****

LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 13

[**Thursday, 30 March 2017**](http://www.hansard.act.gov.au/hansard/2017/pdfs/20170330.pdf)

|  |
| --- |
|  |
|  |
|  |

**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Ms Burch) 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 Justice and Community Safety—Standing Committee—INQUIRY—Domestic and family violence—Policy approaches and responses—STATEMENT BY CHAIR

Mrs Jones (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Justice and Community Safety had resolved to conduct an inquiry into domestic and family violence as it relates to policy approaches and responses.

3 Planning and Urban Renewal—Standing Committee—INQUIRIES—HOUSING AND BILLBOARDS—STATEMENT BY CHAIR—Statement by Member

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning and Urban Renewal had resolved to conduct inquiries into, and report on:

(1) housing; and

(2) billboards.

Ms Le Couteur, by leave, made a statement in relation to the inquiries.

4 City Renewal Authority and Suburban Land Agency Bill 2017

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to establish the city renewal authority and the suburban land agency, 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 29 March 2017.

Title read by Clerk.

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

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

5 Gene Technology Amendment Bill 2017

Ms Fitzharris (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Gene Technology Act 2003* and the *Gene Technology Regulation 2004*.

*Papers:* Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 29 March 2017.

Title read by Clerk.

Ms Fitzharris moved—That this Bill be agreed to in principle.

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

6 Firearms Amendment Bill 2017

Mr Gentleman (Minister for Police and Emergency Services), pursuant to notice, presented a Bill for an Act to amend the *Firearms Act 1996*.

*Papers:* Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 29 March 2017.

Title read by Clerk.

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

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

7 Justice and Community Safety Legislation Amendment Bill 2017

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the legislation about justice and community safety, and for other purposes.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 29 March 2017.

Title read by Clerk.

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

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

8 Red Tape Reduction Legislation Amendment Bill 2017

Mr Ramsay (Minister for Regulatory Services), pursuant to notice, presented a Bill for an Act to amend legislation for red tape reduction, and for other purposes.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 29 March 2017.

Title read by Clerk.

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

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

9 Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2017

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs), pursuant to notice, presented a Bill for an Act to amend the *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

*Papers:* Ms Stephen-Smith presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 29 March 2017.

Title read by Clerk.

Ms Stephen-Smith moved—That this Bill be agreed to in principle.

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

10 DISCHARGE OF ORDERs OF THE DAY—Assembly BUSINESS

Mr Gentleman (Manager of Government Business), by leave, moved—That orders of the day Nos 3 and 4, Assembly business, relating to proposed inquiries into greater housing affordability, and evidence and best practice around prevention and early intervention programs in the prevention of domestic and family violence, respectively, be discharged from the *Notice Paper*.

Question—put and passed.

11 Executive business—precedence

Ordered—That Executive business be called on forthwith.

12 Family and Personal Violence Legislation Amendment Bill 2017

The Assembly, according to order, resumed debate at the detail stage.

*Detail Stage*

Clause 1 debated and agreed to.

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

Mrs Kikkert, by leave, moved her amendments Nos 1 and 2 together (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 9 | |  | NOES, 11 | |
| Mr Doszpot | Mr Milligan |  | Mr Barr | Ms Le Couteur |
| Mrs Dunne | Mr Parton |  | Ms Berry | Ms Orr |
| Mr Hanson | Mr Wall |  | Ms Burch | Mr Pettersson |
| Mrs Jones |  |  | Ms Cheyne | Mr Ramsay |
| Mrs Kikkert |  |  | Ms Cody | Mr Steel |
| Ms Lee |  |  | Mr Gentleman |  |

And so it was negatived.

Debate continued.

Remainder of Bill, as a whole, agreed to.

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

13 Vocational education and training

Ms Fitzharris (Minister for Higher Education, Training and Research), pursuant to notice, moved—That this Assembly:

1. notes:
   1. the importance of the vocational education and training (VET) sector to the ACT as a driver of jobs, economic growth and innovation;
   2. that in 2015, a total of 66 214 ACT residents participated in VET programs across Australia and a total of 9696 VET programs were undertaken by ACT residents with 1420 Aboriginal and Torres Strait Islander ACT residents studying VET programs in that year;
   3. the achievements of the Canberra Institute of Technology, including the delivery of over 600 000 teaching hours to more than 2000 apprentices in 2016;
   4. the important contribution played by industry in training apprentices, the exceptional performance of ACT apprentices at the last Australian Training Awards held in Darwin last November with ACT apprentice, Shane Dealy, named the 2016 Australian Apprentice of the Year, and ACT Australian School-based Apprentice, Madeline Wallace, named as runner-up in the schools’ category;
   5. that through the National Partnership Agreement (NPA) on Skills Reform, the Australian Government has committed $1.75 billion over five years (2012-17) to work with States and Territories to drive reform of the national training system;
   6. the ACT training sector has received $28 million of funding through this NPA since 2012;
   7. that Commonwealth funding for the NPA on Skills Reform expires in June 2017;
   8. that the Commonwealth has refused to schedule a meeting of Skills and Training Ministers to discuss any future agreement or funding for continuing Commonwealth funding for this essential education program; and
   9. demands made by business groups, including the Australian Chamber of Commerce and Industry, AI Group and Business Council of Australia, for the Commonwealth Government to recommit to full funding of a new NPA on Skills Reform; and
2. calls for:
   1. the ACT Government to again write to the Federal Government to urgently recommit to a new NPA on Skills to take effect from July 2017 with funding levels at least maintained at current levels; and
   2. continued efforts by the ACT Government, in conjunction with all jurisdictions, to ensure a properly funded, well-regulated and high quality vocational, education and training system.

Debate ensued.

Question—put and passed.

14 Discharge of order of the day No 3—Assembly business—STATEMENT BY MEMBER

Ms Orr, by leave, made a statement concerning the discharge of order of the day No 3, Assembly business, relating to a proposed inquiry into greater housing affordability.

15 QUESTIONS

Questions without notice were asked.

16 Questions withOUT notice—Answers by responsible Ministers—STATEMENT BY SPEAKER

The Speaker, in response to a point of order raised yesterday during question time, made a statement concerning the issue of questions without notice being directed to the responsible Minister.

17 PRESENTATION OF PAPERS

Mr Barr (Chief Minister) presented the following papers:

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General’s Report No 9/2016—Commissioner for International Engagement—position creation and appointment process—Government response.

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

ACT Civil and Administrative Tribunal—Amended Determination 11 of 2016, dated March 2017.

ACT Supreme Court Judicial Positions—Determination 1 of 2017, dated March 2017.

Full-time Statutory Office Holders—Determination 4 of 2017, dated March 2017.

Head of Service, Directors-General and Executives—Determination 3 of 2017, dated March 2017.

Members of the ACT Legislative Assembly—Determination 2 of 2017, dated March 2017.

Part-time Public Office Holders—Amended Determination 12 of 2016, dated March 2017.

Part-time Public Office Holder—Medicinal Cannabis Medical Advisory Panel—Determination 5 of 2017, dated March 2017.

18 Revenue Legislation Amendment Bill 2017—Revised explanatory statement

Mr Barr (Treasurer) presented the following paper:

Revenue Legislation Amendment Bill 2017—Revised explanatory statement.

19 SCHOOLS FOR ALL—reports—PAPERs AND STATEMENT BY MINISTER

Ms Berry (Minister for Education and Early Childhood Development) presented the following papers:

Schools for All—

Implementation of the recommendations of the Expert Panel on Students with Complex Needs and Challenging Behaviour—4th quarterly report, dated March 2017.

Program: Responding to the needs of Children and Young People in Canberra Schools—2016 Report.

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

20 Presentation of paper

Ms Berry (Minister for Housing and Suburban Development) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2015-2016—Land Development Agency—Corrigendum.

21 Planning, Building and Environment Legislation Amendment Bill 2017—Revised explanatory statement

Mr Gentleman (Minister for the Environment and Heritage) presented the following paper:

Planning, Building and Environment Legislation Amendment Bill 2017—Revised explanatory statement.

22 A.C.T Aboriginal and Torres Strait Islander Elected Body—2014 and 2015 Hearings Reports—Government response—PAPER AND STATEMENT BY MINISTER

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) presented the following paper:

ACT Aboriginal and Torres Strait Islander Elected Body—2014 and 2015 Hearings Reports—Government response—

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

23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Affordable housing

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mrs Dunne, Mrs Kikkert, Ms Le Couteur, Ms Lee, Mr Milligan, Ms Orr, Mr Parton, Mr Pettersson, Mr Steel and Mr Wall 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 Le Couteur be submitted to the Assembly, namely, “The importance of affordable housing in the ACT”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

24 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.02 pm, adjourned until Tuesday, 9 May 2017 at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Ms Lawder\* and Mr Rattenbury\*.

\*on leave

Tom Duncan

Clerk of the Legislative Assembly

**SCHEDULE OF AMENDMENTS**

**Schedule 1**

**FAMILY AND PERSONAL VIOLENCE LEGISLATION AMENDMENT bill 2017**

Amendments circulated by Mrs Kikkert

1. Clause 39  
   Proposed new section 83 (5) and note  
   Page 25, line 5—

omit proposed new section 83 (5), substitute

(5) If the parties consent to the application to amend the protection order, the Magistrates Court—

(a) may amend the order regardless of whether or not—

(i) the grounds mentioned in subsection (1) (b), (c) and (d) have been made out; or

(ii) the court has considered those grounds; but

(b) must not amend the order if it can be reasonably foreseen that the amended order will place the protected person or a child of the protected person at risk of harm from the respondent to the order.

1. Clause 96  
   Proposed new section 77 (5) and note  
   Page 51, line 19—

omit proposed new section 77 (5), substitute

(5) If the parties consent to the application to amend the protection order, the Magistrates Court—

(a) may amend the order regardless of whether or not—

(i) the grounds mentioned in subsection (1) (b), (c) and (d) have been made out; or

(ii) the court has considered those grounds; but

(b) must not amend the order if it can be reasonably foreseen that the amended order will place the protected person or a child of the protected person at risk of harm from the respondent to the order.