



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2012–2013–2014–2015–2016**

**MINUTES OF PROCEEDINGS**

**No. 127**

**TUESDAY, 16 FEBRUARY 2016**

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**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 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 41—STATEMENT BY CHAIR**

Mr Doszpot (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 41, dated 15 February 2016, together with the relevant minutes of proceedings—

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

**3 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 22—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 1 OF 2015: DEBT MANAGEMENT—REPORT NOTED**

Mr Smyth (Chair) presented the following report:

Public Accounts—Standing Committee—Report 22—*Review of Auditor-General's Report No. 1 of 2015: Debt Management*, dated 2 February 2016, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.



**4 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 23—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 7 OF 2015: SALE OF ACTTAB—REPORT NOTED**

Mr Smyth (Chair) presented the following report:

Public Accounts—Standing Committee—Report 23—*Review of Auditor-General’s Report No. 7 of 2015: Sale of ACTTAB*, dated 2 February 2016, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**5 MINISTERIAL PRIORITIES—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Fitzharris (Minister) made a ministerial statement concerning her ministerial priorities and presented the following paper:

Ministerial priorities—Ministerial statement, 16 February 2016.

Ms Fitzharris moved—That the Assembly take note of the paper.

Question—put and passed.

**6 MINISTERIAL PRIORITIES—MINISTERIAL STATEMENT—PAPER NOTED**

Dr Bourke (Minister) made a ministerial statement concerning his ministerial priorities and presented the following paper:

Ministerial priorities—Ministerial statement, 16 February 2016.

Dr Bourke moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

**7 TERRORISM (EXTRAORDINARY TEMPORARY POWERS) AMENDMENT BILL 2015**

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.

The Assembly voted—

AYES, 16

NOES, 1

Mr Barr

Ms Fitzharris

Mr Rattenbury

Ms Berry

Mr Gentleman

Dr Bourke

Mr Hanson

Ms Burch

Mrs Jones

Mr Coe

Ms Lawder

Mr Corbell

Ms Porter

Mr Doszpot

Mr Smyth

Mrs Dunne

Mr Wall

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.

## 8 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 2, Executive business, relating to the Electoral Amendment Bill 2015, be postponed until the next sitting.

## 9 JUSTICE LEGISLATION AMENDMENT BILL 2015

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*

Bill, by leave, taken as a whole—

Mr Rattenbury (Minister for Justice and Consumer Affairs), pursuant to standing order 182A(b), by leave, moved his amendments Nos. 1 to 3 (*see* [Schedule 1](#)) together.

*Paper:* Mr Rattenbury presented a supplementary explanatory statement to the Government amendments.

Debate continued.

Ordered—That the question be divided.

Amendment No. 1 agreed to.

Amendment No. 2—

Question—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Fitzharris	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Amendment No. 3 agreed to.

Bill, as a whole, as amended, agreed to.

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

## 10 WORKERS COMPENSATION AMENDMENT BILL 2015

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:* Mr Gentleman (Minister for Workplace Safety and Industrial Relations) presented a revised explanatory statement to the Bill.

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

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*Detail Stage*

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

**11 NOTICE NO. 1—ASSEMBLY BUSINESS—SPEAKER’S RULING**

The Speaker ruled that notice No. 1, Assembly business, was out of order as it contravened standing order 136, in that it was the same in substance as a motion that was debated and negatived last Thursday.

The Speaker directed that the notice be withdrawn from the *Notice Paper*.

**12 QUESTIONS**

Questions without notice were asked.

**13 PRESENTATION OF PAPERS**

Mr Barr (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contract:

Francis Duggan, dated 2 February 2016.

Short-term contracts:

Elizabeth Beattie, dated 25 and 27 January 2016.

Joshua Rynehart, dated 1 and 2 February 2016.

Meredith Whitten, dated 2 February 2016.

Contract variations:

Dorte Ekeland, dated 18 January 2016.

Leanne Cover, dated 27 January and 1 February 2016.

Liesl Centenera, dated 7 September 2015 and 29 January 2016.

Philip Canham, dated 2 February 2016.

**14 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 15—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 1 OF 2013: CARE AND PROTECTION SYSTEM—GOVERNMENT RESPONSE—PAPER NOTED**

Dr Bourke (Minister for Children and Young People) presented the following paper:

Public Accounts—Standing Committee—Report 15—*Review of Auditor-General’s Report No. 1 of 2013: Care and Protection System*—Government response—

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

Question—put and passed.

**15 PRESENTATION OF PAPERS**

Mr Gentleman (Manager of Government Business) presented the following papers:

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2016 (No. 1)—Disallowable Instrument DI2016-1 (LR, 11 January 2016).

Children and Young People Act—Children and Young People (ACT Out of Home Care) Standards 2016 (No. 1)—Disallowable Instrument DI2016-3 (LR, 1 February 2016).

Financial Management Act—Financial Management (Transfer of Funds) Direction 2016 (No. 1)—Disallowable Instrument DI2016-5 (LR, 4 February 2016).

Radiation Protection Act—Radiation Protection (Chair of Council) Appointment 2016 (No. 1)—Disallowable Instrument DI2016-2 (LR, 19 January 2016).

