



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020

MINUTES OF PROCEEDINGS

No 3

THURSDAY, 3 DECEMBER 2020

- 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 E-PETITION—E-PETITION NOTED

The Clerk announced that the following Member had lodged an e-petition for presentation:

Ms Lee, from 1737 residents, requesting that the Assembly reject any current and future proposals for waste processing facilities in Fyshwick (e-Pet 13-20).

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

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

Question—put and passed.

3 LEAVE OF ABSENCE TO MEMBERS

Mr Gentleman (Minister of Government Business) moved—That leave of absence be granted for all Members for the period 4 December 2020 to 8 February 2021.

Question—put and passed.

4 LEAVE OF ABSENCE TO MEMBER

Mr Hanson moved—That leave of absence be granted to Mr Coe for today due to family reasons.

Question—put and passed.

5 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Mr Gentleman (Manager of Government Business) moved—That so much of standing orders be suspended as would allow the time allocated for the adjournment debate for today continuing past 30 minutes.

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

6 SUSPENSION OF STANDING ORDERS—ORDER OF BUSINESS

Mr Gentleman (Manager of Government Business) moved—That for the sitting period 9 to 11 February 2021, so much of standing orders be suspended so that:

(1) the ordinary business of the Assembly shall be:

Prayer or reflection

Presentation of petitions

Ministerial statements

Notices and orders of the day (Executive business)

Questions without notice

Presentation of papers

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

Notices and orders of the day (Executive business)

provided that at 2 pm on each day the Speaker shall interrupt the business before the Assembly in order that questions on notice shall be called on;

(2) following the conclusion of question time and presentation of papers on:

(a) 9 February 2021, Executive business shall be called forthwith to enable the Treasurer to present the appropriation bills to the Assembly; and

(b) 11 February 2021, Executive business shall be called forthwith to enable the Opposition to present a reply to the appropriation bills; and

(3) on 9-11 February 2021, Assembly business shall have precedence over Executive business in the ordinary routine of business for 45 minutes from the conclusion of consideration of any Executive notices of intention to present bills and when the time for precedence to Assembly business expires, any

Member may move that the time allotted to that business be extended by 30 minutes and the question on such motion shall be put forthwith without amendment or debate.

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

7 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2020

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety.

Paper: Mr Rattenbury 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.

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

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

8 CRIMES LEGISLATION AMENDMENT BILL 2020

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about crimes, and for other purposes.

Paper: Mr Rattenbury 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.

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

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

9 SUSPENSION OF STANDING ORDERS—PRIVATE MEMBERS' BUSINESS

Mr Gentleman (Manager of Government Business) moved—That so much of standing orders be suspended as would prevent Private Members' business notice No 1 being called on and debated forthwith.

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

10 COMMUNITY CLUBS—GOVERNMENT SUPPORT

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

- (1) notes the important contribution made by community clubs in the ACT including:
 - (a) a social contribution of \$39 million through community donations, subsidised access to facilities and volunteering;

- (b) an investment of over \$150 million in local sporting teams and sporting infrastructure since 2000;
 - (c) jobs for 1 700 people;
 - (d) that clubs maintain and operate the vast majority of the ACT's sport and recreational infrastructure; and
 - (e) the support clubs provide to more than 1 000 community and sporting groups;
- (2) further notes that the ACT's community clubs have been heavily impacted by a combination of legislative change, government rates and charges and more recently by the COVID pandemic as evidenced by:
- (a) the closure of seven clubs in the last five years; and
 - (b) a reduction of gross gaming revenue in the last financial year of \$40 million with the likelihood of further reductions in the current financial year;
- (3) further notes that in his response to the Neville Stevens AO Report in 2018, the then Minister committed to a moratorium on machine reductions for five years; and
- (4) calls on the Government to:
- (a) protect the jobs of those 1 700 plus club staff by not legislating or taking any other action that would deter or impair clubs' ability to hold onto these;
 - (b) implement the Minister's stated commitment to a moratorium on machine reductions and regulatory change until 2024;
 - (c) establish a rigorous, Territory wide self-exclusion mechanism across the ACT for people experiencing gambling harm;
 - (d) make the necessary adjustments to allow clubs to diversify to other revenue sources;
 - (e) conduct an urgent review into water costs for those clubs maintaining sporting infrastructure; and
 - (f) report back to the Assembly on progress on each of these commitments no later than 24 June 2021.

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

1. Omit (1)(d), substitute:

“(1) (d) that clubs maintain and operate a portion of the ACT's sports and recreation infrastructure;”

2. Omit (2), substitute:

“(2) further notes that the ACT's community clubs have been impacted by the COVID pandemic as evidenced by a reduction in gross gaming revenue in the last financial year of \$40 million with the likelihood of further reductions in the current financial year;”

3. Omit all text after (2), substitute:
 - “(3) notes that seven clubs have closed since 2014 for a range of reasons;
 - (4) further notes the range of measures implemented over the past term that have significantly reduced the number of gaming machines operating in the ACT, while helping clubs take steps to diversify their revenue streams, including by:
 - (a) reducing the number of poker machine licenses from 4 938 to 3 888, a reduction of over 20 percent, through an innovative cash support and a land fees and charges offset scheme to help clubs develop their land holdings;
 - (b) offering a community club grant of \$10 000 to every small and medium club to provide immediate assistance to fund cost-saving measures, such as putting solar panels on a club roof;
 - (c) establishing an ongoing tax rebate for small-to-medium clubs of 50 percent of their gaming tax revenue;
 - (d) establishing a new small clubs liaison role to work with and assist clubs to navigate regulatory and administrative requirements;
 - (e) instituting quarterly tax lodgements for small clubs to ease their administrative burden; and
 - (f) reviewing and reforming the ACT Community Contributions Scheme to improve the transparency of funding, and to maximise this benefit to the community;
 - (5) notes also that through the Covid-19 pandemic and associated necessary club and gaming room closures, the ACT Government stepped in to provide significant financial support to community clubs by:
 - (a) providing a six-month rebate of their fixed water and sewerage charges;
 - (b) making an additional \$1.5 million contribution to the Clubs Diversification Fund, distributing \$3.3 million from the Diversification and Sustainability Support Fund to fund workers’ award wages, and allowing clubs to claim staff wages and COVID 19-related community aid as community contributions;
 - (c) waiving or refunding gaming machine tax liabilities for the first quarter of 2020; and
 - (d) paying \$15 000 for every gaming machine license voluntarily surrendered, to help with clubs’ immediate cashflow issues;
 - (6) notes that problem gambling, including poker machines, can cause significant harm to people, their families and communities. Many clubs are highly dependent on poker machine revenue and there is a need for new financial models for clubs that do not rely on people experiencing gambling harm;

- (7) notes that the 2018 Government Response to the ACT Club Industry Diversification Support Analysis Recommendations (the Stevens Review), committed to no further compulsory surrender processes once 4 000 authorisations was reached, as well as not to change the key elements of the trading scheme until 2025;
- (8) notes that the current approach of Government is to work collaboratively with clubs to diversify revenue streams and to provide incentives to encourage clubs to go pokies-free;
- (9) notes that to support clubs and reduce gambling harm, the government will prioritise implementation of the gambling reform measures agreed in the Parliamentary and Governing Agreement which commits to:
 - (a) establish a Community Clubs Ministerial Advisory Council with government, industry and unions to build a long-term, sustainable clubs sector in the ACT;
 - (b) target a further reduction in the number of electronic gaming machine licences in the ACT to 3 500 by 1 July 2025, and support this through the introduction of incentives for Clubs to consider, including additional incentives to move to zero machines within a venue location;
 - (c) establish a rigorous, across-venue self-exclusion regime across the ACT for people experiencing harm from gaming, with significant penalties for breaches;
 - (d) match or exceed any further harm reduction gaming reforms commenced in NSW, such as cashless gaming;
 - (e) introduce the harm reduction measures of \$5 bet limits and \$100 load-up limits following a thorough review and transitional plan to manage impacts on clubs, particularly smaller clubs that upgrade machines less regularly, by the end of 2022;
 - (f) facilitate planning and other processes to allow clubs to diversify to other revenue generating streams, particularly development of available land for social housing and land supply purposes, that are supported by the community;
 - (g) provide a just transition for workers in the community clubs and gambling industry by ensuring that new or transferred employment is on permanent and secure terms, providing support and retraining for employment in new jobs of their choosing and ensuring worker entitlements are secure in business transfer or winding up;
 - (h) conduct a review into water costs for high-intensity club users of non-potable water in 2021, with the goal to allow clubs to maintain operations while not requiring cross-subsidisation by other ACT water users;
 - (i) establish a five year \$5 million Building Energy Efficiency Upgrade Fund, to be accessed by community clubs; and

- (j) support clubs to become heat and smoke refuges for local communities. This will include ensuring appropriate air filtration systems, and financial payments for venues designated as official extreme weather refuge sites; and
- (10) calls on the Government to report back to the Assembly on outcomes of consultation with the sector including with the Ministerial Council, and on progress on each of these commitments no later than the last sitting day in October 2021.”.

Debate continued.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 14		NOES, 7
Mr Braddock	Dr Paterson	Mr Cain
Ms Burch	Mr Pettersson	Ms Castley
Ms Cheyne	Mr Rattenbury	Mr Hanson
Ms Clay	Mr Steel	Mrs Jones
Ms Davidson	Ms Stephen-Smith	Mrs Kikkert
Mr Davis	Ms Vassarotti	Ms Lee
Mr Gentleman		Mr Parton
Ms Orr		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the important contribution made by community clubs in the ACT including:
 - (a) a social contribution of \$39 million through community donations, subsidised access to facilities and volunteering;
 - (b) an investment of over \$150 million in local sporting teams and sporting infrastructure since 2000;
 - (c) jobs for 1,700 people;
 - (d) that clubs maintain and operate a portion of the ACT’s sport and recreation infrastructure; and
 - (e) the support clubs provide to more than 1 000 community and sporting groups;
- (2) further notes that the ACT’s community clubs have been impacted by the COVID pandemic as evidenced by a reduction in gross gaming revenue in the last financial year of \$40 million with the likelihood of further reductions in the current financial year;
- (3) notes that 7 clubs have closed since 2014 for a range of reasons;

- (4) further notes the range of measures implemented over the past term that have significantly reduced the number of gaming machines operating in the ACT, while helping clubs take steps to diversify their revenue streams, including by:
 - (a) reducing the number of poker machine licenses from 4 938 to 3 888, a reduction of over 20 percent, through an innovative cash support and a land fees and charges offset scheme to help clubs develop their land holdings;
 - (b) offering a community club grant of \$10 000 to every small and medium club to provide immediate assistance to fund cost-saving measures, such as putting solar panels on a club roof;
 - (c) establishing an ongoing tax rebate for small-to-medium clubs of 50 percent of their gaming tax revenue;
 - (d) establishing a new small clubs liaison role to work with and assist clubs to navigate regulatory and administrative requirements;
 - (e) instituting quarterly tax lodgements for small clubs to ease their administrative burden; and
 - (f) reviewing and reforming the ACT Community Contributions Scheme to improve the transparency of funding, and to maximise this benefit to the community;
- (5) notes also that through the Covid-19 pandemic and associated necessary club and gaming room closures, the ACT Government stepped in to provide significant financial support to community clubs by:
 - (a) providing a six-month rebate of their fixed water and sewerage charges;
 - (b) making an additional \$1.5 million contribution to the Clubs Diversification Fund distributing \$3.3 million from the Diversification and Sustainability Support Fund to fund workers' award wages, and allowing clubs to claim staff wages and COVID 19-related community aid as community contributions;
 - (c) waiving or refunding gaming machine tax liabilities for the first quarter of 2020; and
 - (d) paying \$15 000 for every gaming machine license voluntarily surrendered, to help with clubs' immediate cashflow issues;
- (6) notes that problem gambling, including poker machines, can cause significant harm to people, their families and communities. Many clubs are highly dependent on poker machine revenue and there is a need for new financial models for clubs that do not rely on people experiencing gambling harm;
- (7) notes that the 2018 Government Response to the ACT Club Industry Diversification Support Analysis Recommendations (the Stevens Review), committed to no further compulsory surrender processes once 4 000 authorisations was reached, as well as not to change the key elements of the trading scheme until 2025;

- (8) notes that the current approach of Government is to work collaboratively with clubs to diversify revenue streams and to provide incentives to encourage clubs to go pokies-free;
- (9) notes that to support clubs and reduce gambling harm, the government will prioritise implementation of the gambling reform measures agreed in the Parliamentary and Governing Agreement which commits to:
 - (a) establish a Community Clubs Ministerial Advisory Council with government, industry and unions to build a long-term, sustainable clubs sector in the ACT;
 - (b) target a further reduction in the number of electronic gaming machine licences in the ACT to 3 500 by 1 July 2025, and support this through the introduction of incentives for Clubs to consider, including additional incentives to move to zero machines within a venue location;
 - (c) establish a rigorous, across-venue self-exclusion regime across the ACT for people experiencing harm from gaming, with significant penalties for breaches;
 - (d) match or exceed any further harm reduction gaming reforms commenced in NSW, such as cashless gaming;
 - (e) introduce the harm reduction measures of \$5 bet limits and \$100 load-up limits following a thorough review and transitional plan to manage impacts on clubs, particularly smaller clubs that upgrade machines less regularly, by the end of 2022;
 - (f) facilitate planning and other processes to allow clubs to diversify to other revenue generating streams, particularly development of available land for social housing and land supply purposes, that are supported by the community;
 - (g) provide a just transition for workers in the community clubs and gambling industry by ensuring that new or transferred employment is on permanent and secure terms, providing support and retraining for employment in new jobs of their choosing and ensuring worker entitlements are secure in business transfer or winding up;
 - (h) conduct a review into water costs for high-intensity club users of non-potable water in 2021, with the goal to allow clubs to maintain operations while not requiring cross-subsidisation by other ACT water users;
 - (i) establish a five year \$5 million Building Energy Efficiency Upgrade Fund, to be accessed by community clubs; and
 - (j) support clubs to become heat and smoke refuges for local communities. This will include ensuring appropriate air filtration systems, and financial payments for venues designated as official extreme weather refuge sites; and

- (10) calls on the Government to report back to the Assembly on outcomes of consultation with the sector including with the Ministerial Council, and on progress on each of these commitments no later than the last sitting day in October 2021.”—

be agreed to—put and passed.

11 INAUGURAL SPEECHES

Dr Paterson and Ms Clay, by leave, made their respective inaugural speeches.

12 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 1—REPORT ON A REFERRAL TO THE COMMISSIONER FOR STANDARDS—REPORT NOTED

Ms Burch (Chair) presented the following report:

Administration and Procedure—Report 1—Report on a referral to the Commissioner for Standards, dated 2 December 2020, together with a copy of the extracts of the relevant minutes of proceedings.

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

Question—put and passed.

13 QUESTIONS

Questions without notice were asked.

14 INAUGURAL SPEECHES

Mr Davis and Mr Braddock, by leave, made their respective inaugural speeches.

15 PRESENTATION OF PAPER

The Speaker presented the following paper:

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a review of a correctional service by the ACT Inspector of Correctional Services—ACT Corrective Services Court Transport Unit 2020, dated November 2020.

16 PRESENTATION OF PAPERS

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

A Step Up for Our Kids—Snapshot Report—A Presentation of Data covering 1 July 2016 to 30 September 2020.

ACT Public Health System—Workplace Culture Framework—A summary of the research on an evidence-based approach to workplace change, dated November 2020, together with a statement.

Asbestos related works across Canberra—Annual statement 2020.

Australian Health Practitioner Regulation Agency and the National Boards, reporting on the National Registration and Accreditation Scheme—Annual Report 2019/20.

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2019-20.

Freedom of Information Act, pursuant to section 39—Copy of notices provided to the Ombudsman—Freedom of Information requests—Decisions not made in time—Education Directorate—dated 24 November 2020.

Gene Technology Act, pursuant to subsection 136(2)—Operations of the Gene Technology Regulator—Annual reports—2019-20, dated 11 September 2020.

Health, Ageing and Community Services—Standing Committee—Ninth Assembly—Report 11—*Report on Child and Youth Protection Services (Part 2)* and Report 12—*Final Report on Child and Youth Protection Services (Part 1)*—Government response.

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Administrator of the National Health Funding Pool—Annual report 2019-20.

National Health Funding Body—Annual report 2019-20, dated 24 September 2020.

National Health Practitioner Ombudsman and Privacy Commissioner—Annual report 2019-20.

Property Crime Prevention Strategy 2016-2020—Final Progress Report 2020.

Water Resources Act, pursuant to subsection 67D(3)—ACT and Region Catchment Management Coordination Group—Annual report 2019-20, together with a statement.

17 CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION ACT—MINISTER'S ANNUAL REPORT 2019-2020—PAPER NOTED—PRESENTATION OF PAPER

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

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2019-20.

Debate ensued.

Mr Rattenbury (Minister for Water, Energy and Emissions Reduction) tabled the following paper:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2019-20—Tabling statement.

Question—put and passed.

18 PROPERTY CRIME PREVENTION STRATEGY—FINAL PROGRESS 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:

Property Crime Prevention Strategy 2016-2020—Final Progress Report 2020.

Debate ensued.

Question—put and passed.

19 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 4.41 pm adjourned until Tuesday 9 February 2021 at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except for Mr Coe* and Ms Lawder*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly