****

**LEGISLATIVE ASSEMBLY FOR THE**

**AUSTRALIAN CAPITAL TERRITORY**

**2016–2017–2018–2019**

**MINUTES OF PROCEEDINGS**

**No 104**

[**Thursday, 1 August 2019**](http://www.hansard.act.gov.au/hansard/2019/pdfs/20190801a)

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

**1** The Assembly met at 10 a.m., 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 DEATH OF the Honourable Robert James Lee HAWKE AC**

Mr Barr (Chief Minister) moved—That this Assembly expresses its deep sorrow at the death of the Honourable Robert James Lee Hawke AC.

Mr Coe (Leader of the Opposition) and Mr Rattenbury (Leader of the ACT Greens) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

**3 LANDCARE—30TH ANNIVERSARY OF THE ESTABLISHMENT—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Gentleman (Minister for the Environment and Heritage) made a ministerial statement concerning the 30th anniversary of the establishment of Landcare and presented the following paper:

30th Anniversary of the establishment of Landcare—Ministerial statement, 1 August 2019.

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

Debate ensued.

Question—put and passed.

**4 Public Sector Management Amendment Bill 2019**

Mr Barr (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Public Sector Management Act 1994*, and for other purposes.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 30 July 2019.

Title read by Clerk.

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

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

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

Mr Gentleman (Minister for Planning and Land Management), pursuant to notice, presented a Bill for an Act to amend the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008*, and for other purposes.

*Papers:* Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 30 July 2019.

Title read by Clerk.

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

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

**6 Freedom of Information Amendment Bill 2019**

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Freedom of Information Act 2016*.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 30 July 2019.

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.

7 Administration and Procedure—Standing Committee—REPORT 12—Protocols for Visits by Members to Government Schools—Report noted

The order of the day having been read for the resumption of the debate on the motion of Mr Wall—That the report be noted *(presented 6 June 2019)*, viz:

Administration and Procedure—Standing Committee—Report 12—*Protocols for Visits by Members to Government Schools*—

Debate resumed.

Question—put and passed.

**8 Economic Development and Tourism—Standing Committee—REPORT 6—Inquiry into drone delivery systems in the A.C.T.—report noted**

Mr Hanson (Chair) presented the following report:

Economic Development and Tourism—Standing Committee—Report 6—*Inquiry into drone delivery systems in the ACT,* dated 25 July 2019, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**9 Public Accounts—Standing Committee—REPORT 7—Inquiry into Auditor-General’s Report No 1 of 2017—report noted**

Mrs Dunne (Chair) presented the following report:

Public Accounts—Standing Committee—Report 7—*Inquiry into Auditor-General’s Report No 1 of 2017*, dated 1 August 2019, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**10 Environment and Transport and City Services—Standing Committee—INQUIRY—Petition 16-19—Parkwood planning proposal—STATEMENT BY CHAIR**

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, whilst acknowledging the importance of the matters raised in petition 16-19 concerning a cross-border planning proposal for the provision of essential services by the ACT Government to the residential development in the Parkwood area of New South Wales, the Standing Committee on Environment and Transport and City Services had resolved not to inquire further into the matters raised in the petition.

**11 Environment and Transport and City Services—Standing Committee—INQUIRY—Bus route 54—Out-of-order petition—STATEMENT BY CHAIR**

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of an out-of-order petition concerning bus route 54, 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 out-of-order petition.

**12 Environment and Transport and City Services—Standing Committee—INQUIRY—Petition 4-19—School bus services from Fairbairn Park—STATEMENT BY CHAIR**

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition 4-19 concerning school bus services from Fairbairn Park, 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.

**13 EXECUTIVE business—precedence**

Ordered—That Executive business be called on forthwith.

**14 Planning and Development (Design Review Panel) Amendment Bill 2019**

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

Debate resumed.

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

*Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Gentleman (Minister for Planning and Land Management), pursuant to standing order 182A(b), by leave, his amendments Nos 1 to 3 (*see* [Schedule 1](#Schedule1)) were made together.

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

Bill, as a whole, as amended, agreed to.

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

**15 Crimes Legislation Amendment Bill 2019**

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

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

**16 QUESTIONS**

Questions without notice were asked.

**17 LEAVE OF ABSENCE TO MEMBER**

Mrs Jones moved—That leave of absence be granted to Mr Parton for this sitting for family reasons.

Question—put and passed.

**18 PRESENTATION OF PAPERS**

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

Future of Education—Implementation plan, dated August 2019.

Auditor-General’s Report No 3/2018—Tender for the sale of Block 30 (formerly Block 20) Section 34 Dickson—Implementation progress statement.

Legislation Act, pursuant to section 64—Nature Conservation Act—Nature Conservation (Molonglo River Reserve) Reserve Management Plan 2019—Disallowable Instrument DI2019-192 (LR, 26 July 2019), together with its explanatory statement.

Aboriginal and Torres Strait Islander Elected Body Act, pursuant to subsection 10B(3)—ACT Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the ATSIEB Hearings 2018—Eighth Report to the ACT Government—Government response, dated August 2019.

Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step Can Make a Lifetime of Difference*—Final Report for the mid-Strategy evaluation, dated 28 May 2019.

**19 Future of education—Implementation plan—PAPER NOTED**

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

Future of Education—Implementation plan.

Debate ensued.

Question—put and passed.

**20 Aboriginal and Torres Strait Islander Elected Body Act—A.C.T. Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the ATSIEB Hearings 2018—Eighth Report to the A.C.T. Government—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:

Aboriginal and Torres Strait Islander Elected Body Act—ACT Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the ATSIEB Hearings 2018—Eighth Report to the ACT Government—Government response.

Debate ensued.

Question—put and passed.

**21 OUT OF HOME CARE STRATEGY 2015-2020—A STEP UP FOR OUR KIDS—ONE STEP CAN MAKE A LIFETIME OF DIFFERENCE—FINAL REPORT FOR THE MID-STRATEGY EVALUATION—MOTION TO TAKE NOTE OF PAPER**

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

Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step Can Make a Lifetime of Difference*—Final Report for the mid-Strategy evaluation—

Debate ensued.

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

**22 NATURE CONSERVATION ACT—NATURE CONSERVATION (MOLONGLO RIVER RESERVE) RESERVE MANAGEMENT PLAN 2019—DISALLOWABLE INSTRUMENT DI2019-192—PAPER NOTED**

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

Nature Conservation Act—Nature Conservation (Molonglo River Reserve) Reserve Management Plan 2019—Disallowable Instrument DI2019-192, together with its explanatory statement.

Question—put and passed.

**23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. Essential services**

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Coe (Leader of the Opposition), Mr Gupta, Mrs Kikkert, Ms Le Couteur, Mr Milligan, Ms Orr, Mr Parton and Mr Pettersson had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mr Pettersson be submitted to the Assembly, namely, “The importance of ACT essential services remaining in public hands”.

Discussion ensued.

Discussion concluded.

**24 ADJOURNMENT**

Ms Berry (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 4.12 pm, adjourned until Tuesday, 13 August 2019 at 10 am.

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

\*on leave

**Tom Duncan**

Clerk of the Legislative Assembly

**SCHEDULE OF AMENDMENTS**

**Schedule 1**

**PLANNING AND DEVELOPMENT (DESIGN REVIEW PANEL) AMENDMENT BILL 2019**

Amendments circulated by the Minister for Planning and Land Management

1. Clause 21  
   Proposed new section 20B (1) and (2)  
   Page 11, line 6—

omit proposed new section 20B (1) and (2), substitute

A development proposal for a building with 5 or more storeys is prescribed.

1. Clause 22  
   Page 12, line 6—

[oppose the clause]

1. Clause 23  
   Page 12, line 10—

[oppose the clause]