



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 58

THURSDAY, 10 MAY 2018

- 1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. 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 PUBLIC ACCOUNTS—STANDING COMMITTEE—REFERENCE—STRATA RESIDENCES—METHODOLOGY FOR DETERMINING RATES AND LAND TAX—AMENDMENT TO REPORTING DATE

Order of the day No 1, Assembly business, having been called on—

Mrs Dunne (Chair), by leave, moved—that the resolution of the Assembly of 15 February 2018 referring the papers relating to methodology for determining rates and land tax for strata residences to the Standing Committee on Public Accounts for inquiry and report be amended by omitting the words “last sitting day in May 2018” and substituting “last sitting day in September 2018”.

Debate ensued.

Question—put and passed.

- 3 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Mr Rattenbury, pursuant to standing order 223, moved—that, notwithstanding the provisions of standing order 16, Mr Rattenbury be discharged from the Standing Committee on Administration and Procedure for the meeting to be held on 4 June 2018 and that Ms Le Couteur be appointed in his place.

Question—put and passed.

4 A.C.T. HEALTH SYSTEM-WIDE DATA REVIEW—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED

Ms Fitzharris (Minister for Health and Wellbeing) made a ministerial statement concerning the ACT Health System-Wide Data Review and presented the following paper:

ACT Health System-Wide Data Review—Update—Ministerial statement, 10 May 2018.

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

Debate ensued.

Question—put and passed.

5 OMBUDSMAN AMENDMENT BILL 2018

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Ombudsman Act 1989*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 May 2018.

Title read by Clerk.

Mr Barr 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.

6 MEDICINES, POISONS AND THERAPEUTIC GOODS AMENDMENT BILL 2018

Ms Fitzharris (Minister for Health and Wellbeing), pursuant to notice, presented a Bill for an Act to amend the *Medicines, Poisons and Therapeutic Goods Act 2008* and the *Medicines, Poisons and Therapeutic Goods Regulation 2008*.

Papers: Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 May 2018.

Title read by Clerk.

Ms Fitzharris moved—That this Bill be agreed to in principle.

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

7 VETERINARY PRACTICE BILL 2018

Ms Fitzharris (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to regulate veterinary practitioners, veterinary premises, and for other purposes.

Papers: Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 May 2018.

Title read by Clerk.

Ms Fitzharris moved—That this Bill be agreed to in principle.

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

8 RESIDENTIAL TENANCIES AMENDMENT BILL 2018

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Residential Tenancies Act 1997*.

Papers: Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 May 2018.

Title read by Clerk.

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

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

9 CASINO AND OTHER GAMING LEGISLATION AMENDMENT BILL 2018

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about the casino and electronic gaming, and for other purposes.

Papers: Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 May 2018.

Title read by Clerk.

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

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

10 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2018

Ms Stephen-Smith (Minister for Disability, Children and Youth), pursuant to notice, presented a Bill for an Act to amend the *Children and Young People Act 2008*.

Papers: Ms Stephen-Smith presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 May 2018.

Title read by Clerk.

Ms Stephen-Smith moved—That this Bill be agreed to in principle.

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

11 STANDING ORDER 30—PRAYER OR REFLECTION—AMENDMENT

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs), pursuant to notice, moved—That standing order 30 of the Assembly be amended as follows:

Omit “The Speaker shall also acknowledge, at the beginning of each period of sittings, that the Assembly is meeting on the lands of the traditional custodians.”, substitute “The Speaker shall also acknowledge, at the beginning of each sitting day, that the Assembly is meeting on the lands of the traditional custodians.”.

Debate ensued.

Question—put and passed.

12 PRIVILEGES 2018 (NO 2)—SELECT COMMITTEE—PROPOSED ESTABLISHMENT AND ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—PROPOSED REFERENCE—CONTINUING RESOLUTION 9

Mr Coe (Leader of the Opposition), by leave, moved—That the Assembly:

(1) notes:

- (a) the ruling of the High Court of Australia that Ms Katy Gallagher was ineligible under the Australian Constitution to stand as a candidate for election to the Australian Senate at the 2016 Federal election;
- (b) the motion of the Chief Minister presented to, and passed by, the Assembly on 25 March 2015, that Ms Gallagher, “a person who is eligible to be a senator”, be chosen to fill a casual vacancy in the Australian Senate;
- (c) subsequently, the Assembly may have misled the Governor-General of the Commonwealth of Australia and, thus, the Australian Parliament as to Ms Gallagher’s eligibility to fill the casual vacancy; and

(2) hereby:

(a) establishes a Privileges Committee:

- (i) comprising one Member of the Government, one Member of the Crossbench and one Member of the Opposition, and chaired by the Member of the Opposition;
- (ii) to consider whether the Assembly has been misled in the matter of the appointment of Ms Gallagher to fill the casual vacancy in the Australian Senate; and
- (iii) to report to the Assembly by the last sitting day in the June 2018 sitting period; and

- (b) requests the Standing Committee on Administration and Procedure to:
- (i) review the processes the Assembly follows to appoint persons to fill casual vacancies in the Australian Senate, including their eligibility under the Australian Constitution; and
 - (ii) report to the Assembly by the last sitting day in the June 2018 sitting period.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 9		NOES, 12	
Miss C. Burch	Mr Milligan	Mr Barr	Ms Orr
Mr Coe	Mr Parton	Ms Berry	Mr Pettersson
Mrs Dunne	Mr Wall	Ms J. Burch	Mr Ramsay
Mr Hanson		Ms Fitzharris	Mr Rattenbury
Mrs Kikkert		Mr Gentleman	Mr Steel
Ms Lee		Ms Le Couteur	Ms Stephen-Smith

And so it was negated.

13 EXECUTIVE MEMBERS' BUSINESS—PRECEDENCE

Ordered—that Executive Members' business be called on forthwith.

14 PILL TESTING

Mr Rattenbury, pursuant to notice, moved—that this Assembly:

- (1) notes:
 - (a) the ACT Greens have been consistently strong advocates for pill testing as a harm minimisation measure and committed to realising a pill testing trial in the lead up to the 2016 ACT election;
 - (b) the wide ranging support for pill testing across the ACT community with more than 1000 signatories to an ACT Greens petition calling for a pill testing trial, and many health and law reform experts, community organisations and musicians signing on to an open letter calling for the trial to go ahead;
 - (c) on 29 April 2018 the first pill testing trial in Australia took place in Canberra at the Groovin the Moo festival;
 - (d) the trial involved 128 participants and tested 85 samples;
 - (e) the testing identified two substances of particular concern that were detected for the first time in the ACT – one was believed to be a novel NBOMe with psycho-stimulant and hallucinogenic properties that can cause convulsions and coma, and the other was n-ethylpentylone, a cathinone implicated in fatalities overseas;

- (f) after participating in pill testing and receiving information about the substances contained within their pill as well as receiving advice about the harms of drug use, a number of patrons made an informed choice to discard their pills in the amnesty bins rather than consume them;
 - (g) none of the people who presented to paramedics for treatment or who were arrested by police for drug offences at the festival are believed to have participated in the pill testing trial;
 - (h) the pill testing service was able to provide valuable information about substances that may have been circulating at the festival to ACT police and health services to improve drug treatment and detection in real time; and
 - (i) the trial likely reduced harm at the event by informing young people about the risks of drug taking, increasing interactions with health professionals and reducing the consumption of dangerous substances;
- (2) recognises the:
- (a) leadership demonstrated by the ACT Government in considering the merits of pill testing as a harm minimisation approach through a robust, evidence-based process informed by the expert advice of a cross-government working group;
 - (b) subsequent decision of the Government to allow the first pill testing trial in the southern hemisphere to take place; and
 - (c) significant effort invested by many stakeholders to ensure the trial went ahead safely, including the STA-SAFE consortium, ACT Health, ACT Policing, the ACT Ambulance Service and Cattleyard Promotions, and congratulates all involved for a successful trial; and
- (3) calls on the ACT Government to:
- (a) continue to take an evidence-based harm minimisation approach to drug policy; and
 - (b) support other opportunities to implement harm minimisation approaches including further pill testing services in the ACT.

Debate ensued.

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.

15 QUESTIONS

Questions without notice were asked.

16 INDEPENDENT COMPETITION AND REGULATORY COMMISSION ACT—INDEPENDENT COMPETITION AND REGULATORY COMMISSION—REPORTS 1 AND 2 OF 2018—PAPERS AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following papers:

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—

Report 1 of 2018—Regulated water and sewerage services prices 2018-23—Final report, dated May 2018.

