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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 35

[**Tuesday, 24 October 2017**](http://www.hansard.act.gov.au/hansard/2017/pdfs/20171024.pdf)

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**1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms 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 Absence of Clerk

The Speaker informed the Assembly that, due to the absence of the Clerk on Assembly business for this sitting period, the Deputy Clerk will act as Clerk for the duration of the Clerk’s absence.

3 PETITION AND MINISTERIAL RESPONSE—Statement by Member

**Petition**

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

Ms Lee, from 438 residents, requesting that the Assembly call upon the Territory Government to establish an ACTION bus service to directly link Deakin, Kingston and Manuka (Pet 22-17).

**Ministerial response**

The Acting Clerk announced that the following response to petitions had been lodged:

Ms Fitzharris (Minister for Transport and City Services), dated 5 October 2017—Response to petitions Nos 13-17 and 16-17, lodged by Mr Steel on 1 August 2017, concerning the development and implementation of a strategic plan for integrated, appropriate and environmentally sensitive community facilities in Farrer.

Ms Lee, by leave, made a statement in relation to the petition.

4 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 10—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 10*,* dated 17 October 2017, together with the relevant minutes of proceedings—

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

5 LEAVE OF ABSENCE TO MEMBERs

Mr Gentleman (Manager of Government Business) moved—That leave of absence be granted to Mr Milligan and Mr Pettersson for this sitting week to attend the CPA Regional Conference, and to Mrs Kikkert for today’s sitting for family reasons.

Question—put and passed.

6 VALEDICTORY

Mr Doszpot, by leave, made a statement advising Members of his intention to resign from the Assembly on 5 December 2017.

Mr Barr (Chief Minister), Mr Coe (Leader of the Opposition), Ms Le Couteur, Ms Lawder, Mr Wall, Mrs Dunne, Mr Hanson, Mrs Jones, Ms Lee, Mr Parton, Ms Berry (Deputy Chief Minister), Ms Fitzharris (Minister for Health and Wellbeing) and Ms Orr, by leave, also made statements.

7 QUESTIONS

Questions without notice were asked.

8 QUESTIONs ON NOTICE NOs 604 and 619—ANSWERs—EXPLANATION—Explanation noted

Mrs Dunne, pursuant to standing order 118A, asked Mr Rattenbury (Minister for Mental Health) for an explanation concerning the answers to questions on notice Nos 604 and 619.

Mr Rattenbury gave an explanation.

Mrs Dunne, pursuant to standing order 118A(b), moved—That the Assembly take note of the explanation.

Question—put and passed.

9 QUESTION ON NOTICE NO 442—ANSWER—EXPLANATION

Mr Coe (Leader of the Opposition), pursuant to standing order 118A, asked Ms Fitzharris (Minister for Transport and City Services) for an explanation concerning the answer to question on notice No 442.

Ms Fitzharris gave an explanation.

10 QUESTION ON NOTICE NO 667—ANSWER—EXPLANATION

Ms Lawder, pursuant to standing order 118A, asked Mr Barr (Chief Minister) for an explanation concerning the answer to question on notice No 667.

Mr Barr gave an explanation.

11 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual reports 2016-2017—

ACT Auditor-General—Report No 9/2017, dated 12 October 2017.

ACT Electoral Commission, dated 8 September 2017.

ACT Ombudsman, dated 1 October 2017.

Office of the Legislative Assembly, dated October 2017.

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 8/2017—Selected ACT Government agencies’ management of public art, dated 12 October 2017.

Standing order 191—Amendments to:

Planning and Development Amendment Bill 2017, dated 22 September 2017.

Statute Law Amendment Bill 2017, dated 22 September 2017.

12 PRESENTATION OF PAPERS

Mr Barr (Chief Minister) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports 2016-2017—

Chief Minister, Treasury and Economic Development Directorate (4 volumes), dated 20 September 2017.

ACT Public Service—State of the Service Report (incorporating the Head of Service, ACT Public Service Workforce and ACT Public Sector), dated 4 October 2017.

Trans-Tasman Mutual Recognition Act, pursuant to section 7—

Trans-Tasman Mutual Recognition (Container Deposit Scheme) Endorsement 2017 (No 1)—Notifiable instrument NI2017-514, dated 6 October 2017.

Mutual Recognition (Container Deposit Scheme) Notice 2017 (No 1)—Notifiable instrument NI2017-515, dated 19 October 2017.

13 PRESENTATION OF PAPERS

Mr Barr (Treasurer) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports 2016-2017—

Australian Capital Territory Insurance Authority, dated 5 October 2017.

Icon Water Limited, dated 27 September 2017.

Independent Competition and Regulatory Commission—Report 9 of 2017, dated 29 September 2017.

14 Presentation of paper

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Education Directorate, dated 22 September 2017.

15 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Land Development Agency, dated 3 October 2017.

16 Auditor-General Act—Auditor-General’s Report No 7/2017—Public Housing Renewal Program—Government response—PAPER AND STATEMENT BY MINISTER

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

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General’s Report No 7/2017—Public Housing Renewal Program—Government response—

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

17 PRESENTATION OF PAPERS

Ms Fitzharris (Minister for Health and Wellbeing) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports—

2015-2016—Health Directorate—Corrigendum, dated October 2017.

2016-2017—Health Directorate, dated 4 October 2017.

*Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* (Queensland—Act No 32 of 2017).

18 PRESENTATION OF PAPERs

Ms Fitzharris (Minister for Transport and City Services) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Transport Canberra and City Services Directorate (2 volumes), including the ACT Public Cemeteries Authority, dated 3 October 2017.

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General’s Report No 5/2017—Maintenance of Selected Road Infrastructure Assets—Government response.

19 PRESENTATION OF PAPER

Ms Fitzharris (Minister for Higher Education, Training and Research) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—ACT Building and Construction Industry Training Fund Authority, dated 13 September 2017.

20 PRESENTATION OF PAPERS

Mr Gentleman (Minister for Police and Emergency Services) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—ACT Policing, dated 29 September 2017, in accordance with the Policing Arrangement between the Commonwealth and Australian Capital Territory Governments.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—Annual Report 2016-17—ACT Policing Controlled Operations, dated 31 August 2017, together with a corrigendum to the Report.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—Annual Report 2016-17—ACT Policing Surveillance Devices, dated 31 August 2017, together with a corrigendum to the Report.

21 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Environment, Planning and Sustainable Development Directorate, dated 18 September 2017.

22 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports 2016-2017—

Director of Public Prosecutions, dated 6 October 2017.

Justice and Community Safety Directorate, dated 6 October 2017.

Legal Aid Commission (ACT), dated 15 September 2017.

Public Trustee and Guardian for the ACT, dated 5 October 2017, together with a corrigendum to the Report.

23 PRESENTATION OF PAPER

Mr Ramsay (Minister for Regulatory Services) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—ACT Gambling and Racing Commission, dated 19 September 2017.

24 PRESENTATION OF PAPER

Mr Ramsay (Minister for the Arts and Community Events) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Cultural Facilities Corporation, dated 4 October 2017.

25 PRESENTATION OF PAPERS

Mr Rattenbury (Minister for Climate Change and Sustainability) presented the following papers:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 19(4)—Climate Change Council annual report 2016-17.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Office of the Commissioner for Sustainability and the Environment, dated 29 August 2017.

26 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—ACT Human Rights Commission, dated 6 October 2017.

Office of the National Rail Safety Regulator—Annual report 2016-2017.

27 Auditor-General Act—Auditor-General’s Report No 6/2017—Mental Health Services—Transition from Acute Care—Government response—PAPER AND STATEMENT BY MINISTER

Mr Rattenbury (Minister for Mental Health) presented the following paper:

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General’s Report No 6/2017—Mental Health Services—Transition from Acute Care—Government response—

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

28 PRESENTATION OF PAPER

Ms Stephen-Smith (Minister for Community Services and Social Inclusion) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Community Services Directorate, dated 19 September 2017.

29 PRESENTATION OF PAPER

Ms Stephen-Smith (Minister for Workplace Safety and Industrial Relations) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2016-2017—Long Service Leave Authority, dated 18 September 2017.

30 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—

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2017 (No 3)—Disallowable Instrument DI2017-235 (LR, 21 September 2017).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement Method) Determination 2017—Disallowable Instrument DI2017-250 (LR, 3 October 2017).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 13)—Disallowable Instrument DI2017-236 (LR, 21 September 2017).

Duties Act—

Duties (Corporate Reconstruction Transaction Guidelines) Determination 2017 (No 1)—Disallowable Instrument DI2017-229 (LR, 14 September 2017).

Duties (Intergenerational Rural Transfer Guidelines) Determination 2017 (No 1)—Disallowable Instrument DI2017-230 (LR, 14 September 2017).

Electoral Act—Electoral Commission (Acting Electoral Commissioner) Appointment 2017 (No 2)—Disallowable Instrument DI2017-245 (LR, 21 September 2017).

Emergencies Act—Emergencies (Bushfire Council Members) Appointment 2017 (No 1)—Disallowable Instrument DI2017-233 (LR, 14 September 2017).

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2017, including a regulatory impact statement—Disallowable Instrument DI2017-251 (LR, 3 October 2017).

Official Visitor Act—Official Visitor (Children and Young People) Appointment 2017 (No 1)—Disallowable Instrument DI2017-225 (LR, 14 September 2017).

Public Place Names Act—Public Place Names (Taylor) Determination 2017 (No 3)—Disallowable Instrument DI2017-244 (LR, 21 September 2017).

Public Sector Management Act—Public Sector Management Amendment Standards 2017 (No 2)—Disallowable Instrument DI2017-246 (LR, 21 September 2017).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2017 (No 7)—Disallowable Instrument DI2017-234 (LR, 14 September 2017).

Road Transport (Offences) Amendment Regulation 2017 (No 1)—Subordinate Law SL2017-30 (LR, 14 September 2017).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2017 (No 1)—Disallowable Instrument DI2017-247 (LR, 26 September 2017).

Smoke-Free Public Places Act—

Smoke-Free Public Places (Public Transport Stations) Declaration 2017 (No 1), including a regulatory impact statement—Disallowable Instrument DI2017-249 (LR, 26 September 2017).

Smoke-Free Public Places (Public Transport Stops) Declaration 2017 (No 1)—Disallowable Instrument DI2017-248 (LR, 26 September 2017).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Disability Duty Concession Scheme) Determination 2017 (No 1)—Disallowable Instrument DI2017-228 (LR, 14 September 2017).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2017 (No 2)—Disallowable Instrument DI2017-226 (LR, 14 September 2017).

Taxation Administration (Amounts Payable—Loose-fill Asbestos Insulation Eradication Buyback Concession Scheme) Determination 2017 (No 1)—Disallowable Instrument DI2017-231 (LR, 14 September 2017).

Taxation Administration (Amounts Payable—Loose-fill Asbestos Insulation Eradication Buyback Concession Scheme—Eligible Impacted Properties) Determination 2017 (No 1)—Disallowable Instrument DI2017-232 (LR, 14 September 2017).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2017 (No 2)—Disallowable Instrument DI2017-227 (LR, 14 September 2017).

Territory Records Act—

Territory Records (Advisory Council) Appointment 2017 (No 1)—Disallowable Instrument DI2017-237 (LR, 19 September 2017).

Territory Records (Advisory Council) Appointment 2017 (No 2)—Disallowable Instrument DI2017-238 (LR, 19 September 2017).

Territory Records (Advisory Council) Appointment 2017 (No 3)—Disallowable Instrument DI2017-239 (LR, 19 September 2017).

Territory Records (Advisory Council) Appointment 2017 (No 4)—Disallowable Instrument DI2017-240 (LR, 19 September 2017).

Territory Records (Advisory Council) Appointment 2017 (No 5)—Disallowable Instrument DI2017-241 (LR, 19 September 2017).

Territory Records (Advisory Council) Appointment 2017 (No 6)—Disallowable Instrument DI2017-242 (LR, 19 September 2017).

Territory Records (Advisory Council) Appointment 2017 (No 7)—Disallowable Instrument DI2017-243 (LR, 19 September 2017).

31 Delivering the better Canberra we promised—MINISTERIAL STATEMENT—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning the Government’s policy and legislative achievements over the last year and presented the following paper:

Delivering the better Canberra we promised—Ministerial statement, 24 October 2017.

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

Question—put and passed.

32 Government achievements—One year in—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Deputy Chief Minister) made a ministerial statement concerning the Government’s achievements over the last year in her portfolio areas and presented the following paper:

Government achievements—One year in—Ministerial statement, 24 October 2017.

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

Question—put and passed.

33 Residential Tenancies Amendment Bill 2017

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.

34 Utilities Legislation Amendment Bill 2017

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.

35 Utilities (Technical Regulation) Amendment Bill 2017

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.

The Assembly voted—

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| AYES, 11 | |  | NOES, 8 | |
| Ms Berry | Ms Orr |  | Mr Coe | Mr Parton |
| Ms Burch | Mr Ramsay |  | Mrs Dunne | Mr Wall |
| Ms Cheyne | Mr Rattenbury |  | Mr Hanson |  |
| Ms Cody | Mr Steel |  | Mrs Jones |  |
| Mr Gentleman | Ms Stephen-Smith |  | Ms Lawder |  |
| Ms Le Couteur |  |  | Ms Lee |  |

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

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

36 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 5.15 pm, adjourned until tomorrow at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Mrs Kikkert\*, Mr Milligan\* and Mr Pettersson\*.

\*on leave

M M Kiermaier

Acting Clerk of the Legislative Assembly