



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2012–2013–2014–2015–2016**

**MINUTES OF PROCEEDINGS**

**No. 138**

**THURSDAY, 5 MAY 2016**

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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 INDEPENDENT COMPETITION AND REGULATORY COMMISSION  
AMENDMENT BILL 2016**

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Independent Competition and Regulatory Commission Act 1997*.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 4 May 2016.

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.

**3 LIFETIME CARE AND SUPPORT (CATASTROPHIC INJURIES)  
AMENDMENT BILL 2016 (NO. 2)**

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*, 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, dated 4 May 2016.

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 SUPREME COURT AMENDMENT BILL 2016**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Supreme Court Act 1933*, 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, dated 4 May 2016.

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.

#### **5 A.C.T. CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2016 (NO. 2)**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *ACT Civil and Administrative Tribunal Act 2008*, 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, dated 4 May 2016.

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 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2016**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety, 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, dated 4 May 2016.

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 MENTAL HEALTH (SECURE FACILITIES) BILL 2016**

Mr Corbell (Minister for Health), pursuant to notice, presented a Bill for an Act for the operation and management of secure mental health facilities.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 4 May 2016.

Title read by Clerk.

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

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

## **8 MENTAL HEALTH AMENDMENT BILL 2016**

Mr Corbell (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Mental Health Act 2015*, 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, dated 4 May 2016.

Title read by Clerk.

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

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

## **9 EMERGENCIES AMENDMENT BILL 2016**

Mr Corbell (Minister for Police and Emergency Services), pursuant to notice, presented a Bill for an Act to amend the *Emergencies Act 2004*, 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, dated 4 May 2016.

Title read by Clerk.

Mr Corbell 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.

**10 PUBLIC ACCOUNTS—STANDING COMMITTEE—PRINTING, PUBLICATION AND CIRCULATION OF REPORTS**

Mr Smyth (Chair), pursuant to notice, moved—That, in relation to reports of the Standing Committee on Public Accounts to be tabled in the Assembly, if the Assembly is not sitting when the committee has completed its inquiry into a referred Auditor-General report or any other 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, publication and circulation.

Question—put and passed.

**11 MEMORANDUM OF UNDERSTANDING ON PROCUREMENT OF WORKS AND SERVICES BY THE A.C.T. GOVERNMENT—SELECT COMMITTEE—PROPOSED ESTABLISHMENT**

Mr Wall, by leave, moved—That this Assembly:

- (1) notes:
  - (a) the existence of an agreed Memorandum of Understanding (MOU) between UnionsACT and the ACT Government which applies to all procurement for works and services by the ACT Government;
  - (b) the public concern expressed by stakeholders and peak bodies relating to the fairness of the existence of the MOU; and
  - (c) the lack of measurable positive impact on procurement by the ACT Government as a result of the MOU; and
- (2) calls for:
  - (a) a select committee to be established to inquire and report on the impact of the MOU on ACT procurement practices for government and services;
  - (b) this select committee to consist of one member nominated by the Government, one member nominated by the Opposition and one member to be nominated by the cross-bench to be appointed by the Speaker by 4 p.m. this sitting day; and
  - (c) this select committee to report back to the Assembly by no later than the last sitting week of August 2016.

Debate ensued.

Mr Hanson (Leader of the Opposition) addressing the Assembly—

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It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

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Debate continued.

Question—put.

The Assembly voted—

## AYES, 7

Mr Coe	Mrs Jones
Mr Doszpot	Mr Smyth
Mrs Dunne	Mr Wall
Mr Hanson	

## NOES, 8

Mr Barr	Mr Corbell
Ms Berry	Mr Gentleman
Dr Bourke	Mr Hinder
Ms Burch	Mr Rattenbury

And so it was negatived.

**12 QUESTIONS**

Questions without notice were asked.

**13 CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION ACT—REVIEW OF ACT—PAPER AND STATEMENT BY MINISTER**

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

Climate Change and Greenhouse Gas Reduction Act, pursuant to section 26—Review of Act, dated February 2016—

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

**14 PRESENTATION OF PAPER**

Ms Fitzharris (Minister for Higher Education, Training and Research) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2015—Canberra Institute of Technology, dated 7 April 2016.

**15 FORMER BRUMBIES SITE—LEASE VARIATION CHARGE WAIVER DOCUMENTS—ORDER TO TABLE**

Mr Hanson (Leader of the Opposition), in accordance with standing order 213A, moved—That the Assembly order the production of all documents relating to the lease variation charge waiver at the former Brumbies site at Griffith.

Debate ensued.

Question—put and passed.

**16 PRESENTATION OF PAPER**

Ms Fitzharris (Minister for Higher Education, Training and Research) presented the following paper:

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2015 (2 volumes), dated April 2016.

**17 PRESENTATION OF PAPERS**

Mr Gentleman (Minister for Planning and Land Management) presented the following papers:

Canberra Urban Renewal Delegation—United States of America and Canada—

Report.

Tabling statement.

**18 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—COMMUNITY GAMING MODEL**

The Assembly was informed that Ms Burch, Mr Coe, Mr Doszpot, Mr Hanson (Leader of the Opposition), Mr Hinder and Mr Smyth had proposed that matters of public importance be submitted to the Assembly for discussion.

*Speaker's ruling:* The Speaker ruled that the matters proposed by Ms Burch and Mr Hinder were out-of-order as they did not fall not within the scope of ministerial action.

In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mr Smyth be submitted to the Assembly, namely, “The importance of the community gaming model in the ACT”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

**19 EXECUTIVE MEMBERS' BUSINESS—PRECEDENCE**

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

**20 FREEDOM OF INFORMATION BILL 2016**

Mr Rattenbury, pursuant to notice, presented a Bill for an Act to give public access to government information, and for other purposes.

*Paper:* Mr Rattenbury presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Corbell—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

**21 MANUKA OVAL PRECINCT—PROPOSED REDEVELOPMENT**

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

- (1) notes that:
  - (a) there has been considerable community reaction to the GWS-Grocon unsolicited bid proposal to redevelop and upgrade facilities at Manuka Oval precinct;
  - (b) the precinct includes the Manuka Pool and grounds and other buildings with heritage value;
  - (c) there are a number of existing and proposed developments in the Manuka area which will change the dynamic of the area and have potential impacts on traffic and parking demand;
  - (d) the Economic Development Directorate completed a plan for development on the Manuka Oval precinct in 2013;
  - (e) the unsolicited bid process is currently underway and Government will determine whether the proposal meets the threshold public interest test and is able to progress in coming months; and

- (f) for any unsolicited bid to proceed to development will require usual planning approvals such as Territory Plan Variations, development applications and Assembly Committees; and
- (2) calls on the Government to:
  - (a) if the proposal progresses to the next stage of the unsolicited bid process, establish a Community Reference Group to define the broad objectives for the Manuka Oval precinct. This would include sporting interests, heritage experts, local traders and relevant community groups; and
  - (b) develop a Master Plan for the Manuka Precinct that includes Manuka Oval and the surrounding retail and commercial trading areas. This would include assessment of impacts of surrounding developments and consider issues including, but not limited to, traffic and parking and protection of heritage values, and define parameters for future development options in the area.

Mr Coe moved the following amendment: After paragraph (1)(f), insert:

- “(g) notes that new ideas and opportunities can arise out of unsolicited proposals;
- (h) the Manuka Green proposal has included some ideas about how to improve the facilities at Manuka Oval for Canberra’s benefit;
- (i) the Manuka Green proposal has elements which have been welcomed and others which have been controversial;
- (j) the unsolicited proposals process requires an assessment by a government with integrity;
- (k) the current ACT Labor Government is embroiled in a number of probity and integrity issues; and
- (l) there is a lack of confidence that this Government will be able to fairly adjudicate any unsolicited proposal.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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

And so it was negatived.

Debate continued.

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

**22 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 25—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 9 OF 2015: PUBLIC TRANSPORT: THE FREQUENT NETWORK—REPORT NOTED**

Mr Smyth (Chair) presented the following report:

Public Accounts—Standing Committee—Report 25—*Review of Auditor-General's Report No. 9 of 2015: Public Transport: The Frequent Network*, dated 21 April 2016, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**23 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 26—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 10 OF 2015: 2014-15 FINANCIAL AUDITS—REPORT NOTED**

Mr Smyth (Chair) presented the following report:

Public Accounts—Standing Committee—Report 26—*Review of Auditor-General's Report No. 10 of 2015: 2014-15 Financial Audits*, dated 21 April 2016, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**24 EXECUTIVE BUSINESS—PRECEDENCE**

Ordered—That Executive business be called on forthwith.

**25 LIFETIME CARE AND SUPPORT (CATASTROPHIC INJURIES) AMENDMENT BILL 2016**

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

**26 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF RENEWABLE ENERGY LEGISLATION AMENDMENT BILL 2016**

Mr Corbell (Minister for the Environment and Climate Change) moved—That so much of the standing orders be suspended as would prevent order of the day No. 2, Executive business—Renewable Energy Legislation Amendment Bill 2016 being called on and debated forthwith.

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

**27 RENEWABLE ENERGY LEGISLATION AMENDMENT BILL 2016**

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 Gentleman (Minister for Planning and Land Management) addressing the Assembly—

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

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

Question—put and negatived.

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Debate continued.

*Paper:* Mr Corbell presented a revised explanatory statement to the Bill.

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

Leave granted to dispense with the detail stage.

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

## 28 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.36 p.m., adjourned until Tuesday, 7 June 2016 at 10 a.m.

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

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**M M Kiermaier**  
Acting Clerk of the Legislative Assembly