



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 49

THURSDAY, 22 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 E-PETITION AND PETITION—STATEMENT BY MEMBER

The Clerk announced that the following Member had lodged petitions, in similar terms, for presentation:

Ms Le Couteur, from 146 and 503 residents, respectively, requesting that the Assembly restore the Downer Community Centre lease arrangements, renew the lease promptly to ensure continuity of services, recognise the contribution the Downer Community Centre has made to the management of the facility and invest funds in the Downer community (E-Pet 1-18 and Pet 5-18).

Pursuant to standing order 99A, petition 5-18 stands referred to the Standing Committee on Economic Development and Tourism.

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

3 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 6—MODELS FOR ESTIMATES INQUIRIES—REPORT NOTED

Ms J. Burch (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 6—*Models for Estimates Inquiries*, dated 22 February 2018, together with a copy of the extracts of the relevant minutes of proceedings.

Mr Rattenbury moved—That the report be noted.

Question—put and passed.



4 A.C.T. HEALTH SYSTEM-WIDE DATA REVIEW QUARTERLY UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Fitzharris (Minister for Health and Wellbeing) made a ministerial statement concerning the ACT Health system-wide data review quarterly update and presented the following paper:

ACT Health System-Wide Data Review Quarterly Update—February 2018—Ministerial statement, 22 February 2018.

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

Question—put and passed.

5 COURTS AND OTHER JUSTICE LEGISLATION AMENDMENT BILL 2018

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about courts, and for other purposes.

Papers: Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 21 February 2018.

Title read by Clerk.

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

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

6 DELIBERATIVE DEMOCRATIC PROCESSES

Mr Coe, pursuant to notice, moved—That:

- (1) this Assembly refers to the Standing Committee on Justice and Community Safety for inquiry and report by the last sitting day in April 2018, the process for conducting the Citizens' Jury on Compulsory Third Party (CTP) insurance, including:
 - (a) how the subject was determined;
 - (b) procurement of the facilitators;
 - (c) selection of jurors;
 - (d) information provided; and
 - (e) any other relevant matter; and
- (2) the inquiry should hold public hearings and explore the effectiveness of citizens' juries, what lessons can be learned from conducting the CTP jury and whether the process adhered to best practice.

Ms Le Couteur moved the following amendment: Omit all text after (1), substitute:

“(1) this Assembly notes:

- (a) the ACT Government is in the process of rolling out a new approach to community engagement which includes the piloting of a range of deliberative democratic processes such as:
 - (i) the Citizens' Jury on Compulsory Third Party insurance;
 - (ii) the Carers' Voice Panel to design the ACT Carers Strategy;
 - (iii) a participatory budgeting initiative feeding into the 2019 Budget; and
 - (iv) the delivery of an online community panel;
 - (b) that these approaches aim to broaden the range and number of Canberrans who are able to participate in, and have input on, major decisions about our city and the direction of policy reform; and
 - (c) that each deliberative exercise provides the opportunity for new learnings which can drive future engagements of Government with Canberrans; and
- (2) calls on the Assembly to support a referral for committee inquiry into the Government's use of deliberative democratic processes not later than the Autumn sittings of 2019."

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

"That:

- (1) this Assembly notes:
 - (a) the ACT Government is in the process of rolling out a new approach to community engagement, which includes the piloting of a range of deliberative democratic processes such as:
 - (i) the Citizens' Jury on Compulsory Third Party insurance;
 - (ii) the Carers' Voice Panel to design the ACT Carers Strategy;
 - (iii) a participatory budgeting initiative feeding into the 2019 Budget; and
 - (iv) the delivery of an online community panel;
 - (b) that these approaches aim to broaden the range and number of Canberrans who are able to participate in, and have input on, major decisions about our city and the direction of policy reform; and
 - (c) that each deliberative exercise provides the opportunity for new learnings which can drive future engagements of Government with Canberrans; and
- (2) calls on the Assembly to support a referral for committee inquiry into the Government's use of deliberative democratic processes not later than the Autumn sittings of 2019."—

be agreed to—put and passed.

7 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE—INQUIRY—EXTENT, NATURE AND CONSEQUENCE OF INSECURE WORK IN THE A.C.T.—REPORTING DATE—STATEMENT BY CHAIR

Mr Pettersson (Chair), pursuant to standing order 246A, informed the Assembly that, due to the extent of evidence before it, the Standing Committee on Education, Employment and Youth Affairs had now resolved to report on its inquiry into the extent, nature and consequence of insecure work in the ACT by the last sitting day in April 2018.

8 ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—INQUIRY—ROLE OF, AND OPPORTUNITIES FOR, THE NATURAL ENVIRONMENT IN CANBERRA AS AN URBANISING CITY—STATEMENT BY CHAIR—STATEMENT BY MEMBER

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Environment and Transport and City Services had resolved to conduct an inquiry into, and report on, the role of, and opportunities for, the natural environment in Canberra as an urbanising city.

Ms Orr, by leave, made a statement in relation to the matter.

9 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

10 LAKES 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 Gentleman (Minister for the Environment and Heritage) presented a revised explanatory statement to the Bill.

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

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Gentleman, his amendments Nos 1 to 5 (see [Schedule 1](#)) were made together.

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

Bill, as a whole, as amended, agreed to.

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

11 WORK HEALTH AND 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.

Paper: Ms Stephen-Smith (Minister for Workplace Safety and Industrial Relations) 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.

12 LEAVE OF ABSENCE TO MEMBER

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Mr Barr for today as he is travelling with a delegation to the United States with the Prime Minister.

Question—put and passed.

13 MINISTERIAL ARRANGEMENTS

Mr Gentleman (Manager of Government Business) informed the Assembly that, due to the absence of the Chief Minister, questions normally directed to the Treasurer could be directed to the Deputy Chief Minister; questions normally directed to the Minister for Economic Development could be directed to Minister Fitzharris; and questions normally directed to the Minister for Tourism and Major Events could be directed to Minister Ramsay.

14 QUESTIONS

Questions without notice were asked.

15 UNPARLIAMENTARY LANGUAGE—STATEMENT BY SPEAKER

The Speaker made a statement concerning unparliamentary language.

16 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—INQUIRY—REVIEW OF STANDING ORDERS AND CONTINUING RESOLUTIONS OF THE ASSEMBLY—STATEMENT BY CHAIR

Ms J. Burch (Chair), pursuant to standing order 246A, informed the Assembly that, in accordance with standing order 16, the Standing Committee on Administration and Procedure had resolved to conduct an inquiry into, and report, on the operation of standing orders and continuing resolutions of the Assembly.

17 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(4)—Auditor-General's Report No 3/2018—Tender for the sale of Block 30 (formerly Block 20) Section 34 Dickson, dated 21 February 2018.

Executive area of the Legislative Assembly Building—Control and management—Agreement between the Speaker and the Chief Minister, dated 23 January and 5 February 2018.

18 ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 2—PLANNING, MANAGEMENT AND DELIVERY OF ROAD MAINTENANCE IN THE A.C.T.—GOVERNMENT RESPONSE—PAPER NOTED

Ms Fitzharris (Minister for Transport and City Services) presented the following paper:

Environment and Transport and City Services—Standing Committee—Report 2—*Planning, management and delivery of road maintenance in the ACT*—Government response—

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

Question—put and passed.

19 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—REPORT 2—INQUIRY INTO BILLBOARDS—GOVERNMENT RESPONSE—PAPER NOTED

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

Planning and Urban Renewal—Standing Committee—Report 2—*Inquiry into Billboards*—Government response—

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

Debate ensued.

Question—put and passed.

20 A.C.T. ROAD SAFETY STRATEGY 2011-2020—ROAD SAFETY REPORT CARD 2018—PAPER AND STATEMENT BY MINISTER

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) presented the following paper:

ACT Road Safety Strategy 2011-2020—Road Safety Report Card 2018—

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

21 GUNG AHLIN STRATEGIC ASSESSMENT—PAPERS AND STATEMENT BY MINISTER

Mr Rattenbury (Minister for Climate Change and Sustainability) presented the following papers:

Gungahlin Strategic Assessment—

Independent Audit, dated November 2017, prepared by the Commissioner for Sustainability and the Environment, and NGH Environmental.

Responses to the Corrective Action Requests, dated 31 January 2018—

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

22 A.C.T. GOVERNMENT'S CLIMATE CHANGE POLICY—IMPLEMENTATION STATUS REPORT—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

Mr Rattenbury (Minister for Climate Change and Sustainability) presented the following paper:

ACT Government's Climate Change Policy—Implementation status report—
Government response—

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

23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—PUBLIC HEALTH SYSTEM

The Assembly was informed that Miss C. Burch, Ms Cheyne, Ms Cody, Mrs Dunne, Mr Hanson, Mrs Kikkert, Ms Lawder, Ms Le Couteur, 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 Mrs Dunne be submitted to the Assembly, namely, "The importance of fixing the ongoing problems with the ACT public health system".

Discussion ensued.

Discussion concluded.

24 ADJOURNMENT

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

Question—put and passed.

And then the Assembly, at 4.57 pm, adjourned until Tuesday, 20 March 2018 at 10 am.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

LAKES AMENDMENT BILL 2017

Amendments circulated by the Minister for the Environment and Heritage

1

Clause 23

Proposed new section 40 (1)

Page 15, line 5—

omit

2

Clause 23

Proposed new section 41

Page 16, line 1—

omit proposed new section 41, substitute

41 Recreational boats under 4.8m and off-the-shore boats

- (1) A person commits an offence if—
- (a) the person is on a recreational boat or off-the-shore boat on a lake; and
 - (b) the person is not wearing an appropriate lifejacket.

Maximum penalty: 30 penalty units.

- (2) A person commits an offence if—
- (a) the person operates a recreational boat or off-the-shore boat on a lake; and
 - (b) another person on the boat is not wearing an appropriate lifejacket.

Maximum penalty: 30 penalty units.

- (3) An offence against this section is a strict liability offence.

- (4) In this section:

off-the-shore boat—

- (a) means a sailing boat; but
- (b) does not include the following:
 - (i) a boat that is ballasted;
 - (ii) a boat that has a cabin or fixed keel;

- (iii) a boat that has an engine;
- (iv) a sailboard.

Examples—par (a)

- laser
- hobie cat
- skiff
- catamaran

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).

recreational boat—

- (a) means a boat under 4.8m; but
- (b) does not include the following:
 - (i) a kiteboard;
 - (ii) a paddleboard;
 - (iii) a sailboard;
 - (iv) a surfboard.

3**Clause 23****Proposed new section 43A****Page 17, line 11—***insert***43A Water skiing and other recreational activities**

- (1) A person commits an offence if—
 - (a) the person is operating a recreational boat on a lake; and
 - (b) another person is—
 - (i) being towed by the boat on or over the water; or
 - (ii) wake boarding or wake surfing from the boat; and
 - (c) the other person is not wearing an appropriate lifejacket.

Maximum penalty: 30 penalty units.
- (2) A person commits an offence if—
 - (a) the person is—
 - (i) being towed by a boat on or over a lake; or
 - (ii) wake boarding or wake surfing from a boat on a lake; and
 - (b) the person is not wearing an appropriate lifejacket.

Maximum penalty: 30 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

being towed, by a boat, includes water skiing or parasailing from a boat.

wake boarding or wake surfing includes wake boarding or wake surfing without a rope.

4

Clause 40

Proposed new dictionary definition of *inspector*

Page 73, line 24—

omit

section 50ZE

substitute

section 50ZD

5

Schedule 1, amendment 1.3

Page 80, line 10—

omit amendment 1.3, substitute

[1.3] Schedule 1, item 18

substitute

18	40 (2)	30	300
19	41 (1)	30	300
20	41 (2)	30	300
21	42 (1)	30	300
22	43A (1)	30	300
23	43A (2)	30	300
24	44 (2)	30	300
25	45 (2)	30	300
26	47A (2)	30	300
27	47B (2)	30	300
28	47C (3)	30	300
29	47D (2)	30	300
30	47E (5)	30	300
31	47F (3)	30	300
32	47G (3)	30	300
33	50O (1)	30	500
34	50Q (1)	50	300

35	50R (3)	50	300
36	50X (8)	50	500
37	50ZO (3)	50	500
38	50ZP (2)	50	500
39	50ZQ (2)	50	500
40	50ZR (2)	50	500
41	50ZS (2)	50	500
42	50ZT (3)	50	500
43	58 (1)	50	1000
