Legislative Assembly for the Australian Capital Territory

2016-2017

Notice Paper

No 31

Tuesday, 19 September 2017

The Assembly meets this day at 10 am

EXECUTIVE BUSINESS

Orders of the day

1. PLANNING AND DEVELOPMENT AMENDMENT BILL 2017: (Minister for Planning and Land Management): Agreement in principle—Resumption of debate (from 24 August 2017—Mr Wall).

2. CRIMES (FOOD OR DRINK SPIKING) AMENDMENT BILL 2017: (Attorney-General): Agreement in principle—Resumption of debate (from 24 August 2017—Mr Hanson).


* Notifications to which an asterisk (*) is prefixed appear for the first time

No 31—19 September 2017


*9 ELECTRICITY FEED-IN (LARGE-SCALE RENEWABLE ENERGY GENERATION) AMENDMENT BILL 2017: (Minister for Climate Change and Sustainability): Agreement in principle—Resumption of debate (from 14 September 2017—Ms Lee).

10 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.

Private Members’ Business

Notices

*1 MR COE: To present a Bill for an Act to amend the Government Procurement Act 2001, and for other purposes. (Notice given 18 September 2017).

*2 MR WALL: To move—That this Assembly:

(1) notes the important contribution that businesses in Mitchell make to the ACT economy and the considerable amount of revenue collected by Government from Mitchell traders through rates, payroll tax and other fees and charges; and

(2) calls on the ACT Government to:

(a) construct a light rail stop at Mitchell;

(b) explore what compensation can be offered to businesses severely impacted by the construction of light rail;

(c) construct additional all day car parking in Mitchell (especially for workers on the eastern side of Mitchell);

(d) detail how Mitchell will be serviced by buses following the operation of light rail;

(e) include Mitchell on a regular schedule for street sweeping;
(f) improve the urban services delivered in Mitchell, such as footpath and streetlight maintenance; and

(g) undertake consultation with businesses in Mitchell about implementing urgent minor capital works in the public realm. (*Notice given 18 September 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 building an inclusive and welcoming city for all Canberrans and recognises that:

(a) Canberra is a proudly diverse community, boasting a rich collection of people of different cultural and linguistic backgrounds, belief systems, sexual orientations and social and economic demographics; and

(b) the whole ACT community is stronger when every person has a sense of belonging, feels supported and is able to contribute to their full capacity;

(2) reaffirms its commitment to creating a city of opportunity for all Canberrans and notes the significant funds dedicated to supporting the health, wellbeing and inclusion of all Canberrans in the 2017-2018 Budget, including:

(a) the Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community;

(b) women;

(c) refugees;

(d) the Aboriginal and Torres Strait Islander community;

(e) Canberrans with a disability;

(f) culturally and linguistically diverse people;

(g) vulnerable children, women and older Canberrans;

(h) carers;

(i) people in our community who are facing disadvantage; and

(j) people who are finding their way back from the justice system;

(3) recognises that the ACT Government is already taking practical steps to promote an inclusive and supportive community, including by:

(a) providing additional funding to A Gender Agenda to build capability and increase support to the gender-diverse community;

(b) funding Safe Schools to encourage all young people to learn about gender diversity and to support young people in the LGBTIQ community;

(c) passing legislation to establish Australia’s first Reconciliation Day public holiday;
(d) continued funding for Justice Reinvestment programs to deliver a family-focused approach to reducing the over-representation of Aboriginal and Torres Strait Islander people in the justice system;

(e) encouraging and investing in schools that provide great opportunities for all children to learn regardless of their background or circumstances;

(f) delivering a mental health package with a special focus on young people and new mothers, as well as investing in a range of services and programs to improve the mental health of Canberrans and reduce the incidences of suicide in our community;

(g) hosting over 35 workshops involving hundreds of people, and reaching thousands of Canberrans, as part of the development of the ACT Housing Strategy in the lead up to the ACT Housing and Homelessness Summit in October 2017;

