



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019–2020

MINUTES OF PROCEEDINGS

No 139

THURSDAY, 27 AUGUST 2020

- 1 The Assembly met at 9.30 am, in accordance with the notice fixed by the Speaker (Ms J. Burch) on request from an absolute majority of Members, pursuant to the resolution of the Assembly of 22 August 2019.

The Speaker took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

This is Ngunnawal Country.

Today we are gathering on Ngunnawal country.

We always pay respect to Elders, female and male, and Ngunnawal country.

The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Papers: The Speaker presented the following papers:

Notice amending the time for commencement of the 27 August 2020 sitting of the Legislative Assembly for the Australian Capital Territory—Special Gazette No S5, Tuesday 25 August 2020.

Copies of email requests to the Speaker, requesting an amendment to the 2020 sitting pattern, from the following Members:

Mr Barr	Ms Lee	Mr Ramsay
Ms Cheyne	Mr Milligan	Mr Rattenbury
Ms Cody	Ms Orr	Ms Stephen-Smith
Mr Hanson	Mr Parton	Mr Wall
Ms Lawder	Mr Pettersson	

2 E-PETITIONS AND PETITIONS—PETITIONS NOTED—PAPERS

The Clerk announced that the following Members had lodged petitions for presentation:

Mrs Kikkert, from 175 residents, requesting that the Assembly call on the ACT Government to either reduce the number of buses using the Fraser West Bus terminus to pre-existing levels or to move the terminus to a more suitable location away from residential properties (e-Pet 18-20).

Miss C. Burch, from 393 residents, requesting that the Assembly request a community consultation process that reviews the loss of parkland and visual amenity, traffic management and safety, noise and fumes associated with the proposed bus layover in Turner Parklands (e-Pet 11-20).

Ms Lee, from 140 residents, requesting that the Assembly call on the ACT Government to provide at least two kerbside disability parking bays near the pharmacy in Watson to allow easier access to those with limited mobility (Pet 20-20).

Ms Lee, from 193 residents, requesting that the Assembly call on the ACT Government to undertake an assessment of traffic flows in the area of the Watson shops with a view to constructing a pedestrian crossing across Windeyer Street (Pet 19-20).

Ms Lee, from 1 resident, requesting that the Assembly call on the ACT Government to financially support *Live In Ya Lounge* by covering the venue and staffing costs to the value of \$5500 per show (Pet 21-20).

Ms Lee, from 12 residents, requesting that the Assembly call on the ACT Government to reject any proposals for waste processing facilities in Fyshwick and work with the proponents to find more suitable alternative sites (Pet 22-20).

Ms Le Couteur, from 887 residents, requesting that the Assembly review the decision to close the West Belconnen Waste Facility and if it is to close, identify an alternative site in Belconnen and ensure it is operational before the current facility is closed (Pet 23-20).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Environment and Transport and City Services.

The Speaker proposed—That the petitions so lodged be noted.

Debate ensued.

Paper: Ms Le Couteur, by leave, presented the following paper:

Petition which does not conform with the standing orders—West Belconnen Resource Management Centre (19 signatures).

Paper: Ms Lee, by leave, presented the following paper:

Petition which does not conform with the standing orders—*Live In Ya Lounge*—Financial support.

Debate continued.

Question—put and passed.

3 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting extending beyond the 30 minute time limit.

Question—put and passed, with the concurrence of an absolute majority.

4 LEAVE OF ABSENCE TO MEMBER

Mr Wall moved—That leave of absence be granted to Mrs Jones for today due to sickness.

Question—put and passed.

5 COVID-19 PANDEMIC RESPONSE—SELECT COMMITTEE—ESTABLISHMENT—AMENDMENT TO REPORTING DATE

Mr Wall, by leave, moved—That the resolution of the Assembly of 2 April 2020, as amended 7 May and 18 June 2020, which established the Select Committee on the COVID-19 Pandemic Response be amended by omitting paragraph (6) and substituting:

“(6) the Committee shall deliver its final report no later than 16 October 2020. Should the Committee determine not to prepare a final report, the Chair shall advise the Speaker in writing prior to 16 October 2020.”.

Debate ensued.

Question—put and passed.

6 ELECTRICITY FEED-IN (LARGE-SCALE RENEWABLE ENERGY GENERATION) AMENDMENT BILL 2020

Mr Rattenbury (Minister for Climate Change and Sustainability), by leave, presented a Bill for an Act to amend the *Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011*.

Paper: Mr Rattenbury presented the following paper:

Explanatory statement to the Bill, incorporating a compatibility statement, pursuant to section 37 of the *Human Rights Act 2004*.

Title read by Clerk.

Mr Rattenbury 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 a later hour this day.

7 COVID-19 PANDEMIC RESPONSE—SELECT COMMITTEE—INTERIM REPORT 4—REPORT NOTED

Mr Coe (Chair) presented the following report:

COVID-19 Pandemic Response—Select Committee—*Interim Report 4*, dated 26 August 2020, together with a copy of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 50—STATEMENT BY CHAIR

Ms Cody (Deputy Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 50, dated 25 August 2020, together with a copy of the extracts of the relevant minutes of proceedings—

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

9 HEALTH, AGEING AND COMMUNITY SERVICES—STANDING COMMITTEE—REPORT 12—FINAL REPORT ON CHILD AND YOUTH PROTECTION SERVICES (PART 1)—REPORT NOTED

Ms Cody (Chair) presented the following report:

Health, Ageing and Community Services—Standing Committee—Report 12—*Final Report on Child and Youth Protection Services (Part 1)*, dated 25 August 2020, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

10 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 13—INQUIRY INTO AUDITOR-GENERAL REPORT NO 8 OF 2018: ASSEMBLY OF RURAL LAND WEST OF CANBERRA—REPORT NOTED

Mrs Dunne (Chair) presented the following report:

Public Accounts—Standing Committee—Report 13—*Inquiry into Auditor-General Report No 8 of 2018: Assembly of rural land west of Canberra*, dated 27 August 2020, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

11 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REPORT 9—INQUIRY INTO BUILDING QUALITY—CORRIGENDUM—STATEMENT BY CHAIR—PAPER

Mr Hanson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Economic Development and Tourism had prepared a corrigendum to Report 9—*Inquiry into Building Quality*, to replace respective text in the published report.

