



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

## MINUTES OF PROCEEDINGS

No 39

**THURSDAY, 10 FEBRUARY 2022**

- 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 PETITIONS—PETITIONS NOTED

### Petitions

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

Mr Braddock, from 508 residents, requesting that the Assembly call on the ACT Government to remove the Moncrieff drying pit (e-Pet 49-21).

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

Mr Braddock, from 612 residents, requesting that the Assembly call on the ACT Government to refurbish the Gungahlin skate park and install lights (e-Pet 51-21).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Education and Community Inclusion.

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

Debate ensued.

Question—put and passed.

**3 AUSTRALIA DAY AWARDS—CANBERRAN RECIPIENTS—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Cheyne (Minister for the Arts) made a ministerial statement concerning Canberrans who were awarded Australia Day honours and presented the following paper:

Australia Day awards—Canberran recipients—Ministerial statement, 10 February 2022.

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

Debate ensued.

Question—put and passed.

**4 RELEASE OF DE-IDENTIFIED WORKERS COMPENSATION CLAIMS DATA—UPDATE ON THE A.C.T. GOVERNMENT’S RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Steel (Special Minister of State) made a ministerial statement to update the Assembly on the Government’s response to the release of de-identified workers compensation claims data on the Tenders ACT website and presented the following paper:

Release of de-identified workers compensation claims data—Update on the ACT Government’s response—Ministerial statement, 10 February 2022.

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

Question—put and passed.

**5 NATIONAL DISABILITY INSURANCE SCHEME—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Davidson (Minister for Disability) made a ministerial statement concerning the National Disability Insurance Scheme, in response to the resolution of the Assembly of 5 August 2021, and presented the following paper:

National Disability Insurance Scheme—Response to the Assembly resolution of 5 August 2021—Ministerial statement, 10 February 2022.

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

Question—put and passed.

**6 COMMUNITY SAFE HAVEN PILOT—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Davidson (Minister for Mental Health) made a ministerial statement concerning the Community Safe Haven Pilot and presented the following paper:

Community Safe Haven pilot—Ministerial statement, 10 February 2022.

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

Debate ensued.

Question—put and passed.

**7 PRESENTATION OF PAPERS**

Mr Steel (Special Minister of State) presented the following papers:

ACT Public Sector workers compensation data incident—Copies of letters to—

The Australian Information Commissioner and Privacy Commissioner from the Executive Group Manager, Procurement ACT, dated 30 November 2021.

The Executive Group Manager, Procurement ACT from Mr David Stevens, Office of the Australian Information Commissioner, dated 24 December 2021.

**8 FAMILY VIOLENCE LEGISLATION AMENDMENT BILL 2022**

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about family violence, 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 (Mr Cain) and the resumption of the debate made an order of the day for the next sitting.

**9 DOMESTIC ANIMALS LEGISLATION AMENDMENT BILL 2022**

Mr Steel (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend legislation about domestic animals.

*Paper:* Mr Steel 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 Steel 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.

**10 STANDING COMMITTEES—MEMBERSHIP**

Ms Lawder, pursuant to standing order 223, moved—That:

Mr Cain be discharged from the Standing Committee on Education and Community Inclusion and Ms Lawder be appointed in his place; and

Mr Hanson be discharged from the Standing Committee on Justice and Community Safety (including the Legislative Scrutiny role) and Mr Cain be appointed in his place.

Question—put and passed.

**11 LEGISLATION (LEGISLATIVE ASSEMBLY COMMITTEES) AMENDMENT BILL 2022**

Ms Burch (Speaker), pursuant to notice, presented a Bill for an Act to amend legislation in relation to committees of the Legislative Assembly.

*Paper:* Ms Burch presented an explanatory statement to the Bill.

Title read by Clerk.

Ms Burch 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.

