Legislative Assembly for the Australian Capital Territory

2016-2017

Notice Paper

No 42
Thursday, 30 November 2017

The Assembly meets this day at 10 am

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ASSEMBLY BUSINESS

Orders of the day

1  2016 ACT ELECTION AND THE ELECTORAL ACT—SELECT COMMITTEE:
Presentation of report on a review of the operation of the 2016 ACT election and the Electoral Act and other relevant legislation and policies in regards to election-related matters, pursuant to order of the Assembly of 15 December 2016.

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EXECUTIVE BUSINESS

Notices

*1  MR GENTLEMAN: To present a Bill for an Act to amend legislation about building and construction, and for other purposes. (Notice given 29 November 2017).

*2  MR RAMSAY: To present a Bill for an Act to amend the Crimes Act 1900. (Notice given 29 November 2017).

* Notifications to which an asterisk (*) is prefixed appear for the first time

*3 MR RAMSAY: To present a Bill for an Act to amend legislation about crimes, and for other purposes. *(Notice given 29 November 2017).*

*4 MS STEPHEN-SMITH: To present a Bill for an Act to amend legislation about dangerous substances and work health and safety, and for other purposes. *(Notice given 29 November 2017).*

ASSEMBLY BUSINESS—continued

Notices

1 MRS DUNNE: To move—That this Assembly:

(1) notes:

(a) the provision of Continuing Resolution 9 of the Legislative Assembly relating to the procedure for electing a senator for the ACT to fill a casual vacancy in the Senate;

(b) the recent High Court decision that led to the disqualification and resignations of a number of senators and members of the Australian Parliament due to ineligibility to serve under clause 44 of the Australian Constitution;

(c) the Assembly’s appointment of Ms Katy Gallagher as a senator in 2015; and

(d) the statements in the Senate of 4 September 2017, by Senator Gallagher, that cast doubt on her eligibility to be appointed to a casual vacancy in 2015; and

(2) calls on the Assembly to refer Continuing Resolution 9 to the Legislative Assembly Standing Committee on Administration and Procedure for review and report. *(Notice given 27 November 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).*

2 MS BURCH: To move—That continuing resolution 6 entitled Declaration of Private Interests of Members be amended by omitting all words after “That—” and substituting:

“(1) within 28 days of the making and subscribing of an oath or affirmation as a Member of the Legislative Assembly for the Australian Capital Territory each Member of the Legislative Assembly shall provide to the Clerk of the Legislative Assembly a declaration of the private interests of themselves and their immediate family in the form as presented to the Assembly on 30 November 2017 and shall notify any alteration of those interests to the Clerk within 60 days of that alteration occurring;
(2) under the general direction of the Speaker, and in accordance with section 11 of the form, the Clerk shall store the declarations of private interests made by each Member and arrange for the declarations and updates for that Assembly to be placed on the Legislative Assembly website on the internet. When a Member vacates his or her seat or is not re-elected at the next general election for the Assembly, the Clerk shall retain those declarations for seven years, after which the Clerk shall destroy all declarations made by that Member in his/her custody and remove those declarations from the Legislative Assembly website on the internet;

(3) any declaration stored by the Clerk be made available for perusal to any person on request; and

(4) this resolution has effect from the commencement of the Second Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.”. (Notice given 31 October 2017; amended 28 November 2017. Notice will be removed from the Notice Paper unless called on within 3 sitting weeks—standing order 125A).

3 **MR BARR**: To move—That:

(1) a select committee be established to inquire into end of life choices in the ACT, including:

(a) current practices utilised in the medical community to assist a person to exercise their preference in managing the end of their life, including palliative care;

(b) ACT community views on the desirability of voluntary assisted dying being legislated in the ACT;

(c) risks to individuals and the community associated with voluntary assisted dying and whether and how these can be managed;

(d) the applicability of voluntary assisted dying schemes operating in other jurisdictions to the ACT, particularly the Victorian scheme;

(e) the impact of Federal legislation on the ACT determining its own policy on voluntary assisted dying and the process for achieving change; and

(f) any other relevant matter;

(2) the select committee shall consist of the following number of members, composed of:

(a) two Members to be nominated by the Government;

(b) two Members to be nominated by the Opposition;

(c) one Member to be nominated by the Crossbench; and

(d) the Chair shall be a Government Member;

(3) the select committee be provided with necessary staff, facilities and resources;

(4) the select committee is to report by the last sitting day in 2019;
(5) if the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation;

(6) 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

(7) nominations for membership of the committee be notified in writing to the Speaker within two hours following conclusion of the debate on the matter. (Notice given 27 November 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

4 MR BARR: To move—That this Assembly:

(1) notes:
   (a) that the current emblems for the ACT are the floral emblem, the Wahlenbergia gloriosa (Royal Bluebell) adopted in 1982 and the faunal emblem, Callocephalon fimbriatum (Gang-gang Cockatoo) adopted in 1997;
   (b) that all other Australian States and Territories have a mammal emblem, distinct from their bird emblem;
   (c) that Tasmania was the last State or Territory to adopt a mammal emblem, with the Tasmanian Devil formally proclaimed in May 2015;
   (d) that other emblems adopted by other States and Territories are the Southern Hairy-Nosed Wombat (South Australia), Numbat (Western Australia), Red Kangaroo (Northern Territory), Koala (Queensland), Platypus (New South Wales) and the Leadbeater’s Possum (Victoria); and
   (e) that there has been an increase in local interest of the fact that the ACT does not have a mammal emblem;

(2) further notes that the ACT Government does not place legislative requirements around the use of the existing faunal and floral emblems, meaning they can be used by anyone on publications, uniforms or websites; and

(3) resolves that the Standing Committee on Environment and Transport and City Services shall report back to the Assembly on whether the ACT should have a mammal emblem and a recommendation on what that should be by September 2018. (Notice given 27 November 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).
MRS DUNNE: To move—That this Assembly:

(1) establishes a Select Committee on Privileges to examine:

   (a) the statutory declaration provided to the Legislative Assembly on 25 March 2015 and the subsequent motion to fill a casual vacancy in the Senate, including:

      (i) if subsequent events indicate that some of the information provided in the statutory declaration is incorrect;

      (ii) whether any actions were taken to correct the record and by whom;

      (iii) whether the decision made by the Legislative Assembly was sound; and

      (iv) the implications if the decision made by the Legislative Assembly was not sound;

   (b) whether there are any remedies available to the Legislative Assembly;

   (c) whether these issues can be avoided in future; and

   (d) any other relevant matters;

(2) the Committee shall report to the Assembly by the last sitting day in February 2018; and

(3) the Committee shall be composed of:

   (a) one member nominated by the Government;

   (b) one member nominated by the Opposition; and

   (c) one member nominated by the Crossbench; and

notified to the Speaker by 4pm on the day the Assembly passes this motion. *(Notice given 28 November 2017; amended 29 November 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).*

Orders of the day—continued

Last sitting day in March 2018

EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE:
Presentation of report on the 2016 annual report for the Canberra Institute of Technology, pursuant to order of the Assembly of 16 February 2017, as amended 9 May 2017 and 8 June 2017.
EXECUTIVE MEMBERS’ BUSINESS

Notice

1  MR RATTENBURY: To move—That this Assembly:

(1) notes that:

(a) Australian ecstasy pills are amongst the most dangerous in the world, as found in a review of nearly 27 000 pills conducted in five countries over 10 years. They are highest in “unknown” ingredients and highest in the toxic and potentially fatal substance para-methoxyamphetamine (PMA);

(b) six Australians died after taking drugs at music festivals in 2015, with purity or toxicity believed to be important contributing factors;

(c) Australian drug policy rests on three pillars: supply reduction, demand reduction and harm reduction. The National Drug Strategy attributes equal importance to all pillars, but in 2013 law enforcement spending was at 64 percent, treatment was at 22 percent, prevention was at 9.6 percent, while harm reduction represented only 2.2 percent of spending; and

(d) the war on drugs has been ineffective at quelling the demand and supply of illicit drugs and instead it has pushed drug manufacture and trade underground, contributing to the increase in use of emerging psychoactive substances;

(2) further notes that:

(a) in September 2017, the ACT Government announced it would allow pill testing services to be provided as a harm reduction measure to keep people safe at the Spilt Milk music festival;

(b) a number of studies have provided positive indications that pill testing minimises risky drug consumption, including:

(i) in Austria, two thirds of drug users who were informed by a government-funded pill testing service of potential toxic harms decided not to consume their drugs, and told their friends not to either;

(ii) trials at recent festivals in the United Kingdom found that one fifth of people handed over all drugs for disposal and an additional fifth said they would dispose of the drugs themselves when they were informed they did not have the drug they thought they had; and

(iii) in Australia, 76 percent of participants in a hypothetical study reported they would not take a pill with “unknown” substances in it; and
(c) in the absence of an officially endorsed pill testing trial, festival-goers are increasingly turning to reagent testing kits which are significantly less reliable and do not provide an opportunity to give information to consumers or collect data about what drugs are in the market;

(3) expresses its disappointment that the opportunity to trial pill testing at Spilt Milk was missed despite the best efforts of the STASAFE consortium to provide all necessary documentation and paperwork as requested; and

(4) reaffirms the ACT Government’s commitment to:

(a) support pill testing as an evidence-based strategy to minimise drug-related harm and keep young people safe;

(b) explore further opportunities to trial pill testing in the ACT; and

(c) actively promote harm minimisation approaches through public messaging and community education materials. (Notice given 27 November 2017; amended 28 November 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

EXECUTIVE BUSINESS—continued

Orders of the day

1 INSPECTOR OF CORRECTIONAL SERVICES BILL 2017: (Minister for Corrections): Agreement in principle—Resumption of debate (from 26 October 2017—Mr Wall).


3 WORKERS COMPENSATION AMENDMENT BILL 2017: (Minister for Workplace Safety and Industrial Relations): Agreement in principle—Resumption of debate (from 31 October 2017—Mr Wall).

4 REVENUE LEGISLATION AMENDMENT BILL 2017 (NO 2): (Treasurer): Agreement in principle—Resumption of debate (from 26 October 2017—Ms Lawder).

PRIVATE MEMBERS’ BUSINESS

Notices

1 **MR WALL**: To move—That this Assembly:

(1) notes the:

(a) ACT Government’s trial of green bins in Weston Creek and Kambah;

(b) ACT Government’s intent to deliver a green waste collection program across the ACT;

(c) next phase of the rollout of this service to Tuggeranong and Belconnen;

(d) successful green waste collection industry that exists in the ACT;

(e) majority of green waste collection businesses in the ACT are owner operated;

(f) significant impact the Government’s trial has had on these businesses operating in the trial area; and
(g) impact that a full rollout of a Government green waste collection service will have on operators across the ACT; and

(2) calls on the ACT Government to:

(a) outline why existing operators in the green waste collection industry are not suitable for operating a collection service on behalf of the ACT Government;

(b) develop an industry assistance package that includes, but is not limited to:
   (i) financial compensation for loss of goodwill;
   (ii) training and reskilling options for employers and employees;
   (iii) counselling; and
   (iv) investment grants to diversify businesses; and

(c) report back to the Assembly by the end of the February 2018 sitting period on the rollout of the assistance package noted in part (2).

(Notice given 27 November 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

2 MRS DUNNE: To move—That this Assembly:

(1) notes the historical problems of the ACT Government in managing health data and health infrastructure and notes:
   (a) the failure of the Minister for Health and Wellbeing to ensure she is properly briefed on issues such as health data, hospital maintenance, and cladding on the Centenary Hospital for Women and Children;
   (b) the belated response of the Minister for Health and Wellbeing to the problems in Canberra’s hospitals caused by the severity of the flu season;
   (c) the tardy response of the Minister for Health and Wellbeing to the management of Indigenous health issues such as the Ngunnawal Bush Healing Farm;
   (d) the slow response of ACT Health regarding opioid treatment guidelines; and
   (e) the underperformance of Canberra’s hospitals as compared to targets and their peer hospitals; and

(2) calls on the Minister for Health and Wellbeing, in addition to an update on the health data review, to report to the Legislative Assembly within five sitting days on:
   (a) an update on the flu season and planning in place for the 2018 flu season;
   (b) progress on the rectification of cladding on the Centenary Hospital for Women and Children;
(c) progress on the operation of the Ngunnawal Bush Healing Farm; and
(d) progress on the implementation of new opioid treatment guidelines.
(Notice given 23 October 2017. Notice will be removed from the Notice Paper unless called on within 2 sitting weeks—standing order 125A).

Orders of the day

1. **PLANNING AND DEVELOPMENT (TERRITORY PLAN VARIATIONS) AMENDMENT BILL 2017**: (Ms Le Couteur) Agreement in principle—Resumption of debate (from 10 May 2017—Ms Lawder).


QUESTIONs ON NOTICE

On the first sitting day of a period of sittings a complete Notice Paper is published containing all unanswered questions. On subsequent days, only redirected questions are included on the Notice Paper together with a list of all unanswered questions.

A Questions on Notice Paper will be issued on the Friday of a sitting week, containing the text of all questions on notice lodged that week and can be accessed at www.parliament.act.gov.au/in-the-assembly/questions-paper.

**Unanswered questions**

662, 772, 774-776, 789, 792, 794, 801, 811-815, 817, 819.

T Duncan  
Clerk of the Legislative Assembly

GOVERNMENT TO RESPOND TO PETITIONS

(in accordance with standing order 100)

24 January 2018

ACTION bus services between Deakin, Kingston and Manuka—Minister for Transport and City Services—Petition lodged by Ms Lee—(Pet 22-17).
25 January 2018

Gordon—Hooning, antisocial and dangerous driving—Minister for Police and Emergency Services—Petition lodged by Mr Wall—(Pet 23-17).

27 February 2018

Rerouting of buses—Anketell Street to Cowlishaw Street, Tuggeranong—Minister for Transport and City Services—Petitions lodged by Mr Parton—(Pet 19-17 and 26-17).

Mount Taylor—Improved access—Minister for Transport and City Services—Petitions lodged by Mr Steel—(Pet 18-17 and 27-17)

Dangerous dogs legislation—Attorney-General—Petition lodged by Mr Doszpot—(Pet 24-17).

COMMITTEES

Unless otherwise shown, appointed for the life of the Ninth Assembly. The dates of the amendments to the committees’ resolution of appointment are reflected, but not changes in the membership.

Standing

Pursuant to standing order

ADMINISTRATION AND PROCEDURE: (Formed 31 October 2016): The Speaker (Chair), Ms Cheyne, Mr Rattenbury, Mr Wall.

Pursuant to resolution

ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE: (Formed 13 December 2016): Mr Hanson (Chair), Ms Orr, Mr Parton, Mr Pettersson.

EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE: (Formed 13 December 2016): Mr Pettersson (Chair), Mrs Kikkert, Mr Steel, Mr Wall.

ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE: (Formed 13 December 2016): Ms Orr (Chair), Ms Cheyne, Mr Parton.

HEALTH, AGEING AND COMMUNITY SERVICES—STANDING COMMITTEE: (Formed 13 December 2016): Mr Steel (Chair), Mrs Dunne, Mrs Kikkert, Ms Le Couteur, Mr Pettersson.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE: (Formed 13 December 2016): Mrs Jones (Chair), Ms Cody, Ms Lee, Mr Steel.
PLANNING AND URBAN RENEWAL—STANDING COMMITTEE: (Formed 13 December 2016): Ms Le Couteur (Chair), Ms Cheyne, Ms Lawder, Mr Milligan, Ms Orr.

PUBLIC ACCOUNTS: (Formed 13 December 2016): Mrs Dunne (Chair), Ms Cody, Mr Coe, Mr Pettersson.

Select

2016 ACT ELECTION AND ELECTORAL ACT—SELECT COMMITTEE: (Formed 15 December 2016): Ms Cody (Chair), Ms Cheyne, Ms Le Couteur, Mr Milligan, Mr Wall.

Dissolved

ESTIMATES 2017-2018—SELECT COMMITTEE: (Formed 16 February 2017): Mr Wall (Chair), Ms Cody, Mr Coe, Ms Le Couteur, Mr Pettersson. (Presented 1 August 2017)

INDEPENDENT INTEGRITY COMMISSION—SELECT COMMITTEE: (Formed 15 December 2016): Mr Rattenbury (Chair), Ms Cody, Mrs Jones, Ms Lee, Mr Steel. (Presented 31 October 2017)