



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 79

THURSDAY, 1 NOVEMBER 2018

1 The Assembly met at 10 am, pursuant to adjournment. A quorum of Members not being present, the Speaker (Ms J. Burch) ordered the bells to be rung. A quorum having been formed, the Speaker took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITION—MINISTERIAL RESPONSE

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

Ms Fitzharris (Minister for Transport), dated 30 October 2018—Response to e-petition No 8-18, lodged by Ms Le Couteur on 31 July 2018, concerning Sunday and public holiday bus timetables.

3 GREYHOUND INDUSTRY TRANSITION—MINISTERIAL STATEMENT—PAPER NOTED

Mr Ramsay (Minister for Business and Regulatory Services) made a ministerial statement concerning the transition to end greyhound racing and presented the following paper:

Greyhound industry transition—Ministerial statement, 1 November 2018.

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

Debate ensued.

Question—put and passed.



4 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2015-2016—RECOMMENDATION 2—STREETLIGHT CONTRACT—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Minister for Roads) made a ministerial statement in relation to Recommendation 2 of Report 1 of the Standing Committee on Economic Development and Tourism, concerning the new maintenance contract for the streetlight network, and presented the following paper:

Economic Development and Tourism—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016—Recommendation 2—Streetlight Contract—Government response—Ministerial statement, 1 November 2018.*

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

Question—put and passed.

5 DISCRIMINATION AMENDMENT BILL 2018

Mr Barr (Minister for Social Inclusion and Equality) and Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to notice, presented a Bill for an Act to amend the *Discrimination Act 1991*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 31 October 2018.

Title read by Clerk.

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

Mr Rattenbury, as co-sponsor, spoke to the question.

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

6 RESIDENTIAL TENANCIES AMENDMENT BILL 2018 (NO 2)

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Residential Tenancies Act 1997* and the *Residential Tenancies Regulation 1998*.

Papers: Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 31 October 2018.

Title read by Clerk.

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

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

7 GAMING LEGISLATION AMENDMENT BILL 2018

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about gaming, 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 31 October 2018.

Gaming Machine Amendment Regulation 2018 (No)—Subordinate Law—
Exposure draft.

Explanatory statement to the exposure draft.

Title read by Clerk.

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

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

8 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent Assembly business, notice No 3, being the referral of changes to the lobbyists register to the Standing Committee on Administration and Procedure, being called on and debated forthwith.

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

9 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REFERENCE—PROPOSED CHANGES TO THE A.C.T. REGISTER OF LOBBYISTS

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—That the Standing Committee on Administration and Procedure:

- (1) inquire into, and report on, expanding the scope of the ACT Register of Lobbyists to cover in-house government relations staff, industry associations and project management liaison officers and companies; and
- (2) report back to the Assembly by 29 November 2018.

Question—put and passed.

10 INDEPENDENT INTEGRITY COMMISSION 2018—SELECT COMMITTEE—REPORT—INQUIRY INTO THE ESTABLISHMENT OF AN INTEGRITY COMMISSION FOR THE A.C.T.—REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Rattenbury (Chair)—That the report be noted (*presented 31 October 2018*); viz:

Independent Integrity Commission 2018—Select Committee—Report—*Inquiry into the establishment of an integrity commission for the ACT—*

Debate resumed.

Question—put and passed.

11 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 3—REPORT ON INQUIRY INTO THE CRIMES (CONSENT) AMENDMENT BILL 2018—REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Ms Lee (Chair)—That the report be noted (*presented 31 October 2018*), viz:

Justice and Community Safety—Standing Committee—Report 3—*Report on inquiry into the Crimes (Consent) Amendment Bill 2018—*

Debate resumed.

Question—put and passed.

12 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REFERENCE—DRONE DELIVERY SYSTEMS IN THE A.C.T.

