Government business

Includes all business items presented to the Assembly by the Executive including bills, motions, and papers

Bills introduced

- Appropriation Bill 2012-2013 (presented on 5 June 2012)
- Appropriation (Office of the Legislative Assembly) Bill 2012-2013 (presented on 5 June 2012)
- Health (National Health Funding Pool and Administration) Bill 2012 (presented on 7 June 2012)
- Public Interest Disclosure Bill 2012 (presented on 7 June 2012)

Bills debated

**Appropriation Bill 2012-2013**

*Summary:* This bill will provide for the appropriation of monies for the ACT for the 2012-13 financial year.

*Proceedings:* Debate resumed on the Appropriation Bill 2012-2013 on 7 June. In giving their Budget reply speeches both the Opposition and the ACT Greens outlined their views on the bill. The bill was agreed to in principle.

Debate on the detail stage of the bill will resume during the August sittings of the Assembly. Information on the Estimates Committee process on the bill can be found in the committee section of this publication.

**Corrections and Sentencing Legislation Amendment Bill 2012**

*Summary:* This bill will amend the Corrections Management Act 2007 to improve the efficiency of the detainee discipline process.

The bill also makes a number of technical amendments to the Crimes (Sentence Administration) Act 2005.

*Proceedings:* During debate on the bill on 7 June 2012 both the Opposition and the ACT Greens indicated that they would be supporting the legislation. In closing debate the Government outlined the purpose of the bill.

The bill was passed by the Assembly without amendment.

**Courts Legislation Amendment Bill 2012**

*Summary:* This bill will amend a number of ACT laws to address issues in relation to the election for a judge alone trial. The bill also deals with pre-sentence reports.

*Proceedings:* Debate on the bill resumed on 5 June 2012. During debate the Opposition stated that except for the sentence discounts clauses they would be supporting the legislation. The ACT Greens also indicated that they would support the passage of the legislation, however, they would also be supporting the amendments which were proposed by the Opposition. In closing debate on the in principle stage the Government outlined the purpose of the legislation. During the detail stage the Opposition’s amendments were agreed to after a vote with the Government voting against the amendments.

The amended bill was passed by the Assembly.

**Duties Amendment Bill 2012 (No 2)**

*Summary:* This bill will amend the Duties Act 1999 by abolishing duty on transfers of short-term subleases and consequentially removing the anomalous duty on goods transferred as part of a sale of a business.
Proceedings: This bill was debated together with the Rates and Land Tax Legislation Amendment Bill 2012 on 7 June. The bill received support from both the Opposition and the ACT Greens.

In closing debate on the bills the Government thanked Members for their support of the legislation.

The Duties Amendment Bill 2012 (No 2) was passed by the Assembly without amendment.

**Duties (Landholders) Amendment Bill 2012**

Summary: This bill will amend the Duties Act 1999 to improve consistency with NSW in relation to landholder provisions and reduce regulatory burden in order to continue to encourage investment in the Territory.

Proceedings: Debate on this bill resumed on 7 June 2012. Both the Opposition and the ACT Greens supported the bill. In closing debate on the in principle stage, the Government thanked Members for their support. During the detail stage the Minister moved a minor and technical amendment which was agreed to.

The amended bill was passed by the Assembly.

**Justice and Community Safety Legislation Amendment Bill 2012**

Summary: This bill will amend a number of Territory laws administered by the Justice and Community Safety Directorate.

Proceedings: When debate resumed on the bill on 5 June 2012 both the Opposition and the ACT Greens stated that they would be supporting the passage of the bill through the Assembly. In closing debate the Attorney-General thanked Members for their support.

The bill was passed by the Assembly without amendment.

**National Energy Retail Law (ACT) Bill 2012**

Summary: The bill will apply the National Energy Retail Law in the Territory and relates to the supply of energy to customers by retailers and distributors.

Proceedings: This bill was debated together with the National Energy Retail Law (Consequential Amendments) Bill 2012. During debate the ACT Greens stated that they would support the bill in principle but would be moving amendments during the detail stage dealing with how a State or Territory jurisdiction should operate in the context of these types of national frameworks. The Opposition stated that they would support both pieces of legislation. In closing debate on the in principle stage the Minister outlined the purpose of both pieces of legislation. The bill was agreed to in principle. During the detail stage the foreshadowed amendments were moved by the ACT Greens. Both the Government and the Opposition stated their reasons for not supporting the proposed amendments and they were negatived after a vote of the Assembly.

The bill was passed by the Assembly without amendment.

**National Energy Retail Law (Consequential Amendments) Bill 2012**

Summary: This bill will amend a number of Territory laws as a consequence of the enactment of the National Energy Retail Law (ACT) Act 2012.

Proceedings: This bill received tripartisan support in the Assembly on 5 June 2012. The bill was passed by the Assembly.

However, on 6 June the bill was recommitted to the Assembly to allow for an amendment to be moved by the Government which had inadvertently not been moved the previous day. The amendment was agreed to.

The amended bill was passed by the Assembly.

**Rates and Land Tax Legislation Amendment Bill 2012**

Summary: This bill will amend the Rates Act 2004 by imposing rates on common areas in a Community Title Scheme according to the highest purpose clause within the Scheme. The bill will also amend the Land Tax Act 2004 to ensure that where the common area is deemed either non-rented residential or rural, no land tax applies.

Proceedings: This bill was debated together with the Rates and Land Tax Legislation Amendment Bill 2012 (No 2) on 7 June.

The bill was passed without amendment.
**Private Members’ business**

Includes all items presented to the Assembly by all non-Executive Members, including bills and motions

**Bills introduced**

**Electoral (Limit on Gifts) Amendment Bill 2012**—Ms Meredith Hunter MLA (Ginninderra—ACT Greens)

**Planning and Development (Greenhouse Gas Reductions Targets) Amendment Bill 2012**—Ms Caroline Le Couteur MLA (Molonglo—ACT Greens)

**Retirement Villages Bill 2012**—Ms Mary Porter MLA (Ginninderra—Australian Labor Party)

**Water and Sewerage Regulation (Water Heaters) Amendment Bill 2012**—Ms Caroline Le Couteur MLA (Molonglo—ACT Greens)

**Bills debated**

**Official Visitor Bill 2012 (No 2)**—Ms Amanda Bresnan MLA (Brindabella—ACT Greens)

Summary: This bill will implement an improved monitoring complaints system for people who are being held in government institutions or are staying in a community facility and are dependent on the service provider or accommodation manager supporting them.

Proceedings: Debate resumed on the bill on 6 June. During debate the Government informed the Assembly that they would not be supporting the bill as they believed it would undermine the operation of the official visitor’s scheme and the effectiveness of official visitors themselves. The Opposition stated that they would be supporting the bill but not without some reservations. The bill was agreed to in principle after a vote of the Assembly. During the detail stage amendments moved by both the Government and ACT Greens were agreed to.

The amended bill was agreed to by the Assembly.

Further bills discussed on 6 June:

**Bail Amendment Bill 2012**
Ms Meredith Hunter MLA (Ginninderra—ACT Greens)

**Crimes (Offences Against Police) Amendment Bill 2012**
Mr Zed Seselja MLA (Molonglo—Canberra Liberals)

**Electoral (Donation Limit) Amendment Bill 2012**
Mr Brendan Smyth MLA (Brindabella—Canberra Liberals)

**Motions debated**

On 6 June 2012, Mr Jeremy Hanson MLA (Molonglo—Canberra Liberals) moved a motion on 6 June concerning the **management of health services** in the Territory. Terms of the motion included calling on the Minister for Health to explain to the Assembly why access to health care in the Territory had deteriorated. During debate the Opposition outlined their reasons for raising the issues contained in the motion. Both the Government and ACT Greens stated that they would not be supporting the motion and gave their reasons for not doing so.

The motion was negatived after a vote of the Assembly.

Ms Mary Porter MLA (Ginninderra—Australian Labor Party) moved a motion on 6 June relating to the **ACT economy**. The motion sought to outline the positives of the Territory’s financial system. Debate on the motion was adjourned until the next day of sitting.

**Papers presented**

The following is a list of papers of interest that were presented

2011-12 Chief Minister’s Annual Report Directions (presented by the Chief Minister on 7 June 2012)

Canberra Institute of Technology Annual Report 2011 (presented by the Minister for Education and Training on 5 June 2012)

Environment and Construction Occupations Legislation (Wood Heaters) Amendment Bill 2012—Exposure draft

Consultation Paper—Addressing Wood Heater Pollution in the ACT (presented by Ms Amanda Bresnan MLA (Brindabella—ACT Greens) on 6 June 2012)
Report on Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation—Government response (presented by the Minister for the Environment and Sustainable Development on 5 June 2012)

Statements of Intent—

ACT Building and Construction Industry Training Fund Authority
ACT Compulsory Third-Party Insurance Regulator (CTP Regulator)
ACT Gambling and Racing Commission
ACT Insurance Authority
ACT Long Service Leave Authority
ACT Public Cemeteries Authority
Canberra Institute of Technology
Cultural Facilities Corporation
Exhibition Park Corporation
Independent Competition and Regulatory Commission
Land Development Agency
Legal Aid Commission (ACT)
Public Trustee for the ACT (PTACT)—(presented by the Chief Minister on 5 June 2012)


Other matters

On 5 June 2012 a motion was moved proposing a want of confidence in the Minister for Community Services in relation to the management of children and young people engaged in the Territory’s care and protection system. The motion included noting the report of the ACT Public Advocate entitled Who is looking out for the Territory’s children? and calling on the Chief Minister to establish an inquiry under the Inquiries Act 1991 to inquire into the child and protection service. During debate an amendment was moved by the ACT Greens which, among other things, called on the Government to urgently act on all recommendations of the final report of the ACT Public Advocate. The amendment also removed the want of confidence terms. The amendment was agreed to after a vote of the Assembly.

The amended motion was passed by the Assembly.

Committee activities

Committee reports presented

Election Commitments Costing Bill 2011 Exposure Draft—Select Committee

Report—Inquiry into Election Commitments Costing Bill 2011 Exposure Draft

The report made 12 recommendations, seven of which recommended amendments to the Exposure Draft bill, and five of which recommended changes to draft guidelines for the conduct of election commitments costing by the ACT Treasury.

The committee’s recommendations were unanimous and, coming as they did from a committee with the Treasurer and Speaker as members, it is expected that the committee’s recommendations will be implemented by the Government.

During his statement the Treasurer presented amended copies of balance sheets and statements of changes in equity for the Cultural Facilities Corporation, Exhibition Park Corporation and the Public Trustee for the ACT.
In tabling the report, all three members spoke of the benefits and experience of the collaborative committee arrangement used by the committee, and the lessons learned from the experience.

The Treasurer and Deputy Chair of the Committee, Mr Andrew Barr MLA, foreshadowed the introduction of a new Election Commitments Costing Bill in the August sittings which will give effect to the committee’s recommendations.

The committee’s report can be found here.

Health, Community and Social Services—Standing Committee


The committee’s report was presented by the chair on 7 June. During its inquiry the committee held four public hearings and heard from the following Ministers together with relevant directorate officials:

- Minister for Health;
- Minister for Community Services
- Minister for Aboriginal and Torres Strait Islander Affairs;
- Minister for Ageing
- Minister for Multicultural Affairs; and
- Minister for Women.

The committee made 16 recommendations in response to its scrutiny of the annual reports, and associated evidence.

Many of the recommendations aimed to ensure that consultation with key stakeholders, such as parents, program participants and staff is undertaken in a way that meets best practice. Recommendations regarding consultation were based on the examples of poor consultation processes, or situations where information fell through gaps between directorates, including the provision of after school care, and a nurse at the Woden School.

The committee also made a number of recommendations in relation to the evaluation of existing programs, such as the Office of Women’s return to work grants.

The committee noted that significant developments such as the equal pay Fair Work Australia decision, and the implementation of the National Disability Insurance Scheme will have an effect on the ACT, and should be monitored in future Annual Reports.

A copy of the committee’s report can be accessed here.

Justice and Community Safety—Standing Committee


On Tuesday, 5 June 2012 the committee’s report of its inquiry into the Crimes Legislation Amendment Bill 2011 and the Crimes (Offences Against Police) Amendment Bill 2012 was presented. These were Government and Private Members’ bills respectively.

The Crimes Legislation Amendment Bill 2011 seeks to remove a defence that may be made in court on grounds of self-defence where a defendant has used force to resist an arrest he or she considers unlawful, and to require judges to consider the professional role of a person who is assaulted in sentencing a defendant.

The Crimes (Offences Against Police) Amendment Bill 2012 seeks to create aggravated forms of assault offences in the Crimes Act 1900 (ACT) where there are assaults on police, and to reverse the burden of proof so that persons who are accused of assaulting police must show courts that they were not aware of the professional role of the victim.

Over the course of the inquiry the committee heard from, and received submissions from, the ACT Government, ACT Policing, the Australian Federal Police Association, the ACT Bar Association, the ACT Law Society and the Australian Lawyers Alliance.

After considering these representations, due to concerns over their legal implications the committee recommended that neither of the two bills be supported by the Assembly. One member of the committee put forward dissenting comments on the report.

The report can be accessed here.
Public Accounts—Standing Committee


On 7 June 2012, the chair of the committee tabled its report inquiring into referred 2010-11 annual and financial reports. The committee made 10 recommendations and its report focused on significant issues of interest raised during the inquiry process.

The provision of meaningful operational and financial information by government to parliament, and the public, is a fundamental component of the accountability process. Annual reports are the principal and most authoritative way in which directors-general and chairpersons account to the Legislative Assembly and other stakeholders, including the public, for the ways in which they have discharged their statutory and other responsibilities and utilised public funds over the preceding twelve months.

The committee held public hearings in November and December 2011. At these public hearings the Committee heard from Ministers, and accompanying directorate and agency officers, and members of governing boards. The committee examined the annual reports in relation to their compliance, where applicable, with the Chief Minister’s Annual Report Directions 2010–11, legislative, and other requirements as raised in individual agency reports. In reporting, the committee considered and assessed the issues raised within the context of accountability and governance and its subsequent effective reporting by public sector agencies.

Report 24—Inquiry into the Gaming Machine Amendment Bill 2011

On 7 June 2012, the committee’s report on its inquiry into the Gaming Machine Amendment Bill 2011 was also presented. The committee’s report examined and reflected on several key themes that became apparent during its inquiry.

The committee considered the bill and its proposed amendments. The amendments as detailed in the bill can be organised broadly into three categories:

(i) reduction of maximum number of gaming machines allowed on all licensed premises in the ACT from 5,024 to 4,000;
(ii) introduction of a $250 per day ATM withdrawal limit at licensed premises; and
(iii) introduction of a gaming machine relocation scheme.

Each of the amendments is responsive to the two overarching objectives of the bill—to (i) maintain the important role clubs play in the community and (ii) seek to address problem gambling.

After careful consideration of the evidence, the committee concluded that there was no persuasive evidence to support the bill in its current form. The committee detailed its reasoning for this position throughout its report and made 17 recommendations, including that the bill should only be supported by the ACT Legislative Assembly subject to the recommendations as detailed in the committee’s report. One member of the committee put forward dissenting comments because they did not support all recommendations of the committee.

The committee’s reports can be found here.

Scrutiny Committee—

Scrutiny Report 53, dated 31 May 2012 (presented 5 June 2012)

Committee inquiries

ACT Supermarket Competition Policy—Select Committee

The Assembly agreed to amend the reporting date for the committee’s inquiry into the ACT Supermarket Competition Policy on 7 June. The committee is now to report by 23 August 2012.

Education, Training and Youth Affairs—Standing Committee

A motion was moved in the Assembly on 7 June 2012 by the Opposition which included directing the Government to adopt and implement certain recommendations made by the committee in its report entitled Future Use of the Fitters’ Workshop, Kingston. During debate the Opposition outlined their reasons for moving the motion. Amendments were proposed by the ACT Greens which sought to omit the implementation of the recommendations but did call on the Government to, among other things, commence a master planning process for the Kingston Arts
Precinct that considers all options for the Fitters’ Workshop. The amendments were negatived after further debate.

The original motion was agreed to after a vote of the Assembly.

**Estimates 2012-2013—Select Committee**

On 7 June 2012 the Appropriation Bill 2012-2013 and the Appropriation (Office of the Legislative Assembly) Bill 2012-2013 were referred to the committee for inquiry and report by 14 August 2012.

Public hearings will be held from 15 June to 2 July 2012, inclusive. These bills provide for the Budget 2012-2013. The Budget Papers can be found on the ACT Treasury Directorate’s website which can be accessed [here](http://act.treasury.org.au).

On the first day of the hearings, community and industry groups will be giving evidence. On all other days, Ministers and statutory officers are scheduled to appear. The schedule of the public hearings can be accessed [here](http://www.legislative.assembly.act.gov.au).

Members of the public are welcome to observe the public hearings of this committee. Anyone may also watch the proceedings live via the Assembly’s web-streaming which may be accessed via the Assembly [webpage](http://www.legislative.assembly.act.gov.au).

**Public Accounts—Standing Committee**

The chair of the committee made two statements on 7 June 2012. The first related to the reporting of reportable contracts, which are provided by agencies to the Standing Committee on Public Accounts under section 39 of the Government Procurement Act 2001. This was followed by a statement on the committee’s hosting of the Australasian Council of Public Accounts Committees (ACPAC) Mid-Term Meeting on Friday, 25 May 2012.

**Government responses to committee reports**

**Administration and Procedure—Standing Committee**

Report 4—Officers of the Parliament

**Education, Training and Youth Affairs—Standing Committee**

Report 8—Future Use of the Fitters’ Workshop, Kingston

**Justice and Community Safety—Standing Committee**

Report 9—Inquiry into the Prostitution Act 1992 (presented 5 June 2012)

**Parliamentary Education**

The Strategy and Parliamentary Education office has conducted a range of activities for community groups, school and college groups and ACT public servants during May and the early part of June.

On 17 May the office gave a presentation to Year 11 legal studies students on how legislation is dealt with in the Assembly.

This outreach activity enabled the students to learn more about the Assembly’s ‘Daily on Demand’ service on the website which provides a video replay of proceedings and to ask questions about how unicameralism works at the Assembly. A similar seminar was held at the Assembly for Year 11 legal studies students from Melba Copland Secondary School on 23 May.

On 23 May, 60 Year 6 students from Brindabella Christian College came to the Assembly where the education office conducted a Q&A session on the importance of democracy and compulsory voting. The students had completed a unit of work on the Assembly and were keen to demonstrate their knowledge about how the ACT’s legislature conducts its business. The students then participated in a mock election, giving them a first-hand experience with the Hare Clarke system.

Feedback about these activities was extremely positive with teachers commenting on the hands on, practical and interactive nature of the activities.

The Interschool Parliamentary Debates program was held on 25 May (for year 8 and 9) and 1 June (for year 10). These activities form a major part of the Assembly’s education program. Students suggested the topics for the debates. With 10 schools involved, each school has a chance to present a ‘for’ or ‘against’ case as well as questioning another school on the topic at hand.

Topics included organ donation, the carbon tax, social networking, junk food advertising, euthanasia, and Wikileaks.
The debates program is always positively received by teachers and students who report learning a great deal about debating and parliamentary procedure. Many MLAs chaired sessions at both events.

On 5 June 20 women academics from the Australian National University attended question time and listened to the Treasurer’s budget speech. After question time, they went on a tour of the building and asked many questions about the operation of the Assembly.

Next sitting

The Assembly will sit again on Tuesday, 14 August 2012.