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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 41

[**Tuesday, 28 November 2017**](http://www.hansard.act.gov.au/hansard/2017/pdfs/20171128.pdf)

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 **1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms 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 DEATH OF Mr Steve Doszpot MLA

Mr Barr (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Mr Steve Doszpot MLA, our friend, colleague as Member for Kurrajong and a Canberran who was committed to serving his community, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Coe (Leader of the Opposition), Minister Rattenbury, Ms Lawder, Mr Wall, Mrs Dunne and Mr Hanson addressed the Assembly in support of the motion.

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

Mr Steve Doszpot MLA—Copy of address to the Canberra Liberals Annual General Meeting on 23 November 2017 by the Hon Malcolm Turnbull MP, Prime Minister of Australia.

Mrs Jones, Ms Lee, Mr Milligan, Mrs Kikkert and Mr Parton also addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

*Suspension of sitting—Mark of respect:* The Speaker, at 10.58 am., suspended the sitting as a mark of respect to Mr Doszpot and announced that the Chair would be resumed at the ringing of the bells.

*Resumption of sitting:* The bells having been rung, the Speaker resumed the Chair at 11.31 am.

 3 PETITIONS, e-Petitions AND MINISTERIAL RESPONSE—REFERRALS TO COMMITTEE—Statements by Members

**Petitions and e-Petitions**

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

Mr Parton, from 562 and 181 residents, respectively, requesting that the Assembly call on the Government to look into rerouting buses from Anketell Street to Cowlishaw Street, Tuggeranong, as requested (Pet 26-17 and e-Pet 19-17).

Pursuant to standing order 99A, petition 26-17 stands referred to the Standing Committee on Environment and Transport and City Services.

Mr Steel, from 246 and 620 residents, respectively, requesting that the Assembly improve access to Mount Taylor through improved motorist, cyclist and pedestrian safety from Sulwood Drive, Kambah (Pet 27-17 and e-Pet 18-17).

Pursuant to standing order 99A, e-petition 18-17 stands referred to the Standing Committee on Environment and Transport and City Services.

Mr Doszpot, from 32 residents, requesting that the Assembly make Canberra suburbs and parks safe from dangerous dogs by amending legislation to clearly define on what grounds a dangerous dog should be put down and the ramifications for an owner of a dangerous dog after an attack (e-Pet 24-17).

**Ministerial response**

The Clerk announced that the following response to a petition had been lodged:

Ms Berry (Minister for Education and Early Childhood Development), dated 17 November 2017—Response to petition No 21-17, lodged by Mr Wall on 24 August 2017, concerning the Safe Schools Coalition Program.

Mr Parton, by leave, made a statement in relation to the petitions concerning the rerouting of buses in Tuggeranong.

Mr Steel and Mr Parton, by leave, made statements in relation to the petitions concerning improved motorist, cyclist and pedestrian safety at Mount Taylor.

 4 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker made a statement concerning an alleged breach of privilege raised by Mrs Dunne in relation to a statutory declaration tabled in the 8th Assembly by the Chief Minister regarding the election of a Senator for the Australian Capital Territory.

Papers: The Speaker presented the following papers:

Alleged breach of privilege—

Copies of correspondence from—

Mrs Dunne to the Speaker, dated 21 November 2017.

The Speaker to Senator Katy Gallagher, dated 21 November 2017.

Senator Katy Gallagher to the Speaker, dated 22 November 2017.

The Speaker to Mrs Dunne, dated 27 November 2017.

Advice to the Speaker from the Clerk, dated 21 November 2017.

Procedure to elect a Senator for the Australian Capital Territory—Continuing resolution No 9—Copies of correspondence from—

The Deputy Speaker to the Speaker, dated 14 September 2017.

The Speaker to the Deputy Speaker, dated 6 October 2017.

Having considered the matter, the Speaker concluded that the matter did not merit precedence over other business under standing order 276.

 5 Establishment of select committee on Privileges—leave not granted

Mrs Dunne sought leave to move a motion to establish a Select Committee on Privileges.

Objection being raised, leave not granted.

 6 SUSPENSION OF STANDING ORDERS moved—Establishment of Select Committee on Privileges

Mrs Dunne moved—That so much of the standing orders be suspended as would allow Mrs Dunne to move a motion to establish a Select Committee on Privileges.

Debate ensued.

Question—put and negatived.

 7 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 12—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 12*,* dated 21 November 2017, together with the relevant minutes of proceedings—

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

 8 Planning and Urban Renewal—Standing Committee—Petition—ADVERTISING BILLBOARDS—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 No 14-17 and the Minister’s response concerning advertising billboards, and noting that the Committee had recently conducted an inquiry into, and reported on, the matter, the Committee had determined that it would not be holding an additional inquiry.

