



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

## MINUTES OF PROCEEDINGS

No 87

WEDNESDAY, 7 JUNE 2023

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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 **EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—REPORT 7—INQUIRY INTO ACCESS TO SERVICES AND INFORMATION IN AUSLAN—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED**

Ms Davidson (Minister for Disability) made a ministerial statement concerning the Government response to the report of the Standing Committee on Education and Community Inclusion on its inquiry into access to services and information in Auslan and presented the following papers:

Education and Community Inclusion—Standing Committee—Report 7—*Inquiry into access to services and information in Auslan*—Government response—

Government response, dated June 2023.

Ministerial statement, 7 June 2023.

Ms Davidson moved—That the Assembly take note of the ministerial statement.

Debate ensued.

Question—put and passed.

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*Presence of Auslan Interpreter on floor of the chamber:* Pursuant to standing order 210, an Auslan interpreter was present on the floor of the Chamber during the above ministerial statement and debate.

### **3 ROAD SAFETY LEGISLATION AMENDMENT BILL 2022**

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.

### **4 PLANNING AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2023**

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.

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#### *Detail Stage*

Bill, by leave, taken as a whole—

Ms Vassarotti (Minister for Sustainable Building and Construction), pursuant to standing order 182A (a) and (b), was granted leave to move amendments that were urgent and minor or technical in nature.

On the motion of Ms Vassarotti, by leave, her amendments Nos 1 and 2 ([see Schedule 1](#)) were made together.

*Paper:* Ms Vassarotti presented a supplementary explanatory statement to the Government amendments.

Bill, as a whole, as amended, agreed to.

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Question—That this Bill, as amended, be agreed to—put and passed.

### **5 CORRECTIONS AND SENTENCING LEGISLATION AMENDMENT BILL 2022**

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.

**6 CORRECTIONS AND SENTENCING LEGISLATION AMENDMENT BILL 2022—STATEMENT BY MINISTER**

Ms Davidson (Minister for Justice Health), by leave, made a statement regarding the Corrections and Sentencing Legislation Amendment Bill 2022.

**7 FERAL HORSES—IMPACTS AND MANAGEMENT IN THE AUSTRALIAN ALPS**

Ms Vassarotti (Minister for the Environment), pursuant to notice, moved—That this Assembly:

(1) notes that:

- (a) the impacts of feral horses on the environment and biodiversity is in most cases catastrophic and leads to a loss of vegetation, the trampling of soils, the spreading of weeds, the erosion of stream banks and damage to threatened species, their habitat, and aquatic environments;
- (b) there are significant populations of feral horses over the border in NSW that pose a significant threat to the ACT should incursions occur;
- (c) in February 2023, the Senate referred the impacts and management of feral horses in the Australian Alps for inquiry;
- (d) the ACT Government made a submission to the Senate inquiry that describes the critical need to protect the ACT's highly sensitive water supply and conservation areas from the feral horses; and
- (e) the ACT Government continues to deliver monitoring and control programs to protect the ACT from feral horses and as a result there are no established populations of feral horses in the ACT; and

(2) supports:

- (a) the ACT Government's ongoing zero-tolerance policy on feral horses in Namadgi National Park, outlined in the *Namadgi National Park Feral Horse Management Plan 2020*, which includes integrated best practices such as trapping, mustering, removal and aerial control management;
- (b) ongoing detection and control action by the ACT Government to protect Namadgi National Park and other reserves from feral horses;
- (c) the ACT Government position that there remains a misalignment of policy between the ACT Government and the NSW Government about the management of feral horses in the Australian Alps as described in the NSW *2021 Kosciuszko National Park Wild Horse Heritage Management Plan*;
- (d) the ACT Government position that these sensitivities must be addressed and that the ACT and NSW must continue to work towards achieving a coordinated and cohesive approach to feral horse management between the two regions; and

- (e) that the Australian Government has significant powers and responsibilities to protect matters of national environment significance under the *Environment Protection and Biodiversity Conservation Act 1999* and has an important leadership role to ensure that state and territory initiatives to control feral horses are consistent with this Act.

Debate ensued.

Debate adjourned (Mr Gentleman—Minister for Planning and Land Management) and the resumption of the debate made an order of the day for the next sitting.

## **8 MINISTERIAL ARRANGEMENTS**

Mr Barr (Chief Minister) informed the Assembly of the absence of Mr Gentleman (Minister for Planning and Land Management) and advised the Assembly that questions without notice normally directed to Mr Gentleman could be directed to Mr Barr.

## **9 QUESTIONS**

Questions without notice were asked.

