LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014

MINUTES OF PROCEEDINGS

No. 59

TUESDAY, 3 JUNE 2014

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) 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 PETITION—STATEMENT BY MEMBER

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

Mrs Jones, from 274 residents, requesting that the Assembly provide additional resources to stop tyre slashing in Narrabundah and Griffith and apprehend the culprit (Pet 10-14).

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

3 JUSTICE AND COMMUNITY SAFETY (LEGISLATIVE SCRUTINY ROLE)—STANDING COMMITTEE—SCRUTINY REPORT 19—STATEMENT BY CHAIR

Mr Doszpot (Chair) presented the following report:

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 19, dated 27 May 2014, together with the relevant minutes of proceedings—

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

4 SUSPENSION OF STANDING ORDERS—APPROPRIATION BILL 2014-2015 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2014-2015

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent:

(1) any business before the Assembly at 3 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2014-2015 and the Appropriation (Office of the Legislative Assembly) Bill 2014-2015;

(2) (a) questions without notice concluding at the time of interruption; or

(b) debate on any motion before the Assembly at the time of interruption being adjourned until the adjournment questions in relation to the Appropriation Bill 2014-2015 and the Appropriation (Office of the Legislative Assembly) Bill 2014-2015 are determined;

(3) at 3 p.m. on Thursday, 5 June 2014, the order of the day for resumption of debate on the question that the Appropriation Bill 2014-2015 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speech of the Leader of the Opposition be equivalent to the time taken by the Treasurer in moving the motion "That this Bill be agreed to in principle"; and

(4) (a) questions without notice concluding at the time of interruption; or

(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

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

5 INFORMATION PRIVACY BILL 2014

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

Detail Stage

Clause 1 agreed to.

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

On the motion of Mr Corbell (Attorney-General), by leave, his amendments Nos. 1 to 3 (*see* Schedule 1) were made together, after debate.

Papers: Mr Corbell presented a supplementary explanatory statement to the Government amendments and a revised explanatory statement to the Bill.

Remainder of the Bill, as a whole, as amended, agreed to.

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

6 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2014

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

Bill, by leave, taken as a whole—

Mr Hanson (Leader of the Opposition), by leave, moved his amendments Nos. 1 to 3 that had not been circulated in accordance with standing order 178A (*see* Schedule 2).

Debate continued.

Question—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mr Coe	Mrs Jones	Ms Berry	Ms Gallagher
Mr Doszpot	Ms Lawder	Dr Bourke	Mr Gentleman
Mrs Dunne	Mr Wall	Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury

And so it was negatived.

Bill, as a whole, agreed to.

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

7 PLANNING AND DEVELOPMENT (SYMONSTON MENTAL HEALTH FACILITY) AMENDMENT BILL 2014

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—

Mr Coe moved—That debate be adjourned.

Question—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mr Coe	Mrs Jones	Ms Berry	Ms Gallagher
Mr Doszpot	Ms Lawder	Dr Bourke	Mr Gentleman
Mrs Dunne	Mr Wall	Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury

And so it was negatived.

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.

The Assembly voted—

AYES, 8		NOES, 7	
Ms Berry	Ms Gallagher	Mr Coe	Mrs Jones
Dr Bourke	Mr Gentleman	Mr Doszpot	Ms Lawder
Ms Burch	Ms Porter	Mrs Dunne	Mr Wall
Mr Corbell	Mr Rattenbury	Mr Hanson	

And so it was resolved in the affirmative.

8 MANAGEMENT OF ENVIRONMENTAL REPORTING—AMENDMENT TO RESOLUTION

Mr Corbell (Minister for the Environment and Sustainable Development), by leave, moved—That the resolution of the Assembly of 9 April 2014, which required the Government to commission an independent analysis of all testing and results to date of the Koppers facility in Hume and to table the results of this analysis in the Assembly by 3 June 2014, be amended by omitting the words "3 June 2014" and substituting the words "first sitting week in August 2014".

Question—put and passed.

9 QUESTIONS

Questions without notice being asked—

It being 3 p.m., questions were interrupted pursuant to the order of the Assembly.

10 APPROPRIATION BILL 2014-2015

Mr Barr (Treasurer) presented a Bill for an Act to appropriate money for the purposes of the Territory for the financial year beginning on 1 July 2014, 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, undated.

Budget 2014-2015—

Financial Management Act, pursuant to section 10—

Speech (Budget Paper No. 1).

Budget in Brief (Budget Paper No. 2).

Budget Outlook (Budget Paper No. 3).

Budget Statements for—

ACT Executive, ACT Auditor-General, Electoral Commissioner, Office of the Legislative Assembly.

Capital Metro Agency.

Chief Minister and Treasury Directorate, ACT Compulsory Third-Party Insurance Regulator, Independent Competition and Regulatory Commission, Lifetime Care and Support Fund Commissioner of the ACT, Superannuation Provision Account, Territory Banking Account.

Commerce and Works Directorate, ACTEW Corporation, ACT Insurance Authority, ACTTAB Limited, Home Loan Portfolio.

Community Services Directorate, Housing ACT, Cultural Facilities Corporation.

Economic Development Directorate, ACT Gambling and Racing Commission, Exhibition Park Corporation, Land Development Agency.

Education and Training Directorate, Canberra Institute of Technology, CIT Solutions Pty Ltd.

Environment and Sustainable Development Directorate.

Health Directorate, ACT Local Hospital Network.

Justice and Community Safety Directorate, Legal Aid Commission (ACT), Public Trustee for the ACT.

Territory and Municipal Services Directorate, ACTION, ACT Public Cemeteries Authority.

Infrastructure Projects—Map.

Financial Management Act, pursuant to subsection 62(1)—Statements of Intent 2014-2015—

ACT Building and Construction Industry Training Fund Authority, dated 20, 21 and 27 May 2014.

ACT Gambling and Racing Commission, undated.

ACT Insurance Authority, undated.

ACT Long Service Leave Authority, undated.

ACT Public Cemeteries Authority, dated 16, 20 and 27 May 2014.

Australian Capital Territory Compulsory Third-Party Insurance Regulator (CTP Regulator), undated.

Canberra Institute of Technology, dated 13, 26 and 27 May 2014.

Cultural Facilities Corporation, undated.

Exhibition Park Corporation, dated 15 and 27 May 2014.

Independent Competition and Regulatory Commission, dated 19 and 27 May 2014.

Land Development Agency, undated.

Legal Aid Commission (ACT), undated.

Public Trustee for the ACT (PTACT), undated.

Title read by Clerk.

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

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

11 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2014-2015

Mr Barr (Treasurer) presented a Bill for an Act to appropriate money for expenditure in relation to the Office of the Legislative Assembly and officers of the Assembly for the financial year beginning on 1 July 2014, 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, undated.

Title read by Clerk.

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

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

12 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act—Auditor-General's Report No. 3/2014—Single Dwelling Development Assessments, dated 26 May 2014.

Standing order 191—Amendments to:

Officers of the Assembly Legislation Amendment Bill 2014, dated 20 May 2014.

Planning, Building and Environment Legislation Amendment Bill 2014, dated 20 May 2014.

Rail Safety National Law (A.C.T.) Bill 2014, dated 16 and 19 May 2014.

Road Transport (Alcohol and Drugs) Amendment Bill 2013, dated 20 May 2014.

Electoral Commissioner—Budget Statements 2014-2015.

Discrimination Legislation Review—Letter to the Speaker from the Attorney-General, dated 28 May 2014, relating to a resolution of the Assembly of 9 April 2014.

13 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Ms Gallagher (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

David Roulston, dated 13 May 2014.

Joanne Garrisson, dated 16 May 2014.

Short-term contracts:

Ajay Sharma, dated 8 May 2014.

Anthony Polinelli, dated 7 and 8 May 2014.

Doug Gillespie, dated 14 and 16 May 2014.

Jon Barnes, dated 14 May 2014.

Kim Smith, dated 7 May 2014.

Leanne Cover, dated 2 and 7 May 2014.

Lyndall Kennedy, dated 2 and 7 May 2014.

Michael Edwards, dated 16 and 19 May 2014.

Paul Peters, dated 6 and 7 May 2014.

Paul Rushton, dated 17 April and 13 May 2014.

Susan Reif, dated 7 and 8 May 2014.

Wilhelmina Blount, dated 14 and 15 May 2014.

Contract variations:

Adrian Scott, dated 3 April and 7 May 2014.

Bruce Fitzgerald, dated 6 and 7 May 2014.

Lana Junakovic, dated 7 and 8 May 2014.

Robert Gotts, dated 9 April and 7 May 2014.

