



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 80

THURSDAY, 30 MARCH 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 DEATH OF AUNTY AGNES SHEA OAM

Mr Barr (Chief Minister) moved—That the ACT Legislative Assembly acknowledges the passing of Aunty Agnes Shea OAM. We celebrate her significant contributions to the Canberra community, particularly her commitment to reconciliation, recognition of the Ngunnawal people and improving the lives of Aboriginal and Torres Strait Islander people. Aunty Agnes was not only an advocate for the community, but also a friend and a grandmother to all. We acknowledge and pay respect to Aunty Agnes' legacy, to walk gently with integrity and dignity on her ancestral lands; and we pass on our deepest condolences to Aunty Agnes' family.

Mr Hanson (Deputy Leader of the Opposition), Mr Rattenbury (Leader of the ACT Greens), Mr Gentleman (Manager of Government Business), Ms Berry (Deputy Chief Minister), Mrs Kikkert, Ms Vassarotti (Minister for the Environment) and Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

Suspension of sitting: The Speaker, at 10.45 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 10.48 am.

3 PETITION—MINISTERIAL RESPONSE—RESPONSE NOTED

The Clerk announced that the following response to a petition had been lodged:

Mr Steel (Minister for Transport and City Services), dated 6 February 2023—Response to e-petition No 026-22, lodged by Ms Orr on 22 November 2022, concerning parking and urban open space for Gungahlin apartment dwellers and small business owners.

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

Question—put and passed.

4 CHIEF MINISTER TRADE MISSION TO FIJI AND NEW ZEALAND 26 OCTOBER TO 1 NOVEMBER 2022—MINISTERIAL STATEMENT—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning his trade mission to Fiji and New Zealand from 26 October to 1 November 2022 and presented the following paper:

Chief Minister Trade Mission to Fiji and New Zealand 26 October to 1 November 2022—Ministerial statement, 30 March 2023.

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

Question—put and passed.

5 ZERO EMISSIONS VEHICLES STRATEGY UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Minister for Water, Energy and Emissions Reduction) made a ministerial statement concerning the progress of the ACT's Zero Emissions Vehicles Strategy 2022-30 and presented the following paper:

Zero emissions vehicles strategy update—Ministerial statement, 30 March 2023.

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

Question—put and passed.

6 DIGITAL HEALTH RECORD UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the progress of the implementation of the Digital Health Record and presented the following paper:

Digital Health Record Update—Ministerial statement, 30 March 2023.

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

Question—put and passed.

7 HUMAN RIGHTS COMMISSION AMENDMENT BILL 2023

Ms Stephen-Smith (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Human Rights Commission Act 2005*, and for other purposes.

Paper: Ms Stephen-Smith 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 Stephen-Smith moved—That this Bill be agreed to in principle.

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

8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—RESOURCING REQUIREMENTS FOR A.C.T. POLICE—PROPOSED REFERENCE

Mr Hanson, pursuant to notice, moved—That:

- (1) this Assembly notes that:
 - (a) in 2013, the ACT Government removed \$15 million from the budget for ACT Police;
 - (b) at that time, the Australian Federal Police Association said ACT Policing could not be expected to provide the same level of policing service, saying “Canberra is a growing city that requires increasing police services, not less.”;
 - (c) despite claiming in 2019 that the ACT Government would make a “record investment” and recruit “69 new officers in the coming years” the number of ACT police sworn officers has actually fallen;
 - (d) in their 2021 budget submission, the Australian Federal Police Association said “The Association has been continuously drawing the Government’s attention to under-resourcing – both for staff and infrastructure – for a number of years.”; and
 - (e) in 2023, the Chief Police Officer stated, “the number of police we have currently needs to be increased to meet current and future demand”, and also “there is not just needed to be a conversation about numbers, but also about equipment and resources...we need to ensure we have fit-for-purpose infrastructure.”;
- (2) that this Assembly refers the matter of resources for ACT Police to the Standing Committee on Justice and Community Safety to inquire into the current and future requirements for ACT Police, including but not limited to funding, personnel, equipment and infrastructure; and
- (3) the Committee report back to this Assembly no later than 29 June 2023.

Debate ensued.

Mr Braddock addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Question—put.

The Assembly voted—

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

And so it was negatived.