Mr Wall, pursuant to notice, moved—That:

- (1) the Standing Committee on Economic Development and Tourism inquire into and report on drone delivery systems in the ACT, with particular reference to:
 - (a) the decision to base the trials of the technology in the ACT and surrounding region;
 - (b) the economic impact of drone delivery technology being tested in the ACT including the:
 - (i) investment that has been brought in to the Territory;
 - (ii) number of jobs that have been created as part of the trial; and
 - (iii) extent of collaboration with local industry and academic institutions;
 - (c) the extent of regulatory oversight of drone technology at various levels of government including but not limited to:
 - (i) local authorities such as the Environment Protection Authority, Worksafe and Access Canberra; and
 - (ii) Commonwealth agencies such as Air Services Australia and Civil Aviation Safety Authority;
 - (d) the extent of any environmental impact as a result of trialling drone delivery technology on:
 - (i) residents within the trial area;
 - (ii) native wildlife; and
 - (iii) domestic animals;
 - (e) ways to improve the use of drone delivery technology within the ACT;
 - (f) any other relevant matter; and
- (2) the Committee report to the Assembly on the matter no later than the last sitting week in 2019.

Mr Wall addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Mr Wall continued.

Ms Orr, by leave, moved the following amendments together:

- (1) In paragraph (1), omit “inquire”, substitute “consider an inquiry”.
- (2) Omit paragraph (2).

Debate continued.

Ms Cheyne addressing the Assembly—

The extended time allotted to Assembly business having expired—

Suspension of standing orders—Continuation of debate: Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the Assembly concluding debate on Assembly business, Notices Nos 1 and 2.

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

Ms Cheyne continued.

Amendments negatived.

Mr Rattenbury, who had already spoken, by leave, moved the following amendments together:

- (1) Insert new paragraph (1)(d)(iv):
 - “(iv) greenhouse gas emissions;”.
- (2) Insert new paragraph (1)(g):
 - “(g) information privacy;”.

Amendments agreed to.

Question—That the motion, as amended, viz:

“That:

- (1) the Standing Committee on Economic Development and Tourism inquire into and report on drone delivery systems in the ACT, with particular reference to:
 - (a) the decision to base the trials of the technology in the ACT and surrounding region;
 - (b) the economic impact of drone delivery technology being tested in the ACT including the:

- (i) investment that has been brought in to the Territory;
 - (ii) number of jobs that have been created as part of the trial; and
 - (iii) extent of collaboration with local industry and academic institutions;
- (c) the extent of regulatory oversight of drone technology at various levels of government including but not limited to:
- (i) local authorities such as the Environment Protection Authority, Worksafe and Access Canberra; and
 - (ii) Commonwealth agencies such as Air Services Australia and Civil Aviation Safety Authority;
- (d) the extent of any environmental impact as a result of trialling drone delivery technology on:
- (i) residents within the trial area;
 - (ii) native wildlife;
 - (iii) domestic animals; and
 - (iv) greenhouse gas emissions;
- (e) ways to improve the use of drone delivery technology within the ACT;
- (f) any other relevant matter; and
- (g) information privacy; and
- (2) the Committee report to the Assembly on the matter no later than the last sitting week in 2019.”—

be agreed to—put and passed.

13 AUTHORITY FOR LEGISLATIVE ASSEMBLY INFORMATION TO BE MIGRATED TO, AND STORED AND PROCESSED BY, A CLOUD SERVICE PROVIDER—CONTINUING RESOLUTION

Ms J. Burch (Speaker), pursuant to notice, moved—That the following continuing resolution be adopted:

AUTHORITY FOR LEGISLATIVE ASSEMBLY INFORMATION TO BE MIGRATED TO, AND STORED AND PROCESSED BY, A CLOUD SERVICE PROVIDER

That—

- (1) The Assembly authorises its information, including information captured by standing order 277(p), to be migrated to, and stored and processed by, a cloud service provider (provider), on the following provisos:
- (a) a contract has been entered into between the Territory and the provider ensuring any access to the Assembly’s information is limited to the sole purpose of providing the service. This should include ensuring any subcontractors engaged by the provider are subject to the same terms and conditions as the provider;

