



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2016–2017

MINUTES OF PROCEEDINGS

No 19

THURSDAY, 8 JUNE 2017

1 The Assembly met at 10 am, 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—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2015-2016—REPORT NOTED

Mrs Jones (Chair), pursuant to order, presented the following report:

Justice and Community Safety—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*, dated 30 May 2017, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

3 SAFER FAMILIES—ANNUAL STATEMENT 2017—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for the Prevention of Domestic and Family Violence) made a ministerial statement concerning the annual Safer Families Statement and presented the following paper:

Safer Families—Annual Statement 2017—Ministerial statement, 8 June 2017.

Ms Berry moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.



4 LANDS ACQUISITION AMENDMENT BILL 2017

Mr Gentleman (Minister for Planning and Land Management), pursuant to notice, presented a Bill for an Act to amend the *Lands Acquisition Act 1994*.

Papers: Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 June 2017.

Title read by Clerk.

Mr Gentleman 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.

5 ROAD TRANSPORT REFORM (LIGHT RAIL) LEGISLATION AMENDMENT BILL 2017

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to notice, presented a Bill for an Act to amend legislation about light rail, 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, dated 7 June 2017.

Title read by Clerk.

Mr Rattenbury 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.

6 THE CANBERRA HOSPITAL—AECOM RISK ASSESSMENT REPORT ON THE PERFORMANCE OF INFRASTRUCTURE—ORDER TO TABLE—EVALUATION BY INDEPENDENT LEGAL ARBITER—EXTENSION OF TIME

Ms Burch, pursuant to notice, moved—That, notwithstanding the provisions of standing order 213A, and in relation to the order to table the AECOM Risk Assessment Report on the Performance of Infrastructure at The Canberra Hospital:

- (1) the correspondence from the Chief Minister to the Independent Legal Arbiter be provided to Mrs Dunne and Mr Rattenbury for response;
- (2) any response from Mrs Dunne or Mr Rattenbury be provided to the Independent Legal Arbiter through the Clerk's Office by 5pm Friday, 9 June 2017;
- (3) a copy of any response to the Independent Legal Arbiter to also be provided to the Chief Minister, Mrs Dunne and Mr Rattenbury; and
- (4) the Independent Legal Arbiter is to complete his report by 5pm Monday, 19 June 2017.

Question—put and passed.

7 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 4—CODE OF CONDUCT FOR ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY—REVIEW—MOTION THAT REPORT BE ADOPTED

The order of the day having been read for the resumption of the debate on the motion of Mr Wall—That the report be adopted, viz:

Administration and Procedure—Standing Committee—Report 4—*Code of Conduct for All Members of the Legislative Assembly for the Australian Capital Territory—Review—*

Ms Cheyne moved the following amendment: Add after the word “adopted”:

“with the following amendments to the proposed Code of Conduct detailed in recommendation 2:

- (1) in paragraph (7), omit ‘, effective and economic’, substitute ‘and efficient’;
- (2) omit paragraph (12)(c); and
- (3) in paragraph (13), omit ‘materially impede their capacity to perform’, substitute ‘unreasonably impact on’.

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

8 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 3—COMMISSIONER FOR STANDARDS REFERRAL PROCESS—MOTION THAT REPORT BE ADOPTED

The order of the day having been read for the resumption of the debate on the motion of Ms Cheyne—That the report be adopted, viz:

Administration and Procedure—Standing Committee—Report 3—*Commissioner for Standards Referral Process—*

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

9 CODE OF CONDUCT—REAFFIRMATION BY MEMBERS

The order of the day having been read for the resumption of the debate on the motion of Ms Burch—That we, the Members of the Ninth Legislative Assembly for the Australian Capital Territory, having adopted a code of conduct for Members, reaffirm our commitment to the principles, obligations and aspirations of the code—

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

10 DISCHARGE OF ORDER OF THE DAY

Order of the day No 5, Assembly business—Proposed inquiry into universal access to early childhood education by the Standing Committee on Education, Employment and Youth Affairs, having been called on—

Mr Steel, pursuant to standing order 152, moved—That this order of the day be discharged from the *Notice Paper*.

Question—put and passed.

11 DISCHARGE OF ORDER OF THE DAY

Order of the day No 6, Assembly business—Proposed inquiry into enrolments and capacity in Canberra public schools by the Standing Committee on Education, Employment and Youth Affairs, having been called on—

Mr Pettersson, pursuant to standing order 152, moved—That this order of the day be discharged from the *Notice Paper*.

Question—put and passed.

