



Matters of public importance—your Assembly @ work

Non-sitting and sitting weeks—10 June-2 August 2019

Issue 7/2019

Filling of casual vacancy

On 23 July 2019 the Electoral Commissioner declared that Mr Deepak Gupta (Yerrabi—Australian Labor Party) had been elected to fill the vacancy as a result of the resignation of Ms Meegan Fitzharris. Mr Gupta was sworn in by the Honourable Justice Helen Murrell, Chief Justice of the Supreme Court of the ACT at the Assembly's sitting on Tuesday, 30 July 2019 and made his oath. Mr Gupta then made his inaugural speech.

Condolence motion

On 1 August a condolence motion was moved by the Chief Minister in relation to the death of the Honourable Robert James Lee Hawke AC.

The Leader of the Opposition and Leader of the ACT Greens also spoke to the motion and at the conclusion all Members of the Assembly stood in silence as a mark of respect.

Government Business

Includes business items presented to the Assembly by the Executive including bills, motions, and papers

Bills introduced

[Freedom of Information Amendment Bill 2019](#) *(presented 1 August)*

Summary: This bill will amend the *Freedom of Information Act 2016* to improve and streamline processing of freedom of information access applications and reviews, and to provide greater flexibility in managing workflows, which includes allowing respondent agencies to manage situations where they are not able to contact an applicant to clarify the scope of the information sought, or to confirm that an applicant wishes to proceed where an estimate of fees has been issued.

[Planning and Development \(Community Concessional Leases\) Amendment Bill 2019](#) (presented 1 August)

Summary: This bill will amend the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008* to establish the new policy framework for the sale of land to not for profit community organisations at less than market value. The policy framework supersedes the prior mechanism of directly granting land at less than market value to community organisations.

[Public Sector Management Amendment Bill 2019](#) (presented 1 August)

Summary: This bill will amend the *Public Sector Management Act 1994* to strengthen the existing ACT Public Service employment framework and provide greater alignment within the existing employment framework to ensure that the legislation operates effectively. The amendments include authorising the sharing of new-starter information with the relevant unions and changing how long service leave is calculated.

Bills debated

[Animal Welfare Legislation Amendment Bill 2019](#)

Summary: This bill will amend a number of Territory laws relating to animal management and welfare in the Territory to strengthen the legislation and improve the quality of life for animals.

Proceedings: Debate resumed on 30 July, with the Opposition moving a motion for the bill to be referred to the Standing Committee on Environment and Transport and City Services. Following a vote of the Assembly the motion was not agreed to. On the question that the bill be agreed to in principle, the Opposition moved that the debate be adjourned, which following a vote of the Assembly, was agreed to. The bill was then made an order of the day for the next sitting.

[Crimes Legislation Amendment Bill 2019](#)

Summary: This bill will amend a range of criminal laws to improve the operation and efficiency of the criminal justice system. These amendments will include providing that the sale and consumption of low THC hemp seeds as food will not be subject to criminal offences and clarifying the original policy intent for the definitions of choke, strangle and suffocate in the *Crimes Act 1900*.

Proceedings: Debate resumed on 1 August with the Opposition indicating support for the bill, however they also noted concerns in relation to a formal submission made by the Bar Association against the changes to the Bail Act and with the Law Society raising a variety of other concerns. The ACT Greens indicated their support for the bill and it was agreed to in principle.

The bill was agreed to by the Assembly.

[Planning and Development \(Design Review Panel\) Amendment Bill 2019](#)

Summary: This bill will amend the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008* to establish the National Capital Design Review Panel as part of the pre-development application process to provide a constructive platform to resolve the fundamental planning and design issues that will support the skills of the proponent's design team and the pre-application advice provided by Government.

Proceedings: Debate resumed on 1 August with the Opposition indicating they would be cautiously supporting the legislation noting they had concerns around consistency and there was uncertainty on some issues. The Government moved amendments to the bill which would change the key threshold for prescribed developments required to consult with the design review panel, with a prescribed development now being defined as a building that is five stories and above, which are increasingly found across various parts of Canberra. The ACT Greens indicated they would support the bill and the amendments moved by the Government.