## **10 GOVERNMENT VEHICLE POLICIES**

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

(1) notes:

- (a) that the ACT is the only jurisdiction in Australia with an end date for the registration of new internal combustion engine (ICE) cars and that after this date it will be illegal to register a new ICE vehicle in the ACT;
- (b) after signing up to support the C40 Green and Healthy Streets initiative the Government has effectively agreed to the creation of petrol-powered car free zones by the year 2030 in significant sections of Canberra;
- (c) that Government members voted against an amendment calling on them to rule out the establishment of such zones;
- (d) that Advocacy for Inclusion declared any such zones would be discriminatory against those who cannot afford to drive electric vehicles, particularly those with a disability who are totally reliant on cars and lack the upfront funds to transition to an electric vehicle;
- (e) that the Government is giving serious consideration to further changes to the car parking construction code which would allow for the construction of apartments without any provision for car parking;
- (f) that the Government has announced it will be conducting a so-called car-free day in Canberra in the Spring, but is yet to provide any further detail on how this will be rolled out;
- (g) that anti-car government policies tend to have a high impact on families with children who often need a private car for multiple pick-up and drop-off points across any day; and

- (h) that anti-car government policies tend to have high impact on people who live in the outer suburbs, those on lower incomes and those with a disability; and
- (2) calls on the ACT Government to stop pursuing its anti-car, anti-family agenda.

Mr Steel (Minister for Transport and City Services) moved the following amendment:  
Omit all text after “That this Assembly”, substitute:

“(1) notes the ACT Government:

- (a) has committed to applying to be part of the C40 Green and Healthy Streets Accelerator, which aims to provide better opportunities for the take up of zero emission transport, including zero emission vehicles, public transport, walking and riding;
- (b) has not restricted or banned the use, or purchase, of internal combustion engine (ICE) vehicles, and has actively reduced the cost of operating these vehicles by adopting the FuelCheck App;
- (c) has signalled the intent to transition to a zero emissions vehicle fleet and phase out light ICE vehicles from 2035 to cut emissions and improve air quality in our city. New ICE vehicles will be completely phased out from 2035, however, Canberrans will still be able to continue using existing ICE vehicles already on the road;
- (d) is taking nation leading steps to encourage the uptake of new and used zero emission vehicles by supporting Canberrans to make the shift through two years free registration, stamp duty exemption and zero interest loans for electric vehicles and charging infrastructure;
- (e) is enabling and supporting the uptake of zero emission vehicles by expanding the electric vehicle charging network, with an additional 53 chargers to be installed this year and a commitment to ensuring there are at least 180 chargers across the ACT by 2025;
- (f) is avoiding a future of traffic congestion and gridlock, reducing reliance on privately owned vehicles (which not all Canberrans own), and is providing alternative transport options by:
  - (i) making future focused investments in all transport modes, including public transport, roads, and active travel;
  - (ii) committing to achieve a zero-emission public transport system by 2040, with 106 battery electric buses joining the Transport Canberra Fleet by 2026 and extending light rail to Woden; and
  - (iii) increasing walking and riding in Canberra by ensuring our intersections and streets are designed to support all forms of transport with the introduction of a new Active Travel Plan and accompanying Design Guide;

- (2) notes:
- (a) Canberra was ranked the most affordable capital in the country in which to own and run a car, with 14.4 percent of household income committed to transportation in the ACT, and is leading the way in electric vehicle sales, with over 20 percent of new cars registered in April 2023 being zero emission vehicles;
  - (b) the Climate Council’s recent report *‘Shifting Gear: The Path to Cleaner Transport’* has recommended our cities and public spaces should be designed for people, rather than how they are presently designed: for private vehicles that run on fossil fuels, causing our streets to be congested and polluted; and
  - (c) the latest research from the Melbourne Climate Futures (University of Melbourne) indicates air pollution from vehicles is linked to more than 11,000 premature deaths in Australia each year; and
- (3) calls on the ACT Government to continue supporting Canberrans by making it easier and more affordable to use a range of transport modes, including zero emission vehicles, public transport, and active travel.”.

Debate continued.

Mr Parton moved the following amendment to Mr Steel’s amendment: Add new paragraph (4):

“(4) calls on the ACT Government to rule out the establishment of any petrol-powered car-free zone in Canberra in the next decade.”.

Ms Orr moved the following amendment to Mr Parton’s amendment to Mr Steel’s amendment: Omit paragraph (4), substitute:

“(4) notes Mr Parton’s scaremongering and not let it distract from providing mature and sensible transport options for all Canberrans.”.

Debate continued.

Question—That Ms Orr’s amendment to Mr Parton’s amendment to Mr Steel’s amendment be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 6
Ms Berry	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	Ms Castley
Ms Burch	Mr Rattenbury	Mrs Kikkert
Ms Cheyne	Mr Steel	Ms Lawder
Ms Clay	Ms Stephen-Smith	Mr Milligan
Ms Davidson	Ms Vassarotti	Mr Parton
Mr Davis		

And so it was resolved in the affirmative.

Mr Parton’s amendment, as amended, to Mr Steel’s amendment agreed to.

Mr Steel’s amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the ACT Government:
  - (a) has committed to applying to be part of the C40 Green and Healthy Streets Accelerator, which aims to provide better opportunities for the take up of zero emission transport, including zero emission vehicles, public transport, walking and riding;
  - (b) has not restricted or banned the use, or purchase, of internal combustion engine (ICE) vehicles, and has actively reduced the cost of operating these vehicles by adopting the FuelCheck App;
  - (c) has signalled the intent to transition to a zero emissions vehicle fleet and phase out light ICE vehicles from 2035 to cut emissions and improve air quality in our city. New ICE vehicles will be completely phased out from 2035, however, Canberrans will still be able to continue using existing ICE vehicles already on the road;
  - (d) is taking nation leading steps to encourage the uptake of new and used zero emission vehicles by supporting Canberrans to make the shift through two years free registration, stamp duty exemption and zero interest loans for electric vehicles and charging infrastructure;
  - (e) is enabling and supporting the uptake of zero emission vehicles by expanding the electric vehicle charging network, with an additional 53 chargers to be installed this year and a commitment to ensuring there are at least 180 chargers across the ACT by 2025;
  - (f) is avoiding a future of traffic congestion and gridlock, reducing reliance on privately owned vehicles (which not all Canberrans own), and is providing alternative transport options by:
    - (i) making future focused investments in all transport modes, including public transport, roads, and active travel;
    - (ii) committing to achieve a zero-emission public transport system by 2040, with 106 battery electric buses joining the Transport Canberra Fleet by 2026 and extending light rail to Woden; and
    - (iii) increasing walking and riding in Canberra by ensuring our intersections and streets are designed to support all forms of transport with the introduction of a new Active Travel Plan and accompanying Design Guide;
- (2) notes:
  - (a) Canberra was ranked the most affordable capital in the country in which to own and run a car, with 14.4 percent of household income committed to transportation in the ACT, and is leading the way in electric vehicle sales, with over 20 percent of new cars registered in April 2023 being zero emission vehicles;

- (b) the Climate Council’s recent report *‘Shifting Gear: The Path to Cleaner Transport’* has recommended our cities and public spaces should be designed for people, rather than how they are presently designed: for private vehicles that run on fossil fuels, causing our streets to be congested and polluted; and
- (c) the latest research from the Melbourne Climate Futures (University of Melbourne) indicates air pollution from vehicles is linked to more than 11,000 premature deaths in Australia each year;
- (3) calls on the ACT Government to continue supporting Canberrans by making it easier and more affordable to use a range of transport modes, including zero emission vehicles, public transport, and active travel; and
- (4) notes Mr Parton’s scaremongering and not let it distract from providing mature and sensible transport options for all Canberrans.”—

be agreed to—put and passed.

## 11 PERIOD PRODUCTS AND FACILITIES (ACCESS) BILL 2022

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.

*Paper:* Ms Orr presented a revised explanatory statement to the Bill.

Question—That this Bill be agreed to in principle—put and passed.

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### *Detail Stage*

Clauses 1 to 5, by leave, taken together and agreed to.

*New clause—*

On the motion of Ms Orr, new clause 5A (her amendment No 1, see [Schedule 2](#)) was inserted in the Bill.

*Paper:* Ms Orr presented a supplementary explanatory statement to her amendments.

Clauses 6 to 14, by leave, taken together—

On the motion of Ms Orr, by leave, her amendments Nos 2 to 9 (see [Schedule 2](#)) were made together.

Clauses 6 to 14, as amended, agreed to.

*New division—*

On the motion of Ms Orr, new division 2.3 (her amendment No 10, see [Schedule 2](#)) was inserted in the Bill, after debate.

Clause 15 agreed to.

Clause 16—

On the motion of Ms Orr, her amendment No 11 (see [Schedule 2](#)) was made.

Clause 16, as amended, agreed to.



Clause 17 negatived.

Clauses 18 and 19, by leave, taken together—

On the motion of Ms Orr, by leave, her amendments Nos 13 and 14 (see [Schedule 2](#)) were made together.

Clauses 18 and 19, as amended, agreed to.

Clause 20—

Ms Berry (Minister for Women), pursuant to standing order 182A (b), was granted leave to move an amendment that was minor or technical in nature.

On the motion of Ms Berry, her amendment No 2 (see [Schedule 3](#)) was made.

*Paper:* Ms Berry presented a supplementary explanatory statement to the Government amendments.

Clause 20, as amended, agreed to.

Clauses 21 and 22, by leave, taken together and agreed to.

Dictionary—

On the motion of Ms Orr, by leave, her amendments Nos 16 to 18 (see [Schedule 2](#)) were made together.

Dictionary, as amended, agreed to.

Title—debated and agreed to.

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Question—That this Bill, as amended, be agreed to—put and passed.

## 12 ADJOURNMENT

Ms Cheyne (Minister for Human Rights) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.28 pm, adjourned until tomorrow at 10 am.

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

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\*on leave

**Tom Duncan**  
Clerk of the Legislative Assembly

## SCHEDULES OF AMENDMENTS

### Schedule 1

#### PLANNING AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2023

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Amendments circulated by the Minister for Sustainable Building and Construction

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**1**

**Clause 3, proposed new dot point**  
**Page 2 line 15—**

*insert*

- *Professional Engineers Act 2023.*
- 

**2**

**Proposed new part 5**  
**Page 7 line 17—**

*insert*

### **Part 5**

### **Professional Engineers Act 2023**

**16**

**Commencement**  
**Section 2, note 3**

*omit*

**17**

**New section 2 (2) and (3)**

*insert*

- (2) If this Act has not commenced within 18 months beginning on this Act's notification day, it automatically commences on the first day after that period.
  - (3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.
-

**Schedule 2****PERIOD PRODUCTS AND FACILITIES (ACCESS) BILL 2022**

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Amendments circulated by Ms Orr

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**1****Proposed new clause 5A  
Page 3, line 10—***insert***5A Principles of dignity**

In exercising a function under this Act, the following principles (the *principles of dignity*) must be taken into account:

- (a) a person may experience period poverty as a result of either or both of the following, which, if experienced in combination, may worsen period poverty:
  - (i) economic disadvantage;
  - (ii) different aspects of the person's identity, for example, their sexual orientation, gender identity, mental health, nationality, religion or ability;
- (b) not every person who menstruates identifies as a woman;
- (c) a person accessing period products should—
  - (i) be given a reasonable amount of privacy; and
  - (ii) have their personal information protected in a way that complies with the *Information Privacy Act 2014*; and
  - (iii) as far as reasonably practicable, be given the same access to period products as anyone else seeking access to the products, regardless of their identity; and
  - (iv) be able to access period products in a way that avoids humiliation and enables age appropriate participation in decision-making.

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**2****Clause 7 (1)  
Page 4, line 5—***omit*

available to

*substitute*

available for use by

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**3****Clause 8 (1)****Page 4, line 19—***omit*

to people

*substitute*for use by people

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**4****Clause 9 (3) and examples****Page 5, line 7—***omit clause 9 (3) and examples, substitute*

(3) Access arrangements for a place must—

(a) be consistent with the principles of dignity; and

(b) provide for—

(i) how a person accesses a period product at the place in a way that respects the person's dignity; and

(ii) a reasonable range of period products to be available at the place.

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**5****Clause 12 (1)****Page 7, line 5—***omit*

for students

*substitute*for use by students

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**6****Clause 13 (2) and examples****Page 7, line 15—***omit clause 13 (2) and examples, substitute*

(2) Access arrangements for government school premises must—

(a) be consistent with the principles of dignity; and

(b) provide for—

(i) how a student accesses a period product on the premises in a way that respects the student's dignity; and

(ii) a reasonable range of period products to be available on the school premises.

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7
**Clause 13 (3)****Page 7, line 26—***omit*

an access arrangement

*substitute*

access arrangements

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8
**Clause 14 (3) and examples****Page 8, line 8—***omit clause 14 (3) and examples, substitute*

- (3) Access arrangements for an education provider's premises must—
- (a) be consistent with the principles of dignity; and
  - (b) provide for—
    - (i) how a student accesses a period product on the premises in a way that respects the student's dignity; and
    - (ii) a reasonable range of period products to be available on the premises.

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9
**Clause 14 (4)****Page 8, line 18—***omit*

the access arrangements

*substitute*

access arrangements

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10
**Proposed new division 2.3****Page 8, line 19—***insert***Division 2.3****Access for patients and visitors****14A Meaning of *hospital*—div 2.3**

- (1) In this division:

*hospital*—

- (a) means a public hospital or a public day hospital; and
- (b) includes a health facility prescribed by regulation.