- (b) the provider has been certified by the Australian Signals Directorate as suitable for the hosting of data up to the classification of PROTECTED and hosts all ACT Government data in Australia; and
 - (c) a security risk assessment has been conducted by the Territory to identify relevant security controls to be applied.
- (2) In relation to lawful requests for disclosure by the provider of the Assembly's information—
- (a) the Clerk will be notified by the Territory's information and communications technology agency (the agency) of any warrant or subpoena received by the provider or the agency unless legally prohibited from doing so;
 - (b) the agency will request the Clerk to authorise any lawful release of Assembly information unless legally prohibited from doing so;
 - (c) the Clerk will be notified by the agency of any suspected or actual unauthorised access or disclosure of Assembly information managed by the provider or the agency; and
 - (d) the Clerk will be notified by the agency of any significant changes to the Assembly's data storage, including hosting arrangements.
- (3) This resolution has effect from the date of its passage in the Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Question—put and passed.

14 STANDING COMMITTEES—MEMBERSHIP

Mr Wall, pursuant to standing order 223, moved—That:

- (1) Mr Wall be discharged from the Standing Committee on Education, Employment and Youth Affairs and Ms Lee be appointed in his place; and
- (2) Ms Lee be discharged from the Standing Committee on Justice and Community Safety and Mrs Jones be appointed in her place.

Question—put and passed.

15 QUESTIONS

Questions without notice were asked.

16 PAPER—ORDER TO TABLE

Ms Fitzharris (Minister for Health and Wellbeing), having added to an answer to a question without notice asked on Tuesday—

Standing order 213—Quoting document: Mrs Dunne, pursuant to standing order 213, moved—That the Minister table the document being quoted from.

Question—put and passed.

Ms Fitzharris presented the following paper:

Building Health Services Program and the Spire project—Speaking notes.

17 PRESENTATION OF PAPERS

Mr Barr (Chief Minister) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—ACT Public Service—State of the Service Report—Annual reports—

2016-17—Corrigendum, dated October 2018.

2017-18—Corrigendum, dated October 2018.

18 FINANCIAL MANAGEMENT ACT—CONSOLIDATED ANNUAL FINANCIAL STATEMENTS—2017-2018 FINANCIAL YEAR—PAPER AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2017-2018 financial year, dated 30 and 31 October 2018—

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

19 PRESENTATION OF PAPER

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

Coroner's Act, pursuant to subsection 102(8)—ACT Coroner's Court—Annual Report 2017/18, dated 16 October 2018.

20 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—ACT Commissioner for Sustainability and the Environment—Corrigendum.

21 LEGISLATION ACT—CRIMES (RESTORATIVE JUSTICE) ACT—CRIMES (RESTORATIVE JUSTICE) SEXUAL AND FAMILY VIOLENCE OFFENCES GUIDELINES 2018—DISALLOWABLE INSTRUMENT DI2018-266—PAPER AND STATEMENT BY MINISTER

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

Legislation Act, pursuant to section 64—Crimes (Restorative Justice) Act—Crimes (Restorative Justice) Sexual and Family Violence Offences Guidelines 2018—Disallowable Instrument DI2018-266 (LR, 30 October 2018), including an explanatory statement—

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

22 BIMBERI YOUTH JUSTICE CENTRE—BIMBERI HEADLINE INDICATORS REPORTS—2017-2018 AND MARCH 2018—UPDATED OCTOBER 2018—PAPERS AND STATEMENT BY MINISTER

Ms Stephen-Smith (Minister for Children, Youth and Families) presented the following papers:

Bimberi Youth Justice Centre—Bimberi Headline Indicators Reports—
2017-2018.

March 2018—Updated October 2018—

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

23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—SUPPORT FOR LOCAL PRIMARY PRODUCERS

The Assembly was informed that Ms Cheyne, Ms Cody, Mrs Dunne, Mrs Kikkert, Ms Lee, Mr Milligan, Ms Orr, Mr Parton and Mr Pettersson 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 Ms Cheyne be submitted to the Assembly, namely, “The importance of supporting local primary producers in the ACT”.

Discussion ensued.

Discussion concluded.

24 SENTENCING LEGISLATION AMENDMENT BILL 2018

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.

25 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF PRIVATE MEMBERS’ BUSINESS

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent Private Members’ business, notice No 7, being the Government Agencies (Land Acquisition Reporting) Bill 2018, being called on and debated forthwith.

