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LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

2016–2017–2018–2019

MINUTES OF PROCEEDINGS

No 99

[**Tuesday, 4 June 2019**](http://www.hansard.act.gov.au/hansard/2019/pdfs/20190604)

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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 LEAVE OF ABSENCE TO MEMBER—Paper

The Speaker informed the Assembly that, pursuant to standing order 22, 18 weeks maternity leave has been granted to Ms Lee, commencing 3 June 2019, and presented the following paper:

Ms Lee—Leave of absence—Letter to the Speaker from Ms Lee notifying her period of maternity leave, dated 3 June 2019.

 3 PETITIONS and E-Petition—PetitionS noted

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

Ms Le Couteur, from 497 residents and 494 residents, respectively, requesting that the Assembly call on the ACT Government to, in relation to the Phillip Precinct, limit the height of the N12 site construction, revert the N10 site to a RZ4 zoning and preserve the existing open green space of Arabanoo Park (Pet 15-19 and e-Pet 25-18).

Pursuant to standing order 99A, these petitions stand referred to the Standing Committee on Planning and Urban Renewal.

Ms Le Couteur, from 664 residents, requesting that the Assembly reject any cross-border proposal in relation to the Parkwood area of NSW until further research on effective buffer zones is undertaken (Pet 16-19).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Environment and Transport and City Services.

Miss C. Burch, from 70 residents, requesting that the Assembly call on the ACT Government to reconsider recent changes and further consider improving the dedicated school transport network (Pet 17-19).

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

Debate ensued.

Question—put and passed.

 **4 Environment and Transport and City Services—Standing Committee—reference—A.C.T. transport network—petition**

Miss C. Burch, pursuant to standing order 99, moved—That the petition, relating to the reconsideration of recent changes and further consideration of improving the dedicated school transport network, be referred to the Standing Committee on Environment and Transport and City Services.

Question—put and passed.

 **5 A.C.T. transport network—Out-of-order Petitions—Papers—Reference—Environment and Transport and City Services—Standing Committee**

Miss C. Burch, by leave, presented the following papers:

Petitions which do not conform with the standing orders (4)—ACT transport network—Miss C. Burch (6700 signatures)—

and moved—That the out-of-order petitions, relating to the reconsideration of recent changes and further consideration of improving the dedicated school transport network, be referred to the Standing Committee on Environment and Transport and City Services.

Question—put and passed.

 6 SUSPENSION OF STANDING ORDERS—A.C.T. Integrity Commissioner—Reaffirmation of approval of appointment

Ms J. Burch moved—That so much of the standing orders be suspended as would prevent Ms J. Burch from moving a motion to reaffirm the Assembly’s approval of the appointment of the ACT Integrity Commissioner.

Question—put and passed, with the concurrence of an absolute majority.

 7 A.C.T. Integrity Commissioner—Reaffirmation of approval of appointment

Ms J. Burch moved—That this Assembly:

1. reaffirms the resolution of 14 May 2019 which approved the appointment of the Honourable Dennis Cowdroy OAM QC as the ACT Integrity Commissioner; and
2. to confirm the Assembly’s approval of the appointment, the Chair propose the question that this Assembly approve the appointment of the Honourable Dennis Cowdroy OAM QC as the ACT Integrity Commissioner and that a vote confirming a 2/3 majority be conducted forthwith.

Question—put and passed.

In accordance with the resolution just passed, the Speaker directed that the Assembly proceed to a vote.

Question—put.

The Assembly voted—

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|  AYES, 24 |  |  NOES, 0 |
| Mr Barr | Mrs Kikkert |  |  |  |
| Ms Berry | Ms Lawder |  |  |  |
| Miss C. Burch | Ms Le Couteur |  |  |  |
| Ms J. Burch | Mr Milligan |  |  |  |
| Ms Cheyne | Ms Orr |  |  |  |
| Ms Cody | Mr Parton |  |  |  |
| Mr Coe | Mr Pettersson |  |  |  |
| Mrs Dunne | Mr Ramsay |  |  |  |
| Ms Fitzharris | Mr Rattenbury |  |  |  |
| Mr Gentleman | Mr Steel |  |  |  |
| Mr Hanson | Ms Stephen-Smith |  |  |  |
| Mrs Jones | Mr Wall |  |  |  |

And so it was resolved in the affirmative by a 2/3 majority of Members.

