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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018

MINUTES OF PROCEEDINGS

No 52

[**Thursday, 22 March 2018**](http://www.hansard.act.gov.au/hansard/2018/pdfs/20180322.pdf)

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 **1** The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms J. 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 Privileges 2018—Select Committee—Proposed establishment

Mr Wall, by leave, pursuant to notice, moved—That:

1. pursuant to standing order 277, a Select Committee on Privileges be established to examine whether there was improper influence of a member, in relation to threats made by the Chief Minister, Mr Barr MLA, during a public hearing of the Standing Committee on Economic Development and Tourism on 6 November 2017 and any other relevant matters;
2. the Committee shall report back to the Assembly by the last sitting week in June 2018; and
3. the Committee shall be composed of:
	1. one member nominated by the Government; and
	2. one member nominated by the Crossbench; and
	3. one member nominated by the Opposition;

to be notified to the Speaker by 4pm today.

Debate ensued.

Debate adjourned (Ms Fitzharris—Minister for Health and Wellbeing) and the resumption of the debate made an order of the day for a later hour this day.

 3 STANDING COMMITTEES—REFERENCE—2016-2017 ANNUAL AND FINANCIAL REPORTS—Amendment to resolution

Ms Orr, by leave, pursuant to notice, moved—That the resolution of the Assembly of 26 October 2017, which referred specified annual and financial reports for the calendar years 2016 and 2017 and the financial year 2016-2017 to standing committees be amended at paragraph (4) after “standing committees are to report to the Assembly on financial year reports by the last sitting day in March 2018, on calendar year reports for 2016 by the last sitting day in March 2018” by inserting “except the Standing Committee on Environment and Transport and City Services which is to report to the Assembly by the last sitting day in April 2018,”.

Question—put and passed.

 4 Justice and Community Safety—Standing Committee—REPORT 2—Report on Annual and Financial Reports 2016-2017—report noted

Ms Cody (Deputy Chair), pursuant to order, presented the following report:

Justice and Community Safety—Standing Committee—Report 2—*Report on Annual and Financial Reports 2016-2017,* dated 15 March 2018, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

 5 Washington delegation 2018—MINISTERIAL STATEMENT

Mr Barr (Chief Minister) made a ministerial statement concerning a delegation to Washington in February 2018.

 6 homelessness data—MINISTERIAL STATEMENT—PAPER NOTED

Ms Berry (Minister for Housing and Suburban Development) made a ministerial statement concerning homelessness data and presented the following paper:

Homelessness data—Ministerial statement, 22 March 2018.

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

Question—put and passed.

 7 Our Booris, Our Way—MINISTERIAL STATEMENT—PAPER NOTED

Ms Stephen-Smith (Minister for Disability, Children and Youth) made a ministerial statement concerning Our Booris, Our Way, a review into the number of and support for Aboriginal and Torres Strait Islander children in contact with the child protection system, and presented the following paper:

Our Booris, Our Way—Ministerial statement, 22 March 2018.

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

Question—put and passed.

 8 Domestic Animals Legislation Amendment Bill 2018

Ms Fitzharris (Minister for Transport and City Services), pursuant to notice, presented a Bill for an Act to amend legislation about domestic animals, and for other purposes.

*Papers:* Ms Fitzharris presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 21 March 2018.

Title read by Clerk.

Ms Fitzharris 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.

 9 Justice and Community Safety Legislation Amendment Bill 2018

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 21 March 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.

 10 Road Transport Reform (Light Rail) Legislation Amendment Bill 2018

Mr Rattenbury (Minister for Justice, Consumer Affairs and Road Safety), pursuant to notice, presented a Bill for an Act to amend legislation about light rail, 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 21 March 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.

 11 Estimates 2018-2019—Select Committee—Establishment

The order of the day having been read for the resumption of the debate on the motion of Mr Wall—That:

1. a Select Committee on Estimates 2018-2019 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2018-2019, the Appropriation (Office of the Legislative Assembly) Bill 2018-2019 and any revenue estimates proposed by the Government in the 2018-2019 Budget and prepare a report to the Assembly;
2. the Committee be composed of:
	1. two Members to be nominated by the Government;
	2. two Members to be nominated by the Opposition; and
	3. one Member to be nominated by The Greens; and

to be notified in writing to the Speaker by 12.15 pm today;

1. an Opposition Member shall be elected chair of the Committee by the Committee;
2. funds be provided by the Assembly to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
3. the Committee is to report by Tuesday, 31 July 2018;
4. if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
5. the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders—

Question—put and passed.

 12 Privileges 2018—Select Committee—Proposed establishment

The order of the day having been read for the resumption of the debate on the motion of Mr Wall (*see* [entry 2](#entry2))—

Debate resumed.

Mr Rattenbury moved the following amendment: In paragraph (1), omit all words after “November 2017”, substitute “as well as issues relating to the conduct of the Chair, and the ability to resolve disputes in the committee process, and any other relevant matters.”.

Debated continued.

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

 13 Executive Members’ business—precedence

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

 14 Refugees—Financial support

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

1. acknowledges that the ACT is a Refugee Welcome Zone and has a well‑established commitment to support and encourage refugees to settle here, and over the past ten years Canberra welcomed over 2000 refugees;
2. welcomes the Federal Government’s positive decision to support refugees coming to Australia by announcing a Community Support Program (CSP), with an intake of 1000 from 1 July 2017;
3. notes with concern that:
	1. there are strict priority criteria for refugees applying for the CSP which includes the following:
		1. be aged between 18 and 50;
		2. have an offer of employment (or a pathway that leads to employment);
		3. have personal attributes that would enable them to become financially self-sufficient within 12 months of arrival; or
		4. be willing to live and work in regional Australia;
	2. in addition to this strict criteria, community sponsors of applicants to the CSP are required to fund:
		1. visa application charges of $2680 at the time of application, with no guarantee of success;
		2. an additional $16 444 for the primary applicant and $2680 for each other family member before the visa can be granted; and
		3. airfares, medical screening and settlement costs; and
	3. although the CSP is a step in the right direction, we are concerned that:
		1. the rigid criteria will discriminate against those who are most in need; and
		2. high fees, upwards of $19 000 per first individual, may be prohibitive for potential community supporters;
4. further notes that:
	1. there have been significant changes to eligibility for the Status Resolution Support Service (SRSS) payment—a reduced payment of 87 percent of Newstart that can be paid to those waiting for processing of their applications;
	2. community groups, such as Canberra Refugee Support (CRS) are already stretched to provide support to fill the gap left by the changes made to the SRSS payments late last year; and
	3. there is little transparency about the new eligibility criteria for the payment—the Federal Department of Home Affairs states simply that eligibility for the SSRS is “determined by Department of Home Affairs”; and
5. calls on the Assembly to write to the Federal Government to:
	1. adopt a more humane and affordable visa fee structure for the CSP, to make the program fairer and more accessible;
	2. make the cap on the Refugee Community Sponsorship program additional to our existing humanitarian intake, in order to recognise the generosity and care of our communities rather than shifting both the costs and the burden of responsibility to them for meeting our international human rights obligations; and
	3. explain these changes to the SRSS payment and to make criteria transparent.

Debate ensued.

Question—put and passed.

 15 QUESTIONS

Questions without notice were asked.

 16 LEAVE OF ABSENCE TO MEMBER

Mr Wall moved—That leave of absence be granted to Miss C. Burch for this sitting due to illness.

Question—put and passed.

 17 Estimates 2018-2019—Select Committee—MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that she had been notified, in writing, of the nominations of Ms Cheyne, Ms Le Couteur, Ms Lee, Ms Orr and Mr Wall to be members of the Select Committee on Estimates 2018-2019.

Mr Gentleman (Manager of Government Business) moved—That the Members so nominated be appointed as members of the Select Committee on Estimates 2018‑2019.

Question—put and passed.

 18 Rail Safety National Law National Regulations—Papers and statement by minister

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

Rail Safety National Law—

Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017 (2017 No 257), together with an explanatory statement.

Rail Safety National Law National Regulations (Miscellaneous) Variation Regulations 2017 (2017 No 258), together with an explanatory statement.

Rail Safety National Law National Regulations (Queensland Fatigue Provisions) Variation Regulations 2017 (2017 No 259), together with an explanatory statement—

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

 19 PRESENTATION OF PAPERS

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

Heavy Vehicle National Law as applied by the law of States and Territories—

Heavy Vehicle (General) National Amendment Regulation (2016 No 261), together with an explanatory statement.

Heavy Vehicle National Amendment Regulation 2017 (2017 No 329), together with an explanatory statement.

 20 PRESENTATION OF PAPER

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

Alexander Maconochie Centre—Review of the Opioid Replacement Treatment Program—Report of the ACT Health Services Commissioner, dated March 2018.

 21 Presentation of paper

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

Ginninderra Drive—Tillyard Drive and Tillyard Drive—Lhotsky Street—Intersection upgrades report, pursuant to the resolution of the Assembly of 21 February 2018.

 22 Environment and Transport and City Services—Standing Committee—REPORT 4—Management of A.C.T. Cemeteries—GOVERNMENT RESPONSE—PAPER NOTED

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

Environment and Transport and City Services—Standing Committee—Report 4—*Management of ACT Cemeteries*—Government response—

and moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

 23 Blueprint for Youth Justice in the A.C.T. 2012-22—Progress Report 2012‑17—PAPER AND STATEMENT BY MINISTER

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

Blueprint for Youth Justice in the ACT 2012-22—Progress Report 2012-17, dated March 2018—

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

 24 Presentation of Paper

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

Bimberi Youth Justice Centre—Bimberi Headline Indicators Report March 2018.

 25 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—Libraries

The Assembly was informed that Ms Cheyne, Ms Cody, Mr Hanson, Ms Lawder, Ms Lee, Ms Orr, Mr Pettersson 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 Lawder be submitted to the Assembly, namely, “The importance of libraries in the ACT”.

Discussion ensued.

Discussion concluded.

 26 Planning and Urban Renewal—Standing Committee—INQUIRY—Development Application processes in the A.C.T.—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning and Urban Renewal had resolved to conduct an inquiry into, and report on, engagement with Development Application processes in the ACT.

 27 Justice and Community Safety—Standing Committee—Non-consensual disclosure of a sexual image—Criminalisation—Petition—STATEMENT BY CHAIR

Ms Cody (Deputy Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Justice and Community Safety had concluded its consideration of petition 5-17, relating to the criminalisation of the non-consensual disclosure of a sexual image (revenge porn), and the Minister’s response.

The Committee considered that a legislative change, creating a new offence for people who distribute an intimate image of another person without consent, addressed the particulars of the referred petition and its requested action.

 28 Privileges 2018—Select Committee—Proposed establishment—Administration and Procedure—Standing Committee—Reference—Standing orders relating to contempt

The order of the day having been read for the resumption of the debate on the motion of Mr Wall (*see* [entry 2](#entry2)), and on the amendment moved by Mr Rattenbury (*see* [entry 12](#entry12))—

Mr Rattenbury, by leave, withdrew his amendment.

Mr Wall, who had already spoken, by leave, moved the following amendment: Omit all words after “That”, substitute:

1. Standing order 277(a) states that:

A person shall not, improperly interfere with the free exercise by the Assembly or a committee of its authority, or with the free performance by a Member of the Member’s duties as a Member.

1. Standing order 277(b) states that:

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of inducement or benefit of any kind, or by other improper means, influence a Member in the Member’s conduct as a Member or induce a Member to be absent from the Assembly or Committee.

1. At the Committee hearing of Economic Development and Tourism Committee hearing of the following exchange occurred:

Mr Hanson: I am the chair of this committee.

Mr Barr: For the time being, yes.

Mr Hanson: Oh, is that a threat?

Mr Barr: It is, yes.

Mr Hanson: You're making a threat to me?

Mr Barr: I am, yes.

1. This Assembly finds the Chief Minister in breach of the standing orders.
2. The Chief Minister withdrew his comments in the Assembly on the 22nd March 2018.
3. This finding be referred to the Administration and Procedure Committee to consider any further action on this matter.
4. Administration and Procedure Committee consider all other matters raised in this motion, or any other relevant matters, and that the Committee report back to the Assembly with recommendations on those matters.

Mr Barr (Chief Minister), by leave, moved the following amendments to Mr Wall’s proposed amendment together:

(1) Omit paragraph (3), substitute:

 “(3) At the Committee hearing of the Economic Development and Tourism Committee the following exchange occurred:

Mr Hanson: I am the chair of this committee.

Mr Barr: For the time being, yes.

Mr Hanson: Oh, is that a threat?

Mr Barr: It is, yes.

Mr Hanson: You're making a threat to me?

Mr Barr: I am, yes.

Mr Hanson: What is your threat?

Mr Barr: I have already made it this morning.

Mr Hanson: What, to take it outside? What does “Take it outside” mean?

Mr Barr: I will be pursuing your defamation of me this morning. You are already in court with someone else on defamation and I will continue to pursue the outrageous slurs that you made against me this morning that you have not withdrawn. I invite you to withdraw now and I will not need to pursue it.

Mr Hanson: Are you threatening me? Are you going to threaten legal action; or what are you threatening?

Mr Barr: I am not going to have that discussion with you right now.

Ms Le Couteur: Gentlemen, can I suggest, we are here—

Mr Hanson: No, sorry—

Mr Barr: If you want to adjourn the committee hearing now and we can have a discussion about how you have defamed me this morning, by all means. But I suspect the rest of the committee may wish to ask questions.

(2) Omit paragraph (4).

(3) Omit paragraph (6), substitute:

 “(6) That these matters be referred to the Administration and Procedure Committee to consider any further action on this matter.”.

Debate continued.

Ordered—That the question be divided.

Mr Barr’s amendment No (1) agreed to.

Mr Barr’s amendment No (2) negatived.

Mr Barr’s amendment No (3) negatived.

Question—That Mr Wall’s amendment, as amended, be agreed to—put and passed.

Debate continued.

Question—That the motion, as amended, viz:

“That:

1. Standing order 277(a) states that:

A person shall not, improperly interfere with the free exercise by the Assembly or a committee of its authority, or with the free performance by a Member of the Member’s duties as a Member.

1. Standing order 277(b) states that:

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of inducement or benefit of any kind, or by other improper means, influence a Member in the Member’s conduct as a Member or induce a Member to be absent from the Assembly or Committee.

1. At the Committee hearing of the Economic Development and Tourism Committee the following exchange occurred:

Mr Hanson: I am the chair of this committee.

Mr Barr: For the time being, yes.

Mr Hanson: Oh, is that a threat?

Mr Barr: It is, yes.

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Mr Hanson: Are you threatening me? Are you going to threaten legal action; or what are you threatening?

Mr Barr: I am not going to have that discussion with you right now.

Ms Le Couteur: Gentlemen, can I suggest, we are here—

Mr Hanson: No, sorry—

Mr Barr: If you want to adjourn the committee hearing now and we can have a discussion about how you have defamed me this morning, by all means. But I suspect the rest of the committee may wish to ask questions.

1. This Assembly finds the Chief Minister in breach of the standing orders.
2. The Chief Minister withdrew his comments in the Assembly on the 22nd March 2018.
3. This finding be referred to the Administration and Procedure Committee to consider any further action on this matter.
4. Administration and Procedure Committee consider all other matters raised in this motion, or any other relevant matters, and that the Committee report back to the Assembly with recommendations on those matters.”—

be agreed to—put and passed.

 29 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 5.09 pm, adjourned until Tuesday, 10 April 2018 at 10 am.

**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Miss C. Burch\*, Mrs Dunne\* and Mrs Jones\*.

\*on leave

Julia Agostino

Acting Clerk of the Legislative Assembly