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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 64

[**Thursday, 2 August 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20180208.pdf)

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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 Betting Operations Tax Bill 2018

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act for a betting operations tax, 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 1 August 2018.

Title read by Clerk.

Mr Barr 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.

3 Courts and Other Justice Legislation Amendment Bill 2018 (No 2)

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about courts, 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 2018.

Title read by Clerk.

Mr Ramsay 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.

4 Government Procurement (Secure Local Jobs) Amendment Bill 2018

Ms Stephen-Smith (Minister for Workplace Safety and Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Government Procurement Act 2001*.

*Papers:* Ms Stephen-Smith presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 August 2018.

Title read by Clerk.

Ms Stephen-Smith 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.

*Public Accounts—Standing Committee—Proposed reference—Government Procurement (Secure Local Jobs) Amendment Bill 2018*: Mr Wall moved—That:

(1) the Government Procurement (Secure Local Jobs) Amendment Bill 2018 be referred to the Standing Committee on Public Accounts for inquiry and report, pursuant to standing order 174; and

(2) the Standing Committee on Public Accounts report back to the Assembly on this inquiry by no later than 25 October 2018.

Debate ensued.

Debate adjourned (Ms Le Couteur) and the resumption of the debate made an order of the day for a later hour this day.

5 End of Life Choices in the A.C.T.—Select Committee—Amendment to resolution

Ms Cheyne, pursuant to notice, moved—That the resolution of the Assembly of 30 November 2017, which established the Select Committee on End Of Life Choices in the ACT be amended by adding the following paragraph:

“(8) notwithstanding the provisions of standing order 241, Committee considerations do not preclude Members from publicly discussing Territory rights, including the current Federal legislative restriction on voluntary assisted dying, to allow all Members to comply with that contained within (4) of the unanimously passed *Voluntary Assisted Dying* motion of 1 November 2017.”.

Debate ensued.

Question—put.

The Assembly voted—

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| AYES, 13 | |  | NOES, 10 | |
| Mr Barr | Ms Orr |  | 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 |  |
| Mr Gentleman | Ms Stephen-Smith |  | Ms Lawder |  |
| Ms Le Couteur |  |  | Ms Lee |  |

And so it was resolved in the affirmative.

6 Executive Members’ business—precedence

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

7 National Energy Guarantee

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

1. notes:
   1. all parties in this Assembly support the ACT Government taking a leadership role in addressing climate change, and support the targets of 100 percent renewable electricity by 2020, 40 percent reduction of greenhouse gas emissions (on 1990 levels) by 2020, and net zero emissions by 2045; and
   2. the Federal Government’s proposed National Energy Guarantee (NEG) has been broadly criticised for:
      1. its weak emissions reduction target that is incompatible with the Paris Climate Agreement commitment;
      2. its predicted negative impact on the renewable energy sector;
      3. its failure to recognise the additionality of state and territory renewable energy targets;
      4. its likely poor economic outcomes for Australian consumers and the Australian economy; and
      5. the likelihood it will be used as a “Trojan horse” for policies to prop up Australia’s coal industry; and
2. calls on the ACT Government to:
   1. use the upcoming Energy Council meeting to advocate for improvements to the NEG; and
   2. only support a national energy policy that addresses the above shortcomings, and that will genuinely help the National Energy Market transition to a more modern, sustainable, affordable, and reliable system.

Debate ensued.

Question—put and passed.

8 PUBLIC ACCOUNTS—Standing Committee—Proposed reference—Government Procurement (Secure Local Jobs) Amendment Bill 2018

The order of the day having been read for the resumption of the debate on the motion of Mr Wall (*see* [entry 4](#Entry4))—

Debate resumed by Mr Gentleman (Manager of Government Business), who moved the following amendment: Omit “25 October 2018”, substitute “end September 2018”.

Debate continued.

Debate adjourned (Mr Barr—Treasurer) and the resumption of the debate made an order of the day for a later hour this day.