- (2) In this section:

*approved mental health facility*—see the *Mental Health Act 2015*, dictionary.

*day hospital* means a facility where a person is admitted for surgical or medical treatment and discharged on the same day.

*health facility*—see the *Health Act 1993*, section 6.

*public hospital* includes an approved mental health facility that provides mental health services for inpatients only.

#### **14B Access to period products on hospital premises**

- (1) The director-general responsible for administering the *Health Act 1993* must ensure period products are made available on hospital premises, free of charge, for use by patients and visitors at the hospital who are experiencing period poverty.
- (2) In making period products available on hospital premises, the director-general must comply with access arrangements for the premises.

#### **14C Access arrangements—hospitals**

- (1) The director-general responsible for administering the *Health Act 1993* must make arrangements, in writing, for access by patients and visitors at hospitals to period products on hospital premises.
- (2) Access arrangements for hospital premises must—
  - (a) be consistent with the principles of dignity; and
  - (b) provide for—
    - (i) how a patient or visitor accesses a period product on the premises in a way that respects the patient’s or visitor’s dignity; and
    - (ii) a reasonable range of period products to be available on the premises.
- (3) The director-general responsible for administering the *Health Act 1993* must give public notice of access arrangements for a hospital.

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**11**

**Clause 16 (2)**

**Page 9, line 12—**

*omit clause 16 (2), substitute*

- (2) The person must have access at their workplace to toilets, handwashing facilities and sanitary waste facilities in a way that—
  - (a) is consistent with—
    - (i) the object of this Act; and

- (ii) the principles of dignity; and
- (iii) any guidelines under section 19 (Access guidelines); and
- (b) respects the dignity of the person accessing the facilities.

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**12**

**Proposed new clause 17A**

**Page 10, line 7—**

*insert*

**17A Response to s 17 report**

- (1) If a person receives a report under section 17 (1) from, or on behalf of, a public employee, the person must, within a reasonable period of time after receiving the report—
  - (a) prepare a written response to the report; and
  - (b) include in the response a statement about what steps have been or will be taken to give access to toilets, handwashing facilities and sanitary waste facilities in the way mentioned in section 16 (2); and
  - (c) arrange for the public employee to have access to toilets, handwashing facilities and sanitary waste facilities in the way mentioned in section 16 (2).
- (2) The person must give a copy of the response to the person who made the report.

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**13**

**Clause 18**

**Page 11, line 2—**

*omit clause 18, substitute*

**18 Information about menstruation**

- (1) The director-general must ensure that information about menstruation is available for use in the community, including by—
  - (a) publishing the information on an ACT government website; and
  - (b) making hard copies of the information available at various locations, without charge, during ordinary business hours.

**Examples—information about menstruation**

- 1 information about menstrual hygiene
- 2 information about where a person can access healthcare or advice about menstruation
- 3 information about whether a person is entitled to leave for reasons related to menstruation
- 4 information about menstruation for people who do not menstruate

- (2) The director-general must take reasonable steps to ensure that the information in subsection (1)—
  - (a) is published in languages, other than English, that are in use by people at risk of experiencing period poverty in the ACT; and
  - (b) includes age appropriate information for a range of different age groups.

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**14****Proposed new clause 19 (1A)****Page 11, line 17—**

*insert*

- (1A) The access guidelines must be consistent with the principles of dignity.

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**15****Clause 20 (2)****Page 12, line 6—**

*omit clause 20 (2), substitute*

- (2) The statement must include information about the following:
  - (a) each report made to the director-general under section 17 (Reporting lack of access by public employees);
  - (b) the director-general's response under section 17A to each report.

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**16****Dictionary, definition of *access arrangements*, proposed new paragraph (d)****Page 13, line 20—**

*insert*

- (d) for hospital premises—the arrangements made for the premises under section 14C.

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**17****Dictionary, proposed new definition of *hospital*****Page 14, line 14—**

*insert*

*hospital*, for division 2.3 (Access for patients and visitors)—see section 14A (1).

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**18****Dictionary, proposed new definition of *principles of dignity*****Page 14, line 22—**

*insert*

*principles of dignity*—see section 5A.

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### **Schedule 3**

#### **PERIOD PRODUCTS AND FACILITIES (ACCESS) BILL 2022**

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Amendments circulated by the Minister for Women

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**1**

**Clause 17**

**Page 9, line 18—**

*[oppose the clause]*

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**2**

**Clause 20 (2)**

**Page 12, line 6—**

*omit*

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