



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 16

THURSDAY, 11 MAY 2017

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Ms Burch) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITION—PAPER—STATEMENT BY MEMBER

The Clerk announced that the following Member had lodged a petition for presentation:

Ms Orr, from 107 residents, requesting that the Assembly call on the Government to allocate funding for design and landscaping of Giralang Park and support the development and revitalisation of the Giralang community precinct (Pet 12-17).

Paper: Ms Orr, by leave, presented the following paper:

Petition which does not conform with the standing orders—Giralang community precinct—Revitalisation—

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

**3 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REPORT 1—
REPORT ON ANNUAL AND FINANCIAL REPORTS 2015-2016—REPORT NOTED**

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

Economic Development and Tourism—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*, dated 2 May 2017, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.



4 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2015-2016—REPORT NOTED

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

Education, Employment and Youth Affairs—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*, dated 8 May 2017, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

5 ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2015-2016—REPORT NOTED

Ms Orr (Chair), pursuant to order, presented the following report:

Environment and Transport and City Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*, dated 4 May 2017, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

6 HEALTH, AGEING AND COMMUNITY SERVICES—STANDING COMMITTEE—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2015-2016—REPORT NOTED

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

Health, Ageing and Community Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*, dated 2 May 2017, 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 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2015-2016—REPORT NOTED

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

Public Accounts—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*, dated 11 May 2017, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

8 MINISTERIAL DELEGATION TO SINGAPORE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning a Ministerial Delegation to Singapore in April 2017 and presented the following paper:

Ministerial Delegation to Singapore—April 2017—Ministerial statement, 11 May 2017.

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

Question—put and passed.

9 ALEXANDER MACONOCHIE CENTRE—UPDATE ON RECOMMENDATIONS ARISING FROM REVIEWS AGREED BY GOVERNMENT RELATING TO THE OPERATIONS—MINISTERIAL STATEMENT AND PAPERS—PAPERS NOTED

Mr Rattenbury (Minister for Corrections) made a ministerial statement concerning the operations of the Alexander Maconochie Centre, pursuant to the resolution of the Assembly of 14 December 2016 regarding security issues at the Centre and presented the following papers:

Alexander Maconochie Centre—

Update on recommendations arising from reviews agreed by Government relating to the operations—Ministerial statement, 11 May 2017.

Summary Report of Reviews.

Treatment in custody of Steven Freeman—Government response to the Independent Inquiry—Addendum.

Mr Rattenbury moved—That the Assembly take note of the papers.

Question—put and passed.

10 VOLUNTEERING—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Community Services and Social Inclusion) made a ministerial statement concerning the importance of volunteering and presented the following paper:

Volunteering—Importance in the ACT—Ministerial statement, 11 May 2017.

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

Debate ensued.

Question—put and passed.

11 UTILITIES (STREETLIGHT NETWORK) LEGISLATION AMENDMENT BILL 2017

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend legislation about the streetlight network, and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 10 May 2017.

Title read by Clerk.

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

Debate adjourned (Mr Coe—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

12 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 2—OMNIBUS BILLS—REPORT NOTED

Ms Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 2—*Omnibus Bills*, dated 10 May 2017, together with a copy of the extracts of the relevant minutes of proceedings.

Mr Wall moved—That the report be noted.

Question—put and passed.

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

Ms Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 3—*Commissioner for Standards Referral Process*, dated 10 May 2017, together with a copy of the extracts of the relevant minutes of proceedings.

Ms Cheyne moved—That the report be adopted.

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

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

Ms Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 4—*Code of Conduct for All Members of the Legislative Assembly for the Australian Capital Territory—Review*, dated 10 May 2017, together with a copy of the extracts of the relevant minutes of proceedings.

Mr Wall moved—That the report be adopted.

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

15 LEAVE OF ABSENCE TO MEMBER

Mr Wall moved—That leave of absence be granted to Mrs Jones for this sitting for health reasons.

Question—put and passed.

16 2016 A.C.T. ELECTION AND ELECTORAL ACT—SELECT COMMITTEE—INQUIRY—DISCUSSION PAPER—STATEMENT BY CHAIR—PAPER

Ms Cody (Chair), pursuant to standing order 246A, informed the Assembly that the Select Committee on the 2016 ACT Election and Electoral Act had published a discussion paper in connection with the Committee's inquiry into the 2016 ACT election and the Electoral Act.

Paper: Ms Cody presented the following paper:

2016 ACT Election and Electoral Act—Select Committee—Inquiry into the 2016 ACT Election and the Electoral Act—Discussion Paper, dated 20 April 2017.

17 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—INQUIRY—DOMESTIC AND FAMILY VIOLENCE—POLICY APPROACHES AND RESPONSES—TERMS OF REFERENCE—STATEMENT BY CHAIR

Ms Cody (Deputy Chair), pursuant to standing order 246A, made a statement concerning the terms of reference of the Standing Committee on Justice and Community Safety's inquiry into Domestic and Family Violence—Policy Approaches and Responses.

18 CODE OF CONDUCT—REAFFIRMATION BY MEMBERS

Ms Burch, pursuant to notice, moved—That we, the Members of the Ninth Legislative Assembly for the Australian Capital Territory, having adopted a code of conduct for Members, reaffirm our commitment to the principles, obligations and aspirations of the code.

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

19 EXECUTIVE MEMBERS' BUSINESS—PRECEDENCE

Ordered—That Executive Members' business be called on forthwith.

20 PROBLEM GAMBLING

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

- (1) notes that:
 - (a) the ACT currently has approximately 16.2 poker machine licences per 1000 adults, which is the highest ratio of any state or territory in Australia;
 - (b) the risks of problem gambling increase significantly with the frequency of playing poker machines, with the Productivity Commission estimating that among those who play poker machines weekly or more, 15 percent are problem gamblers and an additional 15 percent are at moderate risk;
 - (c) in 2014, people who reported any level of problem gambling accounted for 64 percent of losses from poker machines. Moderate or high risk problem gamblers accounted for 28 percent of poker machine losses, despite representing only 2 percent of the ACT adult population;

- (d) poker machines are manufactured using well established principles of behavioural psychology including visual and audio reinforcement to make losses appear as wins and unequal reel lengths which make near misses occur with greater frequency. These design features increase the risk of addictive gambling; and
 - (e) for every person with a gambling problem, between five and 10 others also experience serious consequences including emotional distress, relationship breakdown and financial difficulties;
- (2) further notes that:
- (a) since the start of this year, a number of Canberrans have spoken publicly about their experiences with problem gambling and poker machine addiction, including identifying gaps and limitations in the current regulatory system;
 - (b) the availability of cash through EFTPOS facilities has been identified by people with experience of gambling harm as a way to access money beyond the current \$250 ATM withdrawal limit, which can be an obstacle to controlling problem gambling behaviour;
 - (c) the Productivity Commission Report into Gambling 2010 recommended a number of evidence-based measures to reduce harm from poker machines, including mandatory pre-commitment and \$1 maximum bet limits; and
 - (d) the Parliamentary Agreement for the 9th Legislative Assembly includes commitments to reduce harm from gaming through reducing the number of poker machine licences in the ACT down to 4000 by 2020 and exploring mandatory pre-commitment and bet limits for poker machines; and
- (3) calls on the ACT Government to:
- (a) investigate changes to the *Gaming Machine Act 2004* to apply the \$250 cash withdrawal limit in gaming venues to all cash facilities, including EFTPOS facilities; and
 - (b) increase the transparency of the social impact assessment process to allow easy access to relevant documents and enable all Canberrans to contribute to decisions regarding the presence of poker machines in their local communities.

Mr Parton moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes:
- (a) the invaluable contribution clubs make to Canberra’s social fabric in terms of sporting, recreation, leisure and meeting facilities and activities that bring our community together;
 - (b) that our clubs employ almost 1800 people and support some 1100 community groups;

- (c) over the past two decades, our clubs have spent hundreds of millions on sporting teams and infrastructure, community donations and community functions; and
 - (d) our clubs spend more than one million per annum on live music and maintain more than 400 hectares of green space;
- (2) further notes:
- (a) the assistance that clubs provide for problem gambling and the contributions they make to the Problem Gambling Assistance Fund;
 - (b) the problem gambling level in Canberra has been declining and is currently the lowest problem gambling jurisdiction in the nation;
 - (c) clubs recognise that various social and market conditions result in the need to diversify;
 - (d) the need to reduce barriers that deter diversification of club activities and functions; and
 - (e) the paramount importance of the community's entitlement to freedom of discretion to participate in legally sanctioned activities free of interference based on extreme ideology and a desire to dictate an individual's reasonable choices; and
- (3) calls on Government to:
- (a) acknowledge the invaluable contribution clubs make to our community;
 - (b) acknowledge the measures clubs have taken recently to restrict EFTPOS transaction limits;
 - (c) strongly consider implementing a package of substantive measures including LVC remissions or waivers, and moderated rates and charges to facilitate opportunities for transition to other business models and opportunities; and
 - (d) increase the transparency of the social impact assessment process to allow easy access to relevant documents and enable all Canberrans to contribute to decisions regarding the presence of poker machines in their local communities."

Debate continued.

Amendment negatived.

Question—put and passed.

21 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No 1, Executive business, relating to the City Renewal Authority and Suburban Land Agency Bill 2017, be postponed until a later hour this day.

22 REVENUE LEGISLATION AMENDMENT BILL 2017

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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

Detail Stage

Clauses 1 to 9, by leave, taken together and agreed to.

Clauses 10 to 15, by leave, taken together—

Debate continued.

Question—put.

The Assembly voted—

AYES, 10		NOES, 7	
Mr Barr	Ms Orr	Mr Coe	Mr Milligan
Ms Burch	Mr Pettersson	Mrs Dunne	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Kikkert	
Ms Cody	Mr Rattenbury	Ms Lawder	
Ms Le Couteur	Mr Steel	Ms Lee	

And so it was resolved in the affirmative—Clauses 10 to 15 agreed to.

Clause 16—

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

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

Clause 16, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

23 QUESTIONS

Questions without notice were asked.

24 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF EXECUTIVE BUSINESS

Mr Gentleman (Manager of Government business) moved—That so much of the standing orders be suspended as would prevent order of the day No 11, Executive business, relating to the ministerial statement concerning the switchboard incident at The Canberra Hospital and replacement of electrical switchboard, and the amendment moved by Mrs Dunne, being called on and debated forthwith.

Question—put and passed, with the concurrence of an absolute majority.

25 THE CANBERRA HOSPITAL—SWITCHBOARD INCIDENT—MINISTERIAL STATEMENT—PAPER NOTED—CHRONOLOGY OF EVENTS—ORDER TO TABLE—

The order of the day having been read for the resumption of the debate on the motion of Ms Fitzharris (Minister for Health)—That the Assembly take note of the paper, viz:

The Canberra Hospital—Switchboard incident and replacement of electrical switchboards—Ministerial statement, 9 May 2017—

and, on the amendment moved by Mrs Dunne: Add “and that the Assembly calls on the Minister for Health, by the end of the current sitting period, to:

- (1) provide the Assembly with a full chronology of events, starting with the time when problems with the main switchboard were identified initially and concluding with the signing of the contract on 7 April 2017 with Shaw Building Services to replace the main electrical switchboard; and
- (2) table the AECOM risk assessment report on the performance of infrastructure at The Canberra Hospital, referred to in the hearings of the Select Committee on Estimates 2016-2017 on 29 June 2016.”—

Debate resumed by Ms Fitzharris (Minister for Health), who moved the following amendment to Mrs Dunne’s proposed amendment: Omit all words after “and that the Assembly”, substitute:

- “(1) calls on the Minister for Health, by the end of the current sitting period, to provide the Assembly with a full chronology of events, starting with the time when problems with the main switchboard were identified initially and concluding with the signing of the contract on 7 April 2017 with Shaw Building Services to replace the main electrical switchboard; and
- (2) notes the AECOM risk assessment report on infrastructure at The Canberra Hospital, referred to in the hearings of the Select Committee on Estimates 2016-2017 on 29 June 2016, cannot be tabled in the Assembly as it is Cabinet-in-Confidence and, therefore, cannot be provided.”.

Debate continued.

Amendment to proposed amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That the Assembly take note of the paper and that the Assembly:

- (1) calls on the Minister for Health, by the end of the current sitting period, to provide the Assembly with a full chronology of events, starting with the time when problems with the main switchboard were identified initially and concluding with the signing of the contract on 7 April 2017 with Shaw Building Services to replace the main electrical switchboard; and
- (2) notes the AECOM risk assessment report on infrastructure at The Canberra Hospital, referred to in the hearings of the Select Committee on Estimates 2016-2017 on 29 June 2016, cannot be tabled in the Assembly as it is Cabinet-in-Confidence and, therefore, cannot be provided.”—

be agreed to—put and passed.

26 THE CANBERRA HOSPITAL—AECOM RISK ASSESSMENT REPORT ON THE PERFORMANCE OF INFRASTRUCTURE—ORDER TO TABLE

Mrs Dunne, by leave, moved—That, in accordance with standing order 213A, this Assembly order the Minister for Health to table, in the Assembly, the AECOM risk assessment report on the performance of infrastructure at The Canberra Hospital, referred to in the hearings of the Select Committee on Estimates 2016-2017 on 29 June 2016.

Debate ensued.

Question—put and passed.

27 PRESENTATION OF PAPERS

Mr Barr (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 March 2017.

Auditor-General's Reports Nos 10/2016 and 11/2016 relating to Financial Audits—Copy of letter from the Treasurer to the Auditor-General, dated 5 May 2017.

28 EDUCATION AND CARE SERVICES NATIONAL LAW AMENDMENT ACT 2017 (VICTORIA) AND EXPLANATORY STATEMENT—PAPERS AND STATEMENT BY MINISTER

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

Education and Care Services National Law Amendment Act 2017 (Victoria).

Education and Care Services National Law Amendment Act 2017, as adopted by the Education and Care Services National Law (ACT) Act 2011—Explanatory statement.

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

29 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 2014-2015—Land Development Agency—Corrigendum.

30 PRESENTATION OF PAPER

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

Loose Fill Asbestos Insulation Eradication Scheme—Update on the ACT Government response—Quarterly report—1 January to 31 March 2017.

31 CHILDREN AND YOUNG PEOPLE ACT—A.C.T. CHILDREN AND YOUNG PEOPLE DEATH REVIEW COMMITTEE—ANNUAL REPORT 2016—PAPER AND STATEMENT BY MINISTER

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

Children and Young People Act, pursuant to subsection 727S(5)—ACT Children and Young People Death Review Committee—Annual Report 2016, covering the period July 2015 to December 2016, dated 30 April 2017—

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

32 PRESENTATION OF PAPER

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

Legislation Act, pursuant to section 64—Nature Conservation Act—Nature Conservation (Eastern Grey Kangaroo) Controlled Native Species Management Plan 2017—Disallowable Instrument DI2017-37, together with its explanatory statement (LR, 10 May 2017).

33 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—ACTIVE LIFESTYLE—IMPORTANCE TO THE COMMUNITY

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mrs Dunne, Ms Lee, Mr Milligan, Ms Orr, Mr Parton, Mr Pettersson, Mr Steel 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 Mr Parton be submitted to the Assembly, namely, “The importance of an active lifestyle to the health of the ACT community”.

Discussion ensued.

Discussion concluded.

34 CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY BILL 2017

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

Detail Stage

Clause 1 agreed to.

Clauses 2 to 6, by leave, taken together and agreed to.

Clause 7—

Mr Barr (Chief Minister), pursuant to standing order 182A(a) and (b), was granted leave to move amendments that are urgent or minor or technical in nature.

On the motion of Mr Barr, his amendment No 1 (see [Schedule 2](#)) was made.

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

Clause 7, as amended, agreed to.

Clause 8—

On the motion of Ms Le Couteur, her amendment No 1 (see [Schedule 3](#)) was made, after debate.

Clause 8, as amended, agreed to.

Clause 9—

On the motion of Mr Barr, his amendment No 2 (see [Schedule 2](#)) was made, after debate.

Ms Le Couteur, by leave, moved her amendments Nos 2 to 5 (see [Schedule 3](#)).

Debate continued.

Ordered—That the question be divided.

Amendment No 2 agreed to.

Amendment No 3 agreed to.

Amendment No 4 agreed to.

Amendment No 5 agreed to.

Mr Coe (Leader of the Opposition), moved his amendment No 1 (see [Schedule 4](#)).

Debate continued.

Amendment negatived.

Clause 9, as amended, agreed to.

Clauses 10 to 12, by leave, taken together and agreed to.

New clause—

Mr Coe moved his amendment No 2 (see [Schedule 4](#)), which would insert new clauses 12A and 12B in the Bill.

Debate continued.

Amendment negatived.

Ms Le Couteur was granted leave to move amendments that were not circulated in accordance with standing order 178A.

On the motion of Ms Le Couteur, new clause 12A (her amendment No 1—see [Schedule 5](#)) was inserted in the Bill, after debate.

Clauses 13 to 15, by leave, taken together and agreed to.

Clause 16—

On the motion of Mr Barr, his amendment No 3 (see [Schedule 2](#)) was made, after debate.

Clause 16, as amended, agreed to.

Clause 17—

On the motion of Mr Coe, his amendment No 3 (see [Schedule 4](#)) was made, after debate.

On the motion of Ms Le Couteur, her amendment No 2 (see [Schedule 5](#)) was made after debate.

Mr Coe moved his amendment No 5 (see [Schedule 4](#)).

Debate continued.

Amendment negatived.

Clause 17, as amended, agreed to.

Proposed new clause—

Mr Coe moved his amendment No 6 (see [Schedule 4](#)), which would insert a new clause 17A in the Bill.

Debate continued.

Amendment negatived.

Clause 18 agreed to.

Clause 19—

Mr Coe, by leave, moved his amendments Nos 7 and 8 together (see [Schedule 4](#)).

Debate continued.

Amendments negatived.

Clause 19 agreed to.

Proposed new clause—

Mr Coe moved his amendment No 9 (see [Schedule 4](#)), which would insert a new clause 19A in the Bill.

Debate continued.

Amendment negatived.

Clause 20—

On the motion of Mr Barr, by leave, his amendments Nos 4 to 7 (see [Schedule 2](#)) were made together, after debate.

Mr Coe moved his amendment No 10 (see [Schedule 4](#)).

Debate continued.

Amendment negatived.

On the motion of Mr Barr, by leave, his amendments Nos 8 and 9 (see [Schedule 2](#)) were made together, after debate.

Mr Coe moved his amendment No 11 (see [Schedule 4](#)).

Debate continued.

Amendment negatived.

Clause 20, as amended, agreed to

Proposed new clause—

Mr Coe moved his amendment No 12 (see [Schedule 4](#)), which would insert a new clause 20A in the Bill.

Debate continued.

Amendment negatived.

Clause 21—

On the motion of Ms Le Couteur, her amendment No 3 (see [Schedule 5](#)) was made, after debate.

Clause 21, as amended, agreed to.

Clauses 22 and 23, by leave, taken together and agreed to.

Proposed new clause—

Mr Coe moved his amendment No 16 (see [Schedule 4](#)), which would insert a new clause 23A in the Bill.

Debate continued.

Amendment negatived.

Clauses 24 to 26, by leave, taken together and agreed to.

Clause 27—

Mr Coe moved his amendment No 17 (see [Schedule 4](#)).

Debate continued.

Amendment negatived.

Clause 27 agreed to.

Clause 28—

Mr Coe moved his amendment No 18 (see [Schedule 4](#)).

Debate continued.

Amendment negatived.

Clause 28 agreed to.

Clause 29—

Mr Coe, by leave, moved his amendments Nos 19 and 20 together (see [Schedule 4](#)).

Debate continued.

Amendments negatived.

Clause 29 agreed to.

Clauses 30 to 35, by leave, taken together and agreed to.

Clause 36—

On the motion of Ms Le Couteur, her amendment No 6 (see [Schedule 3](#)) was made, after debate.

On the motion of Mr Barr, his amendment No 10 (see [Schedule 2](#)) was made.

Clause 36, as amended, agreed to.

Clause 37—

On the motion of Mr Barr, by leave, his amendments Nos 11 and 12 (see [Schedule 2](#)) were made together.

On the motion of Ms Le Couteur, her amendment No 7 (see [Schedule 3](#)) was made, after debate.

Clause 37, as amended, agreed to.

Clause 38—

On the motion of Ms Le Couteur, her amendment No 8 (see [Schedule 3](#)) was made, after debate.

On the motion of Mr Barr, his amendment No 13 (see [Schedule 2](#)) was made.

Ms Le Couteur, by leave, moved her amendments Nos 9 and 10 together (see [Schedule 3](#)).

Debated continued.

Ordered—That the question be divided.

Amendment No 9 agreed to.

Amendment No 10 agreed to

Mr Coe moved his amendment No 21 (see [Schedule 4](#)).

Debated continued.

Amendment negatived.

Clause 38, as amended, agreed to.

Clauses 39 to 41, by leave, taken together and agreed to.

New clauses—

Mr Coe, by leave, moved his amendment No 22 (see [Schedule 4](#)), which would insert new clauses 41A and 41B.

