



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2012–2013–2014**

**MINUTES OF PROCEEDINGS**

**No. 82**

**THURSDAY, 27 NOVEMBER 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 PETITION**

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Gentleman, from 523 residents, requesting that the Assembly put on hold and fully re-evaluate the proposal to construct a one-way connection of Parkes Way to Allara Street (Pet 19-14).

**3 EARLY CHILDHOOD EDUCATION—FUTURE OF THE NATIONAL PARTNERSHIP AGREEMENT ON UNIVERSAL ACCESS—STATEMENT BY MINISTER—PAPER—PAPER NOTED**

Ms Burch (Minister for Education and Training), by leave, made a statement concerning the future of the National Partnership Agreement on Universal Access to Early Childhood Education, pursuant to the resolution of the Assembly of 13 August 2014.

Ms Burch presented the following paper:

Early Childhood Education—Future of the National Partnership Agreement on Universal Access—Statement by leave, dated November 2014—

and moved—That the Assembly takes note of the paper.

Question—put and passed.



**4 PUBLIC SECTOR BILL 2014**

Ms Gallagher (Chief Minister), pursuant to notice, presented a Bill for an Act about the values, principles, accountability and administration of the public sector.

*Papers:* Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

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

Title read by Clerk.

Ms Gallagher 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 ANNUAL REPORTS (GOVERNMENT AGENCIES) AMENDMENT BILL 2014**

Ms Gallagher (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Annual Reports (Government Agencies) Act 2004*, and for other purposes.

*Papers:* Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

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

Title read by Clerk.

Ms Gallagher 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 JUDICIAL COMMISSIONS AMENDMENT BILL 2014**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Judicial Commissions Act 1994*, 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.

**7 CRIMES LEGISLATION AMENDMENT BILL 2014**

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

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

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Electoral Act 1992*.

*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.

## **9 PUBLIC POOLS BILL 2014**

Mr Rattenbury (Minister for Sport and Recreation), pursuant to notice, presented a Bill for an Act relating to public pools, 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 Doszpot) and the resumption of the debate made an order of the day for the next sitting.

## **10 PLANNING AND DEVELOPMENT (CAPITAL METRO) LEGISLATION AMENDMENT BILL 2014**

Mr Gentleman (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend legislation about planning and development, and for other purposes.

*Papers:* Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

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

Title read by Clerk.

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

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

## **11 SITTING PATTERN 2014—AMENDMENT TO RESOLUTION**

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That:

- (1) the resolution of the Assembly of 28 November 2013 be amended by inserting “December 4”; and

- (2) the sitting scheduled for 4 December 2014 commence at 9 a.m. and debate on the matters listed below conclude at 12.30 p.m. and on that day the Assembly will consider the Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015 and the report from the Standing Committee on Public Accounts on its inquiry on the bill.

Question—put and passed.

## 12 SITTING PATTERN 2015

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2015:

<b>February</b>	10	11	12
	17	18	19
<b>March</b>	17	18	19
	24	25	26
<b>May</b>	5	6	7
	12	13	14
<b>June</b>	2	3	4
<b>August</b>	4	5	6
	11	12	13
<b>September</b>	15	16	17
	22	23	24
<b>October</b>	27	28	29
<b>November</b>	17	18	19

Question—put and passed.

## 13 EXECUTIVE MEMBERS' BUSINESS—PRECEDENCE

Ordered—That Executive Members' business be called on forthwith.

## 14 ABC AND SBS—FUNDING CUTS

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

- (1) notes that the Federal Coalition Government has announced extensive funding cuts to Australia's public broadcasters SBS and ABC, and:
- the changes will cut more than \$50 million from SBS and more than \$250 million from the ABC over the next five years;
  - the ABC has announced that about 10 percent of its staff—more than 400 people—are set to lose their jobs due to the cuts; and
  - SBS is expected to increase the amount of advertising it shows to try and recover some of the lost funding;

- (2) notes that the cuts to public broadcasting will have significant detrimental effects in the ACT, including:
  - (a) the loss of local employment, including an expected loss of eight staff at the local ABC;
  - (b) a reduction in the resourcing for local reporting, political scrutiny, and the production of other local content that is important to Canberra residents; and
  - (c) the loss of valuable local programs such as *7:30 ACT*, and a possible reduction of women's sports broadcasting which feature ACT sporting teams;
- (3) opposes the Federal Coalition Government's cuts to ABC and SBS; and
- (4) calls on the Speaker to write to the Prime Minister and Federal Minister for Communications expressing this Assembly's opposition to cuts to the ABC and SBS and requesting that the cuts be reversed.

Mr Hanson (Leader of the Opposition) moved the following amendment: Omit all words after "That this Assembly", substitute:

- "(1) notes:
- (a) the high quality and important function of local ABC news content in the ACT;
  - (b) the ABC is a Federal Government, not an ACT Government, responsibility;
  - (c) the state of the Federal Budget inherited from the previous Federal Labour Government;
  - (d) Mr Rattenbury's repeated support of efficiency dividends in the ACT Budget;
  - (e) that 4.6 percent efficiencies applied over five years to the ABC are consistent or lower than efficiencies applied by Federal and ACT Labor Governments to numerous public institutions and departments, including health and education;
  - (f) that the Federal Minister for Communications asked the Department of Communications to undertake an efficiency study to identify savings that could be made by improving efficiencies in the back of house departments of the ABC;
  - (g) that the subsequent Lewis Efficiency Study found all of the savings required can be found within operational efficiencies that could be made without reducing the resources available for programming;
  - (h) that ABC management has instead cut ABC programming; and
  - (i) Federal Opposition Leader, Bill Shorten, has refused to commit to reinstate the funding reduction to the ABC; and
- (2) expresses its disappointment that ABC management has cut programming, including *7.30 ACT*, as opposed to other efficiencies as outlined in the Lewis Efficiency Study."

