



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 50

TUESDAY, 20 MARCH 2018

- 1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.
- 2 **ABSENCE OF CLERK**

The Speaker informed the Assembly that, due to the absence of the Clerk on Assembly Business for this sitting period, the Deputy Clerk will act as Clerk for the duration of the Clerk's absence.
- 3 **MATTERS OF PUBLIC IMPORTANCE—LODGMET—STATEMENT BY SPEAKER—
SPEAKER'S RULING**

The Speaker made a statement concerning the lodgment of matters of public importance.

The Speaker ruled that the matter of public importance proposed by Mr Parton was out-of-order as it was not within the scope of ministerial responsibility.
- 4 **COMMENTS MADE DURING EVENT—STATEMENT BY MINISTER**

Mr Barr (Chief Minister), by leave, made a statement concerning comments made at an event relating to communication strategies.
- 5 **CHIEF MINISTER—PROPOSED CENSURE—RESOLUTION EXPRESSING CONCERN**

Mr Coe (Leader of the Opposition), by leave, moved—That this Assembly censures the Chief Minister, Andrew Barr MLA, for expressing hatred of journalists and contempt for seniors.



Debate ensued.

Mr Rattenbury moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes with concern the comments made by the Chief Minister regarding communications strategy and the role of media;
- (2) further notes the apology offered by the Chief Minister in both the media and in the Assembly;
- (3) further affirms its support for the freedom of the press and the important role that journalists and all forms of media play in our democracy; and
- (4) also affirms its commitment to an inclusive Canberra that respects all members of the community, across all age groups, racial and religious groups, and the different perspectives members of our community hold.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 10	
Mr Barr	Ms Orr	Miss C. Burch	Mr Milligan
Ms Berry	Mr Pettersson	Mr Coe	Mr Parton
Ms J. Burch	Mr Ramsay	Mr Hanson	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Jones	
Ms Fitzharris	Mr Steel	Mrs Kikkert	
Mr Gentleman	Ms Stephen-Smith	Ms Lawder	
Ms Le Couteur		Ms Lee	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes with concern the comments made by the Chief Minister regarding communications strategy and the role of media;
- (2) further notes the apology offered by the Chief Minister in both the media and in the Assembly;
- (3) further affirms its support for the freedom of the press and the important role that journalists and all forms of media play in our democracy; and
- (4) also affirms its commitment to an inclusive Canberra that respects all members of the community, across all age groups, racial and religious groups, and the different perspectives members of our community hold.”—

be agreed to—put and passed.

6 PETITION AND MINISTERIAL RESPONSES—STATEMENT BY MINISTER

Petition

The Acting Clerk announced that the following Member had lodged a petition for presentation:

Ms Fitzharris, from 4560 residents, requesting that the Assembly request, on behalf of the business owners and rate payers of Mitchell, that a light rail stop be reinstated (Pet 6-18).

Pursuant to standing order 99A, petition 6-18 stands referred to the Standing Committee on Environment and Transport and City Services.

Ministerial responses

The Acting Clerk announced that the following responses to petitions had been lodged:

Ms Fitzharris (Minister for Transport and City Services), dated 27 February 2018—Response to petitions 19-17 and 26-17, lodged by Mr Parton on 28 November 2017, concerning the rerouting of buses away from Anketell Street, Tuggeranong.

Mr Gentleman (Minister for the Environment and Heritage), dated 1 March 2018—Response to petition 30-17, lodged by Ms Lee on 30 November 2017, concerning heritage protection for Lake Burley Griffin and surrounds.

Ms Fitzharris (Minister for Transport and City Services), dated 16 March 2018—Response to petition 31-17, lodged by Mrs Jones on 30 November 2017, concerning proposed upgrades to the Torrens playground.

Ms Fitzharris (Minister for Transport and City Services), by leave, made a statement in relation to the petition.

7 LEAVE OF ABSENCE TO MEMBER

Mr Wall moved—That leave of absence be granted to Mrs Dunne for this sitting week to attend a CPA Executive Committee meeting.

Question—put and passed.

8 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 15—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 15, dated 13 March 2018, together with the relevant minutes of proceedings—

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

9 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REPORT 2—REPORT ON ANNUAL AND FINANCIAL REPORTS 2016-2017—REPORT NOTED

Mr Hanson (Chair) presented the following report:

Economic Development and Tourism—Standing Committee—Report 2—*Report on Annual and Financial Reports 2016-2017*, dated 27 February 2018, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

10 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—REPORT 3—INQUIRY INTO A NEW CONVENTION CENTRE FOR CANBERRA—REPORT NOTED

Mr Hanson (Chair) presented the following report:

Economic Development and Tourism—Standing Committee—Report 3—*Inquiry into a new Convention Centre for Canberra*, dated 7 March 2018, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

11 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE—REPORT 2—REPORT ON ANNUAL AND FINANCIAL REPORTS 2016-2017 AND UNIVERSITY OF CANBERRA 2016 ANNUAL REPORT—REPORT NOTED

Mr Pettersson (Chair) presented the following report:

Education, Employment and Youth Affairs—Standing Committee—Report 2—*Report on Annual and Financial Reports 2016-2017 and University of Canberra 2016 Annual Report*, dated 6 March 2018, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

12 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—REPORT 5—REPORT ON ANNUAL AND FINANCIAL REPORTS 2016-2017—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Planning and Urban Renewal—Standing Committee—Report 5—*Report on Annual and Financial Reports 2016-2017*, dated 14 March 2018, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

13 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 2—REPORT ON ANNUAL AND FINANCIAL REPORTS 2016-2017—REPORT NOTED

Mr Pettersson (Deputy Chair) presented the following report:

Public Accounts—Standing Committee—Report 2—*Report on Annual and Financial Reports 2016-2017*, dated 20 March 2018, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

14 ECONOMIC DEVELOPMENT AND TOURISM—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Mr Hanson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Economic Development and Tourism.

Paper: Mr Hanson, pursuant to Continuing Resolution 5A, presented the following paper:

Economic Development and Tourism—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 July to 31 December 2017.

15 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—REPORT 2—INQUIRY INTO BILLBOARDS—GOVERNMENT RESPONSE—STATEMENT BY CHAIR—STATEMENT BY MINISTER

Ms Le Couteur (Chair), pursuant to standing order 246A, made a statement concerning the Government response to the Standing Committee on Planning and Urban Renewal's inquiry into billboards.

Mr Gentleman (Minister for Planning and Land Management), by leave, made a statement in relation to the matter.

16 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—PUBLIC HOUSING DEVELOPMENT—HOLDER AND CHAPMAN—PETITIONS—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Planning and Urban Renewal of petitions 10-17 and 11-17 concerning public housing development in Holder and Chapman, and the Minister's response, the Committee had determined not to hold an inquiry into the matter at this time.

17 PLANNING AND URBAN RENEWAL—STANDING COMMITTEE—RED HILL—NATURAL ENVIRONMENT AND GREEN SPACE—INTEGRATED PLANNING—PETITION—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Planning and Urban Renewal of petition 29-17 concerning the Red Hill natural environment and green space, and the Minister's response, the Committee had determined not to hold an inquiry into the matter at this time.

18 PUBLIC ACCOUNTS—STANDING COMMITTEE—AUDITOR-GENERAL'S REPORTS NOS 9/2016, 3/2017, 4/2017, 5/2017, 6/2017 7/2017, 8/2017 AND 3/2018—INQUIRY—AUDITOR-GENERAL'S REPORT NO 3/2018—STATEMENT BY CHAIR

Mr Pettersson (Deputy Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had considered and resolved to note the following Auditor-General's Reports:

No 9/2016—Commissioner for International Engagement—position creation and appointment process.

No 3/2017—2015-16 Financial Audits—Computer Information Systems.

No 4/2017—Performance information in ACT public schools.

No 5/2017—Maintenance of Selected Road Infrastructure Assets.

No 6/2017—Mental Health Services—Transition from Acute Care.

No 7/2017—Public Housing Renewal Program.

No 8/2017—Selected Government agencies' management of public art—

and had resolved to inquire further into Report No 3/2018—Tender for the sale of Block 30 (formerly Block 20) Section 34 Dickson.

19 ABORIGINAL AND TORRES STRAIT ISLANDER CULTURAL INTEGRITY IN A.C.T. PUBLIC SCHOOLS—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Education and Early Childhood Development) made a ministerial statement concerning Aboriginal and Torres Strait Islander cultural integrity in ACT public schools and presented the following paper:

Aboriginal and Torres Strait Islander cultural integrity in ACT public schools—Ministerial statement, 20 March 2018.

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

Question—put and passed.

20 STATUS OF WOMEN IN THE A.C.T.—INTERNATIONAL WOMEN'S DAY 2018—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Women) made a ministerial statement concerning the status of women and International Women's Day and presented the following paper:

Status of women in the ACT—International Women's Day 2018—Ministerial statement, 20 March 2018.

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

Question—put and passed.

21 QUESTIONS

Questions without notice were asked.

22 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Report No 4/2018—2016-17 Financial Audits—Computer Information Systems, dated 28 February 2018.

Ombudsman Act, pursuant to section 21—Ombudsman complaint statistics—Quarterly report for the period 1 October to 31 December 2017, dated 6 March 2018.

Protocols for the operation of pairs to encourage and support Members who are nursing mothers or who have carer responsibilities—Ninth Assembly.

Standing order 191—Amendments to:

Building and Construction Legislation Amendment Bill 2017, dated 27 February 2018.

Crimes (Fortification Removal) Amendment Bill 2017, dated 27 February 2018.

Crimes Legislation Amendment Bill 2017 (No 2), dated 27 February 2018.

Firearms and Prohibited Weapons Legislation Amendment Bill 2017, dated 26 and 27 February 2018.

Lakes Amendment Bill 2017, dated 1 March 2018.

Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2017, dated 26 and 27 February 2018.

Revenue Legislation Amendment Bill 2017 (No 2), dated 26 and 27 February 2018.

Work Health and Safety Legislation Amendment Bill 2017, dated 1 March 2018.

Legislation Act, pursuant to subsection 228(1)—Schedule of relevant committees to be consulted in relation to appointments made by Ministers to statutory offices—Ninth Assembly—Amendment, dated 19 March 2018.

23 PRESENTATION OF PAPERS

Mr Barr (Chief Minister) presented the following papers:

Auditor-General's Reports—No 10/2017—2016-17 Financial Audits—Overview and No 11/2017—2016-17 Financial Audits—Financial Results and Audit Findings—Letter to the Auditor-General from the Chief Minister, dated 18 January 2018.

Public Sector Management Standards, pursuant to section 56—Engagements of long term senior executive service members—1 September 2017 to 28 February 2018.

24 INDEPENDENT INTEGRITY COMMISSION—SELECT COMMITTEE—REPORT—INQUIRY INTO AN INDEPENDENT INTEGRITY COMMISSION—GOVERNMENT RESPONSE—PAPER NOTED

Mr Barr (Chief Minister) presented the following paper:

Independent Integrity Commission—Select Committee—Report—*Inquiry into an Independent Integrity Commission*—Government response—

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

Debate ensued.

Question—put and passed.

25 WHAT WE HEARD—DEVELOPING A NEW HOUSING STRATEGY FOR THE A.C.T.—SUMMARY REPORT OF THE A.C.T. HOUSING AND HOMELESSNESS SUMMIT—PAPER AND STATEMENT BY MINISTER

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

What We Heard—Developing a New Housing Strategy for the ACT—Summary report of the ACT Housing and Homelessness Summit, dated February 2018, pursuant to the resolution of the Assembly of 1 November 2017, concerning housing affordability and homelessness funding—

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

26 FREEDOM OF INFORMATION ACT—NOTICE PROVIDED TO THE OMBUDSMAN—CANBERRA INSTITUTE OF TECHNOLOGY—FREEDOM OF INFORMATION REQUEST—DECISION NOT MADE IN TIME—PAPER AND STATEMENT BY MINISTER

Ms Fitzharris (Minister for Higher Education, Training and Research) presented the following paper:

Freedom of Information Act, pursuant to section 39—Notice provided to the Ombudsman—Canberra Institute of Technology—Freedom of Information request—Decision not made in time, dated 28 February 2018

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

27 PRESENTATION OF PAPERS

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) presented the following papers:

Road Transport (Safety and Traffic Management) Act—

Road Transport (Road Rules) Regulation 2017—Subordinate Law SL2017-43—Revised explanatory statement.

Road Transport (Safety and Traffic Management) Regulation 2017—Subordinate Law SL2017-45—Revised explanatory statement.

28 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Animal Diseases Act—

Animal Diseases (Endemic Diseases) Declaration 2018—Disallowable Instrument DI2018-34 (LR, 1 March 2018).

Animal Diseases (Exotic Diseases) Declaration 2018—Disallowable Instrument DI2018-33 (LR, 1 March 2018).

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Plasma Donor Form 2018 (No 1)—Disallowable Instrument DI2018-28 (LR, 26 February 2018).

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2018 (No 1)—Disallowable Instrument DI2018-35 (LR, 8 March 2018).

Board of Senior Secondary Studies Appointment 2018 (No 2)—Disallowable Instrument DI2018-36 (LR, 8 March 2018).

Children and Young People Act—Children and Young People (Death Review Committee) Appointment 2018 (No 1)—Disallowable Instrument DI2018-19 (LR, 15 February 2018).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2018 (No 4)—Disallowable Instrument DI2018-29 (LR, 26 February 2018).

Heritage Act—

Heritage (Council Chairperson) Appointment 2018 (No 1)—Disallowable Instrument DI2018-17 (LR, 26 February 2018).

Heritage (Council Deputy Chairperson) Appointment 2018 (No 1)—Disallowable Instrument DI2018-18 (LR, 26 February 2018).

Heritage (Council Member) Appointment 2018 (No 1)—Disallowable Instrument DI2018-11 (LR, 26 February 2018).

Heritage (Council Member) Appointment 2018 (No 2)—Disallowable Instrument DI2018-12 (LR, 26 February 2018).

Heritage (Council Member) Appointment 2018 (No 3)—Disallowable Instrument DI2018-13 (LR, 26 February 2018).

