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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017

MINUTES OF PROCEEDINGS

No 34

[**Thursday, 21 September 2017**](http://www.hansard.act.gov.au/hansard/2017/pdfs/20170921.pdf)

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**1** The Assembly met at 10 am, 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 Dogs—Management in the A.C.T.—MINISTERIAL STATEMENT—PAPER NOTED

Ms Fitzharris (Minister for Transport and City Services) made a ministerial statement in relation to the management of dogs, pursuant to the resolution of the Assembly of 29 March 2017 concerning dog attacks, and presented the following paper:

Dogs—Management in the ACT—Ministerial statement, 21 September 2017.

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

Debate ensued.

Question—put and passed.

3 National Disability Insurance Scheme—Implementation Report and Role of the A.C.T. Government—Six monthly report—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Disability, Children and Youth) made a ministerial statement regarding the six monthly report on the Implementation Report and Role of the ACT Government under the National Disability Insurance Scheme and presented the following paper:

National Disability Insurance Scheme—Role of the ACT Government—Six monthly report—June 2017—Ministerial statement, 21 September 2017.

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

Debate ensued.

Question—put and passed.

4 Waste Management and Resource Recovery Amendment Bill 2017

Ms Fitzharris (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend the *Waste Management and Resource Recovery Act 2016*.

*Papers:* Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 20 September 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.

5 Justice and Community Safety Legislation Amendment Bill 2017 (No 2)

Mr Ramsay (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety, 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 20 September 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.

6 Utilities (Technical Regulation) Amendment Bill 2017

Mr Rattenbury (Minister for Climate Change and Sustainability), pursuant to notice, presented a Bill for an Act to amend the *Utilities (Technical Regulation) Act 2014*, and for other purposes.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 20 September 2017.

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.

7 Utilities Legislation Amendment Bill 2017

Mr Rattenbury (Minister for Climate Change and Sustainability), pursuant to notice, presented a Bill for an Act to amend legislation about utilities, and for other purposes.

*Papers:* Mr Rattenbury presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 20 September 2017.

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 Standing order 213A—Amendment

Ms Burch (Speaker), pursuant to notice, moved—That the following amendment be made to the standing orders: Omit standing order 213A, substitute:

“**Order for the production of documents held by the Executive**

213A. (1) A Member may lodge a notice of motion seeking the Assembly to order a document or documents to be tabled in the Assembly. If agreed to, the Clerk is to communicate to the Chief Minister’s Directorate all orders for a document or documents made by the Assembly.

(2) When returned, the document or documents (where no claim of privilege is made by the Chief Minister) will be laid on the Table by the Clerk.

(3) A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document or documents, a description of the document or documents and the author of the document or documents.

(4) If at the time the document or documents are required to be tabled the Assembly is not sitting, the document or documents may be lodged with the Clerk, and unless privilege is claimed, are deemed to have been presented to the Assembly and authorised for publication with the Clerk circulating the document or documents to all Members as soon as practicable.

(5) Where a document or documents is considered by the Chief Minister to be privileged, a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege.

(6) Where the Assembly requires a document or documents to be returned, either the document or documents requested or a claim of privilege must be given to the Clerk within 14 calendar days of the date of the order by the Assembly.

(7) Any Member may, by communication in writing to the Clerk, dispute the validity of the claim of privilege in relation to a particular document or documents within seven calendar days of the receipt of the claim of privilege. On receipt of such communication, the Clerk will advise the Chief Minister’s Directorate, who will provide to the Clerk, within seven calendar days of receipt of the dispute of validity claim, copies of the disputed document or documents. The Clerk is authorised to provide the disputed document or documents to an independent legal arbiter as soon as practicable, for evaluation and report within 10 calendar days as to the validity of the claim.

(8) The Clerk is also authorised to provide to the independent legal arbiter and to all Members, submissions from any Member in relation to the claim of privilege.

(9) The independent legal arbiter is to be appointed by the Speaker and must be a retired Supreme Court, Federal Court or High Court Judge.

(10) A report from the independent legal arbiter is to be lodged with the Clerk and:

(a) made available only to Members of the Assembly; and

(b) not published or copied without an order of the Assembly.

(11) If the independent legal arbiter upholds the claim of privilege, the Clerk shall return the document or documents to the Chief Minister’s Directorate.

(12) If the independent legal arbiter does not uphold the claim of privilege, the Clerk will table the document or documents that has been the subject of the claim of privilege. In the event that the Assembly is not sitting, the Clerk is authorised to provide the document or documents to any Member upon request, however, the document or documents do not attract absolute privilege until tabled by the Clerk at the next sitting of the Assembly.

(13) Other persons requesting to examine the document or documents may do so with the Clerk maintaining a register showing the name of any person examining the document or documents tabled under this order.”.

Debate ensued.

Question—put and passed.

9 Executive Members’ business—precedence

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

10 Parliamentary Triangle—Proposed sale of East Block and West Block buildings

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

1. acknowledges that the parliamentary precinct between Parliament House and the Lake has special national significance;
2. notes that:
   1. the Federal Government has announced that it intends to sell the East Block and West Block offices in the Parliamentary Triangle, with Expressions of Interest currently open for the East Block;
   2. the East Block and West Block offices are located in the core of the parliamentary precinct close to Old Parliament House; and
   3. both buildings are an important part of Australia’s national heritage and Canberra’s own heritage. The East and West Block buildings are:
      1. both on the Commonwealth Heritage List, which covers heritage places owned or controlled by the Australian Government; and
      2. historically significant as they were constructed as part of the “Provisional” Parliament House complex for the opening of Old Parliament House;
3. further notes that if the East Block and West Block offices are privatised, the Federal Government will lose control of the heart of Canberra’s national area and the National Capital Authority will come under pressure to approve unsuitable commercial development;
4. opposes the privatisation of key buildings and sites in the parliamentary precinct between Parliament House and the Lake; and
5. writes to the Federal Government urgently calling for:
   1. an immediate halt to the sales processes;
   2. better protection of the nation’s heritage; and
   3. no further privatisations within the parliamentary precinct.

Mr Barr (Chief Minister) moved the following amendment: Omit all words after paragraph (2)(c)(ii), substitute:

“(3) calls on the Federal Government to guarantee that any change of use of these significant assets will:

(a) ensure the heritage values of the East and West Block buildings are protected and maintained into the future;

(b) protect and promote public access in keeping with the spirit and intention of the Parliamentary precinct; and

(c) deliver value for money for Australian taxpayers and avoid repeating past experiences with the sale and lease-back of Commonwealth building assets; and

(4) notes that the ACT Government will:

(a) seek more clarity from the Federal Government on the process and safeguards associated with the sale process;

(b) take an active role in discussions about the future use of these heritage buildings to the full extent of the ACT’s powers and jurisdiction; and

(c) work with the Federal Government to explore alternatives to the outright sale of these assets, including long-term leasing arrangements.”.

Debate continued.

*Papers:* Mr Gentleman (Minister for the Environment and Heritage) presented the following papers:

Apollo 11 mission—Honeysuckle Creek DSIF log sheets, dated—

20 July 1969.

21 July 1969.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

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| AYES, 11 | |  | NOES, 8 | |
| Mr Barr | Ms Orr |  | Mr Coe | Mr Milligan |
| Ms Burch | Mr Pettersson |  | Mrs Dunne | Mr Parton |
| Ms Cheyne | Mr Ramsay |  | Mr Hanson |  |
| Ms Cody | Mr Rattenbury |  | Mrs Jones |  |
| Ms Fitzharris | Ms Stephen-Smith |  | Ms Lawder |  |
| Ms Le Couteur |  |  | Ms Lee |  |

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

1. acknowledges that the parliamentary precinct between Parliament House and the Lake has special national significance;
2. notes that:
   1. the Federal Government has announced that it intends to sell the East Block and West Block offices in the Parliamentary Triangle, with Expressions of Interest currently open for the East Block;
   2. the East Block and West Block offices are located in the core of the parliamentary precinct close to Old Parliament House; and
   3. both buildings are an important part of Australia’s national heritage and Canberra’s own heritage. The East and West Block buildings are:
      1. both on the Commonwealth Heritage List, which covers heritage places owned or controlled by the Australian Government; and
      2. historically significant as they were constructed as part of the “Provisional” Parliament House complex for the opening of Old Parliament House;
3. calls on the Federal Government to guarantee that any change of use of these significant assets will:
   1. ensure the heritage values of the East and West Block buildings are protected and maintained into the future;
   2. protect and promote public access in keeping with the spirit and intention of the Parliamentary precinct; and
   3. deliver value for money for Australian taxpayers and avoid repeating past experiences with the sale and lease-back of Commonwealth building assets; and
4. notes that the ACT Government will:
   1. seek more clarity from the Federal Government on the process and safeguards associated with the sale process;
   2. take an active role in discussions about the future use of these heritage buildings to the full extent of the ACT’s powers and jurisdiction; and
   3. work with the Federal Government to explore alternatives to the outright sale of these assets, including long-term leasing arrangements.”—

be agreed to—put.

The Assembly voted—

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| --- | --- | --- | --- | --- |
| AYES, 11 | |  | NOES, 8 | |
| Mr Barr | Ms Orr |  | Mr Coe | Mr Milligan |
| Ms Burch | Mr Pettersson |  | Mrs Dunne | Mr Parton |
| Ms Cheyne | Mr Ramsay |  | Mr Hanson |  |
| Ms Cody | Mr Rattenbury |  | Mrs Jones |  |
| Ms Fitzharris | Ms Stephen-Smith |  | Ms Lawder |  |
| Ms Le Couteur |  |  | Ms Lee |  |

And so it was resolved in the affirmative.

11 QUESTIONS

Questions without notice were asked.

12 STANDING COMMITTEES—REPORTS ON ANNUAL AND FINANCIAL REPORTS 2015-2016—GOVERNMENT RESPONSES—PAPERS and Statement by Minister

Mr Barr (Chief Minister) presented the following papers:

Economic Development and Tourism—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*—Government response*.*

Education, Employment and Youth Affairs—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*—Government response.

Environment and Transport and City Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*—Government response.

Health, Ageing and Community Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016—*Government response.

Justice and Community Safety—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*—Government response.

Planning and Urban Renewal—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016—*Government response*.*

Public Accounts—Standing Committee—Report 1—*Report on Annual and Financial Reports 2015-2016*—Government response—

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

13 presentation of paper

Mr Barr (Chief Minister) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2015-2016—ACT Public Service—State of the Service Report (incorporating the Commissioner for Public Administration, ACT Public Service Workforce profile and ACT Public Sector profile)—Corrigendum 2.

14 Aboriginal and Torres Strait Islander Education—Annual report 2016‑17—paper and Statement by Minister

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

Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2016-17—

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

15 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Veterans

The Assembly was informed that Ms Cheyne, Ms Cody, Mrs Dunne, Mr Hanson, Ms Lawder, Ms Lee, Ms Orr, Mr Parton, Mr Steel 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 Mr Hanson be submitted to the Assembly, namely, “The importance of veterans in the ACT community”.

Discussion ensued.

Discussion concluded.

16 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 4.55 pm, adjourned until Tuesday, 24 October 2017 at 10 am.

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

\*on leave

Tom Duncan

Clerk of the Legislative Assembly