Debate continued.

Amendment negatived.

On the motion of Ms Le Couteur, by leave, new clauses 41A and 41B (her amendments Nos 4 and 5—see [Schedule 5](#)) were inserted in the Bill.

Proposed new clause—

Mr Coe moved his amendment No 23 (see [Schedule 4](#)), which would insert a new clause 41C in the Bill.

Debate continued.

Amendment negatived.

Clause 42 agreed to.

Clause 43—

Mr Coe moved his amendment No 24 (see [Schedule 4](#)).

Debate continued.

Amendment negatived.

Clause 43 agreed to.

Proposed new clauses—

Mr Coe moved his amendment No 25 (see [Schedule 4](#)), which would insert new clauses 43A and 43B in the Bill.

Debate continued.

Amendment negatived.

New clause—

On the motion of Mr Barr, new clause 43A (his amendment No 14—see [Schedule 2](#)) was inserted in the Bill, after debate.

Proposed new clause—

Mr Coe moved his amendment No 27 (see [Schedule 4](#)), which would insert a new clause 43D in the Bill.

Debate continued.

Amendment negatived.

Clause 44—

On the motion of Mr Barr, by leave, his amendments Nos 15 to 18 (see [Schedule 2](#)) were made together.

Mr Coe moved his amendment No 28 (see [Schedule 4](#)).

Amendment negatived.

On the motion of Mr Barr, by leave, his amendments Nos 19 and 20 (see [Schedule 2](#)) were made together.

Mr Coe moved his amendment No 29 (see [Schedule 4](#)).

Amendment negatived.

Clause 44, as amended, agreed to.

Proposed new clause—

Mr Coe moved his amendment No 30 (see [Schedule 4](#)), which would insert a new clause 44A in the Bill.

Debate continued.

Amendment negatived.

New division—

On the motion of Ms Le Couteur, new division 3.2A (new clauses 45A to 45D) (her amendment No 6—see [Schedule 5](#)) was inserted in the Bill, after debate.

Clauses 46 to 48, by leave, taken together and agreed to.

Clause 49—

Mr Coe moved his amendment No 32 (see [Schedule 4](#)).

Amendment negatived.

Clause 49 agreed to.

Clause 50 agreed to.

Clause 51—

Mr Coe, by leave, moved his amendments Nos 33 and 34 together (see [Schedule 4](#)).

Amendments negatived.

Clause 51 agreed to.

Clauses 52 to 54, by leave, taken together and agreed to.

Clause 55—

On the motion of Mr Coe, his amendment No 35 (see [Schedule 4](#)) was made, after debate.

Clause 55, as amended, agreed to.

Proposed new part—New clause—

Mr Coe moved his amendment No 36 (see [Schedule 4](#)), which would insert a new part 3A (new clauses 55A to 55D) in the Bill.

Mr Barr, pursuant to standing order 182A(b), by leave, moved his amendment No 1 (see [Schedule 6](#)), that had not been circulated in accordance with standing order 178A, to Mr Coe's proposed amendment No 36.

Debate continued.

Mr Barr's amendment to Mr Coe's proposed amendment agreed to.

Mr Coe's amendment, as amended, agreed to—New clause 55A inserted in the Bill.

Clause 56 agreed to.

New clause—

On the motion of Ms Le Couteur, new clause 56A (her amendment No 11—see [Schedule 3](#)), was inserted in the Bill, after debate.

Clause 57 agreed to.

Clauses 200 to 202, by leave, taken together and agreed to.

Schedule 1—

Amendment 1.1—

On the motion of Ms Le Couteur, her amendment No 7 (see [Schedule 5](#)), was made, after debate.

Amendment 1.1, as amended, agreed to.

Amendments 1.2 to 1.8, by leave, taken together and agreed to.

Amendment 1.9—

On the motion of Mr Barr, his amendment No 21 (see [Schedule 2](#)) was made, after debate.

Amendment 1.9, as amended, agreed to.

Amendments 1.10 to 1.16, by leave, taken together and agreed to.

Remainder of bill, by leave, taken as a whole—

On the motion of Ms Le Couteur, by leave, her amendments Nos 12 to 14 (see [Schedule 3](#)) were made together, after debate.

Remainder of bill, as a whole, as amended, agreed to, after debate.

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

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

Question—put and negatived.

The Speaker drew attention to the fact that a clerical error meant that the Assembly had not considered clause 45.

Clause 45 agreed to.

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

35 LIQUOR AMENDMENT BILL 2017

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Paper: Mr Ramsay (Attorney-General) presented a revised explanatory statement to the Bill.

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

Detail Stage

Clauses 1 to 81, by leave, taken together and agreed to.

Clause 82 debated.

Question—put.

The Assembly voted—

AYES, 12		NOES, 9	
Ms Berry	Ms Orr	Mr Coe	Ms Lee
Ms Burch	Mr Pettersson	Mr Doszpot	Mr Milligan
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Parton
Ms Cody	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	

And so it was resolved in the affirmative.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

36 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2017

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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

Detail Stage

Clause 1 agreed to.

Clause 2—

On the motion of Mr Ramsay (Attorney-General), pursuant to standing order 182A(b), by leave, his amendments Nos 1 and 2 (see [Schedule 7](#)) were made together.

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

Clause 2, as amended, agreed to.

Clauses 3 to 18, by leave, taken together and agreed to.

Clause 19 debated.

Question—put.

The Assembly voted—

AYES, 12		NOES, 9	
Ms Berry	Ms Orr	Mr Coe	Ms Lee
Ms Burch	Mr Pettersson	Mr Doszpot	Mr Milligan
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Parton
Ms Cody	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	

And so it was resolved in the affirmative.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

37 PRESENTATION OF PAPER

Mr Gentleman (Manager of Government Business), on behalf of the Minister for Health, presented the following paper:

The Canberra Hospital—Switchboard incident—Chronology of events, pursuant to the resolution of the Assembly earlier this day.

38 ADJOURNMENT

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

Debate ensued.

The time for the debate having expired—

The Speaker, at 7.27 pm, adjourned the Assembly until Tuesday, 6 June 2017 at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mrs Jones*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

REVENUE LEGISLATION AMENDMENT BILL 2017

Amendment circulated by the Treasurer

1

Clause 16

Proposed new section 29 (5), definition of *AUVU*

Page 9, line 8—

omit the definition, substitute

AUVU means the AUV of the parcel proportionate to the unit in the parcel, worked out as follows:

$$\text{AUV} \times \frac{\text{UE}}{\text{TUE}}$$

Schedule 2

CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY BILL 2017

Amendments circulated by the Chief Minister

1

Clause 7, proposed new note

Page 4, line 12—

insert

Note The authority is a corporation if the authority is prescribed by the financial management guidelines for the *Financial Management Act 1996*, pt 8 (see *Financial Management Act 1996*, s 54, s 72, def *relevant territory authority* and s 73).

2

Clause 9 (1) (g)

Page 5, line 25—

before

urban renewal

insert

sustainable

3

Clause 16 (1), proposed new examples

Page 9, line 24—

insert

Examples—par (a)

- particular project to be undertaken by the authority
- dividend or other financial return to be made to the Territory by the authority
- affordable housing, community housing or public housing targets
- environmental performance
- whole-of-government strategy or plan

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

4**Clause 20 (1) (c)****Page 12, line 1—***omit*

3 expert members.

substitute

at least 3, but not more than 5, expert members.

5**Clause 20 (2)****Page 12, line 6—***omit*

following areas:

substitute

following disciplines and areas of expertise:

6**Clause 20 (2) (e)****Page 12, line 11—***omit clause 20 (2) (e), substitute*

(e) environmentally sustainable development;

7**Proposed new clause 20 (2) (i)****Page 12, line 14—***insert*

(i) affordable housing, community housing and public housing.

8**Proposed new clause 20 (2A)****Page 12, line 14—***insert*

(2A) The Minister must, as far as practicable, ensure that each discipline and area of expertise mentioned in subsection (2) is represented among the appointed members.

9**Proposed new clause 20 (2B)****Page 12, line 14—***insert*

(2B) A member must not be a public servant.

10**Clause 36, proposed new note****Page 21, line 5—***insert*

Note The agency is a corporation if the agency is prescribed by the financial management guidelines for the *Financial Management Act 1996*, pt 8 (see *Financial Management Act 1996*, s 54, s 72, def *relevant territory authority* and s 73).

11**Proposed new clause 37 (a) (ii) (E)****Page 21, line 15—***insert*

(E) environmental sustainability; and

12**Proposed new clause 37 (a) (v)****Page 21, line 19—***insert*

(v) social and environmental sustainability; and

13**Clause 38 (1) (d)****Page 22, line 8—***after*

land

insert

in a manner that is environmentally sustainable

14**Proposed new clause 43A****Page 24, line 27—***insert***43A Agency board members duty of good conduct**

An agency board member has a duty to the Minister when acting as a board member—

- (a) to act in good faith; and
- (b) not to pursue personal interests at the expense of the agency's interests; and
- (c) not to use board membership to gain personal advantage; and

- (d) not to cause detriment to the agency or undermine the reputation of the agency.

Note The duty set out in this section supplements the requirements under the *Financial Management Act 1996*, pt 8 (Financial provisions for territory authorities) and pt 9 (Governance of territory authorities) and the requirements under the *Public Sector Management Act 1994*, div 2.1 (Public sector standards).

15

Clause 44 (1) (c)

Page 25, line 5—

omit

3 expert members.

substitute

at least 3, but not more than 5, expert members.

16

Clause 44 (2)

Page 25, line 9—

omit

following areas:

substitute

following disciplines and areas of expertise:

17

Proposed new clause 44 (2) (g)

Page 25, line 15—

insert

(g) affordable housing, community housing and public housing.

18

Proposed new clause 44 (2) (h)

Page 25, line 15—

insert

(h) environmentally sustainable development.

19

Proposed new clause 44 (3)

Page 25, line 15—

insert

- (3) The Minister must, as far as practicable, ensure that each discipline and area of expertise mentioned in subsection (2) is represented among the appointed members.
-

20**Proposed new clause 44 (4)****Page 25, line 15—***insert*

- (4) A member must not be a public servant.
-

21**Schedule 1, part 1.4****Amendment 1.9****Page 37, line 1—***omit amendment 1.9, substitute***[1.9] Section 229 (4) (c)***substitute*

- (c) a member of the city renewal authority's staff;
(ca) a member of the suburban land agency's staff;
-

Schedule 3**CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY BILL 2017**

Amendments circulated by Ms Le Couteur

1**Clause 8 (c)****Page 5, line 6—***omit clause 8 (c), substitute*

- (c) to operate effectively, in a way that delivers value for money, in accordance with sound risk management practices.
-

2**Proposed new clause 9 (1) (ga)****Page 5, line 26—***insert*

- (ga) meet housing targets determined under section 56A (Affordable, community and public housing targets); and
-

3**Proposed new clause 9 (1) (gb)****Page 5, line 26—***insert*

- (gb) support statutory greenhouse gas emissions targets and deliver environmentally sustainable development; and
-

4**Proposed new clause 9 (1) (gc)****Page 5, line 26—***insert*

- (gc) follow and support whole-of-government strategies; and
-

5**Clause 9 (1), proposed new note****Page 6, line 2—***insert*

- Note 1* A territory authority must not do any act, or approve the doing of an act, that is inconsistent with the territory plan (see *Planning and Development Act 2007*, s 50).
-

6**Proposed new clause 36 (2)****Page 21, line 5—***insert*

- (2) The agency is a territory authority.
-

7**Clause 37 (b)****Page 21, line 20—***omit clause 37 (b), substitute*

- (b) operate effectively, in a way that delivers value for money, in accordance with sound risk management practices.
-

8**Proposed new clause 38 (1) (ca)****Page 22, line 7—***insert*

- (ca) to meet housing targets determined under section 56A (Affordable, community and public housing targets); and
-

9**Proposed new clause 38 (1) (da)****Page 22, line 8—***insert*

- (da) to exercise functions in a way that supports statutory greenhouse gas emissions targets and delivers environmentally sustainable development; and
-

10**Proposed new clause 38 (1) (db)****Page 22, line 8—***insert*

- (db) to follow and support whole-of-government strategies; and
-

11**Proposed new clause 56A****Page 32, line 11—***insert***56A Affordable, community and public housing targets**

- (1) The Minister must set housing targets for—
- (a) residential development in an urban renewal precinct; and
 - (b) residential development in connection with urban renewal other than in an urban renewal precinct; and
 - (c) the development of a new suburb.

- (2) Housing targets must determine the minimum percentage of the development that must be made up of each of the following types of housing:
- (a) affordable housing;
 - (b) community housing;
 - (c) public housing.
- (3) Before setting housing targets, the Minister must seek the views of the housing commissioner in relation to the proposed housing targets.
- (4) A housing target determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

12

Dictionary, note 2, proposed new dot point

Page 40, line 11—

insert

territory authority

13

Dictionary, proposed new definition of *statutory greenhouse gas emission targets*

Page 41, line 14—

insert

statutory greenhouse gas emissions targets means—

- (a) the ACT greenhouse gas emissions target under the *Climate Change and Greenhouse Gas Reduction Act 2010*, section 6; and
- (b) the interim greenhouse gas emissions target under the *Climate Change and Greenhouse Gas Reduction Act 2010*, section 7.

14

Dictionary, proposed new definition of *whole-of-government strategy*

Page 42, line 6—

insert

whole-of-government strategy—see the *Public Sector Management Act 1994*, dictionary.

Schedule 4

CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY BILL 2017

Amendments circulated by Mr Coe (Leader of the Opposition)

1

Proposed new clause 9 (2A)

Page 6, line 7—

insert

- (2A) The authority must comply with a direction given to the authority under this Act or another territory law.

Note The Minister may give the authority directions under s 11.

2

Proposed new clauses 12A and 12B

Page 8, line 3—

insert

12A Report for Legislative Assembly

- (1) The authority must, for each quarter, prepare a report for the Legislative Assembly including the following for any land acquired by the authority during the reporting period:
 - (a) details of the land;
 - (b) a copy of the valuations for the land relied on by the authority in deciding the amount paid for the land.
- (2) The authority must give the report to the Legislative Assembly not later than 1 month after the end of the quarter.
- (3) If the Legislative Assembly is sitting when the authority has finished the report—
 - (a) the authority must give the report to the Speaker; and
 - (b) the Speaker must present the report to the Legislative Assembly on the next sitting day.
- (4) If the Legislative Assembly is not sitting when the authority has finished the report—
 - (a) the authority must give the report, and a copy for each member of the Legislative Assembly, to the Speaker; and
 - (b) the report is taken for all purposes to have been presented to the Legislative Assembly on the day the authority gives it to the Speaker (the *report day*); and
 - (c) publication of the report is taken to have been ordered by the Legislative Assembly on the report day; and

- (d) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the report day; and
 - (e) the Speaker may give directions for the printing and circulation, and in relation to the publication, of the report; and
 - (f) despite paragraph (b), the Speaker must present the report to the Legislative Assembly on the next sitting day.
- (5) In this section:

Speaker, for a report given to the Deputy Speaker or clerk under section 12B (Report to be given to Speaker), means the Deputy Speaker or clerk.

12B Report to be given to Speaker

- (1) A report required under section 12A to be given to the Speaker must—
 - (a) if the Speaker is unavailable—be given to the Deputy Speaker; or
 - (b) if both the Speaker and Deputy Speaker are unavailable—be given to the clerk of the Legislative Assembly.
- (2) For subsection (1), the Speaker or Deputy Speaker is unavailable if—
 - (a) he or she is absent from duty; or
 - (b) there is a vacancy in the office.

3

Clause 17 (1)
Page 10, line 2—

omit

As soon as possible after

insert

Within 60 days after the day

4

Clause 17 (3)
Page 10, line 10—

omit clause 17 (3), substitute

- (3) The Minister must, within 30 days after the day the Minister receives a draft statement of operational intent—
 - (a) approve the draft statement; or
 - (b) reject the draft statement; or
 - (c) approve the draft statement with conditions.
-

5**Proposed new clause 17 (5)****Page 10, line 16—***insert*

- (5) If the Minister rejects a draft statement of operational intent, the authority board must, within 30 days after the day the draft statement is rejected, give the Minister a revised statement of operational intent.

6**Proposed new clause 17A****Page 10, line 16—***insert***17A Publication of authority board meeting proceedings**

- (1) For each board meeting, the chair must publish the agenda, attendance and minutes within the earlier of—
- (a) 90 days after the day of the meeting; or
 - (b) 5 days after the day the minutes are approved at a subsequent board meeting.
- (2) The chair must publish the agenda, attendance and minutes on—
- (a) a website under the authority's control; or
 - (b) if the authority does not have a website—an ACT government website.

7**Proposed new clause 19 (e)****Page 11, line 14—***insert*

- (e) to act in the best interest of the community.

8**Proposed new clause 19 (2)****Page 11, line 19—***insert*

- (2) The authority must report to the Legislative Assembly any allegation made to the authority, in relation to an authority board member's failure to comply with the member's duty under this section, within 5 days after the day the authority receives the allegation.
-

 9
Proposed new clause 19A

Page 11, line 19—

*insert***19A Record of authority board members' material interests**

- (1) This section applies if an authority board member discloses to the authority board (a *member disclosure*) a material interest in an issue being considered, or about to be considered, by the board.

Note The board member must disclose the nature of the material interest at a board meeting as soon as practicable after the relevant facts come to the board member's knowledge (see *Financial Management Act 1996*, s 88).

- (2) The authority board must—
- (a) publish the member disclosure; and
 - (b) keep a permanent public record of the member disclosure.
- (3) In this section:
- material interest*—see the *Financial Management Act 1996*, section 88.

 10
Proposed new clause 20 (2) (i)

Page 12, line 14—

insert

- (i) commercial expertise.

 11
Proposed new clause 20 (2A) and (2B)

Page 12, line 14—

insert

- (2A) A member must not—
- (a) be a member of the agency; or
 - (b) be under investigation for, or have been found guilty of an offence involving, conduct relating to any of the following:
 - (i) fraud;
 - (ii) corruption;
 - (iii) misconduct.
- (2B) However, a member who is under investigation only may remain a member of the board if the Minister is satisfied on reasonable grounds that it is in the public interest for the member to remain.
-

12**Proposed new clause 20A****Page 12, line 17—***insert***20A Establishment of authority audit and risk committee**

- (1) The authority must establish an audit and risk committee.
- (2) A member of the audit and risk committee must not—
 - (a) be a member of the agency; or
 - (b) be under investigation for, or have been found guilty of an offence involving, conduct relating to any of the following:
 - (i) fraud;
 - (ii) corruption;
 - (iii) misconduct.
- (3) However, a member who is under investigation only may remain a member of the committee if the Minister is satisfied on reasonable grounds that it is in the public interest for the member to remain.

13**Clause 21 heading****Page 12, line 18—***omit the heading, substitute***21 Establishment of other authority committees**

14**Clause 21 (1)****Page 12, line 19—***after*

establish

insert

other

15**Clause 21 (2) (b)****Page 12, line 24—***omit*

16**Proposed new clause 23A****Page 14, line 10—***insert***23A Sale of lease of land by authority**

- (1) This section applies to a sale of a lease of land by the authority.
- (2) Before a sale, the authority must—
 - (a) have the land independently valued by at least 3 separate valuers; and
 - (b) publish the valuations on—
 - (i) a website under the authority's control; or
 - (ii) if the authority does not have a website—an ACT government website.
- (3) The sale must be—
 - (a) public; and
 - (b) undertaken by tender or auction.
- (4) However, if a sale in accordance with subsection (3) is unsuccessful, the sale may be made in another way, for example, by private sale.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

17**Clause 27 (2)****Page 15, line 13—***omit*

chair of the

18**Proposed new clause 28 (4)****Page 17, line 2—***insert*

- (4) The authority CEO must comply with a direction given to the authority CEO under this Act or another territory law.

19**Proposed new clause 29 (2) (e)****Page 17, line 14—***insert*

- (e) to act in the best interest of the community.
-

20**Proposed new clause 29 (3)****Page 17, line 16—***insert*

- (3) The authority must report to the Legislative Assembly any allegation made to the authority in relation to the authority CEO's failure to comply with this section within 5 days after the day the authority receives the allegation.

21**Proposed new clause 38 (2A)****Page 22, line 22—***insert*

- (2A) The agency must comply with a direction given to the agency under this Act or another territory law.

Note The Minister may give the agency directions under s 40.

22**Proposed new clauses 41A and 41B****Page 24, line 7—***insert***41A Report for Legislative Assembly**

- (1) The agency must, for each quarter, prepare a report for the Legislative Assembly including the following for any land acquired by the agency during the reporting period:
- (a) details of the land;
 - (b) a copy of the valuations for the land relied on by the agency in deciding the amount paid for the land.
- (2) The agency must give the report to the Legislative Assembly not later than 1 month after the end of the quarter.
- (3) If the Legislative Assembly is sitting when the agency has finished the report—
- (a) the agency must give the report to the Speaker; and
 - (b) the Speaker must present the report to the Legislative Assembly on the next sitting day.
- (4) If the Legislative Assembly is not sitting when the agency has finished the report—
- (a) the agency must give the report, and a copy for each member of the Legislative Assembly, to the Speaker; and
 - (b) the report is taken for all purposes to have been presented to the Legislative Assembly on the day the agency gives it to the Speaker (the *report day*); and

- (c) publication of the report is taken to have been ordered by the Legislative Assembly on the report day; and
 - (d) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the report day; and
 - (e) the Speaker may give directions for the printing and circulation, and in relation to the publication, of the report; and
 - (f) despite paragraph (b), the Speaker must present the report to the Legislative Assembly on the next sitting day.
- (5) In this section:

Speaker, for a report given to the Deputy Speaker or clerk under section 41B (Report to be given to Speaker), means the Deputy Speaker or clerk.

41B Report to be given to Speaker

- (1) A report required under section 41A to be given to the Speaker must—
 - (a) if the Speaker is unavailable—be given to the Deputy Speaker; or
 - (b) if both the Speaker and Deputy Speaker are unavailable—be given to the clerk of the Legislative Assembly.
- (2) For subsection (1), the Speaker or Deputy Speaker is unavailable if—
 - (a) he or she is absent from duty; or
 - (b) there is a vacancy in the office.

23

Proposed new clause 41C

Page 24, line 7—

insert

41C Annual report of agency

- (1) The agency must prepare an annual report under the Annual Reports (Government Agencies) Act 2004.
 - (2) The report must—
 - (a) include any statement of expectations and statement of operational intent in effect during the reporting year; and
 - (b) report on the extent to which the statement of operational intent in effect during the reporting year was met during the reporting year; and
 - (c) if the statement of operational intent was not met in whole or in part during the reporting year—give reasons why the statement of operational intent was not met.
-

24**Proposed new clause 43 (aa), (ab) and (ac)****Page 24, line 16—***insert*

- (aa) to promote the statement of expectations; and
- (ab) to implement the statement of operational intent; and
- (ac) to make arrangements about the conduct and operation of the agency board; and

25**Proposed new clauses 43A and 43B****Page 24, line 27—***insert***43A Ministerial statement of expectations for agency**

- (1) The Minister must, at least once every 12 months—
 - (a) make a statement setting out the government's requirements and priorities in relation to suburban development and urban renewal, other than in an urban renewal precinct (a *statement of expectations*); and
 - (b) give the statement of expectations to the agency board.
- (2) The statement of expectations may include any information the Minister believes will assist the agency board to implement the statement of expectations.
- (3) A statement of expectations is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.**43B Agency's statement of operational intent**

- (1) Within 60 days after the day the Minister gives the statement of expectations to the agency board, the agency board must give the Minister a draft statement of response setting out how the agency board will give effect to the statement of expectations (a *statement of operational intent*).
- (2) The draft statement of operational intent may refer to a matter covered in the statement of intent for the agency prepared under the *Financial Management Act 1996*, section 61.
- (3) The Minister must, within 30 days after the day the Minister receives a draft statement of operational intent—
 - (a) approve the draft statement; or
 - (b) reject the draft statement; or
 - (c) approve the draft statement with conditions.

- (4) An approved statement of operational intent is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (5) If the Minister rejects a draft statement of operational intent, the agency board must, within 30 days after the day the draft statement is rejected, give the Minister a revised draft statement of operational intent.

26

Proposed new clause 43C

Page 24, line 27—

insert

43C Agency board members duty of good conduct

- (1) An agency board member has a duty to the Minister when acting as a board member—
- (a) to act in good faith; and
 - (b) not to pursue personal interests at the expense of the agency's interests; and
 - (c) not to use board membership to gain personal advantage; and
 - (d) not to cause detriment to the agency or undermine the reputation of the agency; and
 - (e) to act in the best interest of the community.

Note The duty set out in this section supplements the requirements under the *Financial Management Act 1996*, pt 8 (Financial provisions for territory authorities) and pt 9 (Governance of territory authorities) and the requirements under the *Public Sector Management Act 1994*, div 2.1 (Public sector standards).

- (2) The agency must report to the Legislative Assembly any allegation made to the agency in relation to an agency board member's failure to comply with the member's duty under this section within 5 days after the day the agency receives the allegation.

27

Proposed new clause 43D

Page 24, line 27—

insert

43D Record of board members' material interests

- (1) This section applies if an agency board member discloses to the agency board (a *member disclosure*) a material interest in an issue being considered, or about to be considered, by the board.

Note The board member must disclose the nature of the material interest at a board meeting as soon as practicable after the relevant facts come to the board member's knowledge (see *Financial Management Act 1996*, s 88).

- (2) The agency board must—
 - (a) publish the member disclosure; and
 - (b) keep a permanent public record of the member disclosure.
 - (3) In this section:
material interest—see the *Financial Management Act 1996*, section 88.
-

28**Proposed new clause 44 (2) (g)****Page 25, line 15—***insert*

- (g) commercial expertise.
-

29**Proposed new clause 44 (3) and (4)****Page 25, line 15—***insert*

- (3) A member must not—
 - (a) be a member of the authority; or
 - (b) be under investigation for, or have been found guilty of an offence involving, conduct relating to any of the following:
 - (i) fraud;
 - (ii) corruption;
 - (iii) misconduct.
 - (4) However, a member who is under investigation only may remain a member of the board if the Minister is satisfied on reasonable grounds that it is in the public interest for the member to remain.
-

30**Proposed new clause 44A****Page 25, line 15—***insert***44A Publication of agency board meeting proceedings**

- (1) For each board meeting, the chair must publish the agenda, attendance and minutes within the earlier of—
 - (a) 90 days after the day of the meeting; or
 - (b) 5 days after the day the minutes are approved at a subsequent board meeting.
- (2) The chair must publish the agenda, attendance and minutes on—
 - (a) a website under the agency's control; or

- (b) if the agency does not have a website—an ACT government website.

31

Proposed new division 3.2A

Page 26, line 4—

insert

Division 3.2A Agency committees

45A Establishment of agency audit and risk committee

- (1) The agency must establish an audit and risk committee.
- (2) A member of the audit and risk committee must not—
 - (a) be a member of the authority; or
 - (b) be under investigation for, or have been found guilty of an offence involving, conduct relating to any of the following:
 - (i) fraud;
 - (ii) corruption;
 - (iii) misconduct.
- (3) However, a member who is under investigation only may remain a member of the committee if the Minister is satisfied on reasonable grounds that it is in the public interest for the member to remain.

45B Establishment of other agency committees

- (1) The agency board may establish other committees to help the agency to exercise its functions.
- (2) Without limiting subsection (1), committees may be established in relation to the following:
 - (a) corporate governance;
 - (b) design review;
 - (c) community engagement.
- (3) The agency board must establish any committee prescribed by regulation.
- (4) A regulation may prescribe—
 - (a) matters on which a committee can provide advice; and
 - (b) functions of the agency that may only be exercised after considering the advice of a committee.

45C Exercise of committee functions

- (1) The agency board may decide—
 - (a) how a committee is to exercise its functions; and

- (b) the procedure to be followed for meetings of a committee, including—
- (i) calling meetings; and
 - (ii) the number of committee members to be present at meetings (including requirements that particular members be present); and
 - (iii) the committee member who is to preside at meetings; and
 - (iv) how questions arising at a meeting are to be decided; and
 - (v) keeping minutes of meetings.
- (2) Subject to any decision of the agency board under subsection (1), a committee may decide its own procedures.

45D Membership of committees

- (1) A committee consists of the people appointed by the agency board.
- Note* For the making of appointments (including acting appointments), see the Legislation Act, div 19.3.
- (2) A committee may consist entirely or partly of agency board members.

32

Clause 49 (2)
Page 27, line 12—

omit

chair of the

33

Proposed new clause 51 (2) (e)
Page 29, line 2—

insert

(e) to act in the best interest of the community.

34

Proposed new clause 51 (3)
Page 29, line 4—

insert

- (3) The agency must report to the Legislative Assembly any allegation made to the agency in relation to the agency CEO's failure to comply with this section within 5 days after the day the agency receives the allegation.
-

35

Clause 55 (2)

Page 30, line 9—

after

agency

insert

CEO

36

Proposed new part 3A

Page 30, line 10—

insert

Part 3A Land acquisitions by authority or agency

55A Application—pt 3A

This part applies to the acquisition of land by the authority or agency (the *entity*).

55B Acquisition of land for less than \$5 million

- (1) The entity may acquire land for less than \$5 million if—
 - the entity's board approves the acquisition; and
 - the Minister is advised of the acquisition.
- (2) The entity may refer the proposed acquisition to the Executive for consideration if the entity considers the referral appropriate.
- (3) This section is subject to section 55D.

55C Acquisition of land for \$5 million or more and less than \$20 million

- (1) The entity may acquire land for \$5 million or more, but less than \$20 million, if—
 - (a) the entity submits a business case for the acquisition to the Treasury; and
 - (b) the Chief Minister and the Treasurer approve the acquisition.
- (2) This section is subject to section 55D.

55D Acquisition of land for \$20 million or more

- (1) This section applies to an acquisition of land if—
 - (a) the acquisition is for \$20 million or more; or

- (b) the acquisition would result in total acquisitions of land by the entity for the financial year in which the acquisition is proposed of \$20 million or more.
- (2) The entity may acquire the land if—
- (a) the entity submits a business case for the acquisition to the Treasury; and
 - (b) the Executive approves the acquisition.

37**Schedule 1, part 1.1****Amendment 1.1****Section 7 (2), note, proposed new dot point****Page 35, line 8—***insert*

the suburban land agency (see *City Renewal Authority and Suburban Land Agency Act 2017*, s 41A)

38**Dictionary, definition of *statement of expectations*****Page 41, line 9***omit the definition, substitute****statement of expectations—***

- (a) for part 2 (City renewal authority)—see section 16 (1); and
- (b) for part 3 (Suburban land agency)—see section 43A (1).

39**Dictionary, definition of *statement of operational intent*****Page 41, line 11—***omit the definition, substitute****statement of operational intent—***

- (a) for part 2 (City renewal authority)—see section 17 (1); and
- (b) for part 3 (Suburban land agency)—see section 43B (1).

Schedule 5**CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY BILL 2017**

Amendments circulated by Ms Le Couteur

1**Proposed new clause 12A****Page 8, line 3—***insert***12A Land acquisition report of authority**

- (1) The authority must, not later than 10 working days after the end of a quarter, give the Minister a report that includes—
 - (a) details of any land acquired by the authority during the quarter; and
 - (b) a copy of all valuations of the acquired land that the authority considered in relation to the acquisition; and
 - (c) any other information prescribed by regulation for the report.
- (2) The Minister must present the report to the Legislative Assembly not later than 5 sitting days after the day the Minister receives the report.

2**Clause 17 (3)****Page 10, line 10—***omit clause 17 (3), substitute*

- (3) The Minister must, within 60 days after the day the Minister receives a draft statement of operational intent—
 - (a) approve the draft statement; or
 - (b) reject the draft statement; or
 - (c) approve the draft statement with conditions.

3**Proposed new clause 21 (1A)****Page 12, line 18—***insert*

- (1A) The authority must establish an audit and risk committee.
-

4**Proposed new clause 41A****Page 24, line 7—***insert***41A Land acquisition report of agency**

- (1) The agency must, not later than 10 working days after the end of a quarter, give the Minister a report that includes—
 - (a) details of any land acquired by the agency during the quarter; and
 - (b) a copy of all valuations of the acquired land that the agency considered in relation to the acquisition; and
 - (c) any other information prescribed by regulation for the report.
- (2) The Minister must present the report to the Legislative Assembly not later than 5 sitting days after the day the Minister receives the report.

5**Proposed new clause 41B****Page 24, line 7—***insert***41B Annual report of agency**

The agency must prepare an annual report under the *Annual Reports (Government Agencies) Act 2004*.

6**Proposed new division 3.2A****Page 26, line 4—***insert***Division 3.2A Agency committees****45A Establishment of agency committees**

- (1) The agency must establish an audit and risk committee.
- (2) The agency board may establish other committees to help the agency to exercise its functions.
- (3) Without limiting subsection (2), committees may be established in relation to the following:
 - (a) corporate governance;
 - (b) design review;
 - (c) community engagement.
- (4) The agency board must establish any committee prescribed by regulation.

- (5) A regulation may prescribe—
- (a) matters on which a committee can provide advice; and
 - (b) functions of the agency that may only be exercised after considering the advice of a committee.

45B Exercise of committee functions

- (1) The agency board may decide—
- (a) how a committee is to exercise its functions; and
 - (b) the procedure to be followed for meetings of a committee, including—
 - (i) calling meetings; and
 - (ii) the number of committee members to be present at meetings (including requirements that particular members be present); and
 - (iii) the committee member who is to preside at meetings; and
 - (iv) how questions arising at a meeting are to be decided; and
 - (v) keeping minutes of meetings.
- (2) Subject to any decision of the agency board under subsection (1), a committee may decide its own procedures.

45C Membership of committees

- (1) A committee consists of the people appointed by the agency board.
- Note* For the making of appointments (including acting appointments), see the Legislation Act, div 19.3.
- (2) A committee may consist entirely or partly of agency board members.

7

Schedule 1, part 1.1

Amendment 1.1

Section 7 (2), note, proposed new dot point

Page 35, line 8—

insert

the suburban land agency (see *City Renewal Authority and Suburban Land Agency Act 2017*, s 41B)

Schedule 6

CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY BILL 2017

Amendment circulated by the Chief Minister

1

Amendment 36

Proposed new part 3A

omit proposed new part 3A, substitute

55A Minister must make directions for land acquisition

- (1) The Minister must make directions relating to the acquisition of land by the authority or agency.
- (2) Without limiting subsection (1), a direction may be made in relation to the following:
 - (a) approval needed by the authority or agency to acquire land;
 - (b) requirements for acquiring land of a particular value.
- (3) A direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Schedule 7

JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2017

Amendments circulated by the Attorney-General

1

Clause 2 (1), proposed new dot point

Page 2, line 11—

insert

part 15 (Public Unleased Land Act 2013)

2

Clause 2 (2)

Page 2, line 19—

after

Parts 5, 9,

insert

15,