 9 Planning and Urban Renewal—Standing Committee—INQUIRY—Housing—Inquiry discontinued—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning and Urban Renewal had resolved that, following the release of the Housing Choices Discussion Paper and the Government announcement of a major consultation process, it would not be continuing with its inquiry into housing, as it would result in considerable overlap and cause confusion for those wishing to make submissions and/or contribute to the processes.

 10 Germany and spain Mission—october 2017—MINISTERIAL STATEMENT—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning a mission to Germany and Spain, focussing on the light rail project, technologies and developments in public transport, renewable energies and smart cities, and presented the following paper:

Germany and Spain Mission—October 2017—Ministerial statement, 28 November 2017.

Mr Barr moved—That the Assembly take note of the paper.

Question—put and passed.

 11 Demonstration housing precincts—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Planning and Land Management) made a ministerial statement concerning demonstration housing precincts, pursuant to the resolution of the Assembly of 7 June 2017, and presented the following paper:

Demonstration housing precincts—Ministerial statement, 28 November 2017.

Mr Gentleman moved—That the Assembly take note of the paper.

Question—put and passed.

 12 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 each sitting day this week continuing past 30 minutes.

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

 13 QUESTIONS

Questions without notice were asked.

 14 QUESTIONs ON NOTICE NOs 772-776 and 784—ANSWERs—EXPLANATION

Mrs Dunne, pursuant to standing order 118A, asked Ms Fitzharris (Minister for Health and Wellbeing) for an explanation concerning the answers to questions on notice Nos 772-776 and 784.

Ms Fitzharris gave an explanation.

 15 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 10/2017—2016-17 Financial Audits—Overview, dated 24 November 2017.

Standing order 191—Amendments to:

Justice and Community Safety Legislation Amendment Bill 2017 (No 2), dated 6 November 2017.

Legislative Assembly Legislation Amendment Bill 2017, dated 9 and 10 November 2017.

 16 PRESENTATION OF PAPER

Mr Barr (Treasurer) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports 2016-2017—Independent Competition and Regulatory Commission—Report 9 of 2017—Corrigendum, dated 8 November 2017.

 17 Financial Management Act—2017-18 Capital Works Program—Progress report—Paper and statement by Minister

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to subsection 30F(3)—2017-18 Capital Works Program—Progress report—Year-to-date 30 September 2017—

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

 18 Financial Management Act—Consolidated Financial Report—Paper and statement by Minister

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 September 2017—

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

 19 PRESENTATION OF PAPER

Ms Berry (Minister for Education and Early Childhood Development) presented the following paper:

Schools for All Report—ACT Government’s investment in providing suitable withdrawal spaces and appropriate calming and sensory spaces in ACT public schools, dated November 2017, pursuant to the resolution of the Assembly of 13 September 2017.

 20 Presentation of papers

Ms Fitzharris (Minister for Health and Wellbeing) presented the following papers:

Australian Health Practitioner Regulation Agency—Annual report 2016/17.

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Administrator of the National Health Funding Pool—Annual report 2016-2017, dated 10 October 2017.

National Health Funding Body—Annual report 2016-2017, dated 10 October 2017.

National Health Practitioner Ombudsman and Privacy Commissioner—Annual report 2016-17.

Annual Reports (Government Agencies) Act, pursuant to section 13—Health Directorate—

Annual Report 2015-2016—Corrigendum.

Annual Report 2016-2017—Corrigendum.

 21 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2016-2017—Transport Canberra and City Services Directorate—Corrigendum.

 22 Gaming Machine Act—Community contributions made by gaming machine licensees—Report by the A.C.T. Gambling and Racing Commission—2016-17—PAPER AND STATEMENT BY MINISTER

Mr Ramsay (Minister for Regulatory Services) presented the following paper:

Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Report by the ACT Gambling and Racing Commission—2016-17, dated 24 October 2017—

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

 23 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—

City Renewal Authority and Suburban Land Agency Act—

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017—Disallowable Instrument DI2017-261 (LR, 31 October 2017).

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017—Disallowable Instrument DI2017-262 (LR, 31 October 2017).

City Renewal Authority and Suburban Land Agency Act and Financial Management Act—City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2017 (No 5)—Disallowable Instrument DI2017-267 (LR, 7 November 2017).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Australian Property Institute Valuers Limited Scheme Amendment 2017—Disallowable Instrument DI2017-266 (LR, 9 November 2017).

Crimes (Child Sex Offenders) Act—Crimes (Child Sex Offenders) Amendment Regulation 2017 (No 1)—Subordinate Law SL2017-31 (LR, 26 October 2017).

Electoral Act—Electoral Commission (Electoral Commissioner) Appointment 2017 (No 1)—Disallowable Instrument DI2017-255 (LR, 26 October 2017).

Gambling and Racing Control Act and Financial Management Act—Gambling and Racing Control (Governing Board) Appointment 2017 (No 2)—Disallowable Instrument DI2017-257 (LR, 26 October 2017).

Plant Diseases Act—Plant Diseases (Importation Restriction Area) Declaration 2017 (No 2), including a regulatory impact statement—Disallowable Instrument DI2017‑268 (LR, 10 November 2017).

Public Place Names Act—

Public Place Names (Gungahlin) Determination 2017 —Disallowable Instrument DI2017-258 (LR, 26 October 2017).

Public Place Names (Molonglo Valley District) Determination 2017—Disallowable Instrument DI2017-269 (LR, 13 November 2017).

Public Place Names (Red Hill) Determination 2017—Disallowable Instrument DI2017-259 (LR, 26 October 2017).

Road Transport (General) Act—Road Transport (General) Numberplate Fees Determination 2017 (No 2)—Disallowable Instrument DI2017-260 (LR, 14 November 2017).

Terrorism (Extraordinary Temporary Powers) Act—

Terrorism (Extraordinary Temporary Powers) Public Interest Monitor Panel Appointment 2017 (No 1)—Disallowable Instrument DI2017-263 (LR, 6 November 2017).

Terrorism (Extraordinary Temporary Powers) Public Interest Monitor Panel Appointment 2017 (No 2)—Disallowable Instrument DI2017-264 (LR, 6 November 2017).

Terrorism (Extraordinary Temporary Powers) Public Interest Monitor Panel Appointment 2017 (No 3)—Disallowable Instrument DI2017-265 (LR, 6 November 2017).

Veterinary Surgeons Act—Veterinary Surgeons (Board President) Appointment 2017 (No 1)—Disallowable Instrument DI2017-256 (LR, 26 October 2017).

 24 Racing (Greyhounds) Amendment Bill 2017

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—

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Economic Development and Tourism—Standing Committee—Proposed reference—Racing (Greyhounds) Amendment Bill 2017 and the Domestic Animals (Racing Greyhounds) Amendment Bill 2017*—Mr Wall, pursuant to standing order 174, moved—That the Racing (Greyhounds) Amendment Bill 2017 and the Domestic Animals (Racing Greyhounds) Amendment Bill 2017 be referred to the Standing Committee on Economic Development and Tourism.

Debate ensued.

Question—put.

The Assembly voted—

|  |  |  |
| --- | --- | --- |
|  AYES, 9 |  |  NOES, 12 |
| Mr Coe | Mr Milligan |  | Ms Burch | Ms Orr |
| Mrs Dunne | Mr Parton |  | Ms Cheyne | Mr Pettersson |
| Mr Hanson | Mr Wall |  | Ms Cody | Mr Ramsay |
| Mrs Jones |  |  | Ms Fitzharris | Mr Rattenbury |
| Mrs Kikkert |  |  | Mr Gentleman | Mr Steel |
| Ms Lawder |  |  | Ms Le Couteur | Ms Stephen-Smith |

And so it was negatived.

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Debate resumed.

*Paper:* Mr Rattenbury presented the following paper:

Reporting of injuries in Stewards Reports—Copy of email from the Chief Steward, Greyhound Racing New South Wales, to Stewards, dated 30 April 2013.

Debate continued.

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

The Assembly voted—

|  |  |  |
| --- | --- | --- |
|  AYES, 12 |  |  NOES, 9 |
| Ms Burch | Ms Orr |  | Mr Coe | Mr Milligan |
| Ms Cheyne | Mr Pettersson |  | Mrs Dunne | Mr Parton |
| Ms Cody | Mr Ramsay |  | Mr Hanson | Mr Wall |
| Ms Fitzharris | Mr Rattenbury |  | Mrs Jones |  |
| Mr Gentleman | Mr Steel |  | Mrs Kikkert |  |
| Ms Le Couteur | Ms Stephen-Smith |  | Ms Lawder |  |

And so it was resolved in the affirmative.

*Detail Stage*

Bill, by leave, taken as a whole—

Mr Parton moved his amendment No 1 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |
| --- | --- | --- |
|  AYES, 9 |  |  NOES, 12 |
| Mr Coe | Mr Milligan |  | Ms Burch | Ms Orr |
| Mrs Dunne | Mr Parton |  | Ms Cheyne | Mr Pettersson |
| Mr Hanson | Mr Wall |  | Ms Cody | Mr Ramsay |
| Mrs Jones |  |  | Ms Fitzharris | Mr Rattenbury |
| Mrs Kikkert |  |  | Mr Gentleman | Mr Steel |
| Ms Lawder |  |  | Ms Le Couteur | Ms Stephen-Smith |

And so it was negatived.

Bill, as a whole, agreed to.

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

 25 Domestic Animals (Racing Greyhounds) Amendment Bill 2017

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.

 26 Crimes (Police Powers and Firearms Offence) Amendment Bill 2017

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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

Crimes (Police Powers and Firearms Offence) Amendment Bill 2017—Copy of letter from the President, ACT Bar Association and the President, ACT Law Society, to the Attorney-General, dated 21 November 2017.

Debate continued.

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

*Adjournment negatived:* It being 6 pm—The question was proposed—That the Assembly do now adjourn.

Mr Gentleman (Manager of Government Business) requiring the question to be put forthwith without debate—

Question—put and negatived.

*Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Ramsay (Attorney-General), pursuant to standing order 182A(b) and (c), by leave, his amendments Nos 1 to 7 (*see* [Schedule 2](#Schedule2)) were made together.

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

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

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

 27 SUSPENSION OF STANDING ORDERS—Precedence to Assembly business

Mr Wall moved—That so much of the standing orders be suspended as would prevent Assembly business notice No 5—Proposed disallowance of DI2017-208, being the Planning and Development (Lease Variation Charges) Determination 2017 (No 2), being called on and debated forthwith.

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

 28 pLANNING AND dEVELOPMENT aCT—pLANNING AND dEVELOPMENT (Lease Variation Charges) Determination 2017 (nO 2)—Disallowable Instrument DI2017-208—mOTION TO DISALLOW

Ms Lawder moved—That the Planning and Development (Lease Variation Charges) Determination 2017 (No 2)—Disallowable Instrument DI2017-208, be disallowed.

Debate ensued.

Question—put.

The Assembly voted—

|  |  |  |
| --- | --- | --- |
|  AYES, 8 |  |  NOES, 11 |
| Mr Coe | Mr Parton |  | Ms Burch | Mr Pettersson |
| Mrs Dunne | Mr Wall |  | Ms Cheyne | Mr Ramsay |
| Mrs Jones |  |  | Ms Cody | Mr Rattenbury |
| Mrs Kikkert |  |  | Mr Gentleman | Mr Steel |
| Ms Lawder |  |  | Ms Le Couteur | Ms Stephen-Smith |
| Mr Milligan |  |  | Ms Orr |  |

And so it was negatived.

 29 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 7.11 pm, adjourned until tomorrow at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting.

Tom Duncan

Clerk of the Legislative Assembly

**SCHEDULES OF AMENDMENTS**

**Schedule 1**

**RACING (GREYHOUNDS) AMENDMENT BILL 2017**

Amendment circulated by Mr Parton

1. Clause 2
Page 2, line 5—

omit

30 April 2018

substitute

30 June 2018

**Schedule 2**

**CRIMES (POLICE POWERS AND FIREARMS OFFENCE) AMENDMENT BILL 2017**

Amendments circulated by the Attorney-General

1
Clause 6
Proposed new section 210D (1) (c)
Page 6, line 10—

omit proposed new section 210D (1) (c), substitute

 (c) consent has been given by—

 (i) if the premises are occupied—the occupier of the premises; or

 (ii) if the premises are not occupied—the owner of the premises.

2
Clause 6
Proposed new section 210D (2) (b) (i)
Page 6, line 17—

omit proposed new section 210D (2) (b) (i), substitute

 (i) has made reasonable attempts to obtain the consent of—

 (A) if the premises are occupied—the occupier of the premises; or

 (B) if the premises are not occupied—the owner of the premises; or

3
Clause 6
Proposed new section 210G (2)
Page 8, line 11—

omit

at or in relation to the place

4
Clause 6
Proposed new section 210H (1)
Page 9, line 23—

omit

for an offence

5
Clause 6
Proposed new section 210H (1) (d)
Page 10, line 4—

omit proposed new section 210H (1) (d), substitute

 (d) a police officer starts executing a warrant to search the place;

6
Clause 6
Proposed new section 210H (1) (e)
Page 10, line 5—

omit

in relation to the offence

7
Clause 6
Proposed new section 210M
Page 11, line 27—

insert

210M Review—div 10.4A

 (1) The Minister must review the operation of this division as soon as practicable after the end of its first year of operation.

 (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.

 (3) This section expires 3 years after the day it commences.