Paper: Mr Hanson, by leave, presented the following paper:

Economic Development and Tourism—Standing Committee—Report 9—*Inquiry into Building Quality*—Corrigenda.

12 INTEGRITY COMMISSION—STANDING COMMITTEE—A.C.T. INTEGRITY COMMISSION—PERFORMANCE—STATEMENT BY CHAIR

Ms Lee (Chair), pursuant to standing order 246A, reported to the Assembly on the performance of the ACT Integrity Commission, in accordance with the resolution establishing the Standing Committee on the Integrity Commission and its terms of reference.

13 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Ms Cody (Deputy Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Justice and Community Safety.

Papers: Ms Cody, pursuant to Continuing Resolution 5A, presented the following papers:

Justice and Community Safety—Standing Committee—Schedules of Statutory Appointments—9th Assembly—Period—

1 January to 30 June 2019.

1 January to 30 June 2020.

14 PUBLIC ACCOUNTS—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Mrs Dunne (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Public Accounts.

Paper: Mrs Dunne, pursuant to Continuing Resolution 5A, presented the following paper:

Public Accounts—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 2018, 2019 and 2020.

15 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

16 CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY AMENDMENT BILL 2020

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.

17 PUBLIC INTEREST DISCLOSURE AMENDMENT BILL 2020

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.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Barr (Chief Minister), his amendments Nos 1 to 7 (see [Schedule 1](#)) were made together, after debate.

Paper: Mr Barr (Chief Minister) 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.

18 EMERGENCIES AMENDMENT BILL 2020

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.

19 RESIDENTIAL TENANCIES AMENDMENT BILL 2020

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

Detail Stage

Clause 1—debated and agreed to.

Mr Ramsay (Attorney-General) moved—That, pursuant to standing order 185, consideration of clause 2 be postponed.

Question—put and passed.

Clause 3—

On the motion of Mr Ramsay, his amendment No 2 (see [Schedule 2](#)) was made.

Papers: Mr Ramsay presented the following papers:

Supplementary explanatory statement to the Government amendments.

Revised explanatory statement to the Bill.

Clause 3, as amended, agreed to.

Clauses 4 to 16, by leave, taken together and agreed to.

Clause 17—

On the motion of Mr Ramsay, his amendment No 3 (see [Schedule 2](#)) was made.

Clause 17, as amended, agreed to.

Mr Ramsay was granted leave to move an amendment that had not been considered or reported on by the Scrutiny Committee.

New clause—

On the motion of Mr Ramsay, new clause 17A (his amendment No 2—see [Schedule 3](#)) was inserted in the Bill.

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

Clauses 18 to 21, by leave, taken together and agreed to.

Clause 22—

On the motion of Mr Ramsay, by leave, his amendments Nos 4 and 5 (see [Schedule 2](#)) were made together.

Clause 22, as amended, agreed to.

Clauses 23 to 26, by leave, taken together and agreed to.

Clause 27—

On the motion of Mr Ramsay, by leave, his amendments Nos 6 to 16 (see [Schedule 2](#)) were made together.

Clause 27, as amended, agreed to.

Clauses 28 to 30, by leave, taken together and agreed to.

Clause 31—negatived.

Clauses 32 to 34, by leave, taken together and agreed to.

New clauses—

On the motion of Mr Ramsay, new clauses 34A and 34B (his amendment No 18—see [Schedule 2](#)) were inserted in the Bill.

Clauses 35 to 38, by leave, taken together and agreed to.

New clause—

On the motion of Mr Ramsay, new clause 38A (his amendment No 3—see [Schedule 3](#)) was inserted in the Bill.

Clauses 39 to 41, by leave, taken together and agreed to.

Clause 42—

On the motion of Mr Ramsay, his amendment No 20 (see [Schedule 2](#)) was made.

Clause 42, as amended, agreed to.

Clauses 43 to 46, by leave, taken together and agreed to.

Schedule 1 agreed to.

New schedule—

On the motion of Mr Ramsay, new Schedule 2 (his amendment No 21—see [Schedule 2](#)) was inserted in the Bill.

Clause 2—

On the motion of Mr Ramsay, his amendment No 1 (see [Schedule 3](#)) was made.

Clause 2, as amended, agreed to.

Title—debated and agreed to.

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

20 SEXUALITY AND GENDER IDENTITY CONVERSION PRACTICES BILL 2020

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.

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.

21 QUESTIONS

Questions without notice were asked.

22 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Assembly Budget Protocols—Agreement between the Speaker and the Chief Minister on budget and funding arrangements for the Office of the Legislative Assembly and Officers of the Assembly, dated 20 August 2020.

Standing order 191—Amendments to:

Justice Legislation Amendment Bill 2020, dated 26 and 27 August 2020.

Planning Legislation Amendment Bill 2020, dated 26 and 27 August 2020.

23 PRESENTATION OF PAPERS

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

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General's Reports—

No 3/2020—Data Security—Government response.

No 6/2020—Transfer of workers' compensation arrangements from Comcare—Ministerial response, dated August 2020.

Commercial waste reduction—Mixed-use areas—Response to the resolution of the Assembly of 4 June 2020—Statement, dated August 2020.

COVID-19 Emergency Response Act, pursuant to subsection 3(3)—COVID-19 Measures—Report No 4—Reporting period 1-31 July 2020, dated August 2020.

Education, Employment and Youth Affairs—Standing Committee—Report 9—*Youth Mental Health in the ACT*—

Recommendation 19—Timeline for completion of the Adolescent Mental Health Unit at the Centenary Hospital for Women and Children, dated 27 August 2020.

Recommendation 48—Update on the 2018 position statement on eating disorders, dated August 2020.

Estimates 2018-2019—Select Committee—Report—*Appropriation Bill 2018-2019 and Appropriation (Office of the Legislative Assembly) Bill 2018-2019*—Recommendation 56—Update to Government response, and Health, Ageing and Community Services—Standing Committee—Report 10—*Report on Inquiry into Maternity Services in the ACT*—Recommendation 3—Canberra Maternity Options Service—Implementation Progress Report—

Report.

Statement, dated 27 August 2020.

Estimates 2019-2020—Select Committee—Report—*Appropriation Bill 2019-2020 and Appropriation (Office of the Legislative Assembly) Bill 2019-2020*—Recommendation 99—Centre for Eating Disorders—Update to the Government response, dated 27 August 2020.

Financial Management Act—

Pursuant to section 26—Consolidated Financial Report—2019-20 Interim result—Financial quarter ending 30 June 2020.

Pursuant to subsection 30F(3)—2019-20 Capital Works Program—Progress report—Year-to-date 30 June 2020.

Functional Family Therapy—Child Welfare—Implementation update, dated August 2020.

Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step Can Make a Lifetime of Difference*—Update.

Rail Safety National Law—Rail Safety National Law National Regulations (Fees and Other Measures) Variation Regulations 2020 (2020 No 322), together with an explanatory statement.

Smoke and air quality—Development of a strategy—Government response to the resolution of the Assembly of 13 February 2020—Statement, dated 27 August 2020.

Workplace Culture within ACT Public Health Services—Independent Review—Final Report—Biannual update on implementation of the recommendations—Statement, dated 27 August 2020.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act and Financial Management Act—Cemeteries and Crematoria (Governing Board) Appointment 2020 (No 1)—Disallowable Instrument DI2020-226 (LR, 30 July 2020).

Electricity Feed-in (Large-scale Renewable Energy Generation) Act—

Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Capacity Release Determination 2020 (No 1)—Disallowable Instrument DI2020-250 (LR, 24 August 2020).

Electricity Feed-in (Large-scale Renewable Energy Generation) Renewable Energy Source Declaration 2020—Disallowable Instrument DI2020-249 (LR, 24 August 2020).

Energy Efficiency (Cost of Living) Improvement Act—

Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2020 (No 2)—Disallowable Instrument DI2020-218 (LR, 27 July 2020).

Energy Efficiency (Cost of Living) Improvement (Energy Savings Contribution) Determination 2020 (No 1), including a regulatory impact statement—Disallowable Instrument DI2020-220 (LR, 27 July 2020).

Energy Efficiency (Cost of Living) Improvement (Energy Savings Target) Determination 2020 (No 1), including a regulatory impact statement.—Disallowable Instrument DI2020-219 (LR, 27 July 2020).

Energy Efficiency (Cost of Living) Improvement (Penalties for Noncompliance) Determination 2020 (No 1), including a regulatory impact statement.—Disallowable Instrument DI2020-221 (LR, 27 July 2020).

Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2020, including a regulatory impact statement—Disallowable Instrument DI2020-222 (LR, 27 July 2020).

Gaming Machine Act—Gaming Machine (Emergency Community Purpose Contribution—Local Live Performance Industry) Declaration 2020—Disallowable Instrument DI2020-252 (LR, 26 August 2020).

Long Service Leave (Portable Schemes) Act—Long Service Leave (Portable Schemes) Interest Rate Guidelines 2020—Disallowable Instrument DI2020-217 (LR, 23 July 2020).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2020 (No 2)—Disallowable Instrument DI2020-223 (LR, 27 July 2020).

Planning and Development Act—

Planning and Development (Lease Variation Charge Deferred Payment Scheme) Determination 2020—Disallowable Instrument DI2020-225 (LR, 30 July 2020).

Planning and Development (Remission of Lease Variation Charges—Construction Sector Recovery) Determination 2020—Disallowable Instrument DI2020-224 (LR, 30 July 2020).

24 SMOKE AND AIR QUALITY—DEVELOPMENT OF STRATEGY—GOVERNMENT RESPONSE TO RESOLUTION OF THE ASSEMBLY—PAPER NOTED

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly take note of the following paper:

Smoke and air quality—Development of strategy—Government response to the resolution of the Assembly of 13 February 2020, dated 27 August 2020.

Debate ensued.

Question—put and passed.

25 ECONOMIC AND FISCAL UPDATE—MINISTERIAL STATEMENT AND PAPERS—PAPER NOTED

Mr Barr (Treasurer) made a ministerial statement concerning the economic and fiscal update and presented the following papers:

ACT Jobs and Economic Recovery Plan.

Economic and Fiscal Update—

August 2020.

Ministerial statement, 27 August 2020.

Financial Management Act—Supply Instrument and Authorisation of Payments—Explanatory Notes—2020-2021, dated 24 August 2020, made pursuant to sections 7 and 37.

Mr Barr moved—That the Assembly take note of the ministerial statement.

Debate ensued.

Question—put and passed.

26 RESIDENTIAL TENANCIES AMENDMENT BILL 2020—RESCISSION AND RECONSIDERATION

Mr Ramsay (Attorney-General), by leave, moved—That, in relation to the Residential Tenancies Amendment Bill 2020, the Assembly:

(1) rescind the resolution agreeing to the question that the Bill, as amended, be agreed to; and

(2) recommit the Bill at the detail stage.

Question—put and passed.

The order of the day having been called on—

Question—That Mr Ramsay’s amendment No 19 (*see* [Schedule 2](#)), which would insert a new clause 38A in the Bill, be agreed to—put and passed.

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

27 SEXUALITY AND GENDER IDENTITY CONVERSION PRACTICES BILL 2020

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.

Detail Stage

Clauses 1 to 6, by leave, taken together—

Sexuality and Gender Identity Conversion Practices Amendment Bill 2020—Proposed reference: Mr Coe (Leader of the Opposition), by leave, moved—That this Assembly refers the Bill to the incoming Chief Minister of the 10th Assembly for referral to an appropriate committee of the 10th Assembly for inquiry and report.

Debate ensued.

Question—put and negatived.

Clauses 1 to 6 agreed to.

Mr Coe (Leader of the Opposition) was granted leave to move amendments that had not been considered or reported on by the Scrutiny Committee, and had not been circulated in accordance with standing order 178A.

Proposed new clause—

Mr Coe moved his amendment No 1 (*see* [Schedule 4](#)), which would insert a new clause 6A in the Bill.

Debate continued.

Amendment negatived.

Clause 7—

Mr Barr (Minister for Social Inclusion and Equality) was granted leave to move an amendment that had not been considered or reported on by the Scrutiny Committee.

On the motion of Mr Barr, his amendment No 1 (*see* [Schedule 5](#)) was made.

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

Mr Coe, by leave, moved his amendments Nos 2 to 4 together (*see* [Schedule 4](#)).

Debate continued.

Question—put.

The Assembly voted—

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

And so it was negatived.

Clause 7, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole—

Debate continued.

Remainder of Bill agreed to.

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

The Assembly voted—

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

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

28 VALEDICTORY

Mrs Dunne, by leave, made a statement concerning her retirement from the Assembly.

Mr Coe (Leader of the Opposition), Mr Barr (Chief Minister) and Mr Rattenbury (Leader of the ACT Greens), by leave, also made statements.

29 VALEDICTORY

Ms Le Couteur, by leave, made a statement concerning her retirement from the Assembly.

Mr Rattenbury (Leader of the ACT Greens), Mr Barr (Chief Minister) and Mr Coe (Leader of the Opposition), by leave, also made statements.

30 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF THE ELECTRICITY FEED-IN (LARGE-SCALE RENEWABLE ENERGY GENERATION) AMENDMENT BILL 2020

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Bill 2020 being called on and debated forthwith.

Question—put and passed, with the concurrence of an absolute majority.

31 ELECTRICITY FEED-IN (LARGE-SCALE RENEWABLE ENERGY GENERATION) AMENDMENT BILL 2020

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.

32 ELECTORAL AMENDMENT BILL 2018

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

Detail Stage

Clause 11—

On the motion of Mr Ramsay (Attorney-General), by leave, his amendments Nos 7 and 8 (see [Schedule 7](#)) were made together, after debate.

On the motion of Mr Ramsay, his amendment No 9 (see [Schedule 7](#)) was made.

On the motion of Ms Le Couteur, her amendment No 38 (see [Schedule 6](#)) was made.

Clause 11, as amended, agreed to.

New clauses—

On the motion of Ms Le Couteur, new clauses 11A and 11B (her amendment No 39—see [Schedule 6](#)) were inserted in the Bill, after debate.

Clause 12—

On the motion of Mr Coe (Leader of the Opposition), his amendment No 2 (see [Schedule 8](#)) was made.

On the motion of Mr Ramsay, his amendment No 11 (see [Schedule 7](#)) was made.

Clause 12, as amended, agreed to.

Clause 13—

On the motion of Ms Le Couteur, her amendment No 41 (see [Schedule 6](#)) was made.

Clause 13, as amended, agreed to.

Clause 14 agreed to.

Clause 15 agreed to.

Clause 16 agreed to.

Title—debated and agreed to.

Reconsideration of clause—

Clause 11, as amended—

Ms Le Couteur, pursuant to standing order 187, moved—That clause 11, as amended, be reconsidered.

Question—put and passed.

Ms Le Couteur moved her amendment No 38 (*see* [Schedule 6](#)).

Amendment negatived.

Clause 11, as amended, agreed to.

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

33 ADJOURNMENT

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

Paper: Minister Steel presented the following paper:

Minister Steel—Conclusion of adjournment debate speech.

Debate continued.

Question—put and passed.

And then the Assembly, at 8.24 pm, adjourned until a day and time to be fixed by the Speaker.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

PUBLIC INTEREST DISCLOSURE AMENDMENT BILL 2020

Amendments circulated by the Chief Minister

1

Clause 13

Proposed new section 18, definition of *investigating entity*, paragraph (a)
Page 11, line 8—

omit

section 19 (2) (b)

substitute

section 19 (2)

2

Clause 13

Proposed new section 18, definition of *investigating entity*, paragraph (b)
Page 11, line 11—

omit

section 19 (2) (b)

substitute

section 19 (2)

3

Clause 13

Proposed new section 19 (2)
Page 11, line 20—

omit proposed new section 19 (2), substitute

- (2) If the public interest disclosure relates to a public sector entity other than a Legislative Assembly entity, the integrity commissioner must investigate the disclosure or refer it to 1 of the following entities for investigation:
- (a) the head of a public sector entity;
 - (b) the head of service;
 - (c) the ombudsman;
 - (d) the public sector standards commissioner.

- (2A) If the public interest disclosure relates to a Legislative Assembly entity, the integrity commissioner must investigate the disclosure.

4

Clause 13

Proposed new section 19A (2) (c)

Page 12, line 25—

omit

section 19 (2) (b)

substitute

section 19 (2)

5

Clause 43

Proposed new section 32 (1) (c)

Page 24, line 23—

insert

(c) the way members of the Legislative Assembly are to deal with—

- (i) disclosures of disclosable conduct made under section 27 (Giving disclosure of disclosable conduct to Legislative Assembly or journalist); and
- (ii) public interest disclosures made under section 27A (Giving public interest disclosure to Legislative Assembly or journalist).

6

Clause 44

Proposed new section 34 (1) (c)

Page 25, line 22—

omit

7

Proposed new clause 60A

Page 32, line 23—

insert

60A Dictionary, note 2

insert

- public sector standards commissioner
-

Schedule 2

RESIDENTIAL TENANCIES AMENDMENT BILL 2020

Amendments circulated by the Attorney-General

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

- (1) This Act (other than schedule 2) commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

- (2) Schedule 2 commences on 30 January 2022.

2

Clause 3, note

Page 2, line 17—

omit the note, substitute

Note This Act also amends other legislation (see sch 1 and sch 2).

3

Clause 17

Proposed new section 35G (2)

Page 16, line 7—

omit proposed new section 35G (2), substitute

- (2) On application by a lessor under a residential tenancy agreement, the ACAT may order that the lessor may refuse consent for a co-tenant to stop being a party to the agreement under section 35A (4) (b).
-

4**Clause 22****Proposed new section 71C (1) (b) (ii)****Page 18, line 14—***omit*

5**Clause 22****Proposed new section 71C (1), new note****Page 19, line 20—***insert*

Note 2 This part and other provisions relating to occupancy agreements in this Act and the *Human Rights Commission Act 2005*, made by the *Residential Tenancies Amendment Act 2020 (No 2)* do not apply in relation to education provider occupancy agreements until 30 January 2022 (see pt 17).

6**Clause 27****Proposed new section 71E (1) (a)****Page 22, line 18—***after*

occupancy principles

insert

as in force from time to time

7**Clause 27****Proposed new section 71EA (1) (j)****Page 24, line 13—***after*

section 71EJ

insert

or section 71EM

8**Clause 27****Proposed new section 71EA (2)****Page 25, line 1—***omit*

9**Clause 27****Proposed new section 71EA (5), definition of *university disciplinary requirement*****Page 25, line 19—***omit*

10**Clause 27****Proposed new section 71EB (1)****Page 25, line 24—***omit*

occupancy agreement starts

*substitute*occupant takes possession of the premises

11**Clause 27****Proposed new section 71ED (1)****Page 27, line 12—***omit*, other than an exempt agreement,

12**Clause 27****Proposed new section 71ED (5), definition of *exempt agreement* and note****Page 28, line 13—***omit*

13**Clause 27****Proposed new section 71EJ (2), example 1****Page 33, line 5—***omit*

14**Clause 27****Proposed new section 71EJ (3)****Page 33, line 17—***omit*only

15**Clause 27****Proposed new section 71EK (4)****Page 34, line 20—***omit*

16**Clause 27****Proposed new section 71EK (6)****Page 35, line 5—***omit*

17

Clause 31

Page 41, line 7—

[oppose the clause]

18

Proposed new clauses 34A and 34B

Page 42, line 14—

insert

34A

**Orders by ACAT
Section 83 (d)***after*

loss of rent

insert

, occupancy fees

34B

Section 83 (e)*substitute*

- (e) an order stating that an amount (not more than the amount of bond or security deposit paid into the trust account in relation to the relevant residential tenancy agreement or occupancy agreement, as the case requires) be paid to the lessor or grantor from the trust account;

19

Proposed new clause 38A

Page 44, line 15—

insert

38A

New part 17*insert***Part 17****Transitional—Residential
Tenancies Amendment
Act 2020 (No 2)**

158

Education provider occupancy agreements

- (1) The occupancy agreement amendments do not apply in relation to an education provider occupancy agreement until 30 January 2022.
- (2) Until 30 January 2022, the existing occupancy agreement provisions continue to apply in relation to an education provider occupancy agreement.

- (3) However, a regulation may provide that—
- (a) an occupancy agreement amendment applies to an education provider occupancy agreement; or
 - (b) an existing occupancy agreement provision does not apply to an education provider occupancy agreement.
- (4) To remove any doubt, an education provider occupancy agreement is taken not to be a residential tenancy agreement under the existing occupancy agreement provisions.
- (5) In this section:

existing occupancy agreement provisions means this Act, part 5A, and other provisions of the Act that relate to occupancy agreements, as in force immediately before the commencement of the *Residential Tenancies Amendment Act 2020 (No 2)*, section 3.

occupancy agreement amendments means the amendments of this Act, part 5A, and any other amendments relating to occupancy agreements, made by the *Residential Tenancies Amendment Act 2020 (No 2)*.

159 Expiry—pt 17

This part and section 71C (1), note 2 expire on 29 January 2022.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

20

Clause 42

Proposed new dictionary definition of *education provider*

Page 47, line 1—

omit

21

Proposed new schedule 2

Page 59, line 10—

insert

Schedule 2

Delayed amendments

(see s 3)

Part 2.1

Human Rights Commission Act 2005

[2.1] New section 53U (2) and (3)

insert

- (2) To remove any doubt, the *Residential Tenancies Act 1997*, section 73 (2) does not require a party to an occupancy agreement to attempt to resolve a dispute under a university dispute resolution procedure before the ACAT deals with a complaint referred to it under this division.

- (3) In this section:

university dispute resolution procedure—see the *Residential Tenancies Act 1997*, section 73 (3).

Part 2.2 Residential Tenancies Act 1997

[2.2] New section 71C (1) (b) (ia)

insert

- (ia) except if section 6B applies, an agreement to occupy premises in a residential facility associated with, or on the campus of, or provided under an arrangement with, an education provider;

[2.3] New section 71EA (1A)

insert

- (1A) However, subsection (1) (g) does not apply to a penalty or consequence under a university requirement.

[2.4] Section 71EA (5), new definition of *university requirement*

insert

university requirement means a statute, rule or policy about student discipline or medical leave made under, or authorised by, the *Australian National University Act 1991* (Cwlth) or the *University of Canberra Act 1989*.

[2.5] Section 71ED (1)

after

occupancy agreement

insert

, other than an education provider occupancy agreement,

[2.6] Section 71ED (5), new definition of *education provider occupancy agreement*

insert

education provider occupancy agreement means an occupancy agreement in relation to premises in a residential facility associated with, or on the campus of, or provided under an arrangement with, an education provider.

[2.7] Section 71EJ (2), new example*insert*

- 3 A student accommodation provider states in an occupancy agreement that if the student welfare officer has reasonable concerns about the welfare of an occupant, the officer may give notice by knocking 3 times on the occupant's door and, if there is no answer, may enter the room to check on the occupant's welfare. If the occupant is not in the room, the agreement states the officer will leave a written note telling the occupant when and why the officer entered the room and the officer's contact details.

[2.8] Section 71EK (2), new example*insert*

- 4 whether the accommodation is provided for a particular group of people such as students studying at a university

[2.9] New section 71EK (3A)*insert*

- (3A) However, if an occupancy agreement may be terminated under a university requirement—
- (a) subsection (2) does not apply; and
 - (b) for subsection (3)—the parties may also terminate the agreement as permitted or required under the university requirement.

[2.10] New section 71EK (6)*insert*

- (6) In this section:
- university requirement***—see section 71EA (5).

[2.11] New section 73 (2) and (3)*insert*

- (2) However, for an occupancy agreement to which a university dispute resolution procedure applies, a dispute is an occupancy dispute only if the parties have been unable to resolve the dispute within a reasonable time under the university dispute resolution procedure.
- (3) In this section:
- university dispute resolution procedure*** means a dispute resolution procedure authorised under the *Australian National University Act 1991* (Cwlth) or the *University of Canberra Act 1989*.

[2.12] New section 74 (2) and (3)*insert*

- (2) To remove any doubt, section 73 (2) does not require an occupant to attempt to resolve an occupancy dispute under a university dispute resolution procedure before making a complaint under the *Human Rights Commission Act 2005*.

(3) In this section:

university dispute resolution procedure—see section 73 (3).

[2.13] Dictionary, new definition of *education provider*

insert

education provider—means an entity mentioned in the *Education Act 2004*, table 9A, column 3.

Schedule 3

RESIDENTIAL TENANCIES AMENDMENT BILL 2020

Amendments circulated by the Attorney-General

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

- (1) This Act (other than the following provisions) commences on a day fixed by the Minister by written notice:

- section 17A
- section 38A
- schedule 2.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

- (2) Sections 17A and 38A commence on the day after this Act's notification day.
- (3) Schedule 2 commences on 30 January 2022.

2

Proposed new clause 17A

Page 17, line 3—

insert

17A

Failure to pay rent—payment order Section 49A (3) (b)

substitute

- (b) if the payment order does not include a requirement to pay rent, or a stated part of rent, that has become payable as mentioned in subsection (2) (a)—

- (i) the lessor has made more than 2 applications for a termination and possession order under section 49 (2) in the 12-month period immediately before the day the ACAT makes the order; and
- (ii) it is in the interests of justice to do so.

3

Proposed new clause 38A
Page 44, line 15—

insert

38A New part 17

insert

Part 17 **Transitional—Residential Tenancies Amendment Act 2020 (No 2)**

158 Meaning of *commencement day*—pt 17

In this part:

commencement day means the day the *Residential Tenancies Amendment Act 2020 (No 2)*, section 38A commences.

159 Payment orders in relation to applications for termination and possession orders undecided before commencement

- (1) This section applies in relation to an application for a termination and possession order—
 - (a) made under section 49 (2) on or after 25 August 2020 but before the commencement day; and
 - (b) that is not decided before the commencement day.
- (2) Despite section 49A (3) (b) as in force immediately before the commencement day, the defined provision applies in relation to the application.
- (3) In this section:

defined provision means section 49A (3) (b) as in force on the commencement day.

160 Expiry—pt 17

This part expires 30 days after the commencement day.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

Schedule 4

SEXUALITY AND GENDER IDENTITY CONVERSION PRACTICES BILL 2020

Amendments circulated by Mr Coe (Leader of the Opposition)

1

Proposed new clause 6A

Page 3, line 25—

insert

6A Religious freedom not affected

This Act will not affect the ability of religious organisations or schools to teach the tenets of their faith.

2

Clause 7 (3)

Page 5, line 1—

omit clause 7 (3), substitute

- (3) Also, *sexuality or gender identity conversion practice* does not include the following:
- (a) a conversation between a parent or guardian and a protected person in their care about the protected person's sexuality or gender identity;
 - (b) a practice by a teacher at a government or non-government school in the course of the teacher's duties at the school that, in the teacher's reasonable professional judgment, is necessary to—
 - (i) provide a service in a manner that is safe and appropriate; or
 - (ii) comply with the teacher's legal or professional obligations;
 - (c) a practice by a health service provider that, in the provider's reasonable professional judgment, is necessary to—
 - (i) provide a health service in a manner that is safe and appropriate; or
 - (ii) comply with the provider's legal or professional obligations.
-

3

Clause 7 (4), proposed new definition of ***government school***

Page 5, line 7—

insert

government school—see the *Education Act 2004*, dictionary.

4

Clause 7 (4), proposed new definition of ***non-government school***

Page 5, line 9—

insert

non-government school—see the *Education Act 2004*, dictionary.

Schedule 5

SEXUALITY AND GENDER IDENTITY CONVERSION PRACTICES BILL 2020

Amendment circulated by the Minister for Social Inclusion and Equality

1

Clause 7 (2), proposed new example and note

Page 4, line 25—

insert

- support for a person exploring and expressing their sexuality

Note Under the *Human Rights Act 2004*, s 14, a person has the right to freedom of thought, conscience and religion, including the freedom to demonstrate their religion or belief in worship, observance, practice and teaching, either individually or as part of a community and whether in public or private. It is not intended that a mere expression of a religious tenet or belief would constitute a sexuality or gender identity conversion practice.

Schedule 6**ELECTORAL AMENDMENT BILL 2018**

Amendments circulated by Ms Le Couteur

37**Clause 11****Proposed new section 222H heading****Page 13, line 8—***omit the heading, substitute***222H Gifts from people that become property developers etc**

38**Clause 11****Proposed new subdivision 14.4A.3****Page 14, line 26—***insert***Subdivision 14.4A.3 Gifts from gambling businesses****222J Ban on gifts from gambling businesses etc—less than \$250**

- (1) This section applies if—
 - (a) a gambling business, a close associate of the gambling business or a person on behalf of the gambling business or close associate, gives 1 or more gifts to a political entity in a financial year; and
 - (b) the gift, together with any other gift made by the person in the financial year, is less than \$250.
- (2) The giver of the gift must pay to the Territory an amount equal to the amount of the gift.
- (3) The amount payable under subsection (2) is a debt payable to the Territory by the giver of the gift and may be recovered by a proceeding in a court of competent jurisdiction.

222K Ban on gifts from gambling businesses etc—\$250 or more

- (1) A gambling business commits an offence if—
 - (a) the business gives a gift to a political entity; and
 - (b) the gift, together with any other gift made by the gambling business in the financial year, is \$250 or more.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A close associate of a gambling business commits an offence if—
- (a) the close associate gives a gift to a political entity; and
 - (b) the gift, together with any other gift made by the close associate in the financial year, is \$250 or more.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person commits an offence if—
- (a) the person gives a gift to a political entity; and
 - (b) the gift is given on behalf of a gambling business or a close associate of a gambling business; and
 - (c) the gift, together with any other gift made by the person on behalf of the gambling business or close associate in the financial year, is \$250 or more.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) A person commits an offence if the person asks another person to give a gift to a political entity on behalf of a gambling business or a close associate of a gambling business.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (5) In this section:

asks includes cause, induce or solicit.

222L Ban on acceptance of gifts from gambling businesses etc—less than \$250

- (1) This section applies if—
- (a) a political entity accepts a gift made by, or on behalf of, a gambling business or a close associate of a gambling business; and
 - (b) the gift, together with any other gift made by the person in the financial year, is less than \$250; and
 - (c) the political entity has not taken reasonable steps to ensure that the person giving the gift, or the person on behalf of whom the gift is given, is not a gambling business or a close associate of a gambling business.

Examples—reasonable steps

- 1 giving potential donors written notice that donations from gambling businesses or close associates of gambling businesses are prohibited
- 2 asking the person who gives the gift about whether the person is a gambling business or a close associate of a gambling business

- (2) The financial representative of the entity must pay to the Territory an amount equal to the amount of the gift.

- (3) The amount payable under subsection (2) is a debt payable to the Territory by the financial representative for the political entity and may be recovered by a proceeding in a court of competent jurisdiction.

222M Ban on acceptance of gifts from gambling businesses etc—\$250 or more

- (1) A political entity commits an offence if—
- (a) the entity accepts a gift made by, or on behalf of, a gambling business or a close associate of a gambling business; and
 - (b) the gift, together with any other gift made by the person in the financial year, is \$250 or more.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply if the political entity takes reasonable steps to ensure that the person giving the gift, or the person on behalf of whom the gift is given, is not a gambling business or a close associate of a gambling business.

Example—reasonable steps

obtaining a written statement from the person who gives the gift about whether the person is a gambling business or a close associate of a gambling business

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

- (3) If the political entity contravenes subsection (1), the financial representative of the entity must pay to the Territory an amount equal to the amount of the gift.
- (4) The amount payable under subsection (3) is a debt payable to the Territory by the financial representative for the political entity and may be recovered by a proceeding in a court of competent jurisdiction.

222N Gifts from people that become gambling businesses etc

- (1) This section applies if—
- (a) a political entity accepts a gift made by, or on behalf of, a person; and
 - (b) at the time the gift is given, the person is not a gambling business or a close associate of a gambling business; and
 - (c) within 12 months after the gift is given, the person becomes a gambling business or a close associate of a gambling business.
- (2) The giver of the gift must pay to the Territory an amount equal to the amount of the gift.
- (3) The amount payable under subsection (2) is a debt payable to the Territory by the giver of the gift and may be recovered by a proceeding in a court of competent jurisdiction.
-

39**Proposed new clauses 11A and 11B****Page 14, line 26—***insert***11A Section 297 heading***substitute***297 Misleading electoral matter affecting casting of vote****11B New section 297A***insert***297A Misleading electoral advertising**

(1) A person commits an offence if—

- (a) the person disseminates, or authorises the dissemination of, an advertisement containing electoral matter; and
- (b) the advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.

Maximum penalty: 50 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if it is proved by the defendant that the defendant—

- (a) took no part in deciding the content of the advertisement; and
- (b) could not reasonably be expected to have known that the statement was inaccurate and misleading.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

(3) If the commissioner is satisfied that subsection (1) (a) and (b) apply, the commissioner may ask the person, in writing, to do 1 or more of the following:

- (a) not disseminate the advertisement again;
- (b) publish a retraction in stated terms and in a stated way.

(4) If a person is found guilty of an offence against this section, the court must take the person's response to any request under subsection (3) into account in deciding the penalty for the offence.

(5) On application by the commissioner, the Supreme Court may, if satisfied that subsection (1) (a) and (b) apply, order the person to do 1 or more of the following:

- (a) not disseminate the advertisement again;
 - (b) publish a retraction in stated terms and in a stated way.
-

40

Clause 12

Proposed new section 517

Page 15, line 5—

omit

41

Clause 13

Dictionary, note 2, proposed new dot points

Page 17, line 2—

insert the following dot points in alphabetical order

- Legislative Assembly
- Minister (see s 162)
- territory law

42

Clause 14

Proposed new dictionary definition of *close associate*

Page 17, line 12—

*omit the definition, substitute**close associate*, of a prohibited donor, for division 14.4A (Gifts from prohibited donors)—see section 222D.

43

Clause 14

Proposed new dictionary definition of *decided*

Page 17, line 14—

*omit the definition, substitute**decided*, for subdivision 14.4A.2 (Gifts from property developers)—see section 222DA.

44

Proposed new clause 14A

Page 17, line 15—

insert

14A Dictionary, new definition of *gambling business**insert**gambling business*, for division 14.4A (Gifts from prohibited donors)—see section 222B.

45**Clause 15****Proposed new dictionary definition of *gift*, paragraph (b)****Page 17, line 21—**

omit paragraph (b), substitute

(b) for division 14.4A (Gifts from prohibited donors)—see section 222B.

46**Clause 16****Proposed new dictionary definition of *make*****Page 18, line 3—**

omit the definition, substitute

make, a relevant planning application, for subdivision 14.4A.2 (Gifts from property developers)—see section 222DA.

47**Clause 16****Proposed new dictionary definition of *political entity*****Page 18, line 5—**

omit the definition, substitute

political entity, for division 14.4A (Gifts from prohibited donors)—see section 222B.

48**Clause 16****Proposed new dictionary definition of *prohibited donor*****Page 18, line 6—**

insert

prohibited donor, for division 14.4A (Gifts from prohibited donors)—see section 222B.

49**Clause 16****Proposed new dictionary definition of *relevant planning application*****Page 18, line 9—**

omit the definition, substitute

relevant planning application, for subdivision 14.4A.2 (Gifts from property developers)—see section 222E.

Schedule 7**ELECTORAL AMENDMENT BILL 2018**

Amendments circulated by the Attorney-General

7**Clause 11****Proposed new section 222G (2), new note****Page 12, line 29—***insert**Note 2* For recording and disclosure requirements in relation to the receipt of gifts by political entities—see s 216A.

8**Clause 11****Proposed new section 222G (2A) and (2B)****Page 12, line 29—***insert*

- (2A) In deciding whether a political entity takes reasonable steps under subsection (2), a court must have regard to the amount of the gift accepted by the political entity.
- (2B) Subsection (2A) does not limit the matters to which the court may have regard.

9**Clause 11****Proposed new section 222H heading****Page 13, line 8—***omit the heading, substitute***222H Gifts from people that become property developers etc**

10**Clause 12****Proposed new section 517 (1)****Page 15, line 7—***omit proposed new section 517 (1), substitute*

- (1) This section applies if—
- (a) after the day the election, due to be held in October 2020, happens and before 1 July 2021, a political entity accepts a gift made by, or on behalf of, a property developer or a close associate of a property developer; and

(b) either—

- (i) at the time the gift is given, the property developer, or a close associate of the property developer, has made 1 or more relevant planning applications that have not been decided; or
- (ii) in the 7-year period before the gift is given, the property developer, or a close associate of the property developer, has made 3 or more relevant planning applications.

11

Clause 12

Proposed new section 518 (2) and (3)

Page 16, line 14—

omit

Schedule 8**ELECTORAL AMENDMENT BILL 2018**

Amendments circulated by Mr Coe (Leader of the Opposition)

2

Clause 12**Proposed new section 517 (1)****Page 15, line 7—**

substitute

- (1) This section applies if—
- (a) after the day the election, due to be held in October 2020, happens and before 1 July 2021, a political entity accepts a gift made by, or on behalf of, a property developer or a close associate of a property developer; and
 - (b) the gift is not returned to the giver within 30 days after its receipt; and
 - (c) either—
 - (i) at the time the gift is given, the property developer, or a close associate of the property developer, has made 1 or more relevant planning applications that have not been decided; or
 - (ii) in the 7-year period before the gift is given, the property developer, or a close associate of the property developer, has made 3 or more relevant planning applications.
-