



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014–2015–2016

MINUTES OF PROCEEDINGS

No. 125

WEDNESDAY, 10 FEBRUARY 2016

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 **ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT)
(AUTONOMOUS VEHICLE TRIALS) AMENDMENT BILL 2016**

Mr Coe, pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Safety and Traffic Management) Act 1999*.

Paper: Mr Coe presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Coe moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Rattenbury—Minister for Road Safety) and the resumption of the debate made an order of the day for the next sitting.

3 **LIGHT RAIL NETWORK PROJECT—CONTRACTS**

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

- (1) calls on the ACT Government to not sign any contract(s) to design and build light rail with the selected consortium until after the 2016 ACT election when the ACT community will have decided if they wish the project to proceed; and
- (2) in the event the ACT Government chooses to disrespect the citizens of Canberra by entering into contracts prior to the ACT election, calls on the ACT Government to:
 - (a) include a termination for convenience clause;
 - (b) not allow the consortium to enter long term financial commitments for components such as rolling stock and steel; and



- (c) require the consortium to concentrate early work on utility relocation and upgrades, depot construction and roadworks.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Fitzharris
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

And so it was negatived.

4 RESTORATIVE JUSTICE

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

- (1) notes:
- (a) the long and fruitful history of restorative approaches in Canberra, starting with ACT Policing-led conferencing in the 1990s and including the ground-breaking RISE (Re-Integrative Shaming Experiments) which led to a global proliferation of restorative justice programs and research;
 - (b) the success of the ACT Government delivering phase one of the restorative justice scheme which enabled the Restorative Justice Unit to manage referrals for young people who have committed less serious crimes;
 - (c) more than a decade of valuable service from the Restorative Justice Unit to people affected by crime in the ACT community;
 - (d) the funding commitment of \$2.1 million over four years for phase two which will allow the Restorative Justice Unit to manage referrals for young people and adults, including for serious matters;
 - (e) the ongoing efforts of the ACT Government to expand restorative justice into the ACT community as a viable alternative to traditional responses to conflict and harmful behaviour;
 - (f) the ongoing efforts of ACT schools adopting restorative practices to promote effective and peaceful conflict resolution in these primary sites of socialisation; and
 - (g) the success of the Restorative Communities Conference in July 2015, and the well attended inaugural Restorative Communities Network meeting in November 2015, which demonstrated an international and local enthusiasm to see Canberra continue as a leading innovator of restorative practices; and
- (2) calls on the ACT Government to work towards the declaration of Canberra as a restorative city, which will confirm its commitment to exploring and implementing creative solutions to shared problems using restorative processes and continue the ACT's vision for safer, more connected communities.

Debate ensued.

Question—put and passed.

5 LINKS TO THE CFMEU

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

- (1) notes:
 - (a) the Royal Commission into Trade Union Governance and Corruption found evidence of bullying, intimidation and exclusion on worksites across Australia;
 - (b) in relation to the activities of the ACT Branch of the Construction, Forestry, Mining and Energy Union (CFMEU), the Royal Commission into Trade Union Governance and Corruption recommended that the Secretary of the ACT Branch of the CFMEU should be referred to the Director-General of the Chief Minister, Treasury and Economic Development Directorate in order that consideration may be given to whether he should be charged with and prosecuted for intimidating an inspector contrary to section 190 of the *Work Health and Safety Act 2011*;
 - (c) that the CFMEU provides substantial financial assistance and has significant influence on ACT Labor and the ACT Greens; and
 - (d) the ongoing police investigations into alleged leaks, relating to a ministerial meeting with the Chief Police Officer, from the former Police Minister's office to the ACT Branch of the CFMEU; and
- (2) calls on the ACT Government's Labor and Green members to suspend all financial and political links with the CFMEU.

Debate ensued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

6 QUESTIONS

Questions without notice were asked.

7 LINKS TO THE CFMEU

The order of the day having been read for the resumption of the debate on the motion of Mr Wall (*see entry 5*)—

Debate resumed.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Fitzharris
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

And so it was negatived.

8 RADIO 1RPH—FUNDING

Mrs Dunne, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) radio station 1RPH, radio for the print handicapped, has been providing a reading service for people with print disabilities for over 30 years;
 - (b) it has received annual funding from the Commonwealth, through the Community Broadcasting Foundation since 1983;
 - (c) it has received funding from the ACT Government through Disability ACT;
 - (d) the new NDIS arrangements have resulted in funding from this source being discontinued from 1 July 2016; and
 - (e) this funding, representing some 25% of the total revenue for 1RPH, will put significant pressure on its ability to deliver its service; and
- (2) calls on the ACT Government to continue funding the service provided by 1RPH, if necessary from an alternative funding source.

Dr Bourke (Minister for Disability) moved the following amendment: Omit all words after “calls on the ACT Government to” in paragraph (2), substitute:

- “(a) work with 1RPH to identify alternative funding streams and business development opportunities in order to sustain its financial viability;
- (b) write to the Federal Minister for Disability drawing this matter to his attention; and
- (c) report back to the Assembly by the last day of the June sitting period.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Fitzharris	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) radio station 1RPH, radio for the print handicapped, has been providing a reading service for people with print disabilities for over 30 years;
 - (b) it has received annual funding from the Commonwealth, through the Community Broadcasting Foundation since 1983;

- (c) it has received funding from the ACT Government through Disability ACT;
 - (d) the new NDIS arrangements have resulted in funding from this source being discontinued from 1 July 2016; and
 - (e) this funding, representing some 25% of the total revenue for 1RPH will put significant pressure on its ability to deliver its service; and
- (2) calls on the ACT Government to:
- (a) work with 1RPH to identify alternative funding streams and business development opportunities in order to sustain its financial viability;
 - (b) write to the Federal Minister for Disability drawing this matter to his attention; and
 - (c) report back to the Assembly by the last day of the June sitting period.”—
- be agreed to—put and passed.

9 MULTICULTURAL COMMUNITIES—FUNDING AND SUPPORT

Mrs Jones, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the important contribution made to Canberra by people of different ethnicities, faiths and cultures;
 - (b) the need for Canberra to continue to be a culturally inclusive and a welcoming city, and to continue to support freedom of expression for Culturally and Linguistically Diverse (CALD) communities;
 - (c) non-partisan history of support for our multicultural community; and
 - (d) the need to support the CALD community to have full access to the benefits of our city;
- (2) calls on the Government to:
 - (a) assess the adequacy of the accommodation provided at the Theo Notaras building for multicultural groups;
 - (b) assess the funding levels and support available for groups serving the multicultural community, and the effectiveness of such funding in removing barriers to access equality of opportunity to CALD community members; and
 - (c) report back to the Assembly by the last sitting day in May; and
- (3) pledges on-going support for people of all ethnicities, faiths and cultures.

Debate ensued.

Question—put and passed.

10 TUGGERANONG—AMBIENT ODOUR ISSUES

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

- (1) notes that:

- (a) a significant number of Tuggeranong residents have reported a foul smell in December 2015 and January 2016;
 - (b) the Environment Protection Authority has been investigating the smell and as yet, has not been able to determine its cause;
 - (c) the smell is impacting on residents in Tuggeranong, including their enjoyment of outdoor spaces;
 - (d) the ACT Government is not communicating openly with Tuggeranong residents about the smell, and what the Government is doing to determine its cause; and
 - (e) one of the ACT Government's strategic and operational priorities in the 2015-2016 Budget was "expanding the Mugga Lane Resource Management Centre to ensure ongoing landfill capacity and continuing the bulky waste collection service"; and
- (2) calls on the ACT Government to:
- (a) immediately conduct a minimum of two field-based ambient odour intensity assessment surveys, one in February 2016 and one in March 2016, to observe downwind odour intensity and frequency in and around discrete receptor locations in Tuggeranong;
 - (b) process the data from each field-based ambient odour intensity assessment survey and tabulate statistical data comparing the frequency and intensity of odours observed at each survey location in Tuggeranong;
 - (c) communicate openly with Tuggeranong residents about the smell, and what the ACT Government is doing to determine its cause;
 - (d) address and stop the smell;
 - (e) take the appropriate action to ensure that the smell does not recur; and
 - (f) report back to the Assembly in March 2016 on progress.

Ms Fitzharris (Minister for Transport and Municipal Services) moved the following amendment: Omit all words after "notes that", substitute:

- "(a) a number of Tuggeranong residents have reported a foul smell in December 2015 and January 2016;
 - (b) the Environmental Protection Authority (EPA) has been investigating the smell and, as yet, has not been able to determine its cause;
 - (c) a number of possible sources are being investigated;
 - (d) investigations of this kind can be difficult in isolating the source of the odour due to the subjective nature of the matter and the periodic occurrence; and
 - (e) assistance from Tuggeranong residents in recording the times of any detected odours and their location is important in assisting the EPA in determining the source of the odour; and
- (2) calls on the Government to:
- (a) work with affected residents in isolating the source of the odour;

- (b) communicate with affected residents on the ongoing investigation and any outcomes; and
- (c) report back to the Assembly on progress in April 2016.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Ms Fitzharris	Mr Doszpot	Ms Lawder
Dr Bourke	Mr Gentleman	Mrs Dunne	Mr Smyth
Ms Burch	Ms Porter	Mr Hanson	Mr Wall
Mr Corbell	Mr Rattenbury	Mrs Jones	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) a number of Tuggeranong residents have reported a foul smell in December 2015 and January 2016;
 - (b) the Environmental Protection Authority (EPA) has been investigating the smell and, as yet, has not been able to determine its cause;
 - (c) a number of possible sources are being investigated;
 - (d) investigations of this kind can be difficult in isolating the source of the odour due to the subjective nature of the matter and the periodic occurrence; and
 - (e) assistance from Tuggeranong residents in recording the times of any detected odours and their location is important in assisting the EPA in determining the source of the odour; and
- (2) calls on the Government to:
 - (a) work with affected residents in isolating the source of the odour;
 - (b) communicate with affected residents on the ongoing investigation and any outcomes; and
 - (c) report back to the Assembly on progress in April 2016.”—

be agreed to—put and passed.

11 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 5.44 p.m., adjourned until tomorrow at 10 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

Tom Duncan
Clerk of the Legislative Assembly