**12 STANDING COMMITTEES—ESTABLISHMENT—AMENDMENT TO RESOLUTION—TIMEFRAME FOR CONSIDERATION OF BILLS REFERRED TO COMMITTEES**

Ms Burch, pursuant to notice, moved—That the resolution of the Assembly agreed to on 2 December 2020, as amended, be amended as follows—Paragraph (5), omit “14 days”, substitute “21 days”.

Question—put and passed.

**13 CONTINUING RESOLUTION 5AA—COMMISSIONER FOR STANDARDS—AMENDMENT TO RESOLUTION**

Ms Burch, pursuant to notice, moved—That Continuing Resolution 5AA be amended by inserting the following paragraph:

“(7)(c) If the Commissioner receives a complaint and the Commissioner believes on reasonable grounds that there is insufficient evidence to justify an investigation or that the complaint is frivolous, vexatious or only for political advantage, the Commissioner will inform the complainant that the matter will not be further investigated. The Commissioner will also inform (without revealing the complainant’s identity or the nature of the complaint) both the committee and the Member the subject of the complaint that a complaint has been received but not further investigated.”.

Question—put and passed.

**14 ESTIMATES 2022-2023—SELECT COMMITTEE—PROPOSED ESTABLISHMENT**

Ms Lawder, pursuant to notice, moved—That:

- (1) a Select Committee on Estimates 2022-2023 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2022-2023, the Appropriation (Office of the Legislative Assembly) Bill 2022-2023 and any revenue estimates proposed by the Government in the 2022-2023 Budget and prepare a report to the Assembly;
- (2) the Committee be composed of:
  - (a) two Members to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition; and
  - (c) one Member to be nominated by the Greens; andto be notified in writing to the Speaker within two hours of this motion passing;
- (3) an Opposition Member shall be elected chair of the Committee by the Committee;
- (4) funds be provided by the Assembly to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
- (5) the Committee is to report by Friday, 29 July 2022;
- (6) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (7) 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.

Debate ensued.

Debate adjourned (Mr Rattenbury—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

**15 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REFERENCE—ESTIMATES 2022-2023—SELECT COMMITTEE—PROPOSED ESTABLISHMENT**

Ms Orr, by leave, moved—That Ms Lawder's motion, relating to the proposed establishment of a Select Committee on Estimates 2022-2023, be referred to the Standing Committee on Administration and Procedure and brought back in the March sittings.

Question—put and passed.

**16 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—PROPOSED  
REFERENCE—THUNDERSTORM EVENT OF 3 JANUARY 2022—HEALTH AND  
COMMUNITY WELLBEING—STANDING COMMITTEE—REQUEST TO CONSIDER**

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

- (1) notes that:
  - (a) storms are a regular occurrence in the ACT, with 26 severe storms recorded in the last 10 years, that have included significant rainfalls contributing to flooding events, hail causing major damage, and strong wind gusts leaving a trail of debris;
  - (b) the storm season in the ACT runs from September to February each year;
  - (c) storms cause high social, emotional and financial costs;
  - (d) the 3 January supercell thunderstorm event caused significant damage to many homes and streetscapes;
  - (e) during the storm and after, the community perceived a significant lack of communication by the Minister, with no local area contact made with those who suffered the worst damage;
  - (f) the State Emergency Service responded to and completed more than 1023 jobs; however, some areas of Belconnen were without power for six days and storm debris clean up has taken more than a month and is still ongoing;
  - (g) however, there was limited and only very localised support offered, such as food services, power generators, clean up services, to many of those suffering from excessive and prolonged storm damage, with some of the most vulnerable forced to rely on the goodwill of their neighbours; and
  - (h) the ACT does not appear to have a second tier of support for cleaning up storm debris, beyond advising people to lodge their problems through the Fix My Street site;
- (2) refers this matter to the Standing Committee on Justice and Community Safety for an inquiry to investigate the complete response to the recent storms, the appropriateness of the communication strategies used to reach out to those affected; and the service delivery options of various agencies throughout the storm period and in the weeks afterwards, to repair, redress and clean up the storm debris and support the community in these matters;
- (3) requests the Committee in conducting its inquiry to have regard to the:
  - (a) social, emotional and financial costs of those who have experienced storm damage and lengthy delays in the redress of these;
  - (b) effectiveness of existing reporting mechanisms of storm damage, both for redress concerning individual incidents and for statistical monitoring of the prevalence of storm damage experienced by individuals and by the people in the ACT community generally;

- (c) adequacy of the response by various agencies, Government and otherwise, to the storm damage shared by members of the community, the length of time it took to correct matters, and the lack of support to clean up storm debris afterwards;
  - (d) the adequacy and accessibility of communication both during and after the storm, when the clean up was occurring, as people struggled to maintain everyday lives deprived of adequate support, during a week without power;
  - (e) adequacy of services provided in the immediate and longer-term period after the storm, for electricity, livelihood support, and storm debris clean up;
  - (f) value of establishing, and possible roles of, a further tier of support to help with the clear up of storm damage, once the immediate emergency is over; and
  - (g) any other matter the Committee considers relevant; and
- (4) requests the Committee to:
- (a) encourage participation by affected individuals and groups by providing interpreter services, inviting confidential submissions, taking evidence in camera, holding documents in confidence where it considers it appropriate to do so, and otherwise making the hearings family-friendly and held virtually where applicable;
  - (b) consider whether to publish a discussion paper by 29 April 2022 and whether to provide an interim report before 9 June 2022; and
  - (c) report back to the Assembly by 1 September 2022, before the next storm season.

Ms Davidson (Minister for Seniors, Veterans, Families and Community Services) moved the following amendment: Omit all text after “That this Assembly”, substitute:

- “(1) notes that:
- (a) storms are a regular occurrence in the ACT, with 26 severe storms recorded in the last 10 years, that have included significant rainfalls contributing to flooding events, hail causing major damage, and strong wind gusts leaving a trail of debris;
  - (b) storm events will, due to climate change, become more frequent and damaging;
  - (c) the storm season in the ACT runs from September to February each year;
  - (d) storms cause high social, emotional and financial costs;
  - (e) the 3 January supercell thunderstorm event caused significant damage to many homes and streetscapes;
  - (f) the State Emergency Services responded to, and completed, more than 1023 jobs; however, some areas of Belconnen were without power for six days and storm debris clean up has taken more than a month and is still ongoing;

- (g) the effectiveness and adequacy of the ACT Government and wider community's resilience and responsiveness is crucial in light of likely increased storm frequency and damage, due to climate change; and
  - (h) in addition to responding to requests from the community, ACT Government crews prioritised assessment and clean up of roads and paths in the immediate aftermath of the storm, proactively assessed verges in every Belconnen suburb throughout the month of January and identified more than 1400 jobs in need of action, and have now commenced proactive auditing of open spaces;
- (2) draws this motion to the attention of the Standing Committee on Health and Community Wellbeing and requests the Committee consider an inquiry relating to the recovery following the recent storms, the appropriateness of the communication strategies used to reach out to those affected, and the service delivery options of various agencies throughout the storm period and in the weeks afterwards, to repair, redress and clean up the storm debris and support the community in these matters;
- (3) further requests the Committee have regard to the:
- (a) social, emotional and financial costs of those who have experienced storm damage;
  - (b) lessons for the ACT Government, and other agencies, in:
    - (i) recovery and the necessary steps for subsequent clean ups;
    - (ii) considering the future community need for services provided in the immediate aftermath of a storm event; and
    - (iii) considering what should be in place to enable social recovery following such events;
  - (c) value of establishing, and possible roles of, a further tier of support to help with the clear up of storm damage, once the immediate emergency is over; and
  - (d) any other matter the Committee considers relevant; and
- (4) requests the Committee to:
- (a) encourage participation by affected individuals and groups by providing interpreter services, inviting confidential submissions, taking evidence in camera, holding documents in confidence where it considers it appropriate to do so, and otherwise making the hearings family-friendly and held virtually where applicable;
  - (b) consider whether to publish a discussion paper by 29 April 2022 and whether to provide an interim report before 9 June 2022; and
  - (c) report back to the Assembly by 1 September 2022, before the next storm season."