Heritage (Council Member) Appointment 2018 (No 4)—Disallowable Instrument DI2018-14 (LR, 26 February 2018).

Heritage (Council Member) Appointment 2018 (No 5)—Disallowable Instrument DI2018-15 (LR, 26 February 2018).

Heritage (Council Member) Appointment 2018 (No 6)—Disallowable Instrument DI2018-16 (LR, 26 February 2018).

Long Service Leave (Portable Schemes) Act 2009 and Financial Management Act—

Long Service Leave (Portable Schemes) Governing Board Appointment 2018 (No 1)—Disallowable Instrument DI2018-22 (LR, 19 February 2018).

Long Service Leave (Portable Schemes) Governing Board Appointment 2018 (No 2)—Disallowable Instrument DI2018-23 (LR, 19 February 2018).

Long Service Leave (Portable Schemes) Governing Board Appointment 2018 (No 3)—Disallowable Instrument DI2018-24 (LR, 19 February 2018).

Medicines, Poisons and Therapeutic Goods Regulation 2008 and Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Medicines Advisory Committee) Appointment 2018 (No 1)—Disallowable Instrument DI2018-26 (LR, 20 February 2018).

Nature Conservation Act—

Nature Conservation (Listed Migratory Species) Action Plan 2018—Disallowable Instrument DI2018-27 (LR, 22 February 2018).

Nature Conservation (Lower Cotter Catchment) Reserve Management Plan 2018 (No 1)—Disallowable Instrument DI2018-20 (LR, 20 February 2018).

Public Place Names Act—Public Place Names (Watson) Determination 2018—Disallowable Instrument DI2018-30 (LR, 1 March 2018).

Public Trustee and Guardian Act—Public Trustee and Guardian (Investment Board) Appointment 2018 (No 1)—Disallowable Instrument DI2018-21 (LR, 22 February 2018).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2018 (No 1)—Disallowable Instrument DI2018-37 (LR, 8 March 2018).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 3)—Disallowable Instrument DI2018-25 (LR, 22 February 2018).

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 4)—Disallowable Instrument DI2018-31 (LR, 1 March 2018).

Work Health and Safety Act—Work Health and Safety (Work Safety Council Employer Representative) Appointment 2018 (No 1)—Disallowable Instrument DI2018-32 (LR, 1 March 2018).

29 A.C.T. CHILDREN AND YOUNG PEOPLE’S COMMITMENT 2015-2025—PROGRESS UPDATE ON THE IMPLEMENTATION—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Disability, Children and Youth) made a ministerial statement providing a progress update on the implementation of the ACT Children and Young People’s Commitment 2015-2025 and presented the following paper:

ACT Children and Young People’s Commitment 2015-2025—Progress update on the implementation—Ministerial statement, 20 March 2018.

Ms Stephen-Smith moved—That the Assembly take note of the paper.

Question—put and passed.

30 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—WOMEN’S AND GIRLS’ SPORT IN CANBERRA—SPORTS GRANTS

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Hanson, Ms Lee, 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 Cheyne be submitted to the Assembly, namely, “The importance of sports grants for supporting women’s and girls’ sport in Canberra.”.

Discussion ensued.

Discussion concluded.

31 COURTS AND OTHER JUSTICE 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.

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 WORKPLACE 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.

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

Detail Stage

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

Clause 4—

Miss C. Burch moved her amendment No 1 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 10		NOES, 13	
Miss C. Burch	Mr Milligan	Ms Berry	Ms Orr
Mr Coe	Mr Parton	Ms J. Burch	Mr Pettersson
Mr Hanson	Mr Wall	Ms Cheyne	Mr Ramsay
Mrs Jones		Ms Cody	Mr Rattenbury
Mrs Kikkert		Ms Fitzharris	Mr Steel
Ms Lawder		Mr Gentleman	Ms Stephen-Smith
Ms Lee		Ms Le Couteur	

And so it was negatived.

Question—That Clause 4 be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 10	
Ms Berry	Ms Orr	Miss C. Burch	Mr Milligan
Ms J. Burch	Mr Pettersson	Mr Coe	Mr Parton
Ms Cheyne	Mr Ramsay	Mr Hanson	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Jones	
Ms Fitzharris	Mr Steel	Mrs Kikkert	
Mr Gentleman	Ms Stephen-Smith	Ms Lawder	
Ms Le Couteur		Ms Lee	

And so it was resolved in the affirmative.

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

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

33 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.55 pm, adjourned until tomorrow at 10 am.

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

*on leave

Julia Agostino
Acting Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

WORKPLACE LEGISLATION AMENDMENT BILL 2018

Amendment circulated by Miss C. Burch

1

Clause 4

Proposed new section 246 (2)

Page 3, line 8—

omit proposed new section 246 (2), substitute

- (2) This section only applies to overpayments made after the commencement of this section.
-