****

LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 55

[**Thursday, 12 April 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20180412.pdf)

|  |
| --- |
|  |
|  |
|  |

**1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 Environment and Transport and City Services—Standing Committee—REPORT 5—Report on Annual and Financial Reports 2016-2017—report noted

Ms Orr (Chair), pursuant to order, presented the following report:

Environment and Transport and City Services—Standing Committee—Report 5—*Report on Annual and Financial Reports 2016-2017,* dated 9 April 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.

3 Public Accounts—Standing Committee—REPORT 3—Inquiry into Appropriation Bill 2017-2018 (No 2) and Appropriation (Office of the Legislative Assembly) Bill 2017-2018 (No 2)—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

Mr Barr (Treasurer) presented the following paper:

Public Accounts—Standing Committee—Report 3—*Inquiry into Appropriation Bill 2017-2018 (No 2) and Appropriation (Office of the Legislative Assembly) Bill 2017-2018 (No 2)*—Government response—

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

Debate adjourned (Mr Gentleman—Manager of Government Business) and the resumption of the debate made an order of the day for a later hour this day.

4 A.C.T. Prevention of Violence against Women and Children Strategy 2011-2017—2nd Implementation Plan 2015-2017—MINISTERIAL STATEMENT and paper—PAPERS NOTED

Ms Berry (Minister for the Prevention of Domestic and Family Violence) made a ministerial statement concerning the 2nd Implementation Plan 2015-2017 of the ACT Prevention of Violence against Women and Children Strategy 2011-2017 and presented the following papers:

ACT Prevention of Violence against Women and Children Strategy 2011-2017—2nd Implementation Plan 2015-2017—Ministerial statement, 12 April 2018.

Our responsibility: Ending violence against women and children—ACT Prevention of Violence against Women and Children Strategy 2011-2017—2nd Implementation Plan 2015-2017, dated March 2018.

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

Debate ensued.

Question—put and passed.

5 Out of Home Care Strategy 2015-2020—A Step Up for Our Kids—One Step can make a Lifetime of Difference—Update—MINISTERIAL STATEMENT and paperS—PAPERS NOTED

Ms Stephen-Smith (Minister for Disability, Children and Youth) made a ministerial statement concerning an update on the Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step can make a Lifetime of Difference* and presented the following papers:

Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step Can Make a Lifetime of Difference*—Update—April 2018—Ministerial statement, 12 April 2018.

A Step Up for Our Kids—Snapshot Report.

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

Debate ensued.

Question—put and passed.

6 Land Tax Amendment Bill 2018

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Land Tax Act 2004*, and for other purposes.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 April 2018.

Title read by Clerk.

Mr Barr moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Coe—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

7 Planning, Building and Environment Legislation Amendment Bill 2018

Mr Gentleman (Minister for the Environment and Heritage), pursuant to notice, presented a Bill for an Act to amend legislation about planning, building and the environment, and for other purposes.

*Papers:* Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 April 2018.

Title read by Clerk.

Mr Gentleman moved—That this Bill be agreed to in principle.

Debate adjourned (Ms Lawder) and the resumption of the debate made an order of the day for the next sitting.

8 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF Assembly BUSINESS

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent order of the day, Assembly business, relating to the Government response to Report 3 of the Standing Committee on Public Accounts, entitled *Inquiry into Appropriation Bill 2017-2018 (No 2) and Appropriation (Office of the Legislative Assembly) Bill 2017-2018 (No 2)*, being called on and debated cognately with orders of the day Nos 1 and 2, Executive business, Appropriation Bill 2017-2018 (No 2) and Appropriation (Office of the Legislative Assembly) Bill 2017-2018 (No 2).

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

9 Appropriation Bill 2017-2018 (No 2)

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.

10 Appropriation (Office of the Legislative Assembly) Bill 2017-2018 (No 2)

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—

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.

11 Public Accounts—Standing Committee—REPORT 3—Inquiry into Appropriation Bill 2017-2018 (No 2) and Appropriation (Office of the Legislative Assembly) Bill 2017-2018 (No 2)—GOVERNMENT RESPONSE—PAPER NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Barr (Treasurer)—That the Assembly take note of the paper (*see* [entry 3](#Entry3))—

Question—put and passed.

12 Privileges 2018—Select Committee—proposed establishment

The order of the day having been read for the resumption of the debate on the motion of Ms Cody—That:

1. this Assembly notes:
   1. the letter distributed to Canberra residents in the names of Miss C. Burch and Ms Lee titled *Inquiry into the methodology for determining rates and land tax for apartments*;
   2. the letter calls upon residents of the Australian Capital Territory to make submissions to an inquiry of an Assembly committee via the haveyoursay.net.au website;
   3. the “haveyoursay” website is not operated by the committee secretariat, but by the Liberal Party of Australia ACT Division, with a registrant contact name of Alistair Coe;
   4. the letter and the “haveyoursay” website may combine to create a false impression that they are proceedings of the Assembly or its committees;
   5. submissions made via the “haveyoursay” website will not be covered by privilege. Authors of submissions being sent to the “haveyoursay” website are not being correctly cautioned as to the nature of privilege;
   6. as political parties are not subject to the *Privacy Act 1988* (section 6C), there is no law governing how any information collected in the name of the Assembly, but by the website, will be used, or that all submissions made were accurately forwarded to the committee; and
   7. the possibility that submissions to the Standing Committee on Public Accounts were biased, and hence the course of the inquiry has been corrupted;
2. pursuant to standing order 277, a Select Committee on Privileges be established to examine whether there has been a breach of the standing orders by contempt of the committee individually, or by a conspiracy of Mr Coe, Ms Lee and Miss C. Burch in relation to matters noted and any other relevant matters, including whether the conduct constitutes;
   1. interference with the Assembly;
   2. improper influence of Members in their committee work;
   3. molestation of Ms Lee and Miss C. Burch by Mr Coe as the leader of their party;
   4. false reports of proceedings of a committee;
   5. disobedience and obstruction of orders; and
   6. interference with or molestation of witnesses;
3. the Committee shall report back to the Assembly by the last sitting week in 2018; and
4. the Committee shall be composed of:
   1. two members nominated by the Government; and
   2. two members nominated by the Opposition; and
   3. one member nominated by the Crossbench;

to be notified to the Speaker by 4pm Thursday, 12 April 2018—

Debate resumed.

Debate adjourned (Mrs Dunne) and the resumption of the debate made an order of the day for a later hour this day.

13 Emission reduction and renewable energy

Mr Rattenbury, pursuant to notice, moved—That this Assembly:

1. notes the:
   1. ACT is making important contributions to national and global efforts to address climate change, including through its target of 100 percent renewable electricity by 2020, and its target of net zero greenhouse gas emissions by 2050 at the latest;
   2. ACT is on track to achieve the 100 percent renewable electricity target and is currently planning actions to achieve the net zero emissions target; and
   3. ACT’s actions on climate change have resulted in various benefits for ACT residents, including insulation from potential future price rises, and significant new investment and economic opportunities;
2. supports the continuation of the ACT’s climate change efforts as an important way to reduce national greenhouse gas emissions, support renewable energy technologies, and benefit the ACT’s economy and electricity consumers; and
3. acknowledges the importance of emission reduction policies that:
   1. provide long term policy certainty in line with Australia’s Paris climate change commitments, including net zero emissions by 2050, with the electricity sector providing a major contribution to this target;
   2. provide a mechanism to recognise additional action by individuals, organisations and sub-national governments—such as the ACT—to reduce electricity emissions;
   3. support retail competition and do not entrench retail market power;
   4. complement the role of electricity wholesale markets as the primary signaller for infrastructure investment;
   5. facilitate flexibility in future market development including through the greater use of demand response and distributed energy systems; and
   6. support the development of a reliable and secure electricity supply system.

Debate ensued.

Question—put and passed.

14 Administration and Procedure—Standing Committee—Standing orders relating to contempt—Reference—STATEMENT BY CHAIR

Ms J. Burch (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Administration and Procedure had considered the reference to the Committee of an exchange between a witness and a committee chair that had occurred in the course of an inquiry into annual reports, and certain matters arising from that exchange.

Having noted the discussion in the debate on the referral motion and the withdrawal of offending comments, the Committee had resolved that no further action be taken.

The Chair further advised the Assembly that the Committee would consider matters relevant to possible changes of standing orders in the context of the upcoming review of standing orders.

15 Economic Development and Tourism—Standing Committee—INQUIRY—building quality in the A.C.T.—STATEMENT BY CHAIR—Paper—Statement by Member

Mr Hanson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Economic Development and Tourism had resolved to conduct an inquiry into, and report on, the quality of new buildings and any potential or actual causes of poor building quality in the ACT.

*Paper:* Mr Hanson, pursuant to standing order 246A, presented the following paper:

Inquiry into the quality of recently constructed buildings in the ACT—Discussion paper, dated 9 April 2018.

Ms Orr, by leave, made a statement in relation to the matter.

16 Education, Employment and Youth Affairs—Standing Committee—Safe Schools program—Petition—STATEMENT BY CHAIR

Mr Pettersson (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Education, Employment and Youth Affairs of petition 21-17, concerning the Safe Schools program and the Minister’s response, and a briefing provided by the Education Directorate, the Committee had determined not to inquire further into the matters raised in the petition.

17 Education, Employment and Youth Affairs—Standing Committee—INQUIRY—Extent, nature and consequence of insecure work in the ACT—Reporting date—STATEMENT BY CHAIR

Mr Pettersson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Education, Employment and Youth Affairs had resolved to extend the reporting date for its inquiry into the extent, nature and consequence of insecure work in the ACT to the last sitting day in May 2018.

18 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly that, due to the absence of Minister Fitzharris, questions without notice normally directed to the Minister for Health and Wellbeing could be directed to Minister Rattenbury, questions normally directed to the Minister for Transport and City Services could be directed to Minister Gentleman, and questions normally directed to the Minister for Higher Education, Training and Research could be directed to the Chief Minister.

19 QUESTIONS

Questions without notice were asked.

20 PRESENTATION OF PAPER

Mr Barr (Chief Minister) presented the following paper:

City Renewal Authority and Suburban Land Agency Act, pursuant to subsection 13(2)—City Renewal Authority—Land acquisitions quarterly report—1 January to 31 March 2018, dated 6 April 2018.

21 City Renewal Authority And Suburban Land Agency Act—Suburban Land Agency—Land acquisitions quarterly report—PAPER AND STATEMENT BY MINISTER

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

City Renewal Authority and Suburban Land Agency Act, pursuant to subsection 43(2)—Suburban Land Agency—Land acquisitions quarterly report—1 January to 31 March 2018—

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

22 Annual Reports (Government Agencies) Act—annual report 2017—canberra institute of technology—paper and statement by MInister

Mr Gentleman (Manager of Government Business) of Government Business), on behalf of the Minister for Higher Education, Training and Research, presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017**—**Canberra Institute of Technology, dated 6 April 2018—

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

23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Office for Mental Health—Support for multicultural dimensions

The Assembly was informed that Miss C. Burch, Ms Cheyne, Ms Cody, Mr Hanson, Mrs Kikkert, Ms Le Couteur, Ms Lee, Mr Milligan, Ms Orr, 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 Mrs Kikkert be submitted to the Assembly, namely, “The importance of making sure that multicultural dimensions are supported in the Office for Mental Health”.

Discussion ensued.

Discussion concluded.

24 Privileges 2018—Select Committee—establishment

The order of the day having been read for the resumption of the debate on the motion of Ms Cody (*see* [entry 12](#Entry12))—

Debate resumed by Ms Le Couteur, who moved the following amendment: Omit all words after “this Assembly notes”, substitute:

“(a) the letter distributed to Canberra residents in the names of Miss C. Burch and Ms Lee titled *Inquiry into the methodology for determining rates and land tax for apartments*;

(b) the letter calls upon residents of the Australian Capital Territory to make submissions to an inquiry of an Assembly committee via the haveyoursay.net.au website;

(c) the ‘haveyoursay’ website is not operated by the committee secretariat, but by the Liberal Party of Australia ACT Division, with a registrant contact name of Alistair Coe;

(d) the letter and the ‘haveyoursay’ website may combine to create a false impression that they are proceedings of the Assembly or its committees;

(e) as political parties are not subject to the *Privacy Act 1988* (section 6C), there is no law governing how any information collected by the website will be used, or that all submissions made were accurately forwarded to the committee;

(f) there is a possibility that submissions to the ‘haveyoursay’ website were not all submitted to the Standing Committee on Public Accounts, and hence the course of the inquiry has been corrupted; and

(g) a number of other non-Legislative Assembly websites have been established to generate submissions to Assembly committee inquiries, including Unions ACT for the insecure work inquiry and Australian Christian Lobby for the Select Committee on End of Life Choices in the ACT;

(2) pursuant to standing order 277, a Select Committee on Privileges be established to examine whether there has been a breach of the standing orders by contempt of the committee by Ms Lee, Miss C. Burch or Mr Coe, in relation to matters noted and any other relevant matters, including whether the conduct constitutes:

(a) interference with the Assembly;

(b) obstruction of orders;

(c) interference with witnesses;

(d) refusal or failure to produce documents, or to allow the inspection of documents; or

(e) destruction, damage, forging or falsification of any documents;

(3) the Committee should also examine whether the third-party websites raised in (1)(g) have raised any issues of breaches of privilege or standing orders, and whether guidelines should be developed for promotion of, and generation of, submissions to committee inquiries;

(4) the Committee shall report back to the Assembly on the first sitting day of July 2018;

(5) notes that the Standing Committee on Public Accounts can continue its business relating to the rates inquiry by meeting and holding public hearings on this matter, but should not report to the Assembly prior to the Select Committee on Privileges reporting to the Assembly; and

(6) the Committee shall be composed of:

(a) one member nominated by the Government; and

(b) one member nominated by the Opposition; and

(c) one member nominated by the Crossbench;

to be notified to the Speaker by 4pm Thursday, 12 April 2018.”.

Mr Wall moved the following amendment to Ms Le Couteur’s proposed amendment: Omit paragraph (6), substitute:

“(6) the membership of the Committee is to be Ms Cheyne (Government), Mr Rattenbury (Crossbench), Mr Wall (Opposition).”.

Amendment to amendment agreed to.

Debate continued.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That:

(1) this Assembly notes:

(a) the letter distributed to Canberra residents in the names of Miss C. Burch and Ms Lee titled *Inquiry into the methodology for determining rates and land tax for apartments*;

(b) the letter calls upon residents of the Australian Capital Territory to make submissions to an inquiry of an Assembly committee via the haveyoursay.net.au website;

(c) the ‘haveyoursay’ website is not operated by the committee secretariat, but by the Liberal Party of Australia ACT Division, with a registrant contact name of Alistair Coe;

(d) the letter and the ‘haveyoursay’ website may combine to create a false impression that they are proceedings of the Assembly or its committees;

(e) as political parties are not subject to the *Privacy Act 1988* (section 6C), there is no law governing how any information collected by the website will be used, or that all submissions made were accurately forwarded to the committee;

(f) there is a possibility that submissions to the ‘haveyoursay’ website were not all submitted to the Standing Committee on Public Accounts, and hence the course of the inquiry has been corrupted; and

(g) a number of other non-Legislative Assembly websites have been established to generate submissions to Assembly committee inquiries, including Unions ACT for the insecure work inquiry and Australian Christian Lobby for the Select Committee on End of Life Choices in the ACT;

(2) pursuant to standing order 277, a Select Committee on Privileges be established to examine whether there has been a breach of the standing orders by contempt of the committee by Ms Lee, Miss C. Burch or Mr Coe, in relation to matters noted and any other relevant matters, including whether the conduct constitutes:

(a) interference with the Assembly;

(b) obstruction of orders;

(c) interference with witnesses;

(d) refusal or failure to produce documents, or to allow the inspection of documents; or

(e) destruction, damage, forging or falsification of any documents;

(3) the Committee should also examine whether the third-party websites raised in (1)(g) have raised any issues of breaches of privilege or standing orders, and whether guidelines should be developed for promotion of, and generation of, submissions to committee inquiries;

(4) the Committee shall report back to the Assembly on the first sitting day of July 2018;

(5) notes that the Standing Committee on Public Accounts can continue its business relating to the rates inquiry by meeting and holding public hearings on this matter, but should not report to the Assembly prior to the Select Committee on Privileges reporting to the Assembly; and

(6) the membership of the Committee is to be Ms Cheyne (Government), Mr Rattenbury (Crossbench), Mr Wall (Opposition).”—

be agreed to—put and passed.

25 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 4.46 pm, adjourned until Tuesday, 8 May 2018 at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Ms Fitzharris\* and Mrs Jones\*.

\*on leave

Tom Duncan

Clerk of the Legislative Assembly