Debate continued.

Amendment agreed to.



Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) storms are a regular occurrence in the ACT, with 26 severe storms recorded in the last 10 years, that have included significant rainfalls contributing to flooding events, hail causing major damage, and strong wind gusts leaving a trail of debris;
  - (b) storm events will, due to climate change, become more frequent and damaging;
  - (c) the storm season in the ACT runs from September to February each year;
  - (d) storms cause high social, emotional and financial costs;
  - (e) the 3 January supercell thunderstorm event caused significant damage to many homes and streetscapes;
  - (f) the State Emergency Services responded to, and completed, more than 1023 jobs; however, some areas of Belconnen were without power for six days and storm debris clean up has taken more than a month and is still ongoing;
  - (g) the effectiveness and adequacy of the ACT Government and wider community’s resilience and responsiveness is crucial in light of likely increased storm frequency and damage, due to climate change; and
  - (h) in addition to responding to requests from the community, ACT Government crews prioritised assessment and clean up of roads and paths in the immediate aftermath of the storm, proactively assessed verges in every Belconnen suburb throughout the month of January and identified more than 1400 jobs in need of action, and have now commenced proactive auditing of open spaces;
- (2) draws this motion to the attention of the Standing Committee on Health and Community Wellbeing and requests the Committee consider an inquiry relating to the recovery following the recent storms, the appropriateness of the communication strategies used to reach out to those affected, and the service delivery options of various agencies throughout the storm period and in the weeks afterwards, to repair, redress and clean up the storm debris and support the community in these matters;
- (3) further requests the Committee have regard to the:
  - (a) social, emotional and financial costs of those who have experienced storm damage;
  - (b) lessons for the ACT Government, and other agencies, in:
    - (i) recovery and the necessary steps for subsequent clean ups;
    - (ii) considering the future community need for services provided in the immediate aftermath of a storm event; and

- (iii) considering what should be in place to enable social recovery following such events;
  - (c) value of establishing, and possible roles of, a further tier of support to help with the clear up of storm damage, once the immediate emergency is over; and
  - (d) any other matter the Committee considers relevant; and
- (4) requests the Committee to:
  - (a) encourage participation by affected individuals and groups by providing interpreter services, inviting confidential submissions, taking evidence in camera, holding documents in confidence where it considers it appropriate to do so, and otherwise making the hearings family-friendly and held virtually where applicable;
  - (b) consider whether to publish a discussion paper by 29 April 2022 and whether to provide an interim report before 9 June 2022; and
  - (c) report back to the Assembly by 1 September 2022, before the next storm season.”—

be agreed to—put and passed.

#### **17 A.C.T. GOVERNMENT’S WORK TO CREATE SUSTAINABLE CANBERRA JOBS—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Barr (Chief Minister)—That the Assembly take note of the paper (viz):

ACT Government’s work to create sustainable Canberra jobs—Update—Ministerial statement, 22 June 2021—

Debate resumed.

Question—put and passed.

#### **18 QUESTIONS**

Questions without notice were asked.

#### **19 PRESENTATION OF PAPERS**

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports—2020-2021—

Community Services Directorate—Corrigendum, dated February 2022.

Transport Canberra and City Services Directorate—Corrigendum, dated February 2022.

Canberra Urban Lakes and Ponds—Land Management Plan, dated February 2022.

Climate targets and commitments—Resolution of the Assembly of 11 November 2021—  
Copies of letters to the—

Leader of the Australian Labor Party from the Chief Minister, dated 17 January 2022.

Federal Minister for Industry, Energy and Emissions from Mr Rattenbury (Minister for  
Water, Energy and Emissions Reduction), dated 6 January 2022.

Coroners Act—

Pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of  
“Passenger H”—

Report, dated 2 August 2021.

Government response, dated February 2022.

Pursuant to subsection 102(8)—ACT Coroner’s Court—Annual report 2020/2021,  
dated December 2021.

E-waste recycling—Government response, pursuant to the resolution of the Assembly of  
23 June 2021, dated February 2022.

Financial Management Act—

Pursuant to section 26—Consolidated Financial Report—Financial quarter ending  
31 December 2021, dated February 2022.

Pursuant to section 30E—Half-yearly directorate performance reports—  
December 2021, for the following:

ACT Health, dated February 2022

ACT Local Hospital Network, dated February 2022.

Canberra Health Services, dated 10 February 2022.

Chief Minister, Treasury and Economic Development Directorate, dated  
February 2022.

Community Services Directorate, dated February 2022.

Education Directorate, dated February 2022.

Environment, Planning and Sustainable Development Directorate, dated  
February 2022.

Housing ACT, dated February 2022.

Justice and Community Safety Directorate, dated February 2022.

Major Projects Canberra, dated February 2022.

Transport Canberra and City Services Directorate, dated February 2022.

Transport Canberra Operations, dated February 2022.

Looking Forward: An ACT Government Position Statement on Child and Youth Mental  
Health and Wellbeing in the Context of COVID-19, dated November 2021, pursuant to  
the resolution of the Assembly of 8 October 2021 concerning youth mental health.

Loose Fill Asbestos Insulation Eradication Scheme—Implementation—Report—1 July to 31 December 2021, dated February 2022.

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 October to 31 December 2021, dated February 2022.

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

ACT Civil and Administrative Tribunal—Determination 8 of 2021, dated December 2021.

ACT Magistrates Court Judicial Positions—Determination 7 of 2021, dated December 2021.

ACT Supreme Court Judicial Positions—Determination 6 of 2021, dated December 2021.

Director of Public Prosecutions—Determination 12 of 2021, dated December 2021.

Full-Time Statutory Office Holder: Chief Executive Officer, ACT Integrity Commission—Determination 10 of 2021, dated December 2021.

Members of the ACT Legislative Assembly—Determination 14 of 2021, dated December 2021.

Part-time Public Office Holders—Determination 13 of 2021, dated December 2021.

Part-time Statutory Office Holder: Integrity Commissioner—Determination 9 of 2021, dated December 2021.

Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 11 of 2021, dated December 2021.

**20 FINANCIAL MANAGEMENT ACT—CONSOLIDATED FINANCIAL REPORT—FINANCIAL QUARTER ENDING 31 DECEMBER 2021—PAPER NOTED**

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

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2021.

Debate ensued.

Question—put and passed.

**21 E-WASTE RECYCLING—GOVERNMENT RESPONSE TO RESOLUTION OF THE ASSEMBLY—PAPER NOTED**

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

E-waste recycling—Government response, pursuant to the resolution of the Assembly of 23 June 2021.

Debate ensued.

Question—put and passed.

**22 CLIMATE TARGETS AND COMMITMENTS—PAPERS AND STATEMENT BY MEMBER**

Mr Rattenbury (Leader of the ACT Greens), pursuant to the resolution of the Assembly of 11 November 2021, presented the following papers:

Climate targets and commitments—Copies of letters to the—

Leader of the Australian Greens from the Leader of the ACT Greens, dated 21 December 2021.

Leader of the ACT Greens from the Leader of the Australian Greens, dated 3 February 2022—

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

**23 RIGHT TO A HEALTHY ENVIRONMENT**

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

- (1) recognises that:
  - (a) we have declared a climate emergency;
  - (b) we are part of the environment and, as a consequence, the health of the environment impacts on us and our actions impact on the health of the environment. The environment we live in is a precondition to a healthy life. The air we breathe, the water we drink, the food we eat and all our natural resources come from our environment and we must keep it healthy;
  - (c) COVID lockdowns and the COVID crisis have shown us how important access to nature and our local environment are to our mental and physical health;
  - (d) in 2018, the then Special Rapporteur on human rights and the environment, John Knox, presented to the United Nations Human Rights Council, a non-exhaustive list of 16 framework principles on human rights to the environment, summarising the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;
  - (e) the United Nations Human Rights Council passed a resolution on 1 October 2021 on the human right to a safe clean, healthy and sustainable environment. It recognised “that sustainable development... and the protection of the environment, including ecosystems, contribute to and promote human well-being and the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to housing, to safe drinking water and sanitation and to participation in cultural life, for present and future generations”;
  - (f) the Human Rights Council resolution further noted that “the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage has negative implications, both direct and indirect, for the effective enjoyment of all human rights”; and

- (g) the right to a healthy environment is legally recognised by the overwhelming majority of United Nations Member States around the world;
- (2) notes that:
- (a) the *Human Rights Act 2004* (ACT) was the first Human Rights Act introduced in a state or territory in Australia;
  - (b) the Parliamentary and Governing Agreement for the 10<sup>th</sup> Assembly commits the ACT Government to consider introducing the right to a healthy environment into the *Human Rights Act 2004* (ACT); and
  - (c) this commitment exists in the context of the ACT Government declaring a climate emergency in 2019, a commitment to rapid, science-based action to mitigate and adapt to climate change and a transition to net-zero emissions;
- (3) further notes that:
- (a) human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing;
  - (b) the right to a healthy environment includes substantive elements, procedural elements and rights of the most vulnerable;
  - (c) internationally, substantive elements to a healthy environment include the right to clean air, a safe climate, healthy ecosystems and biodiversity which deliver healthy and sustainably produced food, clean water and sanitation, and a non-toxic environment;
  - (d) internationally, procedural elements to a healthy environment include the rights to information, participation in decision-making, access to justice and effective remedy;
  - (e) internationally, the right to a healthy environment protects the most vulnerable to environmental harm in our community and protects our environment for future generations;
  - (f) the impact of an unhealthy environment on people is immense, and disproportionately impacts the most disadvantaged and marginalised people and communities;
  - (g) our mental health and wellbeing is intricately linked to a healthy environment, including access to nature, spending time outdoors for exercise, recreation and leisure. Spending time in a healthy environment meets our inherent need for physical, mental, emotional, and spiritual wellbeing;
  - (h) Canberrans are fortunate to benefit from local bushland, national parks, the Canberra Nature Park, pocket parks, grasslands, rivers, lakes and ponds; and
  - (i) the ACT Government has committed to a wellbeing framework for the ACT to assist the ACT Government to measure living standards beyond the gross domestic product; and

- (4) calls on the ACT Government to:
- (a) investigate the inclusion of a right to a healthy environment into the *Human Rights Act 2004* (ACT), conduct community consultation and meet with stakeholders, including but not limited to the Australian Human Rights Commission, the Conservation Council ACT Region, the Environmental Defenders Office (ACT office), GreenLaw, the ACT Council of Social Service, the ACT Children and Young People Commissioner, the Commissioner for Sustainability and the Environment, the Aboriginal and Torres Strait Islander Elected Body, Dhawura Ngunnawal Caring for Country Committee and any other Indigenous stakeholders, to actively explore the inclusion of a right to a healthy environment into the *Human Rights Act 2004* (ACT); and
  - (b) report back to the Assembly by the first day of the last sitting week in 2022 with the substance of these consultations and a timeframe to introduce a right to a healthy environment.

Debate ensued.

Question—put and passed.

## 24 PUBLIC ELECTION FUNDING

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

- (1) notes:
- (a) that, according to published reports, the ACT Greens made a profit of \$188 771 on the 2020 ACT election, at the expense of ACT taxpayers from public election funding;
  - (b) following the 2020 ACT election, the ACT Greens have opened a new office in Braddon, claiming that “After our huge success in 2020, we took stock, identified our priorities and began looking for a new home”;
  - (c) the ACT Greens have stated with regard to the new office that “We’ll be fitting out the space over the coming weeks to ensure it’s ready for our work, meetings, [and] the 2022 Federal Election ...”;
  - (d) in its submission to the Standing Committee on Justice and Community Safety (JACS) inquiry into the 2020 ACT election, the ACT Electoral Commission recommended (Recommendation 22) amending the Electoral Act to include provisions to limit the amount of public funding that can be received by a political party or candidate to ensure that the amount received does not exceed the amount of electoral expenditure incurred;
  - (e) the ACT Labor submission to the JACS inquiry supported the Elections ACT recommendation, stating “The move towards a best practice public funding model by the ACT Labor Government was never intended as a means for parties or candidates to make a profit. This appears to have provided a situation in which some parties run with the intent of making a profit, so that they can then funnel this money to other campaigns such as the Federal election or to campaigns in other states. This practice does not meet community expectations”;

- (f) in their evidence to the Committee the Liberal Party representative stated that "... to happily take an additional \$200 000 or thereabouts from ratepayers, I think, is completely inappropriate and something that should be seriously considered, moving forward. I would have thought and hoped that the political party that was in that position would not accept an amount that would get to a point where they were turning a profit";
  - (g) the JACS Committee in its report into the 2020 ACT election commented that "The Committee supports the policy intention of public funding for candidates and parties, in reducing risk of corruption in the political system. The Committee considers it is reasonable to limit public funding to not exceed a candidate's electoral expenditure";
  - (h) the JACS Committee recommended that the Electoral Act be amended to limit the amount of public funding received by a party or candidate to not exceed the amount of electoral expenditure incurred; and
  - (i) the ACT Government response agreed that public funding "should not necessarily provide individuals with an opportunity to gain profit";
- (2) agrees that:
- (a) profiteering out of public election funding and channelling the money into Federal campaigns does not meet community expectations and is not the intent of ACT public funding; and
  - (b) legislation should be amended prior to the 2024 ACT election to ensure political parties do not profiteer at the expense of ACT taxpayers; and
- (3) calls on the ACT Greens MLAs to write to their party and request that they pay back the \$188 771 profit they made at taxpayers' expense at the 2020 election.

Debate ensued.

Mr Braddock moved the following amendment: Omit all text after "That this Assembly", substitute:

- "(1) notes that:
- (a) prior to the 2012 ACT election, the electoral funding system was overhauled to shift political party income away from corporate donations and, in 2015, a majority of the Assembly agreed to increase public funding to \$8 per vote for all elected representatives and parties;
  - (b) public funding to support different groups to participate in elections enhances democratic engagement; and
  - (c) a review of the ACT's Electoral Act and the related funding system is currently underway that has included submissions from a range of stakeholders; and
- (2) calls on the Assembly to consider the outcomes of the review of the Electoral Act."

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—



AYES, 10

NOES, 4

Mr Braddock

Mr Pettersson

Mr Cain

Ms Burch

Mr Rattenbury

Ms Castley

Ms Clay

Mr Steel

Mr Hanson

Ms Davidson

Ms Vassarotti

Mr Parton

Mr Davis

Dr Paterson

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes that:

- (a) prior to the 2012 ACT election, the electoral funding system was overhauled to shift political party income away from corporate donations and, in 2015, a majority of the Assembly agreed to increase public funding to \$8 per vote for all elected representatives and parties;
- (b) public funding to support different groups to participate in elections enhances democratic engagement; and
- (c) a review of the ACT’s Electoral Act and the related funding system is currently underway that has included submissions from a range of stakeholders; and

(2) calls on the Assembly to consider the outcomes of the review of the Electoral Act.”—

be agreed to—put and passed.

## 25 ADJOURNMENT

Mr Steel (Special Minister of State) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.04 pm, adjourned until Tuesday, 22 March 2022 at 10 am.

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**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Mrs Jones\* and Ms Lee\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly