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**LEGISLATIVE ASSEMBLY FOR THE**

**AUSTRALIAN CAPITAL TERRITORY**

**2016–2017–2018–2019–2020**

**MINUTES OF PROCEEDINGS**

**No 123**

[**Tuesday, 11 February 2020**](http://www.hansard.act.gov.au/hansard/2020/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 SUSPENSION OF STANDING ORDERS—pRECEDENCE TO MOTION—Order of business**

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the Chief Minister moving a motion relating to the bushfire and storm season forthwith and to set the order of business for today, Tuesday, 11 February 2020, as:

Executive business motion relating to the bushfire and storm season

Ministerial statements

Presentation of petitions

Questions without notice

Ministerial statements

Presentation of papers

Matter of public importance

Notices and orders of the day;

provided that, at 2 pm, the Speaker shall interrupt the business before the Assembly in order that questions without notice shall be called on; and

(a) if a vote is in progress at the time fixed for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced; and

(b) the Speaker shall fix a later hour for the resumption of the debate on any business under discussion and not disposed of at the time of interruption.

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

 **3** **bushfire and storm season—Motion of thanks**

Mr Barr (Chief Minister) moved—That this Assembly:

1. notes the current unprecedented bushfire season across the Australian Capital Territory and the rest of Australia;
2. thanks the Emergency Services Agency (comprising ACT Fire & Rescue, ACT Rural Fire Service, ACT State Emergency Service, ACT Ambulance Service and Support Staff), Parks and Conservation Service, volunteers, community groups who assisted at evacuation centres, ACT Policing and public servants across the ACT Government who have responded to storms and bushfires, working tirelessly to keep the Territory safe;
3. recognises the significant efforts of the ACT Rural Fire Service and the ACT Fire & Rescue in supporting their interstate colleagues in fighting bushfires since September 2019;
4. acknowledges the support provided by the Australian Defence Force and the New Zealand Defence Force to the Territory and thanks their personnel for helping protect the ACT and surrounding region;
5. thanks the other States and Territories and international partners for their support in helping respond to bushfires and storms that have occurred so far;
6. recognises the significant social and economic impact to both Canberra and the surrounding region, and encourages Canberrans to continue to support local communities, businesses and tourism operators;
7. acknowledges that the bushfire and storm season is ongoing and expresses its gratitude to all those that are continuing to keep our Territory safe; and
8. further notes that the ACT Government will appropriately recognise, at the conclusion of this year’s bushfire and storm season, the service of all those that have helped protect the ACT.

Debate ensued.

Mr Gentleman (Minister for Police and Emergency Services), by leave, was granted an extension of time.

Mrs Jones, by leave, was granted an extension of time.

Debate continued.

Mr Hanson, by leave, was granted an extension of time.

Debate continued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

 **4 QUESTIONS**

Questions without notice were asked.

 **5 bushfire and storm season—Motion of Thanks**

The order of the day having been read for the resumption of the debate on the motion of Mr Barr (Chief Minister) (*see* [entry 3](#Entry3))—

Debate resumed.

Question—put and passed.

 **6 GOVERNMENT PRIORITIES 2020—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Barr (Chief Minister) made a ministerial statement concerning the Government’s priorities for 2020 and presented the following paper:

Government priorities—Ministerial statement, 11 February 2020.

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

Debate ensued.

Question—put and passed.

 **7 Petition, E-PETITION AND MINISTERIAL RESPONSES—PETITIONS AND RESPONSES NOTED**

**Petitions**

The Clerk announced that the following Member had lodged petitions, in similar terms, for presentation:

Ms Le Couteur, from 564 and 146 residents, respectively, requesting that the Assembly call on the Government to introduce the inclusion of screening for Severe Combined Immune Deficiency into the existing newborn screening to reduce preventable infant mortality (Pet 1-20 and e-Pet 21-19).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Health, Ageing and Community Services.

**Ministerial responses**

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

Mr Steel (Minister for Transport), dated 10 December 2019—Response to petition No 27-19, lodged by Ms Lawder on 19 September 2019, concerning Wanniassa bus network changes.

Mr Gentleman (Minister for Planning and Land Management), dated 3 February 2020—Response to petition No 31-19, lodged by Mrs Jones on 27 November 2019, concerning future multi-dwelling development in Coombs.

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

*Papers:* Ms Le Couteur, by leave, presented the following papers:

Newborn Screening for Severe Combined Immune Deficiency Australia—

Position Statement, prepared by the Immune Deficiencies Foundation.

Javeria—Impact of disease.

Question—put and passed.

 8 PAPERS

The Clerk, pursuant to standing order 213A(b), presented the following papers:

ACT Ambulance Service—SPIRE Project consultation documents—

Letter to the Clerk from the Head of Service, ACT Government, dated 11 December 2019.

Schedule of returned documents.

Copy of—

Email correspondence regarding planning for the SPIRE centre and ambulance movements, dated 5 and 7 March 2019.

Meeting invite regarding SPIRE planning and ACTAS movements.

Email regarding NSW ambulance contacts, dated 21 November 2019.

Email correspondence regarding ACTAS presence at Woden Valley Community Council, dated 5 November 2019.

 **9 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Reports Nos—

9/2019—2018-19 Financial Audits—Overview, dated 29 November 2019.

10/2019—2018-19 Financial Audits—Financial Results and Audit Findings, dated 13 December 2019.

11/2019—Maintenance of ACT Government School Infrastructure, dated 19 December 2019.

Standing order 191—Amendments to the:

Crimes (Disrupting Criminal Gangs) Amendment Bill 2019, dated 4 December 2019.

Education Amendment Bill 2017, dated 5 and 6 December 2019.

 **10 PRESENTATION OF PAPERS**

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

ACT Ombudsman quarterly updates—Copy of letter to the ACT Ombudsman from the Chief Minister, dated 13 January 2020.

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Lauren Maree Johnstone—

Report, dated 4 June 2019.

Government response to Coronial recommendations, dated February 2020.

Environment and Transport and City Services—Standing Committee—Report 9—*Inquiry into a Territory Coat of Arms*—Government response.

Fuel Pricing—Select Committee—Report—*Report on Inquiry into ACT Fuel Pricing*—Government response, dated December 2019.

Justice and Community Safety—Standing Committee—Report 6—*Report on inquiry into domestic and family violence—policy approaches and responses*—Government response.

Loose Fill Asbestos Insulation Eradication Scheme—Implementation—Report—1 July to 31 December 2019.

Planning and Development Act, pursuant to subsection 79(1)—Approvals of Variations to the Territory Plan, including associated documents—

No 355—Calwell Group Centre—Zone changes and amendments to the Calwell Precinct Map and Code, dated 3 February 2020.

No 360—Molonglo River Reserve: changes to public land reserve overlay boundaries and minor zone adjustment, dated 4 February 2020.

No 367—Common Ground—Dickson section 72 block 25—Zone change and amendments to the Dickson precinct map and code, dated 3 February 2020.

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

Legislation Act, pursuant to section 64—

Animal Welfare Act—Animal Welfare (Advisory Committee Member) Appointment 2019 (No 2)—Disallowable Instrument DI2019-286 (LR, 23 December 2019).

Building and Construction Industry Training Levy Act and Financial Management Act—Building and Construction Industry Training Levy (Governing Board) Appointment 2019 (No 1)—Disallowable Instrument DI2019-285 (LR, 23 December 2019).

Civil Law (Wrongs) Act—Civil Law (Wrongs) CPA Australia Ltd Professional Standards (Accountants) Scheme 2019 (No 1)—Disallowable Instrument DI2019‑284 (LR, 20 December 2019).

Court Procedures Act—Court Procedures Amendment Rules 2019 (No 3)—Subordinate Law SL2019-30 (LR, 19 December 2019).

Cultural Facilities Corporation Act and Financial Management Act—

Cultural Facilities Corporation (Governing Board) Appointment 2020 (No 1)—Disallowable Instrument DI2020-7 (LR, 23 January 2020).

Cultural Facilities Corporation (Governing Board) Appointment 2020 (No 2)—Disallowable Instrument DI2020-8 (LR, 23 January 2020).

Cultural Facilities Corporation (Governing Board) Appointment 2020 (No 3)—Disallowable Instrument DI2020-9 (LR, 23 January 2020).

Cultural Facilities Corporation (Governing Board) Appointment 2020 (No 4)—Disallowable Instrument DI2020-10 (LR, 23 January 2020).

Duties Act—Duties (Pensioner Concession Duty Deferral Scheme) Determination 2019—Disallowable Instrument DI2019-270 (LR, 12 December 2019).

Environment Protection Act—

Environment Protection (Automotive Trades) Code of Practice 2019—Disallowable Instrument DI2019-267 (LR, 16 December 2019).

Environment Protection Amendment Regulation 2019 (No 1), including a regulatory impact statement—Subordinate Law SL2019-32 (LR, 23 December 2019).

Firearms Act—Firearms Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-1 (LR, 9 January 2020).

Government Procurement Act—Government Procurement (Non-Public Employee Member) Appointment 2019 (No 1)—Disallowable Instrument DI2019-256 (LR, 21 November 2019).

Health Act—Health (Fees) Determination 2019 (No 2)—Disallowable Instrument DI2019-261 (LR, 5 December 2019).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-260 (LR, 5 December 2019).

Legislative Assembly Precincts Act—Legislative Assembly Precincts (Fees) Determination 2019—Disallowable Instrument DI2019-280 (LR, 23 December 2019).

Magistrates Court Act—Magistrates Court (Long Service Leave Infringement Notices) Regulation 2020—Subordinate Law SL2020-2 (LR, 20 January 2020).

Major Events Act—Major Events (ICC T20 Women’s World Cup 2020) Declaration 2019 (No 1)—Disallowable Instrument DI2019-283 (LR, 18 December 2019).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Continued Dispensing) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-3 (LR, 20 January 2020).

Motor Accident Injuries (Premiums and Administration) Regulation—Motor Accident Injuries (Industry Deed) Approval 2020—Disallowable Instrument DI2020‑4 (LR, 13 January 2020).

Motor Accident Injuries Act—

Motor Accident Injuries (Persons Living Outside of Australia) Guidelines 2019—Disallowable Instrument DI2019-276 (LR, 19 December 2019).

Motor Accident Injuries (UVP Liability Contribution) Guideline 2019—Disallowable Instrument DI2019-277 (LR, 19 December 2019).

Motor Accident Injuries (WPI Assessment) Guidelines 2019—Disallowable Instrument DI2019-278 (LR, 19 December 2019).

Nature Conservation Act—

Nature Conservation (Native Woodland) Action Plans 2019—Disallowable Instrument DI2019-255 (LR, 14 November 2019).

Nature Conservation (Spotted-tailed Quoll) Action Plan 2019—Disallowable Instrument DI2019-266 (LR, 18 December 2019).

Official Visitor Act—Official Visitor (Corrections Management) Appointment 2020 (No 1)—Disallowable Instrument DI2020-3 (LR, 10 January 2020).

Public Health Act—Public Health (Chief Health Officer) Appointment 2019—Disallowable Instrument DI2019-259 (LR, 3 December 2019).

Public Place Names Act—

Public Place Names (Strathnairn) Determination 2019—Disallowable Instrument DI2019-263 (LR, 9 December 2019).

Public Place Names (Taylor) Determination 2020—Disallowable Instrument DI2020‑2 (LR, 6 January 2020).

Public Place Names (Whitlam) Determination 2019 (No 1)—Disallowable Instrument DI2019-253 (LR, 12 November 2019).

Public Place Names (Whitlam) Determination 2019 (No 2)—Disallowable Instrument DI2019-264 (LR, 9 December 2019).

Public Place Names (Yarralumla) Determination 2020—Disallowable Instrument DI2020-1 (LR, 6 January 2020).

Rates Act and the Taxation Administration Act—Taxation Administration (Amounts Payable—Rates) Determination 2019 (No 2)—Disallowable Instrument DI2019-272 (LR, 12 December 2019).

Road Transport (Driver Licensing) Act and Road Transport (General) Act—Road Transport (Driver Licensing) Amendment Regulation 2019 (No 1), including a regulatory impact statement—Subordinate Law SL2019-29 (LR, 12 December 2019).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 11)—Disallowable Instrument DI2019-254 (LR, 13 November 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 12)—Disallowable Instrument DI2019-258 (LR, 5 December 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 13)—Disallowable Instrument DI2019-279 (LR, 19 December 2019).

Road Transport (General) Driver Licence and Related Fees Determination 2019 (No 2)—Disallowable Instrument DI2019-265 (LR, 12 December 2019).

Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2019 (No 1)—Disallowable Instrument DI2019-269 (LR, 12 December 2019).

Road Transport (General) Act, Road Transport (Safety and Traffic Management) Act and Road Transport (Vehicle Registration) Act—Road Transport Legislation Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-31 (LR, 19 December 2019).

Senior Practitioner Act—

Senior Practitioner (Positive Behaviour Support Panel) Guideline 2019 (No 2)—Disallowable Instrument DI2019-274 (LR, 19 December 2019).

Senior Practitioner (Positive Behaviour Support Plan) Guideline 2019 (No 2)—Disallowable Instrument DI2019-273 (LR, 19 December 2019).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Ambulance Levy) Determination 2019—Disallowable Instrument DI2019-275 (LR, 19 December 2019).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2019 (No 3)—Disallowable Instrument DI2019-271 (LR, 12 December 2019).

Tree Protection Act—Tree Protection (Advisory Panel) Appointment 2019 (No 1)—Disallowable Instrument DI2019-282 (LR, 19 December 2019).

Utilities Act—

Utilities (Consumer Protection Code) Determination 2020—Disallowable Instrument DI2020-6 (LR, 16 January 2020).

Utilities (Licensing) Exemption 2019—Disallowable Instrument DI2019-268 (LR, 12 December 2019).

Veterinary Practice Act—Veterinary Practice (Board) Appointment 2019 (No 3)—Disallowable Instrument DI2019-281 (LR, 19 December 2019).

Waste Management and Resource Recovery Act—Waste Management and Resource Recovery (Processing Refund Protocol) Determination 2020—Disallowable Instrument DI2020-5 (LR, 16 January 2020).

Work Health and Safety Act—Work Health and Safety (Work Safety Council) Appointment Revocation 2019 (No 1)—Disallowable Instrument DI2019-262 (LR, 4 December 2019).

 **11 Coroners Act—Report of Coroner—Inquest into the death of Lauren Maree Johnstone—Report and Government response—PAPERS NOTED**

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

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Lauren Maree Johnstone—Report and Government response.

Debate ensued.

Question—put and passed.

 **12 Justice and Community Safety—Standing Committee—REPORT 6—Report on inquiry into domestic and family violence—policy approaches and responses—GOVERNMENT RESPONSE—PAPER NOTED**

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

Justice and Community Safety—Standing Committee—Report 6—*Report on inquiry into domestic and family violence—policy approaches and responses*—Government response.

Debate ensued.

Question—put and passed.

 **13 Planning and Development Act—Approval—Variation to the Territory Plan No 367—Common Ground—Dickson Section 72 Block 25—Zone Change and Amendments to the Dickson Precinct Map and Code—PAPER NOTED**

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

Planning and Environment Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan No 367—Common Ground—Dickson section 72 block 25—Zone change and amendments to the Dickson precinct map and code.

Debate ensued.

Question—put and passed.

 **14 Planning and Development Act—Approval—Variation to the Territory Plan No 360—Molonglo River Reserve: Changes to public land reserve overlay boundaries and minor zone adjustment—PAPER NOTED**

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

Planning and Environment Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan No 360—Molonglo River Reserve: changes to public land reserve overlay boundaries and minor zone adjustment.

Debate ensued.

Question—put and passed.

 **15 Planning and Development Act—Approval—Variation to the Territory Plan No 355—CALWELL GROUP CENTRE—ZONE CHANGES AND AMENDMENTS TO THE CALWELL PRECINCT MAP AND CODE—PAPER NOTED**

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

Planning and Environment Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan No 355—Calwell Group Centre—Zone changes and amendments to the Calwell Precinct Map and Code.

Question—put and passed.

 16 EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS—STANDING COMMITTEE—Membership

The Deputy Speaker informed the Assembly that the Speaker had, on 2 December 2019, agreed to the following change to the membership of the Standing Committee on Education, Employment and Youth Affairs, proposed by the Opposition Whip, pursuant to standing order 223:

Mr Parton be discharged from the Standing Committee on Education, Employment and Youth Affairs and Ms Lee be appointed in his place.

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Mr Gentleman (Manager of Government Business) moved—That the change to the membership of the Standing Committee on Education, Employment and Youth Affairs, as proposed to and agreed to by the Speaker, pursuant to standing order 223, be adopted.

Question—put and passed.

 **17 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Peaceful protest**

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mrs Dunne, Mr Gupta, Mr Hanson, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Ms Lee, Mr Milligan, Mr Parton, Mr Pettersson and Mr Wall 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 Le Couteur be submitted to the Assembly, namely, “The importance of peaceful protest”.

Discussion ensued.

Discussion concluded.

 18 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 38—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 38*,* dated 4 February 2020, together with a copy of the extracts of the relevant minutes of proceedings—

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

 **19 Education, Employment and Youth Affairs—Standing Committee—INQUIRY—Youth mental health in the A.C.T.—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 conduct an inquiry into, and report on, the state of youth mental health for those under 25 years of age and mental health services.

 **20 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 during the period 1 July to 31 December 2019.

*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 July to 31 December 2019.

 **21 Environment and Transport and City Services—Standing Committee—Petition 14-19—Inner North—New recreation park—STATEMENT BY CHAIR**

Ms Cheyne (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition 14-19 concerning a new destination recreation park in the inner north, and the Minister’s response, and given the Government’s allocation of funding for playground upgrades and improvements in Glebe Park, the Standing Committee on Environment and Transport and City Services had resolved not to inquire further into the matters raised in the petition.

 **22 Environment and Transport and City Services—Standing Committee—Petition 20-19—ROLLER DERBY FACILITIES—STATEMENT BY CHAIR**

Ms Cheyne (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition 20-19 concerning roller derby facilities in the ACT, and the Minister’s response, the Standing Committee on Environment and Transport and City Services had resolved not to inquire further into the matters raised in the petition.

 **23 Environment and Transport and City Services—Standing Committee—Petition 24-19—YARRALUMLA SHOPS—IMPROVEMENTS—STATEMENT BY CHAIR**

Ms Cheyne (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition 24-19 concerning improvements to the Yarralumla Shops, and the Minister’s response, the Standing Committee on Environment and Transport and City Services had resolved not to inquire further into the matters raised in the petition.

 **24 Environment and Transport and City Services—Standing Committee—Petition 26-19—TRANSPORT CANBERRA’s ADVERTISING POLICY—STATEMENT BY CHAIR**

Ms Cheyne (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition 26-19 concerning Transport Canberra’s advertising policy, and the Minister’s response, the Standing Committee on Environment and Transport and City Services had resolved not to inquire further into the matters raised in the petition.

 **25 Planning and Urban Renewal—Standing Committee—INQUIRY—Planning for the Surgical Procedures, Interventional Radiology and Emergency Centre (SPIRE) and The Canberra Hospital campus and immediate surrounds—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 to conduct an inquiry into, and report on, planning for the SPIRE project and longer-term planning for The Canberra Hospital campus and immediate surrounds.

 **26 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 5.43 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