12 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2015-2016—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Planning and Urban Renewal—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*, dated 31 May 2017, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

13 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—2015-2016 ANNUAL AND FINANCIAL REPORTS—RECOMMENDATIONS OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS AND THE STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM—STATEMENT BY CHAIR

Ms Lee (Assistant Speaker), on behalf of Ms Burch (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Administration and Procedure had considered the two recommendations made by the Standing Committee on Public Accounts and the Standing Committee on Economic Development and Tourism. Having consulted with the Chairs, Deputy Chairs and Secretaries of those two Committees, Ms Burch, as Chair of the Standing Committee on Administration and Procedure, would be writing to the Manager of Government Business suggesting changes to the Committees' terms of reference.

14 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE—INQUIRY—UNIVERSITY OF CANBERRA—ANNUAL REPORT 2016—STATEMENT BY CHAIR

Mr Pettersson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Education, Employment and Youth Affairs had resolved not to examine and report on the 2016 annual report of the University of Canberra at this time, as it was not presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*. The Committee has written to the Minister for Higher Education, Training and Research and the Manager of Government Business requesting that the University of Canberra's 2016 and 2017 annual reports be included in the next annual report referral.

15 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE—INQUIRY—INSECURE EMPLOYMENT IN THE A.C.T.—DISCUSSION PAPER—PAPER AND STATEMENT BY CHAIR

Mr Pettersson (Chair), pursuant to standing order 246A, presented the following paper:

Inquiry into Insecure Employment in the ACT—Discussion paper, dated 8 June 2017—

and, pursuant to standing order 246A, made a statement in relation to the Discussion paper and the Committee's inquiry.

16 ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION—INTERSECTION OF TILLYARD DRIVE AND GINNINDERRA DRIVE—UPGRADE OF EXISTING TRAFFIC CONTROL MEASURES—STATEMENT BY CHAIR

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition No 2-17 and the Minister's response to the petition, the Standing Committee on Environment and Transport and City Services had determined not to conduct an inquiry into the matter at this time.

17 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—PETITIONS—PUBLIC HOUSING DEVELOPMENT—HOLDER AND CHAPMAN—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning and Urban Renewal is currently considering petitions Nos 10-17 and 11-17, relating to public housing development in Holder and Chapman, and would consider its response to the petitions following presentation of the Minister's response to the Assembly.

18 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE—INQUIRY—CANBERRA INSTITUTE OF TECHNOLOGY—ANNUAL REPORT 2016

Mr Pettersson (Chair), by leave, moved—That, notwithstanding the provisions of the resolution of the Assembly of 16 February 2017, as amended 9 May 2017, referring annual and financial reports to the relevant standing committees, the Standing Committee on Education, Employment and Youth Affairs present its report on its inquiry into the 2016 annual report for the Canberra Institute of Technology by the last sitting day in March 2018.

Question—put and passed.

19 UTILITIES (STREETLIGHT NETWORK) LEGISLATION AMENDMENT BILL 2017

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

Bill, by leave, taken as a whole—

On the motion of Mr Barr (Treasurer), by leave, pursuant to standing order 182A(b), his amendment No 1 (see [Schedule 1](#)) was made.

Paper: Mr Barr presented a supplementary statement to the Government amendment.

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

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

20 PLANNING, BUILDING AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2017

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: Mr Gentleman (Minister for the Environment and Heritage) presented a revised June 2017 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—

Ms Lawder, by leave, moved her amendments Nos 1 to 4 together (see [Schedule 2](#)).

Debate continued.

Amendments negatived.

Bill, as a whole, agreed to.

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

21 LEAVE OF ABSENCE TO MEMBERS

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted for all Members for the period 9 June to 31 July 2017.

Question—put and passed.

22 LEAVE OF ABSENCE TO MEMBER

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Mr Gentleman for the period 1 to 3 August 2017 to attend meetings in Singapore.

Question—put and passed.

23 REMUNERATION TRIBUNAL ACT—REMUNERATION TRIBUNAL DETERMINATIONS—PAPERS AND STATEMENT BY MINISTER

Mr Barr (Chief Minister) presented the following papers:

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

ACT Supreme Court—Travel Allowance for the Associate Judge—Determination 6 of 2017, dated April 2017.

Full-Time Statutory Office Holder—City Renewal Authority (Chief Executive Officer)—Determination 10 of 2017, dated April 2017.

Full-Time Statutory Office Holders—Suburban Land Agency (Chief Executive Officer)—

Determination 8 of 2017, dated April 2017.

Determination 15 of 2017, dated 30 May 2017.

Full-time Statutory Office Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 13 of 2017, dated May 2017.

Land Development Agency—Determination 11 of 2017, dated April 2017.

Part-time Public Office Holder—

City Renewal Authority Board—Determination 9 of 2017, dated April 2017.

Suburban Land Agency Board—

Determination 7 of 2017, dated April 2017.

Determination 14 of 2017, dated 30 May 2017.

Part-time Statutory Office Holder—Public Sector Standards Commissioner—Determination 12 of 2017, dated May 2017—

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

24 ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT—ANNUAL REPORTS (GOVERNMENT AGENCIES) NOTICE 2017—NOTIFIABLE INSTRUMENT NI2017-280—PAPER AND STATEMENT BY MINISTER

Mr Barr (Chief Minister) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to subsection 8(5)—Annual Reports (Government Agencies) Notice 2017—Notifiable instrument NI2017-280, including the Chief Minister's 2016-2017, 2017-2018 Annual Report Directions, dated 30 May 2017—

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

25 PRESENTATION OF PAPER

Mr Barr (Treasurer) presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 19(3)—Statement of Corporate Intent—Icon Water—2017-18 to 2020-21, dated 16 May 2017.

26 PRESENTATION OF PAPER

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

Ngunnawal Bush Healing Farm—Block 241 Paddy's River, pursuant to the resolution of the Assembly of 7 June 2017—Crown Lease, including an application to vary a Crown Lease, chronology of lease purpose clause changes, and permitted uses under the Territory Plan.

27 PRESENTATION OF PAPERS

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

Electoral Act, pursuant to subsection 10A(3)—ACT Legislative Assembly Election 2016—Report—Government response.

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General's report No 2/2017—2016 ACT Election—Government response.

ACT Criminal Justice—Statistical Profile 2017—March quarter.

28 SAFER FAMILIES—ANNUAL STATEMENT 2017—AMENDED MINISTERIAL STATEMENT—STATEMENT BY MINISTER—PAPER

Ms Berry (Minister for the Prevention of Domestic and Family Violence), by leave, made a statement concerning her ministerial statement earlier this day and presented the following paper:

Safer Families—Annual Statement 2017—Amended ministerial statement, dated 8 June 2017.

29 PAPER—PETITION OUT-OF-ORDER—STATEMENT BY MEMBER

Mr Gentleman (Manager of Government Business) presented the following paper:

Petition which does not conform with the standing orders—Waramanga Shops—Playground, barbecue and recreational areas—Mr Steel (377 signatures).

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

30 QUESTIONS

Questions without notice being asked—

At 3 pm, questions were interrupted pursuant to the resolution of the Assembly of 6 June 2017.

31 APPROPRIATION BILL 2017-2018

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.

Estimates 2017-2018—Select Committee—Reference—Appropriation Bill 2017-2018 and Appropriation (Office of the Legislative Assembly) Bill 2017-2018: Mr Barr (Treasurer), pursuant to standing order 174, moved—That the Appropriation Bill 2017-2018 and the Appropriation (Office of the Legislative Assembly) Bill 2017-2018 be referred to the Select Committee on Estimates 2017-2018.

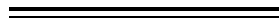
Question—put and passed.

32 ADJOURNMENT

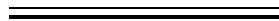
Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 3.51 pm, adjourned until Tuesday, 1 August 2017 at 10 am.



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



Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

UTILITIES (STREETLIGHT NETWORK) LEGISLATION AMENDMENT BILL 2017

Amendment circulated by the Treasurer

1

Clause 9

Page 7, line 1—

omit clause 9, substitute

9

**Streetlight network
Section 229 (1)**

omit

in relation to the provision of streetlighting.

substitute

in relation to—

- (a) the provision of streetlighting; and
 - (b) services provided in relation to the provision of streetlighting.
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Schedule 2**PLANNING, BUILDING AND ENVIRONMENT LEGISLATION AMENDMENT BILL
2017**

Amendments circulated by Ms Lawder

1**Proposed new clause 13A****Page 12, line 1—***insert***13A Decision about nomination application
New section 29 (1) (a) (iii)***insert*

- (iii) the council is not satisfied that the application contains enough information for an assessment to be made; or

2**Proposed new clause 13B****Page 12, line 1—***insert***13B Decision about provisional registration
New section 32 (3)***insert*

- (3) Further, the council may decide not to provisionally register a place or object if satisfied the heritage significance of the place or object is protected under another territory law.

3**Clause 14****Page 12, line 2—***[oppose the clause]*

4**Clause 18****Proposed new section 4 (3)****Page 15, line 5—***omit proposed new section 4 (3), substitute*

- (3) Before having regard to Aboriginal or Torres Strait Islander vocabulary under subsection (2) (e), the Minister must consult an entity that is—

- (a) prescribed by regulation as an entity that represents the interests of Aboriginal and Torres Strait Islander people; and
 - (b) appropriate to consult in the circumstances.
-