



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2012–2013

MINUTES OF PROCEEDINGS

No. 37

THURSDAY, 24 OCTOBER 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 **LEAVE OF ABSENCE TO MEMBER**
Mr Gentleman moved—That leave of absence be granted to Mr Corbell (Attorney-General) for this sitting due to his attendance at an interstate diplomatic mission.
Question—put and passed.
- 3 **LEAVE OF ABSENCE TO MEMBER**
Mr Gentleman moved—That leave of absence be granted to Ms Porter for the period 25 October to 25 November 2013 for medical reasons.
Question—put and passed.
- 4 **PUBLIC ACCOUNTS—STANDING COMMITTEE—MEMBERSHIP**
Mr Gentleman, pursuant to standing order 223, moved—That Ms Porter be discharged from the Standing Committee on Public Accounts for the period 25 October to 25 November 2013 and Mr Gentleman be appointed in her place.
Question—put and passed.
- 5 **EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—MEMBERSHIP**
Mr Gentleman, pursuant to standing order 223, moved—That Ms Porter be discharged from the Standing Committee on Education, Training and Youth Affairs for the period 25 October to 25 November 2013 and Mr Gentleman be appointed in her place.
Question—put and passed.

6 CANBERRA INSTITUTE OF TECHNOLOGY—ALLEGATIONS OF WORKPLACE BULLYING AND MISCONDUCT—MINISTERIAL STATEMENT—PAPER NOTED

Ms Burch (Minister for Education and Training), by leave, made a ministerial statement concerning allegations of workplace bullying and misconduct at the Canberra Institute of Technology and presented the following paper:

Canberra Institute of Technology—Allegations of workplace bullying and misconduct—Ministerial statement, 24 October 2013.

Ms Burch moved—That the Assembly takes note of the paper.

Debate ensued.

Question—put and passed.

7 HEAVY VEHICLE NATIONAL LAW (A.C.T.) BILL 2013

Ms Burch (Minister for Education and Training), on behalf of Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to apply a national law relating to the regulation of the use of heavy vehicles, and for other purposes.

Papers: Ms Burch presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 23 October 2013.

Title read by Clerk.

Ms Burch 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.

8 HEAVY VEHICLE NATIONAL LAW (CONSEQUENTIAL AMENDMENTS) BILL 2013

Ms Burch (Minister for Education and Training), on behalf of Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation, because of the enactment of the *Heavy Vehicle National Law (ACT) Act 2013*, and for other purposes.

Papers: Ms Burch presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 23 October 2013.

Title read by Clerk.

Ms Burch 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.

9 GAMING MACHINE (RED TAPE REDUCTION) AMENDMENT BILL 2013

Ms Burch (Minister for Racing and Gaming), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 2004*.

Papers: Ms Burch presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 23 October 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.

10 HEALTH, AGEING, COMMUNITY AND SOCIAL SERVICES—STANDING COMMITTEE—MEMBERSHIP

Mr Hanson (Leader of the Opposition), pursuant to standing order 223, moved—That Mr Hanson be discharged from the Standing Committee on Health, Ageing, Community and Social Services and Ms Lawder be appointed in his place.

Question—put and passed.

11 CODE OF CONDUCT—MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY—CONTINUING RESOLUTION 5—PROPOSED OMISSION AND ADOPTION

The order of the day having been read for the resumption of the debate on the motion of Mr Rattenbury—That Continuing Resolution 5 (Code of Conduct for all Members of the Legislative Assembly for the Australian Capital Territory) adopted on 25 August 2005 (as amended 16 August 2006) be omitted and the following continuing resolution be adopted:

CODE OF CONDUCT FOR ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

The Members of the Legislative Assembly for the Australian Capital Territory acknowledge that, in a parliamentary democracy they cannot command, but must constantly strive to earn and maintain, the respect and support of those who have elected them to their positions of honour and privilege as Members.

