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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 22

[**Thursday, 3 August 2017**](http://www.hansard.act.gov.au/hansard/2017/pdfs/20170803.pdf)

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**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Ms Burch) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 Minister for Disability, Children and Youth—Proposed Censure

Mr Coe (Leader of the Opposition), by leave, moved—That this Assembly:

1. censures the Minister for Disability, Children and Youth, Rachel Stephen-Smith MLA, for:
   1. failing to act to protect the physical and mental welfare of the staff and detainees of the Bimberi Youth Justice Centre;
   2. failing to respond adequately to an increasing body of concerns about the operation of the Bimberi Youth Justice Centre;
   3. seeking to silence legitimate criticism by staff and detainees of the operation of Bimberi; and
   4. resigning to the view that violence will continue to be a feature of life at Bimberi; and
2. notes:
   1. in March this year, information emerged in *The Canberra Times* of a serious incident in May 2016 at Bimberi in which three young people assaulted youth workers, three of whom were sent to hospital for treatment. The response of the Minister was that the attack was an “isolated incident”;
   2. further *Canberra Times’* articles in March reported low staff morale and concerns about management, staff shortages and lack of adequate training, union concerns, incidents in October and November 2016 which led to two staff being stood down, staff being gagged and feeling uncomfortable talking to management about problems at the centre, and the Community Services Directorate seeking out the whistleblowers who were talking to the media;
   3. in May, the Minister tabled a statement about youth justice and said Bimberi had an integrated management system and a training plan, the Human Rights Commission was looking into all matters raised recently, and a charter of rights was coming. *The* *Canberra Times* carried a further report about staff tensions, high absenteeism, and concerns the Government was pouring resources into a review without addressing underlying causes of the troubled conditions in Bimberi;
   4. on 4 July, *The* *Canberra Times* reported on the “living hell” of a facility characterised by violence, alcohol and drugs, racial slurs, and a lack of resources and staff training. Amnesty International called on the Prime Minister to intervene. A public servant was sent out to front the media; the Minister was absent;
   5. on 8 July, fresh allegations emerged of a detainee brawl in May 2017, of a youth worker tackled by a detainee in June, of daily incidents and short staffing endangering staff. The Minister dismissed all of this as “mostly historical”. Amnesty International said it was time for the Minister to take responsibility. The Minister said she was awaiting the results of the Human Rights Commission investigation, which had been going on for two months;
   6. on 25 July, *The Canberra Times* reported another brawl on 16 July between two groups of detainees in which a youth worker who intervened was injured. The police were investigating. Three sources within the facility reported a state of constant turmoil for staff. Former detainees were considering class action; and
   7. since March, the Minister has consistently failed to appreciate the seriousness of the problems at Bimberi and she has failed to respond adequately to those problems. She has ignored the concerns of detainees, staff and independent third parties. She has been more concerned about stopping the problems being made public than about fixing the problems themselves. The situation at Bimberi is dangerous and requires effective and responsible ministerial oversight which the Minister is incapable of providing.

Debate ensued.

Question—put and negatived.

3 Ministerial Trade Delegation June 2017—Singapore, Hong Kong and Japan—MINISTERIAL STATEMENT—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning a ministerial trade delegation to Singapore, Hong Kong and Japan and presented the following paper:

Ministerial Trade Delegation June 2017—Singapore, Hong Kong and Japan—Ministerial statement, 3 August 2017.

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

Question—put and passed.

4 Cross-portfolio delegation—Singapore and Finland—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Deputy Chief Minister) made a ministerial statement concerning a cross‑portfolio delegation to Singapore and Finland and presented the following paper:

Cross-portfolio delegation to Singapore and Finland—Ministerial statement, 3 August 2017.

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

Question—put and passed.

5 Alexander Maconochie Centre—Accommodation for female detainees—MINISTERIAL STATEMENT—PAPER NOTED

Mr Rattenbury (Minister for Corrections) made a ministerial statement concerning accommodation for female detainees at the Alexander Maconochie Centre, pursuant to the Assembly resolution of 15 February 2017, and presented the following paper:

Alexander Maconochie Centre—Accommodation for female detainees—Ministerial statement, 3 August 2017.

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

Question—put and passed.

6 GAMING MACHINE AMENDMENT BILL 2017

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 2004*.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 August 2017.

Title read by Clerk.

Mr Ramsay 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.

7 Gaming Machine (Cash Facilities) Amendment Bill 2017

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 2004*, and for other purposes.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 August 2017.

Title read by Clerk.

Mr Ramsay 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.

8 Independent Legal Arbiters—Reports—Publication of papers

Ms Burch (Speaker), pursuant to notice, moved—That:

1. the report of the Independent Legal Arbiter appointed in relation to the call for the release of the AECOM Infrastructure Report be authorised for publication; and
2. the report of the Independent Legal Arbiter appointed in relation to the call for the release of certain agenda papers for the Public Housing Renewal Steering Committee be authorised for publication.

Question—put and passed.

9 Administration and Procedure—Standing Committee—REPORT 4—Code of Conduct for all Members of the Legislative Assembly for the Australian Capital Territory—Review—report adopted

The order of the day having been read for the resumption of the debate on the motion of Mr Wall—That the report be adopted, viz:

Administration and Procedure—Standing Committee—Report 4—*Code of Conduct for All Members of the Legislative Assembly for the Australian Capital Territory—Review—*

and on the amendment moved by Ms Cheyne: Add after the word “adopted”:

“with the following amendments to the proposed Code of Conduct detailed in recommendation 2:

(1) in paragraph (7), omit ‘, effective and economic’, substitute ‘and efficient’;

(2) omit paragraph (12)(c); and

(3) in paragraph (13), omit ‘materially impede their capacity to perform’, substitute ‘unreasonably impact on’”—

Amendment agreed to.

Question—That the motion, as amended, viz:

“That the report be adopted with the following amendments to the proposed Code of Conduct detailed in recommendation 2:

(1) in paragraph (7), omit ‘, effective and economic’, substitute ‘and efficient’;

(2) omit paragraph (12)(c); and

(3) in paragraph (13), omit ‘materially impede their capacity to perform’, substitute ‘unreasonably impact on’”—

be agreed to—put and passed.

10 Code of Conduct—Reaffirmation by Members

The order of the day having been read for the resumption of the debate on the motion of Ms Burch—That we, the Members of the Ninth Legislative Assembly for the Australian Capital Territory, having adopted a code of conduct for Members, reaffirm our commitment to the principles, obligations and aspirations of the code—

Question—put and passed.

11 Administration and Procedure—Standing Committee—REPORT 3—Commissioner for Standards Referral Process—REPORT ADOPTED

The order of the day having been read for the resumption of the debate on the motion of Ms Cheyne—That the report be adopted, viz:

Administration and Procedure—Standing Committee—Report 3—*Commissioner for Standards Referral Process*—

Question—put and passed.

12 Executive Members’ business—precedence

Ordered—That Executive Members’ business be called on forthwith.

13 Aboriginal and Torres Strait Islander People—Reconciliation and constitutional reform

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

1. notes:
   1. 27 May 2017 marked the 50 year anniversary of the 1967 referendum which required that Aboriginal and Torres Strait Islander people be counted in the census and gave the Commonwealth Parliament powers to make laws with respect to Aboriginal and Torres Strait Islander people;
   2. 3 June 2017 marked 25 years since the historic Mabo High Court decision which ended the false doctrine of Terra Nullius and recognised the rights of Aboriginal and Torres Strait Islander peoples over their lands;
   3. on 26 May 2017, delegates to the 2017 First Nations National Constitutional Convention released the Uluru Statement from the Heart, calling for the establishment of a First Nations Voice enshrined in the Australian Constitution and a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about Australian history;
   4. the Aboriginal and Torres Strait Islander Elected Body has been established by the ACT Government as an innovative and unique model underpinning Aboriginal and Torres Strait Islander community development and self-determination in the ACT;
   5. the theme for National Reconciliation Week, which ran from 27 May-3 June 2017, was “Let’s Take the Next Steps”; and
   6. NAIDOC Week (2-9 July 2017) will celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples, with a focus on the importance, resilience and richness of Aboriginal and Torres Strait Islander languages;
2. acknowledges and respects the continuing culture and contribution that Aboriginal and Torres Strait Islander people make to the life of this region;
3. affirms its commitment to the principles in the Statement of Commitment to Reconciliation and Wellbeing of Communities from the *ACT Aboriginal and Torres Strait Islander Agreement 2015-2018*, including:
   1. supporting the rights of Aboriginal and Torres Strait Islander peoples to freely determine their political status and to freely pursue their economic, social and cultural development in line with the right to self-determination;
   2. recognising the ongoing effects of trans-generational trauma, caused by past government policies, on members of the ACT Aboriginal and Torres Strait Islander community; and
   3. acknowledging and valuing local knowledge, expertise and contributions from the Aboriginal and Torres Strait Islander community, elders groups, service providers and the ACT Aboriginal and Torres Strait Islander Elected Body in order to meet the diverse needs of the community in a holistic and culturally appropriate way;
4. calls on the ACT Government to:
   1. continue to work in partnership with the Aboriginal and Torres Strait Islander community to achieve improved and equitable outcomes through strong connections to culture, supporting people through the justice system, expanding outreach and other health programs, and improving career opportunities;
   2. support efforts to progress the national conversation to reach a sincere and meaningful reconciliation with First Australians; and
   3. remain engaged with Commonwealth discussions regarding meaningful constitutional reform; and
5. calls on the Assembly to write to the Prime Minister and Commonwealth Minister for Indigenous Affairs to express the Assembly’s support for continuing and prioritising the national conversation about reconciliation and constitutional reform with First Australians.

Debate ensued.

Question—put and passed.

14 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly of the absence of Minister Fitzharris and advised the Assembly that, in addition to taking questions without notice on behalf of Mr Gentleman, questions without notice normally directed to Minister Fitzharris could be directed to Mr Barr.

15 QUESTIONS

Questions without notice were asked.

16 PRESENTATION OF PAPERs

The Speaker presented the following papers:

Reports of the Independent Arbiters—

AECOM Infrastructure Report, dated 16 June 2017—Prepared by Keith Mason AC QC.

Public Housing Renewal Steering Committee Agenda Papers—Disputed Claim of Privilege, dated 11 July 2017—Prepared by The Hon Richard Refshauge SC.

17 PRESENTATION OF PAPERs

Mr Barr (Treasurer) presented the following papers:

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Reports—

No 6 of 2017—Standing offer prices for the supply of electricity to small customers from 1 July 2017—Final Report, dated June 2017.

No 7 of 2017—Standing offer prices for the supply of electricity to small customers—Price Direction—1 July 2017 to 30 June 2020.

Auditor-General’s Report No 6/2016—Management and Administration of Credit Cards by ACT Government Entities—Progress of the Implementation of the Accepted or Partially Accepted Recommendations in the Government response—Government report.

18 PRESENTATION OF PAPERS

Mr Barr (Acting Minister for Planning and Land Management) presented the following papers:

Coroners Act, pursuant to subsection 57(5)—Report of Coroner—Inquest into the death of River Arama Parry—

Report, dated 4 November 2016.

Government response and a matter of public safety relating to home swimming pool safety barriers.

19 LEAVE OF ABSENCE TO MEMBERS

Ms Berry (Acting Manager of Government Business) moved—That leave of absence for today’s sitting be granted to Ms Fitzharris to attend interstate ministerial meetings, and Mr Pettersson on a personal matter.

Question—put and passed.

20 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Supporting single parents

The Assembly was informed that Ms Cheyne, Mrs Kikkert, Ms Le Couteur, Ms Orr, Mr Parton, Mr Steel and Mr Wall had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mr Steel be submitted to the Assembly, namely, “The importance of supporting single parents in the Canberra community”.

Discussion ensued.

Discussion concluded.

21 ENVIRONMENT AND TRANSPORT AND CITY SERVICES—Standing Committee—Consideration of Statutory Appointments—Statement by Chair—Paper

Ms Orr (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Environment and Transport and City Services.

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

Environment and Transport and City Services—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2017.

22 Environment and Transport and City Services—Standing Committee—INQUIRY—Management of A.C.T. cemeteries—STATEMENT BY CHAIR

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Environment and Transport and City Services had resolved to conduct an inquiry into and report on the management of ACT cemeteries.

23 Health, Ageing and Community Services—Standing Committee—Consideration of Statutory Appointments—Statement by Chair—Paper

Mr Steel (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Health, Ageing and Community Services.

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

Health, Ageing and Community Services—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 31 July 2017.

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

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

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

Planning and Urban Renewal—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2017.

25 Planning and Urban Renewal—Standing Committee—Petition—Curtin Group Centre—Draft Master Plan—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration of petition No 1-17 and the Minister’s response to the petition, the Standing Committee on Planning and Urban Renewal had determined not to conduct an inquiry into the matter at this time.

26 ADJOURNMENT

Ms Berry (Acting Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

The time for the debate having expired—

The Speaker, at 4.33 pm, adjourned the Assembly until Tuesday, 15 August 2017 at 10 am.

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

\*on leave

Tom Duncan

Clerk of the Legislative Assembly