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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 67

[**Thursday, 16 August 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20181608.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 Rulings from the Chair—STATEMENT BY SPEAKER

The Speaker made a statement in relation to a matter raised by Mr Gentleman (Manager of Government Business) yesterday concerning interjections made during a speech and the actions of the occupant of the Chair.

3 petition—MINISTERIAL RESPONSE

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

Ms Fitzharris (Minister for Transport and City Services), dated 15 August 2018—Response to petition No 6-18, lodged by Ms Fitzharris on 20 March 2018, concerning a proposed light rail stop in Mitchell.

4 Future of education—A ten year education strategy—MINISTERIAL STATEMENT and paper—PAPER NOTED

Ms Berry (Minister for Education and Early Childhood Development) made a ministerial statement concerning the future of education and presented the following papers:

Future of education—A ten year education strategy—Ministerial statement, 16 August 2018.

The Future of Education—An ACT education strategy for the next ten years.

Ms Berry moved—That the Assembly take note of the ministerial statement.

Debate ensued.

Question—put and passed.

5 Centenary Hospital for Women and Children—Future planning for public maternity services in the A.C.T.—MINISTERIAL STATEMENT—PAPER NOTED

Ms Fitzharris (Minister for Health and Wellbeing) made a ministerial statement in relation to future planning for public maternity services at the Centenary Hospital for Women and Children, pursuant to the resolution of the Assembly of 9 May 2018 concerning management issues at ACT Health, and presented the following paper:

Centenary Hospital for Women and Children—Future Planning for Public Maternity Services in the ACT—Ministerial statement, 16 August 2018.

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

Debate ensued.

Question—put and passed.

6 Civil Law (Wrongs) (Child Abuse Claims Against Unincorporated Bodies) Amendment Bill 2018

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Civil Law (Wrongs) Act 2002*.

*Papers:* Mr Ramsay presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 15 August 2018.

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.

7 Climate Change and Greenhouse Gas Reduction (Principal Target) Amendment Bill 2018

Mr Rattenbury (Minister for Climate Change and Sustainability), pursuant to notice, presented a Bill for an Act to amend the *Climate Change and Greenhouse Gas Reduction Act 2010*.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 15 August 2018.

Title read by Clerk.

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

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

8 REMONSTRANCE—Democratic rights of citizens of the A.C.T.

Mr Barr (Chief Minister), by leave, moved—That this Assembly:

1. recognises that Australia’s democracy is one of the best in the world;
2. recognises that Territory rights are of paramount importance to citizens of the Australian Capital Territory;
3. resolves that subsections 23(1A) and 23(1B) of the *Australian Capital Territory (Self-Government) Act 1988* are unwarranted restrictions on the democratic rights of residents of the Australian Capital Territory;
4. notes that the abovementioned subsections form legislation that the Commonwealth Parliament could not, and cannot, constitutionally enact for the States; and
5. determines that the Remonstrance will read as follows:

**REMONSTRANCE**

The Legislative Assembly for the Australian Capital Territory respectfully addresses the President of the Senate and Senators of the Commonwealth Parliament.

**Preamble**

With other States around Australia actively considering and passing laws on voluntary assisted dying, the fact that the Australian Capital Territory cannot even consider its own legislation is unjust.

The ACT community wants this issue debated. The Legislative Assembly for the Australian Capital Territory established a select committee on 30 November 2017 to examine issues around end of life choices, including palliative care and of life choices. The Committee is due to report by end November 2018.

The ACT Government has stated, repeatedly and in a variety of forums (*The Canberra Times—ACT wouldn’t rush through euthanasia laws, if Andrews Bill scrapped*—Article, 12 July 2018—Burgess, K. Legislative Assembly for the Australian Capital Territory—Inquiry into End of Life Choices in the ACT—*Hansard*, transcript of Committee hearings, 12 July 2018, p376. *The Australian*—*It’s about our rights*—Article, 13 August 2018, page 5—Barr, A & Gunner.), that there is no voluntary assisted dying scheme being actively considered by the ACT Government.

Restoring Territory rights would simply give ACT citizens the same rights to decide on the issue as other Australians.

**Grievances**

The Legislative Assembly for the Australian Capital Territory presents its grievances to the Senate of the Commonwealth Parliament following its vote on 15 August 2018.

These are that:

1. the Federal Parliament should never determine the rights of Australian citizens based on their postcodes;
2. during the debate on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, numerous Senators did one or more of:
   1. conflated their personal views on voluntary assisted dying with restoring Territory rights;
   2. misrepresented the intentions of the Territory parliaments if the Bill happened to pass;
   3. quoted one or more debunked sources as a reference point; and
   4. reneged on the position that they had stated to their electors;
3. the Senate has denied the Legislative Assembly for the Australian Capital Territory the ability to debate what is a health and legal issue thanks to Senators’ individual personal viewpoints, when the Legislative Assembly for the Australian Capital Territory otherwise freely debates and determines policy on health and justice issues without federal interference;
4. the Senate has refused to properly seek, let alone take into account, the views of 420 000 citizens of the Australian Capital Territory during its debate about Territory rights; and
5. the Senate’s unjustifiable position has resulted in the distress of citizens of the Australian Capital Territory.

**Petition**

The Legislative Assembly for the Australian Capital Territory and its democratically elected Members respectfully request that Senators reflect on their vote of 15 August 2018 which has denied citizens of the Australian Capital Territory their democratic rights.

Debate ensued.

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.

9 QUESTIONS

Questions without notice were asked.

10 Appropriation Bill 2018-2019—Part 1.4—Transport Canberra and City Services Directorate—STATEMENT BY MEMBER

Ms Lawder, by leave, made a statement concerning comments she made during debate on Part 1.4 of Schedule 1 of the Appropriation Bill 2018-2019—Transport Canberra and City Services Directorate.

11 PRESENTATION OF PAPER

The Speaker presented the following paper:

Visit to Westminster Parliament / Attendance at the CPA/WFD Benchmarks Workshop / Visit to Scottish Parliament by the Speaker and Clerk of the legislative Assembly for the Australian Capital Territory—Report, dated June 2018.

12 Domestic Animals—Services Management and Staff Resources—Paper and Statement by Minister

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

Domestic Animals—Services Management and Staff Resources, pursuant to the resolution of the Assembly of 9 May 2018—

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

13 Children and Young People Act—Changing the narrative for vulnerable children: Strengthening A.C.T. systems—PAPER AND STATEMENT BY MINISTER

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

Children and Young People Act, pursuant to subsection 727T(3)—Changing the narrative for vulnerable children: Strengthening ACT systems, dated 11 July 2018—

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

14 REMONSTRANCE—Democratic rights of citizens of the A.C.T

The order of the day having been read for the resumption of the debate on the motion of Mr Barr (Chief Minister) (*see* [entry 8](#entry8))—

Debate resumed.

Question—put and passed.

15 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 1.5—Chief Minister, Treasury and Economic Development Directorate—

Debate continued.

Proposed expenditure agreed to.

Part 1.6—Justice and Community Safety Directorate—debated.

Debate adjourned (Mr Gentleman—Manager of Government Business) and the resumption of the debate made an order of the day for the next sitting.

16 ADJOURNMENT

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 5.58 pm, adjourned until Tuesday, 21 August 2018 at 10 am.

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

\*on leave

Tom Duncan

Clerk of the Legislative Assembly