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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 70

[**Thursday, 23 August 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20182308.pdf)

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**1** The Assembly met at 10 am, pursuant to adjournment. A quorum of Members not being present, the Speaker (Ms J. Burch) ordered the bells to be rung. A quorum having been formed, the Speaker 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 Bus services—Punctuality and evening and weekend services—MINISTERIAL STATEMENT—PAPER NOTED

Ms Fitzharris (Minister for Transport and City Services) made a ministerial statement concerning punctuality of bus services and evening and weekend services, pursuant to the resolutions of the Assembly of 11 April and 9 May 2018, and presented the following paper:

Bus services—Punctuality and evening and weekend services—Ministerial statement, 23 August 2018.

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

Question—put and passed.

3 Pathway to 4000 gaming machine authorisations and reducing gambling harm—MINISTERIAL STATEMENT and paper—PAPER NOTED

Mr Ramsay (Attorney-General) made a ministerial statement in relation to reducing gaming machine authorisations and gambling harm and presented the following papers:

Pathway to 4000 gaming machine authorisations and reducing gambling harm—Ministerial statement, 23 August 2018.

ACT Club Industry Diversification Support Analysis—Findings and recommendations, prepared by Neville Stevens AO, dated 4 June 2018.

Mr Ramsay moved—That the Assembly take note of the ministerial statement.

Debate ensued.

Question—put and passed.

4 Crimes (Restorative Justice) 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 *Crimes (Restorative Justice) Act 2004*, 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 21 August 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.

5 Red Tape Reduction Legislation Amendment Bill 2018

Mr Ramsay (Minister for Regulatory Services), pursuant to notice, presented a Bill for an Act to amend legislation for red tape reduction, 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 21 August 2018.

Title read by Clerk.

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

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

6 Sitting pattern 2019

Mr Gentleman (Manager of Government Business), pursuant to notice, moved—That:

(1) unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2019:

**February** 12 13 14

19 20 21

**March** 19 20 21

**April** 2 3 4

**May** 14 15 16

**June** 4 5 6

**July** 30 31

**August** 1

13 14 15

20 21 22

**September** 17 18 19

24 25 26

**October** 22 23 24

**November** 26 27 28; and

(2) unless the Assembly otherwise orders, the Assembly:

(a) will convene on 10 May 2019 at 10 am for a ceremonial sitting to commemorate the 30th anniversary of self-government for the Australian Capital Territory, being 11 May 1989; and

(b) notwithstanding the standing orders, the only business that will be considered by the Assembly at this sitting will be prayers and reflections, followed by consideration of notices and orders of the day that concern the 30th anniversary of self-government, and shall adjourn thereafter.

Debate ensued.

Question—put and passed.

7 Icon Water contracts with ActewAGL—Order to table

Mr Coe (Leader of the Opposition), pursuant to notice, moved—That, in accordance with standing order 213A, this Assembly orders the tabling of the Icon Water contracts with ActewAGL (Corporate Services Agreement and Customer Services and Community Support Agreement).

Debate ensued.

Question—put and passed.

8 Administration and Procedure—Standing Committee—REPORT 7—The Conduct of Miss C. Burch MLA—report noted

Ms Lee (Assistant Speaker), on behalf of the Speaker, presented the following report:

Administration and Procedure—Standing Committee—Report 7—*The Conduct of Miss C. Burch MLA,* dated 20 August 2018, together with a copy of the extracts of the relevant minutes of proceedings.

Mr Wall moved—That the report be noted.

Debate ensued.

*Papers:* Ms Cheyne, by leave, presented the following papers:

P-plate drivers—Curfew—Screen shots from Miss C. Burch’s social media posts (3).

Debate continued.

Question—put and passed.

9 Administration and Procedure—Standing Committee—MEMBERSHIP

Mr Rattenbury, pursuant to standing order 223, moved—That, notwithstanding the provisions of standing order 16, Mr Rattenbury be discharged from the Standing Committee on Administration and Procedure for the meeting scheduled for 6 September 2018 and that Ms Le Couteur be appointed in his place for that meeting.

Question—put and passed.

**10** **Environment and Transport and City Services—Standing Committee—Inquiry—Nature in Our City—Statement by Chair**

Miss C. Burch (Deputy Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Environment and Transport and City Services had resolved to extend the reporting date for its inquiry into nature in our city.

11 Appropriation Bill 2018-2019

The Assembly, according to order, resumed further consideration at the detail stage.

*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.12—City Renewal Authority—

Proposed expenditure agreed to.

Part 1.13—Legal Aid Commission (ACT)—agreed to.

Part 1.14—ICON Water Limited—debated and agreed to.

Part 1.15—Cultural Facilities Corporation—debated and agreed to.

Part 1.16—ACT Executive—debated and agreed to.

Part 1.17—ACT Gambling and Racing Commission—debated and agreed to.

Part 1.18—Public Trustee and Guardian—debated and agreed to.

Part 1.19—Independent Competition and Regulatory Commission—agreed to.

Total appropriated to territory entities—agreed to.

Part 1.20—Treasurer’s Advance—agreed to.

Total appropriations—agreed to.

Clauses 1 to 10, by leave, taken together and agreed to.

Title—debated and agreed to.

Question—That this Bill be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative—Bill agreed to.

**12 Appropriation (Office of the Legislative Assembly) Bill 2018-2019**

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.

**13** **Estimates 2018-2019—Select Committee—REPORT—Appropriation Bill 2018-2019 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2018‑2019—Report noted**

The order of the day having been read for the resumption of the debate on the motion of Mr Wall (Chair)—That the report be noted *(presented 31 July 2018)*, viz:

Estimates 2018-2019—Select Committee—Report—*Appropriation Bill 2018-2019 and Appropriation (Office of the Legislative Assembly) Bill 2018-2019*—

Question—put and passed.

14 EstimateS 2018-2019—Select Committee—REPORT—Appropriation Bill 2018‑2019 and Appropriation (Office of the Legislative Assembly) Bill 2018‑2019—GOVERNMENT RESPONSE—Paper noted

The order of the day having been read for the resumption of the debate on the motion of Mr Barr (Treasurer)—That the Assembly take note of the Government response to the report of the Select Committee on Estimates 2018-2019 *(presented 14 August 2018)*, viz:

Estimates 2018-2019—Select Committee—Report—*Appropriation Bill 2018-2019 and Appropriation (Office of the Legislative Assembly) Bill 2018-2019*—Government response, dated August 2018—

Question—put and passed.

15 QUESTIONS

Questions without notice were asked.

16 LEAVE OF ABSENCE TO MEMBER

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

Question—put and passed.

17 Financial Management Act—2017-18 Capital Works Program—Progress report—Paper and statement by Minister

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to subsection 30F(3)—2017-18 Capital Works Program—Progress report—Year-to-date 30 June 2018—

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

18 Alexander Maconochie Centre—Review of the Opioid Replacement Treatment Program—Report of the ACT Health Services Commissioner—Government response, and Coroner’s Report—Findings of Death of Steven Freeman—Government response—Papers and statement by Minister

Mr Rattenbury (Minister for Mental Health and Minister for Corrections) presented the following papers:

Alexander Maconochie Centre—Review of the Opioid Replacement Treatment Program—Report of the ACT Health Services Commissioner—Government response, dated 23 August 2018.

Coroner’s Report—Findings of Death of Steven Freeman—Government response—

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

19 PRESENTATION OF PAPERS

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

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

Legislation Act, pursuant to section 64—

Auditor-General Act—Auditor-General Acting Appointment 2018—Disallowable Instrument DI2018-225 (LR, 6 August 2018).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Interim Targets) Determination 2018—Disallowable Instrument DI2018-215 (LR, 6 August 2018).

Public Place Names Act—

Public Place Names (Moncrieff) Determination 2018—Disallowable Instrument DI2018-224 (LR, 6 August 2018).

Public Place Names (Taylor) Determination 2018 (No 4)—Disallowable Instrument DI2018-226 (LR, 9 August 2018).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People (Background Checking) Risk Assessment Guidelines 2018 (No 1)—Disallowable Instrument DI2018-223 (LR, 6 August 2018).

20 STANDING COMMITTEES—MEMBERSHIP

Ms Cheyne, pursuant to standing order 223, moved—That:

(1) Mr Steel be discharged from the Standing Committee on Education, Employment and Youth Affairs, and Ms Cheyne be appointed in his place;

(2) Mr Steel be discharged from the Standing Committee on Health, Ageing and Community Services; and

(3) Mr Steel be discharged from the Standing Committee on Justice and Community Safety, and that Mr Pettersson be appointed in his place.

Question—put and passed.

21 Veterinary Practice 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.

*Paper:* Ms Fitzharris (Minister for Transport and City Services) presented a revised explanatory statement to the Bill.