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Ms Lawder	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
Mrs Jones		Mr Corbell	

And so it was negatived.

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

## 15 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence be granted to all Members for the period 5 December 2014 to 9 February 2015.

Question—put and passed.

## 16 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

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

## 17 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

## 18 FOOD AMENDMENT BILL 2014

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.

*Paper:* Ms Gallagher (Minister for Health) presented a revised explanatory statement to the Bill.

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 Gallagher, pursuant to standing order 182A(c), by leave, her amendments Nos. 1 to 3 (*see* [Schedule 1](#)) were made together, after debate.

*Paper:* Ms Gallagher 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.

**19 QUESTIONS**

Questions without notice were asked.

**20 SINGLE CONSERVATION AGENCY—ESTABLISHMENT—PAPER AND STATEMENT BY MINISTER**

Ms Gallagher (Chief Minister) presented the following paper:

Single conservation agency—Establishment, pursuant to the resolution of the Assembly of 13 August 2014—

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

**21 PRESENTATION OF PAPERS**

Ms Gallagher (Chief Minister) presented the following papers:

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

ACT Magistrates Court Judicial Positions—Determination No. 9 of 2014, dated November 2014.

ACT Supreme Court Judicial Positions—Determination No. 8 of 2014, dated November 2014.

Director of Public Prosecutions—Determination No. 10 of 2014, dated November 2014.

Part-time Public Office Holders—Determination No. 11 of 2014, dated November 2014.

**22 PRESENTATION OF PAPERS**

Ms Gallagher (Minister for Health) presented the following papers:

The Canberra Hospital—Adult Mental Health Unit—Measures being pursued by ACT Health to enhance mental health services across the ACT, dated November 2014, pursuant to the resolution of the Assembly of 17 September 2014.

Australian Health Practitioner Regulation Agency—Annual Report 2013/14—Regulating health practitioners—Managing risk to the public.

Gene Technology Act—Operations of the Gene Technology Regulator, pursuant to—  
Subsection 136(2)—Annual report 2013-14, dated 19 September 2014.

Subsection 136A(3)—Quarterly report—1 April to 30 June 2014, dated 17 September 2014.

**23 BUDGET 2014-2015—FINANCIAL MANAGEMENT ACT—APPROPRIATION (LOOSE-FILL ASBESTOS INSULATION ERADICATION) BILL 2014-2015—REVISED SUPPLEMENTARY BUDGET PAPERS—PAPER AND STATEMENT BY MINISTER**

Mr Barr (Treasurer) presented the following paper:

Budget 2014-2015—Financial Management Act, pursuant to section 13—Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015—Supplementary Budget Papers—Revised, dated November 2014—

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

**24 ESTIMATES 2014-2015—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2014-2015 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2014-2015—GOVERNMENT RESPONSE TO RECOMMENDATION 123**

Mr Barr (Minister for Economic Development) presented the following paper:

*Estimates 2014-2015—Select Committee—Report—Appropriation Bill 2014-2015 and Appropriation (Office of the Legislative Assembly) Bill 2014-2015—Government response to recommendation 123—Provide a report to the Legislative Assembly for the end of 2014 on progress on addressing issues in relation to the Parkwood Road Recycling Estate, dated November 2014.*

**25 PRESENTATION OF PAPER**

Mr Barr (Minister for Housing) presented the following paper:

*Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Community Services Directorate—Corrigendum.*

**26 AMENDMENTS TO THE ELECTORAL ACT 1992—SELECT COMMITTEE—REPORT—VOTING MATTERS—GOVERNMENT RESPONSE—PAPER NOTED**

Mr Corbell (Attorney-General) presented the following paper:

*Amendments to the Electoral Act 1992—Select Committee—Report—Voting Matters—Government response—*

and moved—That the Assembly takes note of the paper.

Question—put and passed.

**27 PRESENTATION OF PAPERS**

Mr Corbell (Attorney-General) presented the following papers:

*Electoral Act, pursuant to subsection 10A(2)—ACT Electoral Commission Report to the ACT Legislative Assembly—Proposed changes to the Electoral Act 1992: Response to the Voting Matters report and further campaign finance reform issues: 2014—Government response.*

*Property Crime Reduction Strategy 2012-2015—Canberra: a safer place to live—Progress report 2013-2014.*

**28 PRESENTATION OF PAPER**

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

*Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2013-14.*

**29 ABORIGINAL AND TORRES STRAIT ISLANDER EDUCATION—ANNUAL REPORT 2013-2014—STATEMENT BY MINISTER**

Ms Burch (Minister for Education and Training) presented the following paper:

*Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2013-14—*

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

**30 GAMING MACHINE ACT—COMMUNITY CONTRIBUTIONS MADE BY GAMING MACHINE LICENSEES—REPORT BY THE ACT GAMBLING AND RACING COMMISSION—PAPER AND STATEMENT BY MINISTER**

Ms Burch (Minister for Racing and Gaming) presented the following paper:

Gaming Machine Act, pursuant to section 168—Community contributions made by Gaming Machine Licensees—Report by the ACT Gambling and Racing Commission—1 July 2013 to 30 June 2014, dated 21 October 2014—

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

**31 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—INFRASTRUCTURE PROGRAM**

The Assembly was informed that Ms Berry, Dr Bourke, Mr Doszpot, Mr Hanson (Leader of the Opposition), Mrs Jones, 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 having a strong infrastructure program in the ACT”.

Discussion ensued.

Discussion concluded.

**32 CRIMES (SENTENCING) AMENDMENT BILL 2014**

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.

---

*Justice and Community Safety—Standing Committee—Proposed reference—Crimes (Sentencing) Amendment Bill 2014:* Mr Wall, pursuant to standing order 174, moved—That the Crimes (Sentencing) Amendment Bill 2014 be referred to the Standing Committee on Justice and Community Safety to be incorporated into their inquiry into Sentencing in the ACT.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Ms Lawder	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
Mrs Jones		Mr Corbell	

And so it was negatived.

---

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	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.

Leave granted to dispense with the detail stage.

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

### 33 NATURE CONSERVATION BILL 2014

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*

Mr Corbell (Minister for the Environment), was granted leave, pursuant to standing orders 182A(b) and (c), to move amendments.

Clause 1 agreed to.

Clause 2—

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

Clause 2, as amended, agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6—

On the motion of Mr Rattenbury, his amendment No. 1 (*see* [Schedule 3](#)) was made.

Clause 6, as amended, agreed to.

Clauses 7 to 25, by leave, taken together and agreed to.

Clause 26—

On the motion of Ms Lawder, her amendment No. 1 (*see* [Schedule 4](#)) was made.

Clause 26, as amended, agreed to.

Clauses 27 and 28, by leave, taken together and agreed to.

Clause 29—

On the motion of Ms Lawder, her amendment No. 2 (*see* [Schedule 4](#)) was made, after debate.

Clause 29, as amended, agreed to.

Clauses 30 to 32, by leave, taken together and agreed to.

*New clause—*

On the motion of Mr Rattenbury, new clause 32A (his amendment No. 2—*see* [Schedule 3](#)) was inserted in the Bill.

Clauses 33 to 57, by leave, taken together and agreed to.

*Clause 58—*

On the motion of Mr Rattenbury his amendment No. 3 (*see* [Schedule 3](#)) was made.

On the motion of Ms Lawder, her amendment No. 3 (*see* [Schedule 4](#)) was made.

On the motion of Mr Rattenbury his amendment No. 4 (*see* [Schedule 3](#)) was made.

On the motion of Mr Rattenbury his amendment No. 5 (*see* [Schedule 3](#)) was made.

Clause 58, as amended, agreed to.

*New clause—*

On the motion of Mr Rattenbury, new clause 58A (his amendment No. 6—*see* [Schedule 3](#)) was inserted in the Bill, after debate.

Clauses 59 to 105, by leave, taken together and agreed to.

*Clause 106—*

On the motion of Mr Rattenbury, his amendment No. 7 (*see* [Schedule 3](#)) was made.

Clause 106, as amended, agreed to.

Clauses 107 to 125, by leave, taken together and agreed to.

*Clause 126—*

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

Clause 126, as amended, agreed to.

Clauses 127 and 128, by leave, taken together and agreed to.

*Clause 129—*

On the motion of Ms Lawder, her amendment No. 6 (*see* [Schedule 4](#)) was made.

On the motion of Mr Rattenbury, his amendment No. 8 (*see* [Schedule 3](#)) was made.

Clause 129, as amended, agreed to.

Clauses 130 to 135, by leave, taken together and agreed to.

*Clause 136—*

On the motion of Mr Corbell, his amendment No. 4 (*see* [Schedule 2](#)) was made.

Clause 136, as amended, agreed to.

Clause 137 agreed to.

*Clause 138—*

On the motion of Mr Corbell, his amendment No. 5 (*see* [Schedule 2](#)) was made.

Clause 138, as amended, agreed to.

Clause 139 agreed to.

Clause 140—

On the motion of Mr Corbell, his amendment No. 6 (*see* [Schedule 2](#)) was made.

Clause 140, as amended, agreed to.

Clauses 141 to 143, by leave, taken together and agreed to.

Clause 144—

On the motion of Mr Corbell, his amendment No. 7 (*see* [Schedule 2](#)) was made.

Clause 144, as amended, agreed to.

Clauses 145 to 186, by leave, taken together and agreed to.

Clause 187—

On the motion of Ms Lawder, her amendment No. 7 (*see* [Schedule 4](#)) was made.

Clause 187, as amended, agreed to.

Clauses 188 to 227, by leave, taken together and agreed to.

Clause 228—

On the motion of Mr Corbell, his amendment No. 8 (*see* [Schedule 2](#)) was made.

Clause 228, as amended, agreed to.

Clauses 229 to 235, by leave, taken together and agreed to.

Clause 236—

On the motion of Ms Lawder, her amendment No. 8 (*see* [Schedule 4](#)) was made.

Clause 236, as amended, agreed to.

Clauses 237 to 244, by leave, taken together and agreed to.

Clause 245—

On the motion of Ms Lawder, her amendment No. 9 (*see* [Schedule 4](#)) was made.

Clause 245, as amended, agreed to.

Clauses 246 to 258, by leave, taken together and agreed to.

Clause 259—

On the motion of Mr Corbell, his amendment No. 9 (*see* [Schedule 2](#)) was made.

Clause 259, as amended, agreed to.

Clauses 260 to 312, by leave, taken together and agreed to.

*New clauses—*

On the motion of Mr Corbell, new clauses 312A to 312D (new Chapter 12A) (his amendment No. 10—*see* [Schedule 2](#)) was inserted in the Bill.

Clause 313—

On the motion of Mr Corbell, his amendment No. 11 (*see* [Schedule 2](#)) was made.

Clause 313, as amended, agreed to.

Clauses 314 to 325, by leave, taken together and agreed to.

Clause 326—

On the motion of Mr Corbell, his amendment No. 12 (*see* [Schedule 2](#)) was made.

Clause 326, as amended, agreed to.