Road Transport (General) Act—Road Transport (Offences) Amendment Regulation 2016 (No. 1)—Subordinate Law SL2016-1 (LR, 4 February 2016).

Taxation Administration Act—Taxation Administration (Eligible Impacted Properties—Loose-fill Asbestos Insulation Eradication Buyback Concession Scheme) Determination 2016 (No. 1)—Disallowable Instrument DI2016-4 (LR, 4 February 2016).

**16 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—MARRIAGE EQUALITY**

The Assembly was informed that Mr Doszpot, 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 Ms Porter be submitted to the Assembly, namely, “The importance of marriage equality in the ACT”.

Discussion ensued.

Discussion concluded.

**17 WORKERS COMPENSATION AMENDMENT BILL 2015**

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

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*Detail Stage*

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

Clause 4—

On the motion of Mr Gentleman (Minister for Workplace Safety and Industrial Relations), pursuant to standing order 182A(c), by leave, his amendments Nos. 1 to 4 (*see* [Schedule 2](#)) were made together.

*Paper:* Mr Gentleman presented a supplementary explanatory statement to the Government amendments.

Clause 4, as amended, agreed to.

Clause 5—

Debate continued.

On the motion of Mr Gentleman, pursuant to standing order 182A(b), by leave, his amendment No. 1 (*see* [Schedule 3](#)), that had not been circulated in accordance with standing order 178A, was made, after debate.

*Paper:* Mr Gentleman presented a supplementary explanatory statement to the Government amendment.

Clause 5, as amended—

Question—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Fitzharris	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative—Clause 5, as amended, agreed to.

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

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

## 18 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 4.45 p.m., adjourned until tomorrow at 10 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting.

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULES OF AMENDMENTS

## Schedule 1

### JUSTICE LEGISLATION AMENDMENT BILL 2015

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Amendments circulated by the Minister for Justice and Consumer Affairs

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1

#### Clause 8

##### Proposed new section 21 (3) and example and note

Page 4, line 14—

*omit proposed new section 21 (3) and example and note, substitute*

- (3) Any birth certificate issued by the registrar-general for the person must—
- (a) if the register is altered under subsection (2) (a) (i) (A)—show the person's name as changed on the front side of the certificate; or
  - (b) if the change of name is noted in the register under subsection (2) (a) (i) (B)—note the person's name as changed on the reverse side of the certificate.
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2

#### Clause 26

##### Proposed new section 5 (2)

Page 13, line 6—

*omit proposed new section 5 (2), substitute*

- (2) For subsection (1) (f) to (i), the word 'mother' or 'father' may be used to describe either or both of the parents of the child.
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3

#### Clause 48

##### Proposed new section 11 (3) to (6)

Page 21, line 8—

*omit proposed new section 11 (3) to (6), substitute*

- (3) If the ovum used in the procedure was produced by another person other than the person's domestic partner at the time of the procedure, the person who produced the ovum is conclusively presumed not to be a parent of any child born as a result of the pregnancy.
- (4) If semen used in the procedure was produced by another person other than the person's domestic partner at the time of the procedure, the person who produced the semen is conclusively presumed not to be a parent of any child born as a result of the pregnancy.

- (5) If the person undergoes the procedure with the consent of the person's domestic partner at the time of the procedure, the domestic partner is conclusively presumed to be a parent of any child born as a result of the pregnancy.
  - (6) For subsection (5), a person is presumed to consent to the carrying out of a procedure in relation to the person's domestic partner, but the presumption is rebuttable.
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## **Schedule 2**

### **WORKERS COMPENSATION AMENDMENT BILL 2015**

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Amendments circulated by the Minister for Workplace Safety and Industrial Relations

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**1**

**Clause 4**

**Proposed new section 103E (1) (b) (i)**

**Page 4, line 19—**

*omit*

satisfactorily

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**2**

**Clause 4**

**Proposed new section 103E (5)**

**Page 5, line 10—**

*insert*

- (5) It is a defence to a prosecution for an offence against this section, for a failure to comply with a requirement under subsection (1) (a), if the defendant proves that the defendant believed on reasonable grounds that the defendant provided the facilities and assistance that were reasonably necessary to enable a return-to-work coordinator to exercise the coordinator's functions.
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**3**

**Clause 4**

**Proposed new section 103F (2) (e)**

**Page 5, line 20—**

*before*

telephone

*insert*

workplace

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**4**

**Clause 4**

**Proposed new section 103F (2) (f)**

**Page 5, line 21—**

*before*

email

*insert*

workplace

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**Schedule 3****WORKERS COMPENSATION AMENDMENT BILL 2015**

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Amendment circulated by the Minister for Workplace Safety and Industrial Relations

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**1**

**Clause 5****Proposed new section 192A (3)****Page 7, line 24—**

*omit proposed new section 192A (3), substitute*

- (3) An inspector who enters premises in accordance with this section must, if asked by the occupier of the premises or the employer who is on the premises, show the identity card issued to the inspector under section 189.
  - (3A) If the inspector does not show the identity card to the occupier or employer when asked, the inspector must leave the premises immediately.
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