9 **PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—MEDIUM DENSITY HOUSING MODELS AND RESIDENTIAL ZONING—REQUEST TO CONSIDER**

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

- (1) notes that:
 - (a) across Australia, we are experiencing a housing affordability crisis and the ACT Legislative Assembly has declared a housing affordability crisis here;
 - (b) the ACT's population continues to grow with a current population of about 460,000 and new predictions of an increase of approximately 330,000 to 784,000 by 2060;
 - (c) Canberra requires a variety of housing choices for its growing population. We also need housing options that are affordable, accessible, climate wise and meet our needs as we move through the life cycle. The ACT Government's consultation on Housing Choices in 2018 recommended a mixture of dwelling sizes and dwelling types including co-housing, shop top living, aging in place, loft-style, courtyard, terrace and manor houses, and allowing separately titled dual occupancies in RZ1 areas (RZ1 is 80 percent of residential zoning in the ACT and is the lowest density). The Housing Choices consultation identified the "what" of missing middle (or medium density) housing. It did not address the "how";

- (d) the ACT Government has trialled different densification models in the last few years and there are opportunities to analyse the lessons from these initiatives in relation to broader changes;
 - (e) while many in the community express a desire for different housing choices, the market is failing to deliver these and the ACT planning system has struggled to facilitate a variety of housing choices for Canberra's growing and changing population; and
 - (f) how our land is zoned impacts on the ability to provide for a variety of housing choices, including "missing middle" housing options. Zoning can also influence other important factors including affordability of housing options;
- (2) further notes that:
- (a) the ACT Government declared a climate emergency in 2019 and is committed to taking action on climate change;
 - (b) climate science and recent Intergovernmental Panel on Climate Change reports make it clear that less urban sprawl and more high quality, climate-resilient infill is needed along transit corridors that are well-served by public and active transport, and co-location of jobs and housing to achieve compact urban form;
 - (c) the ACT Government has committed to at least 70 percent of new housing development to be within Canberra's existing urban footprint, with an ambition to increase this share. The ACT Greens have committed to a minimum 80 percent of new housing development to be infill within Canberra's existing urban footprint and to set city limits and stop unending urban sprawl;
 - (d) over this parliamentary term, the ACT Government has introduced a range of initiatives to ensure that the planning system responds to the need to ensure that a more compact city also prioritises living infrastructure and green space – recognising the importance of these measures to deliver a more liveable city in the context of a warmer and drier climate, both in the public realm and on private residential land;
 - (e) the ACT Government commenced the ACT Planning Review and Reform Project in 2019, and has extensively consulted on a future Planning Bill, Territory Plan and District Strategies for the Territory. This has further extended the conversation in the community regarding how medium density housing can be delivered in Canberra with draft proposals to change dwelling density policies in residential zones, identify areas for further investigation and clearly consult further on whether more single residential homes should be built through increasing dual occupancy developments on RZ1 zoned land;
 - (f) the ACT Planning Review and Reform Project provides a unique opportunity to address how we provide for medium density housing, the "missing middle", in the ACT. In considering these opportunities, it is also important that we embed work that has already occurred around climate wise planning instruments as part of the planning system;

- (g) the ACT Government is pursuing a whole-of-government approach to providing more low income and affordable housing with the programs and policies at its disposal;
 - (h) a coalition consisting of community, environment and industry groups has emerged calling for the ACT Government to address “missing middle” housing options, including the ACT Council of Social Service, ACT Shelter, Better Renting, Conservation Council ACT Region, Greater Canberra, Havelock Housing, Light House, Living Streets Canberra, Master Builders ACT, Pedal Power ACT, PTCBR, Purdon Planning, TT Architecture, The Y, and YWCA Canberra;
 - (i) this is a critical time to examine what sort of Canberra our new planning system will create and how we want to densify;
 - (j) community consultation and parliamentary scrutiny are needed to explore how we can densify in a way that delivers more options, increases affordability and ensures that our city remains liveable in a changing climate; and
 - (k) the ACT Government is currently considering submissions and continuing policy work in this area to address an urgent problem, therefore there is a need for solutions to be delivered in a timely manner; and
- (3) requests that the Standing Committee for Planning, Transport and City Services consider inquiring into different models of density and the zoning changes needed to deliver high quality, “missing middle” medium density infill and inclusionary housing to meet the needs of our population and report back to this Assembly as soon as possible and no later than September 2023.

Debate ensued.

Dr Paterson moved that the debate be adjourned.

Question—put.

The Assembly voted—

AYES, 16		NOES, 5
Ms Berry	Mr Milligan	Mr Braddock
Ms Burch	Ms Orr	Ms Clay
Mr Cain	Mr Parton	Ms Davidson
Ms Castley	Dr Paterson	Mr Davis
Ms Cheyne	Mr Pettersson	Ms Vassarotti
Mr Cocks	Mr Steel	
Mr Gentleman	Ms Stephen-Smith	
Mr Hanson		
Ms Lawder		

And so it was resolved in the affirmative.

Question—That the debate be adjourned and the resumption of the debate made an order of the day for the next sitting—put and passed.

**10 ECONOMY AND GENDER AND ECONOMIC EQUALITY—STANDING COMMITTEE—
REPORT 7—INQUIRY INTO ANNUAL AND FINANCIAL REPORTS 2021-2022—REPORT
NOTED**

Ms Castley (Chair) presented the following report:

Economy and Gender and Economic Equality—Standing Committee—Report 7—*Inquiry into Annual and Financial Reports 2021-2022*, dated March 2023, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**11 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PLANNING
AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2023—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had considered the Planning and Environment Legislation Amendment Bill 2023 that was referred to the Committee on 8 February 2023 and resolved not to inquire into this Bill.

**12 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION 011-
22—BLUETTS BLOCK-PINEY RIDGE AREA—PROTECTION FROM DEVELOPMENT—
STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had considered Petition 011-22 concerning the protection of Bluetts Block-Piney Ridge area that was referred to the Committee on 2 August 2022 and resolved not to inquire further into matters raised in this petition.

**13 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION 016-
22—CALLUM BRAE NATURE RESERVE—PROTECTION—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had considered Petition 016-22 concerning the protection of Callum Brae Nature Reserve that was referred to the Committee on 2 August 2022 and resolved not to inquire further into matters raised in this petition.

**14 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION 018-
22—CANBERRA AVENUE—40 KM SPEED LIMIT ZONE—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services had considered Petition 018-22 concerning the reduction of speed limit between Barralier Street and Hume Circle in Griffith that was referred to the Committee on 2 August 2022 and resolved not to inquire further into matters raised in this petition.

15 QUESTIONS

Questions without notice were asked.

16 PRESENTATION OF PAPERS

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

Evaluation of the Business Support Grant and Small Business Hardship Scheme—
Evaluation Report—Grosvenor Public Sector Advisory, dated 13 December 2022.

Justice and Community Safety—Standing Committee—Reports—

No 10—*Inquiry into the Sexual Assault Reform Legislation Amendment Bill 2022*—
Government response, dated March 2023.

No 12—*Inquiry into the Freedom of Information Amendment Bills 2022*—Government
response, dated March 2023.

Planning and Development Act, pursuant to subsection 79(1)—Variation to the Territory
Plan together with associated documents—No 387—Approval—Amendment to the
Residential Zones Development Code and Multi Unit Housing Development Code of
non-standard block in the Residential RZ1 zone, dated 28 March 2023.

Privileges 2022—Select Committee—Report—*Imposition of prohibition notice by
WorkSafe ACT*—Government response, dated March 2023.

17 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 10—INQUIRY INTO THE SEXUAL ASSAULT REFORM LEGISLATION AMENDMENT BILL 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:

Justice and Community Safety—Standing Committee—Report 10—*Inquiry into the
Sexual Assault Reform Legislation Amendment Bill 2022*—Government response.

Debate ensued.

Question—put and passed.

18 LEAVE OF ABSENCE TO MEMBER

Ms Lawder moved—That leave of absence be granted to Ms Lee (Leader of the
Opposition) for this sitting due to personal reasons.

Question—put and passed.

19 POTHOLE-RELATED DAMAGE—COMPENSATION

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

(1) notes that:

- (a) community concern about the amount and severity of potholes has continued to rise over the past several years;
- (b) persistent rain has contributed to the number of potholes but so too has a lack of proactive road maintenance in warmer months;
- (c) delivering safe and accessible roads is a basic government responsibility that the Labor/Greens Government is failing at;
- (d) Canberrans pay exorbitant levels of rates and it is not unreasonable for them to expect good roads in return;

- (e) in October 2022, a motion was moved by the Canberra Liberals calling on the Labor/Greens Government to investigate the current road maintenance approach and to provide residents with a plan to reduce the amount of ratepayers' money being spent on pothole damage claims; and
 - (f) this motion was subsequently watered down by Labor and the Greens who ignored community concerns and proclaimed that all was fine with the condition of ACT roads;
- (2) further notes that:
- (a) from 1 January to 31 October 2022, the ACT Government received 177 pothole-related damage to vehicle claims;
 - (b) of these 177 claims, only 51 reached a settlement as at 31 October 2022;
 - (c) for the 51 settled claims, the average amount paid by the Government was \$767.86;
 - (d) during this period, the average number of days it took for a pothole-related compensation claim to be paid out was 47 working days;
 - (e) of the 51 settled claims:
 - (i) 21 were paid within 30 days of submitting;
 - (ii) 19 were paid within 31-60 days of submitting; and
 - (iii) 11 were paid more than 60 days after submitting; and
- (3) calls on the ACT Government to:
- (a) reduce the number of working days Roads ACT has to assess applications for reimbursement from 60 to 30 working days;
 - (b) upon exceeding those 30 working days, introduce that interest will start to be accrued on claims to ensure that deadlines are met and so that the Government is motivated to provide safe roads for people to access; and
 - (c) introduce these changes and update the Assembly on these changes by 1 July 2023.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 8

Mr Cain
Ms Castley
Mr Cocks
Mr Hanson
Mrs Kikkert
Ms Lawder
Mr Milligan
Mr Parton

NOES, 15

Ms Berry	Ms Orr
Mr Braddock	Dr Paterson
Ms Burch	Mr Pettersson
Ms Cheyne	Mr Rattenbury
Ms Clay	Mr Steel
Ms Davidson	Ms Stephen-Smith
Mr Davis	Ms Vassarotti
Mr Gentleman	

And so it was negatived.

20 SHORT-TERM RENTAL ACCOMMODATION IN THE A.C.T.

Mr Davis, having, by leave, amended his notice by omitting “July” and substituting “November” in paragraph (3)(d), pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) the ACT is currently experiencing a housing crisis, with escalating issues of housing affordability and availability;
 - (b) over the past five years, housing prices in the ACT have increased by 19 percent, more than double the national increase of 8.2 percent;
 - (c) last year Canberra’s vacancy rates were at an all-time low of 0.5 percent, and have only slightly increased in 2023, remaining well below levels widely considered healthy; and
 - (d) Canberra rates lowest compared to other Australian capital cities for the number of rentals available for less than \$400 per week at two percent of available properties, falling from 10 percent in March 2020;
- (2) further notes:
 - (a) short-term rental accommodation on platforms such as Airbnb or HomeAway interact with local housing market dynamics, including the supply and price of properties available in localised markets for long-term lease, creating potentially adverse outcomes for people seeking long-term rental accommodation;
 - (b) research estimates that short-term rentals currently make up around two percent of Australia’s housing stock and were up to four percent before the COVID-19 pandemic;
 - (c) estimates place 1,332 active short-term rentals listed in the ACT, of which 82 percent are entire homes;
 - (d) a significant portion of short-term rentals in the ACT are properties that would otherwise be available for long-term lease. Investigations in the ACT by YourSay revealed 65 percent of short-term rental accommodation owners would make their entire properties available long-term rent, and 63 percent would make rooms available for long-term rent, if they were not using short-term rental services;
 - (e) research shows that at a neighbourhood level in Sydney and Melbourne, a high prevalence of short-term rentals in high demand areas impacts the availability of long-term rental properties;
 - (f) despite being considered part of the share economy, the vast majority of short-term rentals are entire properties being rented for few nights. In February 2019, there was three times as many “entire homes” listed on Airbnb compared to room-only listings across New South Wales, Victoria and Queensland;
 - (g) research from the Australian Housing and Urban Research Institute has highlighted the risk that short-term rentals could contribute to greater inequality over time, exacerbate already distorted housing markets in popular urban areas, and increase uncertainty and complexity for people seeking long-term housing;

- (h) jurisdictions across Australia have taken regulatory measures to mitigate negative impacts of short-term rental accommodation on local housing markets:
 - (i) short-term rental accommodation codes of conduct and registration systems to allow data-collection have been implemented by the New South Wales, Queensland, South Australian and Tasmanian Governments;
 - (ii) some of these laws include restrictions for residential zones or caps on the number of nights permissible for renting out an entire property, including penalties for non-compliance;
 - (iii) the Western Australian Government is currently undergoing a review of draft legislation to implement a permit-system for stays of more than 60 nights per year; and
 - (iv) specific local government areas, such as Byron Bay, have further restricted stays for properties without the host present from 180 days to 90 days per calendar year, with a particular focus on residential zones to encourage properties back onto the market for long-term rental accommodation;
- (i) overseas, jurisdictions including New York, London, Berlin and Amsterdam have taken steps to regulate short-term rental accommodation with caps or permit systems ranging from 30 to 90 days for entire homes or secondary properties;
- (j) Greens Party representatives around Australia have been championing this issue to enable better market conditions for renters, including through proposals such as:
 - (i) in Tasmania, pausing new short-stay permits for listings of entire homes in the Greater Hobart area;
 - (ii) in Victoria, a cap of 90 days per year for secondary properties and allowing owners corporations to regulate short stays in their building that are not a primary residence; and
 - (iii) in New South Wales, banning stays in properties built since 2018 that are not a primary residence, until the vacancy rate reaches three percent;
- (k) information gathering has a critical role to play in ensuring the ACT Government can form any necessary, measured policy responses for short-term rental accommodation in the ACT; and
- (l) notwithstanding that the drivers of, and solutions for, the ACT's housing crisis are complex and multifaceted, the ACT Government has a role to play in ensuring homeowners are not incentivised to use their properties for short-term rental accommodation instead of long-term rental accommodation, whilst there is low vacancy rates, housing shortages and increasing house prices; and

- (3) calls on the ACT Government to:
- (a) acknowledge and respond to evidence nationally and globally showing that unrestricted short-term rental accommodation negatively impacts the price and supply of long-term rental properties;
 - (b) explore regulatory and policy solutions to address negative local impacts of short-term rental accommodation on the supply and price of long-term rental properties in the ACT, including:
 - (i) capping the number of properties that can be rented for short-term rental accommodation purposes;
 - (ii) capping the number of days an entire property can be rented for short-term rental accommodation purposes;
 - (iii) tax reform; and
 - (iv) restrict short-term rental accommodation to primary properties;
 - (c) establish a registration system for short-term rental accommodation properties in ACT that is cost-neutral to government, to enable data collection and future analysis of localised impacts on housing; and
 - (d) report back to the Assembly by the last sitting day in November 2023.

Mr Parton moved the following amendment: Insert a new paragraph (1)(e):

- “(e) a range of ACT Government policies, including continual changes to residential tenancies legislation, spiralling rates and land tax and the long-term strangulation of supply of land for detached housing, have contributed to the issues of housing affordability and availability in the ACT.”.

Question—The Mr Parton’s amendment be agreed to—put.

The Assembly voted—

AYES, 8

Mr Cain
Ms Castley
Mr Cocks
Mr Hanson
Mrs Kikkert
Ms Lawder
Mr Milligan
Mr Parton

NOES, 15

Mr Barr	Mr Gentleman
Ms Berry	Dr Paterson
Mr Braddock	Mr Pettersson
Ms Burch	Mr Rattenbury
Ms Cheyne	Mr Steel
Ms Clay	Ms Stephen-Smith
Ms Davidson	Ms Vassarotti
Mr Davis	

And so it was negatived.

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

- (1) Omit paragraphs (1)(a) to (1)(d), substitute:
- “(a) Australia is currently experiencing a housing crisis, with escalating issues of housing affordability and availability;
 - (b) last year, Canberra’s vacancy rates were at an all-time low of 0.5 percent. Recent supply increases have seen the vacancy rate increase to around 1.8 percent in February 2023, but it still remains below the three percent rate widely considered healthy;

- (c) Canberra rates lowest compared to other Australian capital cities for the number of rentals available for less than \$400 per week at two percent of available properties, falling from ten percent in March 2020—according to Proptrack data; and
 - (d) a desktop analysis of current short-term rental accommodation listings in the ACT indicate that they are densely concentrated with almost half of short-term rental accommodation options located in seven suburbs, primarily of higher social and economic advantage;”.
- (2) Omit paragraphs (2)(b) and (2)(c), substitute:
- “(b) research estimates that short-term rentals currently make up around 0.6 percent of Canberra’s housing stock;
 - (c) estimates place 1,100 active short-term rentals listed in the ACT, of which around 80 percent are entire homes;”.
- (3) In paragraph (2)(h), omit “on”, substitute: “taking into account the circumstances of their”.
- (4) Insert at the end of paragraph (2)(i): “, acknowledging that these housing markets have their own separate and distinct challenges to the ACT;”.
- (5) Insert at the end of paragraph (2)(l): “and balancing the impact of any regulatory intervention against unintended adverse impacts on increased short-stay capacity during federal sitting weeks and continuing to grow our tourism industry which supports thousands of jobs;”.
- (6) Omit paragraphs (3)(a) to (3)(c), substitute:
- “(a) examine whether unrestricted short-term rental accommodation negatively impacts the price and supply of long-term rental properties in Canberra;
 - (b) explore regulatory and policy solutions to address negative local impacts of short-term rental accommodation on the supply and price of long-term rental properties in the ACT including:
 - (i) capping number of properties that can be rented for short-term rental accommodation purposes;
 - (ii) capping number of days an entire property can be rented for short-term rental accommodation purposes;
 - (iii) tax reform;
 - (iv) restrict short-term rental accommodation to principle places of residence; and
 - (v) establishing a registration system for short-term rental accommodation in ACT to enable data collection and future analysis of localised impacts on housing that is cost-neutral to government; and”.
- (7) Renumber paragraph (3)(d) as (3)(c).

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) Australia is currently experiencing a housing crisis, with escalating issues of housing affordability and availability;
 - (b) last year, Canberra’s vacancy rates were at an all-time low of 0.5 percent. Recent supply increases have seen the vacancy rate increase to around 1.8 percent in February 2023, but it still remains below the three percent rate widely considered healthy;
 - (c) Canberra rates lowest compared to other Australian capital cities for the number of rentals available for less than \$400 per week at two percent of available properties, falling from ten percent in March 2020—according to Proptrack data; and
 - (d) a desktop analysis of current short-term rental accommodation listings in the ACT indicate that they are densely concentrated with almost half of short-term rental accommodation options located in seven suburbs, primarily of higher social and economic advantage;
- (2) further notes:
 - (a) short-term rental accommodation on platforms such as Airbnb or HomeAway interact with local housing market dynamics, including the supply and price of properties available in localised markets for long-term lease, creating potentially adverse outcomes for people seeking long-term rental accommodation;
 - (b) research estimates that short-term rentals currently make up around 0.6 percent of Canberra’s housing stock;
 - (c) estimates place 1,100 active short-term rentals listed in the ACT, of which around 80 percent are entire homes;
 - (d) a significant portion of short-term rentals in the ACT are properties that would otherwise be available for long-term lease. Investigations in the ACT by YourSay revealed 65 percent of short-term rental accommodation owners would make their entire properties available long-term rent, and 63 percent would make rooms available for long-term rent, if they were not using short-term rental services;
 - (e) research shows that at a neighbourhood level in Sydney and Melbourne, a high prevalence of short-term rentals in high demand areas impacts the availability of long-term rental properties;
 - (f) despite being considered part of the share economy, the vast majority of short-term rentals are entire properties being rented for few nights. In February 2019, there was three times as many “entire homes” listed on Airbnb compared to room-only listings across New South Wales, Victoria and Queensland;

- (g) research from the Australian Housing and Urban Research Institute has highlighted the risk that short-term rentals could contribute to greater inequality over time, exacerbate already distorted housing markets in popular urban areas, and increase uncertainty and complexity for people seeking long-term housing;
- (h) jurisdictions across Australia have taken regulatory measures to mitigate negative impacts of short-term rental accommodation taking into account the circumstances of their local housing markets:
 - (i) short-term rental accommodation codes of conduct and registration systems to allow data-collection have been implemented by the New South Wales, Queensland, South Australian and Tasmanian Governments;
 - (ii) some of these laws include restrictions for residential zones or caps on the number of nights permissible for renting out an entire property, including penalties for non-compliance;
 - (iii) the Western Australian Government is currently undergoing a review of draft legislation to implement a permit-system for stays of more than 60 nights per year; and
 - (iv) specific local government areas, such as Byron Bay, have further restricted stays for properties without the host present from 180 days to 90 days per calendar year, with a particular focus on residential zones to encourage properties back onto the market for long-term rental accommodation;
- (i) overseas, jurisdictions including New York, London, Berlin and Amsterdam have taken steps to regulate short-term rental accommodation with caps or permit systems ranging from 30 to 90 days for entire homes or secondary properties, acknowledging that these housing markets have their own separate and distinct challenges to the ACT;
- (j) Greens Party representatives around Australia have been championing this issue to enable better market conditions for renters, including through proposals such as:
 - (i) in Tasmania, pausing new short-stay permits for listings of entire homes in the Greater Hobart area;
 - (ii) in Victoria, a cap of 90 days per year for secondary properties and allowing owners corporations to regulate short stays in their building that are not a primary residence; and
 - (iii) in New South Wales, banning stays in properties built since 2018 that are not a primary residence, until the vacancy rate reaches three percent;
- (k) information gathering has a critical role to play in ensuring the ACT Government can form any necessary, measured policy responses for short-term rental accommodation in the ACT; and

- (l) notwithstanding that the drivers of, and solutions for, the ACT's housing crisis are complex and multifaceted, the ACT Government has a role to play in ensuring homeowners are not incentivised to use their properties for short-term rental accommodation instead of long-term rental accommodation, whilst there is low vacancy rates, housing shortages and increasing house prices and balancing the impact of any regulatory intervention against unintended adverse impacts on increased short-stay capacity during federal sitting weeks, and continuing to grow our tourism industry which supports thousands of jobs; and
 - (3) calls on the ACT Government to:
 - (a) examine whether unrestricted short-term rental accommodation negatively impacts the price and supply of long-term rental properties in Canberra;
 - (b) explore regulatory and policy solutions to address negative local impacts of short-term rental accommodation on the supply and price of long-term rental properties in the ACT including:
 - (i) capping number of properties that can be rented for short-term rental accommodation purposes;
 - (ii) capping number of days an entire property can be rented for short-term rental accommodation purposes;
 - (iii) tax reform;
 - (iv) restrict short-term rental accommodation to principle places of residence; and
 - (v) establishing a registration system for short-term rental accommodation in ACT to enable data collection and future analysis of localised impacts on housing that is cost-neutral to government; and
 - (c) report back to the Assembly by the last sitting day in November 2023.”—
- be agreed to—put and passed.

21 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—PETITIONS 042-22 AND 001-23—FREESTANDING BIRTH CENTRE IN THE ACT—STATEMENT BY CHAIR

Mr Davis (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Health and Community Wellbeing had considered Petitions 042-22 and 001-23 concerning a freestanding birth centre in the ACT, that were referred to the Committee on 7 February 2023, and resolved not to inquire further into matters raised in these petitions.

22 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2022 (NO 2)

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.

23 URBAN FOREST BILL 2022

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

Debate resumed.

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

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Steel (Minister for Transport and City Services), by leave, his amendments Nos 1 to 51 (see [Schedule 1](#)) were made together.

Paper: Mr Steel presented a revised explanatory statement to the Bill and 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.

24 ADJOURNMENT

Ms Cheyne (Minister for Business and Better Regulation) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.01 pm, adjourned until Tuesday, 9 May 2023 at 10 am.

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

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

URBAN FOREST BILL 2022

Amendments circulated by the Minister for Transport and City Services

1

Clause 2

Page 2, line 5—

omit

1 July 2023

substitute

1 January 2024

2

Proposed new clause 18 (1) (d) (iia)

Page 17, line 3—

insert

(iia) a tree reparation direction; or

3

Clause 18 (1) (e)

Page 17, line 8—

omit

protected tree

substitute

regulated tree

4

Clause 18 (1) (f)

Page 17, line 15—

omit

protected tree

substitute

public tree or a regulated tree

5
Proposed new clause 18 (1) (f) (iii) and (iv)**Page 17, line 24—***insert*

- (iii) a network protection notice given under the *Utilities (Technical Regulation) Act 2014*, section 32; or
- (iv) any of the following provisions of the *Utilities (Technical Regulation) Act 2014*:
 - (A) section 41D (Clearance from aerial lines—vegetation);
 - (B) section 41H (Maintenance of electrical infrastructure within network boundary—powers);
 - (C) section 41I (Inspection of electrical infrastructure outside network boundary);

6
Clause 18 (1) (g)**Page 18, line 1—***omit clause 18 (1) (g), substitute*

- (g) anything done in relation to a registered tree or a remnant tree under any of the following provisions for protecting life or property if it is not practicable, because of the urgency of the situation, to obtain an approval under section 32:
 - (i) either of the following provisions of the *Utilities Act 2000*:
 - (A) section 106 (Maintenance of network facilities);
 - (B) section 232 (Maintenance of territory network facilities);
 - (ii) any of the following provisions of the *Utilities (Technical Regulation) Act 2014*:
 - (A) section 41D (Clearance from aerial lines—vegetation);
 - (B) section 41H (Maintenance of electrical infrastructure within network boundary—powers);
 - (C) section 41I (Inspection of electrical infrastructure outside network boundary);

7
Clause 18 (2), proposed new definition of *remnant tree***Page 19, line 7—***insert*

remnant tree means a remnant tree located on land outside the built-up urban area.

8**Clause 24****Page 22, line 13—***omit clause 24, substitute***24 Approval application—advisory panel advice**

The conservator may ask the advisory panel for advice in relation to an application under section 21.

9**Proposed new clause 32 (5A)****Page 28, line 20—***insert*

(5A) The decision-maker must give notice of a decision on the application to the applicant as soon as practicable after making the decision.

10**Clause 32 (6)****Page 28, line 21—***omit*

approval

substitute

notice

11**Clause 32 (6)****Page 28, line 22—***omit*

oral approval

substitute

notice given orally

12**Clause 48 (2)****Page 39, line 22—***omit*

The authorised person

substitute

An authorised person

13**Clause 50 (2)****Page 41, line 1—**

omit clause 50 (2), substitute

- (2) The authorised person, or anyone else authorised by the decision-maker for the protected tree for this section, may—
 - (a) enter the land where the tree is located; and
 - (b) do the thing required to be done under the direction.
- (3) The reasonable costs incurred by the Territory in doing anything under subsection (2) is a debt owing to the Territory by the person to whom the direction was given.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).
- (4) The authorised person, or anyone else authorised by the decision-maker for this section, must give written notice of the action proposed under subsection (2) at least 1 working day before the day the action is to begin to—
 - (a) the person given the tree reparation direction; and
 - (b) the lessee or occupier of the land where the tree is located.
- (5) The authorised person, or anyone else authorised by the decision-maker for this section, may give written notice of the proposed action to anyone else considered appropriate.
- (6) The notice must include the following:
 - (a) a statement about the operation of this section;
 - (b) the purpose and nature of the proposed action;
 - (c) the time or times when the action is proposed to be taken;
 - (d) a statement about the obligations of the authorised person and the Territory under subsection (8).
- (7) A person may waive the right to all or part of the minimum period of notice under subsection (4).
- (8) Section 129 (Damage etc to be minimised) and section 130 (Compensation for exercise of enforcement powers) apply to any action taken under subsection (2) as if—
 - (a) it were the exercise of a function under part 7 (Enforcement) by an authorised person or a person assisting an authorised person; and
 - (b) any changes prescribed by regulation, and all other necessary changes, were made.

14**Clause 78 (1)****Page 60, line 4—**

omit everything before paragraph (a), substitute

- (1) A decision-maker in relation to a protected tree may, on their own initiative, propose a plan (a ***tree management plan***) for the tree that may—

15**Clause 78 (2) and (3)****Page 60, line 12—**

omit clause 78 (2) and (3), substitute

- (2) Anyone else may apply, in writing, to the decision-maker for a tree management plan for a protected tree.
- (3) If the application is for a protected tree on leased land and the applicant is someone other than the lessee of the land where the tree is located, the application must include written evidence from the lessee that they are aware of the application.

16**Clause 78 (4)****Page 60, line 22—**

omit

conservator

substitute

decision-maker

17**Clause 79 (1)****Page 61, lines 3, 4 and 5—**

omit

conservator

substitute

decision-maker

18**Clause 79 (2)****Page 61, line 7—**

omit

conservator

substitute

decision-maker

19**Clause 80****Page 61, line 10—***omit**the conservator**substitute**a decision-maker*

20**Clause 80****Page 61, line 11—***omit**conservator**substitute**decision-maker*

21**Clause 82 (1)****Page 61, line 26—***omit**the conservator**substitute**a decision-maker*

22**Clause 82 (2)****Page 62, line 1—***omit**conservator**substitute**decision-maker*

23**Clause 82 (3)****Page 62, lines 8 and 9—***omit**conservator**substitute**decision-maker*

24**Clause 83****Page 63, line 4—***omit**conservator**substitute**decision-maker*

25**Clause 83 (a)****Page 63, line 6—***omit**conservator**substitute**decision-maker*

26**Clause 85 (1)****Page 63, line 17—***omit**the conservator**substitute**a decision-maker*

27**Clause 85 (1)****Page 63, line 18—***omit**conservator**substitute**decision-maker*

28**Clause 85 (2)****Page 63, lines 20 and 22—***omit**conservator**substitute**decision-maker*

29**Clause 85 (4)****Page 64, line 1—***omit**conservator**substitute**decision-maker*

30**Clause 85 (4) (d)****Page 64, line 7—***omit**conservator**substitute**decision-maker*

31**Clause 86 (1)****Page 64, line 16—***omit**conservator**substitute**decision-maker*

32**Clause 86 (2)****Page 64, line 19—***omit**conservator**substitute**decision-maker*

33**Clause 86 (3)****Page 65, line 1—***omit**conservator**substitute**decision-maker*

34**Clause 86 (4)****Page 65, lines 3 and 4—***omit**conservator**substitute**decision-maker*

35**Clause 87****Page 65, line 7—***omit**conservator**substitute**decision-maker*

36**Clause 89 (1)****Page 65, line 19—***omit**conservator**substitute**decision-maker*

37**Clause 91, proposed new definition of *authorisation*****Page 66, line 12—***insert***authorisation**—*see section 92 (1) (a).*

38**Clause 92 (1) (a)****Page 66, line 18—***after**any of the following**insert**(an **authorisation**)*

39**Proposed new clause 92 (1) (a) (ia)****Page 66, line 21—***insert*

(ia) a work approval under the *Public Unleased Land Act 2013*, section 19;

40**Clause 92 (1) (b)****Page 67, line 3—***omit**the plan, permit or development**substitute**the authorisation*

41**Clause 92 (2)****Page 67, line 7—***omit**the plan, permit or development**substitute**the authorisation*

42**Clause 92 (2) (a)****Page 67, line 11—***omit**the plan, permit or development**substitute**the authorisation*

43**Clause 92 (4)****Page 67, line 18—***omit**a plan, permit or development**substitute**an authorisation*

44**Clause 93 (3)****Page 68, line 6—***omit**a plan or permit**substitute**an authorisation*

45**Clause 95 (3)****Page 69, line 21—***omit**a plan or permit**substitute**an authorisation*

46**Clause 114 (1) (a) (ii)****Page 81, line 14—***after**tree protection direction**substitute**or tree reparation direction*

47**Clause 114 (1)****Page 81, line 20—***insert*

Note *An authorised person also has power to enter premises in relation to tree protection directions (see s 47) and tree reparation directions (see s 50).*

48**Clause 142 (2) and note****Page 100, line 15—***omit*

49**Clause 144 (2)****Page 100, line 26—***omit*

50**Clause 316****Page 108, line 10—***omit clause 316, substitute***316 Transitional regulations**

A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.

Note A transitional provision continues to have effect after its repeal (see [Legislation Act](#), s 88).

51**Dictionary, proposed new definition of *authorisation*****Page 112, line 24—***insert*

authorisation, *for division 5.2 (Tree bonds)—see section 92 (1) (a).*
