



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2016–2017**

**MINUTES OF PROCEEDINGS**

**No 38**

**TUESDAY, 31 OCTOBER 2017**

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**1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms Burch) 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 DEATH OF JUSTICE JOHN GALLOP AM QC RFD**

Mr Barr (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Justice John Gallop AM QC RFD, a highly-respected Canberran who was committed to justice, the law and his community, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Coe (Leader of the Opposition), Minister Rattenbury and Mr Ramsay (Attorney-General) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

**3 INDEPENDENT INTEGRITY COMMISSION—SELECT COMMITTEE—REPORT—INQUIRY INTO AN INDEPENDENT INTEGRITY COMMISSION—REPORT NOTED**

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

Independent Integrity Commission—Select Committee—Report—*Inquiry into an Independent Integrity Commission*, dated 30 October 2017, together with the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.



**4 LEAVE OF ABSENCE TO MEMBERS**

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Mrs Dunne and Mr Steel for this sitting week to attend the CPA annual conference.

Question—put and passed.

**5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 11—STATEMENT BY CHAIR—STATEMENT BY MINISTER**

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 11, dated 30 October 2017, together with the relevant minutes of proceedings—

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

Ms Fitzharris (Minister for Health and Wellbeing), by leave, also made a statement in relation to the report.

**6 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—PETITIONS—ARTS FUNDING—STATEMENT BY CHAIR**

Mr Hanson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Economic Development and Tourism had considered petitions Nos 4-17 and 7-17, relating to arts funding, and which had been referred to the Committee under standing order 99A.

The Committee had resolved to take no further action on the petitions, but would continue to engage with the Minister for the Arts and Community Events on arts funding as part of the annual reports process.

**7 UNITED STATES DELEGATION—OCTOBER 2017—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Barr (Chief Minister) made a ministerial statement concerning a delegation to the United States and presented the following paper:

United States delegation—October 2017—Ministerial statement, 31 October 2017.

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

Question—put and passed.

**8 ONE YEAR OF ACHIEVEMENTS—ACCESS TO JUSTICE AND DELIVERY OF GOVERNMENT SERVICES—MINISTERIAL STATEMENT—PAPER NOTED**

Minister Ramsay made a ministerial statement concerning achievements in his portfolios over the last year and presented the following paper:

One year of achievements—Access to justice and delivery of government services—Ministerial statement, 31 October 2017.

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

Debate ensued.

Question—put and passed.

**9 ACHIEVEMENTS IN THE FIRST YEAR—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

Minister Rattenbury made a ministerial statement concerning achievements in his portfolios over the last year and presented the following paper:

Achievements in the first year—Ministerial statement, 31 October 2017.

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

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

**10 ALEXANDER MACONOCHIE CENTRE—FEMALE DETAINEE ACCOMMODATION—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

Mr Rattenbury (Minister for Corrections) made a ministerial statement concerning female detainee accommodation at the Alexander Maconochie Centre and presented the following paper:

Alexander Maconochie Centre—Female detainee accommodation—Ministerial statement, 31 October 2017.

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

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

**11 ACHIEVEMENTS OVER THE LAST YEAR—MINISTERIAL STATEMENT—PAPER NOTED**

Minister Stephen-Smith made a ministerial statement concerning achievements in her portfolios over the last year and presented the following paper:

Achievements over the last year—Ministerial statement, 31 October 2017.

Ms Stephen-Smith moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

**12 LAKES AMENDMENT BILL 2017**

Mr Gentleman (Minister for the Environment and Heritage), pursuant to notice, presented a Bill for an Act to amend the *Lakes Act 1976*, and for other purposes.

*Papers:* Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 30 October 2017.

Title read by Clerk.

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

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

**13 CRIMES (POLICE POWERS AND FIREARMS OFFENCE) AMENDMENT BILL 2017**

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 30 October 2017.

Title read by Clerk.

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

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

**14 WORKERS COMPENSATION AMENDMENT BILL 2017**

Ms Stephen-Smith (Minister for Workplace Safety and Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Workers Compensation Act 1951* and the *Workers Compensation Regulation 2002*, and for other purposes.

*Papers:* Ms Stephen-Smith presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 30 October 2017.

Title read by Clerk.

Ms Stephen-Smith 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.

**15 QUESTIONS**

Questions without notice were asked.

**16 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Ombudsman Act, pursuant to section 21—Ombudsman complaint statistics—Quarterly report for the period 1 July to 30 September 2017, dated 17 October 2017.

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual Report 2016-2017, dated 30 October 2017.

**17 OFFICIAL VISITOR ACT—ANNUAL REPORT 2016-17—OFFICIAL VISITOR (HOMELESSNESS SERVICES)—PAPER AND STATEMENT BY MINISTER**

Ms Berry (Minister for Housing and Suburban Development) presented the following paper:

Official Visitor Act, pursuant to subsection 17(4)—Annual report 2016-17—Official Visitor (Homelessness Services)—

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

**18 WATER RESOURCES ACT—A.C.T. AND REGION CATCHMENT MANAGEMENT COORDINATION GROUP—ANNUAL REPORT 2016-17—PAPER AND STATEMENT BY MINISTER**

Mr Gentleman (Minister for the Environment and Heritage) presented the following paper:

Water Resources Act, pursuant to subsection 67D(3)—ACT and Region Catchment Management Coordination Group—Annual report 2016-17—

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

**19 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION NO 348 TO THE TERRITORY PLAN—INCORPORATING ACTIVE LIVING PRINCIPLES INTO THE TERRITORY PLAN—PAPERS AND STATEMENT BY MINISTER**

