



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 98

TUESDAY, 19 SEPTEMBER 2023

- 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 LEAVE OF ABSENCE TO MEMBER

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Mr Barr (Chief Minister) for this sitting due to his attending ministerial duties.

Question—put and passed.

3 DEATH OF MR DOMENICO MICO OAM

Ms Berry (Deputy Chief Minister) moved—That this Assembly expresses its deep regret at the death of Mr Domenico Mico OAM, a leading figure of Canberra's arts and multicultural community, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Ms Lee (Leader of the Opposition), Mr Rattenbury (Leader of the ACT Greens), Mr Gentleman (Minister for Planning and Land Management) and Ms Cheyne (Minister for the Arts) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

Suspension of sitting: The Speaker, at 10.23 am, suspended the sitting and announced that the Chair would be resumed at the ringing of the bells.

Resumption of sitting: The bells having been rung, the Speaker resumed the Chair at 10.27 am.

4 PETITION—PETITION NOTED

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Cocks, from 220 residents, requesting that the Assembly call on the Government to invest in a multipurpose arts facility in the Woden Town Centre and consider the option to include a multipurpose centre at the proposed CIT site (Pet 026-23).

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

Paper: Ms Clay, by leave, presented the following paper:

Petition which does not conform with the standing orders—Petition to build and maintain Canberra's cycle network—Ms Clay (1268 signatures).

Debate continued.

Question—put and passed.

5 A.C.T. YOUTH ASSEMBLY 2023—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Education and Youth Affairs) made a ministerial statement concerning the 2023 ACT Youth Assembly and presented the following paper:

ACT Youth Assembly 2023—Ministerial statement, 19 September 2023.

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

Question—put and passed.

6 A.C.T. FORESTRY—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning the management of the Territory's 8,000 hectares of pine plantations and presented the following paper:

ACT Forestry—Ministerial statement, 19 September 2023.

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

Question—put and passed.

7 A.C.T. HIGH RISK WEATHER SEASON PREPAREDNESS AND SEASONAL OUTLOOK 2023-2024—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning the ACT Government's preparation for the upcoming high risk weather season and presented the following paper:

ACT high risk weather season preparedness and seasonal outlook 2023-2024—Update—Ministerial statement, 19 September 2023.

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

Debate ensued.

Question—put and passed.

8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 34—STATEMENT BY CHAIR

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 34, dated 18 September 2023, together with a copy of the extracts of the relevant minutes of proceedings and revised extracts of the relevant minutes of proceedings for report 33—

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

9 PAPER—OUT OF ORDER PETITION

Ms Clay, by leave, presented the following paper:

Petition which does not conform with the standing orders—Petition to build and maintain Canberra's cycle network—Ms Clay (1268 signatures)—Attachment.

10 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—INQUIRY—MICRO, SMALL AND MEDIUM BUSINESSES IN THE A.C.T. REGION—STATEMENT BY CHAIR

Ms Castley (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Economy and Gender and Economic Equality had resolved to conduct an inquiry into and report on micro, small and medium businesses in the ACT region.

11 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2023—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 not to conduct an inquiry into the Children and Young People Amendment Bill 2023.

**12 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF EXECUTIVE BUSINESS—
A.C.T. TEACHER QUALITY INSTITUTE AMENDMENT BILL 2023**

Mr Gentleman moved—

That, in relation to the ACT Teacher Quality Institute Amendment Bill 2023 to be presented today:

- (1) standing orders 172, 174 and 175 be suspended to allow the Assembly to debate the bill in the same sitting period, having not been considered by the relevant standing committee or the Standing Committee on Justice and Community Safety in its legislative scrutiny role; and
- (2) the provisions of the resolution of 2 December 2020, as amended, which refers all Bills to the relevant committee, be dispensed with.

Debate ensued.

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

13 A.C.T. TEACHER QUALITY INSTITUTE AMENDMENT BILL 2023

Ms Berry (Minister for Education and Youth Affairs), pursuant to notice, presented a Bill for an Act to amend the *ACT Teacher Quality Institute Act 2010* and the ACT Teacher Quality Institute Regulation 2010.

Papers: Ms Berry presented the following papers:

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

Framework for Teacher Registration in Australia—Australian Institute for Teaching and School Leadership.

Title read by Clerk.

Ms Berry moved—That this Bill be agreed to in principle.

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

14 NATURE CONSERVATION AMENDMENT BILL 2023

Ms Vassarotti (Minister for the Environment) sought leave to present the Nature Conservation Amendment Bill 2023.

Objection being raised, leave not granted.

