



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019

MINUTES OF PROCEEDINGS

No 87

WEDNESDAY, 20 FEBRUARY 2019

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 CRIMES (ANTI-CONSORTING) AMENDMENT BILL 2019

Mr Hanson, pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

Paper: Mr Hanson presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Ramsay—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

3 TAXI INDUSTRY—REGULATION

Miss C. Burch, pursuant to notice, moved—That this Assembly:

(1) notes that:

- (a) the Government has claimed to be “levelling the playing field” in the on-demand transport industry, while continuing to institute policies that disproportionately affect the ability of taxi services to remain profitable in comparison to other on-demand services;



- (b) perpetual taxi plates previously valued at around \$300 000 have lost around 75 percent of their value, and are now worth less than \$80 000;
 - (c) the Government's 2018 *Evaluation of the 2015 Innovation Reforms to the On-Demand Transport Industry in the ACT* shows that demand for taxi services has fallen dramatically since the introduction of rideshare in the ACT;
 - (d) despite the findings of this report, the Government announced it would release a further 142 taxi plates, causing the value of perpetual taxi plates to continue to fall to \$45 000 to \$50 000; and
 - (e) despite the significant loss in value and income for perpetual plate owners, the Government has refused to offer compensation or a buy-back scheme;
- (2) further notes that:
- (a) ACT taxi plate owners pay in excess of \$20 000 per year total in insurance premiums, while Queanbeyan taxi plate owners pay just under \$8000, and ACT rideshare drivers pay around \$1800;
 - (b) applicants applying to become taxi drivers can wait up to nine weeks from applying to be granted a Working With Vulnerable Persons card, despite already having the prerequisite criminal history checks; and
 - (c) currently, vehicles that are used as taxis are only able to be in service for eight years, while vehicles used for other ridesharing purposes can be 10 years old; and
- (3) calls on the Minister for Business and Regulatory Services to:
- (a) provide financial compensation or a buy-back scheme for perpetual taxi plate owners, who have had their investments crippled by the Government's policy;
 - (b) implement reforms so that taxi plate insurance premiums more closely align with those paid by Queanbeyan plate owners and other ACT rideshare services;
 - (c) reform the Working With Vulnerable Persons application process so as to prevent bottlenecks in approvals for licences; and
 - (d) streamline the age limit for registrable vehicles across the entire on-demand transport industry.

Mr Ramsay (Minister for Business and Regulatory Services) moved the following amendment: Omit all text after "That this Assembly", substitute:

- "(1) notes that:
- (a) the Government has been rolling out reforms to the on-demand transport industry since 2015;
 - (b) the Government undertook extensive industry and community consultation, research and analysis, prior to the reforms, to determine the full range of potential impacts to stakeholders;

- (c) through extensive stakeholder consultation for the subsequent evaluation, consumers told the Government that they now have more choices for travel, namely rideshare, but also more taxi booking services to choose from;
 - (d) the Government is levelling the playing field in the on-demand transport industry, with a focus on ensuring positive consumer outcomes through increased competition, as well as reducing operating costs for drivers and operators;
 - (e) the Government is committed to making Canberra an accessible, inclusive city and to broadening consumer choices of travel by taking advantage of emerging, alternative technologies and travel business models;
 - (f) a significant portion of the demand for rideshare services has come from a new cohort of on demand users, who previously did not use taxis;
 - (g) the Government has not sold any perpetual plates since 1995;
 - (h) according to the Centre for International Economics, an individual who acquired (at the average market price) and held a perpetual taxi licence in 2005 or earlier has achieved a positive investment return;
 - (i) over time individuals holding these licences have had ready access to information about government intentions to review the industry and potentially introduce deregulation to the industry;
 - (j) the Government considers taxi plates as a community asset that delivers essential services to the community, rather than an exclusive investment product;
 - (k) the Government believes it did not purport to sell an investment scheme, nor a business model, but rather to provide a taxi licence for a holder to be able to operate a vehicle to provide taxi services;
 - (l) approximately 60 percent of perpetual taxi plates are held by people who reside outside the ACT; and
 - (m) the Government has arranged for counselling to be provided to members of the ACT taxi industry. Members of the industry can access free counselling by contacting Woden Community Service;
- (2) further notes that:
- (a) between 2011 and 2017, the ACT population increased by 12 percent, to more than 410 000. At the same time, the number of visitors to the ACT grew 36 percent, to more than 4 944 000. This was the fastest growing population of any state or territory in Australia;
 - (b) stakeholder groups such as the Australian Hotels Association and Canberra Airport have called for the number of taxis in Canberra to increase;
 - (c) the Government announced in 2018 that it would release 80 standard government-leased taxi plates, with 15 plates released in October 2018, a further 30 released in January 2019 and 35 to be released by the end of March 2019;

- (d) the Government considers passenger safety to be of paramount importance;
 - (e) all public drivers, including taxis drivers, rideshare drivers and public and community bus drivers require a Working With Vulnerable People (WWVP) check;
 - (f) the Government only uses checks requested by and issued to itself to ensure the highest level of protection is provided through the WWVP scheme;
 - (g) the time taken to process a WWVP card is largely determined by the time taken to receive a criminal history check from the Federal Government;
 - (h) government requested criminal history checks provide a greater level of information than those requested through other means;
 - (i) the average processing time for a WWVP check in January was 4.6 working days;
 - (j) Access Canberra works with employers in the taxi industry to prioritise applications for individuals where there is a direct employment impact of being registered. The employer provides a list of names and, where the person has already applied, the processing is expedited; and
 - (k) consultation on extending the allowable age of taxi vehicles closed in November, and the Government is currently evaluating these submissions; and
- (3) calls on the ACT Government to continue to roll out its reforms to the taxi industry in an evidence-based way, to broaden consumer choices, while supporting a high quality, reliable on-demand transport industry.”.

Debate continued.

Paper: Mr Coe (Leader of the Opposition), by leave, presented the following paper:

Unintended Consequences of Ill-Considered Taxi Policy in the ACT, prepared by the ACT Taxi Plate Owners Association Inc, dated February 2019.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 12		NOES, 9	
Ms Berry	Ms Orr	Miss C. Burch	Mr Milligan
Ms J. Burch	Mr Pettersson	Mr Coe	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Cody	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Jones	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) the Government has been rolling out reforms to the on-demand transport industry since 2015;
 - (b) the Government undertook extensive industry and community consultation, research and analysis, prior to the reforms, to determine the full range of potential impacts to stakeholders;
 - (c) through extensive stakeholder consultation for the subsequent evaluation, consumers told the Government that they now have more choices for travel, namely rideshare, but also more taxi booking services to choose from;
 - (d) the Government is levelling the playing field in the on-demand transport industry, with a focus on ensuring positive consumer outcomes through increased competition, as well as reducing operating costs for drivers and operators;
 - (e) the Government is committed to making Canberra an accessible, inclusive city and to broadening consumer choices of travel by taking advantage of emerging, alternative technologies and travel business models;
 - (f) a significant portion of the demand for rideshare services has come from a new cohort of on demand users, who previously did not use taxis;
 - (g) the Government has not sold any perpetual plates since 1995;
 - (h) according to the Centre for International Economics, an individual who acquired (at the average market price) and held a perpetual taxi licence in 2005 or earlier has achieved a positive investment return;
 - (i) over time individuals holding these licences have had ready access to information about government intentions to review the industry and potentially introduce deregulation to the industry;
 - (j) the Government considers taxi plates as a community asset that delivers essential services to the community, rather than an exclusive investment product;
 - (k) the Government believes it did not purport to sell an investment scheme, nor a business model, but rather to provide a taxi licence for a holder to be able to operate a vehicle to provide taxi services;
 - (l) approximately 60 percent of perpetual taxi plates are held by people who reside outside the ACT; and
 - (m) the Government has arranged for counselling to be provided to members of the ACT taxi industry. Members of the industry can access free counselling by contacting Woden Community Service;

- (2) further notes that:
- (a) between 2011 and 2017, the ACT population increased by 12 percent, to more than 410 000. At the same time, the number of visitors to the ACT grew 36 percent, to more than 4 944 000. This was the fastest growing population of any state or territory in Australia;
 - (b) stakeholder groups such as the Australian Hotels Association and Canberra Airport have called for the number of taxis in Canberra to increase;
 - (c) the Government announced in 2018 that it would release 80 standard government-leased taxi plates, with 15 plates released in October 2018, a further 30 released in January 2019 and 35 to be released by the end of March 2019;
 - (d) the Government considers passenger safety to be of paramount importance;
 - (e) all public drivers, including taxis drivers, rideshare drivers and public and community bus drivers require a Working With Vulnerable People (WWVP) check;
 - (f) the Government only uses checks requested by and issued to itself to ensure the highest level of protection is provided through the WWVP scheme;
 - (g) the time taken to process a WWVP card is largely determined by the time taken to receive a criminal history check from the Federal Government;
 - (h) government requested criminal history checks provide a greater level of information than those requested through other means;
 - (i) the average processing time for a WWVP check in January was 4.6 working days;
 - (j) Access Canberra works with employers in the taxi industry to prioritise applications for individuals where there is a direct employment impact of being registered. The employer provides a list of names and, where the person has already applied, the processing is expedited; and
 - (k) consultation on extending the allowable age of taxi vehicles closed in November, and the Government is currently evaluating these submissions; and
- (3) calls on the ACT Government to continue to roll out its reforms to the taxi industry in an evidence-based way, to broaden consumer choices, while supporting a high quality, reliable on-demand transport industry.”—

be agreed to—put and passed.