 **8 SUSPENSION OF STANDING ORDERS—APPROPRIATION BILL 2019-2020 and APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2019-2020 and matters of public importance**

Mr Gentleman (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent:

(1) any business before the Assembly at 3 pm this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2019‑2020 and the Appropriation (Office of the Legislative Assembly) Bill 2019‑2020;

(2) (a) questions without notice concluding at the time of interruption; or

* 1. debate on any motion before the Assembly at the time of interruption being adjourned until the adjournment questions in relation to the Appropriation Bill 2019-2020 and the Appropriation (Office of the Legislative Assembly) Bill 2019-2020 are determined;

(3) at 3 pm on Thursday, 6 June 2019, the order of the day for resumption of debate on the question that the Appropriation Bill 2019-2020 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limits on the speeches of the Leader of the Opposition and the Leader of the ACT Greens be equivalent to the time taken by the Treasurer in moving the motion “That this Bill be agreed to in principle”; and

(4) (a) questions without notice concluding at the time of interruption; or

* 1. debate on any motion before the Assembly at that time being adjourned until a later hour that day; and
	2. matters of public importance being discussed on Tuesday, 4 June and Thursday, 6 June 2019.

Question—put and passed, with the concurrence of an absolute majority.

 9 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—SCRUTINY REPORT 31—STATEMENT BY CHAIR

Mrs Jones (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 31*,* dated 28 May 2019, together with a copy of the extracts of the relevant minutes of proceedings—

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

 10 Ngunnawal Bush Healing Farm—STATEMENT BY Minister

Ms Fitzharris (Minister for Health and Wellbeing), by leave, made a statement to correct the record in relation to a question without notice from Mrs Kikkert concerning the Ngunnawal Bush Healing Farm.

 11 Fuel Pricing—Select Committee—Report—Interim Report on Inquiry into A.C.T. Fuel Pricing—report noted

Ms Cheyne (Chair) presented the following report:

Fuel Pricing—Select Committee—Report—*Interim Report on Inquiry into ACT Fuel Pricing,* dated 30 May 2019, together with a copy of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

 12 Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Consideration of amendments to bills—STATEMENT BY CHAIR

Mrs Jones (Chair), pursuant to standing order 246A, informed the Assembly that proposed amendments to bills would need to be received by the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) at least 14 days prior to the Tuesday of the sitting week in which the amendments are proposed to be moved.

 13 Education, Employment and Youth Affairs—Standing Committee—Membership—STATEMENT BY SPEAKER—Paper

The Speaker made a statement concerning the following change to the membership of the Standing Committee on Education, Employment and Youth Affairs, proposed by the Opposition Whip pursuant to standing order 223:

Ms Lee be discharged from the Standing Committee on Education, Employment and Youth Affairs and Mr Parton be appointed in her place.

The Speaker advised the Assembly that the Acting Speaker had agreed to the changes on 20 May 2019.

*Paper:* The Speaker presented the following paper:

Education, Employment and Youth Affairs—Standing Committee—Membership—Proposed changes—Copy of email correspondence between the Opposition Whip and the Acting Speaker, dated 20 May 2019.

 14 Education, Employment and Youth Affairs—Standing Committee—MEMBERSHIP

Mr Gentleman (Manager of Government Business) moved—That the change to the membership of the Standing Committee on Education, Employment and Youth Affairs, as proposed to and agreed by the Acting Speaker, pursuant to standing order 223, be adopted.

Question—put and passed.

 15 Integrity Commission—Standing Committee—MEMBERSHIP

Mr Gentleman (Manager of Government Business), pursuant to standing order 223, moved—That Ms Lee be discharged from the Standing Committee on the Integrity Commission and Mr Wall be appointed in her place.

Question—put and passed.

 16 End of Bushfire season—MINISTERIAL STATEMENT—PAPER NOTED

Mr Gentleman (Minister for Police and Emergency Services) made a ministerial statement concerning the end of the bushfire season and presented the following paper:

End of bushfire season—Ministerial statement, 4 June 2019.

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

Question—put and passed.

 17 Water Resources 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.

 18 Senior Practitioner 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.

*Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Ms Stephen-Smith (Minister for Disability), her amendment No 1 (*see* [Schedule 1](#Schedule1)) was made.

*Paper:* Ms Stephen-Smith presented a supplementary explanatory statement to the Government amendment.

Bill, as a whole, as amended, agreed to.

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

 19 Justice and Community Safety 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.

*Detail Stage*

Clauses 1 to 11, by leave, taken together and agreed to.

Clauses 12 to 17, by leave, taken together—

Debate continued.

Question—put.

The Assembly voted—

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|  AYES, 13 |  |  NOES, 10 |
| Ms Berry | Ms Orr |  | Miss C. Burch | Mr Milligan |
| Ms J. Burch | Mr Pettersson |  | Mr Coe | Mr Parton |
| Ms Cheyne | Mr Ramsay |  | Mrs Dunne | Mr Wall |
| Ms Cody | Mr Rattenbury |  | Mr Hanson |  |
| Ms Fitzharris | Mr Steel |  | Mrs Jones |  |
| Mr Gentleman | Ms Stephen-Smith |  | Mrs Kikkert |  |
| Ms Le Couteur |  |  | Ms Lawder |  |

And so it was resolved in the affirmative.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

 20 QUESTIONS

Questions without notice being asked—

It being 3 p.m., questions were interrupted pursuant to the order of the Assembly.

 21 Appropriation Bill 2019-2020

Mr Barr (Treasurer) presented a Bill for an Act to appropriate money for the purposes of the Territory for the financial year beginning on 1 July 2019, 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 31 May 2019.

Budget 2019-20—

Financial Management Act, pursuant to section 10—

Budget Speech (Budget Paper 1).

Budget in Brief (Budget Paper 2).

Budget Outlook (Budget Paper 3).

Budget Statements—

A—ACT Executive | ACT Integrity Commission | Auditor-General | Electoral Commissioner | Office of the Legislative Assembly.

B—Chief Minister, Treasury and Economic Development Directorate together with associated agencies.

C—ACT Health Directorate | Canberra Health Services | ACT Local Hospital Network.

D—Justice and Community Safety Directorate │ Legal Aid Commission (ACT) | Public Trustee and Guardian for the ACT.

E—Environment, Planning and Sustainable Development Directorate | City Renewal Authority | Suburban Land Agency.

F—Education Directorate.

G—Community Services Directorate | Housing ACT.

H—Transport Canberra and City Services Directorate | Transport Canberra Operations | ACT Public Cemeteries Authority.

Financial Management Act, pursuant to subsection 62(2)—Statements of Intent 2019-20—

ACT Building and Construction Industry Training Fund Authority, dated 23 and 28 May 2019.

ACT Long Service Leave Authority.

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.

 **22 Appropriation (Office of the Legislative Assembly) Bill 2019-2020**

Mr Barr (Treasurer) presented a Bill for an Act to appropriate money for expenditure in relation to the Office of the Legislative Assembly and officers of the Assembly for the financial year beginning on 1 July 2019, 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 31 May 2019.

Budget 2019-20—Financial Management Act, pursuant to section 20AC—Appropriation (Office of the Legislative Assembly) Bill 2019-2020—Departures from Recommended Appropriations—Statement of Reasons.

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.

 23 PRESENTATION OF PAPERs

The Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 5/2019—Management of the System-Wide Data Review implementation program, dated 30 May 2019.

Standing order 191—Amendments to:

Motor Accident Injuries Bill 2019, dated 31 May 2019.

Working with Vulnerable People (Background Checking) Amendment Bill 2019, dated 22 May 2019.

 24 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—

Building Act—

Building (ACT Appendix to the Building Code) Determination 2019—Disallowable Instrument DI2019-45 (LR, 30 April 2019).

Building (ACT Appendix to the Building Code) Determination 2019 (No 2)—Disallowable Instrument DI2019-55 (LR, 8 May 2019).

Dangerous Goods (Road Transport) Act—Dangerous Goods (Road Transport) Fees and Charges Determination 2019—Disallowable Instrument DI2019-49 (LR, 6 May 2019).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2019—Disallowable Instrument DI2019-53 (LR, 6 May 2019).

Epidemiological Studies (Confidentiality) Act—Epidemiologial Studies (Confidentiality) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-6 (LR, 26 April 2019).

Government Procurement Act—Government Procurement (Secure Local Jobs) Code 2019—Disallowable Instrument DI2019-47 (LR, 2 May 2019).

Lakes Act—Lakes Regulation 2019—Subordinate Law SL2019-8 (LR, 9 May 2019).

Legal Aid Act—Legal Aid (Commissioner—ACTCOSS Nominee) Appointment 2019—Disallowable Instrument DI2019-27—Revised explanatory statement.

Machinery Act—Machinery (Fees) Determination 2019—Disallowable Instrument DI2019-52 (LR, 6 May 2019).

Magistrates Court Act—Magistrates Court (Lakes Infringement Notice) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-7 (LR, 9 May 2019).

Medicines, Poisons and Therapeutic Goods Regulation—Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2019 (No 1)—Disallowable Instrument DI2019-42 (LR, 15 April 2019).

Public Unleased Land Act—Public Unleased Land (Movable Signs) Code of Practice 2019 (No 1)—Disallowable Instrument DI2019-41 (LR, 15 April 2019).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2019 (No 3)—Disallowable Instrument DI2019-44 (LR, 26 April 2019).

Rail Safety National Law (ACT) Act—Rail Safety National Law (Drug and Alcohol Analysts) Appointment 2019 (No 1)—Disallowable Instrument DI2019-57 (LR, 9 May 2019).

Road Transport (General) Act—Road Transport (General) Autonomous Vehicle Trial Declaration and Order 2019 (No 1)—Disallowable Instrument DI2019-43 (LR, 18 April 2019).

Veterinary Practice Act—

Veterinary Practice (Board) Appointment 2019 (No 2)—Disallowable Instrument DI2019-54 (LR, 16 May 2019).

Veterinary Practice (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-48 (LR, 1 May 2019).

Water and Sewerage Act—

Water and Sewerage (ACT Appendix to the Plumbing Code) Determination 2019—Disallowable Instrument DI2019-46 (LR, 30 April 2019).

Water and Sewerage (ACT Appendix to the Plumbing Code) Determination 2019 (No 2)—Disallowable Instrument DI2019-56 (LR, 8 May 2019).

Work Health and Safety Act—Work Health and Safety (Fees) Determination 2019—Disallowable Instrument DI2019-50 (LR, 6 May 2019).

Workers Compensation Act—Workers Compensation (Fees) Determination 2019—Disallowable Instrument DI2019-51 (LR, 6 May 2019).

 25 ADJOURNMENT

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

Question—put and passed.

And then the Assembly, at 3.30 pm, adjourned until tomorrow at 10 am.

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

\*on leave

Tom Duncan

Clerk of the Legislative Assembly

**SCHEDULE OF AMENDMENTS**

**Schedule 1**

**SENIOR PRACTITIONER AMENDMENT BILL 2019**

Amendment circulated by the Minister for Disability

1. Clause 6
Proposed new section 10 (b) (i)
Page 3, line 9—

omit proposed new section 10 (b) (i), substitute

 (i) the provider or relevant person believes on reasonable grounds that it is necessary to use the restrictive practice to avoid imminent harm to the person or others;