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**LEGISLATIVE ASSEMBLY FOR THE**

**AUSTRALIAN CAPITAL TERRITORY**

**2016–2017–2018–2019–2020**

**MINUTES OF PROCEEDINGS**

**No 136**

[**Thursday, 30 July 2020**](http://www.hansard.act.gov.au/hansard/downyear.htm)

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 **1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. 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 Acknowledgement of country IN THE NGUNNAWAL LANGUAGE—STATEMENT BY SPEAKER—Statement by Minister—Statements by Members**

The Speaker, by indulgence, made a statement concerning the inaugural acknowledgement of country made in the Assembly in the language of the Ngunnawal people, in accordance with the resolution of the Assembly of 28 November 2019.

Mr Barr (Chief Minister), Mr Coe (Leader of the Opposition) and Mr Rattenbury (Leader of the ACT Greens), by indulgence, also made statements.

 **3 SUSPENSION OF SITTING**

The Speaker, at 10.16 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 10.38 am.

 **4 DEATH OF MS Sue Salthouse**

Mr Barr (Chief Minister) moved—That this Assembly expresses its shock and dismay at the sudden and tragic loss of ACT Senior Australian of the Year and 2015 Canberra Citizen of the Year, Sue Salthouse, 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), Mr Gentleman (Minister for Police and Emergency Services), Ms Orr (Minister for Disability), Ms Lawder and Ms Stephen-Smith (Minister for Health) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

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*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 condolence motion.

 **5 E-PETITION—RESPONSE—RESPONSE NOTED**

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

Mr Gentleman (Minister for Planning and Land Management), dated 27 July 2020—Response to e-petition No 5-20, lodged by Ms Le Couteur on 18 June 2020, concerning the preservation of parkland and not building a car park on Section 75, Block 2, Weston.

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

Debate ensued.

Question—put and passed.

 **6** **MENTAL HEALTH AMENDMENT BILL 2020**

Mr Rattenbury (Minister for Mental Health), by leave, presented a Bill for an Act to amend the *Mental Health Act 2015*.

*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 (Mrs Dunne) and the resumption of the debate made an order of the day for the next sitting.

 **7 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 47—STATEMENT BY CHAIR**

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 47*,* dated 28 July 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.

 **8 Health, Ageing and Community Services—Standing Committee—REPORT 11—Report on Child and Youth Protection Services (Part 2)—report noted**

Ms Cody (Chair) presented the following report:

Health, Ageing and Community Services—Standing Committee—Report 11—*Report on Child and Youth Protection Services (Part 2),* dated 29 July 2020, 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.

 **9 MINISTERIAL ARRANGEMENTS**

Mr Barr (Chief Minister) informed the Assembly of the absence of Ms Berry (Deputy Chief Minister) and Mr Ramsay (Attorney-General) and advised the Assembly that questions without notice normally directed to Ms Berry and Mr Ramsay could be directed to Mr Barr.

 **10 QUESTIONS**

Questions without notice being asked—

*Paper:* Mr Gentleman (Minister for Planning and Land Management) presented the following paper:

Coombs Peninsula—Resolution of the Assembly of 27 November 2019—Copy of letter to the Speaker from the Minister for Planning and Land Management and Minister for the Environment and Heritage, dated 22 July 2020.

Questions continued.

 **11 LEAVE OF ABSENCE TO MEMBERS**

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Minister Berry and Minister Ramsay for today due to personal illness.

Question—put and passed.

 **12 PRESENTATION OF PAPERS**

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

ACT Carers Strategy 2018-2028—Progress report 2020, dated July 2020, together with a statement.

ACT Volunteering Statement—Action Plan 2018-2021—2020 Annual Update.

COVID-19 Emergency Response Act, pursuant to subsection 3(3)—COVID-19 Measures—Report No 3—Reporting period 1-30 June 2020, dated July 2020.

Financial Management Act—Supply Instrument and Authorisation of Payments—Explanatory Notes—2020-2021, dated 30 June 2020, made pursuant to sections 7 and 37.

Mutual Recognition Act (Cth)—Mutual Recognition (WA Container Deposit Scheme) Notice 2020 (No 1)—Notifiable Instrument NI2020-463, dated 27 July 2020.

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 April to 30 June 2020, dated July 2020.

Special Gazette No S4, Wednesday 29 July 2020, incorporating:

Mutual Recognition (WA Container Deposit Scheme) Notice 2020 (No 1)—Notifiable Instrument NI2020-463, dated 27 July 2020

Trans-Tasman Mutual Recognition (WA Container Deposit Scheme) Endorsement 2020 (No 1)—Notifiable Instrument NI2020-464, dated 27 July 2020.

Status of the public health emergency due to COVID-19—Chief Health Officer Report—24 July 2020, dated 30 July 2020.

Trans-Tasman Mutual Recognition Act, pursuant to section 7—Trans-Tasman Mutual Recognition (WA Container Deposit Scheme) Endorsement 2020 (No 1)—Notifiable Instrument NI2020-464, dated 27 July 2020.

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

Legislation Act, pursuant to section 64—

Juries Act—Juries (Payment) Determination 2020—Disallowable Instrument DI2020‑209 (LR, 6 July 2020).

Planning and Development Act—Planning and Development Amendment Regulation 2020 (No 1), including a regulatory impact statement—Subordinate Law SL2020-28 (LR, 16 July 2020).

Rates Act and Taxation Administration Act—Taxation Administration (Amounts Payable—Rates) Determination 2020 (No 2)—Disallowable Instrument DI2020‑210 (LR, 3 July 2020).

Road Transport (General) Act—

Road Transport (General) Driver Licence and Related Fees Determination 2020 (No 2)—Disallowable Instrument DI2020-214 (LR, 10 July 2020).

Road Transport (General) Fees for Publications Determination 2020 (No 1)—Disallowable Instrument DI2020-211 (LR, 10 July 2020).

Road Transport (General) Numberplate Fees Determination 2020 (No 1)—Disallowable Instrument DI2020-213 (LR, 10 July 2020).

Road Transport (General) Refund and Dishonoured Payments Fees Determination 2020 (No 1)—Disallowable Instrument DI2020-212 (LR, 10 July 2020).

Road Transport (General) Vehicle Registration and Related Fees Determination 2020 (No 1)—Disallowable Instrument DI2020-215 (LR, 10 July 2020).

 **13 Long Service Leave—Transient workers**

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

1. notes:
	1. that, since the implementation of the *Long Service Leave (Portable Schemes) Act 2009*, some workers’ long service leave entitlements have been protected;
	2. workers in some transient workforces are protected when staying in the industry but moving between employers; and
	3. the intention of the *Long Service Leave (Portable Schemes) Act 2009* is to ensure workers not in the public sector will be able to have their long service leave transferred from one employer to another;
2. further notes:
	1. the ACT Government has included industries, such as building and construction, contract cleaning, community sector and security, in the Portable Long Service Leave Scheme;
	2. there are other trades, such as hairdressing, where workers change employers without changing industries; and
	3. hairdressers and employees of other sectors who have a high churn of employers but stay within their relevant industry; and
3. calls on the Government to:
	1. work with Hair Stylists Australia, the ACT hairdressing industry, employers, employees, employee bodies and registered training organisations to determine how to include hairdressing in the *Long Service Leave (Portable Schemes) Act 2009*; and
	2. investigate extending the *Long Service Leave (Portable Schemes) Act 2009* to other non-public sector industries.

Debate ensued.

Question—put.

The Assembly voted—

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| --- | --- | --- |
|  AYES, 12 |  |  NOES, 9 |
| Mr Barr | Ms Orr |  | Miss C. Burch | Mr Parton |
| Ms J. Burch | Mr Pettersson |  | Mr Coe | Mr Wall |
| Ms Cheyne | Mr Rattenbury |  | Mrs Dunne |  |
| Ms Cody | Mr Steel |  | Mr Hanson |  |
| Mr Gentleman | Ms Stephen-Smith |  | Mrs Kikkert |  |
| Mr Gupta |  |  | Ms Lawder |  |
| Ms Le Couteur |  |  | Mr Milligan |  |

And so it was resolved in the affirmative.

 **14 Housing and rental affordability**

Mr Coe (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

1. notes that:
	1. after years of ACT Labor, thousands of Canberrans are still priced out of the housing market;
	2. there has been no progress regarding housing or rental affordability;
	3. according to Domain’s June 2020 *State of the Market* report, the median rent in Canberra was $575 and the median house price was $819 000;
	4. annual rent of $30 000 is out of reach for many of Canberra’s “working poor”; and
	5. the Government’s land supply, planning system and tax regime has stifled the supply of new houses for rent; and
2. calls on the Government to bring down the cost of renting in Canberra by:
	1. stopping the unfair increases to rates and taxes;
	2. bringing clarity and confidence to the planning system;
	3. delivering certainty to the land supply; and
	4. ensuring that the rate of construction of townhouses and free standing homes keeps pace with demand.

Mr Barr (Chief Minister) moved the following amendment: Omit all text after “That this Assembly”, substitute:

“(1) notes that:

* 1. over this term of the Assembly, the ACT Government has implemented a range of measures to support and protect people renting in the ACT, including:
		1. protecting renters from excessive rent increases; and
		2. making it easier for renters to end leases without incurring punitive costs;
	2. during the Covid-19 pandemic and associated global economic crisis, the Government has implemented a range of further urgent measures to protect residential tenants, including:
		1. commencing a moratorium on evictions for non-payment of rent, and rent increases, for Covid-19 affected tenants and occupants;
		2. funding a mediation service and increasing legal assistance funding for tenants; and
		3. establishing a process to negotiate rent reductions and providing landlords access to a land tax credit and rates rebate scheme for reductions in rent of at least 25 percent; and
	3. the Real Estate Institute Housing Affordability Index for the 2020 March quarter, released in June 2020, showed the proportion of income in the ACT required to meet the median rent was 19 percent, the second-lowest in the country;
1. further notes that:
	1. residential dwelling construction in the ACT is performing strongly, as reflected in the Commonwealth Bank’s July 2020 State of the States report, which showed the ACT currently leads the nation for dwelling construction starts, with starts in the ACT 21.7 percent above the decade-average in trend terms;
	2. on 4 June, the ACT Government announced a range of measures to support people to purchase their own home, as well as stimulate the residential construction sector by reducing stamp duty on new land single residential blocks to zero; off-the-plan apartment and townhouse purchases up to $500 000, to zero; and off-the-plan apartment and townhouse purchases between $500 000 and $750 000, by $11 400, available until July 2021; and
	3. on 17 June, the Government announced average rates increases for residential land would be set at 0 percent for the 2020-21 financial year, which combined with the one-off $150 Covid-19 economic survival package rates rebate, means that over 100 000 residences in the ACT will see an actual reduction in their rates bill this financial year;
2. also notes that:
	1. each year, the ACT Government releases an Indicative Land Release Program to provide certainty to builders, developers, investors and residential owner-occupiers;
	2. there are currently 346 single residential blocks available over the counter through the Suburban Land Agency and the Ginninderry development, as at 20 July 2020, starting at $197 000; and
	3. there are currently 188 blocks available through the Suburban Land Agency and from the Ginninderry development, as at 20 July 2020, which are priced below $420 000;
3. calls on the ACT Government to:
	1. continue its policy of a compact and sustainable city, with a land supply program that provides a range of accommodation types to cater for individuals, couples, groups and families of all shapes and sizes as the city grows;
	2. continue to help more people transition to home ownership through stamp duty cuts;
	3. commit to regular review and improvements to the planning system;
	4. continue to implement its affordable housing agenda and work towards further diversifying housing choice consistent with the ACT Housing Strategy; and
4. calls on the Legislative Assembly to commit to protect Tuggeranong natural grasslands west of the Murrumbidgee from urban housing development.”.

Debate continued.

Question—That the amendment be agreed to—put

The Assembly voted—

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| --- | --- | --- |
|  AYES, 12 |  |  NOES, 9 |
| Mr Barr | Ms Orr |  | Miss C. Burch | Mr Parton |
| Ms J. Burch | Mr Pettersson |  | Mr Coe | Mr Wall |
| Ms Cheyne | Mr Rattenbury |  | Mrs Dunne |  |
| Ms Cody | Mr Steel |  | Mr Hanson |  |
| Mr Gentleman | Ms Stephen-Smith |  | Mrs Kikkert |  |
| Mr Gupta |  |  | Ms Lawder |  |
| Ms Le Couteur |  |  | Mr Milligan |  |

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

1. notes that:
	1. over this term of the Assembly, the ACT Government has implemented a range of measures to support and protect people renting in the ACT, including:
		1. protecting renters from excessive rent increases; and
		2. making it easier for renters to end leases without incurring punitive costs;
	2. during the Covid-19 pandemic and associated global economic crisis, the Government has implemented a range of further urgent measures to protect residential tenants, including:
		1. commencing a moratorium on evictions for non-payment of rent, and rent increases, for Covid-19 affected tenants and occupants;
		2. funding a mediation service and increasing legal assistance funding for tenants; and
		3. establishing a process to negotiate rent reductions and providing landlords access to a land tax credit and rates rebate scheme for reductions in rent of at least 25 percent; and
	3. the Real Estate Institute Housing Affordability Index for the 2020 March quarter, released in June 2020, showed the proportion of income in the ACT required to meet the median rent was 19 percent, the second-lowest in the country;
2. further notes that:
	1. residential dwelling construction in the ACT is performing strongly, as reflected in the Commonwealth Bank’s July 2020 State of the States report, which showed the ACT currently leads the nation for dwelling construction starts, with starts in the ACT 21.7 percent above the decade-average in trend terms;
	2. on 4 June, the ACT Government announced a range of measures to support people to purchase their own home, as well as stimulate the residential construction sector by reducing stamp duty on new land single residential blocks to zero; off-the-plan apartment and townhouse purchases up to $500 000, to zero; and off-the-plan apartment and townhouse purchases between $500 000 and $750 000, by $11 400, available until July 2021; and
	3. on 17 June, the Government announced average rates increases for residential land would be set at 0 percent for the 2020-21 financial year, which combined with the one-off $150 Covid-19 economic survival package rates rebate, means that over 100 000 residences in the ACT will see an actual reduction in their rates bill this financial year;
3. also notes that:
	1. each year, the ACT Government releases an Indicative Land Release Program to provide certainty to builders, developers, investors and residential owner-occupiers;
	2. there are currently 346 single residential blocks available over the counter through the Suburban Land Agency and the Ginninderry development, as at 20 July 2020, starting at $197 000; and
	3. there are currently 188 blocks available through the Suburban Land Agency and from the Ginninderry development, as at 20 July 2020, which are priced below $420 000;
4. calls on the ACT Government to:
	1. continue its policy of a compact and sustainable city, with a land supply program that provides a range of accommodation types to cater for individuals, couples, groups and families of all shapes and sizes as the city grows;
	2. continue to help more people transition to home ownership through stamp duty cuts;
	3. commit to regular review and improvements to the planning system;
	4. continue to implement its affordable housing agenda and work towards further diversifying housing choice consistent with the ACT Housing Strategy; and
5. calls on the Legislative Assembly to commit to protect Tuggeranong natural grasslands west of the Murrumbidgee from urban housing development.”—

be agreed to—put and passed.

 **15 Planning and Urban Renewal—Standing Committee—REPORT 13—Draft Variation No 363—Curtin group centre and adjacent residential areas: zone changes and admendments to the Curtin precinct map and code—report noted**

Ms Le Couteur (Chair) presented the following report:

Planning and Urban Renewal—Standing Committee—Report 13—*Draft Variation No 363—Curtin group centre and adjacent residential areas: zone changes and amendments to the Curtin precinct map and code,* dated 29 July 2020, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

 **16 Economic Development and Tourism—Standing Committee—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER**

Mr Hanson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Economic Development and Tourism.

*Paper:* Mr Hanson, pursuant to Continuing Resolution 5A, presented the following paper:

Economic Development and Tourism—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2020.

 **17 Environment and Transport and City Services—Standing Committee—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER**

Ms Cheyne (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Environment and Transport and City Services.

*Paper:* Ms Cheyne, pursuant to Continuing Resolution 5A, presented the following paper:

Environment and Transport and City Services—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2020.

 18 Health, Ageing and Community Services—Standing Committee—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Ms Cody (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Health, Ageing and Community Services.

*Paper:* Ms Cody, pursuant to Continuing Resolution 5A, presented the following paper:

Health, Ageing and Community Services—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2020.

 **19 Planning and Urban Renewal—Standing Committee—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER**

Ms Le Couteur (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Planning and Urban Renewal.

*Paper:* Ms Le Couteur, pursuant to Continuing Resolution 5A, presented the following paper:

Planning and Urban Renewal—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2020.

 **20 EXECUTIVE business—precedence**

Ordered—That Executive business be called on forthwith.

 **21 Public Health Amendment Bill 2020 (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.

 **22 Aboriginal and Torres Strait Islander Elected Body 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—

On the motion of Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs), pursuant to standing order 182A(b), by leave, her amendments Nos 1 to 3 (*see* [Schedule 1](#Schedule1)) were made together.

*Paper:* Ms Stephen-Smith 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.

 **23 Electricity Feed-in (Renewable Energy Premium) 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.

Leave granted to dispense with the detail stage.

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

 **24 ADJOURNMENT**

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.08 pm, adjourned until Thursday, 13 August 2020 at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Ms Berry\* and Mr Ramsay\*.

\*on leave

**Tom Duncan**

 Clerk of the Legislative Assembly

**SCHEDULE OF AMENDMENTS**

**Schedule 1**

**ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY AMENDMENT BILL 2020**

Amendments circulated by the Minister for Aboriginal and Torres Strait Islander Affairs

1. Clause 2
Page 2, line 5—

omit clause 2, substitute

2 Commencement

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

1. Proposed new clauses 13A and 13B
Page 9, line 6—

insert

13A Schedule 1, modification 1.20, section 110A heading

substitute

110AA Retention of nomination papers

13B Schedule 1, new modification 1.20A

insert

[1.20A] Candidate information to be published
Section 110A (8)

omit

1. Proposed new clause 17A
Page 11, line 21—

insert

17A Schedule 1, modification 1.84

substitute

[1.84] Dissemination of unauthorised electoral matter
Section 292 (1) (b) (iii)

substitute

 (iii) if the matter is disseminated for a candidate for election or a person who has publicly indicated that the person intends to be a candidate for election—a statement to the effect that the matter is disseminated for the candidate or person; and