Suspension of standing orders—Presentation of bill: Mr Gentleman (Minister for Planning and Land Management) moved—That so much of the standing orders be suspended as would prevent Ms Vassarotti from presenting the Nature Conservation Amendment Bill 2023.

Debate ensued.

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

Ms Vassarotti (Minister for the Environment) presented a Bill for an Act to amend the *Nature Conservation Act 2014*, and for other purposes.

Paper: Ms Vassarotti 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.

Ms Vassarotti moved—That this Bill be agreed to in principle.

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

15 MINISTERIAL ARRANGEMENTS

Ms Berry (Deputy Chief Minister) informed the Assembly of the absence of Mr Barr (Chief Minister) and advised the Assembly that questions without notice normally directed to Mr Barr could be directed to Ms Berry.

16 QUESTIONS

Questions without notice were asked.

17 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Bills, referred to Committees, pursuant to resolution of the Assembly of 2 December 2020, as amended—Correspondence—

Bills—Not inquired into—Children and Young People Amendment Bill 2023—Copy of letter to the Speaker from the Chair, Standing Committee on Health and Community Wellbeing, dated 18 September 2023.

Estimates 2023-2024—Select Committee—

Answers to Question on Notice—

No 162, dated 18 August 2023.

No 172, dated 18 September 2023.

No 180, dated 12 September 2023.

No 195, dated 14 September 2023.

Answer to Question Taken on Notice No 104, dated 18 September 2023.

Schedule of unanswered questions taken on notice and questions on notice, dated 18 September 2023.

18 PRESENTATION OF PAPERS

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

ACT retirement villages ombudsman—Possible establishment—Assembly resolution of 22 March 2023—Government Response, dated September 2023.

Grass clippings—Impact on ACT waterways—Assembly resolution of 24 November 2022—Government response, dated September 2023.

Legal Aid Act—Legal Aid (Commissioner—ACTCOSS Nominee) Appointment 2023—Disallowable Instrument DI2023-205 (LR, 7 August 2023)—Revised explanatory statement.

Urban Open Space Land Management Plan—Draft—Transport Canberra and City Services Directorate, undated.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Planning Act—

Planning (Exempt Development) Regulation 2023—Subordinate Law SL2023-21 (LR, 11 September 2023).

Planning (General) Regulation 2023—Subordinate Law SL2023-20 (LR, 11 September 2023).

19 GRASS CLIPPINGS—IMPACT ON A.C.T. WATERWAYS—ASSEMBLY RESOLUTION OF 24 NOVEMBER 2022—GOVERNMENT RESPONSE—PAPER NOTED

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

Grass clippings—Impact on ACT waterways—Assembly resolution of 24 November 2022—Government response.

Debate ensued.

Question—put and passed.

20 URBAN OPEN SPACE LAND MANAGEMENT PLAN—DRAFT—TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE—MOTION TO TAKE NOTE OF PAPER

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

Urban Open Space Land Management Plan—Draft—Transport Canberra and City Services Directorate.

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

21 A.C.T. RETIREMENT VILLAGES OMBUDSMAN—POSSIBLE ESTABLISHMENT—ASSEMBLY RESOLUTION OF 22 MARCH 2023—GOVERNMENT RESPONSE—PAPER NOTED

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

ACT retirement villages ombudsman—Possible establishment—Assembly resolution of 22 March 2023—Government Response.

Debate ensued.

Question—put and passed.

22 SUBURBAN MAINTENANCE STRATEGY

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

- (1) notes that:
 - (a) under this Labor-Greens Government, basic suburban maintenance has been steadily declining;
 - (b) road maintenance, grass mowing, illegal dumping, weed control, community path maintenance, street sweeping, upkeep of community amenities, public streetlights and graffiti are all areas that residents continuously report to be an issue in their neighbourhood;
 - (c) despite the ACT's population growing substantially in the past decade, the Labor-Greens Government's investment in city services has failed to keep up with demand and community standards;
 - (d) in 2004, *The Canberra Times* reported that the ACT Department of Urban Services had more than 80 mowers at its disposal. Today, the ACT Government has 82 mowers in their fleet, 12 of which are dedicated to sporting fields;
 - (e) in 2023 alone, 705 pothole-related compensation claims were made to the ACT Government regarding vehicle damage from ACT roads;
 - (f) the City Services website lists a 60 working day target to advise applicants of the ACT Government's position in relation to the claim. However, the average amount of days claims took to be completed was 69 days in 2023, not including the days for Shared Services to process the payment; and
 - (g) across Canberra, residents are frustrated at the lack of basic suburban maintenance in their neighbourhoods, particularly in the warmer months; and
- (2) calls on the ACT Government to:
 - (a) develop a suburban maintenance strategy to improve the cleanliness of Canberra suburbs;
 - (b) publish the suburban maintenance strategy by the end of the 2023 calendar year; and
 - (c) report biannually to the Assembly of the progress of this strategy and the suburban improvements that have been made as a result.

