****

**LEGISLATIVE ASSEMBLY FOR THE**

**AUSTRALIAN CAPITAL TERRITORY**

**2016–2017–2018–2019–2020**

**MINUTES OF PROCEEDINGS**

**No 130**

[**Thursday, 7 May 2020**](http://www.hansard.act.gov.au/hansard/2020/links/download.htm)

|  |
| --- |
|  |
|  |
|  |

**1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. 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 Dr Deb Foskey**

Mr Barr (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Dr Deb Foskey, ACT Greens MLA from 2004 to 2008, and tenders its profound sympathy to her family, friends and colleagues in their bereavement.

Mr Coe (Leader of the Opposition), Mr Rattenbury (Leader of the ACT Greens) and Ms Le Couteur addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

**3 E-PETITION, PETITIONS AND MINISTERIAL RESPONSE—PETITIONs AND RESPONSE NOTED**

**Petitions**

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

Ms Le Couteur, from 32 residents, requesting that the Assembly resume the Assembly’s customary annual sitting pattern with virtual sittings being introduced and broadcast in the normal manner to reduce the risk of exposure to COVID-19 to Members and staff while ensuring our Territory parliament continues its essential role at this important time (e-Pet 4-20).

Mrs Kikkert, from 245 residents, requesting that the Assembly call upon the ACT Government to install a water refill station at both Kippax and Charnwood shops, and install an express container recycling facility at the Kippax shopping centre (Pet 6‑20).

Ms Orr, from 100 residents, requesting that the Assembly order an inspection of the condition of the playground at the corner of Tipiloura St and Maynard Street Ngunnawal to ensure that it is safe; undertake and report on a feasibility study to modernize the playground; and review the condition of all playgrounds in older suburbs (Pet 7-20).

Ms Lee, from 2 residents, requesting that the Assembly call upon the ACT Government to acknowledge that online learning for schools students is not optimal; listen to the advice being provided; consider the negative mental health aspects of closed schools and reopen public schools in term 2, 2020 or as soon as possible (Pet 8-20).

**Ministerial response**

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

Mr Steel (Minister for City Services), dated 28 April 2020—Response to petition No 2-20, lodged by Ms Cody on 2 April 2020, concerning parking and pedestrian safety at Chifley Place.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

*Papers:* Ms Lee, by leave, presented the following papers:

Petitions which do not conform with the standing orders—Schooling during COVID-19 pandemic—Ms Lee—

47 signatures.

173 signatures.

Debate continued.

Question—put and passed.

**4 SUSPENSION OF STANDING ORDERS—MATTERS OF PUBLIC IMPORTANCE and seating of members in chamber**

Mr Gentleman (Manager of Government Business) moved—That standing order 79 relating to matters of public importance and those standing orders that prevent Members to observe physical distancing in the Chamber during proceedings be suspended for the remainder of this Assembly.

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

**5 CORONAVIRUS (covid-19)—a.c.t. government response—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the ACT Government response to the COVID-19 pandemic and presented the following paper:

Coronavirus (COVID-19)—ACT Government response—Ministerial statement, 7 May 2020.

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

Question—put and passed.

**6 COVID-19 Emergency Response Legislation Amendment Bill 2020**

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to amend legislation to provide for emergency measures in response to the COVID-19 emergency, and for other purposes.

*Paper:* Mr Barr 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 Barr moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Coe—Leader of the Opposition) and the resumption of the debate made an order of the day for a later hour this day.

**7 Planning and Environment Legislation Amendment Bill 2020**

Mr Gentleman (Minister for Planning and Land Management), pursuant to notice, presented a Bill for an Act to amend legislation about planning and the environment.

*Paper:* Mr Gentleman 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 Gentleman 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 Crimes (Offences Against Vulnerable People) Amendment Bill 2020**

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation in relation to offences committed against vulnerable people, and for other purposes.

*Paper:* Mr Ramsay 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 Ramsay moved—That this Bill be agreed to in principle.

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

9 Sitting pattern 2020—AMENDMENT TO RESOLUTION

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—That the resolution of the Assembly of 22 August 2019, as amended on 2 April 2020, relating to the sitting pattern for 2020, be amended by inserting the following dates:

Thursday, 21 May 2020

Thursday, 4 June 2020

Thursday, 2 July 2020

Thursday, 23 July 2020

Thursday, 30 July 2020

Thursday, 20 August 2020.

Question—put and passed.

**10 COVID-19 PANDEMIC RESPONSE—Select Committee—establishment—PROPOSED Amendment to RESOLUTION**

Notice No 2, Assembly business having been called on—

Ms Cheyne, pursuant to standing order 128, fixed a future date for the moving of the notice.

**11 COVID-19 PANDEMIC RESPONSE—Select Committee—establishment—Amendment to RESOLUTION**

Mr Coe (Leader of the Opposition), pursuant to notice, moved—That the resolution establishing the Select Committee on the COVID-19 Pandemic Response be amended by omitting paragraph (4)(b)(i) and substituting the following:

“(4)(b)(i) these are to be held no more than once a week for a maximum of two hours, with a minister or directorate to appear no more than once per fortnight for a maximum of one hour;”.

Debate ensued.

Question—put and passed.

**12 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 41—STATEMENT BY CHAIR**

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 41*,* dated 28 April 2020, together with a copy of the extracts of the relevant minutes of proceedings—

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

**13 Planning and Urban Renewal—Standing Committee—REPORT 12—Inquiry into Engagement with Development Application Processes in the A.C.T.—report noted**

Ms Le Couteur (Chair) presented the following report:

Planning and Urban Renewal—Standing Committee—Report 12—*Inquiry into Engagement with Development Application Processes in the ACT,* dated 29 April 2020, including additional comments *(Ms Le Couteur)*, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

**14 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Draft COVID-19 Emergency Response Legislation Amendment Bill 2020—STATEMENT BY CHAIR**

Mrs Jones (Chair), pursuant to standing order 246A, made a statement concerning the resolution of appointment of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) and its consideration of the Draft COVID-19 Emergency Response Legislation Amendment Bill 2020.

**15 Justice and Community Safety—Standing Committee—INQUIRY—Evaluation of Current A.C.T. Policing arrangements—STATEMENT BY CHAIR**

Mrs Jones (Chair), pursuant to standing order 246A, informed the Assembly that, following advertisement and notification of its evaluation of current ACT Policing arrangements and, in response to an invitation to the community and key stakeholders, the Standing Committee on Justice and Community Safety has advertised for, and directly invited, submissions and will commence a program of public hearings and discussions shortly.

**16 JUSTICE AND COMMUNITY SAFETY—Standing Committee—INQUIRY—Review of A.C.T. emergency services responses to the 2019-20 bushfire season—STATEMENT BY CHAIR**

Mrs Jones (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Justice and Community Safety had resolved to conduct a review of, and report on, the responses by ACT emergency services agencies to the unprecedented 2019-20 bushfire season in the Territory.

**17 Planning and Urban Renewal—Standing Committee—Petition 31-19—Coombs Peninsula—Future development—STATEMENT BY CHAIR**

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition 31-19 concerning future development in Coombs, and the Minister’s response, and as an inquiry into DV360—Molonglo River Reserve had already been undertaken, the Standing Committee on Planning and Urban Renewal had resolved not to hold an additional inquiry at this time.

**18 Planning and Urban Renewal—Standing Committee—Petitions 29-19 and 32-19—THE CANBERRA HOSPITAL—SAFETY, TRAFFIC, PARKING AND NOISE (SPIRE Project)—STATEMENT BY CHAIR**

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning and Urban Renewal had undertaken an inquiry into planning for the Surgical Procedures, Interventional Radiology and Emergency Centre (SPIRE) and The Canberra Hospital campus and immediate surrounds, largely in response to petitions 29-19 and 32-19 concerning safety, traffic, parking and noise associated with the SPIRE Project.

The Chair further advised that, due to developments and restrictions imposed by the Assembly due to the COVID-19 crisis, planning hearings were not able to proceed and, therefore, a report would be compiled using data from archival records and written evidence and tabled prior to the end of the Ninth Assembly.

**19 QUESTIONS**

Questions without notice were asked.

**20 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 2/2020—2018-19 Financial Audits—Computer Information systems, dated 29 April 2020.

Legislation Act, pursuant to subsection 257(2)—Motor Accident Injuries Commission—Statement of Intent—Period 1 February to 30 June 2020.

Standing order 191—Amendments to the:

Appropriation Bill 2019-2020 (No 2), dated 6 and 7 April 2020.

COVID-19 emergency Response Bill 2020, dated 6 and 7 April 2020.

**21 PRESENTATION OF PAPERS**

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

ACT Children and Young People’s Commitment 2015-2025—Progress update on implementation, dated May 2020.

ACT Road Safety Strategy 2011-2020—Road Safety Report Card 2020, together with a statement, dated May 2020.

Administrative Arrangements—Administrative Arrangements 2020 (No 2)—Notifiable Instrument NI2020-249, dated 29 April 2020.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2019—Canberra Institute of Technology, dated 24 March 2020, together with a statement.

Bimberi Youth Justice Centre—Bimberi Headline Indicators Report—May 2020, together with a statement.

Canberra Week in Wellington—November 2019—Statement.

Children and Young People Act—ACT Children and Young People Death Review Committee—Annual Report 2019—Copy of letter to the Speaker from the Minister for Children, Youth and Families, dated 6 May 2020.

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Theadora Zaal—

Report, dated 6 November 2019.

Government response to Coroner’s findings, dated 7 May 2020, together with a statement.

Electricity Feed-in (Large-scale Renewable Energy Generation) Act, pursuant to subsection 22(5)—Community Solar feed in tariff capacity release—

Review, dated 5 September 2019.

Government response, dated May 2020, together with a statement.

Freedom of Information Act, pursuant to section 39–Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Community Services Directorate (HACT-20/27), dated 17 March 2020.

Heavy Vehicle National Law as applied by the *Heavy Vehicle National Law Act 2012* (Qld)and by the law of States and Territories—

Heavy Vehicle National Amendment Regulation 2019 (2019 No 583), together with an explanatory statement.

Heavy Vehicle National Legislation Amendment Regulation 2020 (2020 No 61), together with an explanatory statement.

Light Rail Stage 1 Review—City to Gungahlin Light Rail Benefits Realisation—Snapshot, dated May 2020—Response to the resolution of the Assembly of 31 July 2019, together with a statement.

Mr Fluffy Legacy Project: Consultation Outcomes Report and Recommendations—ACT Government response, dated May 2020.

Nappies and personal hygiene products—Sustainable products—Response to the resolution of the Assembly of 31 July 2019, dated May 2020.

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 January to 31 March 2020, dated May 2020.

Transport Action Plan—Quarterly update—Number 3, dated May 2020.

University of Canberra Act, pursuant to section 36—Annual report 2019—University of Canberra (2 volumes), dated April 2020, together with a statement.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act and Financial Management Act—ACT Teacher Quality Institute Board Appointment 2020 (No 1)—Disallowable Instrument DI2020‑41 (LR, 9 April 2020).

Building (General) Regulation—Building (General) Emergency Hospital Exemption 2020 (No 1)—Disallowable Instrument DI2020‑56 (LR, 23 April 2020).

Canberra Institute of Technology Act and Financial Management Act—

Canberra Institute of Technology (CIT Board Deputy Chair) Appointment 2020—Disallowable Instrument DI2020‑34 (LR, 2 April 2020).

Canberra Institute of Technology (CIT Board Member) Appointment 2020—Disallowable Instrument DI2020‑33 (LR, 2 April 2020).

Court Procedures Act—Court Procedures Amendment Rules 2020 (No 2)—Subordinate Law SL2020‑9 (LR, 20 March 2020).

Domestic Violence Agencies Act—

Domestic Violence Agencies (Council—Chairperson) Appointment 2020—Disallowable Instrument DI2020‑47 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 1)—Disallowable Instrument DI2020‑53 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 2)—Disallowable Instrument DI2020‑52 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 3)—Disallowable Instrument DI2020‑51 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 4)—Disallowable Instrument DI2020‑50 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 5)—Disallowable Instrument DI2020‑49 (LR, 23 April 2020).

Domestic Violence Agencies (Council—Community Member) Appointment 2020 (No 6)—Disallowable Instrument DI2020‑48 (LR, 23 April 2020).

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2020, including a regulatory impact statement—Disallowable Instrument DI2020‑32 (LR, 9 April 2020).

Financial Management Act, Motor Accident Injuries Act, Road Transport (General) Act and Road Transport (Public Passenger Services) Act—Motor Accident Injuries (Premiums and Administration) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020‑11 (LR, 2 April 2020).

Health Act—Health (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020‑55 (LR, 24 April 2020).

Liquor Act—Liquor Amendment Regulation 2020 (No 1)—Subordinate Law SL2020‑15 (LR, 16 April 2020).

Liquor Regulation—

Liquor (Public Health Emergency—Licence Fee Waiver) Declaration 2020—Disallowable Instrument DI2020‑45 (LR, 23 April 2020).

Liquor (Public Health Emergency—Permit Fee Waiver) Declaration 2020—Disallowable Instrument DI2020‑44 (LR, 23 April 2020).

Magistrates Court Act—Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020—Subordinate Law SL2020‑12 (LR, 2 April 2020).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 1)—Subordinate Law SL2020‑13 (LR, 3 April 2020).

Medicines, Poisons and Therapeutic Goods Regulation—Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2020 (No 1)—Disallowable Instrument DI2020‑36 (LR, 6 April 2020).

Motor Accident Injuries Act—

Motor Accident Injuries (ACAT Costs Orders) Regulation 2020—Subordinate Law SL2020‑10 (LR, 26 March 2020).

Motor Accident Injuries (Authorised IME Provider) Guidelines 2020—Disallowable Instrument DI2020‑25 (LR, 26 March 2020).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2020 (No 1)—Disallowable Instrument DI2020‑43 (LR, 23 April 2020).

Public Place Names Act—

Public Place Names (Strathnairn) Determination 2020 (No 1)—Disallowable Instrument DI2020‑26 (LR, 26 March 2020).

Public Place Names (Taylor) Determination 2020 (No 2)—Disallowable Instrument DI2020‑42 (LR, 14 April 2020).

Public Place Names (Taylor) Determination 2020 (No 3)—Disallowable Instrument DI2020‑54 (LR, 24 April 2020).

Residential Tenancies Act—Residential Tenancies (COVID-19 Emergency Response) Declaration 2020—Disallowable Instrument DI2020‑46 (LR, 21 April 2020).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020‑14 (LR, 16 April 2020).

Road Transport (General) Act—Road Transport (General) Driver Licence and Related Fees Determination 2020 (No 1)—Disallowable Instrument DI2020‑35 (LR, 1 April 2020).

Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) Hire Car Service—Service Standards 2020 (No 1)—Disallowable Instrument DI2020‑27 (LR, 2 April 2020).

Road Transport (Public Passenger Services) Independent Taxi Service Operator—Service Standards 2020 (No 1)—Disallowable Instrument DI2020‑28 (LR, 2 April 2020).

Road Transport (Public Passenger Services) Rideshare Service—Service Standards 2020 (No 1)—Disallowable Instrument DI2020‑29 (LR, 2 April 2020).

Road Transport (Public Passenger Services) Taxi Service—Service Standards 2020 (No 1)—Disallowable Instrument DI2020‑30 (LR, 2 April 2020).

Road Transport (Public Passenger Services) Transport Booking Service—Service Standards 2020 (No 1)—Disallowable Instrument DI2020‑31 (LR, 2 April 2020).

Road Transport (Safety and Traffic Management) Regulation—

Road Transport (Safety and Traffic Management) Airservices Australia Emergency Worker Declaration 2020 (No 1)—Disallowable Instrument DI2020‑40 (LR, 9 April 2020).

Road Transport (Safety and Traffic Management) Booster Seat, Child Restraint and Child Safety Harness Approval 2020 (No 1)—Disallowable Instrument DI2020‑39 (LR, 9 April 2020).

Road Transport (Safety and Traffic Management) Protective Helmet for Bicycle Riders Approval 2020 (No 1)—Disallowable Instrument DI2020‑38 (LR, 9 April 2020).

Taxation Administration Act—Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 2020—Disallowable Instrument DI2020‑37 (LR, 6 April 2020).

22 Light Rail Stage 1 Review—City to Gungahlin Light Rail Benefits Realisation—Snapshot—PAPER NOTED

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

Light Rail Stage 1 Review—City to Gungahlin Light Rail Benefits Realisation—Snapshot 2020—Response to the resolution of the Assembly of 31 July 2019—

Debate ensued.

Question—put and passed.

**23 SUSPENSION OF STANDING ORDERS—Consideration of Private Members’ business**

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent items of Private Members’ business, as ordered by the Standing Committee on Administration and Procedure, being called on and debated on each sitting Thursday, immediately following the presentation of papers, for the remainder of the Ninth Assembly.

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

24 ABSENCE OF QUORUM

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

Mr Wall drew the attention of the Speaker to the fact that a quorum of Members was not present.

The bells having been rung, and a quorum formed—

**25 Planning Legislation Amendment Bill 2020**

Ms Le Couteur, pursuant to notice, presented a Bill for an Act to amend legislation about planning, and for other purposes.

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

Title read by Clerk.

Ms Le Couteur moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Gentleman—Minister for Planning and Land Management) and the resumption of the debate made an order of the day for the next sitting.

**26 LEAVE OF ABSENCE TO MEMBERs**

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Mrs Dunne and Mrs Kikkert for family reasons for today.

Question—put and passed.

**27 SCHOOLING DURING COVID-19 pandemic**

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

1. notes:
   1. our children’s education, development and wellbeing, particularly during these unprecedented times, is paramount;
   2. the advice consistently provided by the experts, including by the Commonwealth’s Chief Medical Officer, the ACT Chief Health Officer and the Australian Medical Association throughout the pandemic, has been that our schools are safe and they should be open;
   3. that COVID-19 has placed additional mental health pressures on many families; many children have struggled with the disruptions and social isolation; and their educational wellbeing is suffering as a result of this ongoing uncertainty;
   4. that parents with multiple children and who are also trying to work from home are finding it increasingly difficult to manage the many competing issues such as space, access to computers, family harmony and work output;
   5. that numerous reports on remote learning impacts conducted by leading Australian universities have found that up to half of all students will be adversely affected by a move to remote learning and that vulnerable students’ already identified educational disadvantage will be exacerbated further;
   6. that Year 12 students are particularly anxious about how assessments will be done and whether their access to university and/or other tertiary education options will be compromised the longer the current educational arrangements continue; and
   7. that the hub school arrangement is causing confusion for families and students and is creating an additional and unfair burden on teachers; and it was a decision not based on any current medical advice;
2. further notes that, like any workplace, appropriate health practices should be implemented at all schools to provide a safe working environment for teachers and school staff, including supporting particularly vulnerable teachers to work safely from home; and
3. calls on the ACT Government to allow all ACT parents to send their children to their regular school if they wish to.

Ms Berry (Minister for Education and Early Childhood Development) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes:

(a) that the COVID-19 pandemic has posed unprecedented challenges to global society with substantial effects on Australian societal and economic norms that are being experienced by the whole community, including school communities;

(b) the ACT Government made decisions about continuing school education based on the best available information, including non-health and health information, at a time when it was expected that the COVID-19 pandemic would result in restrictive social distancing for an extended period;

(c) the ACT community has been very disciplined in its adoption of social distancing restrictions during the COVID-19 pandemic which has limited the spread of the virus and allowed restrictions to be lifted much sooner than initially anticipated; and

(d) while remote learning and remote learning hubs have met a need, this experience has been challenging for some students, staff and parents and carers;

(2) further notes that the ACT Government:

(a) ceased on-campus school education during term 1 2020 due to increasing concern among school communities about the health risks to students and staff, and declining student attendance;

(b) established remote learning hubs for term 2 2020 to ensure that supervised learning could continue for those students who need it while also balancing a range of factors, including school viability, industrial considerations, and health advice;

(c) has been best placed to provide remote learning for school students because of its nation-leading investment in technology enabled learning;

(d) can assure senior secondary school students that their Australian Tertiary Admission Ranking will not be disproportionately compromised;

(e) has had an acute focus on providing support to vulnerable students and families, and those with additional needs; and

(f) is planning for a return to on-campus delivery of school education as soon as it is sensible;

(3) acknowledges and thanks:

(a) teachers and their union, school staff, early childhood education and care workers, and out of school hours care staff for their resilience, dedication and effort to sustain learning in incredibly difficult conditions;

(b) staff in the Education Directorate, who have worked without break for many months to ensure that school education could continue, and have designed and planned an entirely new approach to learning;

(c) school cleaners and building services officers for their work providing safe and clean schools, and for undertaking additional work while schools are unoccupied;

(d) transport staff for their assistance and adaptability in providing safe transport to the remote learning hubs;

(e) community services organisations, who have stepped in to support the Government’s delivery of learning for those students who have been unable to learn remotely from home;

(f) the ACT Council of Parents and Citizens Associations, who have been actively engaged in assisting the Government to work through difficult decisions about arrangements for school education;

(g) Catholic and independent schools, for their cooperation in aligning with the Government’s approach to school education where possible;

(h) the Emergency Services Agency for their reliable and effective logistical assistance, for example, delivering Chromebooks and internet access devices to families; and

(i) students and parents, for their flexibility, patience and understanding through a difficult, rapidly-changing and uncertain environment; and

(4) notes that the ACT Government has announced a staged return to on-campus learning commencing on 18 May, when remote learning hubs will cease to operate.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes:

(a) that the COVID-19 pandemic has posed unprecedented challenges to global society with substantial effects on Australian societal and economic norms that are being experienced by the whole community, including school communities;

(b) the ACT Government made decisions about continuing school education based on the best available information, including non-health and health information, at a time when it was expected that the COVID-19 pandemic would result in restrictive social distancing for an extended period;

(c) the ACT community has been very disciplined in its adoption of social distancing restrictions during the COVID-19 pandemic which has limited the spread of the virus and allowed restrictions to be lifted much sooner than initially anticipated; and

(d) while remote learning and remote learning hubs have met a need, this experience has been challenging for some students, staff and parents and carers;

(2) further notes that the ACT Government:

(a) ceased on-campus school education during term 1 2020 due to increasing concern among school communities about the health risks to students and staff, and declining student attendance;

(b) established remote learning hubs for term 2 2020 to ensure that supervised learning could continue for those students who need it while also balancing a range of factors, including school viability, industrial considerations, and health advice;

(c) has been best placed to provide remote learning for school students because of its nation-leading investment in technology enabled learning;

(d) can assure senior secondary school students that their Australian Tertiary Admission Ranking will not be disproportionately compromised;

(e) has had an acute focus on providing support to vulnerable students and families, and those with additional needs; and

(f) is planning for a return to on-campus delivery of school education as soon as it is sensible;

(3) acknowledges and thanks:

(a) teachers and their union, school staff, early childhood education and care workers, and out of school hours care staff for their resilience, dedication and effort to sustain learning in incredibly difficult conditions;

(b) staff in the Education Directorate, who have worked without break for many months to ensure that school education could continue, and have designed and planned an entirely new approach to learning;

(c) school cleaners and building services officers for their work providing safe and clean schools, and for undertaking additional work while schools are unoccupied;

(d) transport staff for their assistance and adaptability in providing safe transport to the remote learning hubs;

(e) community services organisations, who have stepped in to support the Government’s delivery of learning for those students who have been unable to learn remotely from home;

(f) the ACT Council of Parents and Citizens Associations, who have been actively engaged in assisting the Government to work through difficult decisions about arrangements for school education;

(g) Catholic and independent schools, for their cooperation in aligning with the Government’s approach to school education where possible;

(h) the Emergency Services Agency for their reliable and effective logistical assistance, for example, delivering Chromebooks and internet access devices to families; and

(i) students and parents, for their flexibility, patience and understanding through a difficult, rapidly-changing and uncertain environment; and

(4) notes that the ACT Government has announced a staged return to on-campus learning commencing on 18 May, when remote learning hubs will cease to operate.”—

be agreed to—put and passed.

**28 Human Rights (Workers Rights) Amendment Bill 2019**

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—

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) was granted leave to move amendments that had not been circulated pursuant to standing order 178A together.

On the motion of Mr Rattenbury, his amendments Nos 1 to 3 (*see* [Schedule 1](#Schedule1)) were made.

*Papers:* Mr Rattenbury presented 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.

**29 PRESENTATION OF PAPER**

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

Bimberi Youth Justice Centre—Copy of letter to the Discrimination, Disability, Health and Community Services Commissioner responding to the Commission Initiated Review of Allegations, dated 7 May 2020.

**30 EXECUTIVE business—precedence**

Ordered—That Executive business be called on forthwith.

**31 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF the COVID-19 emergency Response LEGISLATION AMENDMENT bill 2020**

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the COVID-19 Emergency Response Legislation Amendment Bill 2020 being called on and debated forthwith.

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

**32 COVID-19 Emergency Response Legislation Amendment Bill 2020**

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—

Mr Coe (Leader of the Opposition) was granted leave to move an amendment that had not been considered or reported on by the Scrutiny Committee, and had not been circulated in accordance with standing order 178A.

On the motion of Mr Coe, his amendment No 1 (*see* [Schedule 2](#Schedule2)) was made, after debate*.*

Mrs Jones was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee, and had not been circulated in accordance with standing order 178A, together.

Mrs Jones moved her amendments Nos 1 and 2 (*see* [Schedule 3](#Schedule3)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| AYES, 6 | | |  | NOES, 8 | | | |
| Miss C. Burch | Mr Wall | | |  | Mr Barr | Ms Orr | |
| Mr Coe |  | | |  | Ms J. Burch | Mr Rattenbury | |
| Mrs Jones |  | | |  | Ms Cheyne | Ms Stephen-Smith | |
| Mr Milligan |  | | |  | Mr Gentleman |  | |
| Mr Parton |  | | |  | Ms Le Couteur |  | |

And so it was negatived.

Ms Stephen-Smith (Minister for Health) was granted leave to move an amendment that had not been considered or reported on by the Scrutiny Committee, and had not been circulated in accordance with standing order 178A.

On the motion of Ms Stephen-Smith, her amendment No 1 (*see* [Schedule 4](#Schedule4)) was made, after debate.

Bill, as a whole, as amended, agreed to.

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

**33 PRESENTATION OF PAPER**

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) presented the following paper:

Justice and Community Safety—Standing Committee—Report 7—*Report on Inquiry into Human Rights (Workers Rights) Amendment Bill 2019*—Government response, dated May 2020.

**34 Electronic Conveyancing National Law (A.C.T.) Bill 2020**

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.

*Papers:* Mr Ramsay (Attorney-General) presented the following papers:

Electronic Conveyancing—

ACT Operating Requirements.

ACT Participation Rules.

Revised explanatory statement to the Bill.

Registrar-General’s Rules—

Verification of Authority.

Verification of Identity.

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 Ramsay his amendment No 1 (*see* [Schedule 5](#Schedule5)) was made.

*Paper:* Mr Ramsay presented a supplementary explanatory statement to the Government amendment.

Bill, as a whole, as amended, agreed to.

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

**35 Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020**

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—

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.

**36 ADJOURNMENT**

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Mr Gupta, by leave, was granted an extension of time.

Question—put and passed.

And then the Assembly, at 5.53 pm, adjourned until Thursday, 21 May 2020 at 10 am, in accordance with the resolution agreed to earlier today.

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

\*on leave

**Tom Duncan**

Clerk of the Legislative Assembly

**SCHEDULES OF AMENDMENTS**

**Schedule 1**

**HUMAN RIGHTS (WORKERS RIGHTS) AMENDMENT BILL 2019**

Amendments circulated by the Minister for Justice, Consumer Affairs and Road Safety

1. Clause 4  
   Proposed new section 27B heading  
   Page 2, line 11—

omit the heading, substitute

27B Right to work and other work-related rights

1. Clause 4  
   Proposed new section 27B (3) to (5) and note  
   Page 2, line 17—

omit proposed new section 27B (3) to (5) and note, substitute

(3) Everyone has the right to form or join a work-related organisation, including a trade union, with the objective of promoting or protecting their economic or other social interests.

(4) Everyone has the right to protection against acts of anti-union discrimination in relation to their employment.

(5) Everyone is entitled to enjoy these rights without discrimination.

Examples—discrimination

discrimination because of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability or other status

*Note 1* Section 28 sets out what must be considered in deciding whether a limit on rights is reasonable.

*Note 2* Aspects of rights under this section are considered at international law to be subject to an obligation of progressive realisation.

*Note 3* An international law relevant to interpreting progressively realisable rights is Article 8 (4) of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. That article provides for consideration of the reasonableness of steps taken to progressively realise rights and notes that a range of possible policy measures for the implementation of rights may be adopted.

1. Clause 5  
   Proposed new schedule 2, item 2  
   Page 3, line 8—

omit proposed new schedule 2, item 2, substitute

|  |  |  |  |
| --- | --- | --- | --- |
| 2 | 27B | right to work and other work-related rights | 2 (2), 6 (1), 7, 8 |

Note The primary source of the right in s 27B (4) is the International Labour Organisation Right to Organise and Collective Bargaining Convention, art 1.

**Schedule 2**

**COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020**

Amendment circulated by Mr Coe (Leader of the Opposition)

1. Schedule 1, part 1.6  
   Proposed new amendment 1.43A  
   Page 24, line 24—

insert

[1.43A] New section 3A

insert

3A Presentation of subordinate laws and disallowable instruments

(1) This section applies to a subordinate law or disallowable instrument made after the commencement of this section under a power given under a COVID-19 measure.

(2) The Legislation Act, section 64 (1) applies in relation to the subordinate law or disallowable instrument as if the reference in that subsection to 6 sitting days were a reference to the first sitting day.

(3) In this section:

***COVID-19 measure***—see section 3 (4).

**Schedule 3**

**COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020**

Amendments circulated by Mrs Jones

1. Schedule 1, part 1.7  
   Proposed new amendments 1.44A and 1.44B  
   Page 27, line 14—

insert

[1.44A] Section 7A, note 1

insert

* s 26C (Coughing or spitting on police officer)

[1.44B] New section 26C

insert

26C Coughing or spitting on police officer

(1) A person commits an offence if:

the person intentionally coughs, spits or expectorates on or at another person; and

the other person is a police officer; and

the conduct mentioned in paragraph (a) would be likely to cause a reasonable person to fear that the coronavirus disease 2019 (COVID-19) could be transmitted to the police officer.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

(2) Strict liability applies to subsection (1) (b).

(3) Absolute liability applies to subsection (1) (c).

(4) In this section:

***COVID-19 emergency*** means—

(a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID‑19); or

(b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

(5) This section and the dot point referring to this section mentioned in section 7A, note 1 expire on the first day no COVID-19 emergency is in force.

1. Schedule 1  
   Proposed new part 1.20A  
   Page 67—

after the table, insert

Part 1.20A Magistrates Court (Crimes Infringement Notices) Regulation 2008

[1.105A] New section 15

insert

15 Expiry—sch 1, item 1A

This section and schedule 1, item 1A expire on the day the *Crimes Act 1900*, section 26C expires.

[1.105B] Schedule 1, new item 1A

before item 1, insert

|  |  |  |  |
| --- | --- | --- | --- |
| 1A | 26C, except where individual is under 16 years old | 200 | 1 500 |

**Schedule 4**

**COVID-19 EMERGENCY RESPONSE LEGISLATION AMENDMENT BILL 2020**

Amendment circulated by the Minister for Health

1. Schedule 1, part 1.24  
   Page 73, line 15—

omit

**Schedule 5**

**ELECTRONIC CONVEYANCING NATIONAL LAW (A.C.T.) BILL 2020**

Amendments circulated by the Attorney-General

1. Schedule 1, modification 1.1  
   Proposed new section 25 (5) and (6)  
   Page 7, line 5—

insert

(5) Subsection (1) (b) and (4) do not apply to an operating requirement or participation rule notified before the day this schedule commences.

*Note* An operating requirement or participation rule may be notified after this Act is notified and before it commences (see Legislation Act, s 81).

(6) Subsection (5) and this subsection expire on 1 June 2021.