



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

MINUTES OF PROCEEDINGS

No 6

THURSDAY, 11 FEBRUARY 2021

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

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

This is Ngunnawal Country.

Today we are gathering on Ngunnawal country.

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

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

2 THE CANBERRA HOSPITAL—EXPANSION—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the expansion of The Canberra Hospital and presented the following paper:

Canberra Hospital—Expansion—Ministerial statement, Thursday, 11 February 2021.

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

Debate ensued.

Question—put and passed.

3 SUSPENSION OF STANDING ORDERS—ORDER OF BUSINESS

Mr Gentleman (Manager of Government Business) moved—That so much of standing orders be suspended as would enable the order of business for Tuesday and Wednesday the 30th and 31st of March 2021 to be:

Prayer or reflection

Presentation of petitions

Ministerial statements

Presentation of Executive business bills

Assembly business

Executive 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)

Executive business notices and orders of the day

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

4 STANDING COMMITTEES—ESTABLISHMENT—AMENDMENT TO RESOLUTION—ANNUAL AND FINANCIAL REPORTS

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—That the resolution of the Assembly of 2 December 2020, which established the standing committees of the Assembly and set a reporting date to those committees to report in annual reports referred to them, be amended as follows:

In paragraph (3), omit “report by 31 March” and substitute “report by 9 April”.

Question—put and passed.

5 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—INQUIRY—PROGRAMS FOR DRUG HARM REDUCTION—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, programs for drug harm reduction in the ACT.

Mr Davis, by leave, tabled the following paper:

Health and Community Wellbeing—Standing Committee—Inquiry—Programs for drug harm reduction—Terms of reference, dated 9 February 2021.

6 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF EXECUTIVE BUSINESS

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent Order of the day No 1, Executive business, being the Planning and Development Amendment Bill 2021, being called on and debated forthwith.

Debate ensued.

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

7 PLANNING AND DEVELOPMENT AMENDMENT BILL 2021

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

8 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT 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.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Rattenbury (Attorney-General), by leave, his amendments Nos 1 to 5 (see [Schedule 1](#)) were made together.

Paper: Mr Rattenbury presented a supplementary explanatory statement to the Government amendments.

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

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

9 ORDER OF BUSINESS

Mr Gentleman (Manager of Government Business), by leave, moved—That the resolution of the Assembly of Tuesday 9 February 2020, setting the Assembly's program of business for today, be amended to allow Private Members' business Notice No 1 being called on forthwith.

Question—put and passed.

10 DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021

Mr Pettersson, pursuant to notice, presented a Bill for an Act to amend the *Drugs of Dependence Act 1989*.

Paper: Mr Pettersson presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Ms Stephen-Smith—Minister for Health) and the resumption of the debate made an order of the day for the next sitting.

11 DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021—SELECT COMMITTEE—ESTABLISHMENT

Mr Hanson, by leave, moved—That:

- (1) a Select Committee on the Drugs of Dependence (Personal Use) Amendment Bill 2021 be appointed to examine the Bill and any other related matters;
- (2) the Committee be composed of:
 - (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by The Greens;
 to be notified in writing to the Speaker by 3 pm today;
- (3) the Chair of the committee shall be an Opposition Member;
- (4) the Committee is to report by the last sitting day in October 2021; and
- (5) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders or in the resolution of 2 December 2020.

Debate ensued.

Question—put and passed.

12 QUESTIONS

Questions without notice were asked.

13 PRESENTATION OF PAPERS

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

ACT Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the Aboriginal and Torres Strait Islander Elected Body Hearings 2020—

10th Report.

Government response.

Bimberi Youth Justice Centre—Bimberi Headline Indicators Report—December 2020.

Children and Young People Act, pursuant to subsection 727T(3)—ACT Children and Young People Death Review Committee—Report—Review of Children and Young People Who Have Died as a Result of Intentional Self-Harm, dated 11 January 2021.

Coroners Act, pursuant to subsection 102(8)—ACT Coroner’s Court—2019/20, dated 24 December 2020.

Disability Justice Strategy—Annual Progress Report 2020.

Inspector of Correctional Services Act—Report of a review of a correctional service by the ACT Inspector of Correctional Services—ACT Corrective Services Court Transport Unit 2020—Government response.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Transport Canberra and City Services Directorate—Decision not made in time (TCCS 20-016), dated 29 June 2020, together with a statement.

Justice and Community Safety—Standing Committee—Ninth Assembly—Report 10—Report on Review of ACT emergency services responses to the 2019-20 bushfire season—Government response.