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

- "(1) notes that:
- (a) the ACT Government has been systematically increasing funding for city services right across Canberra, including;
 - (i) a 52 percent increase in road maintenance funding over four years compared to baseline funding for the same period, including an up to 150 percent increase in asphaltting;
 - (ii) an over 40 percent increase in funding to support path maintenance from 2022-2023 to 2023-2024;

- (iii) \$24 million of funding to support urban tree maintenance and planting in the 2023-2024 Budget;
- (iv) \$2.6 million funding in 2023-2024 to support more mowing and continue a rapid response mowing team;
- (v) \$8.7 million in repairs and maintenance upgrades for new streetlights in 2022-2023 and a further \$500,000 in funding for streetlight infill in 2023-2024;
- (vi) \$11.8 million in repairs and maintenance for stormwater and an additional \$11.7 million in new stormwater infrastructure in 2022-2023; and
- (vii) an extensive program of shop upgrades, local playground upgrades and new dog parks as part of our big suburban infrastructure program;
- (b) the ACT has over the past three years experienced La Nina conditions with wetter weather having an impact on the road network and mowing operations and that extreme weather events like these are increasing due to a changing climate;
- (c) the Transport Canberra and City Services directorate is taking steps to adapt to a changing climate by identifying new strategies for city services as part of the draft Urban Open Space Land Management Plan, the Urban Forest Strategy, and by undertaking more preventative maintenance on our road and path networks; and
- (d) work is ongoing to improve the Fix My Street system to improve customer experience and better integrate the system with business units to help Canberrans identify municipal maintenance to the ACT Government at any time; and
- (2) calls on the ACT Government to:
 - (a) continue making ongoing investments to support better city services as our city grows;
 - (b) continue to investigate the impacts a changing climate will have on our city services and prepare changes to the city services delivery model to address them; and
 - (c) make ongoing and regular improvements to the Fix My Street system ensuring Canberrans continue to have an effective way to report any municipal issues.”.

Debate continued.

Speaker's ruling: A point of order being raised, the Speaker ruled that a word was not required to be withdrawn.

Mr Gentleman (Minister for Planning and Land Management) sought leave to move a motion of dissent from the Speaker's ruling.

Objection being raised, leave not granted.

Suspension of standing orders moved—Dissent from Speaker’s ruling: Mr Gentleman (Minister for Planning and Land Management) moved—That so much of the standing orders be suspended as would prevent Mr Gentleman from moving a motion of dissent from the Speaker’s ruling.

The Member withdrew her comment.

Mr Gentleman, by leave, withdrew his motion to suspend the standing orders.

Debate continued.

Question—That the amendment 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	Mr Cocks
Ms Cheyne	Mr Rattenbury	Mr Hanson
Ms Clay	Mr Steel	Mrs Kikkert
Ms Davidson	Ms Stephen-Smith	Ms Lawder
Mr Davis	Ms Vassarotti	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:
 - (a) the ACT Government has been systematically increasing funding for city services right across Canberra, including;
 - (i) a 52 percent increase in road maintenance funding over four years compared to baseline funding for the same period, including an up to 150 percent increase in asphaltting;
 - (ii) an over 40 percent increase in funding to support path maintenance from 2022-2023 to 2023-2024;
 - (iii) \$24 million of funding to support urban tree maintenance and planting in the 2023-2024 Budget;
 - (iv) \$2.6 million funding in 2023-2024 to support more mowing and continue a rapid response mowing team;
 - (v) \$8.7 million in repairs and maintenance upgrades for new streetlights in 2022-2023 and a further \$500,000 in funding for streetlight infill in 2023-2024;

- (vi) \$11.8 million in repairs and maintenance for stormwater and an additional \$11.7 million in new stormwater infrastructure in 2022-2023; and
- (vii) an extensive program of shop upgrades, local playground upgrades and new dog parks as part of our big suburban infrastructure program;
- (b) the ACT has over the past three years experienced La Nina conditions with wetter weather having an impact on the road network and mowing operations and that extreme weather events like these are increasing due to a changing climate;
- (c) the Transport Canberra and City Services directorate is taking steps to adapt to a changing climate by identifying new strategies for city services as part of the draft Urban Open Space Land Management Plan, the Urban Forest Strategy, and by undertaking more preventative maintenance on our road and path networks; and
- (d) work is ongoing to improve the Fix My Street system to improve customer experience and better integrate the system with business units to help Canberrans identify municipal maintenance to the ACT Government at any time; and
- (2) calls on the ACT Government to:
 - (a) continue making ongoing investments to support better city services as our city grows;
 - (b) continue to investigate the impacts a changing climate will have on our city services and prepare changes to the city services delivery model to address them; and
 - (c) make ongoing and regular improvements to the Fix My Street system ensuring Canberrans continue to have an effective way to report any municipal issues.”—

be agreed to—put and passed.

23 VOICE TO PARLIAMENT—SUPPORT

Dr Paterson, Mr Pettersson, Ms Orr, Mr Braddock, Ms Clay and Mr Davis, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) the ACT Government acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples;
 - (b) 50 years after the 1967 referendum, which confirmed that First Nations people must be counted as part of our national census, in May 2017, the *Uluru Statement from the Heart* was developed. The Statement was presented in Mutitjulu in the shadow of Uluru on the lands of the Anangu people when 250 Aboriginal and Torres Strait Islander delegates from 13 regional areas put their signatures on a historic statement;

- (c) the *Uluru Statement from the Heart* addressed to the Australian people, invited the nation to create a better future through substantive constitutional change and structural reform;
- (d) the *Uluru Statement from the Heart* describes immutable truths and a spiritual sovereignty of First Nations people which co-exists with the Crown. It calls for a First Nations Voice enshrined in the Australian Constitution and a Makarrata Commission to supervise agreement-making and truth-telling about First Nations history;
- (e) the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 (the Bill), introduced by Hon Mark Dreyfus MP, Attorney-General, will—if passed at a referendum—amend the Constitution to recognise Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia; establish an advisory body known as the Voice; and to give Parliament the power to pass legislation related to the Voice;
- (f) the Constitution would be amended to include a new chapter, which would be titled “Recognition of Aboriginal and Torres Strait Islander Peoples”;
- (g) Australians will be asked to vote Yes or No on a single question on October 14: “A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?”;
- (h) the “Yes” campaign is a movement that advocates in favour of the proposed amendment. The “Yes” campaign accepts the gracious invitation of the *Uluru Statement from the Heart* to join Aboriginal and Torres Strait Islander People to walk with them in a movement for a better future;
- (i) supporting the *Uluru Statement from the Heart* and the Voice strengthens our commitment to exploring new pathways to create better outcomes for all Australians and guides us towards significant progress towards closing the gap between Indigenous and non-Indigenous Australians;
- (j) proud Yamatji Noongar woman, Senator Dorinda Cox, has stressed that a successful referendum will amplify First Nations voices. The voices of First Nations people will be heard, and the Government will have a responsibility to listen and act;
- (k) there has been a concerning surge in the misinformation online, particularly on social media platforms, related to the Voice and the “Yes” campaign. This misinformation has regrettably provided an outlet for racist attitudes and sentiments to be aired, particularly in the media and social media;
- (l) numerous claims circulating among social media influencers and political figures distort the nature of the proposal, potentially jeopardising the referendum’s credibility and success;
- (m) despite Meta’s increased financial support for third-party fact-checking, social media platforms are still grappling with the challenge of effectively curbing the dissemination of misinformation linked to the referendum. A significant number of misleading posts persist unchecked and unremoved on prominent platforms such as Facebook, Twitter (referred to as “X”), and TikTok;

- (n) Prime Minister Anthony Albanese has openly voiced concerns regarding the tactics employed by the “No” campaign in the run-up to the referendum. Recent revelations indicate that volunteers associated with the “No” campaign were directed to instigate fear among voters, maintain anonymity, and raise concerns about potential financial compensation to Indigenous Australians in the event of the Voice’s establishment;
 - (o) the Australian Electoral Commission (AEC) has established a disinformation register specifically related to the announced referendum. This register compiles notable instances of disinformation that the AEC has identified concerning the referendum; and
 - (p) the proliferation of this misinformation has contributed to the promotion of harmful stereotypes and prejudices, and negatively impacted Aboriginal and Torres Strait Islander people and their supporters. It should be called out; and
- (2) calls on all Members of the ACT Legislative Assembly to:
- (a) acknowledge and support the implementation of the *Uluru Statement from the Heart* in full, including the establishment of a constitutionally enshrined Voice to Parliament;
 - (b) condemn the misinformation and disinformation that is being spread about the referendum; and
 - (c) promote fact-checking to curb the spread of misinformation and disinformation on the Voice and the upcoming referendum.

Debate ensued.

Question—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

24 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 6.24 pm, adjourned until tomorrow at 10 am.

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

*on leave.

Tom Duncan
Clerk of the Legislative Assembly