The amended bill was agreed to by the Assembly.

[Planning and Environment Legislation Amendment Bill 2019](#)

Summary: This bill will make minor and technical amendments to a number of Territory laws in order to keep the legislation up-to-date and give the Government the ability to respond quickly to changing circumstances.

Proceedings: Debate resumed on 30 July with the legislation receiving tri-partisan support. The bill was agreed to in principle.

The bill was agreed to by the Assembly.

[Road Transport Legislation Amendment Bill 2019](#)

Summary: This bill will make a number of amendments to Territory laws to improve road safety and improve the administration and efficiency of the Territory's road transport legislation. The amendments include introducing automatic disqualification periods for drivers who repeatedly drive while suspended when the original reason for the suspension was non-payment of an infringement notice penalty, non-compliance with an infringement notice management plan, fine default or exceeding the applicable demerit point threshold, and extending the offences of using an unregistered motor vehicle or uninsured motor vehicle to a responsible person who permits or allows a person to use an unregistered or uninsured motor vehicle.

Proceedings: Debate resumed on 30 July with the legislation receiving tri-partisan support. The bill was agreed to in principle.

The bill was agreed to by the Assembly.

A full record of the debates can be accessed at [Hansard](#).

Ministerial statements

On 30 July the Treasurer made a ministerial statement in relation to the **Independent Competition and Regulatory Commission's (ICRC) final report *Investigation into Motor Vehicle Petrol Prices in the ACT***. The Treasurer outlined findings of the report, including stating that the ICRC's analysis suggests that petrol retailers in Canberra are consistently more profitable than those in Sydney or on average across Australia, for example, in 2016-17 the annual average net profit per site in Canberra was around \$670 000, compared to the national average of \$400 000; while in 2014-15 it was \$600 000 in Canberra compared to \$500 000 in Sydney. The Treasurer also stated that when compared to petrol retailers in surrounding towns, the petrol retailers in Canberra made nearly twice the profit and the most recently

available data shows that in 2017-18 the average net profit rose to around \$750 000 per site in Canberra, while it was only \$380 000 in the regional locations.

On 1 August the Minister for the Environment and Heritage made a ministerial statement in relation to the **30th anniversary of the establishment of Landcare**. The Minister highlighted the success of the grassroots movement of individuals and groups that protect, restore and sustainably manage Australia's natural environment, which over time, has grown from locally-based community groups to encompass a broader focus on sustainable management of all of Australia's natural resource assets.

The full text of the statements made by Ministers and Members can be accessed from the [Assembly Hansard](#) site.

Private Members' Business

Includes items presented to the Assembly by all non-Executive Members, including bills and motions

Motions debated

Innovative ways to grow the recycling and waste reduction industry in Canberra was the subject of a motion moved on 31 July by Ms Orr MLA. The motion noted that the Centre for International Economics Report *Headline economic value for waste and materials efficiency in Australia* recognises the benefits of a circular economy in creating new industries, markets and products, and leading to new revenue streams and creation of jobs. The motion also noted that re-using and recycling creates around 9.2 jobs per 10 000 tonnes of waste compared with 2.8 jobs per 10 000 tonnes of waste sent to landfill. The motion called upon the Government to direct the Commissioner for Sustainability and the Environment to undertake a public investigation into innovative ways to grow the recycling and waste reduction industry in Canberra and report by July 2020. During debate the Opposition indicated their support for the motion. The ACT Greens moved amendments to the motion which would include asking the Commissioner for Sustainability and the Environment for advice on the issue instead of directing the Commissioner to undertake a public investigation. Mr Rattenbury MLA, as the Minister responsible for the Commissioner noted that if a full investigation is started, they can take quite long and are a large piece of work, and if they are to meet the proposed reporting time line, rather than undertaking a full investigation they would have the Commissioner involved as outlined in the amendments.

