



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2012–2013–2014

MINUTES OF PROCEEDINGS

No. 75

WEDNESDAY, 22 OCTOBER 2014

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 CANBERRA'S MULTICULTURAL COMMUNITIES

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

- (1) notes the diversity of Canberra's multicultural community which according to the Australian Bureau of Statistics data from the 2011 Census has:
 - (a) 101 965 residents born overseas;
 - (b) 50 or more different nationalities represented, including over 6000 Chinese, over 5000 Indian and almost 3000 Vietnamese;
 - (c) 30 or more language groups represented;
 - (d) 30 or more religions represented; and
 - (e) Over 7000 Muslims residing here; and
- (2) calls on the Government to promote better understanding amongst diverse ethnic communities and amongst various faiths and to do all we can to promote harmony.

Dr Bourke moved the following amendment: Omit paragraph (1)(b), substitute:

- “(b) 50 or more countries of birth represented, including over 13 000 from England, 6000 from China, 5000 from India, 4000 from New Zealand and almost 3000 from Vietnam;”.

Debate continued.

Amendment agreed to.



Ms Burch (Minister for Multicultural Affairs), by leave, moved the following amendment to the motion, as amended: Insert new paragraph (1)(f):

- “(f) notes the ongoing commitment of the ACT Government to support Canberra’s multicultural community, including through:
 - (i) support for multicultural events in the ACT community, such as Diwali, Ramadan, the Multicultural Festival, multicultural grants funding, the Multicultural Youth Centre, Multicultural Awards, and the recent release of the *Capital Culture* Discussion Paper on enhancing our city’s multicultural way of life;
 - (ii) the recent hosting of two breakfast forums for Canberra’s Muslim and Interfaith community leaders on 18 and 24 September; and
 - (iii) the upcoming Multicultural and Interfaith Symposium, to be held in the Assembly on 30 October 2014; and”.

Amendment agreed to.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the diversity of Canberra’s multicultural community which according to the Australian Bureau of Statistics data from the 2011 Census has:
 - (a) 101 965 residents born overseas;
 - (b) 50 or more countries of birth represented, including over 13 000 from England, 6000 from China, 5000 from India, 4000 from New Zealand and almost 3000 from Vietnam;
 - (c) 30 or more language groups represented;
 - (d) 30 or more religions represented;
 - (e) Over 7000 Muslims residing here; and
 - (f) notes the ongoing commitment of the ACT Government to support Canberra’s multicultural community, including through:
 - (i) support for multicultural events in the ACT community, such as Diwali, Ramadan, the Multicultural Festival, multicultural grants funding, the Multicultural Youth Centre, Multicultural Awards, and the recent release of the *Capital Culture* Discussion Paper on enhancing our city’s multicultural way of life;
 - (ii) the recent hosting of two breakfast forums for Canberra’s Muslim and Interfaith community leaders on 18 and 24 September; and
 - (iii) the upcoming Multicultural and Interfaith Symposium, to be held in the Assembly on 30 October 2014; and
- (2) calls on the Government to promote better understanding amongst diverse ethnic communities and amongst various faiths and to do all we can to promote harmony.”—

be agreed to—put and passed.

3 CANBERRA'S OECD RANKING

Dr Bourke, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) the ACT has been ranked number one in the Organisation for Economic Co-operation and Development's *Regional Well-Being Report 2014*;
 - (b) this ranking follows the Property Council's 2014 survey which ranked Canberra as Australia's most liveable city; and
 - (c) these surveys are an important indicator of our city's well-being on not only economic indicators like income and economic opportunities, but they also highlight the quality of life and civic engagement our community enjoys and has come to expect;
- (2) further notes that:
 - (a) these rankings which analyse our scores in health, education, jobs, income, environment, safety and housing reveal the investment and hard choices made by successive ACT Governments to create a world class city and society; and
 - (b) these rankings enhance our reputation and contribute to our economic development and continuing diversification of our economy by providing tangible measurement of the attractiveness of our city as a place to invest, work, study and visit; and
- (3) calls on the ACT Government to continue its strong and balanced approach to investing in our people, our services and our economy.

Mr Hanson (Leader of the Opposition) moved the following amendment: In paragraph (3), omit "continue its", substitute "adopt a".

Debate continued.

Question—That Mr Hanson's amendment be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mr Coe	Mrs Jones	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury

And so it was negatived.

Question—That the motion be agreed to—put and passed.

4 QUESTIONS

Questions without notice were asked.

5 CARERS WEEK

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

- (1) notes:
 - (a) that 12-18 October 2014 was Carers Week;

- (b) Carers Week is about recognising and celebrating the outstanding contribution unpaid carers make to our community;
 - (c) over 43 000 people in the ACT provide unpaid care and support to family members and friends who have a disability, mental illness, chronic condition, terminal illness, drug and alcohol issues or who are frail aged;
 - (d) carers come from all walks of life, all cultures and all religions;
 - (e) caring can be very demanding and often restricts the lives of individual carers and their families; and
 - (f) Carers Week is an opportunity to educate and raise awareness among all Australians about the diversity of carers and their caring roles;
- (2) acknowledges the commitment given by carers in the ACT; and
 - (3) acknowledges the work of community organisations who assist carers in their valuable role.

Debate ensued.

Question—put and passed.

6 EARLY INTERVENTION AND THERAPY SERVICES

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

- (1) notes:
 - (a) that the ACT Government will withdraw from providing early intervention and therapy services for pre-preschool age children from the end of the 2014 school year;
 - (b) the Minister for Disability committed to providing a report to the Assembly in the first sitting week of Term 4, 2014 with an update of the readiness of early intervention non-government service providers to commence in the 2015 school year as a result of a motion moved in the Assembly on 4 June 2014; and
 - (c) that the subsequent report provided by the Minister is wholly insufficient and fails to provide any assurances to families who will be seeking early intervention services at the commencement of the 2015 school year; and
- (2) calls on the Minister to provide the Assembly by the end of the next sitting week, a factual and detailed response as to how many providers have been registered and are equipped to provide early intervention and therapy services at the beginning of the 2015 school year, as well as the details of how many places will be available in these programs in total.

Ms Burch (Minister for Disability) moved the following amendment:

Omit all words after “notes”, substitute:

- “(a) that the ACT Government will commence the transfer of early intervention and therapy services for pre-preschool age children to new providers from the end of the 2014 school year;
- (b) the Minister for Disability committed to report to the Assembly in the first sitting week of Term 4, 2014 with an update on the readiness of early intervention non-government service providers to commence in the 2015 school year, as a result of a motion moved in the Assembly on 4 June 2014;

- (c) that subsequently, the National Disability Insurance Agency (NDIA) conducted a tender process for delivery of early intervention services to ensure coverage of all children who would otherwise have been eligible to access services through the Education and Training Directorate, and that this process will be finalised in the near future; and
 - (d) that the Education and Training Directorate will host a ‘Meet the Provider’ information session on 17 November 2014 at the Hedley Beare Centre for Teaching and Learning to allow families to meet with the successful providers following the (NDIA) tender process; and
- (2) calls on the Minister for Disability, consistent with her statement to the Assembly on 21 October, to update the Assembly on the results of the NDIA tender on early intervention services as soon as they become available and to ensure that this includes details of the number of providers registered and details of the services that will be available, to be provided to Members out of session if necessary.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) that the ACT Government will commence the transfer of early intervention and therapy services for pre-preschool age children to new providers from the end of the 2014 school year;
 - (b) the Minister for Disability committed to report to the Assembly in the first sitting week of Term 4, 2014 with an update on the readiness of early intervention non-government service providers to commence in the 2015 school year, as a result of a motion moved in the Assembly on 4 June 2014;
 - (c) that subsequently, the National Disability Insurance Agency (NDIA) conducted a tender process for delivery of early intervention services to ensure coverage of all children who would otherwise have been eligible to access services through the Education and Training Directorate, and that this process will be finalised in the near future; and
 - (d) that the Education and Training Directorate will host a ‘Meet the Provider’ information session on 17 November 2014 at the Hedley Beare Centre for Teaching and Learning to allow families to meet with the successful providers following the (NDIA) tender process; and
- (2) calls on the Minister for Disability, consistent with her statement to the Assembly on 21 October, to update the Assembly on the results of the NDIA tender on early intervention services as soon as they become available and to ensure that this includes details of the number of providers registered and details of the services that will be available, to be provided to Members out of session if necessary.”—

be agreed to—put and passed.

7 MARRIAGE EQUALITY

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

- (1) notes:
 - (a) that today marks one year since the Marriage Equality Bill 2013 was passed by this Assembly;
 - (b) the ACT was the first jurisdiction to pass legislation enabling recognition of same-sex marriage in Australia;
 - (c) that marriage equality exists in 17 countries including New Zealand along with 30 states of the USA and several cities and provinces of Mexico;
 - (d) that recent polling shows up to 72% of Australians support marriage equality; and
 - (e) in the last federal census it was revealed that the ACT has the highest proportion of same-sex couples of any jurisdiction in Australia; and
- (2) calls on the ACT Government to:
 - (a) continue to voice its support for changes to the Federal Marriage Act and advocate for changes to the *Marriage Act 1961*;
 - (b) continue to provide support services for lesbian, gay, bisexual, transgender, intersex and questioning (LGBTIQ) people, in particular LGBTIQ youth; and
 - (c) congratulate LGBTIQ activists who work tirelessly to campaign for the rights of the LGBTIQ community.

Mr Hanson (Leader of the Opposition), by leave, moved the following amendments together:

- (1) Insert new paragraphs (1)(f) and (g):
 - “(f) that the High Court ruled that marriage is legally and constitutionally a Federal matter and cannot be legislated by the ACT; and
 - (g) the ACT Government’s support for changes to the Federal Marriage Act and its advocacy for changes in the *Marriage Act 1961*; and”.
- (2) Omit paragraph (2)(a).

Question—That Mr Hanson’s amendments be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mrs Dunne	Mr Smyth	Ms Berry	Mr Gentleman
Mr Hanson	Mr Wall	Dr Bourke	Ms Porter
Mrs Jones		Ms Burch	Mr Rattenbury

And so it was negatived.

Mr Rattenbury moved the following amendment: Insert new paragraphs (1)(f) and (g):

- “(f) the Federal Government challenged the *Marriage Equality (Same Sex) Act 2013* in the High Court; and

- (g) the High Court ruled the ACT Act was inoperative because the Federal Marriage Act is an exhaustive statement on marriage and provides that a marriage can only be between a man and a woman; and”.

Debate continued.

Question—That Mr Rattenbury’s amendment be agreed—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) that today marks one year since the Marriage Equality Bill 2013 was passed by this Assembly;
 - (b) the ACT was the first jurisdiction to pass legislation enabling recognition of same-sex marriage in Australia;
 - (c) that marriage equality exists in 17 countries including New Zealand along with 30 states of the USA and several cities and provinces of Mexico;
 - (d) that recent polling shows up to 72% of Australians support marriage equality;
 - (e) in the last federal census it was revealed that the ACT has the highest proportion of same-sex couples of any jurisdiction in Australia;
 - (f) the Federal Government challenged the *Marriage Equality (Same Sex) Act 2013* in the High Court; and
 - (g) the High Court ruled the ACT Act was inoperative because the Federal Marriage Act is an exhaustive statement on marriage and provides that a marriage can only be between a man and a woman; and
- (2) calls on the ACT Government to:
 - (a) continue to voice its support for changes to the Federal Marriage Act and advocate for changes to the *Marriage Act 1961*;
 - (b) continue to provide support services for lesbian, gay, bisexual, transgender, intersex and questioning (LGBTIQ) people, in particular LGBTIQ youth; and
 - (c) congratulate LGBTIQ activists who work tirelessly to campaign for the rights of the LGBTIQ community.”—

be agreed to—put and passed.

8 ARTS POLICY FRAMEWORK—PROPOSED REVIEW

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

- (1) notes the Minister for Arts, Joy Burch’s failures in developing the Territory’s arts sector which includes:
 - (a) giving \$19 000 of taxpayer money in the 2015 Arts ACT Project Funding round to a theatre production called *Kill Climate Deniers*;
 - (b) consenting to a Fringe Festival act, which included a performer in a Nazi uniform and wearing a Hitler moustache, who stripped down to her underwear;

- (c) removal of ArtSound FM from Key Arts Organisation status;
 - (d) failure to commit to Stage 2 of the Belconnen Arts Centre;
 - (e) failure to fully deliver on the ACT Arts Policy Framework; and
 - (f) failure to adequately consult with the ACT arts community;
- (2) expresses strong concerns regarding this Minister's judgement and professionalism; and
- (3) calls on the Minister to table in the Assembly by the last sitting day in February 2015, the Government's:
- (a) proposed review of its Arts Policy Framework, including a detailed plan on stakeholder consultations, funding and implementation; and
 - (b) strategy for the delivery of its Arts Policy Framework to date, including a detailed plan on stakeholder consultations, funding and implementation.

Mr Smyth addressing the Assembly—

Adjournment negatived: It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Ms Burch (Minister for the Arts) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr Smyth continued.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mrs Dunne	Mr Smyth	Ms Berry	Mr Gentleman
Mr Hanson	Mr Wall	Dr Bourke	Ms Porter
Mrs Jones		Ms Burch	Mr Rattenbury

And so it was negatived.

9 ADJOURNMENT

Mr Gentleman (Minister for Planning) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.56 p.m., adjourned until tomorrow at 10 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly