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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 12

[**Wednesday, 29 March 2017**](http://www.hansard.act.gov.au/hansard/2017/pdfs/20170329.pdf)

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**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 Community Inclusivity

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

1. recognises the importance of inclusion as a core value of the ACT community;
2. acknowledges the need to continuously improve our support for inclusion and embrace diversity;
3. notes the ongoing focus of the ACT Government to embrace inclusivity in the ACT, and that this past month has unofficially become Canberra’s month of community inclusion through many events and government initiatives such as:
   1. marriage equality week, which reaffirmed the fact that Canberra is Australia’s most LGBTI-inclusive city;
   2. the National Multicultural Festival, which saw more than 280 000 people come together in the Capital to embrace and celebrate the many different cultures in Canberra;
   3. Canberra Citizen of the Year Awards, which recognises the efforts of community members who strive to make this city a better place;
   4. the Connect and Participate Expo, which helps Canberrans of all abilities and ages join groups and build social connections around common interests, with over 100 sport and recreation groups, craft, and music groups, performing arts, hobby, social and “special interest” groups represented;
   5. Seniors Week and the Canberra Gold Awards, which highlighted the significant contributions Canberra’s senior citizens make to the Canberra community;
   6. International Women’s Day (IWD), including the IWD Youth Forum hosted at Gungahlin College, in which young women were encouraged by leading experts from our community to “Be Bold for Change” in advancing the progression of gender equality and opportunities for women; and
   7. displays at the Enlighten Festival in commemoration of the 1967 Referendum, which celebrated that achievement while recognising we have more to do to ensure our First Peoples enjoy the same quality of life as other Australians;
4. also notes that despite our community’s overwhelming support for inclusivity:
   1. the Federal Government is signalling to the Australian community that it condones and supports a small minority’s wish to “offend, insult or humiliate” others on the basis of their race, without any repercussions, by seeking to amend section 18C of the *Racial Discrimination Act 1975* (Cwlth); and
   2. the concerns flagged by Chinese, Jewish, Arab, Aboriginal, Indian, Greek and Armenian community leaders who in a joint statement warned that the Federal Liberal-National alterations to section 18C could “give a free pass to ugly and damaging forms of racial vilification”;
5. takes responsibility to ensure Canberra is a place in which everyone belongs, by reaffirming that:
   1. as a progressive society, differences do not divide us but instead make our community an interesting and vibrant place to live;
   2. we do not and will not accept racial discrimination or vilification of community members or visitors; and
   3. we seek to embrace, support, advocate, celebrate and encourage those members of our community who may not feel accepted by others; and
6. calls on the:
   1. Assembly to condemn the Federal Liberal-National Government’s decision to attempt to dramatically water down fundamental protections from racial vilification as currently set out in section 18C of the *Racial Discrimination Act 1975* (Cwlth); and
   2. ACT Government to investigate what further steps may need to be taken to protect Canberrans and visitors from racial offence, insults, or humiliation, if the Commonwealth Parliament passes the proposed 18C amendments.

Debate ensued.

Mr Coe (Leader of the Opposition), who had already spoken, by leave, again addressed the Assembly.

Question—put and passed.

3 Dog attacks

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

1. notes that:
   1. the number of people treated for dog attacks in emergency departments (EDs) in the ACT last year was 155, around one every three days;
   2. the second highest injury in dog attacks in ACT EDs was to the patient’s head;
   3. there were 360 officially reported serious dog attacks in Canberra last year;
   4. as a consequence of these serious attacks, 124 dogs were seized by officials in Canberra last year;
   5. on average there is a serious attack reported in Canberra every day;
   6. there is also anecdotal evidence that there are many serious dog attacks that are not officially reported;
   7. 10 percent of dogs declared dangerous are not controlled and cause even further harm;
   8. dogs that have been found to have committed vicious attacks on people or other animals are returned to the community;
   9. the number of dog attacks treated in ACT EDs has increased 50 percent in the past five years;
   10. in any other field, this rate of increase in crime or injury would be regarded as a crisis; and
   11. in February 2016 the Government set up a working group to investigate dog attacks and their management that would “give feedback on the process and procedures out at Domestic Animal Services” (Mr Perram, *The Canberra Times*, 22 February 2016), but its findings have not been made public; and
2. calls on the ACT Government to:
   1. allocate more resources to investigate serious attacks by dogs;
   2. allocate more resources for education about obligations and responsibilities of dog ownership;
   3. provide better feedback to victims about the progress of complaints about attacks by dogs;
   4. immediately report on changes made to dog management processes following feedback from the 2016 working group;
   5. review the law that allows a dog that has committed a serious attack to be classified a dangerous dog and report by the last sitting day in June 2017;
   6. review the law that allows dogs that have been found responsible for vicious attacks resulting in serious injury to members of the public, to be returned to owners and report by the last sitting day in June 2017;
   7. review the law that allows dogs that have been found responsible for vicious attacks resulting in the death of other dogs, to be returned to owners and report by the last sitting day in June 2017;
   8. improve the penalties on the owners of dogs that have harmed people or animals to ensure they are held legally responsible for consequential medical, veterinary, legal and related costs;
   9. increase penalties imposed on owners where their dog has been found to have been responsible for vicious attacks resulting in serious injury to people and/or the death of other animals; and
   10. be proactive in ensuring that dogs that cause serious injury to people and other animals, and the owners of those dogs, are treated under the law with the seriousness that the community expects.

