Legislative Assembly for the Australian Capital Territory

2016-2017

Notice Paper

No 26

Wednesday, 23 August 2017

The Assembly meets this day at 10 am

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PRIVATE MEMBERS’ BUSINESS

Notices

1  **MS LE COUTEUR**: To move—That this Assembly:

   (1) notes that successful participatory budgeting exercises have been established nationally and internationally, providing a wealth of well-studied and effective processes for the ACT to draw upon, including:

   (a) in 2014, the City of Melbourne used participatory budgeting to create its first ever 10-Year Financial Plan, worth $5 billion;

   (b) in 2013-14, the City of Greater Geraldton conducted a successful Community Summit to prioritise 99 non-mandatory services worth over $8.5 million within budget constraints of $6 million; and

   (c) since 1989, citizens of Porto Alegre in Brazil have decided how to spend hundreds of millions of dollars on capital projects through participatory budgeting, establishing a model process which has spread over two hundred Brazilian cities;

* Notifications to which an asterisk (*) is prefixed appear for the first time

(2) acknowledges that:

(a) the ACT’s $5.5 billion annual budget is unique within Australia, and unusual internationally, in combining both local and state government service delivery functions;

(b) the ACT Government has existing budget consultation processes, which include considering submissions from peak bodies and community stakeholders;

(c) the Parliamentary Agreement commits the Government to:

(i) “Strengthen community consultation processes, including through the use of deliberative democracy strategies, so that diverse views are taken into account in major project proposals”; and

(ii) “Conduct a review in 2017 of the Budget process, to improve community input to Budget decision-making in future years”;

(d) new approaches to community consultation are needed in the ACT and the Government has made some progress on its Parliamentary Agreement commitments by funding a citizens’ jury pilot, community engagement training for Government staff and recruiting a participatory democracy expert; and

(e) Chief Minister Barr stated in *The Canberra Times* on 20 May 2017 “The silent majority was heard loud and clear in the 2016 election. It needs to be heard in between elections, too. I want more Canberrans to be able to play a role in shaping their city every day. ...Lack of consultation is not the problem, but the way we consult needs to change”;

(3) asserts that as a well-studied community engagement method with proven effectiveness, participatory budgeting can:

(a) better incorporate citizens’ needs and preferences into government deliberations, and improve transparency in resource allocation and service delivery;

(b) offer citizens at large an opportunity to learn about government operations, and to deliberate, debate and influence the allocation of public resources; and

(c) educate, engage and empower citizens and strengthen inclusive governance by giving marginalised groups more opportunities to have their voices heard and influence public decision making; and

(4) calls on the ACT Government to:

(a) as part of its Budget Review to “improve community input”, to conduct a participatory budgeting pilot for the 2018-19 ACT Budget which:
(i) commits the discretionary portion of the City Services budget, anticipated to be in the order of 20 percent of the total City Services budget, to allocation through a participatory budgeting process;

(ii) is designed by an advisory group with relevant expertise in deliberative democracy processes, including practitioners, academics and the community sector, to be convened by the Government;

(iii) is informed by the set of principles developed by ACTCOSS and CAPAD to ensure that deliberative mechanisms are trialled in a robust, respectful and informed way;

(iv) uses a randomly selected panel as a representative cross-section of the Canberra community and provides the panel with all relevant information; and

(v) is subject to independent post-implementation analysis, which will be made public and used to inform the model for an expanded participatory budgeting process in the ACT; and

(b) commit to using participatory budgeting processes to inform the priorities of the entire ACT Budget by the conclusion of 9th Assembly in 2020, applying lessons learned during the pilot. (Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

2 MR WALL: To move—That this Assembly:

(1) notes:

(a) the unwavering political affiliation between ACT Labor and the Union movement;

(b) the financial contribution made by various Unions in the ACT to the ACT Labor Party and individual Labor MLA’s;

(c) the influence UnionsACT have over ACT Government procurement for goods and services as prescribed by the Memorandum of Understanding (MOU) between the ACT Government and UnionsACT;

(d) the influence that UnionsACT have over which organisations Labor MLA’s can and can’t meet with;

(e) in 2016, the Royal Commission into Trade Union Governance and Corruption found evidence of union bullying, intimidation and exclusion on worksites across Australia and in the ACT;

(f) the multiple funding arms of the CFMEU that have been uncovered as a result of the Royal Commission;

(g) the number of special land deals struck between the ACT Government and CFMEU affiliated entities; and
(h) the ACT Government’s plans to enshrine the MOU between UnionsACT and the ACT Government in legislation; and

(2) calls on the ACT Government to:

(a) cease any plans to legislate for any function relating to the procurement of goods and services that is currently performed by the MOU between UnionsACT and the ACT Government; and

(b) assure the community that all members of the ACT Labor/Green Government are acting free from undue external influence in accordance with the Ministerial Code of Conduct and/or Members Code of Conduct. (Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

3 MR PETTERSSON: To move—That this Assembly:

(1) notes that:

(a) the ACT has seen a population increase from 356 586 people in 2011 to 406 403 people by the end of 2016, equating to growth of more than 11 percent in this period, the fastest growth rate of any State or Territory;

(b) in the same period the number of families in the ACT has risen from 93 397 to 102 036;

(c) Canberra’s population grew by 7000 people in 2016 alone, and is projected to continue at 1.5 percent per year into the 2020s; and

(d) much of this growth has been in Canberra’s north, with the Gungahlin region growing by almost 24 000 people in the past five years;

(2) also notes that the ACT Government has, and continues to, enact forward thinking policy to accommodate this population growth, as evidenced by the $2.8 billion infrastructure investment program delivered in the 2017 Budget which includes:

(a) building Light Rail and investing $54 million on upgrading the Territory’s roads;

(b) investing an additional $210 million in our education system to upgrade and expand the capacity of ACT schools;

(c) delivering $443 million for better health infrastructure for Canberra, including the construction of new Walk-in Centres in Gungahlin, the Weston Creek region and the Inner North; and

(d) investing in renewable energy which will assist with the transition towards a low-emission energy future and provide stability to energy prices; and
(3) calls on the ACT Government to:

(a) continue to invest in vital infrastructure, such as Light Rail, so as to ensure that Canberra can continue to accommodate this population growth; and

(b) support investment in health and education to ensure that Canberrans continue to receive world class services. (Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

4 MR HANSON: To move—That this Assembly:

(1) notes:

(a) the Director of Public Prosecutions (DPP) noted in the agency’s 2016-2017 Annual Report that funding for the DPP was “at a critical level”;

(b) at the hearing of 23 June 2017, the Select Committee on Estimates 2017-2018 heard that funding for the DPP “goes nowhere near meeting the needs of the office, particularly in the context of continuing efficiency measures”;

(c) the Committee also heard “the DPP must make compromises including selection of cases as well as compromises to the level of preparation and degree of expertise brought to cases”;

(d) the Committee stated “there is a valid argument for ensuring the DPP’s funding enables it to meet increasing prosecution service requirements to a high standard”; and

(e) the Justice and Community Safety Directorate is facing efficiency measures of $4.9 million, which includes the DPP as shown in the table provided to the Committee by the Directorate on notice; and

(2) calls on the Government to implement the Select Committee’s recommendation that the:

(a) Office of the ACT Director of Public Prosecutions be excluded from the application of the efficiency dividend, and that all programs in this area be maintained or expanded as required to achieve the stated policy outcome;

(b) ACT Government seek submissions from the ACT Director of Public Prosecutions as to the funding required to attract and retain senior prosecutors and special provisions be applied to achieve this aim; and

(c) Office of the ACT Director of Public Prosecutions be authorised to prepare and present its own budget submissions, independent of the Justice and Community Safety Directorate. (Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).
MR WALL: To move—that this Assembly:

(1) notes:
   (a) the role of the Ministerial Code of Conduct in upholding the integrity of all Ministers in the ACT Legislative Assembly;
   (b) that according to the Ministerial Code of Conduct item 3.a., Ministers must act according to the highest standards of personal integrity and probity, and uphold the ACT’s system of responsible government;
   (c) that according to the Ministerial Code of Conduct item 5.d., Ministers must use administrative resources appropriately. Ministers must not permit public resources to be wasted or used in an improper manner;
   (d) the number of overseas trips taken by ACT Labor and Green Ministers taken since the beginning of the 9th Assembly; and
   (e) the lack of transparency around the use of ACT taxpayer funds during Ministerial overseas travel; and

(2) calls on the ACT Government to:
   (a) uphold the principles of the ACT Ministerial Code of Conduct; and
   (b) make public within 3 months of return of travel, a reconciliation of all expenses incurred and activities undertaken by the ACT Government for ministerial travel, including all expenses for staff, public servants or any other person accompanying a Minister during any official travel.

(Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

MS ORR: To move—that this Assembly:

(1) notes:
   (a) our natural environment is a diverse and dynamic system of finite elements which people are both a part of and a significant player within;
   (b) we gain much from our environment;
   (c) human activity can and has in many instances impacted adversely on our natural environment; and
   (d) our unique relationship with the environment means we have a responsibility to rejuvenate landscapes that have been adversely impacted by human activity where possible;

(2) acknowledges the:
   (a) ACT Government’s continued support of and partnership with the Woodland and Wetlands Trust;
   (b) remarkable work the Woodland and Wetlands Trust undertakes at Mulligans Flat and Jerrabomberra Wetlands including the reintroduction of Eastern Quolls and Bettongs; and
calls on the Government to:

