



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019–2020

MINUTES OF PROCEEDINGS

No 138

THURSDAY, 20 AUGUST 2020

- 1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

This is Ngunnawal Country.

Today we are gathering on Ngunnawal country.

We always pay respect to Elders, female and male, and Ngunnawal country.

The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITIONS AND MINISTERIAL RESPONSES—PETITIONS AND RESPONSES NOTED— PAPERS

Petitions

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

Miss C. Burch, from 10 residents, requesting that the Assembly introduce a new designated, fenced, off-leash dog park at the Kingston foreshore (Pet No 16-20).

Miss C. Burch, from 16 residents, requesting that the Assembly introduce a new designated, fenced, off-leash dog park at Campbell (Pet No 17-20).

Ministerial response

The Clerk announced that the following response to a petition had been lodged:

Ms J. Burch (Speaker), dated 19 August 2020—Response to petition No 4-20, lodged by Ms Le Couteur on 7 May 2020, concerning sittings of the Assembly.

The Speaker proposed—That the petitions and responses so lodged be noted.

Papers: Miss C. Burch, by leave, presented the following papers:

Petitions which do not conform with the standing orders—

Kingston foreshore—Introduction of an off-leash dog park.

Campbell—Introduction of an off-leash dog park.

Question—put and passed.

3 COVID-19—UPDATE ON GOVERNMENT RESPONSE—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Ms Stephen-Smith (Minister for Health) made a ministerial statement concerning the Government response to the COVID-19 emergency and presented the following papers:

Status of the public health emergency due to COVID-19—Chief Health Officer Report, dated 18 August 2020.

COVID-19—Update on Government response—Ministerial statement, 20 August 2020.

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

Debate ensued.

Question—put and passed.

4 EMERGENCIES AMENDMENT BILL 2020

Mr Gentleman (Minister for Police and Emergency Services), pursuant to notice, presented a Bill for an Act to amend the *Emergencies Act 2004*, and for other purposes.

Papers: Mr Gentleman presented the following papers:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

2019-20 Bushfire season—

Report to the Minister for Police and Emergency Services on ACT Government coordination and response, dated 7 August 2020.

ACT Emergency Services Agency Operational Review.

Title read by Clerk.

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

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

5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 49—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 49, dated 18 August 2020, together with a copy of the extracts of the relevant minutes of proceedings—

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

6 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 17—INQUIRY INTO POSSIBLE STRUCTURES OF THE COMMITTEE SYSTEM FOR THE 10TH LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY—REPORT NOTED

Ms J. Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 17—*Inquiry into possible structures of the committee system for the 10TH Legislative Assembly for the Australian Capital Territory*, dated 20 August 2020, together with a copy of the extracts of the relevant minutes of proceedings.

Ms Cheyne, by leave, moved—That the report be noted.

Question—put and passed.

7 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—REPORT 14—INQUIRY INTO PLANNING FOR THE SURGICAL PROCEDURES, INTERVENTIONAL RADIOLOGY AND EMERGENCY CENTRE (SPIRE) AND THE CANBERRA HOSPITAL CAMPUS AND IMMEDIATE SURROUNDS—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Planning and Urban Renewal—Standing Committee—Report 14—*Inquiry into Planning for the Surgical Procedures, Interventional Radiology and Emergency Centre (SPIRE) and the Canberra Hospital campus and immediate surrounds*, dated 19 August 2020, 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.

8 HEALTH, AGEING AND COMMUNITY SERVICES—STANDING COMMITTEE—PETITIONS 21-19 AND 1-20—SEVERE COMBINED IMMUNE DEFICIENCY—SCREENING FOR NEWBORNS—STATEMENT BY CHAIR

Ms Cody (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Health, Ageing and Community Services had concluded its consideration of petitions Nos 21-19 and 1-20, and the Minister's response, and noted that petitioners should raise any further concerns with a Member of the Legislative Assembly.

9 CRIMINAL RESPONSIBILITY—MINIMUM AGE

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

- (1) notes that:
 - (a) the ACT minimum age of criminal responsibility of 10 is well and truly out of step with the rest of the world;
 - (b) Australia has been chastised by the United Nations Committee on the Rights of the Child, which recommends raising the age to 14;
 - (c) groups including, but not limited to, the ACT Human Rights Commission, ACTCOSS, the Aboriginal Legal Service (NSW/ACT), Winnunga Nimmityjah Aboriginal Health and Community Services, Gugan Gulwan Youth Aboriginal Corporation, Anglicare NSW South/ACT, the Law Society, the Youth Coalition of the ACT and the Australian Medical Association, have called on the ACT Government to raise the age of criminal responsibility from 10 to 14 years of age to further protect vulnerable children in our community; and
 - (d) on 28 July 2020, the Council of Attorneys-General meeting deferred a decision on raising the age at which children can be held criminally responsible, despite extended consideration of the issue; and
- (2) calls on the ACT Government to:
 - (a) support the raising of the age of criminal responsibility from 10 to 14 years of age;
 - (b) recognise the need to resource new programs and implement new policy frameworks to support young offenders under the age of 14; and
 - (c) commission preliminary work to prepare the legislative, policy and resourcing frameworks required for an incoming government to legislate for raising of the age of criminal responsibility from 10 to 14 years of age.

Mr Ramsay (Attorney-General) moved the following amendment: Omit all words after “That”, substitute:

“this Assembly:

- (1) notes that:
 - (a) the minimum age of criminal responsibility across all Australian jurisdictions is 10 years, with the principle of *doli incapax* applying to children between 10 and 14 years;
 - (b) the United Nations Committee on the Rights of the Child has recommended the age of criminal responsibility should be 14;
 - (c) in Australia, groups including, but not limited to, Amnesty International, the ACT Human Rights Commission, ACTCOSS, the Aboriginal Legal Service (NSW/ACT), Winnunga Nimmityjah Aboriginal Health and Community Services, Gugan Gulwan Youth Aboriginal Corporation, Anglicare NSW South/ACT, the Law Society, the Youth Coalition of the ACT, Law Council of Australia and the Australian Medical Association have called on the ACT Government to raise the age of criminal responsibility from 10 to either 12 or 14 years of age to further protect vulnerable children in our community; and

