



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

MINUTES OF PROCEEDINGS

No 88

THURSDAY, 8 JUNE 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 PETITIONS—MINISTERIAL RESPONSES—RESPONSES NOTED

The Clerk announced that the following responses to petitions had been lodged:

Mr Steel (Minister for Transport and City Services), dated 5 June 2023—Response to e-petition No 003-23, lodged by Ms Orr on 21 March 2023, concerning traffic congestion in Casey and surrounding areas.

Ms Berry (Minister for Education and Youth Affairs), dated 7 June 2023—Response to e-petition No 027-22, lodged by Mr Parton on 21 March 2023, concerning the replacement of Monash Primary School oval.

Mr Steel (Minister for Transport and City Services), dated 7 June 2023—Response to e-petition No 002-23, lodged by Ms Clay on 21 March 2023, concerning the restoration of a bus route through the ANU campus.

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

Question—put and passed.

3 WORLD ENVIRONMENT DAY 2023—MINISTERIAL STATEMENT—PAPER NOTED

Ms Vassarotti (Minister for the Environment) made a ministerial statement concerning this year's World Environment Day and presented the following paper:

World Environment Day 2023—Ministerial statement, 8 June 2023.

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

Debate ensued.

Question—put and passed.

4 A.C.T. DISABILITY STRATEGY—LISTENING REPORT—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Disability) made a ministerial statement concerning the publication of the ACT Disability Strategy Listening Report and presented the following paper:

ACT Disability Strategy—Listening Report—Ministerial statement, 8 June 2023.

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

Question—put and passed.

5 DISCHARGE OF ORDER OF THE DAY

Order of the day No 1, Assembly business, relating to a request for the Standing Committee on Planning, Transport and City Services to consider inquiring into medium density housing models and residential zoning, having been called on—

Ms Clay moved—That, pursuant to standing order 152, the order of the day be discharged from the *Notice Paper*.

Question—put and passed.

6 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

7 VARIATION IN SEX CHARACTERISTICS (RESTRICTED MEDICAL TREATMENT) BILL 2023

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

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6—

Ms Castley was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee.

On the motion of Ms Castley, her amendment No 1 (*see* [Schedule 1](#)) was made, after debate.

Paper: Ms Castley presented a supplementary explanatory statement to her amendments.

Clause 6, as amended, agreed to.

Clauses 7 to 12, by leave, taken together and agreed to.

Clause 13—

Mr Barr (Chief Minister), pursuant to standing order 182A (b), was granted leave to move amendments that were minor or technical in nature.

On the motion of Mr Barr, his amendment No 1 (see [Schedule 2](#)) was made.

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

Clause 13, as amended, agreed to.

Clause 14—

Ms Castley moved her amendment No 2 (see [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 5

Mr Cain
Ms Castley
Mrs Kikkert
Ms Lawder
Mr Milligan

NOES, 12

Mr Barr	Mr Davis
Ms Berry	Mr Gentleman
Mr Braddock	Ms Orr
Ms Burch	Ms Stephen-Smith
Ms Cheyne	Ms Vassarotti
Ms Clay	
Ms Davidson	

And so it was negatived.

Clause 14 agreed to.

Clause 15 agreed to.

Clause 16—

Ms Castley, by leave, moved her amendments Nos 3 and 4 (see [Schedule 1](#)) together, after debate.

Question—put.

The Assembly voted—

AYES, 5

Mr Cain
Ms Castley
Mrs Kikkert
Ms Lawder
Mr Milligan

NOES, 12

Mr Barr	Mr Davis
Ms Berry	Mr Gentleman
Mr Braddock	Ms Orr
Ms Burch	Ms Stephen-Smith
Ms Cheyne	Ms Vassarotti
Ms Clay	
Ms Davidson	

And so it was negatived.

Clauses 16 agreed to.

Clauses 17 to 30, by leave, taken together and agreed to.

Clause 31—

Ms Castley moved her amendment No 6 (see [Schedule 1](#)), after debate.

Question—put.

The Assembly voted—

AYES, 5	NOES, 12	
Mr Cain	Mr Barr	Mr Davis
Ms Castley	Ms Berry	Mr Gentleman
Mrs Kikkert	Mr Braddock	Ms Orr
Ms Lawder	Ms Burch	Ms Stephen-Smith
Mr Milligan	Ms Cheyne	Ms Vassarotti
	Ms Clay	
	Ms Davidson	

And so it was negatived.

Clause 31 agreed to.

Clauses 32 to 42, by leave, taken together and agreed to.

Clause 43—

On the motion of Mr Barr, his amendment No 2 (see [Schedule 2](#)) was made.

Clause 43, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

8 UNIT TITLES LEGISLATION AMENDMENT BILL 2023

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.

9 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Steel and Minister Vassarotti, and advised the Assembly that questions without notice normally directed to Minister Steel could be directed to Mr Barr (Chief Minister), and those normally directed to the Minister for the Environment and the Minister for Heritage could be directed to Mr Gentleman (Minister for Planning and Land Management), while those normally directed to the Minister for Homelessness and Housing Services and the Minister for Sustainable Building and Construction could be directed to Ms Berry (Deputy Chief Minister).

10 QUESTIONS

Questions without notice were asked.

11 PRESENTATION OF PAPERS

Ms Cheyne (Minister for Business and Better Regulation) presented the following papers:

Electricity Feed-in (Large-scale Renewable Energy Generation) Act, pursuant to subsection 22(5)—Review of the operation of the Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011—

Review, dated May 2023.

Government Response, dated June 2023.

12 ELECTRICITY FEED-IN (LARGE-SCALE RENEWABLE ENERGY GENERATION) ACT—REVIEW OF THE OPERATION OF THE ELECTRICITY FEED-IN (LARGE-SCALE RENEWABLE ENERGY GENERATION) ACT 2011—GOVERNMENT RESPONSE—PAPER NOTED

Ms Cheyne (Minister for Business and Better Regulation), pursuant to standing order 214, moved—That the Assembly take note of the following paper:

Electricity Feed-in (Large-scale Renewable Energy Generation) Act, pursuant to subsection 22(5)—Review of the operation of the Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011—Government response.

Debate ensued.

Question—put and passed.

13 PRESENTATION OF PAPERS

Ms Orr, by leave, presented the following papers:

Period Products and Facilities (Access) Bill 2022—

Revised explanatory statement (Updated).

Revised supplementary explanatory statement.

14 LEAVE OF ABSENCE TO MEMBERS

Ms Orr moved—That leave of absence be granted for this sitting to Dr Paterson due to personal reasons, and to Mr Steel (Minister for Skills) due to ministerial business.

Question—put and passed.

15 NIGHT-TIME ECONOMY

Notice No 1, Private Members' business, having been called on—

Ms Orr, by leave, in the absence of the proposer, pursuant to notice, moved—That this Assembly:

(1) notes that:

- (a) the ACT Government is currently consulting with community and industry and working to support a thriving night-time economy in the ACT, a recommendation of the Better Regulation Report 2022;

- (b) this strategy will complement ongoing work including the *Canberra: Australia's Arts Capital – A Statement of Ambition for the Arts 2021-2026* and *CBR Switched On – ACT's Economic Development Priorities 2022-2025*;
 - (c) nightlife can be one of the most important aspects of a city's character and there are many things that contribute to the success of a night-time economy. This includes ensuring that night-time activities and areas provide a diverse, vibrant and safe night out;
 - (d) as night-time economies develop, it is important to ensure that public safety is part of both public consultations and the overall policy framework;
 - (e) rates of violent and sexual assault are highest in Canberra's night-life areas of Civic and Braddon according to crime statistics published by ACT Policing;
 - (f) Canberra's premier night-time and entertainment destinations like Civic and Braddon would benefit from a cohesive safety strategy that effectively ensures patrons of licenced premises are sufficiently safe as they enjoy the city's nightlife;
 - (g) states such as New South Wales, Victoria and Queensland have effectively implemented nightlife safety strategies to create a safe and secure patron experience in the night-time economy;
 - (h) in 2022, Sydney joined 90 global destinations by becoming accredited by the "Purple Flag" initiative, which accredits cities who meet standards of excellence in vibrancy, diversity and safety at night;
 - (i) to achieve Purple Flag accreditation, areas need to meet a set of criteria, including access to public transport, adequate street lighting and great food and beverage offerings; and
 - (j) the Purple Flag initiative has seen many benefits including a:
 - (i) reduction in crime and anti-social behaviour in accredited cities;
 - (ii) raised profile and an improved public image for the location;
 - (iii) wider patronage, increased expenditure; and
 - (iv) more successful mixed use economy in the longer term; and
- (2) calls on the ACT Government to:
- (a) ensure that public safety considerations are part of the consultation process for the ACT night-time economy;
 - (b) explore the potential for Purple Flag accreditation for Civic and/or other areas as part of the consultation and work on the ACT night-time economy;
 - (c) explore embedding a public safety plan as an initiative to strengthen and support the ACT night-time economy, especially in Civic; and
 - (d) update the Assembly on progress following consultation on the night-time economy.

Debate ensued.

Question—put and passed.

16 RENTAL AFFORDABILITY

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

- (1) notes:
 - (a) that Canberra consistently has the highest rents in Australia and a very low vacancy rate;
 - (b) according to CoreLogic, in the March 2023 quarter alone, Canberra was the second most expensive capital city to rent in, at \$674 per week for all properties against a national average of \$570 per week;
 - (c) the current vacancy rate in Canberra for units is 1.8 percent, meaning there is practically nothing available;
 - (d) if a home seeker is fortunate enough to secure a vacant unit, this will cost them a median \$585 per week, or \$2,300 per month, or \$28,000 per annum while the median equivalent for a house is \$34,000 per annum;
 - (e) these rent levels impose massive hardship on people in lower income brackets;
 - (f) that this situation is a direct result of long-term ACT Government policies including, the very high property rates and land tax regimes and the tangled web of difficult and costly legislative change in the residential tenancies space; and
 - (g) the recent extreme Greens proposal from a number of cabinet ministers to freeze rents for two years;
- (2) further notes that:
 - (a) Canberra consistently has the highest median prices in Australia for detached housing despite being a relatively small city; and
 - (b) the Greens proposal would disincentivise the supply of rental accommodation and exacerbate the Territory's homelessness crisis; and
- (3) calls on the ACT Government to:
 - (a) stop driving rental prices up through market-distorting legislation, taxation and regulation;
 - (b) release more land for detached dwellings; and
 - (c) absolutely rule out a two year rent freeze.

Mr Barr (Chief Minister), by leave, moved the following amendments together:

1. Omit paragraph (1)(c), substitute:
 - “(c) the current vacancy rate in Canberra is 1.8 percent, currently the highest in the nation and an increase over the past year from a low of 0.5 percent, but still under the preferred range of around three percent;”.
2. In paragraph (1)(d), omit “\$585”, substitute: “\$550”.
3. Omit all words after paragraph (1)(e), substitute:
 - “(f) the most recent rental supply and cost data shows supply is increasing, and ACT rents are stabilising (so falling in real terms); and

- (g) the Real Estate Institute of Australia released research on 7 June 2023 which stated “Rental affordability declined in all states and territories, except in the Australian Capital Territory where it improved.”;
- (2) further notes that the ACT Government is working to improve housing affordability and accessibility, by:
- (a) attracting large-scale build-to-rent developments with an aim to quickly grow the number of long-term rental properties in the ACT by 5,000 dwellings;
- (b) delivering its extensive public housing renewal program and commitments outlined in the Parliamentary and Governing Agreement for the 10th Assembly; and
- (c) passing the Planning Bill 2022, which will facilitate the release and development of more land for housing;
- (3) additionally notes that the ACT Government has undertaken a range of measures to assist existing renters’ security and comfort, by:
- (a) implementing a range of pro-tenant tenancies reforms, such as ending no cause evictions and setting minimum energy efficiency ratings;
- (b) capping rental increases to a maximum annual rate of CPI plus 10 percent of CPI, a model being explored for adoption by other Australian jurisdictions;
- (c) establishing a Rental Relief Fund, which is providing targeted support to low-income households who are experiencing rental stress with grants of up to four weeks rent up to \$2,500; and
- (d) implementing a land tax exemption scheme for property owners who make their property available for rent through a community housing provider, at a rate less than 75 percent of the current market rent;
- (4) finally notes that further rental property reform proposals have been put to Government, including monitoring and regulation of short-term rental accommodation, further regulating vacant homes, and further rental controls including a two-year rent freeze and two percent rent cap, which are currently being assessed to determine if such reforms would provide greater protections for tenants while facilitating the necessary large-scale stepped increases in affordable housing in Canberra; and
- (5) calls on the Government to continue to implement evidence-based housing and rental policies that improve accessibility and affordability.”.

Debate continued.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 4
Mr Barr	Ms Davidson	Ms Castley
Ms Berry	Mr Davis	Mrs Kikkert
Mr Braddock	Ms Orr	Mr Milligan
Ms Burch	Mr Rattenbury	Mr Parton
Ms Cheyne	Ms Stephen-Smith	
Ms Clay		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) that Canberra consistently has the highest rents in Australia and a very low vacancy rate;
 - (b) according to CoreLogic, in the March 2023 quarter alone, Canberra was the second most expensive capital city to rent in, at \$674 per week for all properties against a national average of \$570 per week;
 - (c) the current vacancy rate in Canberra is 1.8 percent, currently the highest in the nation and an increase over the past year from a low of 0.5 percent, but still under the preferred range of around three percent;
 - (d) if a home seeker is fortunate enough to secure a vacant unit, this will cost them a median \$550 per week, or \$2,300 per month, or \$28,000 per annum while the median equivalent for a house is \$34,000 per annum;
 - (e) these rent levels impose massive hardship on people in lower income brackets;
 - (f) the most recent rental supply and cost data shows supply is increasing, and ACT rents are stabilising (so falling in real terms); and
 - (g) the Real Estate Institute of Australia released research on 7 June 2023 which stated “Rental affordability declined in all states and territories, except in the Australian Capital Territory where it improved.”;
- (2) further notes that the ACT Government is working to improve housing affordability and accessibility, by:
 - (a) attracting large-scale build-to-rent developments with an aim to quickly grow the number of long-term rental properties in the ACT by 5,000 dwellings;
 - (b) delivering its extensive public housing renewal program and commitments outlined in the Parliamentary and Governing Agreement for the 10th Assembly; and
 - (c) passing the Planning Bill 2022, which will facilitate the release and development of more land for housing;
- (3) additionally notes that the ACT Government has undertaken a range of measures to assist existing renters’ security and comfort, by:
 - (a) implementing a range of pro-tenant tenancies reforms, such as ending no cause evictions and setting minimum energy efficiency ratings;
 - (b) capping rental increases to a maximum annual rate of CPI plus 10 percent of CPI, a model being explored for adoption by other Australian jurisdictions;
 - (c) establishing a Rental Relief Fund, which is providing targeted support to low-income households who are experiencing rental stress with grants of up to four weeks rent up to \$2,500; and

- (d) implementing a land tax exemption scheme for property owners who make their property available for rent through a community housing provider, at a rate less than 75 percent of the current market rent;
- (4) finally notes that further rental property reform proposals have been put to Government, including monitoring and regulation of short-term rental accommodation, further regulating vacant homes, and further rental controls including a two-year rent freeze and two percent rent cap, which are currently being assessed to determine if such reforms would provide greater protections for tenants while facilitating the necessary large-scale stepped increases in affordable housing in Canberra; and
- (5) calls on the Government to continue to implement evidence-based housing and rental policies that improve accessibility and affordability.”—

be agreed to—put and passed.

17 CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION (NATURAL GAS TRANSITION) AMENDMENT 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.

The Assembly voted—

AYES, 11		NOES, 4
Mr Barr	Ms Davidson	Ms Castley
Ms Berry	Mr Davis	Ms Lawder
Mr Braddock	Ms Orr	Mr Milligan
Ms Burch	Mr Rattenbury	Mr Parton
Ms Cheyne	Ms Stephen-Smith	
Ms Clay		

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

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

18 ADJOURNMENT

Ms Cheyne (Minister of Human Rights) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.23 pm, adjourned until Tuesday, 27 June 2023 at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting except Mr Cocks*, Ms Lee*, Dr Paterson*, Mr Petterson* and Mr Steel*.

*on leave.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

VARIATION IN SEX CHARACTERISTICS (RESTRICTED MEDICAL TREATMENT) BILL 2023

Amendments circulated by Ms Castley

1

Clause 6

Page 4, line 3—

after

rights

insert

and ensure the wellbeing

2

Clause 14 (a)

Page 9, line 14—

omit clause 14 (a), substitute

- (a) for an individual treatment plan—must consider the following:
- (i) any wishes the child has communicated in relation to their variation in sex characteristics;
 - (ii) any views a decision-maker for the child has communicated in relation to the likelihood of the child suffering any physical or psychological harm if the proposed treatment or an alternative treatment option were not undertaken; and

3

Clause 16 (d)

Page 11, line 6—

omit

paragraph (b)

substitute

paragraphs (b) and (c)

4**Proposed new clause 16 (f)****Page 11, line 15—***insert*

- (f) for a treatment plan for a child if the decision-maker for the child is not the applicant—any views the decision-maker has communicated in relation to the proposed treatment or the child’s variation in sex characteristics have been appropriately considered.

5**Clause 23 (2) (a)****Page 16, line 20—***omit*

section 16 (a) to (e)

substitute

section 16 (a) to (f)

6**Clause 31 (1) (b), except note****Page 24, line 18—***omit clause 31 (1) (b), substitute*

- (b) at least 2 members for each of the following categories:
- (i) human rights;
 - (ii) ethics;
 - (iii) variation in sex characteristics;
 - (iv) provision of psychosocial support;
 - (v) medicine—general practitioner;
 - (vi) medicine—paediatric endocrinology;
 - (vii) medicine—paediatric psychiatry;
 - (viii) medicine—paediatric surgeon.
-

Schedule 2**VARIATION IN SEX CHARACTERISTICS (RESTRICTED MEDICAL TREATMENT) BILL 2023**

Amendment circulated by the Chief Minister

1

Clause 13 (3), proposed new definition of *sex characteristics*
Page 9, line 8—

insert

sex characteristics—see section 7 (2).

2

Clause 43 (3), definition of *sex characteristics*
Page 32, line 13—

omit