(a) continue its good work in nature conservation and scientific research;
(b) complete the promised design of the Mulligans Flat Eco Tourism Visitor Centre; and
(c) develop an ecotourism policy to support greater access, understanding and appreciation of Canberra's natural environment. (Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

MR COE: To move—That this Assembly calls on the ACT Government to undertake and publish staging analysis for all stages identified in the 2015 ACT Light Rail Master Plan. As per the 1994 and 2004 Canberra light rail studies, the analysis should include, but not be limited to, estimates for:

(1) demography;
(2) patronage;
(3) possible route alignments;
(4) capital costs;
(5) operating costs; and
(6) finance options. (Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

Orders of the day

1  **PLANNING AND DEVELOPMENT (TERRITORY PLAN VARIATIONS) AMENDMENT BILL 2017:** (Ms Le Couteur) Agreement in principle—Resumption of debate (from 10 May 2017—Ms Lawder).

2  **CRIMES (INVASION OF PRIVACY) AMENDMENT BILL 2017:** (Ms Le Couteur) Agreement in principle—Resumption of debate (from 2 August 2017—Mr Ramsay).
EXECUTIVE BUSINESS

Orders of the day


3. **HOLIDAYS (RECONCILIATION DAY) AMENDMENT BILL 2017**: (Minister for Workplace Safety and Industrial Relations): Agreement in principle—Resumption of debate (from 17 August 2017—Mr Wall).

4. **ACT HEALTH REPORTING—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate (from 14 February 2017—Mr Wall) on the motion of Ms Fitzharris—That the Assembly takes note of the paper.

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ASSEMBLY BUSINESS

Notice

1. **MS LAWDER**: To move—That the Planning and Development (Lease Variation Charges) Determination 2017 (No 1)—Disallowable Instrument DI2017-176, be disallowed. (Notice given 16 August 2017. Disallowable Instrument will be deemed to have been disallowed unless disposed of within 4 sitting days, including today).

Orders of the day

1. **ESTIMATES 2017-2018—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2017-2018 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2017-2018—MOTION THAT REPORT BE NOTED**: Resumption of debate (from 1 August 2017—Mr Barr) on the motion of Mr Wall—That the report be noted. (Order of the day will be removed from the Notice Paper unless called on within 2 sitting weeks—standing order 152A.)
2 ESTIMATES 2017-2018—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2017-2018 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2017-2018—GOVERNMENT RESPONSE—PAPER—MOTION TO TAKE NOTE OF PAPER: Resumption of debate (from 15 August 2017—Mr Wall) on the motion of Mr Barr—That the Assembly takes note of the paper. (Order of the day will be removed from the Notice Paper unless called on within 3 sitting weeks—standing order 152A.)

Last sitting day in August 2017

3 STANDING COMMITTEES: Presentation of reports on annual and financial reports for the calendar year 2016, pursuant to order of the Assembly of 16 February 2017.

End of October 2017

4 INDEPENDENT INTEGRITY COMMISSION—SELECT COMMITTEE: Presentation of report on the most effective and efficient model for an independent integrity commission for the ACT, pursuant to order of the Assembly of 15 December 2016, as amended 6 June 2017.

Last sitting day in 2017

5 2016 ACT ELECTION AND THE ELECTORAL ACT—SELECT COMMITTEE: Presentation of report on a review of the operation of the 2016 ACT election and the Electoral Act and other relevant legislation and policies in regards to election-related matters, pursuant to order of the Assembly of 15 December 2016.

Last sitting day in March 2018

EXECUTIVE MEMBERS’ BUSINESS

Notice

1  MR RATTENBURY: To move—That this Assembly:

(1) acknowledges the ACT Government’s ongoing commitment to upholding the human rights of refugees and asylum seekers, by reaffirming that:

(a) the ACT is the only Australian State or Territory to have declared itself a Refugee Welcome Zone, and is one of 148 Refugee Welcome Zones across Australia—including councils and shires from every State. As a Refugee Welcome Zone we welcome refugees in our community, act to uphold their human rights, demonstrate compassion for refugees, and work to enhance our cultural and religious diversity; and

(b) the ACT is proud to be part of the Safe Haven Enterprise Visa Scheme. This underlines the commitment of both the ACT Government and the broader community to welcoming and supporting refugees and asylum seekers;

(2) notes that:

(a) the Manus Island detention facility and the Nauru Regional Processing Centre have been unequivocally shown, via multiple reports from reputable sources, including the United Nations, to be extremely unsafe and inappropriate places, yet over 2000 refugees—including 169 children—have been imprisoned for four years in these inhumane and degrading conditions;

(b) refugees in these processing centres have been subjected to violent attacks, sexual violence, inadequate medical care, and harassment of mothers, fathers and children as young as six;

(c) the United Nations has repeatedly criticised Australia’s treatment of refugees and asylum seekers including by saying: “The consensus among medical experts is that conditions of detention and offshore processing do immense damage to physical and mental health” and “[T]he Rapporteur concludes that there is substance in the allegations… that the Government of Australia, by failing to provide adequate detention conditions; end the practice of detention of children; and put a stop to the escalating violence and tension at the Regional Processing Centre, has violated the right of the asylum seekers, including children, to be free from torture or cruel, inhuman or degrading treatment...”;
(d) on 8 August 2017, the UNHCR said it “is gravely concerned by deteriorating conditions at the Manus Island ‘Regional Processing Centre’, as authorities seek to relocate people to Lorengau or elsewhere in Papua New Guinea. The announcement of the closure of the Centre, in the absence of appropriate alternatives, is causing acute distress among refugees and asylum-seekers”; and

(e) it is past time for this damaging, cruel and inhumane policy to end;

(3) writes to the Federal Government, requesting that it:

(a) immediately removes all refugees and asylum seekers from Manus Island and Nauru; and

(b) brings all refugees and asylum seekers to Australia to be resettled in Australia’s 148 Refugee Welcome Zones where they can build new lives within this network of compassionate and caring communities committed to upholding their rights; and

(4) declares that the ACT Government is willing and ready to settle refugees and asylum seekers from Manus Island and Nauru in Canberra as part of a national program of resettlement. (Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

QUESTIONS ON NOTICE

On the first sitting day of a period of sittings a complete Notice Paper is published containing all unanswered questions. On subsequent days, only redirected questions are included on the Notice Paper together with a list of all unanswered questions.

A Questions on Notice Paper will be issued on the Friday of a sitting week, containing the text of all questions on notice lodged that week and can be accessed at www.parliament.act.gov.au/in-the-assembly/questions-paper.

Unanswered questions


T Duncan
Clerk of the Legislative Assembly
GOVERNMENT TO RESPOND TO PETITIONS
(in accordance with standing order 100)

1 November 2017

Farrer—Strategic plan to enhance community facilities—Minister for Transport and City Services—Petitions lodged by Mr Steel (Pet 13-17 and 16-17).

Billboard advertising in the ACT—Enforcement of rules—Minister for Planning and Land Management—Petitions lodged by Ms Lee (Pet 14-17 and 17-17).

ACTION bus services between Deakin, Kingston and Manuka—Minister for Transport and City Services—Petition lodged by Ms Lee—(Pet 15-17).

16 November 2017

Higgins—Upgrades to playgrounds—Minister for Transport and City Services—Petition lodged by Mrs Kikkert (Pet 20-17).

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COMMITTEES

Unless otherwise shown, appointed for the life of the Ninth Assembly. The dates of the amendments to the committees’ resolution of appointment are reflected, but not changes in the membership.

Standing

Pursuant to standing order

ADMINISTRATION AND PROCEDURE: (Formed 31 October 2016): The Speaker (Chair), Ms Cheyne, Mr Rattenbury, Mr Wall.

Pursuant to resolution

ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE: (Formed 13 December 2016): Mr Hanson (Chair), Ms Orr, Mr Parton, Mr Pettersson.

EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE: (Formed 13 December 2016): Mr Pettersson (Chair), Mrs Kikkert, Mr Steel, Mr Wall.

ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE: (Formed 13 December 2016): Ms Orr (Chair), Ms Cheyne, Mr Doszpot, Mr Parton.
HEALTH, AGEING AND COMMUNITY SERVICES—STANDING COMMITTEE: (Formed 13 December 2016): Mr Steel (Chair), Mrs Dunne, Mrs Kikkert, Ms Le Couteur, Mr Pettersson.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE: (Formed 13 December 2016): Mrs Jones (Chair), Ms Cody, Ms Lee, Mr Steel.

PLANNING AND URBAN RENEWAL—STANDING COMMITTEE: (Formed 13 December 2016): Ms Le Couteur (Chair), Ms Cheyne, Ms Lawder, Mr Milligan, Ms Orr.

PUBLIC ACCOUNTS: (Formed 13 December 2016): Mrs Dunne (Chair), Ms Cody, Mr Coe, Mr Pettersson.

Select

2016 ACT ELECTION AND ELECTORAL ACT—SELECT COMMITTEE: (Formed 15 December 2016): Ms Cody (Chair), Ms Cheyne, Ms Le Couteur, Mr Milligan, Mr Wall.

INDEPENDENT INTEGRITY COMMISSION—SELECT COMMITTEE: (Formed 15 December 2016): Mr Rattenbury (Chair), Ms Cody, Mrs Jones, Ms Lee, Mr Steel.

Dissolved

ESTIMATES 2017-2018—SELECT COMMITTEE: (Formed 16 February 2017): Mr Wall (Chair), Ms Cody, Mr Coe, Ms Le Couteur, Mr Pettersson. (Presented 1 August 2017)