



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

## MINUTES OF PROCEEDINGS

No 7

TUESDAY, 30 MARCH 2021

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- 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 RESIGNATION OF MEMBER—PAPERS

The Speaker informed the Assembly that, pursuant to the resolution of the Assembly of 27 March 1992, as amended on 6 March 2008, the Speaker had received a letter from Mr Coe resigning his office as a Member of the Legislative Assembly for the Australian Capital Territory and presented the following papers:

*Australian Capital Territory (Self-Government) Act 1988 (Cwlth)*, pursuant to subsection 13(3)—Resignation of office as Member—Mr Coe—Letter of resignation, dated 12 March 2021.

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Copy of letter to the Electoral Commissioner, ACT Electoral Commission, from the Speaker, dated 12 March 2021.

### 3 ANNOUNCEMENT OF MEMBER TO FILL CASUAL VACANCY

The Speaker announced that the Electoral Commissioner, pursuant to sections 189 and 194 of the *Electoral Act 1992*, had on 26 March 2021 declared Mr James Milligan elected to the Legislative Assembly for the Australian Capital Territory. Mr Milligan was filling the vacancy created as a result of the resignation of Mr Coe.

*Paper:* The Speaker presented the following paper:

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Declaration of the poll—Letter from the Electoral Commissioner, ACT Electoral Commission, to the Clerk, ACT Legislative Assembly, dated 26 March 2021.

### 4 OATH OR AFFIRMATION

The Speaker informed the Assembly of the requirement under the *Oaths and Affirmations Act 1984* for new Members to make and subscribe an oath or affirmation before the Chief Justice of the Supreme Court of the Australian Capital Territory or a Judge of that Court authorised by the Chief Justice.

*Paper:* The Speaker presented the following paper:

*Oaths and Affirmations Act 1984*, pursuant to section 10A—Acting Chief Justice Burns—Letter to the Attorney-General from the Chief Justice, dated 16 March 2021.

The Honourable Justice Burns, Acting 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.

### 5 OATH BY MEMBER

Mr Milligan was introduced.

His Honour the Acting Chief Justice informed the Assembly of the provisions of section 9 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) and section 10A of the *Oaths and Affirmations Act 1984* whereby a Member of the Legislative Assembly, before taking his or her seat, must make and subscribe an oath or affirmation in accordance with the form set out in the Oaths and Affirmations Act.

Mr Milligan made the oath required by law and affirmed his commitment to the Code of Conduct.

His Honour Justice Burns retired.

### 6 PETITIONS AND MINISTERIAL RESPONSES—PETITIONS AND RESPONSES NOTED

#### Petitions

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

Mrs Kikkert, from 61 residents, requesting that the Assembly call upon the Government to resume French language tuition at Belconnen High School (e-Pet 2-21).

Mrs Kikkert, from 781 residents, requesting that the Assembly call upon the Government to enable the owners of Kippax Fair to undertake the centre expansion as soon as possible, to accommodate the needs of the growing West Belconnen community (Pet 8-21).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Planning, Transport and City Services.

### **Ministerial responses**

The Clerk announced that the following responses to petitions had been lodged:

Mr Steel (Special Minister of State), dated 17 February 2021—Response to petition No 24-20, lodged by Ms Clay on 2 December 2020, concerning public funding of Thoroughbred Park.

Mr Steel (Minister for Transport and City Services), dated 18 February 2021—Response to petition No 13-20, lodged by Ms Lee on 3 December 2020, concerning future proposals for waste processing facilities in Fyshwick.

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

Debate ensued.

Question—put and passed.

## **7 ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE—A.C.T. GOVERNMENT PROGRESS REPORT RESPONDING TO RECOMMENDATIONS—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Mr Barr (Chief Minister) made a ministerial statement concerning the ACT Government's progress report on the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and presented the following paper:

Royal Commission into Institutional Responses to Child Sexual Abuse—ACT Government Progress Report responding to recommendations—

Ministerial statement, 30 March 2021.