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

26 GOVERNMENT AGENCIES (LAND ACQUISITION REPORTING) BILL 2018

The Assembly, according to order, resumed consideration at the detail stage.

Detail Stage

Clauses 1 to 6—

Mr Gentleman (Minister for Planning and Land Management), by leave, moved his amendments Nos 1 to 3 together (see [Schedule 1](#)).

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

Debate continued.

Mr Coe (Leader of the Opposition) was granted leave to move amendments that had not been circulated in accordance with standing order 178A.

On the motion of Mr Coe, his amendment No 1 (see [Schedule 2](#)) to Mr Gentleman's proposed amendment No 1 was made.

Mr Gentleman's amendments Nos 1 to 3, as amended, agreed to.

Clauses 1 to 6, as amended, agreed to.

New clause—

On the motion of Mr Gentleman, new clause 6A (his amendment No 4—see [Schedule 1](#)), was inserted in the Bill, after debate.

Clause 7—

On the motion of Mr Gentleman, his amendment No 5 (see [Schedule 1](#)) was made, after debate.

Clause 7, as amended, agreed to.

Clause 8—

On the motion of Mr Gentleman, by leave, his amendments Nos 6 and 7 (see [Schedule 1](#)) were made together.

On the motion of Mr Coe, by leave, his amendments Nos 1 and 2 (see [Schedule 3](#)) were made together.

On the motion of Mr Gentleman his amendment No 8 (see [Schedule 1](#)) was made, after debate.

Mr Gentleman moved his amendment No 9 (see [Schedule 1](#)).

Mr Coe moved his amendment No 2 to Mr Gentleman's proposed amendment No 9 (see [Schedule 2](#)).

Debate continued.

Amendment to amendment negated.

Mr Gentleman's amendment No 9 agreed to.

On the motion of Mr Gentleman, by leave, his amendments Nos 10 to 14 (see [Schedule 1](#)) were made together, after debate.

Mr Gentleman moved his amendment No 15 (see [Schedule 1](#)).

Debate continued.

Amendment negated.

On the motion of Mr Coe, his amendment No 3 (see [Schedule 3](#)) was made.

On the motion of Mr Gentleman, his amendment No 16 (see [Schedule 1](#)) was made, after debate.

Mr Gentleman moved his amendment No 17 (see [Schedule 1](#)).

On the motion of Mr Coe, his amendment No 3 (see [Schedule 2](#)) to Mr Gentleman's proposed amendment No 17 was made.

Mr Gentleman's amendment No 17, as amended, agreed to.

Clause 8, as amended, agreed to.

Clause 9—

On the motion of Mr Gentleman, his amendment No 18 (see [Schedule 1](#)) was made, after debate.

Clause 9, as amended, agreed to.

Clauses 10 and 11, by leave, taken together—

On the motion of Mr Gentleman, by leave, his amendments Nos 19 and 20 (see [Schedule 1](#)) were made together.

Clauses 10 and 11 omitted from the Bill.

Clauses 12 and 13, by leave, taken together and agreed to.

New part—

On the motion of Mr Gentleman, new Part 4A (incorporating new clauses 13A and 13B) (his amendment No 21—see [Schedule 1](#)) was inserted in the Bill.

Clause 14 agreed to.

New part—

On the motion of Mr Coe, new part 6 (incorporating new clause 15) (his amendment No 1—see [Schedule 4](#)) was inserted in the Bill.

Remainder of Bill, by leave, taken as a whole—

On the motion of Mr Gentleman, by leave, his amendments Nos 22 to 26 (see [Schedule 1](#)) were made together.

Remainder of Bill, as a whole, as amended, agreed to, after debate.

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

27 ADJOURNMENT

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

Debate ensued.

Ms Cheyne, by leave, was granted an extension of time.

Question—put and passed.

And then the Assembly, at 6.06 pm, adjourned until Tuesday, 27 November 2018 at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

GOVERNMENT AGENCIES (LAND ACQUISITION REPORTING) BILL 2018

Amendments circulated by the Minister for Planning and Land Management

1

Clause 2

Page 2, line 5—

omit clause 2, substitute

2

Commencement

- (1) This Act (other than section 5 (1) (e) and section 6 (e)) commences on 1 January 2019.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Section 5 (1) (e) and section 6 (e) commence on 1 July 2019.
-

2

Clause 5

Page 3, line 2—

omit clause 5, substitute

5

Meaning of *government agency*

- (1) In this Act:

government agency means—

- (a) an administrative unit; or
- (b) a public sector body; or
- (c) a territory authority; or
- (d) a territory instrumentality; or
- (e) a territory-owned corporation.

- (2) However, *government agency* does not include the University of Canberra.
-

3**Clause 6 (c)****Page 3, line 18—**

omit clause 6 (c), substitute

- (c) for a territory authority—the Minister allocated responsibility for the Act under which the authority is established under the administrative arrangements under the *Public Sector Management Act 1994*, section 14 (1) (b); and
- (d) for a territory instrumentality—the Minister declared as the responsible Minister for the territory instrumentality’s annual report under the *Annual Reports (Government Agencies) Act 2004*, section 12; and
- (e) for a territory-owned corporation—the Chief Minister.

4**Proposed new clause 6A****Page 3, line 20—**

insert

6A Meaning of *land acquisition*

- (1) In this Act:

land acquisition—

- (a) means an acquisition of land by a government agency; and
- (b) includes—
 - (i) an acquisition under the *Lands Acquisition Act 1994*; or
 - (ii) a surrender of a Crown lease, or part of the land comprised in a Crown lease, under the *Planning and Development Act 2007*, section 299, whether or not the acquiring government agency agreed to accept the surrender; or
 - (iii) the withdrawal of land from a Crown lease under the terms of the lease; or
 - (iv) a termination of a Crown lease under the *Planning and Development Act 2007*, section 382; or
 - (v) any other acquisition of land by a government agency required under a territory law; or
 - (vi) an acquisition prescribed by regulation.

- (2) However, ***land acquisition*** does not include—

- (a) an acquisition of land by a government agency from another government agency; or
- (b) an acquisition prescribed by regulation.

Example—par (a)

as a result of a change to the functions of an administrative unit made under the *Public Sector Management Act 1994*, s 14

(3) In this section:

declared land sublease—see the *Planning and Development Act 2007*, section 312C.

land—

- (a) means the legal or equitable estate in land in the ACT or elsewhere; and
- (b) includes—
 - (i) unleased territory land; and
 - (ii) anything prescribed by regulation; but
- (b) unless otherwise stated by regulation, does not include—
 - (i) a sublease of a Crown lease other than a declared land sublease; or
 - (ii) any other tenancy or occupancy right; or
 - (iii) an easement or any other incorporeal right.

Note An incorporeal right is an intangible right attached to land, and in addition to easements, includes rents, tithes and profit à prendre.

5**Clause 7****Page 4, line 2—**

omit clause 7, substitute

7**Publication of reports about land acquisitions etc**

- (1) As soon as practicable after the end of each quarter, the responsible Minister for a government agency must publish on an ACT government website—
 - (a) if the government agency made a land acquisition in the quarter—a report about the acquisition that includes the matters mentioned in section 8; and
 - (b) if the City Renewal Authority made no land acquisitions in the quarter—a statement to that effect; and
 - (c) if the Suburban Land Agency made no land acquisitions in the quarter—a statement to that effect.
- (2) After a report mentioned in subsection (1) (a) about a land acquisition is published, the responsible Minister must give the relevant committee a copy of the report.

(3) In this section:

relevant committee means—

- (a) a standing committee of the Legislative Assembly nominated by the Speaker for subsection (2); or
- (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for public accounts.

6

Clause 8 (1)

Page 5, line 2—

omit

an acquisition of land

substitute

land acquisition by a government agency

7

Clause 8 (1) (a) (iii)

Page 5, line 6—

omit clause 8 (1) (a) (iii), substitute

- (iii) from whom the land was acquired; and

8

Clause 8 (1) (d)

Page 5, line 12—

omit clause 8 (1) (d), substitute

- (d) for a defined land acquisition, include—
 - (i) any valuation given to the acquiring government agency by the person from whom the land was acquired; and
 - (ii) any other valuation considered by the acquiring government agency; and

9

Clause 8 (1) (e)

Page 5, line 19—

omit clause 8 (1) (e), substitute

- (e) for a defined land acquisition, state—
 - (i) whether the acquisition was—
 - (A) approved by the Executive, a stated Minister or a public servant; or
 - (B) agreed by Cabinet; or

- (ii) if the acquisition was approved by a public servant—the position of the public servant; and
- (iii) the date the acquisition was approved or agreed; and

10**Clause 8 (1) (f) and note****Page 5, line 24—**

omit clause 8 (1) (f) and note, substitute

- (f) for a defined land acquisition, include a short statement about the following:
 - (i) the reason why the land was acquired including the proposed and potential short and long term use and development of the land;
 - (ii) how the proposed use and development of the land is consistent with the territory plan;
 - (iii) how the acquisition is in the public interest;
 - (iv) how the acquisition is consistent with the functions of the acquiring government agency;
 - (v) if relevant, how the proposed use and development of the land supports the principle of environmental sustainability;
 - (vi) if the acquiring government agency has a statement of intent—how the acquisition is consistent with the agency’s statement of intent, or other relevant forecasts, for the year;
 - (vii) how the acquisition represents value for money taking into account the particulars of the land, any valuation, the proposed and potential short and long term use and development of the land, relevant policies and programs of the acquiring government agency or the Territory; and

11**Clause 8 (1) (g)****Page 6, line 13—**

omit

12**Clause 8 (1) (h)****Page 6, line 17—**

omit

13**Clause 8 (1) (i) and note****Page 6, line 23—**

omit

14**Clause 8 (1), examples and note**
Page 7, line 2—*omit*

15**Clause 8 (2)**
Page 7, line 14—*omit clause 8 (2), substitute*

- (2) Section 8 (1) (c) does not apply to an acquisition under the *Lands Acquisition Act 1994* that is not made under that Act, section 32 (Acquisition by agreement).

16**Proposed new clause 8 (3)**
Page 7, line 16—*insert*

- (3) A report may include any other information the responsible Minister considers relevant.

Example

information from a business case or risk assessment

17**Proposed new clause 8 (4)**
Page 7, line 16—*insert*

- (4) In this section:

defined land acquisition means a land acquisition other than an acquisition mentioned in section 6A (1) (b).

18**Clause 9**
Page 7, line 17—*omit clause 9, substitute***9** **Certain information must not be included in reports or statement**

- (1) This section applies to a report under section 7 (1) (a) about a land acquisition by a government agency.
- (2) For an acquisition of land from an individual, the individual's name must not be included in the report or statement, and must be removed from any document attached to the report or statement.

- (3) For—
- (a) an acquisition of land to be developed or used as—
 - (i) a housing assistance property; or
 - (ii) a facility to provide a service for community health or safety, if the Minister has declared, in writing, that disclosure of identifying particulars would risk an adverse impact on the privacy or reputation of potential users of the facility; or
 - (b) an acquisition of land under a land rent lease; or
 - (c) an acquisition of land prescribed by regulation;

the only identifying particular of the acquired land that may be included in a report or statement is the district in which the acquired land is located and any other identifying particulars of the land must be removed from any document attached to the report or statement.

- (4) Subsection (3) does not apply if the information has entered the public domain.
- (5) For an acquisition of land under a land rent lease, information that must not be disclosed by a tax officer under the *Taxation Administration Act 1999*, division 9.4 (Secrecy) must not be included in the report or statement, and must be removed from any document attached to the report or statement.
- (6) In this section:

district means a district determined under the *Districts Act 2002*, section 5.

housing assistance property—see the *Housing Assistance Act 2007*, section 28 (2).

land rent lease—see the *Land Rent Act 2008*, dictionary.

tax officer—see the *Taxation Administration Act 1999*, section 94.

