



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 74

TUESDAY, 23 OCTOBER 2018

1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 LEAVE OF ABSENCE TO MEMBERS

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to:

- (1) Mr Ramsay for today for personal reasons.
- (2) Ms Cheyne and Mr Milligan for this sitting week on official parliamentary duties.

Question—put and passed.

3 SPEAKER'S RULING—LAND TAX (COMMUNITY HOUSING EXEMPTION) AMENDMENT BILL 2018

The Speaker ruled that the Land Tax (Community Housing Exemption) Amendment Bill 2018 was out-of-order as it contravened standing order 275 and House of Representatives practice, and advised that it would be withdrawn from the *Notice Paper* in accordance with standing order 170.

Papers: The Speaker presented the following papers:

Land Tax (Community Housing Exemption) Amendment Bill 2018—Copy of Clerk's advice to the Speaker, dated 22 October 2018.

The Law Making Powers of the Houses—Three Aspects of the Financial Initiative—Updated notes for Members, prepared by the Clerk's Office, House of Representatives, June 2012.



4 SUSPENSION OF STANDING ORDERS MOVED—CONSIDERATION OF LAND TAX (COMMUNITY HOUSING EXEMPTION) AMENDMENT BILL 2018

Mr Wall moved—That so much of the standing orders be suspended as would prevent order of the day No 1, Private Members' business, as listed on the *Notice Paper*, to proceed for debate at tomorrow's sitting, 24 October 2018.

Debate ensued.

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

The time for the debate having expired—

Question—put.

The Assembly voted—

AYES, 8		NOES, 11	
Miss C. Burch	Mr Parton	Mr Barr	Ms Orr
Mr Coe	Mr Wall	Ms J. Burch	Mr Pettersson
Mrs Dunne		Ms Cody	Mr Rattenbury
Mr Hanson		Ms Fitzharris	Mr Steel
Mrs Kikkert		Mr Gentleman	Ms Stephen-Smith
Ms Lawder		Ms Le Couteur	

And so it was negatived.

5 PETITION, E-PETITIONS AND MINISTERIAL RESPONSES—STATEMENTS BY MEMBERS

Petition and e-Petitions

The Clerk announced that the following Members had lodged petitions for presentation:

Ms Le Couteur, in similar terms, from 435 and 83 residents, respectively, requesting that the Assembly call on the Government to amend the Phillip Precinct Code to reduce shadowing over the Bellerive Retirement Village (Pet 20-18 and e-Pet 12-18).

Miss C. Burch, from 528 residents, requesting that the Assembly call on the Government to reopen public consultation on proposed school bus changes and retain all bus services throughout 2019. (e-Pet 17-18).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Environment and Transport and City Services.

Ministerial responses

The Clerk announced that the following responses to petitions had been lodged:

Mr Steel (Minister for City Services), dated 4 October 2018—Response to e-petition No 11-18, lodged by Ms J. Burch on 14 August 2018, concerning improvements to the Tuggeranong Town Centre.

Mr Steel (Minister for City Services), dated 5 October 2018—Response to petition No 16-18, lodged by Mrs Kikkert on 14 August 2018, concerning the provision of recycling bins at the Charnwood Group Centre.

Ms Le Couteur and Miss C. Burch, by leave, made statements in relation to the petitions.

6 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REPORT 4—INQUIRY INTO GOVERNMENT PROCUREMENT (SECURE LOCAL JOBS) AMENDMENT BILL 2018—REPORT NOTED

Mr Hanson (Chair), pursuant to order, presented the following report:

Economic Development and Tourism—Standing Committee—Report 4—*Inquiry into Government Procurement (Secure Local Jobs) Amendment Bill 2018*, dated 28 September 2018, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

7 ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—PETITION 6-18—MITCHELL—LIGHT RAIL STOP—STATEMENT BY CHAIR

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition 6-18 concerning the reinstatement of the light rail stop planned for Mitchell, and the Minister's response, the Standing Committee on Environment and Transport and City Services had resolved not to inquire further into the matters raised in the petition.

8 DELIVERING AN INCLUSIVE, PROGRESSIVE AND CONNECTED CANBERRA—MINISTERIAL STATEMENT—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning on delivering an inclusive, progressive and connected Canberra and presented the following paper:

Delivering an inclusive, progressive and connected Canberra—Ministerial statement, 23 October 2018.