Third Annual Progress Report, dated March 2021.

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

Question—put and passed.

## **8 WOMEN AND GIRLS IN THE A.C.T.—ANNUAL STATEMENT ON THE STATUS—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Ms Berry (Minister for Women) made a ministerial statement concerning the status of women and girls in the ACT and presented the following papers:

Women and girls in the ACT—

Annual statement on the status—2021.

Ministerial statement, 30 March 2021.

Ms Berry moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

**9 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, 30 March 2021.

Status of the public health emergency due to COVID-19—

Chief Health Officer Report 11, dated 15 February 2021.

Chief Health Officer Report 12, dated 15 March 2021.

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

Question—put and passed.

**10 100 YEARS OF ROTARY—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning the centenary of Rotary and presented the following paper:

100 Years of Rotary—Ministerial Statement, 30 March 2021.

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

Debate ensued.

Question—put and passed.

**11 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 2—STATEMENT BY CHAIR**

Mr Hanson (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 2, dated 24 March 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.

**12 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 3—REVIEW OF MEMBERS' CODE OF CONDUCT AND THE DECLARATION OF MEMBERS INTERESTS FORM—PAPERS—REPORT ADOPTED**

Ms Burch (Chair) presented the following report and papers:

Administration and Procedure—Standing Committee—Report 3—*Review of Members' Code of Conduct and the Declaration of Members Interests Form*, dated 29 March 2021, together with a copy of the extracts of the relevant minutes of proceedings.

Declaration of Member's Private Interests—

Revised form.

Revised amendments form.

Ms Orr, by leave, moved—That the report be adopted.

Question—put and passed.

**13 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 4—  
REVIEW OF STANDING ORDERS FOR THE TENTH ASSEMBLY—REPORT ADOPTED**

Ms Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 4—*Review of standing orders for the Tenth Assembly*, dated 29 March 2021, together with a copy of the extracts of the relevant minutes of proceedings.

Mrs Orr, by leave, moved—That the report be adopted.

Debate ensued.

Question—put and passed.

**14 JUSTICE AND COMMUNITY SAFETY—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 Hanson (Chair) presented the following report:

Justice and Community Safety—Standing Committee—Report 1—*Annual and Financial Reports 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2021*, dated 24 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.

**15 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—  
CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER**

Mr Pettersson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Education and Community Inclusion.

*Paper:* Mr Pettersson, pursuant to Continuing Resolution 5A, presented the following paper:

Education and Community Inclusion—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 July to 31 December 2020.

**16 ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY—STANDING COMMITTEE—  
INQUIRY—RENEWABLE ENERGY INNOVATION—STATEMENT BY CHAIR**

Dr Paterson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Environment, Climate Change and Biodiversity had resolved to conduct an inquiry into and report on matters relating to renewable energy innovation in the ACT.

**17 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER**

Mr Hanson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Justice and Community Safety.

*Paper:* Mr Hanson, pursuant to Continuing Resolution 5A, presented the following paper:

Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 July to 31 December 2020.

**18 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—INQUIRY—GIRALANG SHOPS—DEVELOPMENT—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services, had resolved to inquire into and report on petition 4-21, concerning Giralang Shops.

**19 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—INQUIRY—DRAFT VARIATION TO THE TERRITORY PLAN NO 365—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had resolved to conduct an inquiry into and report on Draft Variation to the Territory Plan No 365, after it was referred to the Committee by the Minister for Planning and Land Management.

**20 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—INQUIRY—PROGRAMS FOR DRUG HARM REDUCTION—INQUIRY DISCONTINUED—STATEMENT BY CHAIR**

Mr Davis (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Health and Community Wellbeing had resolved that, following the establishment of the Select Committee on the Drugs of Dependence (Personal Use) Amendment Bill 2021, it would not be continuing its inquiry into tobacco, alcohol and drug programs, as it would result in considerable overlap and cause confusion for those wishing to make submissions and/or contribute to the processes.

**21 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—INQUIRY—HEALTH PROGRAMS FOR CHILDREN AND YOUNG PEOPLE—REVIEW—STATEMENT BY CHAIR**

Mr Davis (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Health and Community Wellbeing had resolved to conduct an inquiry into and report on health screening and services for children and young people, and, by leave, tabled the following paper:

Health and Community Wellbeing—Standing Committee—Inquiry—Review of ACT health programs for children and young people—Terms of reference.

**22 DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021—SELECT COMMITTEE—INQUIRY—DRUG HARM REDUCTION—STATEMENT BY CHAIR**

Mr Cain (Chair), pursuant to standing order 246A, informed the Assembly that the Select Committee on the Drugs of Dependence (Personal Use) Amendment Bill 2021 had resolved that, in addition to an examination of the terms of the Drugs of Dependence (Personal Use) Amendment Bill 2021, it will also inquire into broader programs and practices in relation to drug harm reduction.

**23 STANDING COMMITTEES—MEMBERSHIP**

The Speaker informed the Assembly that the Speaker had, on 12 March 2021, agreed to the following change to the membership of the Standing Committee on Public Accounts, proposed by the Opposition Whip, pursuant to standing order 223:

Mr Coe be discharged from the Standing Committee on Public Accounts, and Mrs Kikkert appointed in his place.

Mr Gentleman (Manager of Government Business), pursuant to standing order 223, moved that the change to membership of the Standing Committee on Public Accounts, as proposed to and agreed to by the Speaker, be adopted.

Question—put and passed.

Mr Hanson, pursuant to standing order 223, moved that Mrs Kikkert be discharged from the Standing Committee on Health and Community Wellbeing and that Mr Milligan be appointed in her place.

Question—put and passed.

**24 STANDING COMMITTEES—ESTABLISHMENT—AMENDMENT TO RESOLUTION**

Ms Orr, pursuant to notice, moved—That the resolution of the Assembly of 2 December 2020 that established the general purpose standing committees be amended by omitting paragraph (5) and substituting the following:

“(5) all bills presented to the Assembly stand referred to the relevant standing committee for inquiry and report within two months from the presentation of the bill, except for those bills introduced in the last sitting week of the calendar year where the committee shall report in three months. Within 14 days of the presentation of the bill in the Assembly, the committee must decide whether or not to undertake an inquiry, and shall inform the Speaker of its decision, the Speaker must then arrange for all members to be notified. In the event that the subject matter of the bill makes it unclear which committee it should be referred to, the Speaker will determine the appropriate committee;”

Question—put and passed.

**25 CODE OF CONDUCT—REAFFIRMATION**

Mr Parton (Deputy Speaker), pursuant to notice, moved— That we, the Members of the Tenth Legislative Assembly for the Australian Capital Territory, having adopted a code of conduct for Members, reaffirm our commitment to the principles, obligations and aspirations of the code.

Question—put and passed.

**26 QUESTIONS**

Questions without notice were asked.

**27 PRESENTATION OF PAPERS**

Ms Burch (Speaker) presented the following papers:

Administration and Procedure—Standing Committee—Report 2—*Report on the Conduct of Mr Coe, MLA*, dated 9 February 2021—Recommendation 1—Letter to the Speaker from Mr Coe.

Auditor-General Act—Auditor-General's Reports—No 2/2021—Total Facilities Management Contact Implementation, dated 25 March 2021.

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Report for the period 11 September to 31 December 2020, dated 23 March 2021, prepared by Professor Dennis Pearce AO.

Government Responses to Committees in the Ninth Assembly—Schedule, dated 25 March 2021.

Standing order 191—Amendments—

Justice and Community Safety Legislation Amendment Bill 2020, dated 17 February 2021.

COVID-19 Emergency Response Legislation Amendment Bill 2020 (No 3), dated 17 February 2021.

