



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014–2015

# MINUTES OF PROCEEDINGS

No. 90

**THURSDAY, 19 FEBRUARY 2015**

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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 **PETITION—MINISTERIAL RESPONSE**

The Clerk announced that the following response to an e-petition had been lodged:

Ms Burch (Minister for Education and Training), dated 18 February 2015—Response to petition No. 18-14, lodged by Ms Lawder on 25 November 2014, concerning ongoing funding of Auslan courses at CIT.

3 **UNIVERSITY OF CANBERRA AMENDMENT BILL 2015**

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *University of Canberra Act 1989*.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

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

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

4 **DANGEROUS SUBSTANCES (LOOSE-FILL ASBESTOS ERADICATION) LEGISLATION AMENDMENT BILL 2015**

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to amend legislation about loose-fill asbestos insulation, and for other purposes.



*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

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

Debate adjourned (Mr Hanson—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

## **5 COURTS LEGISLATION AMENDMENT BILL 2015**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about courts, and for other purposes.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

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

Debate adjourned (Mr Hanson—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

## **6 DOMESTIC ANIMALS (BREEDING) LEGISLATION AMENDMENT BILL 2015**

Mr Rattenbury (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend legislation about domestic animals, and for other purposes.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

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

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

## **7 ESTIMATES 2015-2016—SELECT COMMITTEE—ESTABLISHMENT**

Mr Smyth, pursuant to notice, moved—That:

- (1) a Select Committee on Estimates 2015-2016 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2015-2016, the Appropriation (Office of the Legislative Assembly) Bill 2015-2016 and any revenue estimates proposed by the Government in the 2015-2016 Budget and prepare a report to the Assembly;
- (2) in keeping with Continuing Resolution 8A, the committee be composed of:
  - (a) two Members to be nominated by the Government; and

- (b) three Members to be nominated by the Opposition;  
to be notified in writing to the Speaker by 4 pm today;
- (3) an Opposition Member shall be elected chair of the committee by the committee;
- (4) funds be provided by the Assembly to permit the engagement of external expertise to work with the committee to facilitate the analysis of the Budget and the preparation of the report of the committee;
- (5) the committee is to report by Tuesday, 4 August 2015;
- (6) if the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Barr (Treasurer) moved the following amendment: Omit subparagraph (2)(b), substitute:

- “(b) two Members to be nominated by the Opposition;  
to be notified in writing to the Speaker by 4pm today;”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That:

- (1) a Select Committee on Estimates 2015-2016 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2015-2016, the Appropriation (Office of the Legislative Assembly) Bill 2015-2016 and any revenue estimates proposed by the Government in the 2015-2016 Budget and prepare a report to the Assembly;
- (2) in keeping with Continuing Resolution 8A, the committee be composed of:
  - (a) two Members to be nominated by the Government; and
  - (b) two Members to be nominated by the Opposition;  
to be notified in writing to the Speaker by 4 pm today;
- (3) an Opposition Member shall be elected chair of the committee by the committee;
- (4) funds be provided by the Assembly to permit the engagement of external expertise to work with the committee to facilitate the analysis of the Budget and the preparation of the report of the committee;
- (5) the committee is to report by Tuesday, 4 August 2015;
- (6) if the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and

- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders—

be agreed to—put and passed.

## **8 EXECUTIVE BUSINESS—PRECEDENCE**

Ordered—That Executive business be called on forthwith.

## **9 ORDER OF AUSTRALIA HONOURS**

Mr Barr (Chief Minister), pursuant to notice, moved—That this Assembly:

- (1) notes that, since its establishment in 1975, the Order of Australia honours system has:
  - (a) appropriately recognised eminent Canberrans' volunteering, scientific, fund-raising, sporting and other contributions to their community;
  - (b) become widely respected as reflecting modern Australia's qualities of high achievement, inclusiveness and egalitarianism; and
  - (c) ensured a proper assessment process for the conferring of such recognition;
- (2) further notes that the imperial designation of Knights and Dames was abolished by Prime Minister Hawke in 1983 as an anachronism that did not properly reflect a modern, confident and diverse Australia, and that Prime Minister Abbott's resurrection of the awarding of Knights and Dames has:
  - (a) proven extremely divisive within the community;
  - (b) effectively devalued the awards previously conferred under the existing Australian honours system; and
  - (c) led to concerns that recipients have been selected without a full and proper assessment process;
- (3) opposes the perceived devaluation of Canberrans' Companion, Officer, Member and Medal Order of Australia awards by the resurrection of Knights and Dames as the most senior level of award;
- (4) reaffirms its recognition of those Canberrans who have been rightly honoured, on their merits, under the pre-existing Australian honours system; and
- (5) calls upon the Speaker to write to the Prime Minister to convey the Assembly's position on this matter, and recommend he abolish the award of Knight and Dame of the Order of Australia.

Debate ensued.

Question—put and passed.

## **10 ELECTORAL AMENDMENT BILL 2014 (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.

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.

**11 QUESTIONS**

Questions without notice were asked.

**12 LEAVE OF ABSENCE TO MEMBER**

Mr Smyth moved—That leave of absence be granted to Mr Wall for this sitting to enable him to attend a funeral.

Question—put and passed.

**13 PRESENTATION OF PAPERS**

Mr Barr (Chief Minister) presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

ACT Civil and Administrative Tribunal—Determination 4 of 2013, dated May 2013.

Full-time Statutory Office Holders—

Determination 3 of 2013, dated May 2013.

Disability and Community Services Commissioner—Amended Determination 3 of 2013, dated November 2014.

Head of Service, Directors-General and Executives—Determination 2 of 2013, dated May 2013.

Master of the Supreme Court—Determination 5 of 2013, dated May 2013.

Members of the ACT Legislative Assembly—Determination 1 of 2013, dated May 2013.

**14 PRESENTATION OF PAPER**

Mr Corbell (Minister for Health) presented the following paper:

Health Act, pursuant to subsection 19F(2)—Review of the ACT Local Hospital Network Council—Australian Capital Territory Government: Health Directorate, dated 1 August 2014, prepared by Nous Group.

**15 PRESENTATION OF PAPER**

Ms Burch (Manager of Government Business), pursuant to section 64, presented the following paper:

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Climate Change Council Membership) Appointment 2015 (No. 1)—Disallowable Instrument DI2015-25 (LR, 18 February 2015), together with its explanatory statement.

**16 PETITIONS OUT-OF-ORDER—PAPERS—STATEMENT BY MEMBER**

Ms Burch (Manager of Government Business) presented the following papers:

Petitions which do not conform with the standing orders—Mr Fluffy loose-fill asbestos issues—

Mr Smyth (1089 signatures).

Mr Smyth (1283 signatures).

Mr Smyth, by leave, made a statement in relation to the papers.

**17 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—URBAN RENEWAL**

The Assembly was informed that Dr Bourke, Mr Doszpot, Ms Fitzharris, Mr Hanson (Leader of the Opposition), Ms Porter and Mr Smyth had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Ms Porter be submitted to the Assembly, namely, “The importance of urban renewal to the cultural, economic and social identity of our city”.

Discussion ensued.

Discussion concluded.

**18 ELECTORAL AMENDMENT BILL 2014 (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.

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*Detail Stage*

Mr Corbell (Attorney-General) was granted leave to move amendments that had not been considered by the Scrutiny Committee.

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4—

Mr Rattenbury moved his amendment No. 1 (*see* Schedule 1).

Debate continued.

Amendment negatived.

Clause 4 agreed to.

*Proposed new clauses—*

Mr Rattenbury, by leave, moved his amendments Nos. 2 and 3 (*see* [Schedule 1](#)), which would insert new clauses 4A and 4B in the Bill.

Debate continued.

Amendments negatived.

Clause 5 agreed to.

Clause 6 debated.

Question—put.

The Assembly voted—

AYES, 14

Mr Barr	Ms Fitzharris
Ms Berry	Mr Gentleman
Ms Burch	Mr Hanson
Mr Coe	Mrs Jones
Mr Corbell	Ms Lawder
Mr Doszpot	Ms Porter
Mrs Dunne	Mr Smyth

NOES, 1

Mr Rattenbury

And so it was resolved in the affirmative.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8 debated and agreed to.

Clauses 9 to 13, by leave, taken together and agreed to.

Clause 14—

Mr Rattenbury moved his amendment No. 6 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

Clause 14 agreed to.

Clause 15 agreed to.

*Proposed new clause—*

Mr Rattenbury moved his amendment No. 7 (*see* [Schedule 1](#)), which would insert a new clause 15A in the Bill.

Debate continued.

Amendment negatived.

Clause 16 debated and agreed to.

Clause 17 debated and agreed to.

Clauses 18 and 19, by leave, taken together and agreed to.

Clause 20—

Debate continued.

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

*Papers:* Mr Corbell presented the following papers:

Supplementary explanatory statement to the Government amendments.

Revised explanatory statement to the Bill.

Clause 20, as amended, agreed to.

Clause 21—

Mr Rattenbury moved his amendment No. 11 (*see* [Schedule 1](#)), which would omit clause 21 and insert new clauses 21 and 21A to 21E in the Bill.

Debate continued.

Question—That the amendment be agreed to.

The Assembly voted—

AYES, 1

Mr Rattenbury

NOES, 14

Mr Barr

Ms Fitzharris

Ms Berry

Mr Gentleman

Ms Burch

Mr Hanson

Mr Coe

Mrs Jones

Mr Corbell

Ms Lawder

Mr Doszpot

Ms Porter

Mrs Dunne

Mr Smyth

And so it was negatived.

Clause 21 agreed to.

Clause 22—

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

Clause 22, as amended, agreed to.

Clause 23 debated and agreed to.

Clause 24 agreed to.

*Proposed new clause—*

Mr Rattenbury moved his amendment No. 13 (*see* [Schedule 1](#)), which would insert a new clause 24A in the bill.

Debate continued.

Amendment negatived.

Clause 25 to 28, by leave, taken together and agreed to.

Clause 29 debated and agreed to.

Clauses 30 and 31, by leave, taken together and agreed to.

Clause 32—

Mr Rattenbury moved his amendment No. 15 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

Clause 32 agreed to.

Clause 33 agreed to.

Clause 34 debated and agreed to.

Clauses 35 to 57, by leave, taken together and agreed to.

*Proposed new clauses—*

Mr Rattenbury moved his amendment No. 17 (*see* [Schedule 1](#)), which would insert new clauses 57A and 57B in the Bill.

Debate continued.

Amendment negatived.

*Proposed new clauses—*

Mr Rattenbury moved his amendment No. 18 (*see* [Schedule 1](#)), which would insert new clauses 57C and 57D in the Bill.

Debate continued.

Amendment negatived.

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

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

## **19 ESTIMATES 2015-2016—SELECT COMMITTEE—MEMBERSHIP**

The Deputy Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that the Speaker had been notified, in writing, of the nominations of Dr Bourke, Ms Fitzharris, Ms Lawder and Mr Smyth to be members of the Select Committee on Estimates 2015-2016.

Ms Burch (Manager of Government Business) moved—That the Members so nominated be appointed as members of the Select Committee on Estimates 2015-2016.

Question—put and passed.

## **20 ADJOURNMENT**

Ms Burch (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6:10 p.m., adjourned until Tuesday, 17 March 2015 at 10 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Mr Wall\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULES OF AMENDMENTS

## Schedule 1

### **ELECTORAL AMENDMENT BILL 2014 (NO. 2)**

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Amendment circulated by Mr Rattenbury

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**1**

**Clause 4**

**Page 2, line 9—**

*omit clause 4, substitute*

### **4 Offences against Act—application of Criminal Code etc Section 3A, note 1**

*omit*

- s 205A (Financial representatives to keep ACT election accounts)
- s 205B (Offence—loans to be repaid from ACT election accounts)
- s 205C (Financial representative to ensure electoral expenditure paid from ACT election account)

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**2**

**Proposed new clause 4A**

**Page 2, line 16—**

*insert*

### **4A Compulsory voting Section 129 (1), penalty**

*omit*

0.5 penalty units

*substitute*

1 penalty unit

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**3**

**Proposed new clause 4B**

**Page 2, line 16—**

*insert*

**4B**      **Default notice**  
**Section 161 (2)**

*omit*

\$20

*substitute*

\$40

**4**  
**Clause 6**  
**Page 3, line 5—**

*[oppose the clause]*

**5**  
**Clause 8**  
**Page 3, line 14—**

*[oppose the clause]*

**6**  
**Clause 14**  
**Proposed new section 205D (a)**  
**Page 4, line 24—**

*omit proposed new section 205D (a), substitute*

(a) for an election held in 2016—

(i) \$40 000 for a party grouping; or

(ii) \$60 000 for an expender mentioned in section 205G (1);  
or

**7**  
**Proposed new clause 15A**  
**Page 5, line 6—**

*insert*

**15A**      **Limit on electoral expenditure—party groupings**  
**Section 205F (2)**

*substitute*

(2) The electoral expenditure must not exceed the expenditure cap for the election multiplied by the lesser of—

(a) the number of candidates for the party for election; and

(b) 12.5.

8

**Clause 16****Page 5, line 7—***[oppose the clause]*

9

**Clause 17****Page 5, line 11—***[oppose the clause]*

10

**Clause 20****Page 6, line 1—***[oppose the clause]*

11

**Clause 21****Page 6, line 4—***omit clause 21, substitute***21 Section 205I (2)***substitute*

- (2) The receiver must not, in a financial year, receive for the purpose of electoral expenditure in relation to an election, 1 or more gifts from a person that total more than \$5 000.

**21A Section 205I (3)***omit*

deposited in the ACT election account

*substitute*

received

**21B Section 205I (4)***omit***21C Section 205I (5) and (6)***omit*

\$10 000

*substitute*

\$5 000

**21D Section 205I (9) (b) to (e)***substitute*

- (b) if the receiver is a non-party candidate grouping—the non-party grouping; or
- (c) for any other receiver—the receiver.

**21E Offence—give indirect gift to avoid statutory limit  
Section 205J (1) (c)***omit*

\$10 000

*substitute*

\$5 000

**12****Clause 23****Page 6, line 12—***[oppose the clause]***13****Proposed new clause 24A****Page 6, line 22—***insert***24A Payment to eligible parties for administrative expenditure  
New section 215C (2A)***insert*

- (2A) However, if 5 or more MLAs were members of the party in the quarter, the commissioner must pay the party 5 times the quarterly entitlement.

**14****Clause 29****Page 7, line 19—***[oppose the clause]***15****Clause 32****Proposed new section 216A (4) (ba)****Page 8, line 26—***insert*

- (ba) for all elections—if the gift is an amount of \$1 000 or more and is received in the 7-day period before the election—24 hours after the time the gift is received; or

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 16

**Clause 34**
**Page 9, line 19—**

*[oppose the clause]*

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 17

**Proposed new clauses 57A and 57B**
**Page 16, line 10—**

*insert*

**57A Section 303 heading**

*substitute*

**303 Canvassing within 250m of polling places**
**57B Section 303 (7), definition of *defined polling area***

*omit*

100m

*substitute*

250m

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 18

**Proposed new clauses 57C and 57D**
**Page 16, line 10—**

*insert*

**57C Form of ballot paper  
Schedule 1**

*omit*

**Number [1] boxes from 1 to [1] in the order of your choice**

Then you may show as many further preferences as you wish by writing numbers from [3] onwards in other boxes.

*substitute*

**Write numbers from 1 onwards, up to as many numbers as you wish.**

Use numbers only and use each number only once.

**57D Schedule 1**

*omit*

**Remember, number at least [1] boxes from 1 to [1] in the order of your choice.**

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## **Schedule 2**

### **ELECTORAL AMENDMENT BILL 2014 (NO. 2)**

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Amendments circulated by the Attorney-General

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**1**

#### **Clause 20**

**Proposed new division 14.2C heading**

**Page 6, line 3—**

*omit the heading, substitute*

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### **Division 14.2C      Limit on spending—payments from related party**

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**2**

#### **Clause 22**

**Page 6, line 6—**

*omit clause 22, substitute*

### **22      Section 205K**

*substitute*

#### **205K      Limit on spending—payments from related party**

- (1) This section applies to a payment or payments received by a party from a related political party (other than a payment or payments made to the party under this Act, or a corresponding Act of the Commonwealth, a State or another Territory).
  - (2) The party must not, in a financial year, spend more than \$10 000 of the payment or payments on electoral expenditure in relation to an election.  
*Note      Election—see the dictionary.*
  - (3) If the party contravenes subsection (2), an amount equal to twice the amount by which the spending exceeds \$10 000 is payable to the Territory.
  - (4) However, if the party returns the amount by which the spending exceeds \$10 000 within 30 days after the amount is spent, no amount is payable to the Territory.
-