(h) promoting women in sport with specific funding to increase participating of young women, including working towards more equal funding for elite teams and representation on sporting boards tied to triennial funding agreements; a new women in sport on-line portal to be established; and infrastructure funding to make community sporting facilities more accessible for women and girls;

(i) encouraging inclusion of culturally and linguistically diverse individuals through sporting events, festivals and an increase in access to services in languages other than English;

(j) declaring the ACT a Refugee Welcome Zone and supporting refugees and asylum seekers to improve their English language skills through expanding English language programs, and to enter the workforce with the assistance of a job brokerage service;

(k) supporting programs that improve outcomes for offenders transitioning back into the community and reduce rates of recidivism; and

(l) kicking off a deliberative democracy process to improve support for ACT carers; and

(4) calls on the ACT Government to sustain its focus on inclusion and to continue delivering new programs and initiatives that recognise, respect and support our diverse community. (Notice given 18 September 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).
MS LAWDER: To move—That this Assembly:

(1) notes that:

(a) for over a decade the ACT Government has been aware of the fire risks associated with aluminium cladding, as outlined in the Ministerial Statement of 17 August 2017, *Update on the Aluminium Cladding Working Group*;

(b) since 2009, the ACT Government has been working on specific measures to address the fire safety risks associated with aluminium cladding;

(c) in 2009-2010, the ACT Government approved aluminium cladding be used in the construction of the Centenary Hospital for Women and Children;

(d) In 2017, 10 years after monitoring the fire risks associated with aluminium cladding, the ACT Government commenced an audit of all ACT Government buildings constructed with this product;

(e) the Government has refused leave to request the Minister table the audit of ACT Health government buildings;

(f) the Minister for Planning and Land Management has failed to answer questions about the matter;

(g) during question time on 13 September 2017 the Minister for Health and Wellbeing informed the Assembly that she has been advised by infrastructure experts at ACT Health and by ACT Fire and Rescue that the Centenary Hospital is safe and yet the Minister is having cladding from the hospital removed;

(h) the Minister for Health and Wellbeing has refused to explain why the cladding is being removed;

(i) the Senate Economics References Committee report states that there have been 19 fires involving aluminium cladding worldwide, including:

(i) the 2014 Docklands fire in Melbourne that caused fire damage to approximately 140 apartments; and

(ii) the 2017 Grenfell Tower fire that destroyed 120 apartments and killed 80 people; and

(j) in September 2017 the Senate Economics References Committee recommended the Australian Government implement a total ban on the importation, sale and use of polyethylene core aluminium composite panels, also known as aluminium cladding, as a matter of urgency; and
calls on the ACT Government to:

(a) advise the Assembly in the first week of the 2017 October sittings:

(i) what the Government has done to address the fire safety risks associated with the use of aluminium cladding in all ACT government buildings since 2009;

(ii) what the Government has done to address the fire safety risks associated with the use of aluminium cladding in all private commercial and residential buildings since 2009;

(iii) what issues were raised by ACT officials in 2009-10 with the Australian Building Codes Board;

(iv) why the Centenary Hospital for Women and Children was built with flammable aluminium cladding; and

(v) why cladding is being removed from the Centenary Hospital for Women and Children; and

(b) provide the Assembly in the first week of the 2017 October sittings:

(i) all reports on the Centenary Hospital for Women and Children by ACT Fire and Rescue;

(ii) the recommendations of the 2017 audit of all ACT Government health buildings constructed with aluminium cladding;

(iii) the audit report of ACT government buildings; and

(iv) the Government’s plans to mitigate fire risks and related security issues associated with existing aluminium cladding on all ACT government, private commercial and residential buildings following the interim Senate Economics References Committee report on aluminium composite cladding. *(Notice given 18 September 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).*

MR MILLIGAN: To move—That this Assembly:

notes:

(a) the ACT Labor-Greens’ Government recently opened a property known as the Ngunnawal Bush Healing Farm, which it has stated is not an alcohol and drug rehabilitation facility;

(b) that after years of effort and spending more than $12 million, this property is now nothing more than a non-residential day program centre;

(c) that the Government has come up with a model of service delivery suitable only for the final stages in the treatment of drug and alcohol dependency;
(d) that the model of service delivery for the property, whilst it employs indigenous people, has failed to include any indigenous organisations in its delivery;

(e) that the original intention of the Farm, as stated by Jon Stanhope in his press release of 13 October 2007, was for it to be a residential drug and alcohol rehabilitation facility; and

(f) that the Farm does not meet the needs of the local community for an indigenous drug and alcohol residential rehabilitation facility delivering a clinical model of care; and

(2) calls on the ACT Labor Government to:

(a) accept responsibility for failing to keep to the original commitment made on 13 October 2007 by the then Chief Minister Jon Stanhope, to develop a drug and alcohol residential rehabilitation facility; and

(b) detail how the Government will deliver on a drug and alcohol residential rehabilitation centre:

(i) as requested and needed by the ACT indigenous community;

(ii) which provides an appropriate clinical model of care; and

(iii) which is run by indigenous organisation/s. (Notice given 18 September 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

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

(1) notes that:

(a) each year the ACT Government mows 30 000 hectares of grass across our suburbs and along arterial roads, maintains around 2 500 kilometres of footpaths, resurfaces more than a million square metres of road, and makes over 6.8 million household rubbish collections and 3.5 million household recycling collections;

(b) the ACT Government is delivering on its commitment to improve the look and feel of our city through practical municipal improvements across Canberra;

(c) the 2017-18 Budget invests in better road maintenance, safety in school zones, better playground and sporting facilities, better weed control and better graffiti management;

(d) the ACT grew faster than any State or Territory over the past five years, adding more than 40 000 new residents – an increase of 11 percent;

(e) our rapid population growth creates more demand for services which means that the level and focus of city services needs to change too; and
(f) the ACT Government provided more than $2.3 million this year for city services in our new suburbs, covering the maintenance of roads, paths and parkland, as well as essential services such as waste and recycling collections; and

(2) calls on the ACT Government to:

(a) continue to invest in better city services to support the growth of new suburbs and the renewal of established suburbs across Canberra;

(b) engage across the whole Canberra community to better understand their needs and how they prioritise city services including domestic animals, parks and public amenity, sporting and recreational facilities, shopping precincts, trees and shrubs, roads, waste management, traffic management, street lighting, storm water infrastructure, footpaths and cycle paths;

(c) ensure that decisions about city services are informed by local residents and ratepayers to achieve the appropriate balance in services and infrastructure that meet changing needs and are financially sustainable; and

(d) set a long term vision for the delivery of city services for Canberra based on this engagement that fosters a strong and genuine sense of shared responsibility amongst the community. (Notice given 18 September 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

7 MR COE: To move—That this Assembly calls on the ACT Government to undertake and publish staging analysis for all stages indentified in the 2015 ACT Light Rail Master Plan. As per the 1994 and 2004 Canberra light rail studies, the analysis should include, but not be limited to, estimates for:

(1) demography;

(2) patronage;

(3) possible route alignments;

(4) capital costs;

(5) operating costs; and

(6) finance options. (Notice given 21 August 2017. Notice will be removed from the Notice Paper unless called on within 2 sitting weeks—standing order 125A).
MS LE COUTEUR: To move—That this Assembly:

(1) notes that:

(a) the 2017-18 Budget increased the Lease Variation Charge on unit titling of residential dwellings on many residential Crown Leases from a tiered scale of $7500 and $5000 per dwelling to a flat charge of $30,000 per dwelling on the grounds that “this will improve consistency with the ‘per unit’ charges which apply to other types of residential lease variations”;

(b) this charge is primarily paid by new multi-unit residential developments such as duplexes, townhouses and apartments;

(c) industry groups representing individual developers who will pay the increased charges identified that this change could have unintended consequences for individual developers, housing affordability and the supply of new multi-unit housing and the Government responded to these concerns by announcing transitional arrangements on 19 July 2017; and

(d) industry groups supported these transitional arrangements but have raised concerns about the impacts of the change beyond the transitional period;

(2) further notes that:

(a) the Lease Variation Charge system is complex and presents opportunities for rationalisation and improvements in consistency;

(b) an implementation review of these revised charges is due within the next 18 months; and

(c) the Government is currently undertaking a substantial review of its housing affordability policies; and

(3) calls on the ACT Government to:

(a) review the full suite of Lease Variation Charges and remissions that apply to residential and mixed-use development, with the review to:

(i) include consideration of options for simplification of charges, such as consistency across lease types;

(ii) consider charges in context with the factors that influence the financial viability of re-development including zoning, allowed plot ratios, gross floor area and the value of the completed dwellings;

(iii) be conducted in consultation with the community, industry groups and other stakeholders;

(iv) be closely co-ordinated with the review of housing affordability policies;

(v) seek to align charges with the Government’s housing affordability, housing supply and planning policies;
(vi) include modelling of the potential impacts of changes on the financial viability of development; and

(vii) be conducted on a revenue-neutral basis; and

(b) introduce any resulting changes to charges by the 2019-20 budget cycle, with appropriate communication and transitional arrangements as necessary. (Notice given 11 September 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).

2 CRIMES (INVASION OF PRIVACY) AMENDMENT BILL 2017: (Ms Le Couteur) Agreement in principle—Resumption of debate (from 2 August 2017—Mr Ramsay).

ASSEMBLY BUSINESS

Notice

1 MS BURCH: To move—That the following amendment be made to the standing orders: Omit standing order 213A, substitute:

“Order for the production of documents held by the Executive

213A.(1) A Member may lodge a notice of motion seeking the Assembly to order a document or documents to be tabled in the Assembly. If agreed to, the Clerk is to communicate to the Chief Minister’s Directorate all orders for a document or documents made by the Assembly.

(2) When returned, the document or documents (where no claim of privilege is made by the Chief Minister) will be laid on the Table by the Clerk.

(3) A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document or documents, a description of the document or documents and the author of the document or documents.
(4) If at the time the document or documents are required to be tabled the Assembly is not sitting, the document or documents may be lodged with the Clerk, and unless privilege is claimed, are deemed to have been presented to the Assembly and authorised for publication with the Clerk circulating the document or documents to all Members as soon as practicable.

(5) Where a document or documents is considered by the Chief Minister to be privileged, a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege.

(6) Where the Assembly requires a document or documents to be returned, either the document or documents requested or a claim of privilege must be given to the Clerk within 14 calendar days of the date of the order by the Assembly.

(7) Any Member may, by communication in writing to the Clerk, dispute the validity of the claim of privilege in relation to a particular document or documents within seven calendar days of the receipt of the claim of privilege. On receipt of such communication, the Clerk will advise the Chief Minister’s Directorate, who will provide to the Clerk, within seven calendar days of receipt of the dispute of validity claim, copies of the disputed document or documents. The Clerk is authorised to provide the disputed document or documents to an independent legal arbiter as soon as practicable, for evaluation and report within 10 calendar days as to the validity of the claim.

(8) The Clerk is also authorised to provide to the independent legal arbiter and to all Members, submissions from any Member in relation to the claim of privilege.

(9) The independent legal arbiter is to be appointed by the Speaker and must be a retired Supreme Court, Federal Court or High Court Judge.

(10) A report from the independent legal arbiter is to be lodged with the Clerk and:

(a) made available only to Members of the Assembly; and

(b) not published or copied without an order of the Assembly.

