



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014–2015–2016

MINUTES OF PROCEEDINGS

No. 129

THURSDAY, 18 FEBRUARY 2016

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 VALEDICTORY

Ms Porter, by leave, made a statement concerning her resignation from the Assembly.

Mr Barr (Chief Minister), Mr Coe, Mr Corbell (Deputy Chief Minister), Mr Rattenbury (Minister for Justice and Consumer Affairs), Ms Burch, Mr Gentleman (Minister for Planning and Land Management), Ms Berry (Minister for Housing, Community Services and Social Inclusion), Dr Bourke (Minister for Aboriginal and Torres Strait Islander Affairs) and Ms Fitzharris (Minister for Higher Education, Training and Research), by leave, also made statements.

3 ELECTION OF DEPUTY SPEAKER

The Speaker, having advised Members of the resignation today of Ms Porter as Deputy Speaker, presented the following paper:

Paper: Deputy Speaker—Resignation—Letter to the Speaker from Ms Porter, dated 18 February 2016.

The Speaker, pursuant to standing order 13, called for nominations for the position of Deputy Speaker.

Mr Hanson (Leader of the Opposition) proposed Ms Lawder to the Assembly as Deputy Speaker, and moved—That Ms Lawder be elected Deputy Speaker.

Ms Lawder informed the Assembly that she accepted the nomination.

Mr Barr (Chief Minister) proposed Ms Burch to the Assembly as Deputy Speaker, and moved—That Ms Burch be elected Deputy Speaker.

Ms Burch informed the Assembly that she accepted the nomination.



There being no further proposal, the time for proposals expired.

Debate ensued.

The Assembly proceeded to ballot, and the ballot being concluded—

Due to one ballot paper bearing the names of both candidates, the Speaker ordered that the ballot be taken again.

The Assembly proceeded to a further ballot, and the ballot being concluded, the Speaker reported the result, as follows:

Ms Burch—9 votes

Ms Lawder—8 votes

Ms Burch was declared elected as Deputy Speaker.

4 ENVIRONMENTAL WEED MANAGEMENT PROGRAM 2015/16—PROGRESS ON THE DELIVERY—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning progress on the delivery of the 2015/16 Environmental Weed Management Program and presented the following paper:

Environmental Weed Management Program 2015/16—Progress on the delivery—Ministerial statement, 18 February 2016.

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

Debate ensued.

Question—put and passed.

5 NATIONAL DISABILITY INSURANCE SCHEME—IMPLEMENTATION REPORT AND ROLE OF THE A.C.T. GOVERNMENT—SIX MONTHLY REPORT—MINISTERIAL STATEMENT—PAPER NOTED

Dr Bourke (Minister for Disability) made a statement regarding the six monthly report on the Implementation Report and Role of the ACT Government under the National Disability Insurance Scheme and presented the following paper:

National Disability Insurance Scheme—Implementation Report and Role of the ACT Government—Six monthly report—Ministerial statement, 18 February 2016.

Dr Bourke moved—That the Assembly take note of the paper.

Question—put and passed.

6 PROTECTION OF RIGHTS (SERVICES) LEGISLATION AMENDMENT BILL 2016

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, undated.

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 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2016

Mr Rattenbury (Minister for Road Safety), pursuant to notice, presented a Bill for an Act to amend legislation about road transport.

Papers: Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

Mr Rattenbury 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.

8 WORKPLACE PRIVACY AMENDMENT BILL 2016

Mr Rattenbury (Minister for Justice and Consumer Affairs), pursuant to notice, presented a Bill for an Act to amend the *Workplace Privacy Act 2011*, 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, undated.

Workplace Privacy Act 2011—Review, dated February 2016.

Title read by Clerk.

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

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

9 SMOKE-FREE PUBLIC PLACES AMENDMENT BILL 2016

Ms Fitzharris (Assistant Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Smoke-Free Public Places Act 2003*, and for other purposes.

Papers: Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

Ms Fitzharris moved—That this Bill be agreed to in principle.

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

10 TRANSPLANTATION AND ANATOMY AMENDMENT BILL 2016

Ms Fitzharris (Assistant Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Transplantation and Anatomy Act 1978*.

Papers: Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

Ms Fitzharris 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 STANDING ORDERS—CO-SPONSORSHIP OF BILLS—PROPOSED AMENDMENTS

Mr Rattenbury, pursuant to notice, moved—That the standing orders be amended as follows:

- (1) standing order 168(b), after “Member” insert “and, if a co-sponsored bill, by another Member whose name is on the bill.”;
- (2) standing order 168(c), after “notice” omit all words and substitute “a Member (or in the case of a co-sponsored bill, one of the co-sponsors) shall present to the Assembly two printed copies of the bill signed by that Member (or in the case of a co-sponsored bill, the co-sponsors) and an explanatory statement to the bill.”;
- (3) standing order 69(d), insert the following:

“Co-sponsored bills

Co-sponsors 20 minutes

First government or opposition member next speaking 20 minutes

First crossbench member next speaking 20 minutes

Any other Member 15 minutes

Co-sponsors closing debate 15 minutes”; and

- (4) standing order 69(e), insert the following:

“Co-sponsored bills

Co-sponsors periods not specified

Any other Member—2 periods each not exceeding 10 minutes”.

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

12 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REFERENCE—STANDING ORDERS—CO-SPONSORSHIP OF BILLS—PROPOSED AMENDMENTS

Ms Burch, by leave, moved—That consideration of order of the day, Assembly business, concerning the proposed amendment of the standing orders to provide for the co-sponsorship of bills, be referred to the Standing Committee on Administration and Procedure.

Debate ensued.

Question—put and passed.

13 PLANNING, ENVIRONMENT AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Ms Burch (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Planning, Environment and Territory and Municipal Services.

Paper: Ms Burch, pursuant to Continuing Resolution 5A, presented the following paper:

Planning, Environment and Territory and Municipal Services—Standing Committee—Schedule of Statutory Appointments—8th Assembly—Period 1 June to 31 December 2015.

14 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Gentleman and advised that questions without notice normally directed to the Minister for Racing and Gaming and the Minister for Workplace Safety and Industrial Relations could be directed to Mr Barr, and those normally directed to the Minister for Planning and Land Management could be directed to Mr Corbell (Deputy Chief Minister).

15 QUESTIONS

Questions without notice were asked.

16 EXPANSION OF THE ASSEMBLY UPDATE—STATEMENT BY SPEAKER

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

17 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 17—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 8 OF 2013: MANAGEMENT OF FUNDING FOR COMMUNITY SERVICES—GOVERNMENT RESPONSE—PAPER NOTED

Mr Barr (Minister for Economic Development) presented the following paper:

Public Accounts—Standing Committee—Report 17—*Review of Auditor-General's Report No. 8 of 2013: Management of Funding for Community Services*—Government response—

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

Question—put and passed.

18 COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT ACT—COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT—A.C.T. STATE OF THE ENVIRONMENT REPORT 2015—PAPER AND STATEMENT BY MINISTER

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

Commissioner for Sustainability and the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—ACT State of the Environment Report 2015—

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

19 PRESENTATION OF PAPER

Mr Rattenbury (Minister for Road Safety) presented the following paper:

Heavy Vehicle National Law as applied by the *Heavy Vehicle National Law Act 2012* (Qld) and by the law of States and Territories—Heavy Vehicle National Amendment Regulation (2015 No. 824), together with its explanatory statement.

20 PRESENTATION OF PAPER

Mr Rattenbury (Minister for Education) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Education and Training Directorate—Corrigendum.

21 EDUCATION AND CARE SERVICES NATIONAL LAW—EDUCATION AND CARE SERVICES NATIONAL AMENDMENT REGULATIONS 2015—PAPER AND STATEMENT BY MINISTER

Mr Rattenbury (Minister for Education) presented the following paper:

Education and Care Services National Law—Education and Care Services National Amendment Regulations 2015 (2015 No. 804), dated 11 December 2015—

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

22 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 16—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 4 OF 2013: NATIONAL PARTNERSHIP AGREEMENT ON HOMELESSNESS—GOVERNMENT RESPONSE—PAPER NOTED

Ms Berry (Minister for Housing, Community Services and Social Inclusion) presented the following paper:

Public Accounts—Standing Committee—Report 16—*Review of Auditor-General's Report No. 4 of 2013: National Partnership Agreement on Homelessness*—Government response—

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

Question—put and passed.

23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—COST OF LIVING PRESSURES

The Assembly was informed that Ms Burch, Mr Doszpot, Mr Hanson (Leader of the Opposition), Mrs Jones, 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 reducing cost of living pressures in the ACT”.

Discussion ensued.

Discussion concluded.

24 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

25 DOMESTIC VIOLENCE AND PROTECTION ORDERS AMENDMENT BILL 2016

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.

26 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—REPORT 4—REPORT ON ANNUAL AND FINANCIAL REPORTS 2014-2015—REPORT NOTED

Ms Porter (Chair) presented the following report:

Education, Training and Youth Affairs—Standing Committee—Report 4—*Report on Annual and Financial Reports 2014-2015*, dated 18 February 2016, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

27 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—REPORT 5—INQUIRY INTO VOCATIONAL EDUCATION AND YOUTH TRAINING IN THE A.C.T.—INTERIM REPORT—FEBRUARY 2016—REPORT NOTED

Ms Porter (Chair) presented the following report:

Education, Training and Youth Affairs—Standing Committee—Report 5—*Inquiry into Vocational Education and Youth Training in the ACT—Interim report—February 2016*, dated 18 February 2016, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

28 POWERS OF ATTORNEY 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.

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) moved his amendment No. 1 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 7	
Mr Coe	Mrs Jones	Mr Barr	Mr Corbell
Mr Doszpot	Ms Lawder	Ms Berry	Ms Porter
Mrs Dunne		Dr Bourke	Mr Rattenbury
Mr Hanson		Ms Burch	

And so it was negatived.

Bill, as a whole, agreed to.

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

29 HEALTH LEGISLATION 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.

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.

30 ADJOURNMENT

Mr Corbell (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.38 p.m., adjourned until Tuesday, 8 March 2016 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

POWERS OF ATTORNEY AMENDMENT BILL 2015

Amendment circulated by the Leader of the Opposition

1

Clause 13

Proposed new section 41A (1), definition of *medical research power of attorney*

Page 7, line 8—

omit the definition, substitute

medical research power of attorney, for a principal, means an enduring power of attorney under which the principal authorises an attorney to exercise power in relation to a medical research matter.
