



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014–2015

MINUTES OF PROCEEDINGS

No. 123

THURSDAY, 19 NOVEMBER 2015

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) 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 **PUBLIC HOUSING RENEWAL—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Barr (Minister for Urban Renewal), in response to the resolution of the Assembly of 6 May 2015, made a ministerial statement concerning an update on public housing renewal and presented the following paper:

Public housing renewal—Update—Ministerial statement, 19 November 2015.

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

Question—put and passed.

3 **STUDENTS WITH COMPLEX NEEDS AND CHALLENGING BEHAVIOUR—REPORT OF THE EXPERT PANEL—MINISTERIAL STATEMENT—PAPERS—MOTION TO TAKE NOTE OF PAPERS**

Ms Burch (Minister for Education and Training) made a ministerial statement concerning the report of the Expert Panel on Students with Complex Needs and Challenging Behaviour and presented the following papers:

Students with Complex Needs and Challenging Behaviour—Report of the Expert Panel—
Ministerial statement, 19 November 2015.

Schools for all children & young people—Report of the Expert Panel, dated November 2015.

Government response to the report of the Expert Panel, pursuant to the resolution of the Assembly of 16 September 2015.



Ms Burch moved—That the Assembly take note of the papers.

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

4 POWERS OF ATTORNEY AMENDMENT BILL 2015

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Powers of Attorney Act 2006*, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 November 2015.

Title read by Clerk.

Mr Corbell 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.

5 PROTECTION OF RIGHTS (SERVICES) LEGISLATION AMENDMENT BILL 2015

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about the protection of rights services, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 November 2015.

Title read by Clerk.

Mr Corbell 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.

6 TERRORISM (EXTRAORDINARY TEMPORARY POWERS) AMENDMENT BILL 2015

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Terrorism (Extraordinary Temporary Powers) Act 2006*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 November 2015.

Terrorism (Extraordinary Temporary Powers Act, pursuant to section 100(b)—*Terrorism (Extraordinary Temporary Powers Act 2006—Review*, dated October 2015.

Title read by Clerk.

Mr Corbell 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.

7 CRIMES (SENTENCING AND RESTORATIVE JUSTICE) AMENDMENT BILL 2015

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes (Sentencing) Act 2005*, the *Crimes (Sentence Administration) Act 2005* and the *Crimes (Restorative Justice) Act 2004*, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 November 2015.

Title read by Clerk.

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

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

8 POSTPONEMENT OF NOTICES

Ordered—That notices Nos. 5 and 6, Executive business, relating to the Health Legislation Amendment Bill 2015 and the Justice Legislation Amendment Bill 2015, be postponed until a later hour this day.

9 PLANNING, BUILDING AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2015 (NO. 2)

Mr Gentleman (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend legislation about planning, building and the environment, and for other purposes.

Papers: Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 November 2015.

Title read by Clerk.

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

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

10 WORKERS COMPENSATION AMENDMENT BILL 2015

Mr Gentleman (Minister for Workplace Safety and Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Workers Compensation Act 1951*.

Papers: Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 November 2015.

Title read by Clerk.

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

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

11 JUSTICE LEGISLATION AMENDMENT BILL 2015

Mr Rattenbury (Minister for Justice), pursuant to notice, presented a Bill for an Act to amend legislation about births, deaths and marriages, and for other purposes.

Papers: Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 November 2015.

Title read by Clerk.

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

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

12 HEALTH LEGISLATION AMENDMENT BILL 2015

Mr Corbell (Minister for Health), pursuant to notice, presented a Bill for an Act to amend legislation about health, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 November 2015.

Title read by Clerk.

Mr Corbell 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.

13 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REFERENCE—FAMILY-FRIENDLY WORKPLACE

Mrs Jones, pursuant to notice, moved—That this Assembly requests that the Standing Committee on Administration and Procedure investigate how the Assembly instigate a system whereby breastfeeding women have the option to vote from within the Assembly by proxy, as well as having the option to vote in the Chamber with their baby, as preferred by the mother based on the needs of her baby and report back to the Assembly by the first sitting week in May 2016.