Clause 327 agreed to.

Clause 328—

On the motion of Mr Corbell, his amendment No. 13 (*see* [Schedule 2](#)) was made.

Clause 328, as amended, agreed to.

Clauses 329 to 364, by leave, taken together and agreed to.

*New clause—*

On the motion of Mr Rattenbury, new clause 364A (his amendment No. 9—*see* [Schedule 3](#)) was inserted in the Bill.

Clauses 365 to 400, by leave, taken together and agreed to.

Clause 401—

On the motion of Mr Rattenbury, his amendment No. 10 (*see* [Schedule 3](#)) was made.

Clause 401, as amended, agreed to.

Clauses 402 to 415, by leave, taken together and agreed to.

Schedule 1 agreed to.

Schedule 2—

Amendments 2.1 to 2.7, by leave, taken together and agreed to.

On the motion of Mr Corbell, his amendment No. 14 (*see* [Schedule 2](#)) was made.

Remainder of Bill, by leave, taken as a whole—

On the motion of Mr Corbell, by leave, his amendments Nos. 15 to 24 (*see* [Schedule 2](#)) were made together.

*Paper:* Mr Corbell presented a supplementary explanatory statement to the Government amendments.

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

---

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

### **34 UTILITIES (TECHNICAL REGULATION) BILL 2014**

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.

Mr Rattenbury addressing the Assembly—

---

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

Mr Corbell (Minister for the Environment) requiring the question to be put forthwith without debate—

Question—put and negatived.

---

Debate continued.

*Paper:* Mr Corbell (Minister for the Environment) presented a revised explanatory statement to the Bill.

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 Corbell (Minister for the Environment), pursuant to standing order 182A(b), by leave, his amendments Nos. 1 to 22 (*see* Schedule 5) were made together, after debate.

*Paper:* Mr Corbell 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.

### **35 RAY BLUNDELL—RETIREMENT—STATEMENT BY SPEAKER**

The Speaker made a statement concerning the retirement of the Office of the Legislative Assembly's Technical Officer, Ray Blundell.

### **36 ADJOURNMENT**

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 7.07 p.m., adjourned until Thursday, 4 December 2014 at 9 a.m., in accordance with the resolution agreed to earlier this day.

---

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

---

**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULES OF AMENDMENTS

## Schedule 1

### FOOD AMENDMENT BILL 2014

---

Amendments circulated by the Minister for Health

---

1

#### Clause 6

#### Proposed new section 7A (2) (a)

Page 4, line 5—

*omit proposed new section 7A (2) (a), substitute*

(a) prescribed by regulation; or

---

2

#### Clause 6

#### Proposed new section 7A (2A)

Page 4, line 8—

*insert*

(2A) The Executive may make a regulation for subsection (2) (a) if the Executive considers it necessary for the protection of public health or otherwise appropriate.

---

3

#### Clause 6

#### Proposed new section 7A (4) and note

Page 4, line 21—

*omit proposed new section 7A (4) and note, substitute*

(4) A declaration under subsection (3), definition of **community organisation**, paragraph (b) (ii) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

---

## **Schedule 2**

### **NATURE CONSERVATION BILL 2014**

---

Amendments circulated by the Minister for the Environment

---

1

#### **Clause 2**

**Page 2, line 5—**

*omit clause 2, substitute*

2

#### **Commencement**

(1) This Act (other than the following provisions) commences on a day fixed by the Minister by written notice:

- (a) chapter 12A (Land development applications);
- (b) schedule 2, amendments 2.31A, 2.32A, 2.32B, 2.33A, 2.33B, 2.53A and 2.74A;
- (c) dictionary, definition of *development*.

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

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

(2) The provisions mentioned in subsection (1) (a) to (c) commence on the later of—

- (a) the commencement of the *Planning and Development (Bilateral Agreement) Amendment Act 2014*, section 3; and
- (b) the commencement of this Act, section 3.

---

2

#### **Clause 126 (3)**

**Page 84, line 1—**

*omit*

---

3

#### **Clause 129 (2)**

**Page 88, line 7—**

*omit*

---

---

**4****Proposed new clause 136 (3A)****Page 94, line 20—***insert*

- (3A) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant took all reasonable precautions and exercised all appropriate diligence to prevent the commission of the offence.

---

**5****Clause 138 (2)****Page 96, line 19—***omit*

---

**6****Clause 140 (2)****Page 98, line 8—***omit*

---

**7****Clause 144 (3)****Page 102, line 22—***omit*

---

**8****Proposed new clause 228 (3)****Page 159, line 6—***insert*

- (3) This section does not apply to a person if the person takes reasonable steps to repair the damage.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

---

**9****Clause 259 (3)****Page 187, line 1—***omit*

section

*substitute*part

---

---

**10****Proposed new chapter 12A****Page 229, line 15—***insert*

## **Chapter 12A Land development applications**

### **312A Meaning of *development*—ch 12A**

- (1) In this chapter:

*development* means a proposed development to which a development application applies.

- (2) In this section:

*development application*—see the *Planning and Development Act 2007*, dictionary.

### **312B Simplified outline**

The following notes provide a simplified outline of this chapter and the *Planning and Development Act 2007*, chapter 7 (Development approvals):

*Note 1 Conservator to be given copy of certain development applications*

The planning and land authority is required to give the conservator a copy of each development application that is likely to have a significant adverse environmental impact on a protected matter (see *Planning and Development Act 2007*, s 147A). The planning and land authority may also be required to give the conservator a copy of each development application in the merit track or impact track (see *Planning and Development Act 2007*, s 148). This requirement does not apply to a development application for a development proposal in the code track (see *Planning and Development Act 2007*, s 117 (c)).

*Note 2 Conservator to give advice about development application*

The conservator gives advice to the planning and land authority about adverse environmental impacts of the proposed development (see s 312C and s 312D) (see also *Planning and Development Act 2007*, s 149, s 150 and s 151).

*Note 3 Conservator's advice to be considered*

The conservator's advice must be considered by the planning and land authority (or the Minister) in approving or refusing to approve a development application (see *Planning and Development Act 2007*, s 119 (2), s 120 (d) and s 129 (e)).

*Note 4 Development approval by authority to be consistent with conservator's advice*

If the authority is to decide the development application, development approval must not be given unless the development proposal is consistent with the conservator's advice (see *Planning and Development Act 2007*, s 128 (1) (b) (vi)).

*Note 5* Development approval by Minister may be inconsistent with conservator's advice

If the Minister is to decide the development application (using the Minister's call-in power (see *Planning and Development Act 2007*, div 7.3.5)), the development approval may be inconsistent with the conservator's advice if the Minister is satisfied that the approval is consistent with the offsets policy (see *Planning and Development Act 2007*, s 128 (1A)).

### **312C Advice about adverse environmental impacts**

- (1) This section applies if the conservator is satisfied on reasonable grounds that a proposed development is likely to have an adverse environmental impact.
- (2) The conservator may give the planning and land authority written advice in accordance with section 312D about the development.

*Note* If the planning and land authority refers a development application to the conservator under the *Planning and Development Act 2007*, s 147A or s 148, the conservator must, not later than 15 working days after being given the application, give the planning and land authority its advice (see *Planning and Development Act 2007*, s 149).

### **312D Requirements for conservator's advice**

- (1) This section applies if the conservator gives advice—
  - (a) under section 312C about a development; or
  - (b) under the *Planning and Development Act 2007*, section 149 (Requirement to give advice in relation to development applications) about a development application.
- (2) The conservator's advice must include—
  - (a) an outline of the environmental impact of the proposed development; and
  - (b) advice about ways to avoid or minimise the environmental impact of the proposed development; and
  - (c) an assessment of whether the proposed development is likely to have a significant adverse environmental impact on a protected matter; and
  - (d) if the proposed development is likely to have a significant adverse environmental impact on a protected matter—advice about suitable offsets for the proposed development.

*Note 1* If the proposed development is likely to have a significant adverse environmental impact, the development application may be declared to be in the impact track (see *Planning and Development Act 2007*, s 124), and may require an offset (see *Planning and Development Act 2007*, s 111C, def *offset*).

*Note 2* **Significant** adverse environmental impact—see the *Planning and Development Act 2007*, s 124A.

- (3) In preparing the advice, the conservator—
- (a) must consider—
- (i) the policy statement ‘Significant Impact Guidelines—Matters of National Environmental Significance’ published by the Commonwealth, as in force from time to time; and
- Note* The policy statement is available at [www.environment.gov.au](http://www.environment.gov.au).
- (ii) the offsets policy; and
- (b) may consider any other guideline, plan or policy published by the Territory or the Commonwealth about—
- (i) protected matters; or
- (ii) matters of national environmental significance.

- (4) In this section:

*offset*, for a development—see the *Planning and Development Act 2007*, section 111C.

*offsets policy*—see the *Planning and Development Act 2007*, section 111E.

*protected matter*—see the *Planning and Development Act 2007*, section 111A.

*significant* adverse environmental impact—see the *Planning and Development Act 2007*, section 124A.

**11**

**Proposed new clause 313 (5)**

**Page 231, line 3—**

*insert*

- (5) If a conservation officer gives a direction to a person, the officer must give the direction in a language, or way of communicating, that the person is likely to understand.

**12**

**Clause 326 (3)**

**Page 242, line 13—**

*omit*

**13**

**Clause 328 (2)**

**Page 243, line 23—**

*omit*

---

14

Schedule 2, part 2.3

Proposed new amendment 2.7A

Page 289, line 1—

*insert*

**[2.7A] Section 72 (2) (c) (iii)**

*substitute*

- (iii) public land management plan under the *Planning and Development Act 2007*, section 318 (What is a *public land management plan* for an area of public land?).

---

15

Schedule 2, part 2.3

Amendment 2.8

Page 289, line 2—

*omit*

---

16

Schedule 2, part 2.3

Proposed new amendment 2.8A

Page 289, line 9—

*insert*

**[2.8A] Section 77A**

*substitute*

**77A Inconsistency between strategic bushfire management plan and public land management plan**

- (1) This section applies if the strategic bushfire management plan is inconsistent with a public land management plan in force for an area of unleased territory land or land occupied by the Territory.
  - (2) The public land management plan has no effect to the extent of the inconsistency.
  - (3) In this section:  
*public land management plan*—see the *Planning and Development Act 2007*, section 318 (What is a *public land management plan* for an area of public land?).
-

17

**Schedule 2, part 2.8****Proposed new amendments 2.27A to 2.27D**

Page 295, line 1—

*insert***[2.27A] Section 19A***omit*

Flora and Fauna Committee

*substitute*

scientific committee

**[2.27B] Section 31A***omit*

Flora and Fauna Committee

*substitute*

scientific committee

**[2.27C] Division 6.3***substitute*

**Division 6.3                      Registration of place or object  
protected under Nature Conservation  
Act 2014**

**42A                      Registration of place or object under this Act limited if  
place or object already protected under Nature  
Conservation Act 2014**

- (1) This section applies if a place or object includes or is likely to include—
  - (a) the habitat of—
    - (i) a threatened native species; or
    - (ii) a threatened ecological community; or
  - (b) a key threatening process.
- (2) The council may register the place or object only if the place or object also has—
  - (a) cultural heritage significance; or
  - (b) natural heritage significance of a kind not protected under the *Nature Conservation Act 2014*.

**Example**

The council registers a homestead and its surrounding property that includes a threatened ecological community because of either of the following:

- (a) the homestead and surrounding property have cultural heritage significance because of the homestead's special association with the ACT community;
- (b) the surrounding property on which the homestead is located contains an unusual geological formation (the *Nature Conservation Act 2014* is principally concerned with the protection of flora and fauna).

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) In this section:

*habitat*—see the *Nature Conservation Act 2014*, dictionary.

*key threatening process*—see the *Nature Conservation Act 2014*, section 72.

*threatened ecological community*—see the *Nature Conservation Act 2014*, section 65.

*threatened native species*—see the *Nature Conservation Act 2014*, section 59.

---

**[2.27D] Section 45A**

*omit*

Flora and Fauna Committee

*substitute*

scientific committee

---

**18**  
**Schedule 2, part 2.8**  
**Proposed new amendments 2.28A and 2.28B**  
**Page 295, line 5—**

*insert*

**[2.28A] Dictionary, definition of *Flora and Fauna Committee***

*omit*

**[2.28B] Dictionary, new definition of *scientific committee***

*insert*

*scientific committee*—see the *Nature Conservation Act 2014*, dictionary.

---

---

**19****Schedule 2, part 2.11****Proposed new amendment 2.31A****Page 296, line 7—***insert***[2.31A] Section 111D***omit**Nature Conservation Act 1980**substitute**Nature Conservation Act 2014*

---

**20****Schedule 2, part 2.11****Proposed new amendments 2.32A and 2.32B****Page 296, line 12—***insert***[2.32A] Section 128 (1) (b), note 5***omit**Nature Conservation Act 1980, pt 8A**substitute**Nature Conservation Act 2014, ch 12A***[2.32B] Section 128 (1A), note 3***omit**Nature Conservation Act 1980, pt 8A**substitute**Nature Conservation Act 2014, ch 12A*

---

**21****Schedule 2, part 2.11****Proposed new amendments 2.33A and 2.33B****Page 296, line 17—***insert***[2.33A] Section 147A, note 1***omit**Nature Conservation Act 1980, pt 8A, particularly s 91D**substitute**Nature Conservation Act 2014, ch 12A, particularly s 312D*

**[2.33B] Section 165B (3) (b) and note***substitute*

- (b) if the offset is to be on public land—
- (i) a new public land management plan for the land be prepared, including stated matters; or
  - (ii) an existing public land management plan for the land be varied in a stated way; and

*Note* **Public land management plan, for an area of public land—**  
see s 318.

**22****Schedule 2, part 2.11****Proposed new amendment 2.53A****Page 315, line 2—***insert***[2.53A] Schedule 4, part 4.3, item 1, column 2, new paragraph (j)***insert*

- (j) any other protected matter

**23****Schedule 2, part 2.12****Proposed new amendment 2.74A****Page 321, line 2—***insert***[2.74A] Section 26 (1) (c), note***omit**Nature Conservation Act 1980*, pt 8A, particularly s 91D*substitute**Nature Conservation Act 2014*, ch 12A, particularly s 312D**24****Dictionary****Proposed new definition of *development*****Page 329, line 17—***insert*

***development***, for chapter 12A (Land development applications)—  
see section 312A.

### **Schedule 3**

#### **NATURE CONSERVATION BILL 2014**

---

Amendments circulated by Mr Rattenbury

---

**1**

**Clause 6 (2) (g) (ii)**  
**Page 5, line 5—**

*omit clause 6 (2) (g) (ii), substitute*

- (ii) opportunities to participate in policy development, nature conservation planning and conservation work; and

**Example**

ACT ParkCare

---

**2**

**Proposed new clause 32A**  
**Page 23, line 12—**

*insert*

**32A Scientific committee—annual report**

- (1) The scientific committee must, each financial year, give the Minister a report (an *annual report*) about the activities of the committee during the year.
- (2) The scientific committee must make the annual report publicly accessible not later than 30 days after the day the scientific committee gives the report to the Minister.

**Example—publicly accessible**

published on the directorate website

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

---

**3**

**Clause 58 heading**  
**Page 36, line 8—**

*omit the heading, substitute*

**58 Nature conservation strategy—monitoring**

---

4

**Proposed new clause 58 (2A)**

Page 36, line 12—

*insert*

- (2A) The Minister must consider the report and may take any action the Minister considers appropriate.

5

**Clause 58 (3) to (5)**

Page 36, line 13—

*omit*

6

**Proposed new clause 58A**

Page 36, line 22—

*insert***58A Nature conservation strategy—review**

- (1) The conservator must review the nature conservation strategy every 10 years after the plan commences.
- (2) However, the Minister may extend the time for conducting the review.
- (3) In conducting the review, the conservator must—
  - (a) consider each matter mentioned in section 48 (2) (Draft nature conservation strategy—conservator to prepare) in relation to the nature conservation strategy under review; and
  - (b) consult the entities mentioned in section 49; and
  - (c) carry out public consultation in accordance with section 50 (Draft nature conservation strategy—public consultation) as if a reference to a draft nature conservation strategy were a reference to the nature conservation strategy under review.
- (4) If the public consultation period for the review has ended, the conservator must—
  - (a) consider each submission received during the public consultation period; and
  - (b) if the person who makes a submission during the public consultation period agrees to the conservator making the submission publicly accessible—make the submission publicly accessible; and

**Example—publicly accessible**

published on the directorate website

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (c) make any recommendation to the Minister about the strategy under review that the conservator considers appropriate.
- (5) The recommendation must be accompanied by a report setting out the issues raised in any submissions given to the conservator during the public consultation period for the strategy under review.
- (6) If the conservator makes a recommendation to the Minister, the Minister must respond to the conservator about the recommendation.
- (7) If the conservator receives a response from the Minister, the conservator must make the following publicly accessible:
  - (a) the Minister's response;
  - (b) details of any proposed amendments to the strategy as a result of the review.

*Note* The power to prepare a nature conservation strategy includes the power to amend the strategy. The power to amend the strategy is exercisable in the same way, and subject to the same conditions, as the power to make the strategy (see Legislation Act, s 46).

**7****Proposed new clause 106 (3A)**

Page 70, line 13—

*insert*

- (3A) The Minister must make the report publicly accessible not later than 30 days after the day the conservator gives the report to the Minister.

**8****Clause 129 (4) (b)**

Page 88, line 17—

*omit*

with a motor vehicle

**9****Proposed new clause 364A**

Page 275, line 6—

*insert***364A Review of Act**

The Minister must review the operation of this Act and present a report of the review to the Legislative Assembly as soon as practicable after the end of this Act's 10th year of operation.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

---

**10****Clause 401 (3)****Page 277, line 15—***omit*

monitoring and review

*substitute*

monitoring

---

**11****Schedule 2, part 2.3****Proposed new amendment 2.7A****Page 289, line 1—***insert***[2.7A] Section 72 (2) (c)***substitute*

- (c) consult with the land manager; and
  - (d) consider the impact of the plan on any—
    - (i) land management agreement; or
    - (ii) public land management plan under the *Planning and Development Act 2007*, section 318 (What is a *public land management plan* for an area of public land?).
-

## **Schedule 4**

### **NATURE CONSERVATION BILL 2014**

---

Amendments circulated by Ms Lawder

---

**1**  
**Clause 26 (2) (b)**  
**Page 19, line 15—**

*omit clause 26 (2) (b), substitute*

- (b) make the report publicly accessible as soon as possible, but not later than 3 months, after the end of the program.
- 

**2**  
**Clause 29 (5)**  
**Page 22, line 7—**

*omit*

---

**3**  
**Proposed new clause 58 (2A)**  
**Page 36, line 12—**

*insert*

- (2A) The Minister must make the report publicly accessible not later than 30 days after the day the conservator gives the report to the Minister.

**Example—publicly accessible**

published on the directorate website

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

---

**4**  
**Clause 58 (5)**  
**Page 36, line 17—**

*omit clause 58 (5), substitute*

- (5) In reviewing the nature conservation strategy, the conservator must—
- (a) consider biodiversity research and monitoring program reports; and
  - (b) consult the scientific committee; and
  - (c) make recommendations to the Minister about the strategy.

---

**5****Clause 126 (3)**  
**Page 84, line 1—***omit*

---

**6****Clause 129 (2)**  
**Page 88, line 7—***omit*

---

**7****Clause 187 (5)**  
**Page 134, line 14—***omit clause 187 (5), substitute*

- (5) In carrying out a review, the custodian of the reserve must—
- (a) undertake public consultation in accordance with section 177 (Draft reserve management plan—public consultation) as if a reference to a draft reserve management plan were a reference to the reserve management plan under review; and
  - (b) consider any submissions received during the public consultation period.

---

**8****Clause 236 (1), penalty**  
**Page 165, line 20—***omit the penalty, substitute*

Maximum penalty: 50 penalty units.

---

**9****Clause 245 (1), penalty**  
**Page 173, line 14—***omit the penalty, substitute*

Maximum penalty: 50 penalty units.

---

**10****Clause 326 (3)**  
**Page 242, line 13—***omit clause 326 (3), substitute*

- (3) An offence against subsection (1) is a strict liability offence.
-

## **Schedule 5**

### **UTILITIES (TECHNICAL REGULATION) BILL 2014**

---

Amendments circulated by the Minister for the Environment

---

**1**

**Clause 6 (c)**

**Page 3, line 23—**

*omit*

compliant, high performing and responsive

*substitute*

integrity and functionality of

---

**2**

**Clause 9 (1) (c)**

**Page 6, line 12—**

*omit*

small

*substitute*

small or medium

---

**3**

**Clause 9 (2), definition of *small scale electrical generation***

**Page 7, line 25—**

*substitute*

***small or medium scale generation*** means the capacity to generate 30kW or more but less than 30MW of power that is connected to an electricity network.

---

**4**

**Clause 11 (1) (g)**

**Page 9, line 25—**

*omit*

service

---

**5**

**Clause 32 (2), proposed new note**

**Page 24, line 9—**

*insert*

*Note* Utilities may also maintain network facilities under the *Utilities Act 2000*, s 106 (Maintenance of network facilities).

---

6

**Clause 45 (c)****Page 31, line 12—***omit*

costs and

7

**Proposed new clause 48 (1) (d)****Page 33, line 11—***insert*

- (d) the fees that apply in relation to auditing, compliance and technical codes.

8

**Clause 57, definition of *dam*****Page 43, line 5—***substitute****dam*—**

- (a) means an artificial barrier, and incidental or related works, constructed for the storage or control of water, other liquids, or other material within a liquid; but
- (b) does not include a concrete and steel ring tank that is reliant on hoop stress for structural stability.

9

**Clause 79****Page 55, line 20—***omit clause 79, substitute***79 Technical regulator may recommend conditions on licence**

- (1) The technical regulator may recommend that the ICRC vary the licence of a utility service licensed under the *Utilities Act 2000* to include a condition (a ***recommended condition***) if satisfied on reasonable grounds that—
- (a) the utility service has contravened this Act; or
- (b) the recommended condition is necessary to protect public safety or the environment.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

- (2) A recommended condition may include, but is not limited to—
- (a) the giving of a bond; or
  - (b) making good or rectifying damage to land or property.

**Example**

a condition to comply with a plan to rectify damage to premises caused by the contravention of a technical code

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) Before recommending a condition, the technical regulator must give the utility a written notice (a *show cause notice*) stating—
- (a) that the technical regulator proposes to recommend a condition under this section; and
  - (b) the details of the proposed recommended condition; and
  - (c) that the utility may, not later than 20 days after the day the regulated utility is given the show cause notice, give the technical regulator a written submission about the proposed recommended condition.

*Note* For how documents may be given, see the Legislation Act, pt 19.5.

- (4) After considering any submission given under subsection (3) (c) the technical regulator may give the ICRC written notice recommending that the ICRC vary the utility's licence under the *Utilities Act 2000*, section 38 to include—
- (a) the recommended condition; or
  - (b) a condition that is not more burdensome than the recommended condition.
- (5) Notice under subsection (4) must include a copy of—
- (a) the show cause notice given under subsection (3); and
  - (b) any written submission given by the utility under subsection (3); and
  - (c) any other material that the technical regulator is satisfied on reasonable grounds is relevant to the recommendation.
- (6) The technical regulator's compliance report must include details about any recommendation under subsection (4) in a financial year and the reasons for the recommendation.

**10****Proposed new clause 80 (2) (e)**

**Page 57, line 12—**

*insert*

- (e) details required under section 79 (6) (Technical regulator may recommend conditions on licence).

---

**11**  
**Schedule 1, item 7**  
**Page 81—**

*omit*

---

**12**  
**Schedule 2, part 2.4**  
**Amendment 2.8**  
**Page 84, line 3—**

*omit*

5MW or more of energy

*substitute*

30MW or more of power

---

**13**  
**Schedule 2, part 2.4**  
**Amendment 2.11**  
**Page 84, line 13—**

*omit*

---

**14**  
**Schedule 2, part 2.4**  
**Proposed new amendments 2.11A and 2.11B**  
**Page 84, line 17—**

*insert*

**2.11A New section 38 (1) (c)**

*before the notes, insert*

- (c) to include a condition on the recommendation of the technical regulator.

**2.11B New section 38 (3A)**

*insert*

- (3A) The ICRC may vary a utility's licence on the recommendation of the technical regulator only if the ICRC—
- (a) receives written notice from the technical regulator recommending the variation under the *Utilities (Technical Regulation) Act 2014*, section 79; and
  - (b) is satisfied on reasonable grounds that the variation is appropriate.
-

---

**15**  
**Schedule 2, part 2.4**  
**Amendments 2.12 to 2.14**  
**Page 84, line 18—**

*omit*

---

**16**  
**Schedule 2, part 2.4**  
**Amendments 2.2 and 2.3**  
**Page 86, line 6—**

*omit*

---

**17**  
**Schedule 2, part 2.4**  
**Proposed new amendment 2.8A**  
**Page 88, line 3—**

*insert*

**[2.8A] Section 106 (2) (d), new note**

*insert*

*Note* For par (d)—see the *Utilities (Technical Regulation) Act 2014*, s 32 (Network protection notices).

---

**18**  
**Schedule 2, part 2.4**  
**Proposed new amendments 2.13A and 2.13B**  
**Page 88, line 13—**

*insert*

**[2.13A] Table 172, items 5 and 6**

*substitute*

5	person affected by contravention	contravention by a utility or a regulated utility of an obligation in relation to its network operations under this Act or the <i>Utilities (Technical Regulation) Act 2014</i>
6	person affected by act or omission	act or omission of an authorised person for a utility or regulated utility in relation to its network operations under this Act or the <i>Utilities (Technical Regulation) Act 2014</i>

**[2.13B] New part 19***insert***Part 19 Transitional—Utilities (Technical Regulation) Act 2014****408 Meaning of *commencement day*—pt 19**

In this part:

*commencement day* means the day the *Utilities (Technical Regulation) Act 2014*, section 9 (Meaning of *regulated utility service*) commences.

**409 Person currently providing electricity generation or transmission services**

- (1) This section applies in relation to a person if—
  - (a) immediately before the commencement day the person is providing an electricity generation or transmission service that is not a utility service; and
  - (b) immediately after the commencement day the person is a utility service and continues to provide the electricity generation or transmission service.
- (2) Section 21 (Requirement for licence) does not apply in relation to the person until 6 months after the commencement day.
- (3) In this section:
 

*utility service*—see section 6 (Electricity services) and the dictionary.

**410 Expiry—pt 19**

This part expires 2 years after the day it commences.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

---

**19**  
**Schedule 2, part 2.4**  
**Amendment 2.17**  
**Page 89, line 3—**

*substitute***[2.17] Dictionary, definition of *network protection notice****substitute*

*network protection notice* means a notice under the *Utilities (Technical Regulation) Act 2014*, section 32.

---

---

**20****Schedule 2, part 2.4****Proposed new amendment 2.17A****Page 89, line 4—***insert***[2.17A] Dictionary, new definition of *regulated utility****insert*

***regulated utility***—see the *Utilities (Technical Regulation) Act 2014*, section 8.

---

**21****Dictionary****Proposed new definition of *network protection notice*****Page 92, line 14—***insert*

***network protection notice*** means a notice under section 32 (Network protection notices).

---

**22****Dictionary****Definition of *show cause notice*, paragraph (e)****Page 93, line 25—***substitute*

- (e) for section 79 (Technical regulator may recommend conditions on licence)—see section 79 (3).
-