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

*Detail Stage*

Clauses 1 to 9, by leave, taken together and agreed to.

Clause 10—

Ms Fitzharris, pursuant to standing order 182A(b) and (c) was granted leave to move amendments that were in response to Scrutiny comments or minor and technical in nature.

On the motion of Ms Fitzharris, her amendment No 1 (*see* [Schedule 1](#Schedule1)) was made, after debate.

*Paper:* Ms Fitzharris presented a supplementary explanatory statement to the Government amendments.

Clause 10, as amended, agreed to.

Clauses 11 to 92, by leave, taken together and agreed to.

Clause 93—

On the motion of Mrs Dunne, her amendment No 1 (*see* [Schedule 2](#Schedule2)) was made, after debate.

Clause 93, as amended, agreed to.

Clauses 94 and 95, by leave, taken together and agreed to.

Clause 96—

On the motion of Ms Fitzharris, her amendment No 2 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 96, as amended, agreed to.

Clauses 97 to 107, by leave, taken together and agreed to.

Clause 108—

On the motion of Ms Fitzharris, her amendment No 3 (*see* [Schedule 1](#Schedule1)) was made, after debate.

Clause 108, as amended, agreed to.

Clauses 109 to 142, by leave, taken together and agreed to.

*New clause—*

On the motion of Ms Fitzharris, new clause 142A (her amendment No 4—*see* [Schedule 1](#Schedule1)) was inserted in the Bill, after debate.

Clauses 143 to 145, by leave, taken together and agreed to.

Clause 146—

On the motion of Ms Fitzharris (Minister for Transport and City Services), by leave, her amendments Nos 5 and 6 (*see* [Schedule 1](#Schedule1)) were made together, after debate.

Clause 146, as amended, agreed to.

*New clause—*

On the motion of Ms Fitzharris, new clause 146A (her amendment No 7—*see* [Schedule 1](#Schedule1)) was inserted in the Bill, after debate.

Remainder of Bill, by leave, taken as a whole–

On the motion of Ms Fitzharris, her amendment No 8 (*see* [Schedule 1](#Schedule1)) was made, after debate.

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

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

22 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 4.50 pm, adjourned until Tuesday, 18 September 2018 at 10 am.

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

\*on leave

Tom Duncan

Clerk of the Legislative Assembly

**SCHEDULES OF AMENDMENTS**

**Schedule 1**

**VETERINARY PRACTICE BILL 2018**

Amendments circulated by the Minister for Transport and City Services

1. Clause 10 (3) (a) and (b)  
   Page 6, line 23—

omit

1. Clause 96 (2)  
   Page 65, line 19—

omit clause 96 (2), substitute

(2) The Minister must also seek advice, and nominations, from declared professional bodies and any other entities the Minister considers suitable to give advice, and make nominations, in relation to the board.

Examples—entities suitable to give advice

* academic institutions
* industry representatives

1. Proposed new clause 108 (2)  
   Page 72, line 21—

insert

(2) The board must not delegate the board’s decision-making power under any of the following:

(a) section 60 (Board may dismiss certain complaints);

(b) section 61 (Decision on completion of investigation);

(c) section 62 (Indication that offence committed);

(d) section 65 (Application to ACAT for occupational discipline).

1. Proposed new clause 142A  
   Page 95, line 7—

insert

142A Declared professional bodies

(1) The Minister may declare an entity to be a professional body for—

(a) section 96 (2) (Consultation about appointment to board); and

(b) section 146 (1A) (Regulation-making power).

(2) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

1. Proposed new clause 146 (1A)  
   Page 96, line 8—

insert

(1A) The Executive must consult with declared professional bodies before making a regulation under this Act.

1. Clause 146 (3)  
   Page 96, line 12—

omit

1. Proposed new clause 146A  
   Page 97, line 8—

insert

146A Review of Act

(1) The Minister must review the operation of this Act as soon as practicable after the end of its 5th year of operation.

(2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.

(3) This section expires 6 years after the day it commences.

1. Dictionary, proposed new definition of *declared professional body*  
   Page 126, line 18—

insert

***declared professional body*** means an entity declared by the Minister under section 142A.

**Schedule 2**

**VETERINARY PRACTICE BILL 2018**

Amendment circulated by Mrs Dunne

1  
Proposed new clause 93 (4)  
Page 64, line 22—

insert

(4) The members mentioned in subsection (1) (c) and (d) must live in the ACT.