The Assembly meets this day at 10 am

PRIVATE MEMBERS’ BUSINESS

Notices

*1 MS LE COUTEUR: To present a Bill for an Act to amend the Crimes Act 1900.  
(Notification given 1 August 2017).

2 MR DOSZPOT: To move—That this Assembly:

(1) notes:

(a) that in May 2017, the Supreme Court of the Australian Capital Territory handed down a decision in Hartigan v Commissioner for Social Housing in the ACT which reveals serious and alarming deficiencies in the laws of this Territory regarding the control of dangerous dogs and lack of effective remedy for people attacked, mauled and injured dogs;

(b) that evidence has been provided to the office of Mr Doszpot MLA that Domestic Animal Services (DAS) and ACT Housing had been aware of unmanaged dogs menacing people at a particular ACT Housing premises in Griffith for many years prior to 2010;

* Notifications to which an asterisk (*) is prefixed appear for the first time
(c) in October 2010 a boy was attacked by a dog at those premises and sustained an injured eye, lost 13 teeth and has had 17 operations including skin grafts to his skull and continues to suffer;

(d) that action was taken by the boy through his lawyers against the ACT Government to compensate the boy for the injuries;

(e) although unsuccessful, the judgement notes the boy is “clearly entitled to compensation”, but that the person responsible was not capable of satisfying judgement, and the Government was not liable;

(f) as a result, the boy had applied, through his lawyers, for an ex gratia payment from the Government to be held in trust, to pay for his ongoing medical expenses;

(g) on 3 July 2017, the Chief Minister wrote a response regarding the ex gratia request in which he asserted the injuries that the boy sustained are not the Territory’s responsibility, and the Territory would not provide an ex gratia payment;

(h) ex gratia payments are commonly used to provide relief when other avenues are unavailable, and are defined as “a payment of money made or given as a concession, without legal compulsion” and are provided for in the Financial Management Act;

(i) the Chief Minister has asserted that he could not see any special circumstances to warrant his authorising any payment to the boy;

(j) that a six year old boy is savagely mauled by dogs on premises of ACT public housing, there is no effective legal remedy and the circumstances are not regarded by the Chief Minister as special circumstances raises the question as to what circumstances would the Chief Minister ever regard as being special; and

(k) the Government parades a Human Rights Act asserting rights and freedoms (which one may assume includes the right and freedom of a six year old boy residing in the ACT to be secure from attack by vicious dogs in properties owned by ACT Housing) but which does not give people properly effective remedies when such rights are breached; and

(2) calls on the ACT Government to:

(a) reconsider its decision not to provide an ex gratia payment;

(b) show what actions the Government has taken to address the suggestion by the court to address the serious and alarming deficiencies in the laws of this Territory regarding the control of dangerous dogs and lack of effective remedy for people attacked, mauled and injured by dogs;
(c) show what actions the Government has taken to address the suggestion by the court to consider the requirement to have the Housing Commissioner to have a duty to regulate the keeping of dogs in public housing;

(d) show what actions the Government has taken to address the suggestion by the court to tighten the capacity for DAS to act against dangerous and menacing dogs; and

(e) show what actions the Government has taken to address the suggestion by the court to establish a scheme of insurance to cover and compensate people so injured by attacking dogs. (Notice given 31 July 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

3 MS CHEYNE: To move—That this Assembly:

(1) notes that the ACT Government is committed to representing the rights and interests of women and girls in the ACT, including by:

(a) establishing the Ministerial Advisory Council on Women to guide policy-making across government;

(b) committing to a strategic and comprehensive approach to tackle domestic and family violence;

(c) establishing the Women’s Grants Program and the Audrey Fagan Grants program and return to work grants to support initiatives aimed at improving the safety, status and lives of women and girls in the ACT; and

(d) introducing tailored policies and work programmed through the women’s action plan, and initiatives across all areas of government, particularly for women’s health, education, sport and employment;

(2) reaffirms its strong commitment to putting women’s health and wellbeing outcomes first, noting in particular:

(a) the Australian Charter of Healthcare Rights states that everyone has the right to access healthcare that respects the patient, their cultural beliefs, values and personal characteristics; and

(b) a woman’s right to self-determine and exercise autonomy in respect of her reproductive and sexual health is critical to her full and fair participation in our society, including the achievement of her own educational, economic and familial aspirations;

