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**LEGISLATIVE ASSEMBLY FOR THE**

**AUSTRALIAN CAPITAL TERRITORY**

**2016–2017–2018–2019**

**MINUTES OF PROCEEDINGS**

**No 111**

[**Tuesday, 17 September 2019**](http://www.hansard.act.gov.au/hansard/2019/links/download.htm)

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 **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 petitions—MINISTERIAL RESPONSES—Responses noted**

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

Mr Barr (Chief Minister), dated 28 August 2019—Response to petition No 16-19, lodged by Ms Le Couteur on 4 June 2019, concerning cross-border proposal for the Parkwood area of New South Wales.

Mr Gentleman (Minister for Planning and Land Management), dated 30 August 2019—Response to e-petition No 25-18 and petition No 15-19, lodged by Ms Le Couteur on 4 June 2019, concerning proposed N12 and N10 developments at Easty Street, Phillip.

Ms Stephen-Smith (Minister for Health), dated 4 September 2019—Response to e‑petition No 10-19 and petition No 18-19, lodged by Mrs Jones on 6 June 2019, concerning hydrotherapy services in South Canberra.

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

Question—put and passed.

 **3 ASSISTANT SPEAKER—Revocation and Nomination—Paper**

The Speaker informed the Assembly that, pursuant to standing order 8, she had revoked the nomination of Ms Orr and nominated Mr Pettersson to act as an Assistant Speaker, and presented the following paper:

Assistant Speaker—Warrant of revocation and nomination, dated 9 September 2019.

 **4 Fuel Pricing—Select Committee—REPORT—Report on Inquiry into A.C.T. Fuel Pricing—report noted**

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

Fuel Pricing—Select Committee—Report—*Report on Inquiry into ACT Fuel Pricing,* dated 17 September 2019, together with a copy of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

 **5 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 34—STATEMENT BY CHAIR**

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 34*,* dated 10 September 2019, together with a copy of the extracts of the relevant minutes of proceedings, and a revised copy of the extracts of the minutes of meeting No 39—

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

 **6 Education, Employment and Youth Affairs—Standing Committee—Consideration of Statutory Appointments—Statement by Chair—Paper**

Mr Pettersson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Education, Employment and Youth Affairs.

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

Education, Employment and Youth Affairs—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2019.

 **7 Planning and Urban Renewal—Standing Committee—Consideration of Statutory Appointments—Statement by Chair—Paper**

Ms Le Couteur (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Planning and Urban Renewal.

*Paper:* Ms Le Couteur, pursuant to Continuing Resolution 5A, presented the following paper:

Planning and Urban Renewal—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2019.

 **8 Ministerial priorities—MINISTERIAL STATEMENT—PAPER NOTED**

Minister Orr made a ministerial statement concerning her ministerial priorities across the portfolios of Disability, Community Services and Facilities, Employment and Workplace Safety, and Government Services and Procurement, and presented the following paper:

Ministerial priorities—Ministerial statement, 17 September 2019.

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

Question—put and passed.

 **9 Bimberi Youth Justice Centre—MINISTERIAL STATEMENT and papers—PAPER NOTED**

Ms Stephen-Smith (Minister for Children, Youth and Families) made a ministerial statement concerning a major incident at the Bimberi Youth Justice Centre and presented the following papers:

Bimberi Youth Justice Centre—

Bimberi Headline Indicators Report—September 2019.

Interim Report of the Independent Review of the Incident at Bimberi Youth Justice Centre on 26 August 2019: Executive summary.

Ministerial statement, 17 September 2019.

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

Debate ensued.

Question—put and passed.

 **10 Fisheries Legislation Amendment Bill 2019**

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.

 **11 Planning and Development (Community Concessional Leases) Amendment Bill 2019**

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.

The Assembly voted—

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|  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 |  | Mrs Dunne | Mr Wall |
| Ms Cody | Mr Rattenbury |  | Mr Hanson |  |
| Mr Gentleman | Mr Steel |  | Mrs Jones |  |
| Mr Gupta | Ms Stephen-Smith |  | Mrs Kikkert |  |
| Ms Le Couteur |  |  | Ms Lawder |  |

And so it was resolved in the affirmative.

*Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Gentleman (Minister for Planning and Land Management), by leave, his amendments Nos 1 and 2 (*see* [Schedule 1](#Schedule1)) were made together.

*Paper:* Mr Gentleman 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.

 **12 QUESTIONS**

Questions without notice were asked.

 **13 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Electoral Act, pursuant to subsection 10A(2)—*A limited electronic voting option for electors who are overseas*—ACT Electoral Commission report to the Legislative Assembly, dated 11 September 2019.

Commissioner for Standards—Annual report 2018/2019, dated 31 August 2019.

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Report for the period 1 January to 30 June 2019, dated 21 August 2019.

Estimates 2019-2020—Select Committee—Answer to question on notice E19-207—Correction—Copy of letter from the Chief Minister to the Speaker, dated 26 August 2019.

Latimer House Principles—Review of the Performance of the Three Branches of Government in the Australian Capital Territory against Latimer House Principles, dated 8 September 2019—Prepared by John Halligan—Institute for Governance and Policy Analysis, University of Canberra, and Benedict Sheehy—Faculty of Business, Government and Law University of Canberra.

 14 PRESENTATION OF PAPERS

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

Administrative Arrangements—

Administrative Arrangements 2019 (No 2)—Notifiable Instrument NI2019-549, dated 23 August 2019.

Australian Capital Territory (Self-Government) Ministerial Appointment 2019 (No 2)—Notifiable Instrument NI2019-550, dated 23 August 2019.

Public Sector Management Standards, pursuant to section 56—Engagements of long‑term senior executive service members—1 March to 31 August 2019, dated September 2019.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decisions not made in time—CYF-18/88, dated 11 September 2019.

Weekend bus service reliability—Action Plan—Response to the resolutions of the Assembly of 14 and 20 August 2019, dated September 2019.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act and Financial Management Act—Cemeteries and Crematoria (ACT Public Cemeteries Authority Governing Board) Appointment 2019 (No 1)—Disallowable Instrument DI2019-201 (LR, 22 August 2019).

Children and Young People Act—Children and Young People (Death Review Committee) Chair Appointment 2019 (No 1)—Disallowable Instrument DI2019-200 (LR, 15 August 2019).

Controlled Sports Act—Controlled Sports (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-196 (LR, 15 August 2019).

Gaming Machine Act—Gaming Machine Amendment Regulation 2019 (No 2)—Subordinate Law SL2019-22 (LR, 27 August 2019).

Magistrates Court Act—Magistrates Court (Lakes Infringement Notice) Amendment Regulation 2019 (No 2)—Subordinate Law SL2019-20 (LR, 19 August 2019).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2019 (No 1)—Disallowable Instrument DI2019-202 (LR, 19 August 2019).

Rail Safety National Law (ACT) Act—Rail Safety National Law (Drug and Alcohol Analysts) Appointment 2019 (No 2)—Disallowable Instrument DI2019-198 (LR, 15 August 2019).

Road Transport (General) Act—Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 8)—Disallowable Instrument DI2019‑203 (LR, 22 August 2019).

University of Canberra Act—University of Canberra (University Seal) Statute 2019—Disallowable Instrument DI2019-199 (LR, 15 August 2019).

 **15 Weekend bus service reliability—Action Plan—PAPER NOTED**

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

Weekend bus service reliability—Action Plan—Response to resolutions of the Assembly of 14 and 20 August 2019.

Debate ensued.

Question—put and passed.

 16 Standing CommitteeS—Membership

The Assistant Speaker informed the Assembly that the Speaker had, on 23 August 2019, agreed to the following changes to the membership of a number of standing committees, proposed by the Government Whip, pursuant to standing order 223:

Ms Orr be discharged from the Standing Committee on Environment and Transport and City Services, the Standing Committee on Planning and Urban Renewal, and the Standing Committee on Economic Development and Tourism.

Mr Gupta be appointed to the Standing Committee on Economic Development and Tourism and the Standing Committee on Justice and Community Safety.

Mr Pettersson be appointed to the Standing Committee on Planning and Urban Renewal and discharged from the Standing Committee on Justice and Community Safety;

Ms Cheyne be appointed to the Standing Committee on Environment and Transport and City Services.

*Paper:* The Assistant Speaker presented the following paper:

Standing Committees—Membership—Proposed changes—Copy of email correspondence between the Government Whip and the Speaker, dated 23 August 2019.

Mr Gentleman (Manager of Government Business) moved—That the changes to the membership of the Standing Committees, as proposed, and agreed to by the Speaker, pursuant to standing order 223, be adopted.

Question—put and passed.

 **17 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Stromlo Forest Park sport and recreation facilities**

The Assembly was informed that Miss C. Burch, Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mr Gupta, Mrs Kikkert, Ms Le Couteur, Mr Milligan, Mr Parton, and Mr Pettersson 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 Miss C. Burch be submitted to the Assembly, namely, “The importance of co-ordinated planning for Stromlo Forest Park sport and recreation facilities”.

Discussion ensued.

Discussion concluded.

 **18 Official Visitor Amendment Bill 2019**

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

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

 **19 ADJOURNMENT**

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

Debate ensued.

*Paper:* Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) presented a revised explanatory statement to the Official Visitor Amendment Bill 2019.

Debate continued.

Question—put and passed.

And then the Assembly, at 4.21 pm, adjourned until tomorrow at 10 am.

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

\*on leave

**Tom Duncan**

Clerk of the Legislative Assembly

**SCHEDULE OF AMENDMENTS**

**Schedule 1**

**PLANNING AND DEVELOPMENT (COMMUNITY CONCESSIONAL LEASES) AMENDMENT BILL 2019**

Amendments circulated by the Minister for Planning and Land Management

1. Clause 14
Proposed new section 266 (1) (a) (ii) (B)
Page 14, line 13—

omit

section 253F (b)

substitute

section 253F (c)

1. Clause 18
Proposed new section 512 (1) (a)
Page 17, line 19—

omit

community organisation

substitute

person