- (d) on 27 July 2020, the Council of Attorneys-General noted that the Working Group on the minimum age of criminal responsibility had identified the need for further work to occur regarding the need for adequate processes and services for children who exhibit offending behaviour in advance of making a recommendation to the Council raising the age and agreed to provide a progress report within 12 months;
 - (e) the Council of Attorneys-General Working Group on the minimum age of criminal responsibility has considered:
 - (i) representations about medical evidence on cognitive capacity; and
 - (ii) options to shift the age with different presumptions for more serious criminal offences; and
 - (f) there is desirability of national consensus on the minimum age of criminal responsibility but that this does not prevent a jurisdiction from making an independent decision to raise the age;
- (2) further notes that:
- (a) the *Blueprint for Youth Justice in the ACT 2012-2022* has resulted in a significant reduction in the number of young people coming into contact with the Territory's youth justice system;
 - (b) the ACT Government has invested in a number of programs to support at-risk young people, including through justice reinvestment initiatives such as Yarrabi Bamirr, the introduction of Functional Family Therapy, After-Hours Crisis and Bail Service, the Safe and Connected Youth project, the Intensive Diversion Program and the Muliyan flexible education program;
 - (c) in the 11 years from 2008-09 to 2018-19, only one young person under the age of 14 has been sentenced to a term of detention at Bimberi Youth Justice Centre;
 - (d) the detention of children under 12 is extremely rare, with four instances of unsentenced detention between 2008-09 and 2018-19; and
 - (e) the Attorney-General has approved the use of funds from the Confiscated Asset Trust to undertake a gap analysis to enable successful implementation of any change to the minimum age; and
- (3) calls on the ACT Government to:
- (a) support raising the age of criminal responsibility to 14 years of age, taking into account medical and other relevant evidence and with consideration given to exemptions for serious offences;
 - (b) ensure that reform in this complex area engages with and enhances support services identified through the gap analysis, noting that keeping young people safe and diverting them from the justice system is a whole-of-government and whole-of-community responsibility; and
 - (c) continue to progress policy work and consider programs and resources that may be required in order for the Tenth Assembly to consider legislation raising of the age of criminal responsibility.”.

Mr Hanson moved the following amendment to Mr Ramsay's proposed amendment:
Omit paragraph (3)(a), substitute:

“(a) refrain from proceeding unilaterally with any decision to raise the age of criminal responsibility before the Council of Attorneys-General has reached its conclusions;”.

Debate continued.

Question—That Mr Hanson's amendment to Mr Ramsay's proposed amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 14	
Miss C. Burch	Mr Milligan	Mr Barr	Ms Orr
Mr Coe	Mr Parton	Ms Berry	Mr Pettersson
Mrs Dunne	Mr Wall	Ms J. Burch	Mr Ramsay
Mr Hanson		Ms Cheyne	Mr Rattenbury
Mrs Jones		Ms Cody	Mr Steel
Mrs Kikkert		Mr Gentleman	Ms Stephen-Smith
Ms Lawder		Mr Gupta	
Ms Lee		Ms Le Couteur	

And so it was negatived.

Question—That Mr Ramsay's amendment be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) the minimum age of criminal responsibility across all Australian jurisdictions is 10 years, with the principle of *doli incapax* applying to children between 10 and 14 years;
 - (b) the United Nations Committee on the Rights of the Child has recommended the age of criminal responsibility should be 14;
 - (c) in Australia, groups including, but not limited to, Amnesty International, the ACT Human Rights Commission, ACTCOSS, the Aboriginal Legal Service (NSW/ACT), Winnunga Nimmityjah Aboriginal Health and Community Services, Gugan Gulwan Youth Aboriginal Corporation, Anglicare NSW South/ACT, the Law Society, the Youth Coalition of the ACT, Law Council of Australia and the Australian Medical Association have called on the ACT Government to raise the age of criminal responsibility from 10 to either 12 or 14 years of age to further protect vulnerable children in our community; and
 - (d) on 27 July 2020, the Council of Attorneys-General noted that the Working Group on the minimum age of criminal responsibility had identified the need for further work to occur regarding the need for adequate processes and services for children who exhibit offending behaviour in advance of making a recommendation to the Council raising the age and agreed to provide a progress report within 12 months;

- (e) the Council of Attorneys-General Working Group on the minimum age of criminal responsibility has considered:
 - (i) representations about medical evidence on cognitive capacity; and
 - (ii) options to shift the age with different presumptions for more serious criminal offences; and
 - (f) there is desirability of national consensus on the minimum age of criminal responsibility but that this does not prevent a jurisdiction from making an independent decision to raise the age;
- (2) further notes that:
- (a) the *Blueprint for Youth Justice in the ACT 2012-2022* has resulted in a significant reduction in the number of young people coming into contact with the Territory's youth justice system;
 - (b) the ACT Government has invested in a number of programs to support at-risk young people, including through justice reinvestment initiatives such as Yarrabi Bamirr, the introduction of Functional Family Therapy, After-Hours Crisis and Bail Service, the Safe and Connected Youth project, the Intensive Diversion Program and the Muliyan flexible education program;
 - (c) in the 11 years from 2008-09 to 2018-19, only one young person under the age of 14 has been sentenced to a term of detention at Bimberi Youth Justice Centre;
 - (d) the detention of children under 12 is extremely rare, with four instances of unsentenced detention between 2008-09 and 2018-19; and
 - (e) the Attorney-General has approved the use of funds from the Confiscated Asset Trust to undertake a gap analysis to enable successful implementation of any change to the minimum age; and
- (3) calls on the ACT Government to:
- (a) support raising the age of criminal responsibility to 14 years of age, taking into account medical and other relevant evidence and with consideration given to exemptions for serious offences;
 - (b) ensure that reform in this complex area engages with and enhances support services identified through the gap analysis, noting that keeping young people safe and diverting them from the justice system is a whole-of-government and whole-of-community responsibility; and
 - (c) continue to progress policy work and consider programs and resources that may be required in order for the Tenth Assembly to consider legislation raising of the age of criminal responsibility."—

be agreed to—put and passed.

10 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

11 JUSTICE LEGISLATION AMENDMENT BILL 2020

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

Detail Stage

Bill, as a whole—

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee, together.

On the motion of Mr Rattenbury, his amendments Nos 1 and 2 (see [Schedule 1](#)) were made, together.

Paper: Mr Rattenbury presented a supplementary explanatory statement to the Government amendments.

On the motion of Mr Rattenbury, his amendments Nos 1 and 2 (see [Schedule 2](#)) were made together, after debate.

Paper: Mr Rattenbury presented a supplementary explanatory statement to the Government amendments.

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

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

12 MENTAL HEALTH AMENDMENT BILL 2020

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 Rattenbury (Minister for Mental Health) presented a revised explanatory statement to the Bill.

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 QUESTIONS

Questions without notice were asked.

14 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act, pursuant to section 14—Extension of time for presenting Annual Reports—2019-2020—Statement of reasons, dated August 2020.

Auditor-General Act—Auditor-General's Report No 2/2020—2018-19 Financial Audits—Computer Information Systems—Government response.

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 19(4)—ACT Climate Change Council—Annual report 2019-20, dated 28 July 2020, together with a statement from the Minister for Climate Change and Sustainability responding to the advice/recommendations made in the Report, dated August 2020.

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Joanne Lea Lovelock—

Report, dated 5 March 2020.

Government response, dated 20 August 2020.

Education and Care Services National Law as applied by the law of the States and Territories—Education and Care Services National Amendment Regulations 2020, dated September 2020, together with an explanatory memorandum.

End of Life Choices in the ACT—Select Committee—Report—Recommendation 12: Timetable and progress of actions to achieve the implementation of the proposed reforms advocated by the Productivity Commission report on End-of-Life Care in Australia—Update, dated 20 August 2020.

Environment and Transport and City Services—Standing Committee—

Report 10—*Inquiry into Nature in Our City*—Government response.

Report 11—*Inquiry into the Supply of Water to the Tharwa Community*—Government response, dated August 2020.

Learning from Canberra's Climate-Fuelled Summer of Crisis—A report with recommendations submitted to the ACT Minister for Sustainability and Climate Change by the ACT Climate Change Council on 26 June 2020.

Planning and Urban Renewal—Standing Committee—Report 12—*Inquiry into Engagement with Development Application Processes in the ACT*—Government response.

Public Accounts—Standing Committee—

Report 10—*Inquiry into the Appropriation Bill 2019-2020 (No 2)*—Government response, dated August 2020.

Report 11—*Tender for the sale of Block 30 Dickson*—Government response, dated August 2020.

Yellow Box Woodland Ecosystems—Protection—Response to the resolution of the Assembly of 20 February 2020, dated August 2020.

15 CORONERS ACT—REPORT OF CORONER—INQUEST INTO THE DEATH OF JOANNE LEA LOVELOCK—REPORT AND GOVERNMENT RESPONSE—PAPERS NOTED

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly take note of the following papers:

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Joanne Lea Lovelock—

Report, dated Report, dated 5 March 2020.

Government response.

Debate ensued.

Question—put and passed.

16 LEARNING FROM CANBERRA'S CLIMATE-FUELLED SUMMER OF CRISIS—A REPORT WITH RECOMMENDATIONS SUBMITTED TO THE A.C.T. MINISTER FOR SUSTAINABILITY AND CLIMATE CHANGE BY THE A.C.T. CLIMATE CHANGE COUNCIL—PAPER NOTED

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly take note of the following paper:

Learning from Canberra's Climate-Fuelled Summer of Crisis—A report with recommendations submitted to the ACT Minister for Sustainability and Climate Change by the ACT Climate Change Council on 26 June 2020.

Debate ensued.

Question—put and passed.

17 YELLOW BOX WOODLAND ECOSYSTEMS—PROTECTION—RESPONSE TO THE RESOLUTION OF THE ASSEMBLY—PAPER NOTED

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly take note of the following paper:

Yellow Box Woodland Ecosystems—Protection—Response to the resolution of the Assembly of 20 February 2020.

Debate ensued.

Question—put and passed.

18 HEALTH WORKERS

Mrs Dunne, pursuant to notice, moved—That this Assembly:

- (1) notes the tireless and dedicated work of health workers in Canberra during the COVID-19 pandemic;
- (2) further notes the neglect by the ACT Labor/Greens Government of the basic rights of Canberra's tireless health workers to:
 - (a) a safe workplace culture;
 - (b) proper leave provisions;
 - (c) proper breaks; and
 - (d) ensure that Canberra's health staff receive their proper remuneration;
- (3) thanks health workers for their service to the Canberra Community; and
- (4) calls on the ACT Government to immediately commence an independent audit of the Canberra Health Services' pay system, over the last six years, to:
 - (a) determine if the staff have been underpaid; and
 - (b) pay staff any back pay owing or recover any overpayments.

Debate ensued.

Mr Rattenbury, by leave, moved the following amendments together:

1. Omit paragraph (2).
2. Omit paragraph (4), substitute:
“(4) notes the ACT Government’s ongoing commitment to ensuring all staff are treated with respect and paid fairly and accurately; and
(5) calls on the Minister for Health to report back to the Assembly on the collaborative work underway between Canberra Health Services and Shared Services to examine payroll issues by the end of April 2021.”.

Debate continued.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 12		NOES, 9	
Ms J. Burch	Mr Pettersson	Miss C. Burch	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Jones	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Mr Gupta	Ms Stephen-Smith	Ms Lawder	
Ms Le Couteur		Ms Lee	
Ms Orr		Mr Milligan	

And so it was resolved in the affirmative.

Debate continued.

Paper: Mrs Dunne, by leave, presented the following paper:

ACT Government & bad bosses—Partners in crime—Copy of leaflet

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the tireless and dedicated work of health workers in Canberra during the COVID-19 pandemic;
- (2) thanks health workers for their service to the Canberra Community;
- (3) notes the ACT Government’s ongoing commitment to ensuring all staff are treated with respect and paid fairly and accurately; and
- (4) calls on the Minister for Health to report back to the Assembly on the collaborative work underway between Canberra Health Services and Shared Services to examine payroll issues by the end of April 2021.”—

be agreed to—put and passed.

19 ALCOHOL AND OTHER DRUG USE—HARM MINIMISATION

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

- (1) notes the nation leading approach taken by the ACT Government in advancing a harm minimisation approach to alcohol and other drug policy, including through:
 - (a) implementing the actions outlined in the ACT Government’s Drug Strategy Action Plan 2018-2021;
 - (b) the passage and implementation of the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019*, allowing for the possession and personal use of small amounts of cannabis;
 - (c) the development of a Festival Pill Testing policy following the pilot of festival pill testing in 2018 and 2019 at the Groovin’ the Moo festival; and
 - (d) the release of an independent evaluation by the Australian National University Medical School in December 2019 showing pill testing was an overwhelming success in providing “effective, relevant and good health information to people who plan to use illicit drugs” and encouraged users to discard tainted pills, potentially saving lives;
- (2) recognises the challenge of co-occurring mental illness and alcohol and other drug use, particularly for young people and people with a trauma background; and
- (3) calls on the ACT Government, and whichever party or parties in the Assembly that form government following the October 2020 election, to:
 - (a) continue to take a harm minimisation approach to alcohol and other drug issues;
 - (b) continue to invest in community and hospital-based alcohol and other drug and mental health services;
 - (c) work to better integrate mental health and drug and alcohol services across primary health, community-based services and acute hospital care;
 - (d) investigate the feasibility of a simple offence notice for other drugs of dependence to ascertain the legal, social and health impacts; and
 - (e) report to the Assembly no later than November 2021 on progress.

Debate ensued.

Mr Rattenbury moved the following amendment: Add:

- “(f) explore a pill testing facility pilot in the city entertainment area, informed by expert health advice, during the 2020-21 summer.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13

Mr Barr
 Ms Berry
 Ms J. Burch
 Ms Cheyne
 Mr Gentleman
 Mr Gupta
 Ms Le Couteur

Ms Orr
 Mr Pettersson
 Mr Ramsay
 Mr Rattenbury
 Mr Steel
 Ms Stephen-Smith

NOES, 10

Miss C. Burch
 Mrs Dunne
 Mr Hanson
 Mrs Jones
 Mrs Kikkert
 Ms Lawder
 Ms Lee

Mr Milligan
 Mr Parton
 Mr Wall

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the nation leading approach taken by the ACT Government in advancing a harm minimisation approach to alcohol and other drug policy, including through:
 - (a) implementing the actions outlined in the ACT Government’s Drug Strategy Action Plan 2018-2021;
 - (b) the passage and implementation of the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019*, allowing for the possession and personal use of small amounts of cannabis;
 - (c) the development of a Festival Pill Testing policy following the pilot of festival pill testing in 2018 and 2019 at the Groovin’ the Moo festival; and
 - (d) the release of an independent evaluation by the Australian National University Medical School in December 2019 showing pill testing was an overwhelming success in providing ‘effective, relevant and good health information to people who plan to use illicit drugs’ and encouraged users to discard tainted pills, potentially saving lives;
- (2) recognises the challenge of co-occurring mental illness and alcohol and other drug use, particularly for young people and people with a trauma background; and
- (3) calls on the ACT Government, and whichever party or parties in the Assembly that form government following the October 2020 election, to:
 - (a) continue to take a harm minimisation approach to alcohol and other drug issues;
 - (b) continue to invest in community and hospital-based alcohol and other drug and mental health services;
 - (c) work to better integrate mental health and drug and alcohol services across primary health, community-based services and acute hospital care;
 - (d) investigate the feasibility of a simple offence notice for other drugs of dependence to ascertain the legal, social and health impacts;
 - (e) report to the Assembly no later than November 2021 on progress; and

- (f) explore a pill testing facility pilot in the city entertainment area, informed by expert health advice, during the 2020-21 summer.”—

be agreed to—put and passed.

20 PLANNING LEGISLATION AMENDMENT BILL 2020

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

Detail Stage

Clause 1 agreed to.

Clause 2—

Mr Gentleman (Minister for Planning and Land Management) was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee.

On the motion of Mr Gentleman, his amendment No 1 (see [Schedule 3](#)) was made, after debate.

Paper: Mr Gentleman presented a supplementary explanatory statement to the Government amendments.

Clause 2, as amended, agreed to.

Clause 3—agreed to.

Clause 4—agreed to.

Clause 5—debated and agreed to.

Clause 6—debated and negatived.

Clause 7—debated and negatived.

Clause 8—negatived.

Clause 9—debated and negatived.

Clause 10—debated and negatived.

Clause 11—negatived.

Clause 12—debated and agreed to.

Clause 13—debated and negatived.

Clause 14—debated and negatived.

Ms Le Couteur was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee.

New clause—

On the motion of Ms Le Couteur, new clause 14A (her amendment No 1—see [Schedule 4](#)), was inserted in the Bill, after debate.

New clauses—

On the motion of Mr Gentleman, new clauses 14A and 14B (his amendment No 4, see [Schedule 3](#)) were inserted in the Bill, after debate.

Clause 15—

On the motion of Ms Le Couteur, her amendment No 2 (see [Schedule 4](#)) was made.

Clause 15, as amended, agreed to.

Clause 16—debated and agreed to.

Clause 17—debated.

Question—put.

The Assembly voted—

AYES, 2

Ms Le Couteur

Mr Rattenbury

NOES, 19

Mr Barr

Ms Berry

Miss C. Burch

Ms J. Burch

Ms Cheyne

Mr Coe

Mr Gentleman

Mr Gupta

Mr Hanson

Mrs Jones

Mrs Kikkert

Ms Lawder

Ms Lee

Ms Orr

Mr Parton

Mr Pettersson

Mr Ramsay

Mr Steel

Mr Wall

And so it was negatived.

Clause 18—debated.

Question—put.

The Assembly voted—

AYES, 2

Ms Le Couteur

Mr Rattenbury

NOES, 19

Mr Barr

Ms Berry

Miss C. Burch

Ms J. Burch

Ms Cheyne

Mr Coe

Mr Gentleman

Mr Gupta

Mr Hanson

Mrs Jones

Mrs Kikkert

Ms Lawder

Ms Lee

Ms Orr

Mr Parton

Mr Pettersson

Mr Ramsay

Mr Steel

Mr Wall

And so it was negatived.

Clause 19—debated and negatived.

Clause 20—negatived.

Clause 21—negatived.

Clause 22—debated and negatived.

Clause 23—

On the motion of Mr Gentleman, his amendment No 5 (see [Schedule 3](#)) was made, after debate.

Clause 23, as amended, agreed to.

Clause 24—debated and agreed to.

Clause 25—debated and agreed to.

Clause 26—debated and agreed to.

Clause 27—debated and agreed to.

Clause 28—debated.

Paper: Ms Le Couteur, by leave, presented the following paper:

Planning Legislation Amendment Bill 2020—Copy of correspondence between Ms Le Couteur and the Attorney-General, dated 18 August 2020.

Clause 28—negatived.

Clause 29—agreed to.

Reconsideration of clause—

Clause 5—

Ms Le Couteur, pursuant to standing order 187, moved—That clause 5 be reconsidered.

Question—put and passed.

Clause 5—negatived.

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

21 ELECTORAL AMENDMENT BILL 2018

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

Detail Stage

Clause 1 agreed to.

Clause 2—

Mr Ramsay (Attorney-General) was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee.

On the motion of Mr Ramsay, his amendment No 1 (see [Schedule 6](#)) was made.

Paper: Mr Ramsay presented a supplementary explanatory statement to the Government amendments.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4—

Ms Le Couteur was granted leave to move amendments, some of which had not been considered or reported on by the Scrutiny Committee.

Ms Le Couteur moved her amendment No 2 (see [Schedule 5](#)).

Paper: Ms Le Couteur presented a supplementary explanatory statement to her amendments.

On the motion of Mr Ramsay, his amendment No 1 (see [Schedule 8](#)) to Ms Le Couteur's proposed amendment was made.

Ms Le Couteur's amendment, as amended, agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 8, by leave, taken together and agreed to.

Proposed new clause—

Ms Le Couteur moved her amendment No 3 (see [Schedule 5](#)), which would insert a new clause 8A in the Bill.

Debate continued.

Amendment negatived.

Proposed new clause—

Ms Le Couteur moved her amendment No 4 (see [Schedule 5](#)), which would insert a new clause 8B in the Bill.

Debate continued.

Amendment negatived.

Clause 9 agreed to.

Clause 10—

On the motion of Ms Le Couteur, her amendment No 5 (see [Schedule 5](#)) was made, after debate.

Clause 10, as amended, agreed to.

Proposed new clauses—

Ms Le Couteur moved her amendment No 6 (see [Schedule 5](#)), which would insert new clauses 10A and 10B in the Bill.

Debate continued.

Question—put.

The Assembly voted—

AYES, 2

Ms Le Couteur

Mr Rattenbury

NOES, 19

Mr Barr

Ms Berry

Miss C. Burch

Ms J. Burch

Ms Cheyne

Mr Coe

Mr Gentleman

Mr Gupta

Mr Hanson

Mrs Jones

Mrs Kikkert

Ms Lawder

Ms Lee

Ms Orr

Mr Parton

Mr Pettersson

Mr Ramsay

Mr Steel

Mr Wall

And so it was negatived.

Clause 11—

Ms Le Couteur, by leave, moved her amendments Nos 7 and 8 together (see [Schedule 5](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 2

Ms Le Couteur

Mr Rattenbury

NOES, 19

Mr Barr

Ms Berry

Miss C. Burch

Ms J. Burch

Ms Cheyne

Mr Coe

Mr Gentleman

Mr Gupta

Mr Hanson

Mrs Jones

Mrs Kikkert

Ms Lawder

Ms Lee

Ms Orr

Mr Parton

Mr Pettersson

Mr Ramsay

Mr Steel

Mr Wall

And so it was negatived.

Ms Le Couteur moved her amendment No 9 (see [Schedule 5](#)).

Debate continued.

Amendment negatived.

Ms Le Couteur moved her amendment No 10 (see [Schedule 5](#)).

Debate continued.

Mr Ramsay addressing the Assembly—

Adjournment negated: It being approximately 6.30 pm—The question was proposed—That the Assembly do now adjourn.

Mr Rattenbury (Minister for Climate Change and Sustainability) requiring the question to be put forthwith without debate—

Question—put and negated.

Debate continued.

Amendment negated.

Ms Le Couteur, by leave, moved her amendments Nos 11 to 14 together (see [Schedule 5](#)).

Amendments negated.

Ms Le Couteur, by leave, moved her amendments Nos 16 to 19 together (see [Schedule 5](#)).

Debate continued.

Amendments negated.

Ms Le Couteur moved her amendment No 20 (see [Schedule 5](#)).

Debate continued.

Amendment negated.

Ms Le Couteur, by leave, moved her amendments Nos 21 and 22 together (see [Schedule 5](#)).

Amendments negated.

Ms Le Couteur, by leave, moved her amendments Nos 23 and 24 together (see [Schedule 5](#)).

Amendments negated.

On the motion of Ms Le Couteur, her amendment No 25 (see [Schedule 5](#)) was made, after debate.

On the motion of Ms Le Couteur, by leave, her amendments Nos 26 to 29 (see [Schedule 5](#)) were made together.

On the motion of Mr Ramsay, his amendment No 4 (see [Schedule 6](#)) was made.

On the motion of Mr Ramsay, his amendment No 5 (see [Schedule 6](#)) was made.

On the motion of Ms Le Couteur, her amendment No 32 (see [Schedule 5](#)) was made, after debate.

On the motion of Ms Le Couteur, by leave, her amendments 33 and 34 (see [Schedule 5](#)) were made together.

Mr Coe (Leader of the Opposition) was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee.

On the motion of Mr Coe, his amendment No 1 (see [Schedule 7](#)) was made, after debate.

Debate adjourned (Mr Gentleman—Manager of Government Business) and the resumption of the debate made an order of the day for the next sitting.

22 PLANNING LEGISLATION AMENDMENT BILL 2020—RESCISSION AND RECONSIDERATION

Mr Rattenbury (Minister for Climate Change and Sustainability), by leave, moved—That, in relation to the Planning Legislation Amendment Bill 2020, the Assembly:

- (1) rescind the resolution agreeing to the question that the Bill, as amended, be agreed to; and
- (2) recommit the Bill at the detail stage and the following questions be put:
 - (a) that the title be agreed to; and
 - (b) that the Bill, as amended, be agreed to.

Question—put and passed.

The order of the day having been called on—

Question—That the title be agreed to—put and passed.

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

23 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 7.12 pm, adjourned until Thursday, 27 August 2020 at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

JUSTICE LEGISLATION AMENDMENT BILL 2020

Amendments circulated by the Minister for Justice, Consumer Affairs and Road Safety

1

Clause 3, proposed new dot point
Page 4, line 8—

insert

- *Employment and Workplace Safety Legislation Amendment Act 2020p*
-

2

Proposed new part 12A
Page 29, line 9—

insert

Part 12A Employment and Workplace Safety Legislation Amendment Act 2020

65A Commencement Section 2 (2) and (3) and notes

substitute

- (2) Parts 2 and 3, sections 105 to 108 and schedule 1, parts 1.1 to 1.3 commence on a day fixed by the Minister by written notice.

Note 1 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 2 If a provision of pt 3, sections 105 to 108 or sch 1, parts 1.2 and 1.3, has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

Schedule 2

JUSTICE LEGISLATION AMENDMENT BILL 2020

Amendments circulated by the Minister for Justice, Consumer Affairs and Road Safety

1

Clause 3, proposed new dot point

Page 4, line 2—

insert

- *Confiscation of Criminal Assets Act 2003*

2

Proposed new part 6A

Page 14, line 18—

insert

Part 6A Confiscation of Criminal Assets Act 2003

27A Meaning of *exclusion order* Section 72, definition of *exclusion order*, paragraph (a)

after

forfeited

insert

or used to satisfy an unexplained wealth order

27B Effect of *exclusion order* Section 74 (b)

after

forfeited

insert

or used to satisfy an unexplained wealth order

27C Exclusion orders—application Section 75

after

forfeited

insert

or used to satisfy an unexplained wealth order

27D New section 77A*insert***77A Making of exclusion orders—unexplained wealth**

- (1) This section applies to an application for an exclusion order for property if—
 - (a) an unexplained wealth restraining order has been applied for in relation to the property; or
 - (b) the property has been restrained under an unexplained wealth restraining order.
 - (2) If the application is made by the person in relation to whom the unexplained wealth restraining order has been made or is sought (the **relevant person**), the relevant court must not make an exclusion order for the property unless the court is satisfied that the property—
 - (a) was lawfully acquired by the relevant person; and
 - (b) is not tainted property in relation to any offence against a territory law, or a law of the Commonwealth, a State, another Territory or a foreign country; and

Note For the meaning of **in relation to**, see dict.

 - (c) is not required to be restrained to satisfy an unexplained wealth order; and
 - (d) does not have evidentiary value in any criminal proceeding.
 - (3) If the application is made by someone other than the relevant person, the court must not make an exclusion order for the property unless it is satisfied that—
 - (a) the applicant has an interest in the property; and

Note For the meaning of **interest**, see the [Legislation Act](#), dict, pt 1.

 - (b) the applicant was not a party to the relevant serious criminal activity or any related serious criminal activity; and
 - (c) the interest is not subject to the effective control of the relevant person; and

Note For the meaning of **effective control**, see s 14.

 - (d) the interest is not tainted property in relation to a serious offence; and
 - (e) if the interest was acquired completely or partly, or directly or indirectly, from the relevant person—the interest was acquired honestly and for sufficient consideration and the applicant took reasonable care to establish that the interest may be lawfully acquired by the applicant; and
 - (f) the property does not have evidentiary value in any criminal proceeding.
 - (4) An exclusion order must state the property to which it applies.
-

Schedule 3

PLANNING LEGISLATION AMENDMENT BILL 2020

Amendments circulated by the Minister for Planning and Land Management

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

- (1) This Act (other than the following provisions) commences on the day after its notification day:
- section 4
 - sections 14A and 14B
 - section 23
 - part 4.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Section 4 commences 2 years after this Act's notification day.
- (3) Sections 14A, 14B and 23 commence on 1 July 2021.
- (4) Part 4 commences 6 months after this Act's notification day.

2

Clause 13

Page 7, line 3—

[oppose the clause]

3

Clause 14

Page 7, line 15—

[oppose the clause]

4

New clauses 14A and 14B

Page 7, line 26—

insert

14A

Form of development applications

New section 139 (2) (t)

before the notes, insert

- (t) if the annual amount of the expected greenhouse gas emissions from operating the development is more than the amount prescribed by regulation—an expected greenhouse gas emissions statement for the development.

14B Section 139 (8), new definition of *expected greenhouse gas emissions statement*

insert

expected greenhouse gas emissions statement, for a development, means written information stating the annual amount of expected greenhouse gas emissions from operating the development.

5

Clause 23

Page 12, line 1—

omit clause 23, substitute

23 Development proposals requiring EIS—areas and processes
Schedule 4, part 4.3, new item 9

insert

9	proposal for which the annual expected greenhouse gas emissions from operating the development is more than the amount prescribed by regulation
---	---

Schedule 4

PLANNING LEGISLATION AMENDMENT BILL 2020

Amendments circulated by Ms Le Couteur

1

Proposed new clause 14A

Page 7, line 26—

insert

14A Design review panel may provide design advice Section 138AM (1) (b)

substitute

- (b) the planning and land authority gives the design review panel an opportunity to provide further design advice about a development proposal under—
 - (i) section 141A (Further information—entities and design review panel); or
 - (ii) section 145A (Amended development application—previous consultation with design review panel).

2

Clause 15

Page 8, line 1—

omit clause 15, substitute

15 New sections 141A and 141B

insert

141A Further information—entities and design review panel

- (1) This section applies if—
 - (a) the planning and land authority receives further information in relation to a development application under section 141; and
 - (b) before the planning and land authority receives the further information—
 - (i) the development application was referred to an entity under—
 - (A) section 127A (Impact track—referral of matter protected by the Commonwealth to Commonwealth); or
 - (B) section 147A (Development applications involving protected matter to be referred to conservator); or

- (C) section 148 (Some development applications to be referred); or
 - (ii) the design review panel provided design advice about the development proposal under section 138AM.
- (2) The planning and land authority may—
- (a) if subsection (1) (b) (i) applies—refer the development application to the entity again, including the further information; or
 - (b) if subsection (1) (b) (ii) applies—give the design review panel an opportunity to provide further design advice about the development proposal.

141B Further information—public notification

- (1) This section applies if—
- (a) a development application is publicly notified; and
 - (b) the public notification period for the development application has passed; and
 - (c) the planning and land authority receives further information in relation to the development application under section 141.
- (2) The planning and land authority may publicly notify the development application again, including the further information, under division 7.3.4 (Public notification of development applications and representations).

3

Clause 19

Page 11, line 1—

[oppose the clause]

4

Clause 20

Page 11, line 9—

[oppose the clause]

5

Clause 21

Page 11, line 16—

[oppose the clause]

Schedule 5

ELECTORAL AMENDMENT BILL 2018

Amendments circulated by Ms Le Couteur

1

Clause 2

Page 2, line 3—

omit clause 2, substitute

2

Commencement

- (1) This Act (other than section 8B) commences 6 months after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Section 8B commences the day after the day the general election, due to be held in October 2020, happens.

2

Clause 4

Page 2, line 15—

omit clause 4, substitute

4

Offences against Act—application of Criminal Code etc Section 3A, note 1

insert

- s 222F (Ban on gifts from property developers etc—\$250 or more)
- s 222G (Ban on acceptance of gifts from property developers etc—\$250 or more)
- s 222K (Ban on gifts from gambling businesses etc—\$250 or more)
- s 222M (Ban on acceptance of gifts from gambling businesses etc—\$250 or more)
- s 297A (Misleading electoral advertising)

3

Proposed new clause 8A

Page 4, line 13—

insert

8A

Meaning of *expenditure cap*—div 14.2B Section 205D (a)

substitute

- (a) for the election due to be held in October 2020—
 - (i) for a non-party candidate grouping—\$60 000; or
 - (ii) in any other case—\$42 750; or

4**Proposed new clause 8B****Page 4, line 13—***insert***8B**
**Eligibility of party for payment for administrative
expenditure
New section 215B (2)**
insert

- (2) However, a party is not eligible for payment of administrative expenditure for a year in excess of an amount equivalent to 5 times the maximum amount payable for the year for an MLA under section 215C.

5**Clause 10****Page 4, line 19—***omit clause 10, substitute***10****Section 216A (4) and notes***substitute*

- (4) The financial representative of the receiver must give the return to the commissioner not later than—
 - (a) if the total amount of the gifts received from the person reaches \$1 000—
 - (i) in the period starting on the first day of the election period and ending 30 days after the election period ends (the **defined period**)—7 days after the day the total amount received from the person reaches \$1 000; or
 - (ii) outside the defined period—7 days after the end of the month in which the total amount received from the person reaches \$1 000; and
 - (b) if the financial representative is required to give the commissioner a return under subsection (3) (a) in relation to a person and the person makes an additional gift—
 - (i) in the defined period—7 days after the day the additional gift is received from the person; or
 - (ii) outside the defined period—7 days after the end of the month in which the additional gift is received from the person.

6

Proposed new clauses 10A and 10B**Page 5, line 2—***insert***10A New section 221***insert***221 Restrictions on acceptance of gifts over \$10 000**

- (1) A party, MLA, non-party candidate or associated entity (the **receiver**) must not accept a gift from, or on behalf of, an individual or corporate group in a financial year if the total amount of gifts from the individual or corporate group in the year is \$10 000 or more.
- (2) If the receiver contravenes subsection (1), the financial representative of the receiver must pay to the Territory an amount equal to the amount of the gift.
- (3) The amount payable under subsection (2) is a debt payable to the Territory by the financial representative for the receiver and may be recovered by a proceeding in a court of competent jurisdiction.
- (4) In this section:

close associate, of a corporation, means any of the following:

- (a) a related body corporate;
- (b) an officer of the corporation or a related body corporate;
- (c) a person whose voting power in the corporation or a related body corporate is more than 20%;
- (d) any domestic partner of a person mentioned in paragraph (b) or (c);
- (e) if the corporation or a related body corporate is a stapled entity in relation to a stapled security—the other stapled entity in relation to the stapled security;
- (f) if the corporation is a trustee, manager or responsible entity in relation to a trust—
 - (i) for a unit trust—a person who holds more than 20% of the units in the trust; or
 - (ii) for a discretionary trust—a person who is a beneficiary of the trust;
- (g) any other person or body prescribed by regulation.

Note Power to make a regulation includes power to make different provision in relation to different matters or different classes of matters, and to make a regulation that applies differently by reference to stated exceptions or factors (see Legislation Act, s 48).

corporate group means—

- (a) a corporation; and

(b) any close associate of the corporation.

officer—see the Corporations Act, section 9.

stapled entity—

- (a) means an entity the interests in which are traded along with the interests of another entity as a stapled security; and
- (b) for a stapled entity that is a trust—includes any trustee, manager or responsible entity for the trust.

voting power—see the Corporations Act, section 9.

10B Section 222 heading

substitute

222 Restrictions on acceptance of anonymous gifts

7

Clause 11

Proposed new division 14.4A heading

Page 5, line 5—

omit the heading, substitute

Division 14.4A Gifts from prohibited donors

Subdivision 14.4A.1 Preliminary

8

Clause 11

Proposed new section 222A (1) (b)

Page 5, line 9—

after

close associate

insert

of a prohibited donor

9

Clause 11

Proposed new section 222B, definition of *decided*

Page 5, line 19—

omit

10

Clause 11

Proposed new section 222B, new definition of *gambling business*

Page 6, line 5—

insert

gambling business means any of the following:

- (a) a casino licensee under the *Casino Control Act 2006*;

- (b) a licensee of a gaming machine, or an approved supplier, under the *Gaming Machine Act 2004*;
- (c) a person approved to conduct a lottery (other than an exempt lottery) under the *Lotteries Act 1964*;
- (d) a person approved to carry on a pool betting scheme under the *Pool Betting Act 1964*;
- (e) a licensee under the *Race and Sports Bookmaking Act 2001*;
- (f) an approved racing organisation under the *Racing Act 1999*;
- (g) a corporation that carries on a business involving wagering, betting or gambling (including the manufacture of machines primarily used for that purpose) for profit.

11**Clause 11****Proposed new section 222B, definition of *gift* and note****Page 6, line 6—**

omit the definition and note, substitute

***gift*—**

- (a) includes a loan, other than a loan by a financial institution on a commercial basis; but
- (b) does not include a gift of the use of a prohibited donor's meeting facilities for a routine meeting of a political entity.

Note The definition of *gift* in s 198AA also applies to this division.

12**Clause 11****Proposed new section 222B, definition of *make*****Page 6, line 9—**

omit

13**Clause 11****Proposed new section 222B (2)****Page 6, line 15—**

insert

- (2) In this section:

***meeting facilities*—**

- (a) includes use of a room and anything reasonably necessary for the conduct of the meeting in the room; but
- (b) does not include any food, drink or other gift associated with the use of the facilities.

Examples—par (a)

tables, chairs, photocopier, microphone, computer

14

Clause 11

Proposed new section 222B, new definition of *prohibited donor*

Page 6, line 15—

*insert**prohibited donor* means—

- (a) a property developer; or
- (b) a gambling business.

15

Clause 11

Proposed new section 222B (2)

Page 6, line 15—

insert

- (2) To remove any doubt, for subsection (1), definition of *gambling business*, paragraph (g), it does not matter if a corporation is prevented from distributing profit to another person.

Examples

- 1 a not-for-profit company whose governing documents prohibit assets and income being distributed to its members
- 2 an incorporated association

16

Clause 11

Proposed new section 222C (1), definition of *property developer*, paragraph (b) (i)

Page 6, line 23—

omit

17

Clause 11

Proposed new section 222C (1), definition of *property developer*, paragraph (b) (ii)

Page 6, line 25—

omit

18

Clause 11

Proposed new section 222C (1), definition of *property developer*, examples

Page 7, line 2—

omit

19

Clause 11

Proposed new section 222C (1A)

Page 7, line 11—

insert

- (1A) To remove any doubt, for subsection (1), it does not matter if a corporation is prevented from distributing profit to another person.

Examples

- 1 a not-for-profit company whose governing documents prohibit assets and income being distributed to its members
- 2 an incorporated association

20

Clause 11

Proposed new section 222D (1), definition of *close associate*

Page 7, line 17—

omit

property developer

substitute

prohibited donor

21

Clause 11

Proposed new subdivision 14.4A.2 heading

Page 8, line 19—

insert

Subdivision 14.4A.2 Gifts from property developers

22

Clause 11

Proposed new section 222DA

Page 8, line 19—

insert

222DA Definitions—sdiv 14.4A.2

In this subdivision:

decided—a relevant planning application is ***decided*** if—

- (a) for an application to make a variation to the territory plan—
 - (i) for a draft special variation—the planning and land authority has prepared a draft special variation under the *Planning and Development Act 2007*, section 85B; and
 - (ii) for a technical amendment—the plan variation is notified under the *Planning and Development Act 2007*, section 89; and
 - (iii) in any other case—the planning and land authority has prepared a draft plan variation under the *Planning and Development Act 2007*, section 60; and

- (b) for any other case—it is decided in accordance with the *Planning and Development Act 2007*.

make, a relevant planning application, means make, or cause another person to make, the application.

23

Clause 11

Proposed new section 222E heading

Page 8, line 20—

omit the heading, substitute

222E Meaning of *relevant planning application*—sdiv 14.4A.2

24

Clause 11

Proposed new section 222E (1)

Page 8, line 21—

omit

division

substitute

subdivision

25

Clause 11

Proposed new section 222EA

Page 9, line 21—

insert

222EA Ban on gifts from property developers etc—less than \$250

- (1) This section applies if—
 - (a) a property developer, a close associate of a property developer or a person on behalf of a property developer or close associate, gives a gift to a political entity; and
 - (b) the gift, together with any other gift made by the person in the financial year, is less than \$250; and
 - (c) either—
 - (i) at the time a gift is given, the property developer, or a close associate of the property developer, has made 1 or more relevant planning applications that have not been decided; or
 - (ii) in the 7-year period before a gift is given, the property developer, or a close associate of the property developer, has made 3 or more relevant planning applications.
- (2) The giver of the gift must pay to the Territory an amount equal to the amount of the gift.

- (3) The amount payable under subsection (2) is a debt payable to the Territory by the giver of the gift and may be recovered by a proceeding in a court of competent jurisdiction.

26

Clause 11

Proposed new section 222F heading

Page 9, line 22—

omit the heading, substitute

222F Ban on gifts from property developers etc— \$250 or more

27

Clause 11

Proposed new section 222F (1) (aa)

Page 9, line 24—

insert

- (aa) the gift, together with any other gift made by the property developer in the financial year, is \$250 or more; and

28

Clause 11

Proposed new section 222F (2) (aa)

Page 10, line 7—

insert

- (aa) the gift, together with any other gift made by the close associate in the financial year, is \$250 or more; and

29

Clause 11

Proposed new section 222F (3) (ba)

Page 10, line 20—

insert

- (ba) the gift, together with any other gift made by the person on behalf of the property developer or close associate in the financial year, is \$250 or more; and

30

Clause 11

Proposed new section 222F (3) (b)

Page 10, line 20—

after

property developer

insert

or a close associate of a property developer

31

Clause 11
Proposed new section 222F (4) (a)
Page 11, line 8—
after

property developer

insert

or a close associate of a property developer

32

Clause 11
Proposed new section 222FA
Page 11, line 20—
insert
222FA Ban on acceptance of gifts from property developers etc—less than \$250

- (1) This section applies if—
 - (a) a political entity accepts a gift made by, or on behalf of, a property developer or a close associate of a property developer; and
 - (b) the gift, together with any other gift made by the person in the financial year, is less than \$250; and
 - (c) either—
 - (i) at the time the gift is given, the property developer, or a close associate of the property developer, has made 1 or more relevant planning applications that have not been decided; or
 - (ii) in the 7-year period before the gift is given, the property developer, or a close associate of the property developer, has made 3 or more relevant planning applications; and
 - (d) the political entity has not taken reasonable steps to ensure that—
 - (i) the person giving the gift, or the person on behalf of whom the gift is given, is not a property developer or a close associate of a property developer; or
 - (ii) neither of the circumstances mentioned in paragraph (c) apply to the property developer or close associate.

Example—reasonable steps

- 1 giving potential donors written notice that donations from property developers or close associates of property developers are prohibited
 - 2 asking the person who gives the gift about whether the person is a property developer or a close associate of a property developer
- (2) The financial representative of the entity must pay to the Territory an amount equal to the amount of the gift.

- (3) The amount payable under subsection (2) is a debt payable to the Territory by the financial representative for the political entity and may be recovered by a proceeding in a court of competent jurisdiction.

33**Clause 11****Proposed new section 222G heading****Page 12, line 1—**

omit the heading, substitute

**222G Ban on acceptance of gifts from property developers
etc—\$250 or more**

34**Clause 11****Proposed new section 222G (1) (aa)****Page 12, line 4—**

insert

- (aa) the gift, together with any other gift made by the person in the financial year, is \$250 or more; and
written statement
-

35**Clause 11****Proposed new section 222G (2), example 1****Page 12, line 23—**

omit

statutory declaration

substitute

written statement

36**Clause 11****Proposed new section 222G (2), example 2****Page 12, line 26—**

omit

statutory declaration

substitute

written statement

Schedule 6**ELECTORAL AMENDMENT BILL 2020**

 Amendments circulated by the Attorney-General

1**Clause 2****Page 2, line 3—***omit clause 2, substitute***2****Commencement**

This Act commences on 1 July 2021.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2**Clause 4****Page 2, line 15—***omit clause 4, substitute***4****Offences against Act—application of Criminal Code etc
Section 3A, note 1***insert*

- s 222F (Ban on gifts from property developers etc)
 - s 222G (Ban on acceptance of gifts from property developers etc)
-

3**Clause 10****Page 4, line 19—***omit clause 10, substitute***10****Section 216A (4) and notes***substitute*

- (4) The financial representative of the receiver must give the return to the commissioner not later than—
- (a) if the total amount of the gifts received from the person reaches \$1 000—
- (i) in December or January—7 days after the end of January;
or
 - (ii) outside of December or January—7 days after the day the total amount received from the person reaches \$1 000; and

- (b) if the financial representative is required to give the commissioner a return under subsection (3) (a) in relation to a person and the person makes an additional gift—
 - (i) in December or January—7 days after the end of January;
or
 - (ii) outside of December or January—7 days after the day the additional gift is received from the person.

4**Clause 11****Proposed new section 222F (3) (b)****Page 10, line 20—***after*

property developer

insert

or a close associate of a property developer

5**Clause 11****Proposed new section 222F (4) (a)****Page 11, line 8—***after*

property developer

insert

or a close associate of a property developer

6**Clause 11****Proposed new section 222G (2), new examples****Page 12, line 27—***insert*

- 3 for a small gift, asking the person who gives the gift whether the person is a property developer or a close associate of a property developer
 - 4 for a fundraising event intended to collect gifts from a large number of potential donors, providing clear written notice to potential donors that property developers, and close associates of property developers, are prohibited from giving gifts to a political entity
-

Schedule 7**ELECTORAL AMENDMENT BILL 2020**

Amendments circulated by Mr Coe (Leader of the Opposition)

1

Clause 11**Proposed new section 222G (2), examples****Page 12, line 22—**

omit the examples, substitute

Examples—reasonable steps

- 1 obtaining a written declaration from the person who gives the gift about whether the person is a property developer or a close associate of a property developer
 - 2 obtaining a written declaration from the person who gives the gift about whether the circumstances mentioned in s (1) (b) apply in relation to the gift
 - 3 asking the person who gives the gift whether the person is a property developer or a close associate of a property developer
 - 4 for a fundraising event intended to collect gifts from a large number of potential donors, providing clear written notice to potential donors that property developers, and close associates of property developers, are prohibited from giving gifts to a political entity
-

Schedule 8

ELECTORAL AMENDMENT BILL 2020

Amendment circulated by the Attorney-General to Ms Le Couteur's proposed amendments

1

Amendment 2

Proposed new clause 4

omit proposed new clause 4, substitute

4

Offences against Act—application of Criminal Code etc Section 3A, note 1

insert

- s 222F (Ban on gifts from property developers etc—\$250 or more)
 - s 222G (Ban on acceptance of gifts from property developers etc—\$250 or more)
 - s 297A (Misleading electoral advertising)
-