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**LEGISLATIVE ASSEMBLY FOR THE**

**AUSTRALIAN CAPITAL TERRITORY**

**2016–2017–2018–2019**

**MINUTES OF PROCEEDINGS**

**No 118**

[**Wednesday, 23 October 2019**](http://www.hansard.act.gov.au/hansard/2019/links/download.htm)

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**1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. Burch) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**2 Crimes (Offences Against Frontline Community Service Providers) Amendment Bill 2019**

Mrs Jones, pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*, and for other purposes.

*Paper:* Mrs Jones presented an explanatory statement to the Bill.

Title read by Clerk.

Mrs Jones moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Gentleman—Minister for Police and Emergency Services) and the resumption of the debate made an order of the day for the next sitting.

**3 Domestic Animals (Disqualified Keepers Register) Amendment Bill 2019**

Ms Lawder, pursuant to notice, presented a Bill for an Act to amend the *Domestic Animals Act 2000*.

*Paper:* Ms Lawder presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Steel—Minister for City Services) and the resumption of the debate made an order of the day for the next sitting.

**4 Molonglo Valley—PLANNING AND development**

Ms Le Couteur, pursuant to notice, moved—That this Assembly:

1. notes that:
   1. the Labor-Greens Parliamentary Agreement for the 7th Assembly called for excellence in sustainable design in the Molonglo Valley development, including:
      1. construction of public transport infrastructure from the outset of the development;
      2. mandatory solar passivity;
      3. pedestrian friendly design;
      4. inclusion of a third pipeline for non-potable water; and
      5. implementing child-friendly planning principles into the development of Wright and Coombs;
   2. the Labor-Greens Parliamentary Agreement for the 8th Assembly called for a “Molonglo Cycle Highway feasibility study”;
   3. it is nine years since the first land release in the Molonglo Valley and development is expected to continue for another 15 years;
   4. while there have been improvements over earlier development in the ACT, Molonglo Valley developments do not appear to be delivering excellence in sustainable design across all areas of environmental sustainability, social sustainability and transport;
   5. environmental sustainability gaps include lack of room for canopy trees, blocks and dwellings not being correctly oriented for passive solar heating/cooling, and major terraforming and removal of almost all vegetation during suburb construction;
   6. housing diversity is better than many previous Canberra suburbs, however Molonglo Valley residents lack key community amenities required for social sustainability, including local shops and low-cost land for community groups such as scouts and guides, religious and multicultural groups;
   7. to date, good public transport services have been delivered in the Molonglo Valley as soon as new homes are occupied, and local streets have good footpaths, but the Molonglo Valley suffers from very indirect off-road cycling connections to the City and Belconnen; and
   8. despite the new suburb of Whitlam being two kilometres from the nearest schools and shops, planning for Whitlam will see residents move in at least two years before schools and shops are built, however there is no commitment to providing a bus service to Whitlam to connect early residents to services; and
2. calls on the ACT Government to:
   1. commission an independent review of planning and development for the Molonglo Valley that examines:
      1. whether Molonglo development is achieving excellence in sustainable design;
      2. the matters raised in paragraph (1); and
      3. what actions are required to deliver excellence in sustainable design, including on environmental, social and transport sustainability;
   2. provide the final report of the review to the Assembly by 31 May 2020; and
   3. use this report to inform and improve future development in the ACT.

Debate ensued.

Question—put and passed.

**5 Rates and taxes—Impact on families**

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

1. notes:
   1. the ACT Government received $214 million more in taxes during 2018‑19 than the previous financial year;
   2. despite this 13 percent increase in revenue, the ACT Government has failed to deliver basic services to a reasonable standard in multiple portfolios, including health, education and transport; and
   3. Canberra families are suffering because of the increasing tax burdens placed on them due to the ACT Government’s poor policy decisions and misplaced spending priorities; and
2. calls on the Government to:
   1. table all modelling regarding the 2018-19 and future revenue projections by 24 October 2019; and
   2. stop the unfair increases to rates, taxes, fees and charges, particularly for low income households.

Debate ensued.

Question—put.

The Assembly voted—

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| AYES, 9 | | |  | | NOES, 12 | | |
| Miss C. Burch | Mr Milligan | |  | | Mr Barr | Ms Orr | |
| Mr Coe | Mr Parton | |  | | Ms Berry | Mr Pettersson | |
| Mrs Dunne |  | |  | | Ms J. Burch | Mr Ramsay | |
| Mr Hanson |  | |  | | Ms Cheyne | Mr Rattenbury | |
| Mrs Jones |  | |  | | Mr Gentleman | Ms Stephen-Smith | |
| Mrs Kikkert |  | |  | | Mr Gupta |  | |
| Ms Lee |  | |  | | Ms Le Couteur |  | |

And so it was negatived.

**6 QUESTIONS**

Questions without notice were asked.

**7 PRESENTATION OF PAPERS**

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

Education, Employment and Youth Affairs—Standing Committee—Report 6—*Management and Minimisation of Bullying and Violence in ACT Schools*—Government response, dated October 2019.

Schools Education Advisory Committee—Safe and Supportive Schools—

Final Report, dated August 2019.

Government response, dated October 2019.

**8 Education, Employment and Youth Affairs—Standing Committee—REPORT 6—MANAGEMENT AND MINIMISATION OF BULLYING AND VIOLENCE IN A.C.T. SCHOOLS—GOVERNMENT RESPONSE, AND sCHOOLS eDUCATION aDVISORY committee—sAFE AND sUPPORTIVE sCHOOLS—Final report AND GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPERS**

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

Education, Employment and Youth Affairs—Standing Committee—Report 6—*Management and Minimisation of Bullying and Violence in ACT Schools*—Government response, dated October 2019.

Schools Education Advisory Committee—Safe and Supportive Schools—

Final Report, dated August 2019.

Government response, dated October 2019

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

**9 Roads infrastructure**

Ms Cody, pursuant to notice, moved—That this Assembly:

1. notes that the ACT Infrastructure Plan:
   1. sets out the building of key arterial roads in the ACT, focusing primarily in growth areas such as Woden, Molonglo and Weston Creek and in strengthening key transport corridors in Tuggeranong;
   2. has foresight to account for an increase in road traffic due to the ACT remaining an attractive place to live, visit, study, work or do business;
   3. acknowledges that the resident population is growing by around 8000 people a year, and smart planning is required to accommodate this; and
   4. works with the ACT’s Climate Change Strategy to achieve the ACT’s target of zero net emissions by 2045 by providing and encouraging a range of transport options, alongside necessary road improvements;
2. further notes that:
   1. functional road infrastructure is vital for Police and Emergency Services to perform their duties;
   2. export and freight services rely on major roads and should be maintained accordingly;
   3. roads are an integral component of public transport infrastructure and are necessary for the operation of our rapid bus network;
   4. Canberrans’ livelihoods are dependent on good access to various transport modes, depending on their commitments and circumstances;
   5. there are extensive cycle path and footpath networks across the city;
   6. the annual road resurfacing program will see approximately 1 000 000 square metres of roads resurfaced in 21 ACT suburbs this financial year; and
   7. proper road maintenance and catering to increasing road usage is an important part of the Government’s Road Safety commitment;
3. further notes that:
   1. Members of the Opposition have publicly misconstrued previous announcements on car-free days for special events; and
   2. Members of the Opposition continue their sanctimonious commentary on light rail which stems from their long-held disdain for public transport; and
4. calls on the Government to deliver roads infrastructure as set out in the ACT Infrastructure Plan which will provide residents of Woden, Molonglo and Weston Creek with a wide range of comprehensive transport options.

Miss C. Burch moved the following amendment: Omit paragraphs (2) to (4), substitute:

“(2) further notes that:

* 1. despite the ACT Climate Strategy’s directive to encourage a range of transport options, the Minister has drastically reduced weekend bus services, limiting the range of public transport options available to Canberrans;
  2. providing reliable and accessible bus services on weekends, and dedicated school services for children are an integral component of any public transport network;
  3. an accessible and expansive public transport network will reduce the reliance on cars to commute around Canberra and lower Canberra’s carbon emissions;
  4. Canberrans’ livelihoods are dependent on good access to various transport modes, depending on their commitments and circumstances, something which Network19 does not provide;
  5. as a result, fewer Canberrans are using public transport in Belconnen, Woden and Tuggeranong, as per patronage data released in late August;
  6. under this ACT Government, overall customer satisfaction in the public transport network has plummeted to just 62 percent in 2018-19; and
  7. data from the ACT Government response to the Impact of Network19 on School Students depicted student patronage on public transport on school days remained broadly level;

1. further notes that:
   1. Ms Cody and other Labor Members continue to sanctimoniously refuse to acknowledge the ongoing chaos with regard to Canberra’s bus network;
   2. Minister Gentleman has publicly misled Canberrans by claiming that Canberra has a ‘world-class public transport system’; and
   3. despite over 100 adjustments being made to Network19, the ACT Government is yet to deliver the bus network promised to Canberrans; and
2. calls on the Government to fix the problems plaguing Network19 as a matter of priority.”.