**28 PRESENTATION OF PAPERS**

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

Administration and Procedure—Standing Committee—Ninth Assembly—Report 17—*Inquiry into possible structures of the committee system for the 10th Legislative Assembly for the Australian Capital Territory—Recommendation 9: Use of Zoom for Committee Public Hearings*—Government Response.

Administrative Arrangements—Special Gazette No S1, Wednesday 17 February 2021—

Administrative Arrangements 2021 (No 1)—Notifiable Instrument NI2021-84, dated 16 February 2021.

Australian Capital Territory (Self-Government) Ministerial Appointment 2021 (No 1)—Notifiable Instrument NI2021-85, dated 16 February 2021.



Annual Reports (Government Agencies) Act—

Pursuant to section 13—Annual Reports—2018-2019—Canberra Health Services—Second corrigendum.

2019-2020—

Canberra Health Services—Corrigendum.

Chief Minister, Treasury and Economic Development Directorate—Corrigendum.

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—No 9/2020—2019-20 Financial Audits Overview—No 10/2020—2019-20 Financial Audits—Financial Results and Audit Findings—Whole of Government response.

Financial Management Act—

Pursuant to section 26—Consolidated Financial Report for the financial quarter ending—31 December 2020.

Pursuant to subsection 30F(3)—Capital Works Program—Progress report—2020-21—Year-to-Date December 2020.

Justice and Community Safety—Standing Committee—Ninth Assembly—Report 9—*Report on Inquiry into the Form of an Evaluation of Current ACT Policing Arrangements*—Government response.

Public Sector Management Standards, pursuant to section 56—Engagements of long-term senior executive service members—1 September 2020 to 28 February 2021, dated March 2021.

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

ACT Supreme Court Judicial Positions—Determination 16 of 2020, dated 24 December 2020.

Members of the ACT Legislative Assembly—Determination 15 of 2020, dated 22 December 2020.

Part-time Public Office Holder—Canberra Economic Recovery Advisory Group—Determination 14 of 2020, dated December 2020.

Territory-owned Corporations Act, pursuant to subsection 9(2)—Notification of voting shareholders to the Legislative Assembly.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2020 (No 1)—Disallowable Instrument DI2020-304 (LR, 14 December 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)—Revised explanatory statement.

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-308 (LR, 21 December 2019).

Children and Young People Act—Children and Young People (Death Review Committee) Appointment 2021 (No 1)—Disallowable Instrument DI2021-14 (LR, 25 January 2021).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Professional Standards Council Appointment 2021 (No 1)—Disallowable Instrument DI2021-19 (LR, 28 January 2021).

Civil Law (Wrongs) Professional Standards Council Appointment 2021 (No 2)—Disallowable Instrument DI2021-20 (LR, 28 January 2021).

Civil Law (Wrongs) Professional Standards Council Appointment 2021 (No 3)—Disallowable Instrument DI2021-21 (LR, 28 January 2021).

Court Procedures Act—Court Procedures Amendment Rules 2020 (No 5)—Subordinate Law SL2020-45 (LR, 21 December 2020).

Domestic Animals Act—Domestic Animals (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-15 (LR, 21 January 2021).

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

Health Act—

Health (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-8 (LR, 18 January 2021).

Health (Interest Charge) Determination 2020 (No 1)—Disallowable Instrument DI2020-309 (LR, 24 December 2019).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-300 (LR, 19 November 2020).

Heritage Act—

Heritage (Council Chairperson) Appointment 2021 (No 1)—Disallowable Instrument DI2021-26 (LR, 22 February 2021).

Heritage (Council Deputy Chairperson) Appointment 2021 (No 1)—Disallowable Instrument DI2021-27 (LR, 22 February 2021).

Heritage (Council Member) Appointment 2021 (No 1)—Disallowable Instrument DI2021-28 (LR, 22 February 2021).

Heritage (Council Member) Appointment 2021 (No 2)—Disallowable Instrument DI2021-29 (LR, 22 February 2021).

Heritage (Council Member) Appointment 2021 (No 3)—Disallowable Instrument DI2021-30 (LR, 22 February 2021).

Heritage (Council Member) Appointment 2021 (No 4)—Disallowable Instrument DI2021-31 (LR, 22 February 2021).

Heritage (Council Member) Appointment 2021 (No 6)—Disallowable Instrument DI2021-32 (LR, 22 February 2021).

Heritage (Council Member) Appointment 2021 (No 7)—Disallowable Instrument DI2021-33 (LR, 22 February 2021).

Integrity Commission Act—

Integrity Commission (Acting Commissioner) Appointment 2021 (No 1)—Disallowable Instrument DI2021-2 (LR, 11 January 2021).

Integrity Commission (Acting Commissioner) Appointment 2021 (No 2)—Disallowable Instrument DI2021-3 (LR, 11 January 2021).

Integrity Commission (Commissioner Selection Criteria and Process) Determination 2021—Disallowable Instrument DI2021-36 (LR, 19 February 2021).

Land Tax Act—Land Tax (Affordable Community Housing) Determination 2021—Disallowable Instrument DI2021-18 (LR, 1 February 2021).

Leases (Commercial and Retail) Act—Leases (Commercial and Retail) COVID-19 Emergency Response Declaration 2020 (No 2)—Disallowable Instrument DI2020-283 (LR, 1 January 2020)—Supplementary explanatory statement.

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2020 (No 3)—Disallowable Instrument DI2020-295 (LR, 13 November 2020).

Legislative Assembly (Members' Staff) Variable Terms of Employment Of Office-holders' Staff Determination 2020 (No 1)—Disallowable Instrument DI2020-310 (LR, 22 December 2019).

Liquor Regulation—Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2021 (No 1)—Disallowable Instrument DI2021-23 (LR, 11 February 2021).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-297 (LR, 19 November 2019).

Medicines, Poisons and Therapeutic Goods Regulation—

Medicines, Poisons and Therapeutic Goods (Medicines Advisory Committee) Appointment 2021 (No 1)—Disallowable Instrument DI2021-34 (LR, 18 February 2021).

Medicines, Poisons and Therapeutic Goods (Medicines Advisory Committee) Appointment 2021 (No 2)—Disallowable Instrument DI2021-35 (LR, 18 February 2021).

Nature Conservation Act—Nature Conservation (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-16 (LR, 28 January 2021).

Official Visitor Act—

Official Visitor (Corrections Management) Appointment 2020 (No 2)—Disallowable Instrument DI2020-305 (LR, 14 December 2020).

Official Visitor (Corrections Management) Appointment 2020 (No 3)—Disallowable Instrument DI2020-306 (LR, 16 December 2020).

Pest Plants and Animals Act—

Pest Plants and Animals (Pest Animal) Declaration 2021 (No 1)—Disallowable Instrument DI2021-40 (LR, 1 March 2021).

Pest Plants and Animals (Pest Plants—Frogbit) Declaration 2021—Disallowable Instrument DI2021-22 (LR, 1 February 2021).

Planning and Development Act—

Planning and Development (Lease Variation Charge Deferred Payment Scheme) Determination 2021—Disallowable Instrument DI2021-12 (LR, 20 January 2021).

Planning and Development (Remission of Lease Variation Charges—Construction Sector Recovery) Determination 2021—Disallowable Instrument DI2021-13 (LR, 20 January 2021).

Public Health Act—Public Health (Public Health Risk Activity Licensing Exemption) Determination 2021 (No 1)—Disallowable Instrument DI2021-38 (LR, 25 January 2021).

Public Place Names Act—

Public Place Names (Belconnen District) Determination 2021—Disallowable Instrument DI2021-25 (LR, 12 February 2021).

Public Place Names (Whitlam) Determination 2020 (No 2)—Disallowable Instrument DI2020-301 (LR, 26 November 2019).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2021 (No 1)—Disallowable Instrument DI2021-1 (LR, 7 January 2021).

Radiation Protection Act—Radiation Protection (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-298 (LR, 19 November 2019).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2020 (No 1)—Disallowable Instrument DI2020-296 (LR, 19 November 2020).

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2021 (No 1)—Disallowable Instrument DI2021-5 (LR, 12 January 2021).

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2021 (No 2)—Disallowable Instrument DI2021-7 (LR, 13 January 2021).

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2021 (No 3)—Disallowable Instrument DI2021-17 (LR, 28 January 2021).

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 8)—Disallowable Instrument DI2020-302 (LR, 26 November 2020).

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 9)—Disallowable Instrument DI2020-303 (LR, 27 November 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2021 (No 1)—Disallowable Instrument DI2021-6 (LR, 13 January 2021).

Road Transport (General) Application of Road Transport Legislation Declaration 2021 (No 2)—Disallowable Instrument DI2021-9 (LR, 15 January 2021).

Supreme Court Act—Supreme Court Regulation—Subordinate Law SL2020-46 (LR, 21 December 2019).

Taxation Administration Act—Taxation Administration (Amounts Payable—Ambulance Levy) Determination 2020—Disallowable Instrument DI2020-307 (LR, 21 December 2020).

Tobacco and Other Smoking Products Act—Tobacco and Other Smoking Products (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-299 (LR, 19 November 2020).

University of Canberra Act—University of Canberra Council Appointment 2021 (No 1)—Disallowable Instrument DI2021-37 (LR, 25 February 2021).

Utilities Act—

Utilities (Improving Transparency and Comparability of Retail Electricity Offers) Ministerial Direction 2021—Disallowable Instrument DI2021-39 (LR, 26 February 2021).

Utilities (Licensing) Exemption 2021—Disallowable Instrument DI2021-24 (LR, 9 February 2021).

Work Health and Safety Act—Work Health and Safety Amendment Regulations 2021 (No 1)—Subordinate Law SL2021-1 (LR, 29 January 2021).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People (Background Checking) Risk Assessment Guidelines 2021 (No 1)—Disallowable Instrument DI2021-4 (LR, 14 January 2021).

## 29 FAMILY AND DOMESTIC VIOLENCE—LEGISLATIVE REFORMS

Ms Lee, pursuant to notice, moved— That this Assembly:

- (1) acknowledges there is no place for family or domestic violence in our community;
- (2) notes the *Family Violence Act 2016* (the Act) was implemented to address the scourge of family and domestic violence;
- (3) further notes the *Review of the Implementation of the Family Violence Act 2016* (the Review) and its findings that the Act is “not operating as intended” and requires reform;
- (4) condemns the ACT Government for delaying the release of the Review; and
- (5) calls on the ACT Government to table a formal response to the Review, including what legislative reforms will be undertaken, by the last sitting in June 2021.

Mr Rattenbury, by leave, moved the following amendments together:

- (1) Omit (4); and
- (2) omit “,by the last sitting day in June 2021”, substitute with “, during the August-September 2021 sitting period”.

Debate ensued.

Ordered—That the question be divided.

Question—That Mr Rattenbury’s amendment No 1 be agreed to—put.

The Assembly voted—

AYES, 15		NOES, 8
Ms Berry	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	Ms Castley
Ms Burch	Mr Pettersson	Mrs Jones
Ms Cheyne	Mr Rattenbury	Mrs Kikkert
Ms Clay	Mr Steel	Ms Lawder
Ms Davidson	Ms Stephen-Smith	Ms Lee
Mr Davis	Ms Vassarotti	Mr Milligan
Mr Gentleman		Mr Parton

And so it was resolved in the affirmative.

Question—That Mr Rattenbury’s amendment No 2 be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) acknowledges there is no place for family or domestic violence in our community;
- (2) notes the *Family Violence Act 2016* (the Act) was implemented to address the scourge of family and domestic violence;
- (3) further notes the *Review of the Implementation of the Family Violence Act 2016* (the Review) and its findings that the Act is “not operating as intended” and requires reform; and
- (4) calls on the ACT Government to table a formal response to the Review, including what legislative reforms will be undertaken, during the August-September 2021 sitting period.”—

be agreed to—put and passed.

### 30 WORK HEALTH AND SAFETY—PSYCHOSOCIAL HAZARDS

Ms Orr, pursuant to notice, moved—That this Assembly:

- (1) notes that:
  - (a) the *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* report released in 2020 by the Australian Human Rights Commission showed sexual harassment is both widespread and

pervasive in Australian workplaces with two in five women and one in four men experiencing sexual harassment at work in the previous five-year period;

- (b) sexual harassment is a societal issue and all members of society can and must contribute to addressing it;
  - (c) Australia was once at the forefront of efforts to end sexual harassment in the workplace with the enactment of the Federal *Sex Discrimination Act 1984*, however, efforts for change have increasingly stalled and the Sex Discrimination Commissioner concluding the legal and regulatory system is no longer fit for purpose;
  - (d) the Respect@Work findings as well as other advocates are calling for a shift from a reactive model reliant on victims to make a complaint to a positive system which requires employers to create an environment of prevention;
  - (e) reviews of the model work health and safety (WHS) laws and regulations, including the Boland review, have recommended psychosocial risk definitions and controls be strengthened;
  - (f) the ACT, through WHS responsibilities, its own workplace management and through its contractual reporting policy has an opportunity to drive this called for change and shift work environments to preventive environments; and
  - (g) the ACT Legislative Assembly's WHS Committee is close to finalising a review undertaken over the past year or so that will result in a contemporary "Respect in the Workplace" policy that will not only set out the sorts of behaviour that will not be tolerated but will increase the focus on prevention measures; and
- (2) calls on the ACT Government to further improve the safety of workers in the ACT by:
- (a) amending the notifications section of the WHS Act to include psychosocial hazards, while taking into consideration the privacy and autonomy of workers;
  - (b) developing regulations under the Act that incorporate psychosocial regulations;
  - (c) developing a code of practice for psychosocial hazards that enables workplaces to create a prevention focused work environment;
  - (d) developing as part of the code of practice, guidelines to address gender-based violence including sexual harassment;
  - (e) consulting with workers and their representatives on the implementation of these changes;
  - (f) reporting in the State of the Service report, as three separate reporting categories, the number of bullying and harassment, sexual harassment and gender-based violence incidents in the ACT Public Service;

- (g) reporting in the State of the Service report, as three separate reporting categories, the number of non-disclosure agreements entered into which pertain to incidences of bullying and harassment, sexual harassment and gender-based violence in the ACT Public Service;
- (h) requiring all government partners and contractors to publicly report, as three separate reporting categories, the number of harassment, sexual harassment and gender-based violence incidents that occur within the organisation while contracted by the ACT Government;
- (i) requiring all government partners and contractors to publicly report, as three separate reporting categories, the number of non-disclosure agreements entered into which pertain to incidences of bullying and harassment, sexual harassment and gender-based violence within the organisation while contracted by the ACT Government;
- (j) developing guidelines to put clarity and rigour around how this information is to be reported;
- (k) writing to the Federal Government calling on them to ratify the ILO C190 – Violence and Harassment Convention and adopt in full the recommendations of the Respect@Work report;
- (l) taking specific consideration of the principles of Recommendation 17 of the Respect@Work report when conducting future reviews of the *Discrimination ACT 1991*; and
- (m) provide an update to the Assembly every six months on the implementation of this motion for a period of 12 months.

Debate ensued.

Question—put and passed.

### 31 PLASTIC REDUCTION 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.

### 32 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 5:47 pm, adjourned until tomorrow at 10 am.



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

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**Tom Duncan**  
Clerk of the Legislative Assembly