In committing to this Code of Conduct, Members undertake, to the community and to one another, that the following principles will guide their conduct as Members in all matters:

- (1) Members will at all times act with integrity, honesty and diligence.
- (2) Members will act only in the interests of, and with respect for, the people of the Australian Capital Territory and in conformity with all laws applicable in the Territory.
- (3) Members will always act in the public interest, make decisions and choices on merit, and not seek to gain financial or other benefit for themselves, their family or friends.
- (4) Members will act independently and never place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their duties in a manner inconsistent with these principles.

- (5) Members will be reasonably accessible to the people of the electorate they have been elected to serve, and should represent their interests conscientiously.
- (6) Members will be transparent in, and accountable for, their decisions and actions, should avoid or appropriately resolve any actual or reasonably perceived conflicts of interest and should submit themselves to appropriate scrutiny.
- (7) Members will make only proper use of those public resources to which they have access.
- (8) Members will respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as permitted by law.
- (9) Members will observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.
- (10) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.

Consistent with the above principles, Members further undertake that they will:

- (11) Treat all citizens of the Australian Capital Territory with courtesy, and respect the diversity of their backgrounds, experiences and views.
- (12) Actively seek to prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise, and:
 - (a) comply with section 15 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwth);
 - (b) declare their pecuniary interests and ensure that their declaration is kept up to date pursuant to the resolution of the Assembly “Declaration of Private Interests of Members” agreed to on 7 April 1992 (as amended or replaced from time to time). Include in the Member’s Statement of Registrable Interests all gifts, payments, fees, rewards or benefits valued at more than \$100 received in connection with the Member’s functions as a Member; and
 - (c) disclose in a manner appropriate to the circumstances any other financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) which a reasonable observer, informed of that interest, might perceive as giving rise to a conflict of interest with the performance of the Member’s duty as a Member.
- (13) Not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person.
- (14) Not engage in any activities that materially impede their capacity to perform their duties as a Member.

- (15) Take care to consider the rights and reputations of others before making use of their unique protection of parliamentary privilege consistent with the resolution of the Assembly “Exercise of freedom of speech” agreed to on 4 May 1995 (as amended or replaced from time to time).
- (16) Not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information, or improperly for the private benefit of themselves or another person.
- (17) Use the public resources (whether staff, financial or material) to which they are provided access as a Member:
 - (a) only for the purposes for which they are provided;
 - (b) in accordance with the terms and conditions on which they are provided; and
 - (c) in a manner designed to make effective, efficient and economic use of those resources.
- (18) In their capacity as an employer on behalf of the Territory under the *Legislative Assembly (Members’ Staff) Act 1989*:
 - (a) familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology);
 - (b) not employ a family member as defined in that Act;
 - (c) direct their personal staff to be mindful of the Member’s commitment to this Code of Conduct, and to assist the Member to comply with this Code of Conduct; and
 - (d) direct their personal staff to comply with any code of conduct applicable to those staff from time to time.
- (19) In all their dealings with staff of the Assembly and members of the ACT Public Service:
 - (a) extend professional courtesy and respect; and
 - (b) recognise the unique position of impartiality and the obligations of Public Service officials.
- (20) Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexatious or only for political advantage.
- (21) Cooperate fully with any official inquiry that may be commenced in connection with their compliance with this Code of Conduct, or that of another Member.

This resolution has effect from the date of its agreement by the Legislative Assembly and continues in force unless amended or repealed by this or a subsequent Assembly.

Ms Gallagher moved the following amendment: Omit all words after “The Members of the Legislative Assembly for the Australian Capital Territory acknowledge that, in a parliamentary democracy they cannot command, but must constantly strive to earn and maintain, the respect and support of those who have elected them to their positions of honour and privilege as Members.”, substitute:

“In committing to this Code of Conduct, Members undertake, to the community and to one another, that the following principles shall guide their conduct as Members in all matters:

