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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 82

[**Thursday, 29 November 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20181129.pdf)

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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.

E-PETITION and petitions—Statements by Members

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

Ms J. Burch, from 1043 residents, requesting that the Assembly commit to ceasing commercial drone delivery trials in Bonython and future trials and acknowledge the impact of drones on residents, pets and wildlife (Pet 23-18).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Economic Development and Tourism.

Ms Le Couteur, in similar terms, from 907 and 69 residents, respectively, requesting that the Assembly call on the ACT Government to restore funding to the ANU School of Music H-Course for years 11 and 12 students (e-Pet 18-18 and Pet 24-18).

Pursuant to standing order 99A, e-petition 18-18 stands referred to the Standing Committee on Education, Employment and Youth Affairs.

Ms Le Couteur, Ms Lee, Mrs Dunne and Mr Parton, by leave, made statements in relation to the petitions.

A.C.T. Graduated Licensing Scheme Reforms—Update—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) made a ministerial statement concerning progress of the ACT Graduated Licensing Scheme Reforms, pursuant to the resolution of the Assembly of 22 August 2018, and presented the following paper:

ACT Graduated Licensing Scheme Reforms—Update—Ministerial statement, 29 November 2018.

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

Question—put and passed.

Mental health Inpatient services—MINISTERIAL STATEMENT AND PAPERS—PAPERS NOTED

Mr Rattenbury (Minister for Mental Health) made a ministerial statement concerning mental health inpatient services, pursuant to the resolution of the Assembly of 31 October 2018, and presented the following papers:

Mental health inpatient services—Ministerial statement, 29 November 2018.

Mental Health Inpatient Services within ACT Health—Independent External Review—22-23 May 2018—

Review, prepared by Dr David Fenn MBBS, FRANZCP (Interim Director Clinical Governance NWMH), Mr Peter Kelly RN (Director Operations NWMH) and Mr Cosimo Brisci (Facilities Manager NWMH).

ACT Health’s response to the recommendations, dated 29 November 2018.

Mr Rattenbury moved—That the Assembly take note of the papers.

Question—put and passed.

Aboriginal and Torres Strait Islander Agreement 2015-2018—Annual Report 2018—MINISTERIAL STATEMENT and paper—PAPERs NOTED

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) made a ministerial statement concerning the final annual report for the Aboriginal and Torres Strait Islander Agreement 2015-2018 and presented the following papers:

Aboriginal and Torres Strait Islander Agreement 2015-2018—Annual report 2018—Ministerial statement, 29 November 2018.

Aboriginal and Torres Strait Islander Agreement—Annual Report 2018.

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

Debate ensued.

Question—put and passed.

Plastic waste reduction—MINISTERIAL STATEMENT—PAPER NOTED

Mr Steel (Minister for City Services) made a ministerial statement concerning plastic waste reduction, pursuant to the resolution of the Assembly of 22 August 2018, and presented the following paper:

Plastic waste reduction—Ministerial statement, 29 November 2018.

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

Debate ensued.

Question—put and passed.

Education (Child Safety in Schools) Legislation Amendment Bill 2018

Ms Berry (Minister for Education and Early Childhood Development), pursuant to notice, presented a Bill for an Act to amend legislation about education, child safety, and for other purposes.

*Papers:* Ms Berry presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 27 November 2018.

Title read by Clerk.

Ms Berry moved—That this Bill be agreed to in principle.

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

Controlled Sports Bill 2018

Ms Berry (Minister for Sport and Recreation), pursuant to notice, presented a Bill for an Act to regulate controlled sports, and for other purposes.

*Papers:* Ms Berry presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 27 November 2018.

Title read by Clerk.

Ms Berry moved—That this Bill be agreed to in principle.

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

Canberra Institute of Technology Amendment Bill 2018

Ms Fitzharris (Minister for Vocational Education and Skills), pursuant to notice, presented a Bill for an Act to amend the *Canberra Institute of Technology Act 1987*.

*Papers:* Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 27 November 2018.

Title read by Clerk.

Ms Fitzharris moved—That this Bill be agreed to in principle.

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

Electoral Amendment Bill 2018

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Electoral Act 1992*.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 27 November 2018.

Title read by Clerk.

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

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

Fuels Rationing Bill 2018

Mr Rattenbury (Minister for Climate Change and Sustainability), pursuant to notice, presented a Bill for an Act for the rationing and restriction of fuels, and for other purposes.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 27 November 2018.

Title read by Clerk.

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

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

Retirement Villages Legislation Amendment Bill 2018

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to notice, presented a Bill for an Act to amend legislation about retirement villages, and for other purposes.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

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

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

Consumer Protection Legislation Amendment Bill 2018

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to notice, presented a Bill for an Act to amend legislation about consumer protection, and for other purposes.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

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

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

Births, Deaths and Marriages Registration Amendment Bill 2018

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to notice, presented a Bill for an Act to amend the *Births, Deaths and Marriages Registration Act 1997* and the *Births, Deaths and Marriages Registration Regulation 1998*.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, undated.

Title read by Clerk.

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

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

SUSPENSION OF STANDING ORDERS—Assembly business—Extension of time

Mr Gentleman (Manager of Government Business) moved—That so much of standing orders be suspended as would prevent the time allocated for Assembly Business being extended until the conclusion of those matters listed on the Daily Program, and Assembly business Notices Nos 4, 5 and 6 be called on and debated following the passing of Executive business Order of the day No 2, being the Integrity Commission Bill 2018.

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

**Administration and Procedure—Standing Committee—MEMBERSHIP**

Mr Rattenbury, pursuant to standing order 223, moved—That Mr Rattenbury be discharged from the Standing Committee on Administration and Procedure for the meeting scheduled for 13 December 2018 and Ms Le Couteur be appointed in his place.

Question—put and passed.

LEAVE OF ABSENCE TO MEMBER

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Ms Cody for today due to illness.

Question—put and passed.

Public Accounts—Standing Committee—reference—Commercial rates

Mr Coe (Leader of the Opposition), pursuant to notice, moved—That:

1. this Assembly refers to the Standing Committee on Public Accounts for inquiry and report by the last sitting day of April 2019, all issues relating to commercial rates in Canberra, including:
   1. the process for determining ratings factors;
   2. the impact of lease variations;
   3. how valuations are conducted;
   4. the amount paid by property owners; and
   5. the impact on leasing costs, property values and business viability; and
2. the inquiry should hold public hearings and explore the effectiveness of the commercial ratings system and the impact it is having on businesses and the property sector in Canberra.

Debate ensued.

Question—put and passed.

Health, Ageing and Community Services—Standing Committee—Inquiry—Future sustainability of health funding in the A.C.T.—Printing, publication and circulation of report

Mrs Dunne (Deputy Chair), by leave, moved notice No 2 appearing on the *Notice Paper* in Ms Cody’s name—That if the Standing Committee on Health, Ageing and Community Services has completed its inquiry into the future sustainability of health funding in the ACT when the Assembly is not sitting, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation.

Question—put and passed.

Environment and Transport and City Services—Standing Committee—reference—Territory Coat of Arms

Mr Barr (Chief Minister), pursuant to notice, moved—That the Standing Committee on Environment and Transport and City Services:

1. further consider, and consult with the community on, a new Territory Coat of Arms; and
2. report back to the Assembly by 6 June 2019.

Question—put and passed.

**Administration and Procedure—Standing Committee—REPORT 8—Review of the standing orders and continuing resolutions of the Legislative Assembly—MOTION THAT RECOMMENDATIONS 1 AND 2 BE ADOPTED AND RECOMMENDATIONS 3 TO 12 BE NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Wall—That (a) Recommendations 1 and 2 be adopted to commence on 1 January 2019, and (b) Recommendations 3 to 12 be noted *(presented 25 October 2018)*, viz:

Administration and Procedure—Standing Committee—Report 8—*Review of the standing orders and continuing resolutions of the Legislative Assembly* (2 volumes)—

Debate resumed by Ms Cheyne, who moved the following amendment: That all words after “That” be omitted, substitute:

“(1) Recommendation No 1 be adopted, commencing 1 January 2019, with the exception of the following changes to the recommended amendments:

(a) proposed recommended amendment 1—Omit ‘Local indigenous people’, substitute ‘Traditional custodians’; and

(b) proposed recommended amendment 23—Omit all words after ‘censure’, substitute ‘, motions of no confidence and the proposed establishment of a privileges committee, copies of the relevant motions shall be provided to the Speaker for circulation to all Members 90 minutes prior to the time at which the motion is proposed to be moved’;

(2) Recommendation No 2 be adopted, commencing 1 January 2019, excluding proposed recommended amendments 69-71; and

(3) Recommendations Nos 3-9 and 11-12 be noted.”.

Debate adjourned (Mr Coe—Leader of the Opposition) and the resumption of the debate made an order of the day for a later hour this day.

22 QUESTIONS

Questions without notice were asked.

23 QUESTION ON NOTICE NO 1915—answer—Motion to take note of failure to provide answer within time provided for by the standing orders

Mrs Dunne, pursuant to standing order 118A, asked Mr Gentleman (Minister for Planning and Land Management) for an explanation concerning the answer to question on notice No 1915.

Mr Gentleman gave an explanation.

Mrs Dunne, pursuant to standing order 118A(c), moved—That this Assembly note that the Minister for Planning and Land Management has:

(1) failed to provide an answer to question on notice No 1915 by the due date, that is, 25 November;

(2) failed to provide a satisfactory explanation for that failure; and

(3) failed to provide a satisfactory statement in relation to that failure, in accordance with standing orders.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 10 | |  | NOES, 13 | |
| Miss C. Burch | Mr Milligan |  | Mr Barr | Ms Orr |
| Mr Coe | Mr Parton |  | Ms Berry | Mr Pettersson |
| Mrs Dunne | Mr Wall |  | Ms J. Burch | Mr Ramsay |
| Mr Hanson |  |  | Ms Cheyne | Mr Rattenbury |
| Mrs Kikkert |  |  | Ms Fitzharris | Mr Steel |
| Ms Lawder |  |  | Mr Gentleman | Ms Stephen-Smith |
| Ms Lee |  |  | Ms Le Couteur |  |

And so it was negatived.

24 Aboriginal and Torres Strait Islander Education—Annual report 2017‑18—PAPER AND Statement by Minister

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

Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2017-18—

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

25 Auditor-General Act—Auditor-General’s Report No 9/2018—A.C.T. Health’s management of allegations of misconduct and complaints about inappropriate workplace behaviour—Government response—PAPER AND STATEMENT BY MINISTER

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

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General’s Report No 9/2018—ACT Health’s management of allegations of misconduct and complaints about inappropriate workplace behaviour—Government response, dated 29 November 2018—

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

26 Radiation Protection Act 2006—Review—PAPER AND STATEMENT BY MINISTER

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

*Radiation Protection Act 2006*—Review, dated November 2018—

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

27 PRESENTATION OF PAPERs

Mr Gentleman (Minister for the Environment and Heritage) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports—Environment, Planning and Sustainable Development Directorate—

2015-2016—Corrigendum, dated November 2018.

2016-2017—Corrigendum, dated November 2018.

2017-2018—Corrigendum, dated November 2018.

28 presentation of paper

Mr Ramsay (Minister for Seniors and Veterans) presented the following paper:

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time, dated 20 November 2018.

29 PRESENTATION OF PAPER

Mr Rattenbury (Minister for Climate Change and Sustainability) presented the following paper:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 19(4)—ACT Climate Change Council annual report 2017‑18.

30 Climate Change and Greenhouse Gas Reduction Act—Minister's annual report 2017-18—PAPER AND STATEMENT BY MINISTER

Mr Rattenbury (Minister for Climate Change and Sustainability) presented the following paper:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2017-18—

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

31 PRESENTATION OF PAPER

Ms Stephen-Smith (Minister for Children, Youth and Families) presented the following paper:

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time, dated 13 November 2018.

**32** **Administration and Procedure—Standing Committee—REPORT 8—Review of the standing orders and continuing resolutions of the Legislative Assembly—Recommendations to adopt and note Report**

The order of the day having been read for the resumption of the debate on the motion of Mr Wall, and on the amendment moved by Ms Cheyne (*see* [entry 21](#Entry21))—

Debate resumed.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That:

(1) Recommendation No 1 be adopted, commencing 1 January 2019, with the exception of the following changes to the recommended amendments:

(a) proposed recommended amendment 1—Omit ‘Local indigenous people’, substitute ‘Traditional custodians’; and

(b) proposed recommended amendment 23—Omit all words after ‘censure’, substitute ‘, motions of no confidence and the proposed establishment of a privileges committee, copies of the relevant motions shall be provided to the Speaker for circulation to all Members 90 minutes prior to the time at which the motion is proposed to be moved’;

(2) Recommendation No 2 be adopted, commencing 1 January 2019, excluding proposed recommended amendments 69-71; and

(3) Recommendations Nos 3-9 and 11-12 be noted.”—

be agreed to—put and passed.

33 Executive business—precedence

Ordered—That Executive business be called on forthwith.

34 Environment and Transport and City Services—Standing Committee—REPORT 6—Inquiry into a proposal for a Mammal Emblem for the A.C.T.—GOVERNMENT RESPONSE—PAPER NOTED

Mr Barr (Chief Minister) presented the following paper:

Environment and Transport and City Services—Standing Committee—Report 6—*Inquiry into a Proposal for a* *Mammal Emblem for the ACT*—Government response—

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

Question—put and passed.

35 Mammal emblem for the A.C.T.

Mr Barr (Chief Minister), pursuant to notice, moved—That this Assembly adopt the Southern Brush-tailed Rock-wallaby as the mammal emblem for the ACT.

Debate ensued.

Question—put and passed.

36 City Renewal Authority and Suburban Land Agency Amendment Bill 2018

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.

37 SUSPENSION OF STANDING ORDERS—Consideration of executive business—

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent Executive business, order of the day No 2, being the Integrity Commission Bill 2018, being called on and debated forthwith.

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

38 Integrity Commission Bill 2018

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.

Mr Barr (Chief Minister), by leave, was granted an extension of time.

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

*Detail Stage*

Clause 1 agreed to.

Clause 2—

Mr Coe (Leader of the Opposition) was granted leave to move amendments that had not been circulated in accordance with standing order 178A.

On the motion of Mr Coe, his amendment No 1 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 2, as amended, agreed to.

Clauses 3 to 7, by leave, taken together and agreed to.

Clause 8—

Mr Coe moved his amendment No 2 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Mr Coe moved his amendment No 3 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 9 | |  | NOES, 12 | |
| Mr Coe | Mr Milligan |  | Mr Barr | Ms Le Couteur |
| Mrs Dunne | Mr Parton |  | Ms Berry | Ms Orr |
| Mrs Jones | Mr Wall |  | Ms J. Burch | Mr Pettersson |
| Mrs Kikkert |  |  | Ms Cheyne | Mr Rattenbury |
| Ms Lawder |  |  | Ms Fitzharris | Mr Steel |
| Ms Lee |  |  | Mr Gentleman | Ms Stephen-Smith |

And so it was negatived.

Mr Coe moved his amendment No 4 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Clause 8 agreed to.

Clause 9—

Mr Coe moved his amendment No 5 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 9 | |  | NOES, 12 | |
| Mr Coe | Mr Milligan |  | Mr Barr | Ms Le Couteur |
| Mrs Dunne | Mr Parton |  | Ms Berry | Ms Orr |
| Mrs Jones | Mr Wall |  | Ms J. Burch | Mr Pettersson |
| Mrs Kikkert |  |  | Ms Cheyne | Mr Rattenbury |
| Ms Lawder |  |  | Ms Fitzharris | Mr Steel |
| Ms Lee |  |  | Mr Gentleman | Ms Stephen-Smith |

And so it was negatived.

Mr Coe moved his amendment No 6 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Mr Rattenbury was granted leave to move an amendment that had not been circulated in accordance with standing order 178A.

On the motion of Mr Rattenbury, his amendment No 1 (*see* [Schedule 2](#Schedule2)) was made, after debate.

Mr Coe moved his amendment No 8 (*see* [Schedule 1](#Schedule1)).

Amendment negatived.

Clause 9, as amended, agreed to.

Clauses 10 to 25, by leave, taken together and agreed to.

Clause 26—

Mr Coe moved his amendment No 9 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 9 | |  | NOES, 12 | |
| Mr Coe | Mr Milligan |  | Mr Barr | Ms Le Couteur |
| Mrs Dunne | Mr Parton |  | Ms Berry | Ms Orr |
| Mrs Jones | Mr Wall |  | Ms J. Burch | Mr Pettersson |
| Mrs Kikkert |  |  | Ms Cheyne | Mr Rattenbury |
| Ms Lawder |  |  | Ms Fitzharris | Mr Steel |
| Ms Lee |  |  | Mr Gentleman | Ms Stephen-Smith |

And so it was negatived.

Mr Coe moved his amendment No 10 (*see* [Schedule 1](#Schedule1)).

*Adjournment negatived:* It being past 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.

Debate continued.

Amendment negatived.

Clause 26 agreed to.

Clause 27—

On the motion of Mr Coe, his amendment No 11 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 27, as amended, agreed to.

Clauses 28 to 36, by leave, taken together and agreed to.

Clause 37—

Mr Coe moved his amendment No 12 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Mr Coe moved his amendment No 13 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Clause 37 agreed to.

Clause 38—

Mr Coe moved his amendment No 14 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 9 | |  | NOES, 12 | |
| Mr Coe | Mr Milligan |  | Mr Barr | Ms Le Couteur |
| Mrs Dunne | Mr Parton |  | Ms Berry | Ms Orr |
| Mrs Jones | Mr Wall |  | Ms J. Burch | Mr Pettersson |
| Mrs Kikkert |  |  | Ms Cheyne | Mr Rattenbury |
| Ms Lawder |  |  | Ms Fitzharris | Mr Steel |
| Ms Lee |  |  | Mr Gentleman | Ms Stephen-Smith |

And so it was negatived.

Clause 38 agreed to.

Clause 39 agreed to.

Clause 40—

On the motion of Mr Coe, his amendment No 15 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 40, as amended, agreed to.

Clause 41—

On the motion of Mr Coe, his amendment No 16 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Mr Coe moved his amendment No 17 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 9 | |  | NOES, 12 | |
| Mr Coe | Mr Milligan |  | Mr Barr | Ms Le Couteur |
| Mrs Dunne | Mr Parton |  | Ms Berry | Ms Orr |
| Mrs Jones | Mr Wall |  | Ms J. Burch | Mr Pettersson |
| Mrs Kikkert |  |  | Ms Cheyne | Mr Rattenbury |
| Ms Lawder |  |  | Ms Fitzharris | Mr Steel |
| Ms Lee |  |  | Mr Gentleman | Ms Stephen-Smith |

And so it was negatived.

On the motion of Mr Coe, his amendment No 18 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 41, as amended, agreed to.

Clauses 42 to 49, by leave, taken together and agreed to.

Clause 50—

On the motion of Mr Coe, his amendment No 19 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 50, as amended, agreed to.

Clauses 51 to 70, by leave, taken together and agreed to.

Clause 71—

Mr Coe moved his amendment No 20 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Mr Coe moved his amendment No 21 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Mr Coe moved his amendment No 22 (*see* [Schedule 1](#Schedule1)).

Amendment negatived.

Mr Coe moved his amendment No 23 (*see* [Schedule 1](#Schedule1)).

Amendment negatived.

Clause 71 agreed to.

Clause 72—

Mr Barr was granted leave to move amendments that had not been circulated in accordance with standing order 178A and, pursuant to standing order 182A(b), were minor or technical in nature.

On the motion of Mr Barr, his amendment No 1 (*see* [Schedule 3](#Schedule3)) was made, after debate.

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

On the motion of Mr Barr, his amendment No 2 (*see* [Schedule 3](#Schedule3)) was made.

Clause 72, as amended, agreed to.

Clause 73—

On the motion of Mr Barr, his amendment No 3 (*see* [Schedule 3](#Schedule3)) was made.

On the motion of Mr Barr, his amendment No 4 (*see* [Schedule 3](#Schedule3)) was made.

Clause 73, as amended, agreed to.

Clause 74—

On the motion of Mr Barr, his amendment No 5 (*see* [Schedule 3](#Schedule3)) was made.

On the motion of Mr Barr, his amendment No 6 (*see* [Schedule 3](#Schedule3)) was made.

Clause 74, as amended, agreed to.

Clauses 75 to 77, by leave, taken together and agreed to.

Clause 78—

Mr Coe moved his amendment No 30 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Clause 78 agreed to.

Clause 79—

Mr Coe moved his amendment No 31 (*see* [Schedule 1](#Schedule1)).

Amendment negatived.

Clause 79 agreed to.

Clauses 80 and 81, by leave, taken together and agreed to.

Clause 82 agreed to.

Clause 83 agreed to.

Clause 84 to 89, by leave, taken together and agreed to.

Clause 90 agreed to.

Clauses 91 to 106, by leave, taken together and agreed to.

Clause 107 agreed to.

Clauses 108 to 111, by leave, taken together and agreed to.

Clause 112—

On the motion of Mr Barr, his amendment No 7 (*see* [Schedule 3](#Schedule3)) was made.

On the motion of Mr Barr, his amendment No 8 (*see* [Schedule 3](#Schedule3)) was made.

Clause 112, as amended, agreed to.

Clauses 113 to 141, by leave, taken together and agreed to.

Clause 142—

On the motion of Mr Coe, his amendment No 38 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 142, as amended, agreed to.

Clause 143 agreed to.

Clause 144—

Mr Coe moved his amendment No 40, which would omit the clause (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 6 | |  | NOES, 9 | |
| Mr Coe | Mr Wall |  | Mr Barr | Ms Le Couteur |
| Mrs Dunne |  |  | Ms J. Burch | Mr Rattenbury |
| Ms Lawder |  |  | Ms Cheyne | Mr Steel |
| Ms Lee |  |  | Ms Fitzharris | Ms Stephen-Smith |
| Mr Parton |  |  | Mr Gentleman |  |

And so it was negatived.

Clause 144 agreed to.

Clauses 145 and 146, by leave, taken together and agreed to.

Clause 147 agreed to.

Clauses 148 to 157, by leave, taken together and agreed to.

Clause 158 agreed to.

Clause 159 agreed to.

Clauses 160 to 166, by leave, taken together and agreed to.

Clause 167 agreed to.

Clauses 168 to 183, by leave, taken together and agreed to.

Clause 184—

Mr Coe moved his amendment No 45, which would omit the clause (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 6 | |  | NOES, 9 | |
| Miss C. Burch | Mr Wall |  | Mr Barr | Ms Le Couteur |
| Mr Coe |  |  | Ms J. Burch | Mr Rattenbury |
| Mrs Dunne |  |  | Ms Cheyne | Mr Steel |
| Ms Lee |  |  | Ms Fitzharris | Ms Stephen-Smith |
| Mr Parton |  |  | Mr Gentleman |  |

And so it was negatived.

Clause 184 agreed to.

Clauses 185 to 192, by leave, taken together and agreed to.

Clause 193 agreed to.

Clauses 194 to 203, by leave, taken together and agreed to.

Clause 204—

On the motion of Mr Coe, his amendment No 47 (*see* [Schedule 1](#Schedule1)) was made, after debate.

On the motion of Mr Coe, his amendment No 48 (*see* [Schedule 1](#Schedule1)) was made.

Mr Coe moved his amendment No 49 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

On the motion of Mr Coe, his amendment No 50 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 204, as amended, agreed to.

Clause 205—

Mr Coe, by leave, moved his amendments Nos 51 to 63 together (*see* [Schedule 1](#Schedule1)).

Amendments negatived.

Clause 205 agreed to.

Clauses 206 and 207, by leave, taken together and agreed to.

Clause 208—

Mr Coe moved his amendment No 64, which would omit the clause (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 6 | |  | NOES, 9 | |
| Miss C. Burch | Mr Parton |  | Mr Barr | Ms Le Couteur |
| Mr Coe |  |  | Ms J. Burch | Mr Rattenbury |
| Mrs Dunne |  |  | Ms Cheyne | Mr Steel |
| Ms Lawder |  |  | Ms Fitzharris | Ms Stephen-Smith |
| Ms Lee |  |  | Mr Gentleman |  |

And so it was negatived.

Clause 208 agreed to.

Clauses 209 to 217, by leave, taken together and agreed to.

Clause 218—

On the motion of Mr Barr, his amendment No 9 (*see* [Schedule 3](#Schedule3)) was made.

On the motion of Mr Barr, his amendment No 10 (*see* [Schedule 3](#Schedule3)) was made.

On the motion of Mr Coe, his amendment No 67 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 218, as amended, agreed to.

Clause 219 agreed to.

Clause 220—

Mr Coe moved his amendment No 68, which would omit the clause (*see* [Schedule 1](#Schedule1)).

Debate continued.

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 6 | |  | NOES, 9 | |
| Miss C. Burch | Mr Parton |  | Mr Barr | Ms Le Couteur |
| Mr Coe |  |  | Ms J. Burch | Mr Rattenbury |
| Mrs Dunne |  |  | Ms Cheyne | Mr Steel |
| Ms Lawder |  |  | Ms Fitzharris | Ms Stephen-Smith |
| Ms Lee |  |  | Mr Gentleman |  |

And so it was negatived.

Clause 220 agreed to.

Clauses 221 to 231, by leave, taken together and agreed to.

Clause 232—

On the motion of Mr Coe, his amendment No 69 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 232, as amended, agreed to.

Clauses 233 to 241, by leave, taken together and agreed to.

Clause 242—

Mr Coe moved his amendment No 70 (*see* [Schedule 1](#Schedule1)).

Debate continued.

Amendment negatived.

Mr Coe moved his amendment No 71 (*see* [Schedule 1](#Schedule1)).

Amendment negatived.

Clause 242 agreed to.

Clause 243—

Mr Coe moved his amendment No 72 (*see* [Schedule 1](#Schedule1)).

Question—put.

The Assembly voted—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AYES, 6 | |  | NOES, 9 | |
| Mr Coe | Mr Wall |  | Mr Barr | Ms Le Couteur |
| Mrs Dunne |  |  | Ms J. Burch | Mr Rattenbury |
| Ms Lawder |  |  | Ms Cheyne | Mr Steel |
| Ms Lee |  |  | Ms Fitzharris | Ms Stephen-Smith |
| Mr Parton |  |  | Mr Gentleman |  |

And so it was negatived.

Clause 243 agreed to.

Clauses 244 and 245, by leave, taken together and agreed to.

Clause 246—

On the motion of Mr Coe, his amendment No 73 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 246, as amended, agreed to.

Clauses 247 to 250, by leave, taken together and agreed to.

Clause 251—

On the motion of Mr Coe, his amendment No 74 (*see* [Schedule 1](#Schedule1)) was made, after debate.

On the motion of Mr Coe, his amendment No 75 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 251, as amended, agreed to.

Clauses 252 to 257, by leave, taken together and agreed to.

*New clause—*

On the motion of Mr Coe, new clause 257A (his amendment No 76—*see* [Schedule 1](#Schedule1)) was inserted in the Bill, after debate.

Clauses 258 to 281, by leave, taken together and agreed to.

Clause 282 agreed to.

Clauses 283 and 284, by leave, taken together and agreed to.

Clause 285—

On the motion of Mr Coe, his amendment No 89 (*see* [Schedule 1](#Schedule1)) was made, after debate.

On the motion of Mr Coe, his amendment No 90 (*see* [Schedule 1](#Schedule1)) was made.

Clause 285, as amended, agreed to.

Clauses 286 to 301, by leave, taken together and agreed to.

Clause 302—

On the motion of Mr Coe, his amendment No 91 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 302, as amended, agreed to.

Clause 303 agreed to.

Schedule 1—

On the motion of Mr Coe, by leave, his amendments Nos 92 to 94 (*see* [Schedule 1](#Schedule1)) were made together, after debate.

Schedule 1, as amended, agreed to.

Dictionary agreed to.

Title agreed to, after debate.

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

39 Continuing Resolution 5AA—Commissioner for Standards—Amendment

Ms J. Burch, pursuant to notice, moved—That Continuing Resolution 5AA be amended as follows:

1. in paragraph (6), omit “will”, substitute “may”;
2. in paragraph (5), add the following “The Integrity Commissioner established pursuant to the *Integrity Commission Act 2018* may also refer matters to the Commissioner for Standards for consideration via the Clerk of the Legislative Assembly about matters the Integrity Commissioner considers should be referred.”; and
3. in paragraph (6), add the following “If the Commissioner considers that the complaint is more properly the purview of the Integrity Commissioner, the Commissioner shall refer the matter to the Integrity Commissioner.”.

Debate ensued.

Question—put and passed.

40 Integrity Commission—Standing Committee—establishment

Ms J. Burch, pursuant to notice, moved—That:

1. a Standing Committee on the Integrity Commission be established to:
   1. examine matters related to corruption and integrity in public administration;
   2. inquire into and report on matters referred to it by the Assembly or matters that are considered by the Committee to be of concern to the community;
   3. perform all functions required of it pursuant to the *Integrity Commission Act 2018*; and
   4. monitor, review and report on the performance of the Integrity Commission and the Inspector of the Integrity Commission or the exercise of the powers and functions of the Integrity Commission and the Inspector of the Integrity Commission, including examining the annual reports of the Integrity Commission and the Inspector of the Integrity Commission and any other reports made by the Commission;
2. nothing in this resolution authorises the Committee to investigate a matter relating to particular conduct or to reconsider a decision to investigate, not to investigate or to discontinue an investigation of a particular complaint made to the Commission, or to reconsider the findings, recommendations, determinations or other decisions of the Commission or the Inspector in relation to a particular investigation or complaint;
3. the Committee shall be composed of a Member nominated by the Government, a Member nominated by the Opposition and a Member to be nominated by the Crossbench;
4. the Chair shall be an Opposition Member;
5. the Committee be provided with the necessary staff, facilities and resources; and
6. nominations for membership of this Committee be notified in writing to the Speaker within two hours following the passage of this resolution.

Question—put and passed.

41 Dealing with Claims of parliamentary privilege that arise during the exercise of the A.C.T. Integrity Commission’s powers and functions—Continuing resolution

Ms J. Burch, pursuant to notice, moved—That the following continuing resolution be adopted:

**Dealing with claims of parliamentary privilege that arise during the exercise of the ACT Integrity Commission’s powers and functions**

**Preamble**

1. The Assembly:
   1. reserves all its powers, privileges and immunities, and those of its Members, derived from all sources of law;
   2. affirms that parliamentary privilege attaches to all words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee, including to documents and information falling within the scope of “proceedings in Parliament” as provided for in article 9 of the *Bill of Rights 1689* and section 16 of the *Parliamentary Privileges Act 1987* (Cwlth);
   3. acknowledges that pursuant to the *Integrity Commission Act 2018*, statutory powers and functions have been vested in the ACT Integrity Commission to investigate and report on corruption in the ACT and that the Commission is empowered, subject to that Act, to investigate allegations of corrupt conduct involving a Member of the Legislative Assembly;
   4. acknowledges that there may be occasions where the exercise of the Commission’s powers and functions gives rise to a claim, by a Member, of parliamentary privilege; and
   5. resolves that where such a claim is made, it will be addressed and resolved in accordance with the arrangements and principles provided for in this continuing resolution.

**Compulsory production of documents**

1. Where the Integrity Commission or a person acting under the direction of the Commission purports to compulsorily inspect, examine, make a record of, copy, or take possession of a document held by a Member, the Member is entitled to claim that parliamentary privilege applies to the document. “Document” has the meaning provided for in the *Legislation Act 2001*.
2. The Commission must advise a Member that they are entitled to the opportunity to make a claim relating to parliamentary privilege prior to the purported exercise of a compulsory power to inspect, examine, make a record of, copy, or take possession of any document. Where a claim is to be made, it must be notified by the Member to: a) the Commission or a person acting under the direction of the Commission; and b) to the Speaker. In the first instance, a claim may be made in general terms and verbally.
3. Where a Member makes a claim in relation to parliamentary privilege, the Commission or a person acting under the direction of the Commission must not inspect, examine, make a record of, copy, or take possession of any document over which a claim has been made until such time as parliamentary privilege has been determined not to apply pursuant to this resolution or that claim has been withdrawn. Any document that is the subject of a claim must be placed in the secure custody of the Clerk of the Legislative Assembly.
4. Within five calendar days of a claim having been made by a Member that parliamentary privilege applies to a document, the Member must write to the Speaker and the Commissioner advising of the scope and basis of the claim. The Speaker must provide the Member’s written advice of a claim to the Standing Committee on Administration and Procedure within five calendar days of its receipt.
5. Where a Member makes a claim in relation to parliamentary privilege over a document, the Commissioner must notify the Member and the Speaker whether or not the Commission intends to dispute the claim. The notification may be given verbally in the first instance. Where no such notification is given, any document the subject of the claim will be returned to the Member.
6. Within five calendar days of the receipt of the Member’s written advice outlining the scope and basis of the claim, the Commissioner must either give notification that the claim is not disputed or write to the Speaker and the Member advising of the scope and basis of the dispute of the claim. The Speaker must provide the Commissioner’s written advice of a dispute to the Standing Committee on Administration and Procedure within five calendar days of receipt.
7. The Speaker must appoint an Independent Legal Arbiter to adjudicate any claim that is disputed by the Commissioner. Upon the appointment of an Arbiter, the Clerk must hand over custody to the Arbiter any document that is the subject of the disputed claim. The Clerk must return any document to the Member over which there is an undisputed claim. The Speaker may make available to the Arbiter a secure space within the Legislative Assembly precincts to facilitate examination of any document that is the subject of a claim.
8. Upon appointment, the Speaker must make the Member’s and Commissioner’s written advices available to the Arbiter. The Arbiter may seek written submissions from the Member and the Commissioner in which any additional reasons for or against a claim or related information may be stated.
9. The Arbiter must review each document that is the subject of a claim and determine whether or not the document falls within the scope of the “proceedings in Parliament”. Where there is a large volume of material that is the subject of a claim, the Arbiter may receive assistance from a person acting under the direction of the Arbiter to review the material.
10. Where the Arbiter determines that a document does fall within the scope of “proceedings in Parliament”, it is protected by parliamentary privilege and it will be returned to the Member.
11. Where the Arbiter determines that a document does not fall within the scope of “proceedings in Parliament”, it is not protected by parliamentary privilege and it will be provided to the Commissioner (subject to any other lawful requirement that may have been imposed).
12. The Arbiter’s determination must: be in writing; include reasons; and be transmitted by the Arbiter to the Member, the Commissioner, and the Speaker. The Speaker is required to provide a copy of the Arbiter’s determination to the Standing Committee on Administration and Procedure within five calendar days of its receipt.

**Examination or questioning**

1. Where a Member appears under summons to give evidence before the Commission, the Member is entitled to decline to answer a question on the basis that the information in answer to the question is protected by parliamentary privilege.
2. Where a claim is made by a Member that the information in answer to a question is protected by parliamentary privilege, it is open to the Commissioner to:
   1. withdraw the question; or
   2. advise the Member that the Commissioner intends to dispute the claim of parliamentary privilege.
3. Where a Member makes a claim relating to parliamentary privilege under examination, the Member must advise the Speaker and the Commissioner in writing as to the scope and basis of the claim within five calendar days of the claim being made. The Speaker must provide the Member’s written advice to the Standing Committee on Administration and Procedure within five calendar days of its receipt.
4. Where the Commissioner disputes a claim made by a Member under examination, the Commissioner must advise the Speaker and the Member in writing as to the scope and basis of the dispute of the claim within five calendar days of the receipt of the Member’s written advice of a claim. The Speaker must provide the Commissioner’s written advice to the Standing Committee on Administration and Procedure within five calendar days of its receipt.
5. Where the Speaker receives advice from the Commissioner that a disputed claim of parliamentary privilege has arisen in the course of an examination, the Speaker must appoint an Independent Legal Arbiter to adjudicate the claim. The Speaker must provide to the Arbiter the Member’s written claim and the Commissioner’s written dispute of the claim.
6. The Arbiter may seek written submissions from the Member and the Commissioner in which any additional reasons for or against a claim or related information may be stated.
7. Where the Arbiter determines that the information sought by the Commissioner, by way of a question asked under examination, does fall within the scope of “proceedings in Parliament”, an immunity from the provision of that information to the Commission will operate by reason of parliamentary privilege.
8. Where the Arbiter determines that the information sought by the Commissioner, by way of a question asked under examination, does not fall within the scope of “proceedings in Parliament”, no immunity by reason of parliamentary privilege will operate.
9. The Arbiter’s determination must: be in writing; include reasons; and be transmitted by the Arbiter to the Member, the Commissioner, and the Speaker. The Speaker is required to provide a copy of the Arbiter’s determination to the Standing Committee on Administration and Procedure within five calendar days of its receipt.
10. In determining a question of parliamentary privilege in relation to a question that is posed or information that is sought during an examination, the Arbiter may express the determination:

* by way of specific questions that, if asked, would or would not engage the privilege;
* by way of more general areas of inquiry that, if explored, would or would not engage the privilege; or
* in some other way that clarifies the limits of the operation of parliamentary privilege.

**Making a determination**

1. The Arbiter may, but is not bound to, apply the following test to determine whether or not a document that is sought pursuant to a compulsory production power or information that is sought pursuant to a compulsory examination falls within “proceedings in Parliament”.

STEP 1: Were the documents or information that is sought ***brought into existence*** in the course of, or for purposes of or incidental to, the transacting of business of the Assembly or an Assembly committee?

YES 🡪 Falls within the scope of “proceedings in Parliament” and parliamentary privilege applies.

NO 🡪 Move to step 2.

STEP 2: Have the documents or the information that is sought been ***subsequently used*** in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee?

YES 🡪 Falls within the scope of “proceedings in Parliament” and parliamentary privilege applies.

NO 🡪 Move to step 3.

STEP 3: Is there any contemporary or contextual evidence that the documents or the information that is sought was ***retained or intended*** for use in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee?

YES 🡪 Falls within the scope of “proceedings in Parliament” and parliamentary privilege applies.

NO 🡪 The document does not fall within the scope of “proceedings in Parliament” and is not immune from production / the information sought by the Commissioner in the course of an examination is not covered by parliamentary privilege.

1. In determining whether or not parliamentary privilege applies to a document or information that is sought, the Arbiter must have regard to:

* the written claim made by the Member;
* the written dispute of the claim by the Commissioner;
* any transcript of an examination of a Member in which a claim relating to parliamentary privilege has arisen;
* any written submission made by the Member or by the Commissioner;
* applicable law relating to parliamentary privilege;
* the Assembly’s standing orders and continuing resolutions;
* reports of an Assembly committee or of a committee of either House of the Commonwealth Parliament relating to parliamentary privilege; and
* any other matter that the Arbiter considers to be relevant.

1. Documents or information that may fall within the scope of “proceedings in Parliament” may include (but are not necessarily confined to): notes, draft speeches and questions prepared by a Member for use in the Assembly or an Assembly committee; correspondence received by a Member from a constituent where the Member has raised or is intending to raise a matter in the Assembly or an Assembly committee; correspondence prepared by a Member where the Member has raised or intends to raise a matter in the Assembly or an Assembly committee; information as it relates to words said or actions done in the course of a proceeding of the Assembly or an Assembly committee; and submissions and other material provided to a Member as part of a Member’s participation in an Assembly committee. **In some cases the question will turn on what has been done with a document or information, or what a Member intends to do with the document or information, rather than what is contained in the document or the substance of the information, or where the document or information is held.**
2. Documents or information that are unlikely to be within the scope of “proceedings in Parliament” include material relating to a Member’s travel or entitlements, or party-political material.
3. In determining a claim, the Arbiter may speak with the Member who has made a claim or with the Commissioner. The Arbiter may permit the Member to view a document in the presence of the Arbiter.
4. The Arbiter must only determine the question of whether a document or information sought by the Commission is protected by parliamentary privilege and no other question.
5. The Arbiter must consider, determine and report on a determination relating to a claim of parliamentary privilege in a timely manner.

**Requirements for appointing an Arbiter**

1. The Independent Legal Arbiter must be a Queen’s Counsel, Senior Counsel, or a retired judge or justice of the Supreme, Federal or High Court and the Speaker must consult with the Standing Committee on Administration and Procedure prior to making an appointment. The Arbiter will be paid a fee approved by the Speaker.

**Memorandum of understanding**

1. For the purposes of facilitating the effective administration of this resolution, the Speaker may enter into a memorandum of understanding with the Integrity Commissioner in relation to parliamentary privilege and the exercise of the Commission’s powers. A memorandum of understanding must not be inconsistent with this resolution and must be tabled in the Assembly on the first available sitting day following its finalisation.

**Recusal of the Speaker or a member of the Standing Committee**

1. Where the Speaker makes a claim of parliamentary privilege in relation to the exercise of a power or function by the Commissioner, the Speaker must recuse herself or himself from the exercise of the Speaker’s functions pursuant to this resolution and the Deputy Speaker will instead perform the functions.
2. Where a member of the Standing Committee on Administration and Procedure makes a claim of parliamentary privilege in relation to the exercise of a power or function by the Commissioner, the Member must recuse himself or herself from any consideration by the committee of the matter.

Debate ensued.

Question—put and passed.

42 Integrity Commission—STANDING Committee—MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly today, informed the Assembly that she had been notified, in writing, of the nominations of Ms Cheyne, Ms Le Couteur and Ms Lee to be members of the Standing Committee on the Integrity Commission.

Mr Gentleman (Manager of Government Business) moved—That the Members so nominated be appointed as members of the Standing Committee on the Integrity Commission.

Question—put and passed.

43 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 9.42 pm, adjourned until Tuesday, 12 February 2019 at 10 am, in accordance with the resolution agreed to on 23 August 2018.

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

\*on leave

Tom Duncan

Clerk of the Legislative Assembly

**SCHEDULES OF AMENDMENTS**

**Schedule 1**

**INTEGRITY COMMISSION BILL 2018**

Amendments circulated by Mr Coe (Leader of the Opposition)

**1  
Clause 2  
Page 2, line 5—**

*omit clause 2, substitute*

**2 Commencement**

This Act commences on 1 July 2019.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

**2  
Clause 8 (2)  
Page 5, line 1—**

*omit*

must not

*substitute*

need not

**3  
Clause 8 (3) (f)  
Page 5, line 21—**

*omit*

**4****Proposed new clause 8 (3) (h)  
Page 5, line 23—**

*insert*

(h) having regard to all the circumstances, further investigation of the conduct is not justified.

**5****Clause 9 (1) (a) (ii)  
Page 7, line 6—**

*omit clause 9 (1) (a) (ii), substitute*

(ii) constitute a disciplinary offence; or

**6****Clause 9 (3), proposed new definition of *disciplinary offence*Page 9, line 18—**

*insert*

***disciplinary offence*** includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

**7****Clause 9 (3), definition of *serious disciplinary offence*Page 9, line 19—**

*omit*

**8  
Clause 9 (3), definition of *serious misconduct*Page 9, line 22—**

*omit*

**9****Clause 26 (2)  
Page 20, line 19—**

*omit*

**10  
Clause 26 (3)  
Page 20, line 23—**

*omit*

In addition

*substitute*

However

**11  
Clause 27 (2) (b)  
Page 22, line 6—**

*omit clause 27 (2) (b), substitute*

(b) ensure the selection process is open, accountable and competitive; and

**12  
Clause 37 (3) (b) (i)  
Page 29, line 13—**

*omit clause 37 (3) (b) (i), substitute*

(i) the Legislative Assembly resolves, by resolution passed by a majority of at least 2/3 of the members, to end the suspension—the suspension ends on the passing of the resolution; or

**13  
Clause 37 (4) (a)  
Page 29, line 20—**

*omit clause 37 (4) (a), substitute*

(a) the Legislative Assembly may resolve, by resolution passed by a majority of at least 2/3 of the members, to require the Speaker to end the commissioner’s appointment; but

**14  
Clause 38 (1) (b)  
Page 30, line 7—**

*omit*

otherwise resolves to require the Speaker to end the commissioner’s appointment

*substitute*

otherwise resolves, by resolution passed by a majority of at least 2/3 of the members, to require the Speaker to end the commissioner’s appointment

**15****Clause 40  
Page 31, line 18—**

*omit clause 40, substitute*

**40 Commissioner—acting appointment**

(1) The requirements in section 25 (2) (a) (i), (ii) and (iii), (2) (b) and (3) (b) do not apply to the appointment of an acting commissioner.

(2) If the Speaker approves a period of leave under section 39—

(a) an acting appointment may also be made by the commissioner after consulting the Speaker; and

(b) the requirements in section 25 (2) (a) (iv) also do not apply to the appointment of an acting commissioner.

(3) The appointment of a person to act as commissioner must not be for a term longer than 6 months.

*Note* For other provisions relevant to acting appointments, see the Legislation Act, pt 19.3.2.

**16  
Proposed new clause 41 (2) (aa)  
Page 33, line 9—**

*insert*

(aa) is or has been a member of—

(i) the Legislative Assembly; or

(ii) the Parliament of the Commonwealth; or

(iii) the legislature of a State or another territory; or

**17  
Proposed new clause 41 (2) (ba)  
Page 33, line 11—**

*insert*

(ba) is or has, in the 5 years immediately before the day of the proposed appointment, been a member of—

(i) a registered party; or

(ii) a political party registered under a law of the Commonwealth, a State or another territory; or

(iii) a political party; or

**18  
Proposed new clause 41 (2A)  
Page 33, line 20—**

*insert*

(2A) The appointment must be made in accordance with an open, accountable and competitive selection process.

**19  
Clause 50 (1), proposed new note  
Page 36, line 25—**

*insert*

*Note* ***Staff of the commission***—see s 47.

**20****Clause 71 (1)  
Page 51, line 13—**

*omit*

must

*substitute*

may

**21****Clause 71 (2)  
Page 51, line 18—**

*omit*

**22****Clause 71 (3)  
Page 51, line 21—**

*omit*

For subsection (2), reasonable grounds may include 1 or more of the following

*substitute*

The commission may dismiss a corruption report if satisfied on reasonable grounds that the corruption report does not justify investigation for any of the following reasons

**23  
Clause 71 (3) (i)  
Page 52, line 22—**

*omit*

**24  
Clause 72 (1) (a)  
Page 54, line 6—**

*omit*

section 71 (1)

*substitute*

section 71

**25  
Clause 72 (1) (a) (iii)  
Page 54, line 11—**

*omit*

section 71 (2)

*substitute*

section 71 (3)

**26  
Clause 73 (a)  
Page 55, line 19—**

*omit*

section 71 (1)

*substitute*

section 71

**27  
Clause 73 (a) (iii)  
Page 55, line 24—**

*omit*

section 71 (2)

*substitute*

section 71 (3)

**28  
Clause 74 (a)  
Page 57, line 5—**

*omit*

section 71 (1)

*substitute*

section 71

**29  
Clause 74 (a) (iii)  
Page 57, line 10—**

*omit*

section 71 (2)

*substitute*

section 71 (3)

**30  
Clause 78 (2), note  
Page 60, line 17—**

*omit*

**31  
Clause 79 (2), note  
Page 61, line 3—**

*omit*

**32  
Clause 82 (2), note 2  
Page 64, line 12—**

*omit*

**33  
Clause 83 (2), note  
Page 64, line 28—**

*omit*

**34  
Clause 90 (6), note 4  
Page 69, line 26—**

*omit*

**35  
Clause 107 (1), note 1  
Page 80, line 13—**

*omit*

(see s 71 (4))

*substitute*

(see s 71 (2))

**36  
Clause 112 (1)  
Page 83, line 23—**

*omit*

section 71 (1)

*substitute*

section 71

**37  
Clause 112 (2)  
Page 84, line 2—**

*omit*

section 71 (1) (b)

*substitute*

section 71 (2) (b)

**38  
Clause 142 (2)  
Page 104, line 24—**

*omit*

may

*substitute*

must

**39  
Clause 143 (5), note 2  
Page 105, line 21—**

*omit*

**40****Clause 144  
Page 105, line 23—**

*[oppose the clause]*

**41  
Clause 147 (4), note 5  
Page 109, line 13—**

*omit*

**42  
Clause 158 (3), note  
Page 117, line 14—**

*omit*

**43  
Clause 159 (4), note 2  
Page 118, line 25—**

*omit*

**44  
Clause 167 (4), note  
Page 125, line 9—**

*omit*

**45  
Clause 184  
Page 134, line 9—**

*[oppose the clause]*

**46  
Clause 193 (3), note  
Page 142, line 8—**

*omit*

**47  
Clause 204 heading  
Page 152, line 17—**

*omit the heading, substitute*

**204 Reputational repair protocols**

**48****Clause 204 (1)  
Page 152, line 18—**

*omit*

guidelines (the ***exoneration guidelines***)

*substitute*

protocols (the ***reputational repair protocols***)

**49  
Clause 204 (1) (b)  
Page 153, line 1—**

*omit clause 204 (1) (b), substitute*

(b) the person has subsequently been cleared of any wrongdoing (whether by a court or otherwise).

**50  
Clause 204 (2)  
Page 153, line 16—**

*omit*

exoneration guidelines

*substitute*

reputational repair protocols

**51****Clause 205 (a)  
Page 154, line 7—**

*omit*

**52****Clause 205 (b)  
Page 154, line 11—**

*omit*

**53****Clause 205 (c)  
Page 154, line 14—**

*omit*

**54****Clause 205 (d)  
Page 154, line 16—**

*omit*

**55****Clause 205 (e)  
Page 154, line 18—**

*omit*

**56****Clause 205 (f)  
Page 154, line 23—**

*omit*

**57****Clause 205 (g)  
Page 155, line 1—**

*omit*

**58****Clause 205 (h)  
Page 155, line 6—**

*omit*

**59****Clause 205 (i)  
Page 155, line 10—**

*omit*

**60****Clause 205 (j)  
Page 155, line 13—**

*omit*

**61****Clause 205 (k)  
Page 155, line 17—**

*omit*

**62****Clause 205 (l)  
Page 155, line 22—**

*omit*

**63  
Part 4.1  
Page 154, line 2—**

*omit*

**Part 4.1 Commission—monthly reports to inspector**

**205 Commissioner—monthly reports to inspector**

The commissioner must give a written report to the inspector at the end of each month including the following for the month:

**64  
Clause 208  
Page 157, line 1—**

*[oppose the clause]*

**65  
Clause 218 (1) (f)  
Page 164, line 1—**

*omit*

section 71 (1)

*substitute*

section 71

**66  
Clause 218 (1) (f) (ii)  
Page 164, line 5—**

*omit*

section 71 (2)

*substitute*

section 71 (3)

**67  
Clause 218 (1) (za) (ii)  
Page 167, line 5—**

*omit clause 218 (1) (za) (ii), substitute*

(ii) reputational damage matters dealt with under section 204 (Reputational repair protocols);

**68  
Clause 220  
Page 168, line 24—**

*[oppose the clause]*

**69  
Clause 232 (2) (b)  
Page 177, line 18—**

*omit clause 232 (2) (b), substitute*

(b) ensure the selection process is open, accountable and competitive; and

**70  
Clause 242 (3) (b) (i)  
Page 183, line 16—**

*omit clause 242 (3) (b) (i), substitute*

(i) the Legislative Assembly resolves, by resolution passed by a majority of at least 2/3 of the members, to end the suspension—the suspension ends on the passing of the resolution; or

**71  
Clause 242 (4) (a)  
Page 183, line 23—**

*omit clause 242 (4) (a), substitute*

(a) the Legislative Assembly may resolve, by resolution passed by a majority of at least 2/3 of the members, to require the Speaker to end the inspector’s appointment; but

**72  
Clause 243 (1) (b)  
Page 184, line 13—**

*omit*

otherwise resolves to require the Speaker to end the inspector’s appointment

*substitute*

otherwise resolves, by resolution passed by a majority of at least 2/3 of the members, to require the Speaker to end the inspector’s appointment

**73  
Clause 246  
Page 186, line 9—**

*omit clause 246, substitute*

**246 Inspector—acting appointment**

(1) The requirements in section 230 (2) (a) (i), (ii) and (iii), (2) (b) and (3) (b) do not apply to the appointment of an acting inspector.

(2) If the Speaker approves a period of leave under section 244—

(a) an acting appointment may also be made by the inspector after consulting the Speaker; and

(b) the requirements in section 230 (2) (a) (iv) also do not apply to the appointment of an acting inspector.

(3) The appointment of a person to act as inspector must not be for a term longer than 6 months.

*Note* For other provisions relevant to acting appointments, see the Legislation Act, pt 19.3.2.

**74  
Clause 251 (1), proposed new note  
Page 189, line 17—**

*insert*

*Note* ***Staff of the inspector***—see s 248.

**75  
Proposed new clause 251 (1A)  
Page 189, line 17—**

*insert*

(1A) However, the inspector must not appoint a person as a member of staff of the inspector if the person is or has, in the 5 years immediately before the day of the proposed appointment, been a public servant.

**76  
Proposed new clause 257A  
Page 194, line 2—**

*insert*

**257A** **How to make a complaint to the inspector**

(1) A complaint to the inspector may be made as follows:

(a) orally or in writing;

(b) using any form of electronic communication;

(c) anonymously.

(2) However, if a complaint to the inspector is made orally, the inspector may—

(a) put the complaint in writing; or

(b) require the complainant to put the complaint in writing and, until the complainant complies with the requirement, decline to investigate the complaint.

(3) In this section:

***electronic communication*** means communication by telephone, email, fax or any other electronic means.

**77****Clause 282 (1) (b) (i)  
Page 211, line 2—**

*omit*

**78  
Clause 282 (1) (b) (ii)  
Page 211, line 5—**

*omit*

**79  
Clause 282 (1) (b) (iii)  
Page 211, line 7—**

*omit*

**80  
Clause 282 (1) (b) (iv)  
Page 211, line 9—**

*omit*

**81  
Clause 282 (1) (b) (v)  
Page 211, line 11—**

*omit*

**82  
Clause 282 (1) (b) (vi)  
Page 211, line 13—**

*omit*

**83  
Clause 282 (1) (b) (vii)  
Page 211, line 15—**

*omit*

**84  
Clause 282 (1) (b) (viii)  
Page 211, line 17—**

*omit*

**85****Clause 282 (1) (b) (ix)  
Page 211, line 19—**

*omit*

**86  
Clause 282 (1) (b) (x)  
Page 211, line 21—**

*omit*

**87****Clause 282 (1) (b) (xi)  
Page 211, line 23—**

*omit*

**88  
Clause 282 (1) (b)  
Page 211, line 1—**

*omit*

**89  
Clause 285 (4)  
Page 216, line 22—**

*omit*

and (2) (Commissioner—acting commissioner)

*substitute*

(Commissioner—acting appointment)

**90  
Clause 285 (4), example  
Page 216, line 25—**

*omit the example, substitute*

**Example—application of s 40 (1)**

the Speaker must consult the relevant Assembly committee under s 25 (2) (a) (iv)

**91  
Clause 302 (1)  
Page 230, line 11—**

*omit clause 302 (1), substitute*

(1) The Minister must, in consultation with the Speaker, review the operation of this Act as soon as practicable after—

(a) 1 July 2022; and

(b) every 5 years after 1 July 2022.

**92  
Schedule 1, part 1.10  
Amendment 1.74  
Page 249, line 2—**

*omit amendment 1.74, substitute*

**[1.74] Schedule 1, new section 1.1B**

*insert*

**1.1B Information in possession of integrity commission or inspector of the integrity commission**

Information in the possession of the integrity commission, or the integrity commission inspector, unless the information is administrative in nature.

**93  
Schedule 1, part 1.10  
Amendment 1.75  
Page 249, line 7—**

*omit amendment 1.75, substitute*

**[1.75] Schedule 2, section 2.2 (a) (xiv)**

*substitute*

(xiv) prejudice the conduct of considerations, investigations, audits or reviews by the ombudsman, auditor-general, integrity commission, integrity commission inspector or human rights commission;

**94  
Schedule 1, part 1.10  
Proposed new amendment 1.76A  
Page 249, line 14—**

*insert*

**[1.76A] Dictionary, new definition of *integrity commission inspector***

*insert*

***integrity commission inspector*** means the inspector of the integrity commission under the *Integrity Commission Act 2018*.

**Schedule 2**

**INTEGRITY COMMISSION BILL 2018**

Amendment circulated by Mr Rattenbury

**1  
Clause 9 (3), definition of *serious disciplinary offence*  
Page 9, line 19—**

*omit the definition, substitute*

***serious disciplinary offence*** includes—

(a) any serious misconduct; or

(b) any other matter that constitutes or may constitute grounds for—

(i) termination action under any law; or

(ii) a significant employment penalty.

**Schedule 3**

**INTEGRITY COMMISSION BILL 2018**

Amendments circulated by the Chief Minister

**1  
Clause 72 (1) (a)  
Page 54, line 6—**

*omit*

section 71 (1)

*substitute*

section 71

**2  
Clause 72 (1) (a) (iii)  
Page 54, line 11—**

*omit*

section 71 (2)

*substitute*

section 71 (4)

**3  
Clause 73 (a)  
Page 55, line 19—**

*omit*

section 71 (1)

*substitute*

section 71

**4  
Clause 73 (a) (iii)  
Page 55, line 24—**

*omit*

section 71 (2)

*substitute*

section 71 (4)

**5  
Clause 74 (a)  
Page 57, line 5—**

*omit*

section 71 (1)

*substitute*

section 71

**6  
Clause 74 (a) (iii)  
Page 57, line 10—**

*omit*

section 71 (2)

*substitute*

section 71 (4)

**7  
Clause 112 (1)  
Page 83, line 23—**

*omit*

section 71 (1)

*substitute*

section 71

**8  
Clause 112 (2)  
Page 84, line 2—**

*omit*

section 71 (1) (b)

*substitute*

section 71 (3) (b)

**9  
Clause 218 (1) (f)  
Page 164, line 1—**

*omit*

section 71 (1)

*substitute*

section 71

**10  
Clause 218 (1) (f) (ii)  
Page 164, line 5—**

*omit*

section 71 (2)

*substitute*

section 71 (4)