Mr Gentleman (Minister for Planning and Land Management) presented the following papers:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 348 to the Territory Plan—Incorporating Active Living Principles into the Territory Plan, dated 27 October 2017, including associated documents—

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

**20 OFFICIAL VISITOR ACT—ANNUAL REPORT 2016-17—OFFICIAL VISITOR (CHILDREN AND YOUNG PEOPLE)—PAPER AND STATEMENT BY MINISTER**

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

Official Visitor Act, pursuant to subsection 17(4)—Annual report 2016-17—Official Visitor (Children and Young People)—

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

**21 OFFICIAL VISITOR ACT—ANNUAL REPORT 2016-17—OFFICIAL VISITOR (DISABILITY SERVICES)—PAPER AND STATEMENT BY MINISTER**

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

Official Visitor Act, pursuant to subsection 17(4)—Annual report 2016-17—Official Visitor (Disability Services)—

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

**22 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—GOVERNMENT SERVICE DELIVERY—COMMUNITY PARTICIPATION**

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Hanson, Mrs Jones, Ms Lee, Ms Orr, Mr Parton and Mr Pettersson had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Ms Cody be submitted to the Assembly, namely, “The importance of community participation in the ACT on government service delivery, including through Fix My Street”.

Discussion ensued.

Discussion concluded.

**23 WASTE MANAGEMENT AND RESOURCE RECOVERY AMENDMENT BILL 2017**

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.

*Paper:* Ms Fitzharris (Minister for Transport and City Services) presented an additional explanatory statement to the Bill.

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

The Assembly voted—

AYES, 12		NOES, 9	
Ms Berry	Ms Le Couteur	Mr Coe	Mr Milligan
Ms Burch	Ms Orr	Mr Hanson	Mr Parton
Ms Cheyne	Mr Pettersson	Mrs Jones	Mr Wall
Ms Cody	Mr Ramsay	Mrs Kikkert	
Ms Fitzharris	Mr Rattenbury	Ms Lawder	
Mr Gentleman	Ms Stephen-Smith	Ms Lee	

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

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

**24 TREE PROTECTION AMENDMENT BILL 2017**

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.

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*Detail Stage*

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4—

Ms Le Couteur moved her amendment No 1 (see [Schedule 1](#)).

Amendment negatived.

Clause 4 agreed to.

Clause 5—

Ms Le Couteur moved her amendment No 2 (see [Schedule 1](#)).

Amendment negatived.

Clause 5 agreed to.

*Proposed new clause—*

Ms Le Couteur moved her amendment No 3 (see [Schedule 1](#)), which would insert a new clause 6 in the Bill.

Amendment negatived.

Title agreed to.

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

## **25 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2017 (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.

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*Adjournment negatived:* It being 6 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.

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Debate continued.

*Paper:* Mr Ramsay (Attorney-General) presented a revised explanatory statement to the Bill.

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.

## **26 NATURE CONSERVATION (MINOR PUBLIC WORKS) AMENDMENT BILL 2017**

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.

## 27 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 6.58 pm, adjourned until tomorrow at 10 am.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Mr Doszpot\*, Mrs Dunne\* and Mr Steel\*.

\*on leave

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**M M Kiermaier**  
Acting Clerk of the Legislative Assembly



## SCHEDULE OF AMENDMENTS

### Schedule 1

#### **TREE PROTECTION AMENDMENT BILL 2017**

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Amendments circulated by Ms Le Couteur

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**1**

**Clause 4**

**Proposed new section 61B (1)**

**Page 2, line 16—**

*omit proposed new section 61B (1), substitute*

- (1) The conservator may cancel the registration of the tree, if the conservator considers the cancellation satisfies the cancellation criteria.
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2

Clause 5

Page 3, line 18—

*omit clause 5, substitute*

5

**Reviewable decisions****Schedule 1, part 1.2, items 1 and 2***substitute*

1	52	approve, or refuse to approve, registration of tree	<ul style="list-style-type: none"> <li>(a) anyone given written notice, under section 53 (1), of registration decision</li> <li>(b) an entity who was not given written notice under section 53 (1) who— <ul style="list-style-type: none"> <li>(i) had a reasonable excuse for not giving written comments on proposed registration under section 49 (5) (b); and</li> <li>(ii) may be adversely affected by the decision</li> </ul> </li> </ul>
2	58	cancel, or refuse to cancel, registration of tree	<ul style="list-style-type: none"> <li>(a) anyone given written notice, under section 59 (1), of decision to cancel, or refuse to cancel, registration</li> <li>(b) an entity who was not given written notice under section 59 (1) who— <ul style="list-style-type: none"> <li>(i) had a reasonable excuse for not giving written comments on proposed cancellation under section 56 (5) (c); and</li> <li>(ii) may be adversely affected by the decision</li> </ul> </li> </ul>

**3**

**Proposed new clause 6**

Page 3—

*after the table in clause 5, insert*

**6 Schedule 1, part 1.2, new item 3A**

*insert*

3A	61B	cancel, or refuse to cancel, registration of dead tree	<ul style="list-style-type: none"> <li>(a) anyone given written notice, under section 61C (1), of decision to cancel, or refuse to cancel, registration</li> <li>(b) anyone given written notice, under section 53 (1) (d), of registration decision</li> <li>(c) anyone given written notice, under section 59 (1) (d), of decision to cancel, or refuse to cancel, registration</li> <li>(d) an entity who was not given written notice under section 61C (1) who— <ul style="list-style-type: none"> <li>(i) had a reasonable excuse for not giving written comments on proposed registration of under section 49 (5) (b) or proposed cancellation under section 56 (5) (c); and</li> <li>(ii) may be adversely affected by the decision</li> </ul> </li> </ul>
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