



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2012–2013

MINUTES OF PROCEEDINGS

No. 25

THURSDAY, 6 JUNE 2013

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

Mr Seselja, by leave, made a statement concerning his resignation from the Assembly.

Mr Hanson (Leader of the Opposition), Mr Coe and Ms Gallagher (Chief Minister), by leave, also made statements.

3 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 3—REPORT ON ANNUAL AND FINANCIAL REPORTS 2011-2012—REPORT NOTED

Mr Seselja (Chair), pursuant to order, presented the following report:

Public Accounts—Standing Committee—Report 3—*Report on Annual and Financial Reports 2011-2012*, dated 6 June 2013, including dissenting comments (*Ms Porter and Dr Bourke*), 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.

4 FIRST HOME OWNER GRANT AMENDMENT BILL 2013

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *First Home Owner Grant Act 2000*.



Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2013.

Title read by Clerk.

Mr Barr 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.

5 LEGISLATION (PENALTY UNITS) AMENDMENT BILL 2013

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Legislation Act 2001*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2013.

Title read by Clerk.

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

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

6 CRIMES (SENTENCING) AMENDMENT BILL 2013

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes (Sentencing) Act 2005*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2013.

Title read by Clerk.

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

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

7 CRIMINAL CODE (CHEATING AT GAMBLING) AMENDMENT BILL 2013

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Criminal Code 2002*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2013.

Title read by Clerk.

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

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

8 JUSTICE AND COMMUNITY SAFETY LEGISLATION (RED TAPE REDUCTION NO. 1—LICENCE PERIODS) AMENDMENT BILL 2013

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about licence periods, 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 5 June 2013.

Title read by Clerk.

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

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

9 CONSTRUCTION AND ENERGY EFFICIENCY LEGISLATION AMENDMENT BILL 2013

Mr Corbell (Minister for the Environment and Sustainable Development), pursuant to notice, presented a Bill for an Act to amend legislation relating to construction and energy efficiency, 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 5 June 2013.

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.

10 WATER RESOURCES AMENDMENT BILL 2013

Mr Corbell (Minister for the Environment and Sustainable Development), pursuant to notice, presented a Bill for an Act to amend the *Water Resources Act 2007*, 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 5 June 2013.

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.

11 GAMING MACHINE AMENDMENT BILL 2013 (NO. 2)

Ms Burch (Minister for Racing and Gaming), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Amendment Act 2012*.

Papers: Ms Burch presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2013.

Title read by Clerk.

Ms Burch 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 TERRITORY AND MUNICIPAL SERVICES LEGISLATION AMENDMENT BILL 2013

Mr Rattenbury (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend legislation about territory and municipal services.

Papers: Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2013.

Title read by Clerk.

Mr Rattenbury 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.

13 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2013

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.

14 FAIR TRADING (FUEL PRICES) AMENDMENT BILL 2013

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

15 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence be granted for all Members for the period 7 June to 5 August 2013.

Question—put and passed.

16 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 2—REPORT ON THE 12TH BIENNIAL CONFERENCE OF THE AUSTRALASIAN COUNCIL OF PUBLIC ACCOUNTS COMMITTEES (ACPAC)—REPORT NOTED

Mr Seselja (Chair) presented the following report:

Public Accounts—Standing Committee—Report 2—*Report on the 12th Biennial Conference of the Australasian Council of Public Accounts Committees (ACPAC)*, dated 6 June 2013, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

17 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 1—INQUIRY INTO APPROPRIATION BILL 2012-2013 (NO. 2)—CORRIGENDUM

Mr Seselja (Chair), by leave, presented the following paper:

Public Accounts—Standing Committee—Report 1—*Inquiry into Appropriation Bill 2012-2013 (No. 2)*—Corrigendum.

18 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—INQUIRY—VOCATIONAL EDUCATION AND YOUTH TRAINING—STATEMENT BY CHAIR

Ms Porter (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Education, Training and Youth Affairs had resolved to conduct an inquiry into, and report on, vocational education and youth training.

19 ACTEW GOVERNANCE—STATEMENT BY MINISTER

Mr Barr (Treasurer), by leave, made a statement concerning the governance of ACTEW, pursuant to subparagraph (9)(g) of the resolution of the Assembly of 10 April 2013.

20 RECONCILIATION ACTION WEEK, MABO DAY AND SORRY DAY 2013—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Minister for Aboriginal and Torres Strait Islander Affairs) presented the following paper:

Reconciliation Action Week, Mabo Day and Sorry Day 2013—Ministerial statement, 6 June 2013—

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

Question—put and passed.

21 EXECUTIVE BUSINESS—PRECEDENCE

Mr Corbell (Management of Government Business), by leave, moved—That Executive business be called on forthwith.

Question—put and passed.

22 OFFICIAL VISITOR AMENDMENT BILL 2013

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

Detail Stage

Clause 1 agreed to.

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

Mr Rattenbury, by leave, moved his amendments Nos. 1 to 10 (*see* [Schedule 1](#)).

Debate continued.

Amendments negatived.

Remainder of Bill, as a whole, agreed to.

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

23 PLANNING AND DEVELOPMENT (TERRITORY PLAN VARIATIONS) AMENDMENT BILL 2013

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.

24 QUESTIONS

Questions without notice being asked—

At 3 p.m., questions were interrupted pursuant to the resolution of the Assembly of 4 June 2013.

25 APPROPRIATION BILL 2013-2014

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.

Estimates 2013-2014—Select Committee—References—Appropriation Bill 2013-2014 and Appropriation (Office of the Legislative Assembly) Bill 2013-2014: Mr Barr (Treasurer), pursuant to standing order 174, moved—That the Appropriation Bill 2013-2014 and the Appropriation (Office of the Legislative Assembly) Bill 2013-2014 be referred to the Select Committee on Estimates 2013-2014.

Question—put and passed.

26 PUBLIC ACCOUNTS—STANDING COMMITTEE—MEMBERSHIP

Mr Coe, pursuant to standing order 223, moved—That Mr Seselja be discharged from the Standing Committee on Public Accounts and Mr Coe be appointed in his place.

Question—put and passed.

27 A.C.T. LAND RENT SCHEME—POST IMPLEMENTATION REVIEW—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following paper:

ACT Land Rent Scheme—Post implementation review—Government response—

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

28 FINANCIAL MANAGEMENT ACT—INSTRUMENTS—PAPERS AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following papers:

Financial Management Act—Instruments, including statements of reasons, pursuant to—

Section 14—Directing a transfer of funds within the Commerce and Works Directorate, dated 20 May 2013.

Section 16—Directing a transfer of appropriations from the Treasury Directorate to the Commerce and Works and Chief Minister and Treasury Directorates, dated 1 June 2013.

Section 18A—Authorisation of expenditure from the Treasurer's Advance to the Office of the Legislative Assembly, dated 1 June 2013—

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

29 COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT ACT—COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT—REPORT ON THE STATE OF THE WATERCOURSES AND CATCHMENTS FOR LAKE BURLEY GRIFFIN—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

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

Commissioner for Sustainability and the Environment Act, pursuant to section 21(2)—Commissioner for Sustainability and the Environment—Report on the state of the watercourses and catchments for Lake Burley Griffin—Government response, dated June 2013—

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

30 INDEPENDENT COMPETITION AND REGULATORY ACT—INDEPENDENT COMPETITION AND REGULATORY COMMISSION—REPORT 6 OF 2012—SECONDARY WATER USE IN THE A.C.T.—FINAL REPORT—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

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

Independent Competition and Regulatory Commission Act, pursuant to section 24A—Independent Competition and Regulatory Commission—Report 6 of 2012—Secondary water use in the ACT—Final Report—Government response, dated June 2013.

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

31 PLANNING AND DEVELOPMENT (TERRITORY PLAN VARIATIONS) AMENDMENT BILL 2013

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.

32 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2013 (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.

Leave granted to dispense with the detail stage.

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

33 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.13 p.m., adjourned until Tuesday, 6 August 2013 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

OFFICIAL VISITOR AMENDMENT BILL 2013

Amendments circulated by Mr Rattenbury

1

Proposed new clause 7A

Page 3, line 23—

insert

**7A Declaration by Minister—inspection of visitable places
New section 15A**

insert

15A Declaration by Minister—inspection of visitable places

- (1) The Minister must, after consulting the operational Minister for an operational Act, make a declaration that sets out how often an official visitor for the operational Act must inspect a visitable place under that Act.
- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

2

Clause 8

Page 4, line 1—

omit clause 8, substitute

**8 Official visitor must report non-compliant visitable places
New section 16 (2) (b) (iii) and (iv)**

insert

- (iii) the official visitors board; and
 - (iv) a commissioner under the *Human Rights Commission Act 2005*.
-

3**Clause 9****Page 4, line 5—**

omit clause 9, substitute

9**Reporting of complaints****New section 17 (2) (c) and (d)**

insert

(c) the official visitors board; and

(d) a commissioner under the *Human Rights Commission Act 2005*.

4**Proposed new clause 10A****Page 4, line 22—**

insert

10A**New section 18 (1A)**

insert

(1A) If asked by an official visitor for an operational Act, the public advocate or a commissioner under the *Human Rights Commission Act 2005* may provide reasonable assistance to the official visitor in the exercise of the official visitor's functions.

5**Proposed new clause 16A****Page 6, line 8—**

insert

16A**Section 23 (2)**

omit

6**Clause 17****Proposed new section 23C (ca) and (cb)****Page 7, line 10—**

insert

(ca) to monitor the effectiveness of the official visitors scheme;

(cb) to promote and enhance community awareness of the role of official visitors;

7

Proposed new clause 17A
Page 7, line 22—

insert

17A Register of visitable places
New section 23E

in part 6, insert

23E Register of visitable places

- (1) The Minister must keep a register of visitable places.
- (2) The Minister must make information on the register available for inspection by—
 - (a) the official visitors board; and
 - (b) official visitors.
- (3) The Minister must not make information on the register available for public inspection.

8

Schedule 1, part 1.3
Amendment 1.13
Proposed new section 8A
Page 12, line 21—

omit

, wholly or partly funded by the Territory

9

Schedule 1, part 1.4
Amendment 1.24
Proposed new section 25V, definition of *visitable place*
Page 15, line 19—

omit

, provided by an entity funded by the Territory

10

Schedule 1, part 1.5
Amendment 1.35
Page 19, line 1—

omit amendment 1.35, substitute

[1.35] Section 122C (1) (a)

omit