19

Clause 10

Page 8, line 1—

[oppose the clause]

20

Clause 11

Page 8, line 18—

[oppose the clause]

21**Proposed new part 4A**
Page 11, line 5—*insert*

Part 4A Transitional

13A Acquisitions made before 1 January 2019

A government agency is not required to report on a land acquisition made—

- (a) under an agreement entered into before 1 January 2019; or
- (b) by a surrender of a lease, or part of the land comprised in a lease, consented to under the *Planning and Development Act 2007*, section 299 (1) before 1 January 2019.

13B Expiry—pt 4A

This part expires on 1 July 2019.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

22**Dictionary, note 2, dot points**
Page 12, line 6—*omit the following dot points*

- body
- corporation
- head of service
- sitting day
- territory plan.

23**Dictionary, note 2, proposed new dot points**
Page 12, line 19—*insert the following dot points*

- administrative unit
 - Executive
 - public servant
 - territory instrumentality
 - territory land
 - territory-owned corporation
-

24**Dictionary, definition of *land*****Page 12, line 23—***omit*

25**Dictionary, proposed new definition of *land acquisition*****Page 12, line 23—***insert**land acquisition*—see section 6A.

26**Dictionary, definition of *territory entity*****Page 12, line 25—***omit*

Schedule 2

GOVERNMENT AGENCIES (LAND ACQUISITION REPORTING) BILL 2018

Amendments circulated by Mr Coe (Leader of the Opposition) to the amendments circulated by the Minister for Planning and Land Management

1

Amendment 1

Clause 2

omit clause 2, substitute

2

Commencement

- (1) This Act (other than the following provisions) commences on 1 January 2019:
- section 5 (1) (e)
 - section 6 (e)
 - part 6.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) The provisions mentioned in subsection (1) commence on 1 July 2019.
-

2

Amendment 9

Clause 8 (1) (e) (i)

omit clause 8 (1) (e) (i), substitute

- (i) which Minister, if any, considered written advice from a government agency on the acquisition prior to approval; and
 - (ia) whether the acquisition was considered by Cabinet; and
 - (ib) if the acquisition was considered by Cabinet, the date on which it was considered; and
 - (ic) who approved the acquisition; and
-

3

Amendment 17

Proposed new clause 8 (4), definition of *defined land acquisition*

omit the definition, substitute

defined land acquisition means a land acquisition other than an acquisition mentioned in section 6A (1) (b) (ii) to (vi).

Schedule 3

GOVERNMENT AGENCIES (LAND ACQUISITION REPORTING) BILL 2018

Amendments circulated by Mr Coe (Leader of the Opposition)

1

Clause 8 (1) (c) (i)

Page 5, line 10—

after

paid

insert

or payable

2

Clause 8 (1) (c) (ii)

Page 5, line 11—

after

paid

insert

or payable

3

Clause 8 (2)

Page 7, line 14—

omit clause 8 (2), substitute

- (2) For an acquisition made under the *Lands Acquisition Act 1994*, if the amount paid or payable is not known at the end of the quarter the report—
- (a) must state that the information is not yet known and that the report will be updated when the information is known; and
 - (b) must be updated to include the amount paid or payable as soon as practicable after the amount is known.
-

Schedule 4**GOVERNMENT AGENCIES (LAND ACQUISITION REPORTING) BILL 2018**

Amendment circulated by Mr Coe (Leader of the Opposition)

1

Proposed new part 6
Page 11, line 5—*insert***Part 6** **Delayed amendment****15** **Government Agencies (Land Acquisition Reporting)**
Act 2018
Section 6A (3), definition of *land**substitute**land—*

- (a) means the legal or equitable estate in land in the ACT or elsewhere; and
- (b) includes—
 - (i) unleased territory land; and
 - (ii) an easement other than an easement prescribed by regulation; and
 - (iii) anything prescribed by regulation; but
- (c) unless otherwise stated by regulation, does not include—
 - (i) a sublease of a Crown lease other than a declared land sublease; or
 - (ii) any other tenancy or occupancy right; or
 - (iii) any other incorporeal right.

Note An incorporeal right is an intangible right attached to land, and in addition to easements, includes rents, tithes and profit à prendre.