The amended motion was agreed to by the Assembly.

On 31 July Ms Lawder MLA moved a motion in relation to **diabetes in the ACT**. The motion noted that diabetes is the No 1 chronic disease in Australia and that the ACT has 1 926 people with Type 1 diabetes. The motion called on the ACT Government to work closely with Diabetes NSW & ACT to ensure testing of ACT public servants in the workplace for diabetes. During debate the Government moved an amendment to the motion that would promote rather than ensure testing of ACT public servants in the workplace for diabetes. The Government indicated the amendment would promote testing for diabetes rather than ensure testing, as mandating the testing of public servants for diabetes would not be appropriate. The ACT Greens indicated their support for the motion and amendment.

The amended motion was agreed to by the Assembly.

On 31 July Mr Parton MLA moved a motion in relation to **noise levels in entertainment precincts**. The motion noted that the Government's objective to rapidly expand village centres and population density

along the Northbourne Corridor and elsewhere and the importance of these centres having access to complementary entertainment venues and leisure precincts. During debate the Opposition moved an amendment that calls on the ACT Government to consider and consult on order of occupancy laws in designated entertainment zones. The ACT Greens then moved further amendments that called on the ACT Government to take multiple actions, including provide home buyer information for people considering moving into an entertainment zone. The amendments were agreed to.

The amended motion was agreed to by the Assembly.

Other motions debated on 31 July related to:

Young people with complex substance use disorders—Mrs Kikkert MLA

Sustainable nappies and personal hygiene products—Ms Cheyne MLA

Review of Light Rail Stage 1—Mr Milligan MLA

The full debate on the above motions can be accessed from the Assembly [Hansard](#) site.

Assembly Business

Includes any business relating to the establishment or membership of a committee or the proposed referral of a matter to a committee. It also includes business which proposes to amend, disallow, disapprove or declare void any instruments which are made under specific Acts agreed to by the Assembly. Assembly business also includes any notice or order of the day which deals with the administration of the Assembly or how the Assembly conducts its proceedings

Motions debated

Debate resumed from 6 June 2019 on the motion of Mr Wall that the Standing Committee on Administration and Procedure Report 12 entitled *Protocols for Visits by Members to Government Schools* be noted. The motion was agreed to by the Assembly.

The full terms of the above motions can be found in the [Minutes of Proceedings](#).

Matter of public importance

The following matters of public importance were discussed in the Assembly this week—

The importance of recognising the expertise, commitment and skill of nurses working in our walk-in centres and hospitals—Mr Gupta MLA

The importance of ACT essential services remaining in public hands—Mr Pettersson MLA

Papers Presented

The following are papers of interest that were presented during the sitting week:

- Auditor-General's Reports Nos—
 - 6/2019—ICT Strategic Planning.
 - 7/2019—Referral processes for the support of vulnerable children. (*presented by the Speaker on 30 July 2019*)

- Exercise of call-in powers—Development application No 201835109—Block 21 Section 30 Dickson, dated 11 July 2019. *(presented by the Manager of Government Business on 30 July 2019)*
- ACT Mental Health Act 2015—Review of the Authorised Period of Emergency Detention. *(presented by the Manager of Government Business on 30 July 2019)*
- Auditor-General’s Report No 3/2018—Tender for the sale of Block 30 (formerly Block 20) Section 34 Dickson—Implementation progress statement. *(presented by the Manager of Government Business on 1 August 2019)*
- Future of Education—Implementation plan, dated August 2019. *(presented by the Manager of Government Business on 1 August 2019)*
- Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step Can Make a Lifetime of Difference*—Final Report for the mid-Strategy evaluation, dated 28 May 2019. *(presented by the Manager of Government Business on 1 August 2019)*

Petitions

The following petition and e-petitions were lodged on 30 July—

- Community engagement on redevelopment of Chisholm Village—lodged by Ms J. Burch MLA.
- A destination recreation park for the inner north—lodged by Mr Rattenbury MLA.

