment, and presented the following paper:

Leader of the Opposition—Election—Consent—Letter to the Speaker from Ms Lee MLA, dated 28 October 2020.

Ms Lee, by leave, made a statement concerning her appointment.

9 A.C.T. GREENS—STATEMENT BY MEMBER

Mr Rattenbury, by leave, made a statement as Leader of The ACT Greens in the Assembly.

10 ELECTION OF DEPUTY SPEAKER

Mrs Jones proposed Mr Parton to the Assembly as Deputy Speaker, and moved—That Mr Parton be elected Deputy Speaker.

Mr Parton informed the Assembly that he accepted the nomination.

There being no further proposal, the time for proposals expired.

Mr Parton was declared elected as Deputy Speaker.

11 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual Reports—2019-2020—

ACT Ombudsman, dated 6 October 2020.

Inspector of the ACT Integrity Commission, dated 6 October 2020, along with the Annual Operational Review.

Office of the Legislative Assembly, dated October 2020.

Auditor-General Act—Auditor-General's Reports—

No 7/2020—Management and care for people living with serious and continuing illness, dated 10 September 2020.

No 8/2020—Annual Report 2019-20, dated 9 October 2020, including a corrigendum.

COVID-19 Pandemic Response—Select Committee—Ninth Assembly—*Final Report*, dated 8 October 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Reports—

1 January to 30 June 2020, dated 18 September 2020, prepared by Prof Dennis Pearce.

1 July 2020 to the start of the pre-election period (12.00am on 11 September 2020), dated 18 September 2020, prepared by Prof Dennis Pearce.

Justice and Community Safety—Standing Committee—Ninth Assembly—

Report 9—*Report on Inquiry into the Form of an Evaluation of Current ACT Policing Arrangements*, dated 28 September 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Report 10—*Report on Review of ACT emergency services responses to the 2019-20 bushfire season*, dated 28 September 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Ninth Assembly—Scrutiny Report 51, dated 8 September 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Standing order 191—Amendments—

Electoral Amendment Bill 2018, dated 1, 2 and 3 September 2020.

Public Interest Disclosure Amendment Bill 2020, dated 2 and 3 September 2020.

Residential Tenancies Amendment Bill 2020, dated 2 and 3 September 2020.

12 PRESENTATION OF PAPERS

Mr Barr (Chief Minister) presented the following papers:

Public Sector Management Standards 2016, pursuant to section 56—Engagements of Long-term Senior Executive Service Members—1 March 2020 to 31 August 2020.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act and Financial Management Act—ACT Teacher Quality Institute Board Appointment 2020 (No 6)—Disallowable Instrument DI2020-235 (LR, 11 August 2020).

Architects Act—

Architects Board Appointment 2020 (No 1)—Disallowable Instrument DI2020-240 (LR, 17 August 2020).

Architects Board Appointment 2020 (No 2)—Disallowable Instrument DI2020-246 (LR, 24 August 2020).

Architects Board Appointment 2020 (No 3)—Disallowable Instrument DI2020-247 (LR, 24 August 2020).

Architects Board Appointment 2020 (No 4)—Disallowable Instrument DI2020-248 (LR, 24 August 2020).

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2020 (No 1)—Disallowable Instrument DI2020-228 (LR, 30 July 2020).

Canberra Institute of Technology Act and Financial Management Act—Canberra Institute of Technology (CIT Board Member) Appointment 2020 (No 4)—Disallowable Instrument DI2020-241 (LR, 17 August 2020).

Cemeteries and Crematoria Act—

Cemeteries and Crematoria (Cemetery Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-243 (LR, 20 August 2020).

Cemeteries and Crematoria Code of Practice 2020—Disallowable Instrument DI2020-242 (LR, 20 August 2020).

Civil Law (Property) Act—Civil Law (Property) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-41 (LR, 10 September 2020).

Civil Law (Sale of Residential Property) Act—Civil Law (Sale of Residential Property) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-42 (LR, 10 September 2020).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Professional Standards Council Appointment 2020 (No 1)—Disallowable Instrument DI2020-281 (LR, 9 September 2020).

Civil Law (Wrongs) Professional Standards Council Appointment 2020 (No 2)—Disallowable Instrument DI2020-282 (LR, 10 September 2020).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement Method) Determination 2020 (No 2)—Disallowable Instrument DI2020-280 (LR, 10 September 2020).

Commissioner for Sustainability and the Environment Act—Commissioner for Sustainability and the Environment Appointment 2020 (No 3)—Disallowable Instrument DI2020-284 (LR, 10 September 2020).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) Building Energy Efficiency Assessment Sale and Lease of Residential Premises Code of Practice 2020—Disallowable Instrument DI2020-269 (LR, 8 September 2020).

Court Procedures Act—Court Procedures Amendment Rules 2020 (No 4)—Subordinate Law SL2020-34 (LR, 31 August 2020).

Education Act—Education Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-29 (LR, 17 August 2020).

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost of Living) Improvement (Priority Households) Determination 2020—Disallowable Instrument DI2020-255 (LR, 3 September 2020).

Financial Management Act—Financial Management (Territory Authorities) Guidelines 2020 (No 2)—Disallowable Instrument DI2020-273 (LR, 10 September 2020).

Firearms Act—Firearms Amendment Regulation 2020 (No 2)—Subordinate Law SL2020-30 (LR, 17 August 2020).

Gene Technology Act—Gene Technology Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-38 (LR, 9 September 2020).

Government Agencies (Campaign Advertising) Act—Government Agencies (Campaign Advertising) Exemption 2020 (No 1)—Disallowable Instrument DI2020-275 (LR, 9 September 2020).

Government Procurement Act—

Government Procurement (Non-Public Employee Member) Appointment 2020 (No 1)—Disallowable Instrument DI2020-271 (LR, 8 September 2020).

Government Procurement (Non-Public Employee Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020-270 (LR, 8 September 2020).

Government Procurement (Secure Local Jobs) Code 2020—Disallowable Instrument DI2020-278 (LR, 9 September 2020).

Land Tax Act—Land Tax (Affordable Community Housing) Determination 2020—Disallowable Instrument DI2020-277 (LR, 9 September 2020).

Leases (Commercial and Retail) Act—Leases (Commercial and Retail) COVID-19 Emergency Response Declaration 2020 (No 2)—Disallowable Instrument DI2020-283 (LR, 10 September 2020).

Legal Aid Act—

Legal Aid (Commissioner—Bar Association Nominee) Appointment 2020—Disallowable Instrument DI2020-244 (LR, 19 August 2020).

Legal Aid (Commissioner—ACTCOSS Nominee) Appointment 2020—Disallowable Instrument DI2020-245 (LR, 19 August 2020).

Legislative Assembly (Members' Staff) Act—Legislative Assembly (Members' Staff) Deemed Date of Termination of Employment of Members' Staff Direction 2020 (No 1)—Disallowable Instrument DI2020-251 (LR, 25 August 2020).

Liquor Act—

Liquor (Fees) Determination 2020 (No 2)—Disallowable Instrument DI2020-236 (LR, 31 August 2020).

Liquor Amendment Regulation 2020 (No 3)—Subordinate Law SL2020-37 (LR, 10 September 2020).

Liquor Regulation 2010—

Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2020 (No 2)—Disallowable Instrument DI2020-238 (LR, 31 August 2020).

Liquor (COVID-19 Emergency Response—Permit Fee Waiver) Declaration 2020 (No 2)—Disallowable Instrument DI2020-237 (LR, 31 August 2020).

Long Service Leave (Portable Schemes) Act—

Long Service Leave (Portable Schemes) ACT Council of Social Service Employer Declaration 2020—Disallowable Instrument DI2020-234 (LR, 7 August 2020).

Long Service Leave (Portable Schemes) ACT Shelter Employer Declaration 2020—Disallowable Instrument DI2020-286 (LR, 10 September 2020).

Long Service Leave (Portable Schemes) Alcohol Tobacco and Other Drug Association ACT Employer Declaration 2020—Disallowable Instrument DI2020-268 (LR, 7 September 2020).

Long Service Leave (Portable Schemes) Families ACT Employer Declaration 2020—Disallowable Instrument DI2020-258 (LR, 1 September 2020).

Long Service Leave (Portable Schemes) Volunteering Australia Employer Declaration 2020—Disallowable Instrument DI2020-257 (LR, 1 September 2020).

Medicines, Poisons and Therapeutic Goods Act—

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 4)—Subordinate Law SL2020-31 (LR, 20 August 2020).

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 5)—Subordinate Law SL2020-39 (LR, 9 September 2020).

Nature Conservation Act—Nature Conservation (Fees) Determination 2020 (No 3)—Disallowable Instrument DI2020-232 (LR, 7 August 2020).

Official Visitor Act—

Official Visitor (Housing Assistance) Appointment 2020 (No 1)—Disallowable Instrument DI2020-260 (LR, 3 September 2020).

Official Visitor Guidelines 2020—Disallowable Instrument DI2020-259 (LR, 3 September 2020).

Planning and Development Act—

Planning and Development (Community Consultation) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-35 (LR, 10 September 2020).

Planning and Development Amendment Regulation 2020 (No 2)—Subordinate Law SL2020-33 (LR, 27 August 2020).

Planning and Development Amendment Regulation 2020 (No 3)—Subordinate Law SL2020-36 (LR, 9 September 2020).

Public Health Act—

Public Health (Notifiable Conditions) Determination 2020—Disallowable Instrument DI2020-229 (LR, 3 August 2020).

Public Health (Quarantine Fees) Determination 2020—Disallowable Instrument DI2020-239 (LR, 13 August 2020).

Public Health (Reporting of Notifiable Conditions) Code of Practice 2020—Disallowable Instrument DI2020-230 (LR, 3 August 2020).

Public Place Names Act—Public Place Names (Canberra Central) Determination 2020—Disallowable Instrument DI2020-227 (LR, 3 August 2020).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2020 (No 3)—Disallowable Instrument DI2020-274 (LR, 10 September 2020).

Residential Tenancies Act—Residential Tenancies (COVID-19 Emergency Response) Declaration 2020 (No 3)—Disallowable Instrument DI2020-267 (LR, 4 September 2020).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 6)—Disallowable Instrument DI2020-254 (LR, 3 September 2020).

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 7)—Disallowable Instrument DI2020-272 (LR, 10 September 2020).

Road Transport (General) Application Order 2020 (No 2)—Disallowable Instrument DI2020-253 (LR, 10 September 2020).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-32 (LR, 21 August 2020).

Taxation Administration Act—

Taxation Administration (Payroll Tax) COVID-19 Exemption Scheme Determination 2020—Disallowable Instrument DI2020-276 (LR, 9 September 2020).

Taxation Administration (Payroll Tax—Businesses Not Permitted to Operate) COVID-19 Exemption Scheme Determination 2020—Disallowable Instrument DI2020-279 (LR, 9 September 2020).

Territory Records Act—Territory Records (Advisory Council) Appointment 2020 (No 1)—Disallowable Instrument DI2020-261 (LR, 7 September 2020).

Tree Protection Act—Tree Protection (Advisory Panel) Appointment 2020 (No 1)—Disallowable Instrument DI2020-231 (LR, 6 August 2020).

Unit Titles (Management) Act—

Unit Titles (Management) Amendment Regulation 2020 (No 2)—Subordinate Law SL2020-43 (LR, 10 September 2020).

Unit Titles (Management) Certificate Determination 2020—Disallowable Instrument DI2020-285 (LR, 10 September 2020).

Waste Management and Resource Recovery Act—Waste Management and Resource Recovery (Environment Protection—Used Packaging Materials) Code of Practice 2020—Disallowable Instrument DI2020-256 (LR, 3 September 2020).

Workers Compensation Act—Workers Compensation Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-40 (LR, 10 September 2020).

13 DAYS AND TIMES OF NEXT MEETINGS

Mr Barr (Chief Minister) moved—That the Assembly, at its rising, adjourn until 10 am on Wednesday, 2 December 2020 and fix Thursday, 3 December 2020 as a sitting day of the Assembly.

Question—put and passed.

14 SUSPENSION OF STANDING ORDERS—ORDER OF BUSINESS

Mr Barr (Chief Minister) moved—That so much of the standing orders be suspended as would enable the order of business for Wednesday and Thursday the 2nd and 3rd of December 2020 to be:

Prayer or reflection

Presentation of petitions

Ministerial statements

Presentation of Executive business bills

Assembly business

Notices and orders of the day

Questions without notice

Presentation of papers

Ministerial statements

Private Members' business (as ordered by the Standing Committee on Administration and Procedure)

Notices and orders of the day.

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

15 ADJOURNMENT

Mr Barr (Chief Minister) moved—That the Assembly do now adjourn.

And then the Assembly, at 11.06 am, adjourned until Wednesday, 2 December 2020 at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly