



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 50

THURSDAY, 2 JUNE 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 **SUSPENSION OF MEMBER—SOCIAL MEDIA POST—STATEMENT BY SPEAKER**

The Speaker made a statement concerning a social media post made by Ms Lee (Leader of the Opposition) following her suspension from the chamber yesterday, and asking her to withdraw a reflection on the Chair.

- 3 **PETITIONS AND MINISTERIAL RESPONSES—PETITIONS AND RESPONSES NOTED**

Petitions

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

Ms Castley, from 125 residents, requesting that the Assembly call upon the Government to create a one-way car park system for the Platypus Centre in Ngunnawal (e-Pet 9-22).

Mr Pettersson, from 853 residents, requesting that the Assembly call upon the Government to declare a moratorium on kangaroo culling and conduct an independent review on kangaroo numbers in the Territory (Pet 17-22).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Environment, Climate Change and Biodiversity.

Ministerial response

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

Mr Steel (Minister for Transport and City Services), dated 31 May 2022—Response to petition No 35-21, lodged by Ms Clay on 22 March 2022, concerning advertising in public spaces.

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

Debate ensued.

Question—put and passed.

4 VALEDICTORY

Mrs Jones, by leave, made a statement advising Members of her intention to resign from the Assembly.

Mr Barr (Chief Minister), Ms Lee (Leader of the Opposition), Mr Rattenbury (Attorney-General), Ms Berry (Deputy Chief Minister), Mr Milligan, Ms Stephen-Smith (Minister for Health), Mr Steel (Minister for Transport and City Services), Mr Davis, Mrs Kikkert, Mr Parton, Ms Davidson, Mr Cain and Ms Lawder, by indulgence, also made statements.

5 SUSPENSION OF MEMBER—SOCIAL MEDIA POST—STATEMENT BY MEMBER

Ms Lee, by leave, made a statement withdrawing any reflection on the Chair in the social media post she made following her suspension from the Chamber yesterday.

6 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—INQUIRY—AUSLAN—ACCESS TO SERVICES AND INFORMATION—STATEMENT BY CHAIR AND MEMBER

Mr Pettersson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Education and Community Inclusion had resolved to conduct an inquiry into and report on access to services and information in Auslan in the ACT.

Ms Lawder, by leave, also made a statement.

Presence of Auslan Interpreter on floor of the chamber: Pursuant to standing order 210, an Auslan interpreter was present on the floor of the Chamber during the above 246A statement.

7 STATUTE LAW AMENDMENT BILL 2022

Mr Rattenbury (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation for the purpose of statute of law revision, 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.

8 STANDING ORDER 113A—AMENDMENT

The order of the day having been read for the resumption of the debate on the motion of Mr Hanson—That standing order 113A be amended by omitting “all non-Executive Members seeking to speak have asked at least one question” and substituting “nine original questions have been asked by any Opposition Member, and other non-Executive Members seeking to speak have asked at least one question.”.

Mrs Orr moved the following amendment:

Omit all words after “That”, substitute:

“standing order 113A be amended by omitting all words and substituting:

‘questions without notice shall not be concluded until non-Executive Members seeking to ask a question have asked at least the number of questions equivalent to the number of non-Executive Members present in the Chamber from each party or grouping represented in the Assembly.’” .

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That standing order 113A be amended by omitting all words and substituting:

‘questions without notice shall not be concluded until non-Executive Members seeking to ask a question have asked at least the number of questions equivalent to the number of non-Executive Members present in the Chamber from each party or grouping represented in the Assembly.’” —

be agreed to—put and passed.

9 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—INQUIRY—ELECTRIC VEHICLE ADOPTION IN THE A.C.T.—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 resolved to conduct an inquiry into and report on electric vehicle adoption in the ACT.

**10 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—
PETITION 24-21—FEDERAL GOLF COURSE DEVELOPMENT—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition 24-21, concerning amendments to the Territory Plan that would enable housing development on the site of the Federal Golf Course, and the Government response to the petition, the Standing Committee on Planning, Transport and City Services had resolved not to inquire further into the matters raised in the petition.

**11 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—INQUIRY—
GIRALANG SHOPS—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Transport and City Services intends to complete a final report on the Inquiry into Giralang Shops by the end of the year.

**12 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—CANBERRA'S
RENTAL HOUSING MARKET AND THE IMPACT OF SHORT-TERM HOLIDAY LETTING—
STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that, following the Assembly resolution of 5 May 2022, the Standing Committee on Planning, Transport and City Services had resolved to consider further research before deciding whether to inquire into Canberra's rental housing market and the impact of short-term holiday letting.

**13 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PLANNING
AND DEVELOPMENT ACT—REVISIONS—STATEMENT BY CHAIR**

Ms Clay (Chair), pursuant to standing order 246A, informed the Assembly that noting the Minister for Planning Land Development had recently announced community consultation on a revision of the Planning and Development Act, the Standing Committee on Planning, Transport and City Services was ready to contribute to the consultation at a later stage of the process.

14 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Vassarotti and advised the Assembly that questions without notice normally directed to the Minister for Homelessness and Housing Services be directed to Minister Berry, and questions without notice normally directed to the Minister for the Environment, the Minister for Heritage, and the Minister for Sustainable Building and Construction be directed to Minister Gentleman.

15 QUESTIONS

Questions without notice were asked.

Ms Berry, Minister for Sport and Recreation, presented the following paper:

Consultation on the Sport and Recreation Strategic Plan—List of interviewees.

16 PRESENTATION OF PAPER

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

Children and Young People Act, pursuant to subsection 727S(5)—ACT Children and Young People Death Review Committee—Annual Report 2021, dated 22 April 2022.

17 CHILDREN AND YOUNG PEOPLE ACT—ACT CHILDREN AND YOUNG PEOPLE DEATH REVIEW COMMITTEE—ANNUAL REPORT—2021—MOTION TO TAKE NOTE OF PAPER

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

Children and Young People Act, pursuant to subsection 727S(5)—ACT Children and Young People Death Review Committee—Annual Report 2021.

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

18 LEAVE OF ABSENCE TO MEMBERS

Ms Lawder moved—That leave of absence be granted to Ms Castley and Mr Hanson for today due to ill health.

Question—put and passed.

19 FREEDOM OF INFORMATION AMENDMENT BILL 2022—EXPOSURE DRAFT—PAPER AND STATEMENT BY MEMBER

Ms Lee (Leader of the Opposition), by leave, presented the following paper:

Freedom of Information Amendment Bill 2022—Exposure draft, prepared by the Parliamentary Counsel's Office—

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

20 A.C.T. HISTORIC HOUSING DEBT

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

(1) notes that:

- (a) the ACT Government has a housing debt of \$98.3 million owed to the Australian Government;
- (b) this debt is from investments the Australian Government made into the ACT's housing portfolio prior to self-government;
- (c) between the 2022-23 and 2024-25 financial years, the ACT Government will pay the Australian Government \$27.7 million (in principal and interest) to service these debts;
- (d) other state and territory governments also have historical housing-related debts to the Australian Government from the Commonwealth-State Housing Agreement;
- (e) South Australia has had some of this debt waived by the Australian Government;

- (f) Tasmania has had all this debt waived by the Australian Government;
 - (g) the ACT Government has been advocating to the Australian Government for our debt to be waived since 2019, with Senator Seselja, former Minister Sukkar and former Treasurer Frydenberg, acting on behalf of the former Coalition Government, having rejected, ignored, or delayed consideration of these multiple ACT requests;
 - (h) the ACT Greens went to the Federal election with a call to waive the ACT's historical housing-related debt;
 - (i) Senator Katy Gallagher has historically shown support for this debt to be waived; and
 - (j) incoming Senator David Pocock has also called for this debt to be waived;
- (2) further notes that:
- (a) the Parliamentary and Governing Agreement commits the ACT Government to delivering an additional 400 public housing dwellings by 2025;
 - (b) the Parliamentary and Governing Agreement also outlines the ACT Government's ambition to deliver 600 additional affordable housing dwellings by 2025-26;
 - (c) the Parliamentary and Governing Agreement also makes a range of other commitments to make housing more affordable and support people experiencing homelessness including:
 - (i) expanding specialist homelessness services;
 - (ii) constructing more build to rent affordable rentals;
 - (iii) providing additional funding for systemic advocacy in the housing sector; and
 - (iv) expanding the existing land tax exemption program for affordable housing;
 - (d) as of 7 March 2022, there are still 3028 individuals and families waiting to be placed into social housing in the ACT;
 - (e) the average wait time for a social housing application assessed as high priority is 1040 days; and
 - (f) the Chief Minister has already raised the housing debt waiver directly with the Prime Minister and Finance Minister since they assumed office last week;
- (3) acknowledges that the ACT Chief Minister and Government have publicly committed that savings from a debt waiver would be reinvested into new social and community housing;
- (4) requests that the Chief Minister continue to raise waiving the ACT's housing debts with the newly elected Federal Labor Government at all appropriate opportunities, to ensure the matter is dealt with as expeditiously as possible; and

- (5) as a follow-on action, calls on the ACT Government to:
 - (a) reconfirm that, in addition to existing financial commitments made by the ACT Government, it will invest into public housing all the principal and interest payments that no longer need to be made; and
 - (b) report back to the Assembly by the final sitting day of 2023 on the progress of these calls, including the total debt waived, the interest saved, and plans for public housing investments resulting from this motion.

Debate ensued.

Question—put and passed.

21 COMBUSTIBLE CLADDING

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

- (1) notes that:
 - (a) combustible cladding has been a pressing issue since the Grenfell Tower fire in London in June 2017;
 - (b) it has taken the ACT Government over five years to progress remediation works on government-owned buildings;
 - (c) despite the need for urgent action raised by many owners corporations and strata managers, the ACT Government has been slow in addressing the issue of combustible cladding in residential buildings in Canberra;
 - (d) due to inaction by the ACT Government, some owners corporations have been forced to take active steps to remove combustible cladding and commence remediation works;
 - (e) the ACT Government only announced some assistance for testing and assessment for residential buildings in July 2021;
 - (f) despite announcing a concessional loan scheme in April, no details have been finalised; and
 - (g) owners corporations need support and certainty from the ACT Government to remediate combustible cladding on residential buildings; and
- (2) calls on the ACT Government to:
 - (a) finalise and publish details, including eligibility and terms, of the remediation loan scheme by 30 June 2022;
 - (b) undertake a thorough and comprehensive audit of any residential buildings not yet tested by 30 September 2022;
 - (c) set a target end date for the remediation of all cladding in Canberra;
 - (d) waive development application fees for cladding remediation works; and
 - (e) establish a dedicated team within the planning directorate to fast track development applications for cladding remediation works.

Mr Rattenbury (Attorney-General) moved the following amendment: Omit all text after “That this Assembly”, substitute:

“(1) notes:

- (a) in response to the 2017 Grenfell Tower fire in London, all jurisdictions agreed to and amended the Australian National Construction Code in 2019 to disallow the use of potentially combustible cladding for certain classes of buildings;
- (b) the ACT Government has been progressively working to identify the risk and where necessary ensure that potentially combustible cladding on public and private buildings constructed before 2019 is remediated, where the risk it poses is unacceptable;
- (c) this work has included:
 - (i) remediation of ACT Government owned buildings with high-risk cladding;
 - (ii) identifying the risk profile of private buildings, including private residential apartment buildings potentially with cladding; and
 - (iii) collaboration with other jurisdictions to identify the appropriate level of support to offer private building owners needing to identify their risk level from potentially combustible cladding, and take action to address that risk;
- (d) owners corporations are responsible for ensuring their buildings are safe for residents and visitors;
- (e) immediately following the 2020 ACT election results, the ACT Government announced we would implement financial support for owners corporations to test any potentially combustible cladding on their building, and that access to low interest loans will be provided to assist with meeting the costs of any required remediation of high risk potentially combustible cladding on their buildings;
- (f) in July 2021, the ACT Government opened up the first phase of financial assistance for owners corporations, consisting of rebates to support the cost of testing for potentially high risk combustible cladding, and through Major Projects Canberra has been working productively with owners and strata managers to ensure all potentially eligible building owners are aware of the scheme and how to access it. This rebate for testing is open until 21 July 2022;
- (g) in April 2022, the Government announced that phase two of the scheme—a concessional loan scheme would be opened in mid-2022 and provided detailed information regarding eligibility, likely interest rates and other key parameters;

- (h) rectification of potential combustible cladding is exempt from development approvals and therefore not subject to Development Approval fees, and Building Approval fees can be included in the concessional loan amount; and
 - (i) the ACT Government aims to see all buildings in the ACT with potentially combustible cladding that is rated as high or moderate risk rectified to low risk. This will be achieved to buildings owned and controlled by ACT Government by the end of the 2022 calendar year. The ACT Government's support and assistance for the owners of private apartment buildings is targeted to ensure the same outcome for private affected buildings; and
- (2) calls on the ACT Government to:
- (a) publish the finalised details, including eligibility and terms, of the remediation loan scheme and the loan provider once the procurement process, currently in its final stages, is completed;
 - (b) continue to work with owners corporations and strata managers to ensure that they are managing risks associated with potentially combustible cladding on their buildings; and
 - (c) continue to support the process of building owners ensuring they have appropriate building approvals in place through building certification processes.”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 12		NOES, 4
Ms Berry	Mr Davis	Mr Cain
Mr Braddock	Ms Orr	Mrs Kikkert
Ms Burch	Mr Pettersson	Ms Lee
Ms Cheyne	Mr Rattenbury	Mr Parton
Ms Clay	Mr Steel	
Ms Davidson	Ms Stephen-Smith	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) in response to the 2017 Grenfell Tower fire in London, all jurisdictions agreed to and amended the Australian National Construction Code in 2019 to disallow the use of potentially combustible cladding for certain classes of buildings;

- (b) the ACT Government has been progressively working to identify the risk and where necessary ensure that potentially combustible cladding on public and private buildings constructed before 2019 is remediated, where the risk it poses is unacceptable;
- (c) this work has included:
 - (i) remediation of ACT Government owned buildings with high-risk cladding;
 - (ii) identifying the risk profile of private buildings, including private residential apartment buildings potentially with cladding; and
 - (iii) collaboration with other jurisdictions to identify the appropriate level of support to offer private building owners needing to identify their risk level from potentially combustible cladding, and take action to address that risk;
- (d) owners corporations are responsible for ensuring their buildings are safe for residents and visitors;
- (e) immediately following the 2020 ACT election results, the ACT Government announced we would implement financial support for owners corporations to test any potentially combustible cladding on their building, and that access to low interest loans will be provided to assist with meeting the costs of any required remediation of high risk potentially combustible cladding on their buildings;
- (f) in July 2021, the ACT Government opened up the first phase of financial assistance for owners corporations, consisting of rebates to support the cost of testing for potentially high risk combustible cladding, and through Major Projects Canberra has been working productively with owners and strata managers to ensure all potentially eligible building owners are aware of the scheme and how to access it. This rebate for testing is open until 21 July 2022;
- (g) in April 2022, the Government announced that phase two of the scheme—a concessional loan scheme would be opened in mid- 2022 and provided detailed information regarding eligibility, likely interest rates and other key parameters;
- (h) rectification of potential combustible cladding is exempt from development approvals and therefore not subject to Development Approval fees, and Building Approval fees can be included in the concessional loan amount; and
- (i) the ACT Government aims to see all buildings in the ACT with potentially combustible cladding that is rated as high or moderate risk rectified to low risk. This will be achieved to buildings owned and controlled by ACT Government by the end of the 2022 calendar year. The ACT Government's support and assistance for the owners of private apartment buildings is targeted to ensure the same outcome for private affected buildings; and

- (2) calls on the ACT Government to:
- (a) publish the finalised details, including eligibility and terms, of the remediation loan scheme and the loan provider once the procurement process, currently in its final stages, is completed;
 - (b) continue to work with owners corporations and strata managers to ensure that they are managing risks associated with potentially combustible cladding on their buildings; and
 - (c) continue to support the process of building owners ensuring they have appropriate building approvals in place through building certification processes.”—

be agreed to—put and passed.

22 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 5—INQUIRY INTO FAMILY VIOLENCE LEGISLATION AMENDMENT BILL 2022—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Mr Rattenbury (Attorney-General) made a ministerial statement concerning the Government response to the Standing Committee on Justice and Community Safety’s report No 5 on their inquiry into the Family Violence Legislation Amendment Bill 2022 and presented the following papers:

Justice and Community Safety—Standing Committee—Report 5—*Inquiry into Family Violence Legislation Amendment Bill 2022*—

Government response.

Ministerial statement, 2 June 2022.

Mr Rattenbury moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

23 SCOPE 3 GREENHOUSE GAS EMISSIONS IN THE A.C.T.—INVESTIGATION REPORT—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Mr Rattenbury (Minister for Water, Energy and Emissions Reduction) made a ministerial statement concerning the Investigation Report on Scope 3 Greenhouse Gas Emissions in the ACT and presented the following papers:

Scope 3 Greenhouse Gas Emissions in the ACT—Investigation report—

Government response.

Ministerial statement, 2 June 2022.

Mr Rattenbury moved—That the Assembly take note of the ministerial statement.

Debate ensued.

Question—put and passed.

24 HEALTH AND COMMUNITY WELLBEING—STANDING COMMITTEE—REPORT 1—ANNUAL AND FINANCIAL REPORTS 2019-2020; APPROPRIATION BILL 2020-2021 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021—UPDATE ON RECOMMENDATION 17—MINDMAP THE ACT YOUTH NAVIGATION PORTAL—MINISTERIAL STATEMENT—PAPER NOTED

Ms Davidson (Minister for Mental Health) made a ministerial statement updating the Assembly on the ACT Youth Navigation Portal Mindmap following recommendation 17 of the Standing Committee on Health and Community Wellbeing's Report No 1 on Annual and Financial Reports 2019-2020 and presented the following paper:

Health and Community Wellbeing—Standing Committee—Report 1—*Annual and Financial Reports 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021—Update on recommendation 17—Mindmap the ACT Youth Navigation Portal—Ministerial statement, 2 June 2022.*

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

Question—put and passed.

25 ADJOURNMENT

Ms Stephen-Smith (Minister for Health) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.03pm, adjourned until Tuesday, 7 June 2022 at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except for Dr Paterson,* Ms Castley,* Mr Hanson,* and Ms Vassarotti.*

*on leave.

Tom Duncan
Clerk of the Legislative Assembly