Debate continued.

Question—That Miss C. Burch’s amendment be agreed to—put.

The Assembly voted—

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

And so it was negatived.

Ms Le Couteur moved the following amendment: Omit all text after “That this Assembly”, substitute:

“(1) notes:

* 1. the ACT Government recently released a long-term infrastructure plan for the ACT;
  2. long-term planning is critical for ensuring that infrastructure is delivered for the community on time and at a reasonable cost, as well as providing certainty for businesses and the construction industry;
  3. concerns from infrastructure experts that politicisation of the infrastructure planning process can lead to wasted funds and important projects being delivered late;
  4. Members of the Assembly support the majority of projects listed in the Infrastructure Plan, which are sensible and non-controversial; and
  5. there will be valid differences between political parties on some projects and the ACT community will benefit from a sensible and considered debate on these projects that does not unnecessarily politicise the process; and

1. calls on Members of the Assembly to carefully consider future infrastructure projects against environmental, social and economic criteria.”.

Debate continued.

Question—That Ms Le Couteur’s amendment be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

1. notes:
   1. the ACT Government recently released a long-term infrastructure plan for the ACT;
   2. long-term planning is critical for ensuring that infrastructure is delivered for the community on time and at a reasonable cost, as well as providing certainty for businesses and the construction industry;
   3. concerns from infrastructure experts that politicisation of the infrastructure planning process can lead to wasted funds and important projects being delivered late;
   4. Members of the Assembly support the majority of projects listed in the Infrastructure Plan, which are sensible and non-controversial; and
   5. there will be valid differences between political parties on some projects and the ACT community will benefit from a sensible and considered debate on these projects that does not unnecessarily politicise the process; and
2. calls on Members of the Assembly to carefully consider future infrastructure projects against environmental, social and economic criteria.”—

be agreed to—put and passed.

**10 Drugs of Dependence (Personal Cannabis Use) Amendment ACT—COMMENCEMENT**

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

1. notes:
   1. since the passage of the Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018, the Federal Attorney-General has publicly stated that, on advice, the laws are invalid and are of no effect;
   2. the Federal Attorney-General also stated “The expectation is that police enforce the law. And the law is, as I have been advised and which advice I completely accept, it remains unlawful at Commonwealth law to possess cannabis in the ACT”;
   3. the Australian Federal Police Association have stated the laws are “setting police up to fail”; and
   4. the Bill, as passed, has created a conflict that has actually resulted in the recriminalisation of cannabis in the ACT; and
2. calls on the ACT Government not to commence the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019*.

Debate ensued.

Question—put.

The Assembly voted—

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| AYES, 7 | | |  | NOES, 10 | | | |
| Miss C. Burch | Mr Milligan | | |  | Ms J. Burch | Mr Pettersson | |
| Mr Coe |  | | |  | Ms Cheyne | Mr Rattenbury | |
| Mrs Dunne |  | | |  | Mr Gentleman | Mr Steel | |
| Mr Hanson |  | | |  | Mr Gupta | Ms Stephen-Smith | |
| Mrs Jones |  | | |  | Ms Le Couteur |  | |
| Ms Lawder |  | | |  | Ms Orr |  | |

And so it was negatived.

**11 Violence in schools**

Ms Lee, pursuant to notice, moved—That this Assembly:

1. notes:
   1. the concerns of parents, teachers and the community about reported incidences of violence in ACT schools;
   2. that, on 20 February 2019, Labor and the Greens voted against the Canberra Liberals’ motion calling on this Assembly to establish an independent inquiry into violence in ACT schools;
   3. the Minister for Education and Early Childhood Development established the Education (Safe and Supportive Schools) Advisory Committee (the Advisory Committee) on 18 March 2019 for the purpose of providing advice and examining the influence of policies to reduce violence in ACT Government schools;
   4. the Advisory Committee apparently presented its final report to the Minister on 19 August 2019;
2. further notes that:
   1. on 4 April 2019, the Assembly referred the issue of violence in ACT schools to the Standing Committee on Education, Employment and Youth Affairs for inquiry and report; and
   2. the Standing Committee tabled its report in the Assembly on 19 September 2019; and
3. calls on the ACT Minister for Education and Early Childhood Development to table, by the end of this sitting period, the final report of the Advisory Committee.

Ms Berry (Minister for Education and Early Childhood Development) moved the following amendment: Omit paragraph (3), substitute:

“(3) notes that the Minister for Education and Early Childhood Development tabled, on 23 October 2019, the School Education Advisory Committee’s Safe and Supportive Schools report, the Government response to that report, and the Government response to the Standing Committee on Education, Employment and Youth Affairs’ report on the inquiry into the management and minimisation of bullying and violence in ACT schools.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

1. notes:
   1. the concerns of parents, teachers and the community about reported incidences of violence in ACT schools;
   2. that, on 20 February 2019, Labor and the Greens voted against the Canberra Liberals’ motion calling on this Assembly to establish an independent inquiry into violence in ACT schools;
   3. the Minister for Education and Early Childhood Development established the Education (Safe and Supportive Schools) Advisory Committee (the Advisory Committee) on 18 March 2019 for the purpose of providing advice and examining the influence of policies to reduce violence in ACT Government schools;
   4. the Advisory Committee apparently presented its final report to the Minister on 19 August 2019;
2. further notes that:
   1. on 4 April 2019, the Assembly referred the issue of violence in ACT schools to the Standing Committee on Education, Employment and Youth Affairs for inquiry and report; and
   2. the Standing Committee tabled its report in the Assembly on 19 September 2019; and
3. notes that the Minister for Education and Early Childhood Development tabled, on 23 October 2019, the School Education Advisory Committee’s Safe and Supportive Schools report, the Government response to that report, and the Government response to the Standing Committee on Education, Employment and Youth Affairs’ report on the inquiry into the management and minimisation of bullying and violence in ACT schools.”—

be agreed to—put and passed.

**12 Consumer protection—second-hand vehicles**

Ms Cheyne, pursuant to notice, moved—That this Assembly:

1. notes that the *Sale of Motor Vehicle Act 1977* (ACT) provides;
   1. a statutory warranty of up to 5000 kilometres or up to three months for second-hand motor vehicles less than 10 years old or driven less than 160 000 kilometres;
   2. no warranty for second-hand motor vehicles 10 years old or more or driven 160 000 kilometres or more; and
   3. no warranty for second-hand motorcycles;
2. notes that, under Australian Consumer Law:
   1. suppliers must guarantee goods, including second-hand goods, are of acceptable quality, that is, fit for purpose, free from defects, safe and durable;
   2. if there is a major fault that cannot be fixed or is too difficult to fix within a reasonable timeframe, the consumer can choose between a repair, replacement or refund, or compensation for decreased value; and
   3. if there is a non-major fault, the supplier can choose between a repair, replacement or refund;
3. further notes that:
   1. Australian Consumer Law only applies to goods purchased after 1 January 2011, with ACT consumer protection laws applying before that date;
   2. in practice, the supplier of goods generally determines if a fault is major or non-major rather than the consumer due to technical knowledge;
   3. a lack of statutory guarantees for second-hand motor vehicles has encouraged the emergence of third-party warranty companies that have attracted criticism from consumers; and
   4. the ACT Civil and Administrative Tribunal jurisdictional limit is $25 000 for consumer law matters; and
4. calls on the Government to review existing legislation and consider:
   1. expanding consumer protections by introducing 30-day warranties for second-hand motor vehicles purchased through dealerships, including cars, motorcycles, caravans and motorhomes, that are 10 years old or more or driven 160 000 kilometres or more;
   2. raising the ACT Civil and Administrative Tribunal’s jurisdictional limit for motor vehicles, including cars, motorcycles, caravans and motorhomes, so consumers can more easily enforce their rights;
   3. introducing a limit on the number of faults a motor vehicle can have, or how many times the same fault can be repaired, before a replacement is necessary; and
   4. expanding the cooling-off period from three days to seven days.

Debate ensued.

Question—put.

The Assembly voted—

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| AYES, 10 | | |  | NOES, 7 | | | |
| Ms J. Burch | Mr Pettersson | | |  | Miss C. Burch | Mr Wall | |
| Ms Cheyne | Mr Rattenbury | | |  | Mrs Dunne |  | |
| Mr Gentleman | Mr Steel | | |  | Mrs Jones |  | |
| Mr Gupta | Ms Stephen-Smith | | |  | Ms Lee |  | |
| Ms Le Couteur |  | | |  | Mr Milligan |  | |
| Ms Orr |  | | |  | Mr Parton |  | |

And so it was resolved in the affirmative.

**13 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 6.56 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