Official Visitor Act, pursuant to section 17—Annual reports 2019-20—

Official Visitor (Children and Young People), together with a statement.

Official Visitor (Disability Service).

Official Visitor (Homelessness Services).

Planning and Development Act—

Pursuant to subsection 242(2)—Schedule of Leases Granted—1 October 2020 – 31 December 2020.

Pursuant to subsection 79(1)—Approvals of Variations to the Territory Plan, including associated documents—

No 363—Curtin group centre and adjacent residential areas: Zone changes and amendments to the Curtin precinct map and code, dated February 2021.

No 377—1 Dairy Road Fyshwick—Rezoning from Industrial IZ1 General Industrial Zone to Commercial CZ3 Services Zone and Non-Urban Hills Ridges and Buffer Zone and changes to the Fyshwick Precinct Map and Code.

Public Accounts—Standing Committee—Ninth Assembly—Report 13—*Inquiry into Auditor-General Report No 8 of 2018: Assembly of Rural Land West of Canberra*—Government response.

Waste Management and Resource Recovery Act, pursuant to subsection 64U(2)—ACT Container Deposit Scheme—Annual statutory report 2019-20.

14 OFFICIAL VISITOR ACT—OFFICIAL VISITOR (HOMELESSNESS SERVICES)—2019-2020 ANNUAL REPORT—PAPER NOTED

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

Official Visitor Act, pursuant to section 17—Annual Report 2019-20—Official Visitor (Homelessness Services).

Debate ensued.

Question—put and passed.

15 A.C.T. ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY—REPORT ON THE OUTCOMES OF THE ATSIEB HEARINGS 2020—GOVERNMENT RESPONSE—PAPERS NOTED

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

ACT Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the Aboriginal and Torres Strait Islander Elected Body Hearings 2020—

Report.

Government response.

Debate ensued.

Question—put and passed.

16 BIMBERI HEADLINE INDICATORS REPORT 2020—PAPER NOTED

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

Bimberi Youth Justice Centre—Bimberi Headline Indicators Report—December 2020.

Debate ensued.

Question—put and passed.

17 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION TO THE TERRITORY PLAN NO 377—1 DAIRY ROAD FYSHWICK—PAPER NOTED

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

Planning and Development Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan No 377—Approval—1 Dairy Road Fyshwick—Rezoning from Industrial IZ1 General Industrial Zone to Commercial CZ3 Services Zone and Non-Urban Hills Ridges and Buffer Zone and changes to the Fyshwick Precinct Map and Code.

Debate ensued.

Question—put and passed.

18 A.C.T. DISABILITY JUSTICE STRATEGY—2020 ANNUAL REPORT—PAPER NOTED

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

Disability Justice Strategy—Annual Progress Report 2020.

Question—put and passed.

19 APPROPRIATION BILL 2020-2021

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

On the motion of Mr Gentleman (Manager of Government of Business), debate adjourned and the resumption of the debate made an order of the day for the next sitting.

20 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

On the motion of Mr Gentleman (Manager of Government of Business), debate adjourned and the resumption of the debate made an order of the day for the next sitting.

21 OFFICIAL VISITOR (DISABILITY SERVICES)—2019-2020 ANNUAL REPORT—PAPER NOTED

Ms Davidson (Minister for Disability), moved—That the Assembly take note of the following paper:

Official Visitor Act, pursuant to section 17—Annual report 2019-20—Official Visitor (Disability Services).

Question—put and passed.

22 DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021—SELECT COMMITTEE—MEMBERSHIP

The Deputy Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that the Speaker had been notified, in writing, of the nominations of Mr Cain, Mr Davis and Dr Paterson to be members of the Drugs of Dependence (Personal Use) Amendment Bill 2021—Select Committee.

Mr Gentleman (Manager of Government Business) moved—That the Members so nominated be appointed as members of the Drugs of Dependence (Personal Use) Amendment Bill 2021—Select Committee.

Question—put and passed.

23 POVERTY TASK FORCE—PROPOSED ESTABLISHMENT

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

- (1) notes that:
 - (a) it has been 20 years since the Sharing the Benefits Final Report from the Carnell Government's Poverty Task Group;
 - (b) after 20 years of ACT Labor, thousands of Canberrans are struggling with the cost of living and are consequently living in poverty;
 - (c) according to the ACT Council of Social Service, in the wake of COVID-19, just over 38 000 people are living in poverty in the ACT;
 - (d) the Anglicare Rental Affordability Snapshot for 2020 highlighted the lack of affordable housing for low income households in the ACT, with just 4 percent of properties being affordable for someone on minimum wage; and

- (e) data from CoreLogic shows the median weekly rent for houses in Canberra is \$657, up 3.6 percent since 2019, while median weekly unit rents are \$473;
- (2) further notes that:
- (a) over the last five years, electricity and gas prices have risen by 25 percent and 31 percent respectively in Canberra, prices for medical and hospital services have increased 28 percent, and housing costs increased by 15 percent;
 - (b) many Canberrans are suffering from significant transport disadvantage due to many suburban public transport services having been cut;
 - (c) Canberrans regularly pay higher petrol prices than motorists in surrounding towns and most cities; and
 - (d) the ACT has the lowest general practitioner bulk-billing rate in the country, with Canberrans being twice as likely as other Australians to put off seeing a doctor due to high fees; and
- (3) calls on the Government to:
- (a) develop a comprehensive strategy to deal with the causes and symptoms of poverty in Canberra by establishing a Poverty Task Force; and
 - (b) work with the Poverty Task Force to facilitate appropriate consultation with stakeholders, including community sector organisations, industry, and members of the public.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 15
Mr Cain	Mr Barr	Mr Gentleman
Ms Castley	Ms Berry	Ms Orr
Mr Coe	Mr Braddock	Dr Paterson
Mr Hanson	Ms Burch	Mr Pettersson
Mrs Jones	Ms Cheyne	Mr Rattenbury
Ms Lawder	Ms Clay	Mr Steel
Ms Lee	Ms Davidson	Ms Vassarotti
Mr Parton	Mr Davis	

And so it was negatived.

24 MOLONGLO VALLEY COMMUNITY COUNCIL

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

- (1) notes that the:
 - (a) ACT Government provides financial and in-kind support to seven community councils across the ACT;

- (b) ACT’s newest greenfield development, gazetted in 2010—the Molonglo Valley area—is currently represented through the Weston Creek Community Council;
 - (c) Molonglo Valley area has a population of around 8 500 and is expected to grow to 10 000 by the end of 2021, and to 55 000 in coming decades;
 - (d) area has diverse needs as it continues to develop; and
 - (e) Molonglo Valley Community Forum is a community group, recently established to preserve and improve the social, cultural, economic and environmental wellbeing of the Molonglo Valley and its community. Its first public meeting is expected to be held in March 2021; and
- (2) calls on the Government to support the establishment of a Molonglo Valley Community Council to:
- (a) engage with and advocate to the ACT Government on a broad range of issues and reflect the needs of the local community; and
 - (b) ensure the group’s membership is reflective and inclusive of the area’s broad population and demography by exploring innovative community engagement methods.

Debate ensued.

Question—put and passed.

25 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Mr Gentleman moved—That so much of the standing orders be suspended as would prevent the adjournment debate be extended by 15 mins.

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

26 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 6.14 pm adjourned until Tuesday 30 March 2021 at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2020

Amendments circulated by the Attorney-General

1

Clause 3

Page 2, line 17—

insert

- *Civil Law (Wrongs) Act 2002*
 - *Crimes Act 1900*
-

2

Clause 6

Proposed new section 38A (1) (b)

Page 7, line 8—

omit proposed new section 38A (1) (b), substitute

(b) representation has not been granted.

3

Clause 6

Proposed new section 38A (2)

Page 7, line 10—

omit proposed new section 38A (2), substitute

(2) The person's real and personal estate vests in the public trustee and guardian.

4

Proposed new part 5A

Page 9, line 8—

insert

Part 5A

Civil Law (Wrongs) Act 2002

8A

Membership of council
Schedule 4, new section 4.38 (2)

after the notes, insert

- (2) The Legislation Act, division 19.3.3 (Appointments—Assembly consultation) does not apply to the appointment of a person who is a member of an appropriate council in another jurisdiction.

**8B Chairperson and deputy chairperson of council
Schedule 4, new section 4.39 (1A)**

after the notes, insert

- (1A) The Legislation Act, division 19.3.3 (Appointments—Assembly consultation) does not apply to the appointment of a person who is a member of an appropriate council in another jurisdiction.

**8C Deputies of members
Schedule 4, new section 4.40 (1A)**

insert

- (1A) The Legislation Act, division 19.3.3 (Appointments—Assembly consultation) does not apply to the appointment of a person who is a member of an appropriate council in another jurisdiction.

5

Proposed new part 5B

Page 9, line 8—

insert

Part 5B Crimes Act 1900

**8D Trial for murder—provocation
New section 13 (2) (b) (iii)**

insert

- (iii) as to have formed an intent to cause serious harm to the deceased;

8E New section 13 (7)

insert

- (7) In this section:

serious harm—see the Criminal Code, dictionary.