Mr Barr moved—That the Assembly take note of the paper.

Question—put and passed.

9 A.C.T. HEALTH TRANSITION AND WORKPLACE CULTURE—UPDATE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Fitzharris (Minister for Health and Wellbeing) made a ministerial statement concerning the transition of ACT Health into two distinct organisations, and workplace culture, pursuant to the resolutions of the Assembly of 9 May and 1 August 2018, and presented the following papers:

ACT Health transition and workplace culture—Update—Ministerial statement, 23 October 2018.

Workplace Culture within ACT Public Health Services—Independent review—Terms of reference, dated 23 October 2018.

Ms Fitzharris moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

10 OUT OF HOME CARE STRATEGY 2015-2020—A STEP UP FOR OUR KIDS—ONE STEP CAN MAKE A LIFETIME OF DIFFERENCE—UPDATE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Stephen-Smith (Minister for Children, Youth and Families) made a ministerial statement concerning the Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step can make a Lifetime of Difference* and presented the following papers:

Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step Can Make a Lifetime of Difference*—Update—October 2018—Ministerial statement, 23 October 2018.

A Step Up for Our Kids—Snapshot Report, as at 9 October 2018.

Ms Stephen-Smith moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

11 A.C.T. CARERS STRATEGY—LAUNCH OF THE 3 YEAR ACTION PLAN—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Mr Steel (Minister for Community Services and Facilities) made a ministerial statement concerning the launch of the ACT Carers Strategy, First Three-Year Action Plan and presented the following papers:

ACT Carers Strategy—Launch of the 3 year Action Plan—Ministerial statement, 23 October 2018.

ACT Carers Strategy 2018-2028—First Three-Year Action Plan.

Mr Steel moved—That the Assembly take note of the ministerial statement.

Debate ensued.

Question—put and passed.

12 CRIMES LEGISLATION AMENDMENT BILL 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.

Leave granted to dispense with the detail stage.

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

13 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly that, due to the absence of Minister Ramsay, questions without notice normally directed to Minister Ramsay could be directed to Minister Gentleman.

14 QUESTIONS

Questions without notice were asked.

15 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual reports 2017-2018—

ACT Electoral Commission, dated 28 September 2018.

ACT Ombudsman, dated 2 October 2018.

Office of the Legislative Assembly, dated October 2018.

Standing order 191—Amendments to the Health (Improving Abortion Access) Amendment Bill 2018, dated 24 September 2018.

Auditor-General's Report No 3/2018—Tender for the sale of Block 30 (formerly Block 20) Section 34 Dickson—Recommendation 1 and Government response—Copy of letter to the Speaker from the Minister for Planning and Land Management, dated 16 October 2018.

16 PRESENTATION OF PAPERS

Mr Barr (Chief Minister) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports 2017-2018—

Chief Minister, Treasury and Economic Development Directorate (4 volumes), dated 24 September 2018.

City Renewal Authority, dated 22 September 2018.

ACT Public Service—State of the Service Report, dated 26 September 2018.

Administrative Arrangements—Administrative Arrangements 2018 (No 2)—Notifiable Instrument NI2018-523, dated 18 September 2018.

17 PRESENTATION OF PAPERS

Mr Barr (Treasurer) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports 2017-2018—

Australian Capital Territory Insurance Authority, dated 2 October 2018.

Icon Water Limited, dated 17 September 2018.

Independent Competition and Regulatory Commission—Report 7 of 2018, dated 27 September 2018.

18 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—Education Directorate, dated 28 September 2018.

19 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 2017-2018—Suburban Land Agency, dated 18 September 2018.

20 SOCIAL HOUSING STOCK—PAPER AND STATEMENT BY MINISTER

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

Social housing stock, dated October 2018, pursuant to the resolution of the Assembly of 11 April 2018—

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

21 SOCIAL HOUSING—PROVISION OF INCENTIVES—PAPER AND STATEMENT BY MINISTER—STATEMENT BY MEMBER

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

Social housing—Provision of incentives, dated October 2018, pursuant to the resolution of the Assembly of 1 August 2018—

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

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

22 PRESENTATION OF PAPER

Ms Fitzharris (Minister for Health and Wellbeing) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—Health Directorate, dated 26 September 2018.

23 PRESENTATION OF PAPERS

Ms Fitzharris (Minister for Transport) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—Transport Canberra and City Services Directorate (2 volumes) (incorporating the ACT Public Cemeteries Authority)—

Dated 18 September and October 2018.

Corrigendum.

24 PRESENTATION OF PAPER

Ms Fitzharris (Minister for Vocational Education and Skills) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—ACT Building and Construction Industry Training Fund Authority, dated 12 September 2018.

25 PRESENTATION OF PAPER

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

National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—Annual report 2016-17.

26 PRESENTATION OF PAPERS

Mr Gentleman (Minister for Police and Emergency Services) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—

ACT Policing, dated 13 September 2018, in accordance with the Policing Arrangement between the Commonwealth and Australian Capital Territory Governments.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—Annual Report 2017-18—ACT Policing Controlled Operations, dated 13 September 2018.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—Annual Report 2017-18—ACT Policing Surveillance Devices, dated 13 September 2018.

27 PRESENTATION OF PAPERS

Mr Gentleman (Minister for Police and Emergency Services), on behalf of the Attorney-General, presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—

Director of Public Prosecutions, dated 5 October 2018.

Justice and Community Safety Directorate, dated 5 October 2018.

Legal Aid Commission (ACT), dated 18 September 2018.

Public Trustee and Guardian, dated 4 June 2018.

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3), Schedule 4—Professional Standards Councils—Annual report 2017-18.

Judicial Commissions Act, pursuant to subsection 61A(5)—ACT Judicial Council—Annual report 2017-18.

28 PRESENTATION OF PAPER

Mr Gentleman (Minister assisting the Chief Minister on Advanced Technology and Space Industries), on behalf of the Minister for Regulatory Services, presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—ACT Gambling and Racing Commission, dated 18 September 2018.

29 PRESENTATION OF PAPER

Mr Gentleman (Minister assisting the Chief Minister on Advanced Technology and Space Industries), on behalf of the Minister for the Arts and Cultural Events, presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—Cultural Facilities Corporation, dated 2 October 2018.

30 PRESENTATION OF PAPER

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

Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 July to 30 September 2018.

31 PRESENTATION OF PAPERS

Mr Rattenbury (Minister for Climate Change and Sustainability) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports 2017-2018—

ACT Commissioner for Sustainability and the Environment, dated 19 September 2018.

Environment, Planning and Sustainable Development Directorate, dated 28 September 2018.

32 PRESENTATION OF PAPER

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—ACT Human Rights Commission, dated 5 October 2018.

33 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REPORT 4—INQUIRY INTO GOVERNMENT PROCUREMENT (SECURE LOCAL JOBS) AMENDMENT BILL 2018—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

Ms Stephen-Smith (Minister for Employment and Workplace Safety) presented the following paper:

Economic Development and Tourism—Standing Committee—Report 4—*Inquiry into Government Procurement (Secure Local Jobs) Amendment Bill 2018*—Government response, dated October 2018—

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

34 PRESENTATION OF PAPER

Ms Stephen-Smith (Minister for Employment and Workplace Safety) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—Long Service Leave Authority, dated 14 September 2018.

35 PRESENTATION OF PAPER

Ms Stephen-Smith (Minister for Children, Youth and Families) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—Community Services Directorate, dated 18 September 2018.

36 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act and Financial Management Act—Cemeteries and Crematoria (ACT Public Cemeteries Authority Governing Board) Appointment 2018 (No 1)—Disallowable Instrument DI2018-235 (LR, 22 August 2018).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2018 (No 10)—Disallowable Instrument DI2018-258 (LR, 11 October 2018).

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2018, including a regulatory impact statement—Disallowable Instrument DI2018-243 (LR, 6 September 2018).

Financial Management Act—Financial Management (Credit Facility) Revocation 2018 (No 1)—Disallowable Instrument DI2018-249 (LR, 13 September 2018).

Government Procurement Act—

Government Procurement (Non-Public Employee Member) Appointment 2018 (No 1)—Disallowable Instrument DI2018-246 (LR, 11 September 2018).

Government Procurement (Non-Public Employee Member) Appointment 2018 (No 2)—Disallowable Instrument DI2018-247 (LR, 11 September 2018).

Health (National Health Funding Pool and Administration) Act—Health (National Health Funding Pool and Administration) Appointment 2018 (No 1)—Disallowable Instrument DI2018-253 (LR, 4 October 2018).

Nature Conservation Act—Nature Conservation (Aquatic and Riparian) Action Plans 2018—Disallowable Instrument DI2018-240 (LR, 6 September 2018).

Official Visitor Act—Official Visitor (Children and Young People) Appointment 2018 (No 1)—Disallowable Instrument DI2018-256 (LR, 5 October 2018).

Public Place Names Act—

Public Place Names (Denman Prospect) Determination 2018 (No 2)—Disallowable Instrument DI2018-241 (LR, 3 September 2018).

Public Place Names (Taylor) Determination 2018 (No 5)—Disallowable Instrument DI2018-251 (LR, 20 September 2018).

Public Trustee and Guardian Act—Public Trustee and Guardian (Investment Board) Appointment 2018 (No 2)—Disallowable Instrument DI2018-257 (LR, 11 October 2018).

Racing Act—

Racing Appeals Tribunal Appointment 2018 (No 5)—Disallowable Instrument DI2018-237 (LR, 23 August 2018).

Racing Appeals Tribunal Appointment 2018 (No 6)—Disallowable Instrument DI2018-238 (LR, 23 August 2018).

Radiation Protection Act—Radiation Protection (Council Member, Chair and Deputy Chair) Appointment 2018 (No 1)—Disallowable Instrument DI2018-250 (LR, 20 September 2018).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Pedicab) Declaration 2018—Disallowable Instrument DI2018-244 (LR, 10 September 2018).

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 7)—Disallowable Instrument DI2018-248 (LR, 13 September 2018).

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 8)—Disallowable Instrument DI2018-254 (LR, 4 October 2018).

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 9)—Disallowable Instrument DI2018-255 (LR, 4 October 2018).

Road Transport (General) Concession Determination 2018 (No 2)—Disallowable Instrument DI2018-245 (LR, 10 September 2018).

Road Transport (General) Act and the Road Transport (Safety and Traffic Management) Act—Road Transport (Road Rules) Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-19 (LR, 11 October 2018).

Road Transport (General) Act, Road Transport (Public Passenger Services) Act and the Road Transport (Vehicle Registration) Act—Road Transport Legislation Amendment Regulation 2018 (No 2)—Subordinate Law SL2018-16 (LR, 6 September 2018).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2018 (No 2)—Disallowable Instrument DI2018-236 (LR, 23 August 2018).

Sex Work Act—Sex Work (Fees) Determination 2018—Disallowable Instrument DI2018-242 (LR, 6 September 2018).

Taxation Administration Act—Taxation Administration Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-17 (LR, 17 September 2018).

Tobacco and Other Smoking Products Act—Tobacco and Other Smoking Products (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-239 (LR, 30 August 2018).

Tree Protection Act—Tree Protection (Advisory Panel) Appointment 2018 (No 1)—Disallowable Instrument DI2018-252 (LR, 4 October 2018).

37 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. TEACHERS

The Assembly was informed that Ms Cody, Mrs Dunne, Mr Hanson, Mrs Kikkert, Ms Lee, Ms Orr, Mr Pettersson 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 Cody be submitted to the Assembly, namely, “The importance of valuing and supporting ACT teachers”.

Discussion ensued.

Discussion concluded.

38 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 22—STATEMENT BY CHAIR

Ms Lee (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 22, dated 16 October 2018, together with a copy of the extracts of the relevant minutes of proceedings—

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

39 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—REFERENCE—DRAFT INTEGRITY COMMISSION BILL 2018

Ms Lee (Chair), by leave, moved—That:

- (1) the draft Integrity Commission Bill 2018, as soon as it is made available, be referred to the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) for consideration and report;
- (2) the Committee is to report by 27 November 2018;
- (3) if the Assembly is not sitting when the Committee has completed its 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, publishing and circulation; and
- (4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Question—put and passed.

40 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 4.38 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Cheyne*, Mrs Jones*, Mr Milligan* and Mr Ramsay*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly