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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 28

[**Thursday, 24 August 2017**](http://www.hansard.act.gov.au/hansard/2017/pdfs/20170824.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 PETITION—Statements by MemberS—STATEMENT BY MINISTER

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Wall, from 998 residents, requesting that the Assembly call on the ACT Chief Minister and the ACT Education Minister to stop any and all current and future ACT Government support and funding to the Safe Schools Coalition program (Pet 21-17).

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

Mr Wall, Ms Berry (Minister for Education and Early Childhood Development), Ms Le Couteur and Mrs Kikkert, by leave, made statements in relation to the petition.

3 STANDING COMMITTEES—REFERENCE—2015-2016 ANNUAL AND FINANCIAL REPORTS—Amendment to resolution

Order of the day, Assembly business, relating to the presentation of reports on annual and financial reports for the calendar year 2016, having been called on—

Mr Pettersson, by leave, moved—That, noting the standing order 246A statement of the Standing Committee on Education, Employment and Youth Affairs on 8 June 2017, the resolution of the Assembly of 16 February 2017, which referred specified annual and financial reports for the calendar years 2015 and 2016 and the financial year 2015-2016 to standing committees, be amended by omitting all references to the University of Canberra.

Question—put and passed.

4 Public housing properties—Improvements to the Total Facilities Management Contract for the provision of maintenance services—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Housing and Suburban Development) made a ministerial statement concerning improvements to the Total Facilities Management Contract for the provision of maintenance services to public housing properties and presented the following paper:

Public housing properties—Improvements to the Total Facilities Management Contract for the provision of maintenance services—Ministerial statement, 24 August 2017.

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

Debate ensued.

Question—put and passed.

5 Tree Protection Amendment Bill 2017

Ms Fitzharris (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend the *Tree Protection Act 2005*.

*Papers:* Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 22 August 2017.

Title read by Clerk.

Ms Fitzharris 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.

6 Planning and Development Amendment Bill 2017

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*.

*Papers:* Mr Gentleman presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 23 August 2017.

Title read by Clerk.

Mr Gentleman 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.

7 Casino (Electronic Gaming) Bill 2017

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to regulate electronic gaming in the casino, 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 23 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 Crimes (Food or Drink Spiking) Amendment Bill 2017

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 22 August 2017.

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.

9 Statute Law Amendment Bill 2017

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation for the purpose of statute law revision.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 23 August 2017.

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.

10 Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2017

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to notice, presented a Bill for an Act to enable the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to be given effect within the ACT.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 22 August 2017.

Title read by Clerk.

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

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

11 LAPSE OF NOTICE

Upon notice No 1, Assembly business, being called on and the Member not being present, pursuant to standing order 127, it was withdrawn from the *Notice Paper*.

12 Executive Members’ business—precedence

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

13 Refugees and asylum seekers—Resettlement

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

1. acknowledges the ACT Government’s ongoing commitment to upholding the human rights of refugees and asylum seekers, by reaffirming that:
   1. the ACT is the only Australian State or Territory to have declared itself a Refugee Welcome Zone, and is one of 148 Refugee Welcome Zones across Australia—including councils and shires from every State. As a Refugee Welcome Zone we welcome refugees in our community, act to uphold their human rights, demonstrate compassion for refugees, and work to enhance our cultural and religious diversity; and
   2. the ACT is proud to be part of the Safe Haven Enterprise Visa Scheme. This underlines the commitment of both the ACT Government and the broader community to welcoming and supporting refugees and asylum seekers;
2. notes that:
   1. the Manus Island detention facility and the Nauru Regional Processing Centre have been unequivocally shown, via multiple reports from reputable sources, including the United Nations, to be extremely unsafe and inappropriate places, yet over 2000 refugees—including 169 children—have been imprisoned for four years in these inhumane and degrading conditions;
   2. refugees in these processing centres have been subjected to violent attacks, sexual violence, inadequate medical care, and harassment of mothers, fathers and children as young as six;
   3. the United Nations has repeatedly criticised Australia’s treatment of refugees and asylum seekers including by saying: “The consensus among medical experts is that conditions of detention and offshore processing do immense damage to physical and mental health” and “[T]he Rapporteur concludes that there is substance in the allegations… that the Government of Australia, by failing to provide adequate detention conditions; end the practice of detention of children; and put a stop to the escalating violence and tension at the Regional Processing Centre, has violated the right of the asylum seekers, including children, to be free from torture or cruel, inhuman or degrading treatment…”;
   4. on 8 August 2017, the UNHCR said it “is gravely concerned by deteriorating conditions at the Manus Island ‘Regional Processing Centre’, as authorities seek to relocate people to Lorengau or elsewhere in Papua New Guinea. The announcement of the closure of the Centre, in the absence of appropriate alternatives, is causing acute distress among refugees and asylum-seekers”; and
   5. it is past time for this damaging, cruel and inhumane policy to end;
3. writes to the Federal Government, requesting that it:
   1. immediately removes all refugees and asylum seekers from Manus Island and Nauru; and
   2. brings all refugees and asylum seekers to Australia to be resettled in Australia’s 148 Refugee Welcome Zones where they can build new lives within this network of compassionate and caring communities committed to upholding their rights; and
4. declares that the ACT Government is willing and ready to settle refugees and asylum seekers from Manus Island and Nauru in Canberra as part of a national program of resettlement.

Debate ensued.

Question—put and passed.

14 Health, Ageing and Community Services—Standing Committee—REPORT 2—Inquiry into the Employment of People with Disabilities—report noted

Mr Steel (Chair) presented the following report:

Health, Ageing and Community Services—Standing Committee—Report 2—*Inquiry into the Employment of People with Disabilities,* dated 24 August 2017, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

15 Education, Employment and Youth Affairs—Standing Committee—Consideration of Statutory Appointments—Statement by Chair—Paper

Mr Pettersson (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Education, Employment and Youth Affairs.

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

Education, Employment and Youth Affairs—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2017.

16 Executive business—precedence

Ordered—That Executive business be called on forthwith.

17 Appropriation Bill 2017-2018

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

*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.15—Justice and Community Safety Directorate—

Debate continued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

18 QUESTIONS

Questions without notice were asked.

19 Inner South accessible bus services to Manuka—STATEMENT BY MEMBER—Paper

Ms Lee, by leave, made a statement regarding an answer given by the Minister yesterday concerning Inner South accessible bus services to Manuka and, by leave, presented the following paper:

Accessible transport options—Screenshot from Transport Canberra’s website.

20 Economic Development and Tourism—Standing Committee—Report 1, Justice and Community Safety—Standing Committee—Report 1 and Public Accounts—Standing Committee—Report 1—Speaker’s response

The Speaker presented the following paper:

Economic Development and Tourism—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*, Justice and Community Safety—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016* and Public Accounts—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*—Speaker’s response, dated 23 August 2017.

21 Presentation of Papers

Mr Barr (Treasurer) presented the following papers:

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General’s Report No 3/2017—2015-16 Financial Audits—Computer Information Systems—Government response.

Financial Management Act, pursuant to subsection 30F(3)—2016-17 Capital Works Program—Progress report—Year-to-date 30 June 2017.

22 SCHOOLS FOR ALL—Implementation of the recommendations of the Expert Panel on Students with Complex Needs and Challenging Behaviour—report—PAPER AND STATEMENT BY MINISTER

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

Schools for All—Implementation of the recommendations of the Expert Panel on Students with Complex Needs and Challenging Behaviour—Report—May 2017, dated June, 26 June and 17 August 2017—

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

23 PRESENTATION OF PAPER

Ms Berry (Minister for Housing and Suburban Development) presented the following paper:

Vacant Properties in the ACT—Taxation, dated August 2017, pursuant to the resolution of the Assembly of 22 March 2017.

24 PRESENTATION OF PAPER

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

ACT Heritage Council Assessments, dated August 2017, pursuant to the resolution of the Assembly of 22 March 2017.

25 Presentation of Paper

Mr Gentleman (Minister for Planning and Land Management) presented the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 April to 30 June 2017.

26 PRESENTATION OF PAPER

Mr Ramsay (Attorney-General) presented the following paper:

Estimates 2017-2018—Select Committee—Report—*Appropriation Bill 2017-2018 and Appropriation (Office of the Legislative Assembly) 2017-2018*—Response to Recommendation 85—Update on Progress of the Courts Construction Project, dated August 2017.

27 PRESENTATION OF PAPER

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety) presented the following paper:

Estimates 2017-2018—Select Committee—Report—*Appropriation Bill 2017-2018 and Appropriation (Office of the Legislative Assembly) 2017-2018*—Answer to Recommendation 79—Structure of the Human Rights Commission.

28 Appropriation Bill 2017-2018

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

*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.15—Justice and Community Safety Directorate—

Debate continued.

Proposed expenditure agreed to.

Part 1.16—Legal Aid Commission (ACT)—debated and agreed to.

Part 1.17—Public Trustee and Guardian—debated and agreed to.

Part 1.18—Superannuation Provision Account—debated and agreed to.

Part 1.19—Transport Canberra and City Services Directorate—debated and agreed to.

Total appropriated to Territory entities—agreed to.

Part 1.20—Treasurer’s Advance—debated and agreed to.

Total appropriations—agreed to.

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

Title agreed to.

Question—That this Bill be agreed to—put.

The Assembly voted—

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| AYES, 13 | |  | NOES, 9 | |
| Mr Barr | Ms Le Couteur |  | Mr Coe | Mr Parton |
| Ms Berry | Ms Orr |  | Mr Hanson | Mr Wall |
| Ms Burch | Mr Pettersson |  | Mrs Jones |  |
| Ms Cheyne | Mr Ramsay |  | Mrs Kikkert |  |
| Ms Cody | Mr Rattenbury |  | Ms Lawder |  |
| Ms Fitzharris | Mr Steel |  | Ms Lee |  |
| Mr Gentleman |  |  | Mr Milligan |  |

And so it was resolved in the affirmative.

29 Appropriation (Office of the Legislative Assembly) Bill 2017-2018

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.

The debate having been closed by the reply of the mover—Mr Coe (Leader of the Opposition), by leave, addressed the Assembly.

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.

**30** **Estimates 2017-2018—Select Committee—REPORT—Appropriation Bill 2017‑2018 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2017‑2018—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 1 August 2017)*, viz:

Estimates 2017-2018—Select Committee—Report—*Appropriation Bill 2017-2018 and Appropriation (Office of the Legislative Assembly) Bill 2017-2018*—

Question—put and passed.

31 EstimateS 2017-2018—Select Committee—REPORT—Appropriation Bill 2017‑2018 and Appropriation (Office of the Legislative Assembly) Bill 2017‑2018—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 takes note of the paper *(presented 15 August 2017)*, viz:

Estimates 2017-2018—Select Committee—Report—*Appropriation Bill 2017-2018 and Appropriation (Office of the Legislative Assembly) Bill 2017-2018*—Government response—

Debate resumed.

Question—put and passed.

32 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 6.09 pm, adjourned until Tuesday, 12 September 2017 at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Mr Doszpot\*, Mrs Dunne\* and Ms Stephen-Smith\*.

\*on leave

Tom Duncan

Clerk of the Legislative Assembly