Virginia Hayward, dated 19 May 2014—

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

14 TERRITORY-OWNED CORPORATIONS ACT—STATEMENTS OF CORPORATE INTENT—ACTEW CORPORATION LIMITED AND ACTTAB LIMITED—PAPERS AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following papers:

Territory-owned Corporations Act, pursuant to subsection 19(3)—Statements of Corporate Intent—

ACTEW Corporation Limited—2014-15 to 2017-18, dated 27 May 2014.

ACTTAB Limited—1 July 2014 to 30 June 2015, dated 27 May 2014—

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

15 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2014 (No. 1)—Disallowable Instrument DI2014-56 (LR, 8 May 2014).

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2014—Disallowable Instrument DI2014-55 (LR, 8 May 2014).

Legal Profession Act—Legal Profession (Bar Council Fees) Determination 2014 (No. 1)—Disallowable Instrument DI2014-57 (LR, 9 May 2014).

Public Place Names Act—Public Place Names (Beard) Determination 2014 (No. 1)—Disallowable Instrument DI2014-60 (LR, 15 May 2014).

16 SORRY DAY, RECONCILIATION WEEK AND NAIDOC WEEK—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Minister for Aboriginal and Torres Strait Islander Affairs), by leave, made a ministerial statement concerning Sorry Day, Reconciliation Week and NAIDOC Week and presented the following paper:

Sorry Day, Reconciliation Week and NAIDOC Week—Ministerial statement, 3 June 2014—

and moved—That the Assembly takes note of the paper.

Question—put and passed.

17 ADJOURNMENT

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

Question—put and passed.

And then the Assembly, at 3.34 p.m., adjourned until tomorrow at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

INFORMATION PRIVACY BILL 2014

Amendments circulated by the Attorney-General

1
Clause 25 heading
Page 16, line 10—

omit the heading, substitute

25 Exempt acts or practices

2
Proposed new clause 25 (1) (ea) and (eb)
Page 17, line 7—

insert

(ea) an act done, or a practice engaged in, by a public sector agency in relation to a record that has originated with, or has been received from, a Commonwealth enforcement or intelligence body;

(eb) an act done, or a practice engaged in, by a public sector agency that involves the disclosure of personal information to a Commonwealth intelligence body if the body, in connection with its functions, requests that the agency disclose the personal information and—

(i) the disclosure is made to an officer or employee of the Commonwealth intelligence body authorised in writing by the head (however described) of the body to receive the disclosure; and

(ii) the officer or employee certifies in writing that the disclosure is connected with the performance of the body's functions;

3
Clause 25 (2), proposed new definitions
Page 17, line 15—

insert

Commonwealth enforcement or intelligence body means the following:

(a) a Commonwealth intelligence body;

(b) the Office of National Assessments established under the *Office of National Assessments Act 1977* (Cwlth), section 4;

(c) that part of the Defence Department known as the Defence Intelligence Organisation;

(d) that part of the Defence Department known as the Defence Imagery and Geospatial Organisation;

(e) the Integrity Commissioner appointed under the *Law Enforcement Integrity Commissioner Act 2006* (Cwlth), section 175;

(f) a staff member of the Australian Commission for Law Enforcement Integrity (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006* (Cwlth));

(g) the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Cwlth), section 7;

(h) the board of the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Cwlth), section 7B.

Commonwealth intelligence body means the following:

(a) the Australian Security Intelligence Organisation continued in existence under the *Australian Security Intelligence Organisation Act 1979* (Cwlth), section 6;

(b) the Australian Secret Intelligence Service continued in existence under the *Intelligence Services Act 2001* (Cwlth), section 16;

(c) the Defence Signals Directorate of the Defence Department.

Defence Department means the Commonwealth department that deals with defence and that is administered by the Commonwealth Minister administering the *Defence Act 1903* (Cwlth).

Schedule 2

ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2014

Amendments circulated by Mr Hanson (Leader of the Opposition)

1
Clause 10
Proposed new section 7A (1) (a) (v)
Page 7, line 4—

omit proposed new section 7A (1) (a) (v), substitute

(v) the person was driving at a speed that exceeded the speed limit by more than 45km/h;

2
Clause 10
Proposed new section 7A (1) (a) (vi)
Page 7, line 6—

omit

3
Clause 10
Proposed new section 7A (4), definition of *vulnerable road user* and examples
Page 9, line 1—

omit