- (1) Members should at all times act with integrity, honesty and diligence.
- (2) Members should act only in the interests of, and with respect for, the people of the Australian Capital Territory and in conformity with all laws applicable in the Territory.
- (3) Members should always act in the public interest, make decisions and choices on merit, and not seek to gain financial or other benefit for themselves, their family or friends.
- (4) Members should be reasonably accessible to the people of the electorate they have been elected to serve, and should represent their interests conscientiously.
- (5) Members should be transparent in, and accountable for, their decisions and actions, should avoid or appropriately resolve any actual or reasonably perceived conflicts of interest and should submit themselves to appropriate scrutiny.
- (6) Members should make only proper use of those public resources to which they have access.
- (7) Members should respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as permitted by law.
- (8) Members should observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.
- (9) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.

Consistent with the above principles, Members further undertake that they should:

- (10) Actively seek to prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise, and:
 - (a) comply with section 15 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwth);
 - (b) declare their pecuniary interests and ensure that their declaration is kept up to date pursuant to the resolution of the Assembly ‘Declaration of Private Interests of Members’ agreed to on 7 April 1992 (as amended or replaced from time to time). Include in the Member’s Statement of Registrable Interests all gifts, payments, fees, rewards or benefits valued at more than \$100 received in connection with the Member’s functions as a Member; and

- (c) disclose in a manner appropriate to the circumstances any other financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) which a reasonable observer, informed of that interest, might perceive as giving rise to a conflict of interest with the performance of the Member's duty as a Member.
- (11) Not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person.
- (12) Take care to consider the rights and reputations of others before making use of their unique protection of parliamentary privilege consistent with the resolution of the Assembly 'Exercise of freedom of speech' agreed to on 4 May 1995 (as amended or replaced from time to time).
- (13) Not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information, or improperly for the private benefit of themselves or another person.
- (14) In their capacity as an employer on behalf of the Territory under the *Legislative Assembly (Members' Staff) Act 1989*:
 - (a) familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology);
 - (b) not employ a family member as defined in that Act;
 - (c) direct their personal staff to be mindful of the Member's commitment to this Code of Conduct, and to assist the Member to comply with this Code of Conduct; and
 - (d) direct their personal staff to comply with any code of conduct applicable to those staff from time to time.
- (15) In all their dealings with staff of the Assembly and members of the ACT Public Service:
 - (a) extend professional courtesy and respect; and
 - (b) recognise the unique position of impartiality and the obligations of Public Service officials.
- (16) Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexatious or only for political advantage.
- (17) Cooperate fully with any official inquiry that may be commenced in connection with their compliance with this Code of Conduct, or that of another Member.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“CODE OF CONDUCT FOR ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

The Members of the Legislative Assembly for the Australian Capital Territory acknowledge that, in a parliamentary democracy they cannot command, but must constantly strive to earn and maintain, the respect and support of those who have elected them to their positions of honour and privilege as Members.

In committing to this Code of Conduct, Members undertake, to the community and to one another, that the following principles shall guide their conduct as Members in all matters:

- (1) Members should at all times act with integrity, honesty and diligence.
- (2) Members should act only in the interests of, and with respect for, the people of the Australian Capital Territory and in conformity with all laws applicable in the Territory.
- (3) Members should always act in the public interest, make decisions and choices on merit, and not seek to gain financial or other benefit for themselves, their family or friends.
- (4) Members should be reasonably accessible to the people of the electorate they have been elected to serve, and should represent their interests conscientiously.
- (5) Members should be transparent in, and accountable for, their decisions and actions, should avoid or appropriately resolve any actual or reasonably perceived conflicts of interest and should submit themselves to appropriate scrutiny.
- (6) Members should make only proper use of those public resources to which they have access.
- (7) Members should respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as permitted by law.
- (8) Members should observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.
- (9) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.

Consistent with the above principles, Members further undertake that they should:

- (10) Actively seek to prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise, and:
 - (a) comply with section 15 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwth);
 - (b) declare their pecuniary interests and ensure that their declaration is kept up to date pursuant to the resolution of the Assembly ‘Declaration of Private Interests of Members’ agreed to on 7 April 1992 (as amended or replaced from time to time). Include in the Member’s Statement of Registrable Interests all gifts, payments, fees, rewards or benefits valued

at more than \$100 received in connection with the Member's functions as a Member; and

- (c) disclose in a manner appropriate to the circumstances any other financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) which a reasonable observer, informed of that interest, might perceive as giving rise to a conflict of interest with the performance of the Member's duty as a Member.
- (11) Not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person.
 - (12) Take care to consider the rights and reputations of others before making use of their unique protection of parliamentary privilege consistent with the resolution of the Assembly 'Exercise of freedom of speech' agreed to on 4 May 1995 (as amended or replaced from time to time).
 - (13) Not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information, or improperly for the private benefit of themselves or another person.
 - (14) In their capacity as an employer on behalf of the Territory under the *Legislative Assembly (Members' Staff) Act 1989*:
 - (a) familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology);
 - (b) not employ a family member as defined in that Act;
 - (c) direct their personal staff to be mindful of the Member's commitment to this Code of Conduct, and to assist the Member to comply with this Code of Conduct; and
 - (d) direct their personal staff to comply with any code of conduct applicable to those staff from time to time.
 - (15) In all their dealings with staff of the Assembly and members of the ACT Public Service:
 - (a) extend professional courtesy and respect; and
 - (b) recognise the unique position of impartiality and the obligations of Public Service officials.
 - (16) Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexatious or only for political advantage.
 - (17) Cooperate fully with any official inquiry that may be commenced in connection with their compliance with this Code of Conduct, or that of another Member."—

be agreed to—put and passed.

12 CODE OF CONDUCT—REAFFIRMATION BY MEMBERS

Mr Rattenbury, pursuant to notice, moved—That we, the Members of the Eighth Legislative Assembly for the Australian Capital Territory, having adopted a Code of Conduct for Members, reaffirm our commitment to the principles, obligations and aspirations of the code.

Debate ensued.

Question—put and passed.

13 COMMISSIONER FOR STANDARDS—APPOINTMENT

Mr Rattenbury, pursuant to notice, moved—That the following continuing resolution be adopted:

COMMISSIONER FOR STANDARDS

That this Assembly requests the Speaker to appoint a Legislative Assembly Commissioner for Standards on the following terms:

- (1) Before appointing a Commissioner the Speaker must consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.
- (2) The Commissioner may be dismissed only following a resolution of the Legislative Assembly resolving to require the Speaker to end the Commissioner's appointment—
 - (a) for misbehaviour; or
 - (b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the Commissioner's functions.

However, a motion for such a resolution may only be debated after the Standing Committee on Administration and Procedure has reported to the Assembly that it is satisfied that the Commissioner is unfit for the office or unable to fulfil the Commissioner's functions.

- (3) The function of the Commissioner is to investigate specific matters which have been referred to the Commissioner by the Speaker or Deputy Speaker relating to the conduct of Members and to report to the Standing Committee on Administration and Procedure.
- (4) Members of the public, members of the ACT public service and Members of the Assembly may make a complaint to the Speaker about a Member's compliance, or to the Deputy Speaker about the Speaker's compliance, with the Member's Code of Conduct or the rules relating to the registration or declaration of interests.
- (5) If the Speaker or Deputy Speaker receives a complaint about a Member's conduct, the Speaker or Deputy Speaker may refer the complaint to the Commissioner for investigation and report if the Speaker or Deputy Speaker believes on reasonable grounds that there is sufficient evidence that the Member's Code of Conduct or the rules relating to the registration or declaration of interests may have been breached in such a manner as to justify investigating the matter.
- (6) In exercising the functions of Commissioner the following must be observed:
 - (a) No report may be made by the Commissioner to the Committee in any case where the Member concerned has agreed that he or she has failed to register or declare an interest if:

- (i) in the Commissioner’s opinion the interest involved is minor or the failure was inadvertent; and
 - (ii) the Member concerned has taken such action to rectify the failure as the Commissioner may have required within any procedure approved by the Committee for this purpose.
- (b) The Commissioner may not provide a report to the Committee unless the Commissioner has:
- (i) given a copy of the proposed report to the Member who is the subject of the complaint under investigation;
 - (ii) the Member has had a reasonable time to provide comments on the proposed report; and
 - (iii) the Commissioner has considered any comments provided by the Member.
- (c) The Commissioner must report each year to the Speaker on the exercise by him or her of the functions of the Commissioner.

This resolution has effect from the date of its agreement by the Legislative Assembly and continues in force unless amended or repealed by this or a subsequent Assembly.

Mr Hanson (Leader of the Opposition) moved the following amendment: Omit all words after “adopted”, substitute:

“COMMISSIONER FOR STANDARDS

That this Assembly requests the Speaker to appoint a Legislative Assembly Commissioner for Standards on the following terms:

- (1) The Speaker must, after each Assembly is elected or whenever the office becomes vacant, appoint a Commissioner for the life of that Assembly and the period of three months after each election. The initial appointment is for the term of the 8th Assembly and the period of three months after the election at the conclusion of that term.
- (2) Before appointing a Commissioner, the Speaker must consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.
- (3) The Commissioner may be dismissed only following a resolution of the Legislative Assembly resolving to require the Speaker to end the Commissioner’s appointment—
 - (a) for misbehaviour; or
 - (b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the Commissioner’s functions.

However, a motion for such a resolution may only be debated after the Standing Committee on Administration and Procedure (‘the Committee’) has reported to the Assembly that it is satisfied that the Commissioner is unfit for the office or unable to fulfil the Commissioner’s functions.

- (4) The functions of the Commissioner are to—
 - (a) investigate specific matters referred to the Commissioner—
 - (i) by the Speaker in relation to complaints against Members; or
 - (ii) by the Deputy Speaker in relation to complaints against the Speaker; and

- (b) report to the Standing Committee on Administration and Procedure.
- (5) Members of the public, members of the ACT Public Service and Members of the Assembly may make a complaint to the Speaker about a Member's compliance with the Members' Code of Conduct or the rules relating to the registration or declaration of interests.
- (6) If the Speaker—
 - (a) receives a complaint about a Member pursuant to paragraph (5); and
 - (b) believes there are reasonable grounds for the complaint;the Speaker may refer the complaint to the Commissioner for investigation and report.
- (7) Members of the public or members of the ACT Public Service may make a complaint to a Member of the Assembly about the Speaker's compliance with the Members' Code of Conduct or the rules relating to the registration or declaration of interests.
- (8) If a Member—
 - (a) receives a complaint about the Speaker pursuant to paragraph (7); and
 - (b) believes there are reasonable grounds for the complaint;the Member may refer the matter to the Deputy Speaker.
- (9) If a Member of the Assembly, on their own initiative, believes on reasonable grounds that the Speaker has not complied with the Members' Code of Conduct or the rules relating to the registration or declaration of interests, the Member may refer the matter to the Deputy Speaker.
- (10) If the Deputy Speaker—
 - (a) receives a complaint about the Speaker pursuant to paragraphs (8) or (9); and
 - (b) believes there are reasonable grounds for the complaint;the Deputy Speaker may refer the matter to the Commissioner for investigation and report.
- (11) In exercising the functions of Commissioner, the following must be observed—
 - (a) Subject to paragraphs (b) and (c), the Commissioner must not conduct an investigation into a complaint nor make any report in relation thereto unless the Commissioner is satisfied—
 - (i) there are reasonable grounds for the complaint; and
 - (ii) the complaint is not frivolous, vexatious or only for political advantage.
 - (b) If the Commissioner refuses to conduct an investigation into a complaint made to the Speaker about a Member, the Commissioner must write to the Speaker indicating that the investigation would not be conducted and a report would not be made and stating the reasons therefore. The Speaker must give a copy of the letter to the complainant and the Member about whom the complaint was made.

- (c) If the Commissioner refuses to conduct an investigation into a complaint about the Speaker referred by the Deputy Speaker, the Commissioner must write to the Deputy Speaker, indicating that the investigation would not be conducted and a report would not be made and stating the reasons therefore. The Deputy Speaker must give a copy of the letter to the Speaker and to the Member who referred the matter to the Deputy Speaker.
 - (d) The Commissioner must not make a report to the Committee if the Member or the Speaker about whom the complaint was made has agreed that he or she has failed to register or declare an interest if—
 - (i) in the Commissioner’s opinion the interest involved is minor or the failure was inadvertent; and
 - (ii) the Member concerned has taken such action to rectify the failure as the Commissioner may have required within any procedure approved by the Committee for this purpose.
 - (e) The Commissioner must not make a report to the Committee unless the Commissioner has—
 - (i) given a copy of the proposed report to the Member or the Speaker who is the subject of the complaint under investigation;
 - (ii) the Member or the Speaker has had a reasonable time to provide comments on the proposed report; and
 - (iii) the Commissioner has considered any comments provided by the Member or the Speaker.
 - (f) The Commissioner must report by 31 August each year to the Speaker on the exercise of the functions of the Commissioner.
- (12) The Committee must review the operation of the Commissioner after two years following the initial appointment of the Commissioner and report to the Assembly in the first sitting period in 2016.”.

Debate adjourned (Ms Gallagher—Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

14 EXECUTIVE MEMBER’S BUSINESS—PRECEDENCE

Mr Rattenbury (Minister for Territory and Municipal Services), by leave, moved—That Executive Member’s business be called on forthwith.

Question—put and passed.

15 OFFICERS OF THE ASSEMBLY LEGISLATION 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—

Mr Hanson (Leader of the Opposition) moved—That the debate be adjourned.

Question—put and negatived.

Debate resumed.

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

Detail Stage

Clause 1 agreed to.

Clause 2—

On the motion of Ms Gallagher (Chief Minister), her amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

Paper: Ms Gallagher presented a supplementary explanatory statement to the Government amendments.

Clause 2, as amended, agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5—

On the motion of Ms Gallagher, her amendment No. 3 (*see* [Schedule 1](#)) was made, after debate.

Clause 5, as amended, agreed to.

Clauses 6 to 54, by leave, taken together and agreed to.

Clause 55—

On the motion of Ms Gallagher, by leave, her amendments Nos. 5 and 7 (*see* [Schedule 1](#)) were made together, after debate.

Clause 55, as amended, agreed to.

Clauses 56 to 69, by leave, taken together and agreed to.

Schedule 1—

Part 1.1 agreed to.

Part 1.2—

On the motion of Mr Rattenbury, by leave, his amendments Nos. 2 to 4 (*see* [Schedule 2](#)) were made together, after debate.

Part 1.2, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

16 EXECUTIVE BUSINESS—PRECEDENCE

Ms Gallagher (Chief Minister), by leave, moved—That Executive business be called on forthwith.

Question—put and passed.

17 TERRITORY AND MUNICIPAL SERVICES LEGISLATION 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.

18 MINISTERIAL ARRANGEMENTS

Ms Gallagher (Chief Minister) informed the Assembly that, due to the absence of Mr Corbell (Attorney-General), questions without notice normally directed to Mr Corbell could be directed to Ms Gallagher.

19 QUESTIONS

Questions without notice were asked.

20 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Ms Gallagher (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—

Copies of executive contracts or instruments—

Long-term contracts:

Conrad Barr, dated 15 October 2013.

David Peffer, dated 18 September 2013.

Emma Thomas, dated 30 September 2013.

Floyd Kennedy, dated 19 September 2013.

Helen Strauch, dated 30 September 2013.

Karl Alderson, dated 17 September 2013.

Kathleen Goth, dated 8 October 2013.

Leanne Cover, dated 9 September 2013.

Mark Collis, dated 26 April 2013.

Meg Brighton, dated 8 October 2013.

Neil Bulless, dated 16 September 2013.

Russell Noud, dated 19 September 2013.

Stephen Gniel, dated 12 September 2013.

Stephen Miners, dated 3 October 2013.

Susan Baker, dated 8 October 2013.

Short-term contracts:

Adrian Scott, dated 27 September and 10 October 2013.

Alison Abernethy, dated 27 September and 1 October 2013.

Alison Playford, dated 24 and 26 September 2013.

Austin Kenney, dated 10 and 22 October 2013.

Brett Phillips, dated 18 October 2013.

Cheryl Sizer, dated 20 September 2013.
Conrad Barr, dated 17 September 2013.
David Foot, dated 28 August and 4 September 2013.
Derise Cubin, dated 20 September 2013.
Grant Doran, dated 16 and 17 September 2013.
Heath Chester, dated 29 August and 2 September 2013.
Herbert Krueger, dated 25 and 26 September 2013.
Ivo Matesic, dated 13 and 19 September 2013.
Jacinta George, dated 30 July 2012 and 20 September 2013.
Jacinta George, dated 6 and 13 September 2013.
Jacqueline Bear, dated 21 and 22 October 2013.
Jeremy Roberts (aka David Roberts), dated 18 and 21 September 2013.
Joan Scott, dated 29 August and 2 September 2013.
Joel Madden, dated 26 and 27 August 2013.
Jonathan Quiggin, dated 20 and 27 September 2013.
Kaaren Blom, dated 3 and 15 October 2013.
Kanchan Dutt, dated 19 September 2013.
Katrina Bracher, dated 15 and 16 October 2013.
Leanne Cover, dated 11 September 2013.
Leanne Wright, dated 9 and 16 October 2013.
Lisa Salerno, dated 11 September 2013.
Madeline Davis, dated 27 September and 2 October 2013.
Michele De Laine, dated 12 September 2013.
Paul Rushton, dated 12 and 18 September 2013.
Peter Brayshaw, dated 28 August and 18 September 2013.
Sarbjit Sidhu, dated 21 and 23 September 2013.
Sean Moysey, dated 29 August 2013.
Stephen Edwards, dated 12 September 2013.
Stephen Hughes, dated 15 October 2013.
Sushila Sharma, dated 9 and 15 October 2013.
Wilhelmina Blount, dated 28 and 30 August 2013.
William Mudge, dated 3 October 2013.

Contract variations:

Alison Playford, dated 10 and 11 September 2013.
Alison Playford, dated 12 July and 11 September 2013.
Craig Simmons, dated 13 and 17 September 2013.

Craig Simmons, dated 18 and 22 October 2013.
David Miller, dated 15 October 2013.
Emma Thomas, dated 24 and 30 September 2013.
George Tomlins, dated 30 August and 24 September 2013.
Leesha Pitt, dated 15 and 18 October 2013.
Leesha Pitt, dated 18 and 22 October 2013.
Lisa Holmes, dated 2 October 2013.
Mary Toohey, dated 4 and 8 October 2013.
Melanie Saballa, dated 18 and 22 October 2013.
Meredith Whitten, dated 25 September 2013.
Neil Bulless, dated 12 September 2013.
Paul Wyles, dated 4 and 15 October 2013.
Sean Moysey, dated 4 and 8 October 2013.
Stephen Gilfedder, dated 21 and 22 October 2013.
Vanessa Little, dated 6 and 12 August 2013.
William Mudge, dated 8 October 2013.

Expired and superseded executive contacts—Schedule—
and, by leave, made a statement in relation to the papers.

21 PRESENTATION OF PAPER

Ms Gallagher (Minister for Health) presented the following paper:

Alexander Maconochie Centre—External component of the evaluation of drug policies and services and their subsequent effects on prisoners and staff within the Alexander Maconochie Centre—Final Report, dated April 2011, prepared by the Burnet Institute—Implementation of supported recommendations from the final Government response—Final Status Report 2013, dated October 2013.

22 PRESENTATION OF PAPER

Ms Burch (Minister for the Arts) presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2012-2013—Fourth quarter (1 April to 30 June 2013).

23 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—Justice and Community Safety Directorate (2 volumes), dated 3 September—Addenda.

24 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—ROAD SAFETY

The Assembly was informed that Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, 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 Coe be submitted to the Assembly, namely, “The importance of improving road safety in the ACT”.

Discussion ensued.

Discussion concluded.

25 CELESTE ITALIANO—DEPARTURE—STATEMENT BY SPEAKER

The Speaker made a statement concerning the departure of Ms Celeste Italiano from the staff of the Assembly.

26 ADJOURNMENT

Ms Burch (Minister for Education and Training) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.03 p.m., adjourned until Tuesday, 29 October 2013 at 10 a.m.

MEMBERS’ ATTENDANCE: All Members were present at some time during the sitting, except Mr Corbell*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

OFFICERS OF THE ASSEMBLY LEGISLATION AMENDMENT BILL 2013

Amendments circulated by the Chief Minister

1
Clause 2
Page 2, line 5—

omit clause 2, substitute

2 Commencement

This Act commences on 1 July 2014.

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

2
Clause 5
Proposed new section 8 (2) (a)
Page 4, line 2—

omit proposed new section 8 (2) (a), substitute

(a) in accordance with a recommendation of the public accounts committee; and

3
Clause 5
Proposed new section 8 (4) and (5)
Page 4, line 18—

omit

4
Clause 24
Proposed new section 12 (2) (a)
Page 18, line 20—

omit proposed new section 12 (2) (a), substitute

(a) in accordance with a recommendation of the public accounts committee; and

5**Clause 55****Proposed new section 22 (1A) and (1B)****Page 38, line 19—***insert*

- (1A) The Speaker must not make an appointment under this section for the first time unless the Chief Minister has consented, in writing, to an appointment being made.
- (1B) The appointment must not be made before—
- (a) the time stated by the Chief Minister in the consent; or
 - (b) if there is no time stated in the consent—6 months after the Chief Minister's consent.

6**Clause 55****Proposed new section 22 (2) (a)****Page 38, line 21—***omit proposed new section 22 (2) (a), substitute*

- (a) in accordance with a recommendation of the public accounts committee; and

7**Clause 55****Proposed new section 22 (4) and (5)****Page 39, line 15—***omit*

8**Clause 57****Page 40, line 9—***[oppose the clause]*

9**Clause 67****Proposed new section 50 (3)****Page 50, line 1—***omit*

10**Schedule 1, part 1.2****Amendment 1.10****Proposed new section 4 (2) and note****Page 56, line 9—***omit proposed new section 4 (2) and note, substitute*

Note An *officer of the Assembly* means the auditor-general, the electoral commissioner or the ombudsman (see Legislation Act, dict, pt 1).

Schedule 2**OFFICERS OF THE ASSEMBLY LEGISLATION AMENDMENT BILL
2013**

Amendments circulated by Mr Rattenbury

1**Clause 2****Page 2, line 5—***omit clause 2, substitute***2 Commencement**

- (1) This Act commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) If this Act has not commenced before 1 July 2014, it automatically commences on that day.
- (3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.
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2**Schedule 1, part 1.2****Amendment 1.10****Proposed new section 4 (2)****Page 56, line 9—***omit*

parts 2 to 5

*substitute*section 20AB and section 20AC

3**Schedule 1, part 1.2****Proposed new amendment 1.13A****Page 57, line 26—***insert***[1.13A] Section 30A (3)***substitute*

- (3) This section does not apply to—
- (a) the Office of the Legislative Assembly; or
 - (b) an officer of the Assembly.

4**Schedule 1, part 1.2****Proposed new amendment 1.13B****Page 57, line 26—***insert***[1.13B] Section 30E (5)***substitute*

- (5) This section does not apply to—
- (a) the Office of the Legislative Assembly; or
 - (b) an officer of the Assembly.
-