



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019

MINUTES OF PROCEEDINGS

No 85

THURSDAY, 14 FEBRUARY 2019

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

2 DEATH OF MR SHANE MADDEN

Mr Barr (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Mr Shane Madden, who served in a number of important roles within the ACT legal system, including 13 years as a Magistrate in the ACT Magistrates Court, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Coe (Leader of the Opposition) and Mr Rattenbury addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

3 MATTER OF PUBLIC IMPORTANCE—SPEAKER'S RULING

The Speaker, in accordance with *House of Representatives Practice*, ruled that the matter of public importance proposed by Ms Lee was out-of-order as it was the same in substance as a motion debated yesterday.

4 RECONCILIATION DAY: BRINGING THE COMMUNITY TOGETHER—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) made a ministerial statement concerning Reconciliation Day 2018 and presented the following paper:



Reconciliation Day: Bringing the Community Together—Ministerial statement, 14 February 2019.

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

Question—put and passed.

5 WELLINGTON MISSION—NOVEMBER 2018—MINISTERIAL STATEMENT—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning a delegation to Wellington, New Zealand in November 2018 and presented the following paper:

Wellington mission—November 2018—Ministerial statement, 14 February 2019.

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

Question—put and passed.

6 FUTURE OF EDUCATION—IMPLEMENTATION UPDATE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Ms Berry (Minister for Education and Early Childhood Development) made a ministerial statement concerning the implementation of the Future of Education Strategy, pursuant to the resolutions of the Assembly of 19 September and 28 November 2018, and presented the following paper:

Future of education—Implementation update—Ministerial statement, 14 February 2019.

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

Debate adjourned (Mr Wall) and the resumption of the debate made an order of the day for a later hour this day.

7 HOUSING A.C.T.'S PROCUREMENT OF A TOTAL FACILITIES MANAGER—OUTCOME OF THE A.C.T. AUDITOR-GENERAL'S PERFORMANCE AUDIT—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Housing and Suburban Development) made a ministerial statement concerning the ACT Auditor-General's performance audit into Housing ACT's procurement of a Total Facilities manager and presented the following paper:

Housing ACT'S procurement of a Total Facilities Manager—Outcome of the ACT Auditor-General's performance audit—Ministerial statement, 14 February 2019.

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

Debate ensued.

Question—put and passed.

8 REVENUE LEGISLATION AMENDMENT BILL 2019

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend legislation about revenue collection, 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 12 February 2019.

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.

9 FUEL PRICING—SELECT COMMITTEE—ESTABLISHMENT

Mr Barr (Treasurer), pursuant to notice, moved—That:

- (1) a select committee be established to inquire into, and report on, fuel prices in the ACT, including:
 - (a) fuel price methodology and key determinants;
 - (b) characteristics of the ACT fuel market, including historical changes;
 - (c) the impact of fuel prices on the ACT community;
 - (d) reasons for significant pricing discrepancies within the ACT and when compared to other Australian communities and capital cities;
 - (e) consideration of best practice approaches and initiatives in other jurisdictions which have a meaningful impact on reducing fuel prices; and
 - (f) regulatory and legislative solutions and barriers, particularly around competition and retail margin;
- (2) the select committee shall consist of the following:
 - (a) one Member to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) the Chair shall be the Government Member;
- (3) the select committee is to report by the last sitting day in June 2019;
- (4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders; and
- (5) nominations for membership of the committee be notified in writing to the Speaker within two hours following conclusion of the debate on the matter.

Debate ensued.

Question—put and passed.

10 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—PROPOSED REFERENCE—VISITS BY MEMBERS TO GOVERNMENT SCHOOLS—PROTOCOLS

Ms Lee, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) government school visits by MLAs serve a valuable purpose in increasing an MLA's knowledge of the ACT school system and developing an appreciation of the talent and enthusiasm of students and teachers in ACT schools;
 - (b) recent publicity has highlighted the difficult arrangements that surround MLAs accepting invitations from government schools to attend activities and events at their school;
 - (c) this has created embarrassment and frustration for government schools and MLAs alike;
 - (d) no such restrictions are applied by independent and Catholic schools for visits by interested parliamentarians, at the Territory or at the Federal level;
 - (e) there is not a current written, publicly available policy for government schools to follow or for Parents and Citizens Associations to refer to when inviting MLAs to their school; and
 - (f) that such restrictions are not common in other jurisdictions; and
- (2) calls on the Standing Committee on Administration and Procedure to:
 - (a) examine whether the protocols in place around the permissions for MLAs to visit or attend school events constitute an impediment to the Members performing their function as MLAs and in complying with the Code of Conduct for all Members of the Legislative Assembly; and
 - (b) report back to the ACT Legislative Assembly on these protocols by the last sitting day in May 2019.

Ms Berry (Minister for Education and Early Childhood Development) moved the following amendment: Omit all text after "That this Assembly", substitute:

- "(1) notes that:
- (a) ACT government schools often host community events outside of business hours that are available to members of the community and where Members of the Legislative Assembly are welcome;
 - (b) during business hours, government schools are focused on teaching, learning and related activities; and
 - (c) the Minister for Education and Early Childhood Development has approved business hours visits to government schools for members of all political parties, where appropriate;

- (2) further notes that:
- (a) government schools are required to operate apolitically and electoral engagement by a politician is an inappropriate activity in a government school;
 - (b) the education minister is responsible for the effective operation of government schools;
 - (c) for many years a protocol available on the Education Directorate website has provided guidance on government school visits by dignitaries;
 - (d) the Minister for Education and Early Childhood Development has consistently applied this protocol;
 - (e) the Code of Conduct for Members of the Legislative Assembly requires members to 'uphold the separation of powers' and 'recognise the unique position of impartiality and the obligations of public service officials' within a framework of constitutionalism inherited from the Commonwealth of Australia;
 - (f) government schools are staffed by public servants who are part of an apolitical public service that assists the Executive and serves the community on behalf of the Executive; and
 - (g) public servants are responsible to the Executive through the ordinary lines of accountability; and
- (3) calls on all Members of the Legislative Assembly to work with the protocol and Minister for Education and Early Childhood Development regarding any government school visits.”.

Ms Berry addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Ms Berry continued.

Mr Rattenbury moved the following amendment to Ms Berry's proposed amendment: Omit all text after (1), substitute:

“notes that:

- (a) school visits by MLAs serve a valuable purpose in increasing an MLA's knowledge of the ACT school system and developing an appreciation of the talent and enthusiasm of students and teachers in ACT schools;
- (b) government schools are staffed by public servants, who are part of an apolitical public service that assists the Executive and serves the community on behalf of the Executive; and

- (c) the Minister for Education has approved business hours visits to government schools for members of all political parties;
- (2) further notes that:
 - (a) the protocol for MLA/MP/Senator and other dignitary visits to Canberra public schools is available on the Education Directorate website; and
 - (b) the protocol does not apply to independent and Catholic schools who have their own processes for organising visits by interested parliamentarians; and
- (3) calls on the Standing Committee on Administration and Procedure to:
 - (a) examine whether the protocols in place around the permissions for MLAs to visit or attend school events constitute an impediment to the Members performing their function as MLAs and in complying with the Code of Conduct for all Members of the Legislative Assembly; and
 - (b) report back to the ACT Legislative Assembly on these protocols by the last sitting day in May 2019.”.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

11 FUEL PRICING—SELECT COMMITTEE—MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that she had been notified, in writing, of the nominations of Ms Cheyne, Mr Parton and Mr Wall to be members of the Select Committee on Fuel Pricing.

Mr Barr (Treasurer) moved—That the Members so nominated be appointed as members of the Select Committee on Fuel Pricing.

Question—put and passed.

12 QUESTIONS

Questions without notice being asked—

Papers: Mrs Dunne, by leave, presented the following papers:

Canberra—Slipping standards—Infogram—Copy of graph.

Mental health outcomes of consumers of State and Territory governments' specialised mental health services, 2016-17—Copy of graphs.

Questions continued.

13 PAPER

Mrs Kikkert, having made a personal explanation under standing order 46, by leave, presented the following paper:

Middle childhood—Services and programs—Copy of notice of motion with annotated references—Mrs Kikkert.

14 PRESENTATION OF PAPERS

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

City Renewal Authority and Suburban Land Agency Act, pursuant to subsection 13(2)—City Renewal Authority—Land acquisitions quarterly report—1 October to 31 December 2018, dated 2 January 2019.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2017-2018—Chief Minister, Treasury and Economic Development Directorate—Corrigendum.

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2018.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2017-2018—Education Directorate—Corrigenda, dated February 2019.

City Renewal Authority and Suburban Land Agency Act, pursuant to subsection 43(2)—Suburban Land Agency—Land acquisitions quarterly report—1 October to 31 December 2018.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Canberra Health Services—Freedom of Information request—Decision not made in time, dated 14 December 2018.

Lower Cotter Catchment Restoration Evaluation—The Heroic and the Dammed, dated December 2018.

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 October to 31 December 2018, dated February 2019.

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 12(4)—Annual report by independent entity—ACT Greenhouse Gas Inventory 2017-18, dated 21 November 2018, prepared by Dr Hugh Saddler.

