Legislative Assembly for the Australian Capital Territory

2016-2017

Notice Paper

No 37

Tuesday, 31 October 2017

The Assembly meets this day at 10 am

ASSEMBLY BUSINESS

Orders of the day

1  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.

EXECUTIVE BUSINESS

Notices

*1  MR GENTLEMAN: To present a Bill for an Act to amend the Lakes Act 1976, and for other purposes. (Notice given 26 October 2017).

*2  MR RAMSAY: To present a Bill for an Act to amend the Crimes Act 1990. (Notice given 26 October 2017).

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

MS STEPHEN-SMITH: To present a Bill for an Act to amend the Workers Compensation Act 1951 and the Workers Compensation Regulation 2002, and for other purposes. (Notice given 26 October 2017).

Orders of the day


10. INSPECTOR OF CORRECTIONAL SERVICES BILL 2017: (Minister for Corrections): Agreement in principle—Resumption of debate (from 26 October 2017—Mr Wall).

11. 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.
WANT OF CONFIDENCE IN THE CHIEF MINISTER

To take precedence 2 November 2017

Notice

MR COE: To move—That this Assembly no longer has confidence in the Chief Minister, Mr Andrew Barr MLA, due to the Government’s engagement in corrupt decisions. (Notice given 25 October 2017)

PRIVATE MEMBERS’ BUSINESS

Notices

*1 MR COE: To present a Bill for an Act to amend legislation about dangerous dogs. (Notice given 30 October 2017).

*2 MR HANSON: To present a Bill for an Act to provide for the making of declarations and orders for the purpose of disrupting and restricting the activities of criminal organisations and their members, and for other purposes. (Notice given 30 October 2017).

Orders of the day

1 GOVERNMENT PROCUREMENT (FINANCIAL INTEGRITY) AMENDMENT BILL 2017: (Mr Coe) Agreement in principle—Resumption of debate (from 20 September 2017—Mr Barr).

Notices—continued

*3 MS CHEYNE: To move—That this Assembly:

(1) notes:

(a) the fundamental requirement for dignified palliative care as part of the health care system, to ensure palliative patients have the opportunity to spend as much quality time as possible with their loved ones;

(b) the significant government and community support for palliative care in the Australian Capital Territory, and the dedicated doctors, nurses and support staff who care for palliative patients in our healthcare system; and
(c) that while palliative care is the most appropriate and effective strategy in the majority of cases, in some cases palliative care is not enough to relieve extreme suffering;

(2) further notes:

(a) the Australian community is interested in debating voluntary assisted dying, as demonstrated by a number of national surveys which consistently indicate strong support for voluntary assisted dying in circumstances where someone is terminally ill and is experiencing unbearable suffering, including:

(i) a 2017 Essential Media Communications survey, with 73 percent of respondents supporting assisted dying in those circumstances;

(ii) a 2015 Ipsos Mori survey, with 73 percent of respondents in support;

(iii) 2007, 2009 and 2012 Newspoll surveys, with an average of 82.5 percent of respondents in support; and

(iv) a 2012 Australia Institute survey, with 71 percent of respondents in support; and

(b) parliamentary activity in nearly every State of Australia to research, discuss and debate the topics of voluntary assisted dying and voluntary euthanasia, in particular:

(i) the passing of the Voluntary Assisted Dying Bill in the Victorian Legislative Assembly on 20 October 2017, which is due to be debated in the Victorian Legislative Council this week;

(ii) the introduction of a Voluntary Assisted Dying Bill in the New South Wales Legislative Council in September 2017;

(iii) the announcement in August 2017 of a parliamentary inquiry into voluntary assisted dying in Western Australia; and

(iv) the introduction of Voluntary Assisted Dying Bills in South Australia and Tasmania in the last year, which were not supported at that time;

(3) acknowledges:

(a) voluntary assisted dying and voluntary euthanasia involve complex health and legal issues which raise moral and ethical questions and, as such, should be open to debate by the community’s elected representatives;

(b) for the last 20 years the Legislative Assembly has been precluded from legislating to allow any form of voluntary assisted dying or voluntary euthanasia due to the Commonwealth Euthanasia Laws Act 1997, brought forward as a Private Member’s bill and commonly referred to as the Kevin Andrews Bill; and
(c) that the Canberra community and Assembly have grown and matured since 1997, with significant population growth, a stronger jurisdictional identity, and a higher expectation that elected, local representatives will be able to debate and decide upon key health and legal issues; and

(4) calls on the ACT Government and each Member of the Legislative Assembly:

(a) to raise with Federal political colleagues and counterparts, as appropriate, the increasingly paternalistic and unreasonable curtailment of ACT Legislative Assembly legislative powers, and how poorly this reflects on the Commonwealth Parliament’s understanding of the ACT’s capacity to govern itself;

(b) to convey to the Commonwealth Government and Opposition, at every available and appropriate forum, the need to repeal the Euthanasia Laws Act 1997 and restore to the Territories the right to make laws in respect of voluntary euthanasia and voluntary assisted dying; and

(c) to consider as soon as practicable, upon the passage of a scheme in any Australian State to allow voluntary assisted dying, whether and how the ACT community can have input on a possible model for such a scheme in the ACT. (Notice given 30 October 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

4 MRS JONES: To move—That this Assembly:

(1) notes:

(a) that, between 2015-16 and 2016-17, demand for ACT police services has exceeded the rate of population growth, including:

(i) calls requiring policing services increased by 16.7 percent;

(ii) offences reported against the person increased 14.8 percent;

(iii) robbery increased 53.3 percent, including a 27.4 percent rise in armed robbery and a 96.5 percent rise in unarmed robbery;

(iv) motor vehicle theft increased 25.7 percent;

(v) arson increased 12.4 percent; and

(vi) drug driving offences increased 161.8 percent;

(b) the ACT Government has struggled to address the scourge of Outlaw Motorcycle Gang violence, which includes shootings, assaults and vandalism in Farrer, Fisher, Isaacs, Isabella Plains, Kambah and Waramanga;

(c) in 2011-12, ACT Policing was funded $148 564 000, the population of Canberra at the time was 357 222, representing $415.89 per capita;

(d) in 2016-17, ACT Policing was funded $155 982 000, the population of Canberra at the time was 397 397, representing $392.51 per capita;
(e) in the five years from 2011-12 to 2016-17, funding for ACT Policing increased by 4.99 percent, inflation grew by 8.20 percent, and population grew by 11.25 percent;

(f) in the five years from 2011-12 to 2016-17, ACT Policing funding decreased by $23.38 per capita; and

(g) ACT Policing funding has not kept up with inflation, population growth or increasing workloads under the ACT Labor Government; and

(2) calls on the Government to:

(a) ensure that ACT Policing funding increases at the same rate as inflation;

(b) justify why ACT Policing is expected to undertake more work with fewer resources; and

(c) outline by the last sitting of 2017 the plans to address the lack of funding for ACT Policing. (Notice given 23 October 2017. Notice will be removed from the Notice Paper unless called on within 3 sitting weeks—standing order 125A).

*5  MR PARTON: To move—That this Assembly:

(1) notes the important contribution made by clubs in the ACT, such as:

(a) a social contribution of $39 million through community donations, subsidised access to facilities and volunteering;

(b) an investment of over $140 million in local sport teams and sporting infrastructure since 2000;

(c) employment of over 1 745 people which is on average per club more than any other State or Territory; and

(d) that clubs maintain and operate the vast majority of the ACT’s sport and recreational infrastructure, over 400 hectares;

(2) further notes that in 2016, a tripartisan committee, including Ms Fitzharris MLA, Mr Rattenbury MLA and Ms Lawder MLA, included the following recommendations:

(a) the Committee recommends that a taskforce be established “to develop an action plan for problem gambling” with an initial focus, “to reduce the duration of gambling problems when they arise in individuals using targeted approaches”;

(b) the Committee recommends that the Government not apply a Lease Variation Charge when clubs seek to vary their leases at the clubs premises to assist in diversifying their revenue base; and

(c) the Committee recommends that the Government consider how best to devise a water subsidy scheme for eligible clubs;

(3) further notes that there are a number of other recommendations yet to be implemented by the Government despite tripartisan support; and
calls on the ACT Government to:
(a) actively engage with all clubs and all representative bodies;
(b) provide certainty to the sector by not frequently changing regulations; and
(c) commit to a moratorium of any technological change to electronic gaming machines for this term of Government noting it is significantly reducing the number of machines in the Territory. (Notice given 30 October 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:
(a) the first ACT Housing and Homelessness Summit was held on 17 October 2017, bringing together 200 people representing 82 organisations covering the full spectrum of housing and homelessness services and industry expertise;
(b) the summit was informed by input from extensive expert and community consultation covering 26 workshops with 125 organisations and almost 340 individual contributions; and
(c) the positive response to the summit from those who attended;

(2) further notes:
(a) the outcomes of the summit will be key to the development of a new housing strategy, a commitment made by the Government at the 2016 election;
(b) the new ACT housing strategy will follow on from the ACT Government’s Affordable Housing Action Plan which since 2007 has been directing carefully planned efforts to respond to housing demand and moderate house prices and rent increases; and
(c) that the ACT community, through the Government, invests extensively in housing and homelessness services and maintains both the lowest rough sleeping rate and the highest social housing ratio of any Australian jurisdiction; and

(3) calls on the ACT Government to:
(a) collate the feedback received at the ACT Housing and Homelessness Summit and throughout the extensive community consultation process in developing a new ACT housing strategy, and provide this report to the Assembly;
(b) implement announcements made at the summit in cooperation with housing and homelessness experts and community members;
(c) identify opportunities for innovative and collaborative partnerships in the housing sector that deliver wider benefits to the community;
(d) ensure new initiatives to improve housing affordability build on existing policies around housing supply, planning and tax reform; and

(e) continue to advocate for national policy change to improve housing affordability and make homelessness funding more secure. (Notice given 30 October 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

*7 MS LEE: To move—That this Assembly:

(1) notes that:

(a) there are currently nine Access Canberra shopfronts operating across the city;

(b) that of the nine only four—at Tuggeranong, Woden, Belconnen and Gungahlin—operate a full suite of services, with the other five very narrow and limited in their speciality;

(c) as a result of reduced shopfront service locations, waiting times have blown out and the indicative wait times listed on the Access Canberra website are not an accurate reflection of the delays being experienced;

(d) since the closure of the Dickson vehicle testing station, owners of cars that require particular testing must now travel to Hume, which is a significant impost for car owners in the north of Canberra, involving up to 70 kilometres travel to have their motor vehicle inspected;

(e) opening hours vary between shopfronts and most close at 4:30pm or earlier; and

(f) payment methods vary between shopfronts with some only accepting electronic forms of payment; and

(2) calls for the ACT Government to:

(a) undertake an analysis of the various shopfronts to determine whether the range of services available at the various shopfront locations provide:

(i) appropriate choice and availability for all ACT residents; and

(ii) sufficient customer service;

(b) review the opening hours and operating procedures at the various shopfronts to determine how waiting times can be reduced;

(c) consult with customers to better understand how to deliver improved accessibility, especially for those who work or who rely on others to take them to the shopfront to undertake their business transactions;

(d) undertake an audit review of the current range of payment methods to ensure they provide sufficient choice for all ACT residents; and
(e) report back on the findings of the steps outlined in (2) (a) to (d) to the Assembly by the first sitting week in March 2018. Notice given 30 October 2017. Notice will be removed from the Notice Paper unless called on within 4 sitting weeks—standing order 125A).

8 MRS DUNNE: To move—That this Assembly:

(1) notes the historical problems of the ACT Government in managing health data and health infrastructure and notes:

(a) the failure of the Minister for Health and Wellbeing to ensure she is properly briefed on issues such as health data, hospital maintenance, and cladding on the Centenary Hospital for Women and Children;

(b) the belated response of the Minister for Health and Wellbeing to the problems in Canberra’s hospitals caused by the severity of the flu season;

(c) the tardy response of the Minister for Health and Wellbeing to the management of Indigenous health issues such as the Ngunnawal Bush Healing Farm;

(d) the slow response of ACT Health regarding opioid treatment guidelines; and

(e) the underperformance of Canberra’s hospitals as compared to targets and their peer hospitals; and

(2) calls on the Minister for Health and Wellbeing, in addition to an update on the health data review, to report to the Legislative Assembly within five sitting days on:

(a) an update on the flu season and planning in place for the 2018 flu season;

(b) progress on the rectification of cladding on the Centenary Hospital for Women and Children;

(c) progress on the operation of the Ngunnawal Bush Healing Farm; and

(d) progress on the implementation of new opioid treatment guidelines. (Notice given 23 October 2017. Notice will be removed from the Notice Paper unless called on within 3 sitting weeks—standing order 125A).

Orders of the day—continued

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

ASSEMBLY BUSINESS—continued

Orders of the day—continued

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

Notice

MS LAWDER: To move—that, the Planning and Development (Lease Variation Charges) Determination 2017 (No 2)—Disallowable Instrument DI2017-208, be disallowed. (Notice given 25 October 2017. Disallowable Instrument will be deemed to have been disallowed unless disposed of within 5 sitting days, including today).

Orders of the day—continued

Last sitting day in 2017

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

EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE:
Presentation of report on the 2016 annual report for the Canberra Institute of Technology, pursuant to order of the Assembly of 16 February 2017, as amended 9 May 2017 and 8 June 2017.
EXECUTIVE MEMBERS’ BUSINESS

Notice

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

(1) notes:

(a) recreational forest trails in Kowen Forest, and across Canberra, are highly valued by the community, are popular recreational venues for cycling events, and are a cycling tourism attraction for the ACT;

(b) logging operations in Kowen Forest have recently destroyed a high quality network of trails and further planned logging operations in Kowen and Majura Pines will destroy further trails, significantly impacting the areas as riding and recreational destinations;

(c) protecting and enhancing the network of recreational forest trails, in combination with investment in urban cycling, is critical for making Canberra the genuine “cycling capital”; and

(d) several other Australian regions are currently investing heavily in mountain biking infrastructure with a view to building a mountain bike tourism industry; and

(2) calls on the Government to:

(a) investigate options to retain existing trails in Kowen Forest and Majura Pines;

(b) conduct an analysis of the value of recreational trails across Canberra (including Kowen Forest), including their social, health, economic and recreational value;

(c) produce an ACT Cycling Tourism Strategy, and Mountain Biking Strategy, with the goals of growing tourism and recreational cycling opportunities and participation, better managing cycling resources, and improving relationships with cycling stakeholders;

(d) work with stakeholders to identify further areas for additional trail development to provide long term opportunities and certainty; and

(e) report back to the Assembly on progress in the first sitting week of 2018. (Notice given 30 October 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 26 November 2017)

788 MR COE: To ask the Minister for Regulatory Services—

(1) How many complaints regarding hoarding have been investigated by the ACT Government, including the Chief Health Officer and the Health Protection Service, during (a) 2016-17 and (b) 2017-18 to date.

(2) How many of the complaints received involve longstanding cases which have been unresolved for more than 12 months.

(3) What action is being taken to address those cases where hoarding behaviour has been documented over several years and is ongoing.

(4) How many complaints received were properties owned by the ACT Government and how many were privately owned.

(5) Does the ACT Government handle hoarding situations on privately owned properties differently than when the property is owned by the Government; if so, can the Minister outline the differences in approach or available powers.

(6) When was the Hoarding Case Management Group first established.

(7) Can the Minister provide the total number of cases the Hoarding Case Management Group handled for each year since its commencement and identify how many cases were active over multiple years.

(8) How many hoarding cases from 2016-17 is the Hoarding Case Management Group still actively working on.

(9) Can the Minister provide an update on the implementation of the Hoarding Code of Practice.

(10) Are any further legislative changes planned or being considered to assist in resolving hoarding cases.
MS LE COUTEUR: To ask the Minister for Regulatory Services—

(1) In relation to balloons and their regulation under the *Environmental Protection Regulation 2005*, division 2.6, has there been any enforcement of clause 16 of the Regulation, being the offence for the release of 20 or more balloons.

(2) How many complaints have been made of offences under clause 16.

(3) How many fines have been issued under clause 16.

(4) What education programs or campaigns has the ACT Government undertaken to inform Canberra residents of their rights, obligations and responsibilities in relation to balloons.

(5) Are there restrictions on organisations who give out pre-inflated balloons to members of the public who then, in turn, might release those balloons but not be in contravention of clause 16.

(6) Does information regarding the offence currently need to be displayed at the point of sale of balloons in the ACT.

(7) Has the Government revisited this regulation since it was drafted; if so, what was the outcome of the review.

(8) What is the environmental impact of the release of balloons.

M M Kiermaier
Acting Clerk of the Legislative Assembly

GOVERNMENT TO RESPOND TO PETITIONS
(in accordance with standing order 100)

1 November 2017

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).

23 November 2017

Safe Schools Coalition program—Minister for Education and Early Childhood Development—Petition lodged by Mr Wall (Pet 21-17).
24 January 2018

ACTION bus services between Deakin, Kingston and Manuka—Minister for Transport and City Services—Petition lodged by Ms Lee—(Pet 22-17).

25 January 2018

Gordon—Hooning, antisocial and dangerous driving—Minister for Police and Emergency Services—Petition lodged by Mr Wall—(Pet 23-17).

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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)*