(3) recognises the significant and positive steps taken by ACT Labor, the ACT Greens and the ACT Government to stand up for Canberra women by taking a progressive and supportive approach to women’s health, including:
(a) supporting a woman’s right to choose, by decriminalising and regulating for safe and accessible abortion in the ACT in 2002; and
(b) implementing a protest-free zone around approved medical facilities in March 2016 to protect women who have already made the difficult decision to terminate a pregnancy;

(4) proudly recognises the diversity of backgrounds, values and beliefs that make up the ACT community, while reinforcing that an individual’s own, legal, health choices should not be the subject of interference by others;

(5) notes that the ACT Liberals have publicly espoused a deeply conservative health ideology which shows a lack of understanding and lack of respect for the autonomy, dignity and health of Canberra women, including:

(a) attempting to amend legislation in 2015 to water down the protections for women provided by the protest-free zone around approved medical facilities;
(b) statements in May 2017 from the ACT Liberals Shadow Health Minister supporting a regressive and oppressive approach to women’s reproductive rights;
(c) a column written in May 2017 by Mr Andrew Wall MLA, ACT Liberals Member for Brindabella, in which he criticised the ACT Government’s efforts to publicly recognise and pay tribute to inspiring and dynamic activists, including feminists who fought for women’s rights;
(d) the actions of the Shadow Minister for Women, Mrs Giulia Jones MLA, in February 2016, when she addressed the National Civic Council – an ultra-conservative group vehemently opposed to same-sex marriage, a woman’s right to choose and divorce; and
(e) statements from the Leader of the Opposition at the 2016 Australian Christian Lobby Election Forum, in which he indicated all abortions are immoral; and

(6) calls on the Leader of the Opposition to clarify the Liberal Party position on a woman’s right to make her own health choices, including in respect of her reproductive and sexual health. (Notice given 31 July 2017, as amended 1 August 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

4 MRS DUNNE: To move—That this Assembly:

(1) notes that the ACT Health Infrastructure Asset Condition Report and Minor Works Priorities prepared by AECOM Australia Pty Ltd identified four extreme risks and 143 high risks at The Canberra Hospital; and

(2) calls on the Minister for Health and Wellbeing to report to the Legislative Assembly, by the first sitting day of September 2017, on the progress of work to fix each of the extreme and high risk issues identified in the AECOM report including:
(a) the cost of fixing each of the issues;
(b) progress to date on each of the issues; and
(c) when each of the problems will be rectified. (Notice given 31 July 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

5 MR WALL: To move—That this Assembly:

(1) notes:
(a) that for over a decade Unions ACT and unions have been invited to ACT government schools and colleges regularly to talk to students about workplace safety rights;
(b) that the ACT Education Directorate Workplace Learning Program Guidelines and Requirements 2017 states that students are required to receive information about their workplace safety rights and responsibilities in preparation for workplace experience placements;
(c) the strong political affiliation between ACT Labor and Unions ACT;
(d) reports from parents that work experience information sessions provided by Unions ACT were used as an opportunity to recruit members;
(e) WorkSafe ACT’s role as the primary enforcer of the Territory’s health and safety and workers compensation laws through a mixture of education and compliance activities; and
(f) the ACT Government’s refusal to answer questions about the appropriateness of third-party organisations recruiting members in schools; and

(2) calls on the:
(a) ACT Government to explain why WorkSafe ACT do not currently provide and deliver workplace safety rights and responsibilities programs in ACT government Schools;
(b) ACT Labor Government to utilise existing resources of WorkSafe ACT to deliver information about workplace safety rights and responsibilities to students attending ACT government schools;
(c) ACT Labor Government to ensure that WorkSafe ACT is the primary provider of any workplace safety learning program commencing immediately; and
(d) ACT Education Directorate to immediately establish guidelines for external organisations and individuals presenting to students in ACT government Schools. (Notice given 31 July 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

6 **MS CODY**: To move—That this Assembly:

(1) notes:

(a) the extensive commitments made by the ACT Government at the 2016 election to grow participation and equity for women and girls in sport and active recreation including:

(i) four-year elite funding agreements for the Canberra Capitals and Canberra United;

(ii) funding for female friendly sports infrastructure;

(iii) funding for initiatives to develop women and girls as participants and leaders at all levels of sport; and

(iv) a new online hub for women’s and girls’ sport and active recreation;

(b) that funding provided in the 2017 Budget will provide for delivery of each of these commitments in the next four years, building on significant work already underway;

(c) rates of participation in sport and active recreation in Canberra are the highest in Australia; and

(d) the ability of sport to drive greater gender equity with benefits which flow into other parts of the community; and

(2) calls on the Government to:

(a) continue to work with local sport and recreation organisations in the implementation of its gender equity in sport initiatives;

(b) continue to explore new opportunities to further this program of work including the development of new strategies to increase the participation of women and girls at all levels of sport;

(c) actively advocate for similar initiatives to be implemented at the national level;

(d) continue to progress actions through the ACT Women’s Plan to promote gender equity across the ACT; and

(e) keep the Assembly informed, including through the annual ministerial statement on the status of women, about the progress of this work. (Notice given 31 July 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).
MR COE: To move—That this Assembly:

(1) notes:

(a) the ongoing and secure supply of water and power are integral to modern life and that appropriate, effective and commercially sound practices of the suppliers of these services are in the best interests of Canberra;

(b) the essential service provided by Icon Water to the ACT community, and that its methods of operation impact both residential and commercial consumers;

(c) that Icon Water is a wholly Territory-owned corporation, and is subject to reporting and transparency requirements, including:

(i) Freedom of Information requests;

(ii) annual report hearings;

(iii) estimates hearings; and

(iv) auditing by the Auditor-General;

(d) that the inclusion of Icon Water in these government accountability processes presupposes that Icon Water should be subject to a high level of scrutiny and through its involvement in these procedures should not only provide information upon request, but also proactively disclose information that would be in the public’s interest;

(e) that there is concern that Icon Water is seen to be protected or exempt from rigorous public scrutiny by virtue of its unique standing as a private corporation, despite being wholly Territory-owned;

(f) that the shared services agreements between Icon Water and ActewAGL valued at nearly $300 million over 11 years were only revealed and scrutinised publicly after the Canberra Liberals uncovered the existence of the agreements in the course of the estimates process;

(g) that Icon Water admits it did not take the contract out to tender or ask for expressions of interest; that Icon Water has asserted it did not have an obligation to take the agreements to market; that the agreements have not been reviewed by the Government; and that Icon Water has declined to provide answers to fundamental questions about the agreements based on the content being commercial-in-confidence;

(h) that the Territory through its directorates, agencies and authorities, regularly enters into and reports on contracts with terms that are commercial-in-confidence, and is able to both proactively publish and specifically provide information upon request; and

(i) that while some terms of the agreements between Icon Water and third parties may be commercial-in-confidence, the existence of such contracts are not; and
calls on the Government to table the Customer Services and Community Support Agreement, and the Corporate Services Agreement between Icon Water and ActewAGL for public scrutiny. *(Notice given 31 July 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).*

**MS ORR:** To move—That this Assembly:

1. notes:
   a. the importance of school education as a pathway to employment, inclusion and lifelong learning for Canberrans;
   b. the contribution of school leaders, teachers and educators to the lives of young Canberrans and the broader community;
   c. the ACT Government’s record of investment in ACT education, continuing through major initiatives in the 2017 Budget;
   d. the importance of funding schools on a needs basis and supporting equity among schools and students;
   e. that quality learning environments are central to effective teaching and learning; and
   f. the need for all schools to be safe, supportive and inclusive; and

2. calls on the Government to:
   a. deliver the education commitments it has made to the Canberra community through the election campaign and the Parliamentary Agreement;
   b. continue to implement and actively advocate for needs based school funding in line with the National Education Reform Agreement;
   c. support the ongoing development and empowerment of school leaders, teachers and educators to deliver the best quality education to our students;
   d. support greater use of schools by sporting, community and multicultural groups to grow their place as community hubs; and
   e. ensure that ACT schools are Safe Schools where support, awareness and inclusion for same sex attracted, intersex and gender diverse students, staff and families are provided. *(Notice given 5 June 2017. Notice will be removed from the Notice Paper unless called on within 3 sitting weeks—standing order 125A).*

**Orders of the day**

1. **PLANNING AND DEVELOPMENT (TERRITORY PLAN VARIATIONS) AMENDMENT BILL 2017:** *(Ms Le Couteur)* Agreement in principle—Resumption of debate *(from 10 May 2017—Ms Lawder).*
EXECUTIVE BUSINESS

Orders of the day

1. APPROPRIATION BILL 2017-2018: (Treasurer): Detail stage—Resumption of debate (from 8 June 2017).


3. LANDS ACQUISITION AMENDMENT BILL 2017: (Minister for Planning and Land Management): Agreement in principle—Resumption of debate (from 8 June 2017—Mr Wall).

4. ACT HEALTH REPORTING—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Resumption of debate (from 14 February 2017—Mr Wall) on the motion of Ms Fitzharris—That the Assembly takes note of the paper.

ASSEMBLY BUSINESS

Orders of the day

*1. ESTIMATES 2017-2018—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2017-2018 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2017-2018—MOTION THAT REPORT BE NOTED: Resumption of debate (from 1 August 2017—Mr Barr) on the motion of Mr Wall—That the report be noted. (Order of the day will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 152A.)

2. ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 4—CODE OF CONDUCT FOR ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY—REVIEW—MOTION THAT THE REPORT BE ADOPTED: Resumption of debate (from 8 June 2017—Mr Wall) on the motion of Mr Wall—That the report be adopted.
And on the amendment moved by Ms Cheyne—After the word “adopted”, add “with the following amendments to the proposed Code of Conduct detailed in recommendation 2:

(1) in paragraph (7), omit ‘, effective and economic’, substitute ‘and efficient’;
(2) omit paragraph (12)(c); and
(3) in paragraph (13), omit ‘materially impede their capacity to perform’, substitute ‘unreasonably impact on’.

3 CODE OF CONDUCT—REAFIRMATION BY MEMBERS: Resumption of debate (from 8 June 2017—Ms Cheyne) on the motion of Ms Burch—That we, the Members of the Ninth 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.

4 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 3—COMMISSIONER FOR STANDARDS REFERRAL PROCESS—MOTION THAT THE REPORT BE ADOPTED: Resumption of debate (from 8 June 2017—Mr Wall) on the motion of Ms Cheyne—That the report be adopted.

Last sitting day in August 2017

5 STANDING COMMITTEES: Presentation of reports on annual and financial reports for the calendar year 2016, pursuant to order of the Assembly of 16 February 2017.

End of October 2017

6 INDEPENDENT INTEGRITY COMMISSION—SELECT COMMITTEE: Presentation of report on the most effective and efficient model for an independent integrity commission for the ACT, pursuant to order of the Assembly of 15 December 2016, as amended 6 June 2017.

Last sitting day in 2017

7 2016 ACT ELECTION AND THE ELECTORAL ACT—SELECT COMMITTEE: Presentation of report on a review of the operation of the 2016 ACT election and the Electoral Act and other relevant legislation and policies in regards to election-related matters, pursuant to order of the Assembly of 15 December 2016.
Last sitting day in March 2018

8 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE:
Presentation of report on the 2016 annual report for the Canberra Institute of Technology, pursuant to order of the Assembly of 16 February 2017, as amended 9 May 2017 and 8 June 2017.

EXECUTIVE MEMBERS’ BUSINESS

Notice

1 MR RATTENBURY: To move—That this Assembly:
   (1) notes:
      (a) 27 May 2017 marked the 50 year anniversary of the 1967 referendum which required that Aboriginal and Torres Strait Islander people be counted in the census and gave the Commonwealth Parliament powers to make laws with respect to Aboriginal and Torres Strait Islander people;
      (b) 3 June 2017 marked 25 years since the historic Mabo High Court decision which ended the false doctrine of Terra Nullius and recognised the rights of Aboriginal and Torres Strait Islander peoples over their lands;
      (c) on 26 May 2017, delegates to the 2017 First Nations National Constitutional Convention released the Uluru Statement from the Heart, calling for the establishment of a First Nations Voice enshrined in the Australian Constitution and a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about Australian history;
      (d) the Aboriginal and Torres Strait Islander Elected Body has been established by the ACT Government as an innovative and unique model underpinning Aboriginal and Torres Strait Islander community development and self-determination in the ACT;
      (e) the theme for National Reconciliation Week, which ran from 27 May – 3 June 2017, was “Let’s Take the Next Steps”; and
      (f) NAIDOC Week (2 – 9 July 2017) will celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples, with a focus on the importance, resilience and richness of Aboriginal and Torres Strait Islander languages;
   (2) acknowledges and respects the continuing culture and contribution that Aboriginal and Torres Strait Islander people make to the life of this region;
affirms its commitment to the principles in the Statement of Commitment to Reconciliation and Wellbeing of Communities from the *ACT Aboriginal and Torres Strait Islander Agreement 2015-2018*, including:

(a) supporting the rights of Aboriginal and Torres Strait Islander peoples to freely determine their political status and to freely pursue their economic, social and cultural development in line with the right to self-determination;

(b) recognising the ongoing effects of trans-generational trauma, caused by past government policies, on members of the ACT Aboriginal and Torres Strait Islander community; and

(c) acknowledging and valuing local knowledge, expertise and contributions from the Aboriginal and Torres Strait Islander community, elders groups, service providers and the ACT Aboriginal and Torres Strait Islander Elected Body in order to meet the diverse needs of the community in a holistic and culturally appropriate way;

calls on the ACT Government to:

(a) continue to work in partnership with the Aboriginal and Torres Strait Islander community to achieve improved and equitable outcomes through strong connections to culture, supporting people through the justice system, expanding outreach and other health programs, and improving career opportunities;

(b) support efforts to progress the national conversation to reach a sincere and meaningful reconciliation with First Australians; and

(c) remain engaged with Commonwealth discussions regarding meaningful constitutional reform; and

calls on the Assembly to write to the Prime Minister and Commonwealth Minister for Indigenous Affairs to express the Assembly’s support for continuing and prioritising the national conversation about reconciliation and constitutional reform with First Australians. (*Notice given 7 June 2017. Notice will be removed from the Notice Paper unless called on within 3 sitting weeks—standing order 125A*).
QUESTIONS ON NOTICE

On the first sitting day of a period of sittings a complete Notice Paper is published containing all unanswered questions. On subsequent days, only redirected questions are included on the Notice Paper together with a list of all unanswered questions.

A Questions on Notice Paper will be issued on the Friday of a sitting week, containing the text of all questions on notice lodged that week and can be accessed at www.parliament.act.gov.au/in-the-assembly/questions-paper.

Unanswered questions


T Duncan
Clerk of the Legislative Assembly

GOVERNMENT TO RESPOND TO PETITIONS

(in accordance with standing order 100)

10 August 2017

Giralang Community Precinct—Revitalisation—Minister for Transport and City Services—Petition lodged by Ms Orr (Pet 12-17).

1 November 2017

Farrer—Strategic plan to enhance community facilities—Minister for Transport and City Services—Petitions lodged by Mr Steel (Pet 13-17 and 16-17).

Billboard advertising in the ACT—Enforcement of rules—Minister for Planning and Land Management—Petitions lodged by Ms Lee (Pet 14-17 and 17-17).

ACTION bus services between Deakin, Kingston and Manuka—Minister for Transport and City Services—Petition lodged by Ms Lee—(Pet 15-17).
COMMITTEES

Unless otherwise shown, appointed for the life of the Ninth Assembly. The dates of the amendments to the committees' resolution of appointment are reflected, but not changes in the membership.

Standing

Pursuant to standing order

ADMINISTRATION AND PROCEDURE: (Formed 31 October 2016): The Speaker (Chair), Ms Cheyne, Mr Rattenbury, Mr Wall.

Pursuant to resolution

ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE: (Formed 13 December 2016): Mr Hanson (Chair), Ms Orr, Mr Parton, Mr Pettersson.

EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE: (Formed 13 December 2016): Mr Pettersson (Chair), Mrs Kikkert, Mr Steel, Mr Wall.

ENVIRONMENT AND TRANSPORT AND CITY SERVICES—STANDING COMMITTEE: (Formed 13 December 2016): Ms Orr (Chair), Ms Cheyne, Mr Doszpot, Mr Parton.

HEALTH, AGEING AND COMMUNITY SERVICES—STANDING COMMITTEE: (Formed 13 December 2016): Mr Steel (Chair), Mrs Dunne, Mrs Kikkert, Ms Le Couteur, Mr Pettersson.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE: (Formed 13 December 2016): Mrs Jones (Chair), Ms Cody, Ms Lee, Mr Steel.

PLANNING AND URBAN RENEWAL—STANDING COMMITTEE: (Formed 13 December 2016): Ms Le Couteur (Chair), Ms Cheyne, Ms Lawder, Mr Milligan, Ms Orr.

PUBLIC ACCOUNTS: (Formed 13 December 2016): Mrs Dunne (Chair), Ms Cody, Mr Coe, Mr Pettersson.

Select

2016 ACT ELECTION AND ELECTORAL ACT—SELECT COMMITTEE: (Formed 15 December 2016): Ms Cody (Chair), Ms Cheyne, Ms Le Couteur, Mr Milligan, Mr Wall.

INDEPENDENT INTEGRITY COMMISSION—SELECT COMMITTEE: (Formed 15 December 2016): Mr Rattenbury (Chair), Ms Cody, Mrs Jones, Ms Lee, Mr Steel.
Dissolved

ESTIMATES 2017-2018—SELECT COMMITTEE: *(Formed 16 February 2017)*: Mr Wall (Chair), Ms Cody, Mr Coe, Ms Le Couteur, Mr Pettersson. *(Presented 1 August 2017)*