The following ministerial responses to petitions were lodged on 30 July—

- Light Rail Stage 2 alignment.
- Replanting to reverse the decline in urban trees.
- Reinstatement of the Route 3 bus service for the Australian National University.
- Opposition to the Motor Accident Injuries Bill 2019.

A copy of the petitions and responses can be found on the Assembly [Hansard](#) site.

Committee Activities

Committee reports presented

Administration and Procedure—Standing Committee

[Report 13—Provisions and Conventions around Committee Inquiries](#) *(presented 30 July)*

[Report 14—Respectful Dialogue](#) *(presented 30 July)*

Economic Development and Tourism—Standing Committee

[Report 6—Inquiry into drone delivery systems in the ACT](#) *(presented 1 August 2019)*

Estimates 2019-2020—Select Committee

[Appropriation Bill 2019-2020 and Appropriation \(Office of the Legislative Assembly\) Bill 2019-2020](#) *(presented 30 July)*

Public Accounts—Select Committee

[Report 7—Inquiry into Auditor-General’s Report No 1 of 2017](#) *(presented 1 August 2019)*

Privileges 2019—Select Committee

[Unauthorised Release of Committee Documents](#) (presented 30 July)

Scrutiny Committee

[Scrutiny Report 32](#) (presented 30 July)

This report contained the committee's comments on six bills, 20 pieces of subordinate legislation, 4 government responses and proposed amendments to one bill.

Committee statements

Environment and Transport and City Services—Standing Committee

The chair of the Committee made a statement on 30 July informing the Assembly that the committee had resolved to extend the reporting date for its inquiry into nature in our city. The chair also moved a motion to extend the reporting date of the inquiry into a new Territory Coat of Arms from 1 August 2019 to 31 August 2019.

On 1 August the chair of the Committee made three statements in relation to an out-of-order petition, and petitions 16-19 and 4-19. The chair informed the Assembly that the committee would not inquire further into any of the three referred petitions.

Public Accounts—Standing Committee

Committee referrals

Environment and Transport and City Services—Standing Committee

On 30 July, petition No 14-19 was referred to the committee which requested that the Assembly request the Government to build a new playground in the inner north that is inclusive, adventurous, distinctive and integrated.

Planning and Urban Renewal—Standing Committee

On 30 July, petitions Nos 19-19 and 22-19 were referred to the committee which requested that the Assembly call on the ACT Government to oversee thorough and inclusive community engagement on any proposed redevelopment at Chisholm Village, including the tavern and amenities.

Responses to committee reports

Administration and Procedure—Standing Committee

Report 12—*Protocols for Visits by Members to Government Schools*—Government response (presented by the Manager of Government Business on 30 July)

Economic Development and Tourism—Standing Committee

Report 5—*Report on Annual and Financial Reports 2017-2018*—[Government response](#) (presented by the Manager of Government Business on 30 July)

Education, Employment and Youth Affairs—Standing Committee

Report 4—*Report on Annual and Financial Reports 2017-2018*—[Government response](#) (presented by the Manager of Government Business on 30 July)

Report 5—*Standardised Testing in ACT Schools*—[Government response](#) (presented by the Manager of Government Business on 30 July)

End of Life Choices in the ACT—Select Committee

Report—[Government response](#) (presented by the Manager of Government Business on 30 July)

Environment and Transport and City Services—Standing Committee

Report 8—*Report on Annual and Financial Reports 2017-2018*—[Government response](#) (presented by the Manager of Government Business on 30 July)

Health, Ageing and Community Services—Standing Committee

Report 6—*Report on Annual and Financial Reports 2017-2018*—[Government response](#) (presented by the Manager of Government Business on 30 July)

Justice and Community Safety—Standing Committee

Report 5—*Report on Annual and Financial Reports 2017-2018*—[Government response](#) (presented by the Manager of Government Business on 30 July)

Planning and Urban Renewal—Standing Committee

Report 8—*Report on Annual and Financial Reports 2017-2018*—[Government response](#) (presented by the Manager of Government Business on 30 July)

Public Accounts—Standing Committee

Report 5—*Report on Annual and Financial Reports 2017-2018*—[Government response](#) (presented by the Manager of Government Business on 30 July)

Report 6—*Inquiry into Commercial Rates*—[Government response](#) (presented by the Manager of Government Business on 30 July)

Education Activities

Education staff are preparing for the last Interschool Parliamentary Debates of the year with debates happening in the chamber for year 9-10 students on 30 August 2019 and for year 7-8 students on 6 September 2019. Program topics include lowering the voting age, Australia recycling its own waste and banning mobile phones in schools.

A number of schools are planning to visit the Assembly during term three. Visiting students participate in programs that cover the passing of mock bills, participating in a mock MPI discussion, voting in mock elections and meeting the Members.

ACT Schools Constitutional Convention

Seventy two students from ACT Government and Non-Government schools took part in the ACT Schools Constitutional Convention which aims to give ACT students an opportunity to examine both historical and current constitutional issues in order to learn about Australia's constitution, including the modern procedures and practices of parliament. The convention took place over two days on 25 and 26 July 2019 and explored the question "Should the Commonwealth Parliament have specific powers to legislate for the environment?"

On the first day of the convention students attended a program delivered by the National Archives (at the Museum of Australian Democracy). The program involved examination of historical records in order to explore the Constitution and its fundamental role in Australia's system of government. Students then visited the Museum of Australian Democracy where they took part in a recreation of the World Heritage Properties Conservation Bill 1983 in the original House of Representatives and Senate chambers.

The Legislative Assembly hosted the second day of the convention and involved students debating the reach of constitutional powers and the role of the Commonwealth Parliament in legislating on environmental matters. Students considered a wide range of arguments for and against the use of Commonwealth powers before looking at how constitutional change is achieved through section 128 of the Constitution and then participated in a mock referendum to decide the question "Should the Commonwealth Parliament have specific powers to legislate for the environment?"

Information on our various program offerings are available on the Assembly's [website](#) .

Members of the Legislative Assembly for the ACT

Electorate of Brindabella

- Ms Joy Burch (Australian Labor Party)
- Mr Mick Gentleman (Australian Labor Party)
- Ms Nicole Lawder (Canberra Liberals)
- Mr Mark Parton (Canberra Liberals)
- Mr Andrew Wall (Canberra Liberals)

Electorate of Ginninderra

- Ms Yvette Berry (Australian Labor Party)
- Ms Tara Cheyne (Australian Labor Party)
- Mrs Vicki Dunne (Canberra Liberals)
- Mrs Elizabeth Kikkert (Canberra Liberals)
- Mr Gordon Ramsay (Australian Labor Party)

Electorate of Kurrajong

- Mr Andrew Barr (Australian Labor Party)
- Miss Candice Burch (Canberra Liberals)
- Ms Elizabeth Lee (Canberra Liberals)
- Mr Shane Rattenbury (ACT Greens)
- Ms Rachel Stephen-Smith (Australian Labor Party)

Electorate of Murrumbidgee

- Ms Bec Cody (Australian Labor Party)
- Mr Jeremy Hanson CSC (Canberra Liberals)
- Mrs Giulia Jones (Canberra Liberals)

Ms Caroline Le Couteur (ACT Greens)

Mr Chris Steel (Australian Labor Party)

Electorate of Yerrabi

Mr Alistair Coe (Canberra Liberals)

Mr Deepak Gupta (Australian Labor Party)

Mr James Milligan (Canberra Liberals)

Ms Suzanne Orr (Australian Labor Party)

Mr Michael Pettersson (Australian Labor Party)

Next Sitting

Tuesday, 13 August 2019.

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