4 DRUGS OF DEPENDENCE (PERSONAL CANNABIS USE) 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.

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.

5 QUESTIONS

Questions without notice were asked.

6 PRESENTATION OF PAPER

The Speaker presented the following paper:

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a review of a correctional service by the ACT Inspector of Correctional Services—The care and management of remandees at the Alexander Maconochie Centre 2018, dated 11 February 2019.

7 DRUGS OF DEPENDENCE (PERSONAL CANNABIS USE) 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.

Mr Rattenbury, who had already spoken, by leave, moved that the debate be adjourned.

Question—put and passed.

Question—That the resumption of the debate be made an order of the day for the next sitting—put and passed.

Health, Ageing and Community Services—Standing Committee—Reference—Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018: Mr Hanson, pursuant to standing order 174, moved—That the Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018 be referred to the Standing Committee on Health, Ageing and Community Services for inquiry and report by 6 June 2019.

Debate ensued.

Question—put and passed.

8 PERSONAL SAFETY IN A.C.T. SCHOOLS

Notice No 3, Private Members' Business, having been called on—

Mr Wall, by leave, in the absence of the proposer, pursuant to notice, moved—That this Assembly:

(1) notes:

- (a) every student and teacher deserves to be safe in ACT schools;
- (b) the lack of data kept or asked by the Minister for Education and Early Childhood Development to be kept by the Education Directorate on incidences, injury and implementation of current policies on addressing violence in ACT schools;

- (c) it is now three years and three months since Professor Shaddock delivered the *Schools for All Children & Young People, Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour* (Shaddock Report) on managing students with complex needs and challenging behaviours; and
 - (d) that, despite the Shaddock Report's many recommendations and the implementation committee set up to deliver those changes and despite the additional millions of dollars directed to training of staff and appropriate facilities in schools, reports of anti-social behaviour of students and incidences of violence in ACT schools is on the rise; and
- (2) calls on the ACT Government to:
- (a) acknowledge the rise of incidences of violence in our schools and the failure of leadership and capability of the Minister for Education and Early Childhood Development to adequately address these issues;
 - (b) direct the Chief Minister to establish an independent inquiry to undertake a thorough audit of ACT schools to, inter alia, objectively assess current and historic rates of injury, current behaviour management practices, the training that underpins those policies, the reporting processes, and the completion rates for dealing with complaints by parents and teachers, comparisons with management practices in other school systems, and provide recommendations for change; and
 - (c) report back to the Assembly on the terms of reference, timeline for establishment of the inquiry and delivery of the report by the last sitting day in March 2019.

Debate ensued.

Ms Berry (Minister for Education and Early Childhood Development), who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Question—put.

The Assembly voted—

AYES, 9		NOES, 12	
Miss C. Burch	Mr Milligan	Ms Berry	Ms Orr
Mr Coe	Mr Parton	Ms J. Burch	Mr Pettersson
Mrs Dunne	Mr Wall	Ms Cheyne	Mr Ramsay
Mr Hanson		Ms Cody	Mr Rattenbury
Mrs Kikkert		Mr Gentleman	Mr Steel
Ms Lawder		Ms Le Couteur	Ms Stephen-Smith

And so it was negatived.

9 DOMESTIC ANIMALS (DANGEROUS DOGS) 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.

The Assembly voted—

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

And so it was negatived.

10 GUNG AHLIN TOWN CENTRE—PROPOSED COMMUNITY CENTRE

Ms Orr, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) the Gungahlin region is one of the fastest growing regions in Australia;
 - (b) Gungahlin's population includes people from all age groups as well as many culturally and linguistically diverse backgrounds and interests;
 - (c) the Gungahlin community is an active community;
 - (d) community groups within the Gungahlin region regularly hold festivals, arts activities and cultural events, among many other activities;
 - (e) the Gungahlin community has made calls to increase the number of community facilities in the region to support existing community activities and enable their growth; and
 - (f) the development of the Gungahlin East Precinct provides an opportunity to establish additional community facilities in a central location; and
- (2) calls on the ACT Government to:
 - (a) explore the feasibility of establishing a dedicated community centre in the Gungahlin Town Centre, taking into consideration:
 - (i) the diverse needs of the Gungahlin community;
 - (ii) the benefits of a central and easily accessible location;
 - (iii) the option for including arts facilities as part of the centre; and
 - (iv) programs or activities that could be facilitated within a community centre to enliven the Gungahlin Town Centre; and
 - (b) engage with the Gungahlin community as part of the feasibility study process to better understand their social infrastructure needs.

Ms Le Couteur, by leave, moved the following amendments together:

- (1) Insert new paragraph (1A):

“(1A) further notes that:

- (a) Woden Town Centre is widely recognised in the community as a major community and commercial hub for the Woden Valley and wider region, but one that is in need of urban renewal;
 - (i) Woden has had a number of community and recreation facilities close over recent years, including Woden CIT, basketball stadium, ten-pin bowling alley, bowling greens, tennis courts and pitch n putt;
 - (ii) the Woden Senior Citizens Centre and Woden Community Service buildings are run down and in need of renewal; and
 - (iii) the pool and ice skating rink are also at risk of closure and an alternative site in the Woden Town Centre may be needed;
- (b) the Government has recognised these concerns. On 18 October 2018, Minister Steel said that ‘Woden is the only town centre without a dedicated fit for purpose community centre’ and announced planning work for a future community centre;
- (c) the Greens/ALP Parliamentary Agreement also includes a commitment to a feasibility study for a multi-purpose indoor sports centre in Woden and this work has commenced; and
- (d) the 2018-19 Budget Review included funding for demolition of the former Woden CIT ‘for future community and development uses’, however it is not clear whether the site will be needed for the community centre or multi-purpose indoor sports centre; and”.

(2) Add new paragraph 2 (c):

- “(c) co-ordinate the planning work for a future Woden community centre with work on a possible multi-purpose indoor sports centre and the future of the Woden CIT site, including by:
 - (i) providing the Assembly and the Woden community with timetables for planning work for all three facilities by the last sitting day in April 2019 that make it clear how the three processes will be coordinated;
 - (ii) expanding planning for the community centre to consider options for an integrated community centre/indoor sports centre, including an aquatic centre if that becomes necessary;
 - (iii) not selling any part of the Woden CIT site until work on the community centre and multi-purpose indoor sports centre have confirmed that the CIT site is not needed for either purpose.”.

Speaker’s ruling: The Speaker ruled that Ms Le Couteur’s amendments were out-of-order as they broadened the scope of the motion and were not relevant to the original motion.

Mr Milligan moved the following amendment: Omit all text after “calls on the ACT Government to”, substitute:

- “(a) commit to a dedicated community centre in the Gungahlin Town Centre, taking into consideration:
 - (i) the diverse needs of the Gungahlin community;
 - (ii) the benefits of a central and easily accessible location;
 - (iii) the option for including arts facilities as part of the centre; and
 - (iv) programs or activities that could be facilitated within a community centre to enliven the Gungahlin Town Centre; and
- (b) engage with the Gungahlin community as part of the process to better understand their social infrastructure needs; and
- (c) include funds towards the community centre in the 2019-20 Budget.”.

Debate continued.

Adjournment negatived: It being 6.30 pm—The question was proposed—That the Assembly do now adjourn.

Mr Gentleman (Manager of Government Business) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate continued.

Ms Orr moved the following amendment to Mr Milligan’s proposed amendment: Omit paragraph (2)(c), substitute:

- “(c) include funds towards the development of a community centre in the 2019-20 financial year.”.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) the Gungahlin region is one of the fastest growing regions in Australia;
 - (b) Gungahlin's population includes people from all age groups as well as many culturally and linguistically diverse backgrounds and interests;
 - (c) the Gungahlin community is an active community;
 - (d) community groups within the Gungahlin region regularly hold festivals, arts activities and cultural events, among many other activities;

- (e) the Gungahlin community has made calls to increase the number of community facilities in the region to support existing community activities and enable their growth; and
 - (f) the development of the Gungahlin East Precinct provides an opportunity to establish additional community facilities in a central location; and
- (2) calls on the ACT Government to:
- (a) commit to a dedicated community centre in the Gungahlin Town Centre, taking into consideration:
 - (i) the diverse needs of the Gungahlin community;
 - (ii) the benefits of a central and easily accessible location;
 - (iii) the option for including arts facilities as part of the centre; and
 - (iv) programs or activities that could be facilitated within a community centre to enliven the Gungahlin Town Centre; and
 - (b) engage with the Gungahlin community as part of the process to better understand their social infrastructure needs; and
 - (c) include funds towards the development of a community centre in the 2019-20 financial year.—

be agreed to—put and passed.

11 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 6.43 pm, adjourned until tomorrow at 10 am.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Fitzharris* and Ms Lee*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly