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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019

MINUTES OF PROCEEDINGS

No 89

[**Tuesday, 19 March 2019**](http://www.hansard.act.gov.au/hansard/2019/pdfs/20190319)

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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 DEATH OF Uncle Carl Brown

Mr Barr (Chief Minister) moved—That this Assembly expresses its deep regret at the passing of Uncle Carl Brown, who was a proud Ngunnawal Elder, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Coe (Leader of the Opposition), Mr Rattenbury (Leader of the ACT Greens) and Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

 3 Christchurch Tragedy—MOTION OF CONDOLENCE

Mr Barr (Chief Minister) moved—That this Assembly expresses its deep sorrow regarding recent terrorist attacks in Christchurch, New Zealand.

Mr Coe (Leader of the Opposition), Mr Rattenbury (Leader of the ACT Greens), Mr Steel (Minister for City Services), Mr Ramsay (Attorney-General), Mrs Jones, Ms Le Couteur, Ms Lawder and Mr Parton addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

 4 E-PETITION, Petition and ministerial response—Petitions and Ministerial responses noted

**E-Petition and Petition**

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

Ms Le Couteur, from 988 and 494 residents respectively, requesting that the Assembly request the ACT Government to plant an extra 7000 trees a year to reverse the decline in urban trees, and begin restoring the city’s tree canopy (e-Pet 1-19 and Pet 7-19).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Environment and Transport and City Services.

**Ministerial response**

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

Mr Ramsay (Minister for Arts and Cultural Events), dated 27 February 2019—Response to petitions Nos 18-18 and 24-18, lodged by Ms Le Couteur on 29 November 2018, requesting that the Assembly call on the ACT Government to restore funding to the ANU School of Music H-course for years 11 and 12 students.

The Speaker proposed—That the petitions and response so lodged be noted.

Debate ensued.

Question—put and passed.

 5 Reflection on the chair—STATEMENT BY SPEAKER

The Speaker made a statement concerning the conduct of Mrs Kikkert on the last sitting day, Thursday, 21 February 2019, and a social media post which reflected on the impartiality of the Chair and indicated that when Mrs Kikkert returned to the Chamber, she would be asked to withdraw her comments.

 6 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 28—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 28*,* dated 12 March 2019, together with the relevant minutes of proceedings—

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

 7 Education, Employment and Youth Affairs—Standing Committee—REPORT 4—Report on Annual and Financial Reports 2017-2018—report noted

Mr Pettersson (Chair) presented the following report:

Education, Employment and Youth Affairs—Standing Committee—Report 4—*Report on Annual and Financial Reports 2017-2018,* dated 14 March 2019, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

 8 Health, Ageing and Community Services—Standing Committee—REPORT 6—Report on Annual and Financial Reports 2017-2018—report noted

Ms Cody (Chair) presented the following report:

Health, Ageing and Community Services—Standing Committee—Report 6—*Report on* *Annual and Financial Reports 2017-2018,* dated March 2019, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

 9 Planning and Urban Renewal—Standing Committee—REPORT 8—Report on Annual and Financial Reports 2017-2018—report noted

Ms Le Couteur (Chair) presented the following report:

Planning and Urban Renewal—Standing Committee—Report 8—*Report on* *Annual and Financial Reports 2017-2018,* dated 6 March 2019, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

 10 Public accounts—Standing Committee—Report 5—Report on Annual and Financial Reports 2017-2018—Report noted

Mrs Dunne (Chair) presented the following report:

Public Accounts—Standing Committee—Report 5—*Report on Annual and Financial Reports 2017-2018,* dated 19 March 2019, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

 11 Administration and Procedure—Standing Committee—ATSIEB Proceedings—Broadcast—Statement by Chair

Ms J. Burch (Chair), pursuant to standing order 246A, made a statement concerning the broadcast of ATSIEB proceedings.

 12 Health, ageing and community services—Standing Committee—Eating disorder Health Care Services in the A.C.T.—Petition—Statement by Chair

Ms Cody (Chair), pursuant to standing order 246A, informed the Assembly that, following consideration by the Standing Committee on Health, Ageing and Community Services of petition 7-18 concerning eating disorder health care services, and the Minister’s response, the Committee had determined not to hold an inquiry into the matter at this time.

 13 justice and community safety—Standing Committee—Consideration of Statutory Appointments—Statement by Chair—Paper

Mrs Jones (Chair), pursuant to standing order 246A, made a statement concerning consideration of statutory appointments by the Standing Committee on Justice and Community Safety.

*Paper:* Mrs Jones, pursuant to Continuing Resolution 5A, presented the following paper:

Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 July to 31 December 2018.

 14 A.C.T. Aboriginal and Torres Strait Islander Agreement 2019-2028 and Focus Area Action Plan—MINISTERIAL STATEMENT And Papers—PAPERs NOTED

Ms Stephen-Smith (Minister for Aboriginal and Torres Strait Islander Affairs) made a ministerial statement concerning the ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 and presented the following papers:

ACT Aboriginal and Torres Strait Islander Agreement 2019-2028—

Ministerial Statement, 19 March 2019.

Agreement 2019-2028, dated 19 March 2019.

Focus Area Action Plans, dated 19 March 2019.

Ms Stephen-Smith moved—That the Assembly take note of the papers.

Question—put and passed.

 15 Reflection on the chair—STATEMENT BY SPEAKER

The Assistant Speaker referred to the statement made by the Speaker earlier today (see [entry 5](#Entry_5)) and asked Mrs Kikkert to withdraw comments.

Mrs Kikkert withdrew the comments.

 16 International Women’s Day 2019—Ministerial Statement—Paper noted

Ms Yvette Berry (Minister for Women) made a ministerial statement concerning International Women’s Day 2019 and presented the following paper:

International Women’s Day 2019—Ministerial Statement.

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

Debate ensued.

Question—put and passed.

 17 IndonesiaN Delegation—February 2019—MINISTERIAL STATEMENT—PAPER NOTED

Mr Barr (Chief Minister) made a ministerial statement concerning a delegation to Indonesia in February 2019 and presented the following paper:

Ministerial Delegation to Indonesia February 2019—Ministerial Statement.

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

Question—put and passed.

 18 A.C.T. Fire and Rescue—aerial capability—Ministerial Statement—Paper noted

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning ACT Fire and Rescue’s aerial capability and presented the following paper:

ACT Fire and Rescue—Aerial Capability—Ministerial Statement.

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

Debate ensued.

Question—put and passed.

 19 QUESTIONS

Questions without notice were asked.

 20 QUESTION ON NOTICE—ANSWER—EXPLANATION

Ms Lee, pursuant to standing order 118A, asked Ms Berry (Minister for Education and Early Childhood Development) for an explanation concerning the answer to question on notice No 2157.

Ms Berry gave an explanation.

 21 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(1)—Independent Reviewer—Report for the period 1 July 2018 to 31 December 2018, dated 1 March 2019, prepared by Professor Dennis Pearce.

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 2/2019—Recognition and implementation of obligations under the *Human Rights Act 2004*, dated 22 February 2019.

Standing order 191—Amendments to the following Bills—

Canberra Institute of Technology Amendment Bill 2018, dated 25 February 2019;

Births, Deaths and Marriages Registration Amendment Bill 2018, dated 25 February 2019;

Consumer Protection Legislation Amendment Bill 2018, dated 25 February 2019;

Education (Child Safety in Schools) Legislation Amendment Bill 2018, dated 28 February 2019; and

Residential Tenancies Amendment Bill 2018 (No. 2), dated 28 February 2019.

 22 PRESENTATION OF PAPERs

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

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Full-time Statutory Office Holders—Determination 4 of 2019, dated March 2019.

Full-time Statutory Office Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 3 of 2019, dated March 2019.

Head of Service, Directors-General, Executives—Determination 2 of 2019, dated March 2019.

Members of the ACT Legislative Assembly—Determination 1 of 2019, dated March 2019.

Part-time Public Office Holders—Determination 5 of 2019, dated March 2019.

Public Sector Management Standards, pursuant to section 56—Engagements of long term senior executive service members between 1 September 2018 and 28 February 2019, dated March 2019.

Annual Reports Government Agencies Act, pursuant to section 13—Annual Report 2017-2018—Icon Water Limited—Corrigendum.

Auditor-General’s Act—Auditor-General’s Reports No 11/2018—2017-18 Financial Audits Overview, and No 12/2018—2017-18 Financial Audits—Financial Results and Audit Finding—Copy of letter to the Auditor-General from the Chief Minister, dated 7 March 2019.

Financial Management Act, pursuant to section 47—Instrument of approval of guarantee—Territory’s worker’s compensation self-insurance licence conditions, dated 26 February 2019.

Safe and Supportive School Advisory Committee—Terms of Reference, dated 18 March 2019.

Workplace Culture within ACT Public Health Services—Independent Review—Final Report, dated 5 March 2019.

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Administrator of the National Health Funding Pool—Annual report 2017-18, dated 8 October 2018.

National Health Funding Body—Annual Report 2017-18.

Health, Ageing and Community Services—Standing Committee—Report 4—*Inquiry into the Implementation, Performance and Governance of the National Disability Insurance Scheme in the ACT*—Government Response, dated 19 March 2019.

 23 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—

Agents Act—Agents Amendment Regulation 2019 (No 1)—Subordinate Law SL2019‑5 (LR, 25 February 2019).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Professional Standards Council Appointment 2019 (No 1)—Disallowable Instrument DI2019-12 (LR, 14 February 2019).

Civil Law (Wrongs) Professional Standards Council Appointment 2019 (No 2)—Disallowable Instrument DI2019-13 (LR, 14 February 2019).

Construction Occupations (Licensing) Act—

Construction Occupations (Licensing) (Fees) Determination 2019—Disallowable Instrument DI2019-16 (LR, 21 February 2019).

Construction Occupations (Licensing) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-4 (LR, 21 February 2019).

Construction Occupations (Licensing) Regulation 2004—

Construction Occupations (Licensing) (Qualifications) Declaration 2019—Disallowable Instrument DI2019-15 (LR, 21 February 2019).

Construction Occupations (Licensing) (Qualifications—Builder and Building Surveyor Licences) Declaration 2019—Disallowable Instrument DI2019-14 (LR, 21 February 2019).

Gaming Machine Act—Gaming Machine (Determination of Surrender Obligations) Guidelines 2019—Disallowable Instrument DI2019-21 (LR, 1 March 2019).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Investigation into motor vehicle fuel prices in the ACT) Terms of Reference Determination 2019—Disallowable Instrument DI2019-18 (LR, 28 February 2019).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2019 (No 2)—Disallowable Instrument DI2019‑23 (LR, 7 March 2019).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2019 (No 1)—Disallowable Instrument DI2019-19 (LR, 28 February 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 2)—Disallowable Instrument DI2019-17 (LR, 22 February 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 3)—Disallowable Instrument DI2019-20 (LR, 28 February 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 4)—Disallowable Instrument DI2019-22 (LR, 7 March 2019).

Work Health and Safety Act—Work Health and Safety Amendment Regulation 2019 (No 1), including a regulatory impact statement—Subordinate Law SL2019-3 (LR, 21 February 2019).

 24 Safe and Supportive Schools Advisory committee—Terms of Reference—Motion to take note of paper

Mr Gentleman, pursuant to standing order 211, moved—That the Assembly takes note of the following paper:

Safe and Supportive Schools Advisory Committee—Terms of Reference.

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

 25 health, ageing and community services—standing committee—report 4—Inquiry into the implementation, performance and governance of the National Disability Insurance Scheme in the a.c.t.—Government Response—Motion to take note of paper

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly takes note of the following paper:

Health, Ageing and Community Services—Standing Committee—Report 4—*Inquiry into the Implementation, Performance and Governance of the National Disability Insurance Scheme in the ACT*—Government Response.

Debate ensued.

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

 26 Workplace Culture within A.C.T. Public Health Services—Independent Review—Final Report—Paper noted

Mr Gentleman (Manager of Government Business), pursuant to standing order 211, moved—That the Assembly takes note of the following paper:

Workplace Culture within ACT Public Health Services—Independent Review—Final Report, March 2019.

Debate ensued.

Question—put and passed.

 27 Woodland Conservation Strategy—Progress Report—MINISTERIAL STATEMENT and Paper—PAPERS NOTED

Mr Gentleman (Minister for Environment and Heritage) made a ministerial statement concerning the Woodland Conservation Strategy and presented the following papers:

Woodlands Conservation Strategy—

Progress Report—Ministerial Statement, 19 March 2019.

Woodlands for Wildlife—ACT Lowland Woodlands Conservation Strategy—Progress Report 2018.

Mr Gentleman moved—That the Assembly take note of the papers.

Question—put and passed.

 **28 Report of a Review of a Critical Incident by the A.C.T. Inspector of Correctional Services—Assault of a detainee at the Alexander Maconochie Centre on 23 May 2018—Government response—Ministerial statement AND GOVERNMENT RESPONSE—PAPERS NOTED**

Mr Rattenbury (Minister for Corrections and Justice Health) made a ministerial statement concerning the Government response to the report of a critical incident by the ACT Inspector of Correctional Services into the assault of a detainee at the Alexander Maconochie Centre on 23 May 2018, and presented the following papers:

Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Assault of a detainee at the Alexander Maconochie Centre on 23 May 2018—

Government response.

Ministerial statement, 19 March 2019.

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

Question—put and passed.

 29 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—CANBERRA’S YOUNG WRITERS AND PERFORMING AND VISUAL ARTISTS—DEVELOPMENT

The Assembly was informed that Miss C. Burch, Ms Cheyne, Ms Cody, Mr Coe, Mrs Dunne, Ms Le Couteur, Ms Lee, Ms Orr, Mr Parton, Mr Pettersson 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 Mrs Dunne be submitted to the Assembly, namely, “The importance of developing Canberra’s young writers and performing and visual artists”.

Discussion ensued.

Discussion concluded.

 30 Financial Management Amendment Bill 2019

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Financial Management Act 1996*, 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 18 March 2019.

Title read by Clerk.

Mr Barr 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.

 31 Motor Accident Injuries Bill 2019

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act about motor accident injuries, 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 18 March 2019.

Justice and Community Safety—Standing Committee—Report 4—*Report on Inquiry into the Exposure Draft of the Motor Accident Injuries Bill 2018—*Government Response*.*

Title read by Clerk.

Mr Barr 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.

 32 Royal Commission Criminal Justice Legislation Amendment Bill 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.

 33 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 5.40 pm, adjourned until tomorrow at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting.

Tom Duncan

Clerk of the Legislative Assembly