Ms Berry (Minister for Women) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes:

- (a) the ACT Government’s commitment to breastfeeding friendly work and community places through both legislation and policy initiatives; and

- (b) provisions in the standing orders and Companion document which provide for a Member to breastfeed their baby in the Legislative Assembly; and
- (2) refers to the Standing Committee on Administration and Procedure the following matters for consideration and report back to the Assembly by the last sitting day in May 2016:
 - (a) options and flexibility for breastfeeding women;
 - (b) emergency care for family members;
 - (c) accepted practice in regard to pairing arrangements; and
 - (d) consideration of proxy voting.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the ACT Government’s commitment to breastfeeding friendly work and community places through both legislation and policy initiatives; and
 - (b) provisions in the standing orders and Companion document which provide for a Member to breastfeed their baby in the Legislative Assembly; and
- (2) refers to the Standing Committee on Administration and Procedure the following matters for consideration and report back to the Assembly by the last sitting day in May 2016:
 - (a) options and flexibility for breastfeeding women;
 - (b) emergency care for family members;
 - (c) accepted practice in regard to pairing arrangements; and
 - (d) consideration of proxy voting.”—

be agreed to—put and passed.

14 STANDING ORDERS—PETITIONS—NEW STANDING ORDER

The order of the day having been read for the resumption of the debate on the motion of Dr Bourke—That the following new standing order be inserted in the standing orders:

“Referred to committee

- 99A. A petition or e-petition with at least 500 signatories from residents/citizens of the Australian Capital Territory shall be referred to the relevant Assembly standing committee for consideration. In the event that the subject matter of the petition makes it unclear which committee it should be referred to, the Speaker will determine the appropriate committee.”.

Debate resumed.

Question—put and passed.

15 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Burch and advised the Assembly that questions without notice normally directed to Minister Burch could be directed to Mr Barr.

16 QUESTIONS

Questions without notice were asked.

17 EXPANSION OF THE ASSEMBLY UPDATE—STATEMENT BY SPEAKER

The Speaker made a statement concerning an update on the expansion of the Assembly.

18 PRESENTATION OF PAPER

Mr Barr (Chief Minister) presented the following paper:

Estimates 2015-2016—Select Committee—Report—Appropriation Bill 2015-2016 and Appropriation (Office of the Legislative Assembly) Bill 2015-2016—Update in response to Recommendation 56.

19 PRESENTATION OF PAPER

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 47—Instrument of approval of guarantee—Ararat Wind Farm Pty Ltd, dated 17 November 2015.

20 PRESENTATION OF PAPER

Mr Corbell (Attorney-General) presented the following paper:

ACT Criminal Justice—Statistical Profile 2015—September quarter.

21 PROPERTY CRIME REDUCTION STRATEGY 2012-2015—CANBERRA: A SAFER PLACE TO LIVE—PROGRESS REPORT 2014-2015—PAPER AND STATEMENT BY MINISTER

Mr Corbell (Attorney-General) presented the following paper:

Property Crime Reduction Strategy 2012-2015—*Canberra: a safer place to live—Progress report 2014-2015—*

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

22 PRESENTATION OF PAPERS

Mr Corbell (Attorney-General) presented the following papers:

Coroners Act, pursuant to subsection 57(5)—Report of Coroner—Death of Mr Mark Rodney Jolliffe—

Report, dated 30 June 2015.

Government response.

23 PRESENTATION OF PAPERS

Mr Corbell (Minister for Health) presented the following papers:

Australian Health Practitioner Regulation Agency—Annual report 2014-15—Your regulatory scheme: maintaining professional standards for practitioners and managing risk to patients.

National Health Practitioner Ombudsman and Privacy Commissioner—Annual report 2014-15.

A Framework for the Management of Aggression and Violence—Mental Health, Justice Health and Alcohol and Drug Services 2015.

24 HEALTH, AGEING, COMMUNITY AND SOCIAL SERVICES—STANDING COMMITTEE—REPORT 6—INQUIRY INTO THE EXPOSURE DRAFT OF THE DRUGS OF DEPENDENCE (CANNABIS USE FOR MEDICAL PURPOSES) AMENDMENT BILL 2014 AND RELATED DISCUSSION PAPER—GOVERNMENT RESPONSE—PAPER NOTED

Mr Corbell (Minister for Health) presented the following paper:

Health, Ageing, Community and Social Services—Standing Committee—Report 6—*Inquiry into the exposure draft of the Drugs of Dependence (Cannabis Use for Medical Purposes) Amendment Bill 2014 and related discussion paper*—Government response—

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

Debate ensued.

Question—put and passed.

25 PRESENTATION OF PAPER

Mr Corbell (Minister for the Environment) presented the following paper:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2014-15.

26 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Deputy Chief Minister) moved—That leave of absence be granted to all Members for the period 20 November 2015 to 8 February 2016.

Question—put and passed.

27 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Mr Corbell (Deputy Chief Minister) moved—That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

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

28 PLANNING AND DEVELOPMENT ACT—STATEMENT OF PLANNING INTENT 2015—PAPER AND STATEMENT BY MINISTER

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

Planning and Development Act, pursuant to subsection 16(2)—Statement of Planning Intent 2015—

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

29 MATURE WORKFORCE STRATEGY—STATEMENT OF INTENT—PAPER AND STATEMENT BY MINISTER

Mr Gentleman (Minister for Ageing) presented the following paper:

Mature Workforce Strategy—Statement of Intent—

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

30 A.C.T. ACTIVE AGEING FRAMEWORK 2015-2018—PAPER AND STATEMENT BY MINISTER

Mr Gentleman (Minister for Ageing) presented the following paper:

ACT Active Ageing Framework 2015-2018—

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

31 A.C.T. MULTICULTURAL FRAMEWORK 2015-2020—PAPER AND STATEMENT BY MINISTER

Ms Berry (Minister for Multicultural Affairs) presented the following paper:

ACT Multicultural Framework 2015-2020—

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

32 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. PUBLIC SERVICE—STAFF CULTURE

The Assembly was informed that Dr Bourke, Mr Doszpot, Ms Fitzharris, Mr Hanson (Leader of the Opposition), Mrs Jones, Ms Lawder, Ms Porter, Mr Smyth 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 Smyth be submitted to the Assembly, namely, “The importance of good staff culture in the ACT Public Service”.

Discussion ensued.

Discussion concluded.

33 EXECUTIVE MEMBERS’ BUSINESS—PRECEDENCE

Ordered—That Executive Members’ business be called on forthwith.

34 FUTURE USE OF GAS

Mr Rattenbury, pursuant to notice, moved—That this Assembly:

(1) notes that:

- (a) the Australian Energy Regulator (AER) is due to make a draft determination on the revenue allowances for ActewAGL’s ACT gas distribution for the period 2016-2021 in November 2015;
- (b) that ActewAGL Distribution has proposed an investment of \$115.7m in capital expenditure for the period 2016-2021 which is 27.5% higher than the actual expenditure in the 2010-2015 period;
- (c) that the largest component of this capital expenditure forecast is market expansion which ActewAGL has submitted is an increase of 46% over the 2010-2015 period;

- (d) that this capital expenditure will be recaptured from ACT gas consumers;
 - (e) that public submissions to the AER have raised concerns that projections for market expansion of gas in the ACT require review due to the likelihood of medium density developers not to install gas, the increased efficiency of electric heating technologies and the move towards renewable energy in the ACT;
 - (f) a 2014 research study undertaken by the Alternative Technology Association and reviewed by the COAG Energy Council indicated that “it is no longer economic for any new home, or existing all-electric home, located anywhere in the ACT to connect to mains or bottled gas – as compared with installing and operating efficient electric appliance alternatives”;
 - (g) predicted gas price rises in the medium to long-term could leave some gas consumers disadvantaged;
 - (h) battery technology for residential properties will soon be cost effective and will impact negatively on the cost effectiveness of gas for home heating;
 - (i) that the ACT Government has greenhouse gas emission reduction targets of 40% reduction of 1990 emission levels by 2020, 80% reduction of 1990 emission levels by 2050 and zero net greenhouse gas emissions by 2060; and
 - (j) that the ACT Government has not made a submission to the AER in regards to the gas distribution determination; and
- (2) calls on the ACT Government to:
- (a) undertake a review of the future use of gas in the ACT taking into account the development of new suburbs, the financial viability of gas as fuel for new and established homes, likelihood of increases in gas prices in the medium to long term, and the ACT’s emission reduction targets;
 - (b) report back to the Assembly on the outcomes of this review in the first sitting of 2016; and
 - (c) submit to the AER the outcomes of, and recommendations from, this review prior to the closing date for public submissions on the determination on 4 February 2016.

Debate ensued.

Question—put and negatived.

35 PLANNING, ENVIRONMENT AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE—REPORT 11—INQUIRY INTO DRAFT PLAN OF MANAGEMENT FOR THE ALBERT HALL—REPORT NOTED

Ms Fitzharris (Chair) presented the following report:

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 11—*Inquiry into Draft Plan of Management for the Albert Hall*, dated 17 November 2015, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

36 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRIES—AUDITOR-GENERAL’S REPORTS NOS. 3/2015 AND 6/2015—STATEMENT BY CHAIR

Mr Smyth (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had resolved to conduct inquiries into and report on the following Auditor-General’s Reports:

No. 3/2015—Restoration of the Lower Cotter Catchment.

No. 6/2015—Bulk Water Alliance.

37 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

38 COURTS LEGISLATION AMENDMENT BILL 2015 (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

Bill, by leave, taken as a whole—

On the motion of Mr Corbell (Attorney-General), pursuant to standing orders 182A(b) and (c), by leave, new Part 14 (his amendment No. 1—*see* [Schedule 1](#)) was inserted in the Bill.

Paper: Mr Corbell presented a supplementary explanatory statement to the Government amendment.

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

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

39 ANIMAL DISEASES (BEEKEEPING) AMENDMENT BILL 2015

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 Rattenbury (Minister for Territory and Municipal Services) 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.

40 ADJOURNMENT

Mr Gentleman (Minister for Planning) moved—That the Assembly do now adjourn.

Debate ensued.

Mrs Dunne, by leave, was granted an extension of time.

Debate continued.

Question—put and passed.

And then the Assembly, at 6.39 p.m., adjourned until Tuesday, 9 February 2016 at 10 a.m., in accordance with the resolution agreed to on 29 October 2015.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

COURTS LEGISLATION AMENDMENT BILL 2015 (NO. 2)

Amendment circulated by the Attorney-General

1

Proposed new part 14

Page 26, line 19—

insert

Part 14 Supreme Court Act 1933

45 Resident judges New section 37U (5) (c)

insert

- (c) for a person who was appointed to an office that has been abolished—a reference to the amount determined by the Minister to be reasonable having regard to the rate of salary payable—
 - (i) for the office before it was abolished; and
 - (ii) for other offices under this part.

46 New section 37U (7)

insert

- (7) A determination made under subsection (5) (c)—
 - (a) is a notifiable instrument; and
 - (b) for the first determination made in relation to the holder of the abolished office—takes effect on, unless otherwise stated in the determination, the day immediately after the office is abolished.

Note A notifiable instrument must be notified under the Legislation Act.