Report 2 of 2018—Regulated water and sewerage services—Price Direction—1 July 2018 to 30 June 2023, dated 1 May 2018—

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

17 ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT—ANNUAL REPORT 2016-2017—LAND DEVELOPMENT AGENCY—CORRIGENDUM—PAPER AND STATEMENT BY MINISTER—STATEMENT BY MEMBER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Land Development Agency—Corrigendum, dated May 2018—

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

Mr Coe (Leader of the Opposition), by leave, also made a statement in relation to the paper.

18 FREEDOM OF INFORMATION ACT—NOTICE PROVIDED TO THE OMBUDSMAN—TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE—FREEDOM OF INFORMATION REQUEST—DECISION NOT MADE IN TIME—PAPER AND STATEMENT BY MINISTER

Ms Fitzharris (Minister for Transport and City Services) presented the following paper:

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Transport Canberra and City Services Directorate—Freedom of Information request—Decision not made in time, dated 4 May 2018—

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

19 PRESENTATION OF PAPER

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

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 January to 31 March 2018, dated May 2018.

20 PRESENTATION OF PAPER

Mr Ramsay (Attorney-General) presented the following paper:

Courts Construction Project—Update to the Legislative Assembly on the progress, dated May 2018.

21 PRECEDENCE TO EXECUTIVE MEMBERS' BUSINESS

Leave was granted to continue debate on order of the day, Executive Members' business, relating to pill testing.

22 PILL TESTING

The order of the day having been read for the resumption of the debate on the motion of Mr Rattenbury (*see entry 14*)—

Debate resumed.

Question—put.

The Assembly voted—

AYES, 12		NOES, 9	
Ms Berry	Ms Orr	Miss C. Burch	Mr Milligan
Ms J. Burch	Mr Pettersson	Mr Coe	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Cody	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	

And so it was resolved in the affirmative.

23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—FEDERAL PUBLIC SERVICE—MAINTAINING THE A.C.T. AS THE CENTRE

The Assembly was informed that Miss C. Burch, Ms Cheyne, Ms Cody, Mrs Dunne, Mr Hanson, Mrs Kikkert, Ms Lawder, Mr Milligan, Ms Orr, Mr Parton, Mr Pettersson and Mr Steel 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 maintaining the ACT as the centre of the Federal public service”.

Discussion ensued.

Discussion concluded.

24 END OF LIFE CHOICES IN THE A.C.T.—SELECT COMMITTEE—INQUIRY—SUBMISSIONS RECEIVED AND FIRST PUBLIC HEARINGS—STATEMENT BY CHAIR—STATEMENT BY MEMBER

Ms Cody (Chair), pursuant to standing order 246A, made a statement concerning submissions received by the Select Committee on End of Life Choices in the ACT and programming of its first public hearings.

Ms Cheyne, by leave, made a statement in relation to the matter.

25 PRIVILEGES 2018—SELECT COMMITTEE—ESTABLISHMENT—AMENDMENT TO RESOLUTION

Mr Rattenbury (Chair), by leave, moved—that the resolution of the Assembly of 12 April 2018 which established the Select Committee on Privileges 2018, be amended by inserting a new paragraph (4A):

“(4A) if the Assembly is not sitting when the report is completed, the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation;”.

Question—put and passed.

26 ROAD TRANSPORT REFORM (LIGHT RAIL) LEGISLATION AMENDMENT BILL 2018

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 Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) presented a revised explanatory statement to the Bill.

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

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Rattenbury, pursuant to standing order 182A(b), by leave, his amendments Nos 1 and 2 (see Schedule 1) were made together.

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

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

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

27 ADJOURNMENT

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

The time for the debate having expired—

The Speaker, at 5.14 pm, adjourned the Assembly until Tuesday, 5 June 2018 at 10 am.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

ROAD TRANSPORT REFORM (LIGHT RAIL) LEGISLATION AMENDMENT BILL 2018

Amendments circulated by the Minister for Justice, Consumer Affairs and Road Safety

1

Clause 5

Proposed new section 27B (1) and note

Page 3, line 16—

omit proposed new section 27B (1) and note, substitute

- (1) A person is entitled to operate a light rail service if the person is accredited under the *Rail Safety National Law (ACT)* as a rail transport operator to operate a light rail service.

Note It is an offence to carry out railway operations without accreditation (see *Rail Safety National Law (ACT)*, s 62).

2

Clause 5

Proposed new section 27D (a) (ix)

Page 6, line 11—

omit