**9** **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 July 2017 to 30 June 2018.

**10 Environment and Transport and City Services—Standing Committee—INQUIRY—A.C.T. Libraries—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 current and future need for library sites and the best, most cost-effective model of library services points.

**11 Environment and Transport and City Services—Standing Committee—FARRER—DEVELOPMENT AND IMPLEMENTATION OF A STRATEGIC PLAN FOR ENHANCED COMMUNITY FACILITIES—PetitionS—STATEMENT BY CHAIR**

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Environment and Transport and City Services of petitions 13-17 and 16-17 concerning the allocation of resources to develop a strategic plan to enhance community facilities in Farrer, and the Minister’s response, the Committee had determined not to hold an inquiry into the matters raised in these petitions, but will continue to examine funding for community facilities through the annual reports process.

**12 Environment and Transport and City Services—Standing Committee—Mount Taylor—Improved motorist, cyclist and pedestrian safety—Petition—STATEMENT BY CHAIR**

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Environment and Transport and City Services of petition 18-17 concerning improved motorist, cyclist and pedestrian safety at Mount Taylor, and the Minister’s response, the Committee had determined not to hold an inquiry into the matters raised in this petition.

**13 Environment and Transport and City Services—Standing Committee—TUGGERANONG—aNKETELL sTREET—REROUTING OF BUSES TO COWLISHAW STREET—Petition—STATEMENT BY CHAIR**

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Environment and Transport and City Services of petition 26-17 concerning the rerouting of business from Anketell Street to Cowlishaw Street in Tuggeranong, and the Minister’s response, the Committee had determined not to hold an inquiry into the matters raised in the petition, but will continue to monitor the public transport system through the annual reports process.

**14 Environment and Transport and City Services—Standing Committee—Lake Burley Griffin and surrounds—Heritage protection—Petition—STATEMENT BY CHAIR**

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Environment and Transport and City Services of petition 30-17 concerning heritage protection of Lake Burley Griffin and surrounds, and the Minister’s response, the Committee had determined not to hold an inquiry into the matter at this time.

**15 Environment and Transport and City Services—Standing Committee—Torrens—Upgrade to playground—Petition—STATEMENT BY CHAIR**

Ms Orr (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Environment and Transport and City Services of petition 31-17 concerning an upgrade to a playground next to the Torrens shops, and the Minister’s response, the Committee had determined not to hold an inquiry into the matters raised in the petition, but will continue to examine funding for playgrounds through the annual reports process.

16 Senior Practitioner 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 Stephen-Smith (Minister for Disability, Children and Youth) presented a revised explanatory statement to the Bill.

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 Ms Stephen-Smith, by leave, her amendments Nos 1 to 4 (*see* [Schedule 1](#Schedule1)) were made together.

*Paper:* Ms Stephen-Smith 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.

17 Administration and Procedure—Standing Committee—MEMBERSHIP

Mr Gentleman (Manager of Government Business), pursuant to standing order 223, moved—That, notwithstanding the provisions of standing order 16, Ms Cheyne be discharged from the Standing Committee on Administration and Procedure for the meeting scheduled for 13 August 2018 and that Mr Steel be appointed in her place for that meeting.

Question—put and passed.

18 PUBLIC ACCOUNTS—Standing Committee—Proposed reference—Government Procurement (Secure Local Jobs) Amendment Bill 2018—Economic Development and Tourism—Standing Committee—Reference—Government Procurement (Secure Local Jobs) Amendment Bill 2018

The order of the day having been read for the resumption of the debate on the motion of Mr Wall (*see* [entry 4](#Entry4)), and on the amendment moved by Mr Gentleman (Manager of Government Business) (*see* [entry 8](#Entry8))—

Debate resumed by Mr Gentleman, who, by leave, withdrew his amendment.

Ms Cheyne moved the following amendment: Omit all words after “That”, substitute:

“(1) the Government Procurement (Secure Local Jobs) Amendment Bill 2018 be referred to the Standing Committee on Economic Development and Tourism for inquiry and report, pursuant to standing order 174;

(2) the Standing Committee on Economic Development and Tourism report back to the Assembly this inquiry by no later than the end of September 2018; and

(3) that Standing Committee on Economic Development and Tourism may table its report into this inquiry when the Assembly is not sitting.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That:

(1) the Government Procurement (Secure Local Jobs) Amendment Bill 2018 be referred to the Standing Committee on Economic Development and Tourism for inquiry and report, pursuant to standing order 174;

(2) the Standing Committee on Economic Development and Tourism report back to the Assembly this inquiry by no later than the end of September 2018; and

(3) that Standing Committee on Economic Development and Tourism may table its report into this inquiry when the Assembly is not sitting.”—

be agreed to—put and passed.

19 MINISTERIAL ARRANGEMENTS

Mr Barr (Chief Minister) informed the Assembly that, due to the absence of Minister Ms Fitzharris, questions without notice normally directed to the Minister for Health and Wellbeing, the Minister for Transport and City Services and the Minister for Higher Education, Training and Research could be directed to Minister Rattenbury, Minister Gentleman and the Chief Minister, respectively.

20 QUESTIONS

Questions without notice were asked.

21 PRESENTATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act, pursuant to subsection 17(4)—Auditor-General’s Report No 9/2018—ACT Health’s management of allegations of misconduct and complaints about inappropriate workplace behaviour, dated 1 August 2018.

22 PLANNING AND DEVELOPMENT ACT—STATEMENT by Minister—Call-in powers—DEVELOPMENT APPLICATION NO 201833501—Block 6 Section 79 Giralang—PAPER AND STATEMENT BY MINISTER

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

Planning and Development Act, pursuant to subsection 161(2)—Statement by Minister—Call-in powers—Development application No 201833501—Block 6 Section 79 Giralang, dated 24 July 2018—

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

**23** **Presentation of paper**

Ms Stephen-Smith (Minister for Disability, Children and Youth) presented the following paper:

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time, dated 14 June 2018.

24 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 2016-17—Seventh Report to the A.C.T. Government—Government response—PAPER AND STATEMENT BY MINISTER

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) presented the following paper:

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 2016-17—Seventh Report to the ACT Government—Government response—

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

25 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Children’s education—Informed choice by parents

The Assembly was informed that Miss C. Burch, Ms Cheyne, Ms Cody, Mrs Dunne, Mrs Kikkert, Ms Lee, Ms Orr, Mr Parton and Mr Steel 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 Ms Lee be submitted to the Assembly, namely, “The importance of all parents having an informed choice in determining their children’s education”.

Discussion ensued.

Discussion concluded.

26 Animal Diseases Amendment 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.

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.

27 Stock Amendment 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.

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.

28 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 5.37 pm, adjourned until Tuesday, 14 August 2018 at 10 am.

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

\*on leave

Tom Duncan

Clerk of the Legislative Assembly

**SCHEDULE OF AMENDMENTS**

**Schedule 1**

**SENIOR PRACTITIONER BILL 2018**

Amendments circulated by the Minister for Disability, Children and Youth

**1  
Clause 31 (5)  
Page 26, line 13—**

*omit*

complainant’s

*substitute*

relevant person’s

**2  
Clause 31 (5)  
Page 26, line 14—**

*omit*

complainant

*substitute*

relevant person

**3  
Proposed new clause 31 (6)  
Page 26, line 17—**

*insert*

(6) In this section:

***relevant person*** means—

(a) a person who is the subject of a positive behaviour support plan about which a complaint is made; or

(b) a person who is subject to a restrictive practice about which a complaint is made; or

(c) if a complainant is not a person mentioned in paragraph (a) or (b)—the complainant.

**4  
Schedule 1, item 5, column 4  
Page 44—**

*omit schedule 1, item 5, column 4, substitute*

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| --- |
| person the subject of plan  provider responsible for cancelled plan |