Ms Fitzharris (Minister for Transport and City Services) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes that:

(a) the number of people treated for dog attacks in emergency departments (EDs) in the ACT last year was 155, however, it is unknown how many presentations are ACT residents;

(b) the second highest injury in dog attacks in ACT EDs was to the patient’s head;

(c) there were 360 officially reported dog attacks in Canberra last year;

(d) as a consequence of these attacks, 124 dogs were seized by officials in Canberra last year;

(e) on average there is an attack reported in Canberra every day;

(f) dogs that have been found to have committed attacks on people or other animals are returned to the community, often with stringent conditions;

(g) the number of dog attacks treated in ACT EDs has increased 50 percent in the past five years;

(h) penalties for dangerous dog attacks were increased in 2014;

(i) in February 2016, the Government set up a working group to investigate dog management processes; and

(j) the ACT Government has today released the draft Animal Welfare and Management Strategy for public comment; and

(2) calls on the ACT Government to:

(a) consider allocating more resources to investigate attacks by dogs;

(b) consider allocating more resources for education about obligations and responsibilities of dog ownership;

(c) report on changes made to dog management processes following feedback from the 2016 working group;

(d) review relevant laws and internal procedures that govern the management of dangerous dogs and report by the end of September 2017; and

(e) review the penalties associated with the management of dangerous dogs.”.

Debate continued.

Ms Fitzharris, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 12 | |  | NOES, 10 | |
| Mr Barr | Mr Gentleman |  | Mr Coe | Ms Lee |
| Ms Berry | Ms Le Couteur |  | Mr Doszpot | Mr Milligan |
| Ms Burch | Ms Orr |  | Mrs Dunne | Mr Parton |
| Ms Cheyne | Mr Pettersson |  | Mr Hanson | Mr Wall |
| Ms Cody | Mr Ramsay |  | Mrs Jones |  |
| Ms Fitzharris | Mr Steel |  | Mrs Kikkert |  |

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes that:

(a) the number of people treated for dog attacks in emergency departments (EDs) in the ACT last year was 155, however, it is unknown how many presentations are ACT residents;

(b) the second highest injury in dog attacks in ACT EDs was to the patient’s head;

(c) there were 360 officially reported dog attacks in Canberra last year;

(d) as a consequence of these attacks, 124 dogs were seized by officials in Canberra last year;

(e) on average there is an attack reported in Canberra every day;

(f) dogs that have been found to have committed attacks on people or other animals are returned to the community, often with stringent conditions;

(g) the number of dog attacks treated in ACT EDs has increased 50 percent in the past five years;

(h) penalties for dangerous dog attacks were increased in 2014;

(i) in February 2016, the Government set up a working group to investigate dog management processes; and

(j) the ACT Government has today released the draft Animal Welfare and Management Strategy for public comment; and

(2) calls on the ACT Government to:

(a) consider allocating more resources to investigate attacks by dogs;

(b) consider allocating more resources for education about obligations and responsibilities of dog ownership;

(c) report on changes made to dog management processes following feedback from the 2016 working group;

(d) review relevant laws and internal procedures that govern the management of dangerous dogs and report by the end of September 2017; and

(e) review the penalties associated with the management of dangerous dogs.”—

be agreed to—put and passed.

4 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Rattenbury and advised the Assembly that questions without notice normally directed to the Minister for Climate Change and Sustainability, the Minister for Justice, Consumer Affairs and Road Safety, and the Minister for Mental Health could be directed to Minister Gentleman, Minister Ramsay and Minister Fitzharris, respectively.

5 QUESTIONS

Questions without notice were asked.

6 PRESENTATION OF PAPER

The Speaker presented the following paper:

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(1)—Independent Reviewer—Report for the period 9 September to 31 December 2016, dated March 2017, prepared by Professor Dennis Pearce.

7 Public housing

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

1. notes:
   1. the ACT Government plans to relocate all public housing tenants from Northbourne Avenue to suburban sites;
   2. the sites designated by the Government are not near public facilities, employment opportunities and the community support services that many public housing tenants rely on; and
   3. in particular, the planned public housing developments in Wright, Holder and Chapman are inappropriate in size and location; and
2. calls on the Government to:
   1. cancel the planned public housing developments in Chapman, Wright and Holder;
   2. consider more suitable locations including Northbourne Avenue itself; and
   3. adopt a genuine salt and pepper approach to public housing.

Ms Berry (Minister for Housing and Suburban Development) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes:

(a) the important contribution that public housing tenants make to communities right across the ACT;

(b) Canberra’s ageing public housing stock, in some cases, no longer provides appropriate accommodation for many tenants;

(c) dispersing public housing and reducing concentrations of disadvantage contributes to a diverse and inclusive community;

(d) the ACT Government’s commitment through the Parliamentary Agreement to completing a $550 million program of renewal to replace 1288 of the ACT’s oldest public housing dwellings;

(e) the work of the Linking into New Communities Taskforce which works closely with, and provides support to, tenants to maintain community linkages before, during and after their move to their new location;

(f) the Asset Recycling Initiative (ARI) agreement which the ACT Government has signed with the Commonwealth Government requires infrastructure assets to be marketed, sold and settled, with replacement public housing dwellings completed by 30 June 2019;

(g) the process of relocating public housing tenants from Northbourne Avenue, into temporary accommodation, constructing new housing on the site, and moving public housing tenants back into the new developments could not have been completed within the specified ARI timeframe; and

(h) the Government has been proactively purchasing alternative replacement properties in North Canberra and, to date, the number of properties in contract exceeds 170, and that 77 public housing tenants have so far been allocated new properties in North Canberra;

(2) further notes:

(a) that public consultation has now commenced on a number of new housing sites in Tuggeranong, Molonglo Valley, Weston Creek and Woden Valley;

(b) the Minister for Housing and Suburban Development has extended the period for people to comment, provide feedback, or request additional information by a further two weeks to a total of five weeks from the date of lodgement of a development application (DA); and

(c) that consultation will include face-to-face discussions, online media, community council meetings, mainstream media, flyers and drop-in sessions; and

(3) calls on the Government to:

(a) continue its commitment to ‘salt and peppering’ public housing properties across the ACT;

(b) continue to ensure the designs for all new public housing are sympathetic to the look and feel of the surrounding community;

(c) continue to work closely, through Housing ACT and the Public Housing Renewal Taskforce, to identify the most appropriate replacement housing for each tenant being relocated;

(d) continue to prepare and offer Individual Support Plans to help guide tenant relocation and support individuals in their new communities

(e) continue to consult with local communities before the DA stage and take into consideration feedback received;

(f) ensure that there is an appropriate level of community land remaining in each suburb where new public housing developments are constructed; and

(g) provide an update on progress under the Public Housing Renewal Program to the ACT Assembly during the May sittings.”.

Debate continued.

Ms Berry, who had already spoken, by leave, again addressed the Assembly.

Mr Hanson, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 12 | |  | NOES, 9 | |
| Mr Barr | Mr Gentleman |  | Mr Coe | Ms Lee |
| Ms Berry | Ms Le Couteur |  | Mr Doszpot | Mr Parton |
| Ms Burch | Ms Orr |  | Mrs Dunne | Mr Wall |
| Ms Cheyne | Mr Pettersson |  | Mr Hanson |  |
| Ms Cody | Mr Ramsay |  | Mrs Jones |  |
| Ms Fitzharris | Ms Stephen-Smith |  | Mrs Kikkert |  |

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes:

(a) the important contribution that public housing tenants make to communities right across the ACT;

(b) Canberra’s ageing public housing stock, in some cases, no longer provides appropriate accommodation for many tenants;

(c) dispersing public housing and reducing concentrations of disadvantage contributes to a diverse and inclusive community;

(d) the ACT Government’s commitment through the Parliamentary Agreement to completing a $550 million program of renewal to replace 1288 of the ACT’s oldest public housing dwellings;

(e) the work of the Linking into New Communities Taskforce which works closely with, and provides support to, tenants to maintain community linkages before, during and after their move to their new location;

(f) the Asset Recycling Initiative (ARI) agreement which the ACT Government has signed with the Commonwealth Government requires infrastructure assets to be marketed, sold and settled, with replacement public housing dwellings completed by 30 June 2019;

(g) the process of relocating public housing tenants from Northbourne Avenue, into temporary accommodation, constructing new housing on the site, and moving public housing tenants back into the new developments could not have been completed within the specified ARI timeframe; and

(h) the Government has been proactively purchasing alternative replacement properties in North Canberra and, to date, the number of properties in contract exceeds 170, and that 77 public housing tenants have so far been allocated new properties in North Canberra;

(2) further notes:

(a) that public consultation has now commenced on a number of new housing sites in Tuggeranong, Molonglo Valley, Weston Creek and Woden Valley;

(b) the Minister for Housing and Suburban Development has extended the period for people to comment, provide feedback, or request additional information by a further two weeks to a total of five weeks from the date of lodgement of a development application (DA); and

(c) that consultation will include face-to-face discussions, online media, community council meetings, mainstream media, flyers and drop-in sessions; and

(3) calls on the Government to:

(a) continue its commitment to ‘salt and peppering’ public housing properties across the ACT;

(b) continue to ensure the designs for all new public housing are sympathetic to the look and feel of the surrounding community;

(c) continue to work closely, through Housing ACT and the Public Housing Renewal Taskforce, to identify the most appropriate replacement housing for each tenant being relocated;

(d) continue to prepare and offer Individual Support Plans to help guide tenant relocation and support individuals in their new communities

(e) continue to consult with local communities before the DA stage and take into consideration feedback received;

(f) ensure that there is an appropriate level of community land remaining in each suburb where new public housing developments are constructed; and

(g) provide an update on progress under the Public Housing Renewal Program to the ACT Assembly during the May sittings.”—

be agreed to—put and passed.

8 Australian Public Service—Impact on Canberra

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

1. notes that, over the years, federal governments and major agencies have seen the significant benefits of moving their offices to Canberra, including the:
   1. Chifley Government’s relocation of the CSIRO headquarters from Melbourne to Canberra in 1949;
   2. Fraser Government’s relocation of the High Court of Australia from Sydney to Canberra in 1980;
   3. Hawke Government’s relocation of the Defence Signals Directorate, now known as the Australian Signals Directorate, from Melbourne to Canberra from 1988; and
   4. Turnbull Government’s relocation of the Climate Change Authority from Melbourne to Canberra in 2016;
2. notes the Australian Public Service has been crucial to the growth and development of Canberra as a world-leading city by:
   1. investing significantly in the city’s people and infrastructure over many decades; and
   2. growing strong links across the Canberra economy, from small business to higher education;
3. further notes that the role of the Australian Public Service in Canberra has enjoyed tri-partisan support until February 2017; and
4. calls on the Federal Government and its elected representatives to support a strong Australian Public Service in Canberra and to utilise the significant intellectual capacity of Canberrans to its advantage.

Debate ensued.

Mr Steel addressing the Assembly—

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

Mr Gentleman (Manager of Government Business) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate continued.

Question—put and passed.

9 Dickson—Section 72, Blocks 6, 22 and 25 and Section 34, Block 30

Mr Coe (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

1. notes, regarding the land deals between the Land Development Agency (LDA) and the Canberra Tradesman’s Union Club Limited, that:
   1. the CFMEU aligned club sold Dickson, Section 72, Block 6 to the ACT Government in a contract signed on 15 December 2014 and settled on 19 December 2014;
   2. the Government paid $3.905 million for the site; and
   3. on 1 April 2015, a sublease was issued to the Canberra Tradesman’s Union Club Limited which expires on 18 June 2018;
2. notes that the site next to the Dickson Tradies Club, Dickson, Section 34, Block 30, currently features a carpark for approximately 150 vehicles; and
3. calls on the Government to table in the Assembly by 12 noon on 30 March 2017:
   1. regarding Dickson, Section 72, Block 6:
      1. the lease issued by the ACT Government to the Canberra Trademan’s Union Club Limited which was registered on 1 April 2015;
      2. all the valuations undertaken for the purchase of the block;
      3. the reason for the purchase, including the details of the Government’s intended use of the block;
      4. the details of the amount of rent paid to date and how much is to be paid;
      5. who in Government authorised the purchase;
      6. the date that the LDA Board, Chief Minister and the Cabinet were advised of the purchase; and
      7. what was the average unimproved value of the site at the time of sale; and
   2. regarding Dickson, Section 34, Block 30:
      1. the planned future use of the block;
      2. the proposed lease for the site;
      3. the sale contract, if it exists, and the amount paid, or to be paid, and the proposed settlement date;
      4. all the valuations undertaken for Dickson, Section 34, Block 30;
      5. who in Government authorised the sale; and
      6. will the Government allow the block to be used for residential use.

Mr Gentleman (Minister for Urban Renewal) moved the following amendment: Omit paragraph (3), substitute:

“(3) calls on the Government to circulate out-of-session to Members, subject to legal advice on confidentiality and information that may be commercial-in-confidence, by 28 April 2017:

(a) regarding Dickson, Section 72, Block 6:

* + 1. the lease issues by the ACT Government to the Canberra Tradesman’s Union Club Limited which was registered on 1 April 2015;
    2. all the valuations undertaken for the purchase of the block;
    3. the reason for the purchase, including the details of the Government’s intended use of the block;
    4. the details of the amount of rent paid to date and how much is to be paid;
    5. who in Government authorised the purchase;
    6. the date that the LDA Board, Chief Minister and the Cabinet were advised of the purchase; and
    7. what was the average unimproved value of the site at the time of sale; and

(b) regarding Dickson, Section 34, Block 30:

* + 1. the planned future use of the block;
    2. the proposed lease for the site;
    3. the sale contract, if it exists, and the amount paid, or to be paid, and the proposed settlement date;
    4. all the valuations undertaken for Dickson, Section 34, Block 30;
    5. who in the Government authorised the sale; and
    6. will the Government allow the block to be used for residential use.”.

Ms Le Couteur moved the following amendment to Mr Gentleman’s proposed amendment: Add:

“(c) regarding Dickson, Block 25 in Section 72 (the old Downer club site):

* + 1. all the valuations undertaken for the purchase of the block and the purchase price paid;
    2. the reason for the purchase, including the details of the Government’s intended use of the block;
    3. who in Government authorised the purchase;
    4. the date that the LDA Board, the relevant Minister and the Cabinet were advised of the purchase;
    5. what was the average unimproved value of the site at the time of sale; and
    6. the planned future use of the block; and

(d) regarding Dickson, Block 22 in Section 72 (the Salvation Army land):

* + 1. the reasons for the ACT Government’s interest in purchasing this block, including the details of the Government’s intended use of the block;
    2. why it has not been purchased; and
    3. all the valuations undertaken for the purchase of this block.”.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

1. notes, regarding the land deals between the Land Development Agency (LDA) and the Canberra Tradesman’s Union Club Limited, that:
   1. the CFMEU aligned club sold Dickson, Section 72, Block 6 to the ACT Government in a contract signed on 15 December 2014 and settled on 19 December 2014;
   2. the Government paid $3.905 million for the site; and
   3. on 1 April 2015, a sublease was issued to the Canberra Tradesman’s Union Club Limited which expires on 18 June 2018;
2. notes that the site next to the Dickson Tradies Club, Dickson, Section 34, Block 30, currently features a carpark for approximately 150 vehicles; and
3. calls on the Government to circulate out-of-session to Members, subject to legal advice on confidentiality and information that may be commercial-in-confidence, by 28 April 2017:
   1. regarding Dickson, Section 72, Block 6:
      1. the lease issues by the ACT Government to the Canberra Tradesman’s Union Club Limited which was registered on 1 April 2015;
      2. all the valuations undertaken for the purchase of the block;
      3. the reason for the purchase, including the details of the Government’s intended use of the block;
      4. the details of the amount of rent paid to date and how much is to be paid;
      5. who in Government authorised the purchase;
      6. the date that the LDA Board, Chief Minister and the Cabinet were advised of the purchase; and
      7. what was the average unimproved value of the site at the time of sale;
   2. regarding Dickson, Section 34, Block 30:
      1. the planned future use of the block;
      2. the proposed lease for the site;
      3. the sale contract, if it exists, and the amount paid, or to be paid, and the proposed settlement date;
      4. all the valuations undertaken for Dickson, Section 34, Block 30;
      5. who in the Government authorised the sale; and
      6. will the Government allow the block to be used for residential use;
   3. regarding Dickson, Block 25 in Section 72 (the old Downer club site):
      1. all the valuations undertaken for the purchase of the block and the purchase price paid;
      2. the reason for the purchase, including the details of the Government’s intended use of the block;
      3. who in Government authorised the purchase;
      4. the date that the LDA Board, the relevant Minister and the Cabinet were advised of the purchase;
      5. what was the average unimproved value of the site at the time of sale; and
      6. the planned future use of the block; and
   4. regarding Dickson, Block 22 in Section 72 (the Salvation Army land):
      1. the reasons for the ACT Government’s interest in purchasing this block, including the details of the Government’s intended use of the block;
      2. why it has not been purchased; and
      3. all the valuations undertaken for the purchase of this block.”—

be agreed to—put and passed.

10 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 6.38 pm, adjourned until tomorrow 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