(11) If the independent legal arbiter upholds the claim of privilege the Clerk shall return the document or documents to the Chief Minister’s Directorate.
(12) If the independent legal arbiter does not uphold the claim of privilege, the Clerk will table the document or documents that has been the subject of the claim of privilege. In the event that the Assembly is not sitting, the Clerk is authorised to provide the document or documents to any Member upon request, however, the document or documents do not attract absolute privilege until tabled by the Clerk at the next sitting of the Assembly.

(13) Other persons requesting to examine the document or documents may do so with the Clerk maintaining a register showing the name of any person examining the document or documents tabled under this order.”. (Notice given 12 September 2017. Notice will be removed from the Notice Paper unless called on within 3 sitting weeks—standing order 125A).

Orders of the day

*1 LEGISLATIVE ASSEMBLY LEGISLATION AMENDMENT BILL 2017: (Ms Burch): Agreement in principle—Resumption of debate (from 14 September 2017—Mr Gentleman).

End of October 2017

2 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

3 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

EXECUTIVE MEMBERS’ BUSINESS

Notice

*1 MR RATTENBURY: To move—That this Assembly:

(1) acknowledges that the parliamentary precinct between Parliament House and the Lake has special national significance;

(2) notes that:
   (a) the Federal Government has announced that it intends to sell the East Block and West Block offices in the Parliamentary Triangle, with Expressions of Interest currently open for the East Block;
   (b) the East Block and West Block offices are located in the core of the parliamentary precinct close to Old Parliament House; and
   (c) both buildings are an important part of Australia’s national heritage and Canberra’s own heritage, the East and West Block buildings are:
      (i) both on the Commonwealth Heritage List, which covers heritage places owned or controlled by the Australian Government; and
      (ii) historically significant as they were constructed as part of the “Provisional” Parliament House complex for the opening of Old Parliament House;

(3) further notes that if the East Block and West Block offices are privatised, the Federal Government will lose control of the heart of Canberra’s national area and the National Capital Authority will come under pressure to approve unsuitable commercial development;

(4) opposes the privatisation of key buildings and sites in the parliamentary precinct between Parliament House and the Lake; and

(5) writes to the Federal Government urgently calling for:
   (a) an immediate halt to the sales processes;
   (b) better protection of the nation’s heritage; and
   (c) no further privatisations within the parliamentary precinct. (Notice given 18 September 2017. Notice will be removed from the Notice Paper unless called on within 4 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**


(Redirected questions—30 days expires 15 October 2017)

601 **MS LEE:** To ask the Minister for Regulatory Services—

1. When was it discovered that four of the ACT’s dams did not meet the Territory’s safety code.
2. How often are audits conducted on the ACT’s water storages.
3. How often are they supposed to be undertaken.
4. When was the last one undertaken prior to the most recent audit.
5. Whose responsibility is it to undertake audits of ACT water storages.
6. Who undertook the most recent audit.
7. What prompted them to do it.
8. Why has this failure to meet safety standards not been identified before.
9. What remediation work, if any, is required to be done.
10. Why has a safety audit of the lower Molonglo water quality control centre not been undertaken since it was built 22 years ago.
11. What is examined in a safety code assessment.

602 **MS LEE:** To ask the Minister for Regulatory Services—

1. In response to Question 374 about wood heaters did you say that Access Canberra undertakes risk based compliance inspections to ensure compliance with activities regulated under the legislation.
2. What format do the inspections take.
3. How are potential houses selected for inspection.
4. How often and how many inspections are undertaken on a yearly basis.
5. What suburbs are included in areas of inspection.

**T Duncan**

Clerk of the Legislative Assembly
GOVERNMENT TO RESPOND TO PETITIONS
(in accordance with standing order 100)

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).

16 November 2017
Higgins—Upgrades to playgrounds—Minister for Transport and City Services—Petition lodged by Mrs Kikkert (Pet 20-17).

23 November 2017
Safe Schools Coalition program—Minister for Education and Early Childhood Development—Petition lodged by Mr Wall (Pet 21-17).

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)