Heavy Vehicle National Law as applied by the law of States and Territories—Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2018 (2018 No 554), together with an explanatory statement.

Aboriginal and Torres Strait Islander Elected Body Act, pursuant to subsection 10B(3)—ACT Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the ATSIEB Hearings 2018—Eighth Report to the ACT Government.

Loose Fill Asbestos Insulation Eradication Scheme—Implementation—Report—1 July to 31 December 2018.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2017-2018—Chief Minister, Treasury and Economic Development Directorate—ACT Government Procurement Board—Corrigendum.

15 CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION ACT—ANNUAL REPORT BY INDEPENDENT ENTITY—A.C.T. GREENHOUSE GAS INVENTORY 2017-18—PAPER NOTED

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

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 12(4)—Annual report by independent entity—ACT Greenhouse Gas Inventory 2017-18.

Debate ensued.

Question—put and passed.

16 ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY ACT—A.C.T. ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY—REPORT ON THE OUTCOMES OF THE ATSIEB HEARINGS 2018—EIGHTH REPORT TO THE ACT GOVERNMENT—PAPER NOTED

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

Aboriginal and Torres Strait Islander Elected Body Act, pursuant to subsection 10B(3)—ACT Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the ATSIEB Hearings 2018—Eighth Report to the ACT Government.

Debate ensued.

Question—put and passed.

17 LOWER COTTER CATCHMENT RESTORATION EVALUATION—THE HEROIC AND THE DAMMED—PAPER NOTED

Mr Ramsay (Attorney-General), on behalf of Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly takes note of the following paper:

Lower Cotter Catchment Restoration Evaluation—The Heroic and the Dammed.

Question—put and passed.

18 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—HARM MINIMISATION AND HARM REDUCTION INITIATIVES

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mrs Dunne, Mrs Kikkert, Ms Le Couteur, Mr Milligan, Ms Orr, Mr Parton, Mr Pettersson and Mr Wall had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mr Pettersson be submitted to the Assembly, namely, “The importance of harm minimisation and harm reduction initiatives in the ACT”.

Discussion ensued.

Papers: Mr Hanson, by leave, presented the following papers:

Welcome to the party! Just legalise it, prepared by The Greens.

Cannabis use and the risk of developing a psychotic disorder—Copy of article from World Psychiatry—Official Journal of the World Psychiatric Association.

Object: Ms Cody, by leave, presented the following object:

National Condom Day 2019—Box.

Discussion continued.

Discussion concluded.

19 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REFERENCE—VISITS BY MEMBERS TO GOVERNMENT SCHOOLS—PROTOCOLS

The order of the day having been read for the resumption of the debate on the motion of Ms Lee, and on the amendment moved by Ms Berry (Minister for Education and Early Childhood Development), and on the amendment moved by Mr Rattenbury to Ms Berry's proposed amendment (*see* [entry 10](#))—

Debate resumed.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) school visits by MLAs serve a valuable purpose in increasing an MLA's knowledge of the ACT school system and developing an appreciation of the talent and enthusiasm of students and teachers in ACT schools;
 - (b) government schools are staffed by public servants, who are part of an apolitical public service that assists the Executive and serves the community on behalf of the Executive; and
 - (c) the Minister for Education has approved business hours visits to government schools for members of all political parties;
- (2) further notes that:
 - (a) the protocol for MLA/MP/Senator and other dignitary visits to Canberra public schools is available on the Education Directorate website; and
 - (b) the protocol does not apply to independent and Catholic schools who have their own processes for organising visits by interested parliamentarians; and
- (3) calls on the Standing Committee on Administration and Procedure to:
 - (a) examine whether the protocols in place around the permissions for MLAs to visit or attend school events constitute an impediment to the Members performing their function as MLAs and in complying with the Code of Conduct for all Members of the Legislative Assembly; and
 - (b) report back to the ACT Legislative Assembly on these protocols by the last sitting day in May 2019.”—

be agreed to—put and passed.

20 FUTURE OF EDUCATION—IMPLEMENTATION UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

The order of the day having been read for the resumption of the debate on the motion—That the Assembly take note of the paper, viz:

Future of education—Implementation update—Ministerial statement, 14 February 2019—

Debate resumed.

Question—put and passed.

21 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments for the period 1 July to 31 December 2018 by the Standing Committee on Planning and Urban Renewal.

22 CONSUMER PROTECTION LEGISLATION AMENDMENT BILL 2018

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

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

23 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2018

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

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

24 ADJOURNMENT

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.11 pm, adjourned until Tuesday, 19 February 2019 at 10 am.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly