



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 47

TUESDAY, 20 FEBRUARY 2018

1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. 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 LEAVE OF ABSENCE TO MEMBER

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Ms Fitzharris for this sitting due to illness.

Question—put and passed.

3 DEATH OF DR JOE BAKER AO OBE

Mr Barr (Chief Minister) moved—That this Assembly expresses its profound sorrow at the death of Dr Joe Baker AO OBE, the inaugural Environment Commissioner for the Australian Capital Territory, and tenders its sympathy to his family, friends and colleagues in their bereavement.

Mr Coe (Leader of the Opposition), Mr Rattenbury (Minister for Climate Change and Sustainability) and Mr Gentleman (Minister for the Environment and Heritage) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

4 PETITION AND MINISTERIAL RESPONSE—STATEMENT BY MEMBER

Petition

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



Ms Lawder, from 185 residents, requesting that the Assembly provide sun shade at the playground at Mortimer Lewis Drive, Greenway (Pet 4-18).

Ministerial response

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

Mr Gentleman (Minister for Planning and Land Management), dated 14 February 2018—Response to petition No 32-17, lodged by Mr Steel on 30 November 2017, concerning a request to delay the approval of Draft Variation No 344 to the Territory Plan.

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

5 FUTURE OF EDUCATION—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Education and Early Childhood Development) made a ministerial statement concerning the future of education and presented the following paper:

Future of education—Ministerial statement, 20 February 2018.

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

Question—put and passed.

6 MOSS REVIEW IMPLEMENTATION—MINISTERIAL STATEMENT AND PAPER—PAPER NOTED

Mr Rattenbury (Minister for Corrections) made a ministerial statement concerning the Moss Review implementation and presented the following papers:

Moss Review—

Implementation—Ministerial statement, 20 February 2018.

Annual report, February 2018.

Mr Rattenbury moved—That the Assembly take note of the ministerial statement.

Question—put and passed.

7 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 14—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 14, dated 19 February 2018, together with the relevant minutes of proceedings—

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

8 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—REPORT 4—DRAFT VARIATION TO THE TERRITORY PLAN NO 329: WESTON GROUP CENTRE AND SURROUNDING COMMUNITY AND LEISURE AND ACCOMMODATION LANDS: ZONE CHANGES AND AMENDMENTS TO THE WESTON PRECINCT MAP AND CODE—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Planning and Urban Renewal—Standing Committee—Report 4—*Draft Variation to the Territory Plan No 329: Weston Group Centre and Surrounding Community and Leisure and Accommodation Lands: Zone changes and amendments to the Weston Precinct map and code*, dated 7 February 2018, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

9 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Mr Pettersson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Education, Employment and Youth Affairs.

Paper: Mr Pettersson, pursuant to Continuing Resolution 5A, presented the following paper:

Education, Employment and Youth Affairs—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 July to 31 December 2017.

10 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Mrs Jones (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Justice and Community Safety.

Paper: Mrs Jones, pursuant to Continuing Resolution 5A, presented the following paper:

Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 July to 31 December 2017.

11 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Mr Gentleman (Manager of Government Business), pursuant to standing order 223, moved—That Ms Cheyne be discharged from the Standing Committee on Administration and Procedure and Ms Orr be appointed in her place for the meeting to be held on 8 March 2018.

Question—put and passed.

12 BUILDING AND CONSTRUCTION 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.

Leave granted to dispense with the detail stage.

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

13 CRIMES (FORTIFICATION REMOVAL) 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.

Leave granted to dispense with the detail stage.

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

14 CRIMES LEGISLATION AMENDMENT BILL 2017 (NO 2)

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.

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.

15 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly that, due to the absence of Minister Fitzharris, questions without notice normally directed to the Minister for Health, could be directed to Minister Rattenbury, and questions relating to Minister Fitzharris' other portfolios could be directed to the Chief Minister.

16 QUESTIONS

Questions without notice were asked.

17 PRESENTATION OF PAPERS

Mr Barr (Treasurer) presented the following papers:

Estimates 2017-2018—Select Committee—Report—*Appropriation Bill 2017-2018 and Appropriation (Office of the Legislative Assembly) Bill 2017-2018*—Response to Recommendation 54—Icon Water Limited—

Corporate and Customer Services Contracts—Summary.

Customer Services and Community Support Agreement, dated 27 June 2012.

Corporate Services Agreement, dated 27 June 2012.

18 FINANCIAL MANAGEMENT ACT—2017-18 CAPITAL WORKS PROGRAM—PROGRESS REPORT—PAPER AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to subsection 30F(3)—2017-18 Capital Works Program—Progress report—Year-to-date 31 December 2017—

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

19 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Mr Wall, pursuant to standing order 223, moved—That Mr Wall be discharged from the Standing Committee on Administration and Procedure from 2 to 12 March 2018 and Mrs Dunne be appointed in his place.

Question—put and passed.

20 FINANCIAL MANAGEMENT ACT—STATEMENT OF INTENT 2017-18—SUBURBAN LAND AGENCY—PAPER AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to subsection 62(2)—Statement of Intent 2017-18—Suburban Land Agency, dated 3 and 15 January, and 13 February 2018—
and, by leave, made a statement in relation to the paper.

21 FINANCIAL MANAGEMENT ACT—STATEMENT OF INTENT 2017-18—CITY RENEWAL AUTHORITY—PAPER AND STATEMENT BY MINISTER—STATEMENT BY MEMBER

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to subsection 62(2)—Statement of Intent 2017-18—City Renewal Authority, dated 12 January and 12 February 2018—
and, by leave, made a statement in relation to the paper.

Ms Le Couteur, by leave, also made a statement in relation to the paper.

22 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Public Place Names Act—Public Place Names (Gungahlin District) Determination 2018—Disallowable Instrument DI2018-8 (LR, 8 February 2018).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 1)—Disallowable Instrument DI2018-9 (LR, 5 February 2018).

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 2)—Disallowable Instrument DI2018-10 (LR, 12 February 2018).

23 ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 3—DRAFT LOWER COTTER CATCHMENT RESERVE MANAGEMENT PLAN 2017—GOVERNMENT RESPONSE AND PAPER—PAPERS NOTED

Mr Gentleman (Minister for the Environment and Heritage) presented the following papers:

Environment and Transport and City Services—Standing Committee—Report 3—*Draft Lower Cotter Catchment Reserve Management Plan 2017*—Government response.

Lower Cotter Catchment—Reserve Management Plan 2018—

and moved—That the Assembly take note of the papers.

Question—put and passed.

24 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. COMMUNITY—BROAD ENGAGEMENT

The Assembly was informed that Miss C. Burch, Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mrs Dunne, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Ms Lee, 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 Steel be submitted to the Assembly, namely, “The importance of broad engagement with the ACT community, particularly innovative measures to engage with younger Canberrans”.

Discussion ensued.

Discussion concluded.

25 CRIMES LEGISLATION AMENDMENT BILL 2017 (NO 2)

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 3, by leave, taken together—

Mr Hanson moved—That debate be adjourned.

Question—put and negatived.

Clauses 1 to 3 agreed to.

Clause 4—

Mr Ramsay (Attorney-General), pursuant to standing order 182A(a), was granted leave to move amendments had not been considered by the Scrutiny Committee and were urgent.

On the motion of Mr Ramsay, his amendment No 1 (*see* Schedule 1) was made, after debate.

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

On the motion of Mr Ramsay, his amendment No 2 (*see* Schedule 1) was made.

Clause 4, as amended, agreed to.

Clauses 5 and 6, by leave, taken together and agreed to.

Clause 7—

On the motion of Mr Ramsay, his amendment No 3 (*see* Schedule 1) was made, after debate.

Question—That clause 7, as amended, be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 8	
Ms J. Burch	Mr Pettersson	Miss C. Burch	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Cody	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	
Ms Orr		Mr Milligan	

And so it was resolved in the affirmative.

Clauses 8 to 13, by leave, taken together and agreed to.

Clause 14—

On the motion of Mr Ramsay, his amendment No 4 (*see* Schedule 1) was made.

Clause 14, 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.

26 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.32 pm, adjourned until tomorrow 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

SCHEDULE OF AMENDMENTS

Schedule 1

CRIMES LEGISLATION AMENDMENT BILL 2017 (NO 2)

Amendments circulated by the Attorney-General

1

Clause 4

Proposed new section 56 (11A)

Page 5, line 10—

insert

- (11A) For this section and to remove any doubt, any sexual act alleged to constitute a sexual relationship must constitute, or have constituted (if particulars of the time and place at which the act took place were sufficiently particularised), an offence at the time the act occurred.
-

2

Clause 4

Proposed new section 56 (12), definition of *sexual act*, paragraph (a)

Page 5, line 23—

omit paragraph (a), substitute

- (a) means—
- (i) an act that constitutes an offence against this part; or
 - (ii) an act that constituted an offence against a sexual offence provision of this Act previously in force (a **historical offence**); or
 - (iii) an attempt to commit an act that constitutes or constituted an offence against this part or a historical offence; or
 - (iv) an act that, if particulars of the time when or place where the act took place were sufficiently particularised, would constitute or have constituted an offence against this part or a historical offence; but
-

3

Clause 7

Proposed new section 66 (1)

Page 8, line 3—

after

must not

insert

, without reasonable excuse

4

Clause 14

Section 31 (c), example, proposed new dot points

Page 10, line 15—

omit proposed new dot points, substitute

- an order for imprisonment for 3 years with a 2-year nonparole period
 - a good behaviour order for 2 years stated to start at the end of the sentence of imprisonment
 - a place restriction order for 1 year stated to start at the end of the sentence of imprisonment
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