LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004-2005-2006

NOTICE PAPER

No. 69

THURSDAY, 17 AUGUST 2006

The Assembly meets this day at 10.30 a.m.

EXECUTIVE BUSINESS

Notices

*1 **MS GALLAGHER**: To present a Bill for an Act to amend the *Tobacco Act 1927*. *(Notice given 16 August 2006).*

*2 **MR CORBELL**: To present a Bill for an Act to amend laws in relation to carers, and for other purposes. *(Notice given 16 August 2006).*

*3 **MR CORBELL**: To present a Bill for an Act to amend laws relating to justice and community safety, and for other purposes. *(Notice given 16 August 2006).*

*4 **MR CORBELL**: To present a Bill for an Act to amend the *Supreme Court Act 1933*. *(Notice given 16 August 2006).*

** Notifications to which an asterisk (*) is prefixed appear for the first time*

ASSEMBLY BUSINESS

Notice

1 **DR FOSKEY**: To move—That Subordinate Law SL2006-13 being the Land (Planning and Environment) Amendment Regulation 2006 (No 2) be disallowed. *(Notice given 8 June 2006. Subordinate Law will be deemed to have been disallowed unless disposed of within 4 sitting days, including today.)*

Orders of the day

1 **WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE—PROPOSED AMENDMENT TO RESOLUTION OF APPOINTMENT**: Resumption of debate *(from 11 May 2006—Mrs Burke, in continuation)* on the motion of Mrs Burke—That the resolution of the Assembly establishing the Select Committee on Working Families in the Australian Capital Territory, agreed to on 5 May 2005, be amended as follows:

Omit paragraph (3) and substitute:

"(3) noting that the Committee has tabled an interim report which indicated at paragraph 5.12 that time and evidence are needed to reliably and validly determine the effects on working families in the ACT of reforms to the industrial relations system:

(a) suspends the operation of the Committee from the date this motion is agreed to until March 2007; and

(b) calls on the Assembly to amend the terms of reference in March 2007 in light of comments in the interim report; and".

And on the amendment moved by Mr Gentleman—Omit all words after "as follows:", substitute "in paragraph (3), omit '2006', substitute '2007'".

2 **PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 20—DRAFT VARIATION TO THE TERRITORY PLAN NO 256—KINGSTON GROUP CENTRE PART SECTION 22—MOTION THAT REPORT BE NOTED**: Resumption of debate *(from 6 June 2006—Dr Foskey)* on the motion of Mr Gentleman—That the report be noted.

3 **PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 17—WILDLIFE CORRIDORS AND DV231—EAST GUNGAHLIN SUBURBS OF KENNY AND THROSBY AND GOOROOYARROO NATURE RESERVE—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 6 June 2006—Dr Foskey)* on the motion of Mr Corbell—That the Assembly takes note of the paper.

4 **ESTIMATES 2006-2007—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2006-2007—MOTION THAT REPORT BE NOTED**: Resumption of debate *(from 15 August 2006—Mrs Dunne)* on the motion of Ms Porter—That the report be noted.

First sitting day in October 2006

5 **WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE**: Presentation of report pursuant to order of the Assembly of 5 May 2005, as amended 8 June 2006.

1 October 2007

6 **EDUCATION, TRAINING AND YOUNG PEOPLE—STANDING COMMITTEE**: Presentation of report on the lowering of the eligible voting age pursuant to order of the Assembly of 29 March 2006.

EXECUTIVE BUSINESS—continued

Orders of the day

1 **REVENUE LEGISLATION AMENDMENT BILL 2006**: *(Treasurer)*: Agreement in principle—Resumption of debate *(from 11 May 2006—Mr Mulcahy)*.

2 **RADIATION PROTECTION BILL 2006**: *(Minister for Health)*: Agreement in principle—Resumption of debate *(from 30 March 2006—Mr Stefaniak)*.

3 **ELECTORAL AMENDMENT BILL 2006**: *(Attorney-General)*: Agreement in principle—Resumption of debate *(from 30 March 2006—Mr Stefaniak)*.

4 **APPROPRIATION BILL 2006-2007**: *(Treasurer)*: Detail stage—Resumption of debate *(from 8 June 2006)*.

5 **CIVIL LAW (PROPERTY) BILL 2005**: *(Attorney-General)*: Agreement in principle—Resumption of debate *(from 24 November 2005—Mr Stefaniak)*.

6 **STATUTE LAW AMENDMENT BILL 2006**: *(Attorney-General)*: Agreement in principle—Resumption of debate *(from 4 May 2006—Mr Stefaniak)*.

7 **ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2006**: *(Minister for the Territory and Municipal Services; presented by the Chief Minister)*: Agreement in principle—Resumption of debate *(from 8 June 2006—Mr Pratt)*.

8 **FAIR WORK CONTRACTS BILL 2004**: *(Minister for Industrial Relations)*: Agreement in principle—Resumption of debate *(from 9 December 2004—Mr Mulcahy)*.

9 **EDUCATION AMENDMENT BILL 2006**: *(Minister for Education and Training)*: Agreement in principle—Resumption of debate *(from 4 May 2006—Mr Seselja)*.

10 **PUBLIC INTEREST DISCLOSURE BILL 2006**: *(Chief Minister)*: Agreement in principle—Resumption of debate *(from 8 June 2006—Mr Stefaniak)*.

11 **GAMING MACHINE ACT—COMMUNITY CONTRIBUTIONS MADE BY GAMING MACHINE LICENSEES—SEVENTH REPORT—ACT GAMBLING AND RACING COMMISSION—PAPER—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 7 December 2004—Mr Stefaniak)* on the motion of Mr Quinlan—That the Assembly takes note of the paper.

12 **PORTFOLIO RESPONSIBILITIES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 9 December 2004—Mr Mulcahy)* on the motion of Ms Gallagher—That the Assembly takes note of the paper.

13 **PORTFOLIO RESPONSIBILITIES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 9 December 2004—Mrs Burke)* on the motion of Mr Hargreaves—That the Assembly takes note of the paper.

14 **THE TERRITORY AS PARENT—REVIEW OF THE SAFETY OF CHILDREN IN THE CARE OF THE ACT AND OF ACT CHILD PROTECTION MANAGEMENT AND THE TERRITORY'S CHILDREN—ENSURING SAFETY AND QUALITY CARE FOR CHILDREN AND YOUNG PEOPLE—REPORT ON THE AUDIT AND CASE REVIEW—IMPLEMENTATION OF THE GOVERNMENT'S RESPONSE—FIRST SIX MONTHLY REPORTS—PAPERS—MOTION TO TAKE NOTE OF PAPERS**: Resumption of debate *(from 17 February 2005—Mrs Dunne)* on the motion of Ms Gallagher—That the Assembly takes note of the papers.

15 **A.C.T. ASBESTOS TASKFORCE—PROGRESS—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 17 March 2005—Mr Mulcahy)* on the motion of Ms Gallagher—That the Assembly takes note of the paper.

16 **FORDE JOINT VENTURE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 28 June 2005—Mrs Dunne)* on the motion of Mr Corbell—That the Assembly takes note of the paper.

17 **HUMAN RIGHTS ACT—HUMAN RIGHTS AUDIT—QUAMBY YOUTH DETENTION CENTRE—PAPER—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 18 August 2005—Mr Stefaniak)* on the motion of Mr Stanhope—That the Assembly takes note of the paper.

18 **SENTENCE AND RELEASE OPTIONS FOR HIGH RISK SEXUAL OFFENDERS—REPORT PREPARED FOR THE ACT GOVERNMENT—PAPER—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 20 October 2005—Mr Stefaniak)* on the motion of Mr Stanhope—That the Assembly takes note of the paper.

19 **ACT CHILDREN'S PLAN AND YOUNG PEOPLE'S PLAN—PROGRESS REPORT—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 20 October 2005—Mrs Dunne)* on the motion of Ms Gallagher—That the Assembly takes note of the paper.

20 **LAND (PLANNING AND ENVIRONMENT) ACT—STATEMENT IN RELATION TO THE EXERCISE OF CALL-IN POWERS FOR DEVELOPMENT APPLICATION NO DA200400175, BLOCKS 8 AND 10 SECTION 26, AINSLIE—PAPER—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 15 November 2005—Dr Foskey)* on the motion of Mr Corbell—That the Assembly takes note of the paper.

21 **HOMELESSNESS STRATEGY—BREAKING THE CYCLE—FIRST PROGRESS REPORT—PAPER—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 24 November 2005—Dr Foskey)* on the motion of Mr Hargreaves—That the Assembly takes note of the paper.

22 **CANBERRA CENTRAL TASKFORCE REPORT—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 15 December 2005—Mrs Dunne)* on the motion of Mr Corbell—That the Assembly takes note of the paper.

23 **ECONOMIC WHITE PAPER IMPLEMENTATION—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 9 March 2006—Mr Smyth)* on the motion—That the Assembly takes note of the paper.

24 ***FORGOTTEN AUSTRALIANS* REPORT—SENATE COMMUNITY AFFAIRS REFERENCES COMMITTEE—INQUIRY INTO CHILDREN IN INSTITUTIONAL CARE—PAPER—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 30 March 2006—Dr Foskey)* on the motion of Mr Stanhope—That the Assembly takes note of the paper.

25 **FINANCIAL MANAGEMENT ACT—CONSOLIDATED FINANCIAL MANAGEMENT REPORT—MARCH QUARTER 2006—PAPER—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 11 May 2006—Mr Mulcahy)* on the motion of Mr Stanhope—That the Assembly takes note of the paper.

PRIVATE MEMBERS' BUSINESS

Notices

1 **MR GENTLEMAN**: To move—That this Assembly:

(1) acknowledges the relationship between job security and the health of workers;

(2) acknowledges the growing evidence on the effects of the implementation of the new WorkChoices Bill on the health of workers; and

(3) calls on the Chief Minister to convey to the federal Government the Assembly's wish that these draconian laws be repealed. *(Notice given 15 August 2006).*

2 **MR STEFANIAK**: To move—That this Assembly calls on the Chief Minister to establish an inquiry under the *Inquiries Act 1991* into the future of the ACT education system over the next 25 years with the following terms of reference, procedures and timelines:

(1) Terms of Reference—The inquiry will examine:

(a) Schooling in the ACT:

(i) the current structure of the schools system and possibilities for the future development of all sectors of the system;

(ii) the education, economic, social and environment benefits and costs of the current ACT schooling systems across all sectors;

(iii) the education, economic, social and environmental impacts of any changes in schooling;

(iv) developments in early childhood education;

(v) national and international comparisons with the ACT schooling system;

(vi) factors affecting the employment and retention of a high quality teaching force;

(vi) factors affecting high school retention rates;

(viii) factors affecting the drift from the government school sector; and

(ix) provisions for students with disabilities in all areas of the ACT education system;

(b) Vocational Education and Training:

(i) the demand for vocational education and training and whether that demand is being met;

(ii) the relative performance of the ACT's providers of vocational and technical education;

(iii) the effectiveness of the ACT education system in addressing skill shortages;

(iv) linkages and co-operation between the vocational education and training sector and education sectors; and

(v) responsiveness of the vocational education and training sector to the needs of business and the wider community;

(c) Higher Education:

(i) the demand for higher education and whether that demand is being met;

(ii) the preparedness of ACT students for higher education;

(iii) factors affecting educational outcomes of ACT students in higher education;

(iv) national and international comparisons with the ACT higher education system;

(v) linkages and co-operation between the higher education sector and education sectors;

(vi) responsiveness of the higher education sector to the needs of business and the wider community; and

(vii) any other related matters;

(2) The inquiry process—The process should take the following steps:

(a) call for submissions on the future of the ACT Education system and related matters;

(b) require submissions from key stakeholders;

(c) conduct public hearings and cross-examination of interested parties;

(d) stakeholders including, but not restricted to, the key agencies and organisations; and

(e) take submissions on the draft and finalise the concept and framework document for delivery to the ACT Government; and

(3) Timeframes for the inquiry—The final report to be presented by 31 March 2008. (*Notice given 15 August 2006*).

3 **MRS BURKE**: To move—That this Assembly calls on the ACT Government to exempt all Gold Card holders' payments under the *Veterans' Entitlements Act 1986* (Cwlth), from assessment as income when determining public housing rental rates, in accordance with the *Housing Assistance Act 1987*. (*Notice given 7 March 2006*).

4 **MR STEFANIAK**: To move—That this Assembly calls on the Government to improve the infrastructure and services in the West Belconnen area. *(Notice given 7 December 2004)*.

5 **MRS DUNNE**: To move—That this Assembly:

(1) notes recommendation 9 of Report No 34 of the Standing Committee on Planning and Environment entitled *Long-term planning for the provision of land for aged care facilities in the A.C.T.*; and

(2) directs the Planning and Land Authority to immediately commence a variation to the Territory plan to remove the residential overlay for the community land at section 87, Belconnen. *(Notice given 7 December 2004)*.

6 **MR GENTLEMAN**: To move—That this Assembly:

(1) acknowledges that live music should be accorded a recognised cultural value;

(2) recognises the importance of:

(a) live music and live music venues to the Canberra community; and

(b) protecting live music venues in Canberra; and

(3) requests the Government investigate ways of ensuring the protection of live music venues in Canberra. (*Notice given 28 June 2005*).

7 **MR PRATT**: To move—That this Assembly

(1) notes with concern:

(a) the Government's lack of progress in finalising the Strategic Bushfire Management Plan (SBMP) Version 2;

(b) the lack of:

(i) tangible and definitive goals, targets and directions in the current version of the SBMP; and

(ii) specific bushfire operational plans for risk areas throughout the ACT.

(2) calls on the Government to expedite the completion of SBMP version 2 so that it addresses the deficiencies of the current plan. (*Notice given 13 December 2005*).

Orders of the day

1 **AUSTRALIAN COUNCIL ON HEALTHCARE STANDARDS ACCREDITATION—THE CANBERRA HOSPITAL**: Resumption of debate *(from 16 February 2005—Dr Foskey, in continuation)* on the motion of Mr Smyth—That this Assembly:

(1) notes:

(a) the failure of The Canberra Hospital to attain full four-year accreditation from the Australian Council on Healthcare Standards (ACHS);

(b) this failure indicates that The Canberra Hospital did not meet at least one of the 19 mandatory ACHS criteria; and

(c) the ACT Government was aware of this failure in mid-2004 and concealed this information from the public; and

(2) calls on the Government to table the full ACHS report by close of business today.

2 **PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2005**: *(Mr Smyth)* Agreement in principle—Resumption of debate *(from 16 March 2005—Mr Stanhope)*.

3 **QUAMBY DETENTION CENTRE—WORKING GROUP**: Resumption of debate *(from 29 June 2005—Mrs Dunne, in continuation)* on the motion of Mr Seselja—That this Assembly:

(1) expresses its concern over:

(a) the failure of the Minister for Children, Youth and Family Support to ensure that the working group recommended by the Standing Committee on Community Services and Social Equity to examine the

adequacy and appropriateness of the programs currently available in Quamby, was established in a timely manner;

(b) the inability of the Minister or officials to indicate during Estimates Committee hearings whether the working group had been established;

(c) the misleading and evasive answers provided to questions on notice by the Minister in relation to this issue; and

(d) the ongoing breach of the *Human Rights Act 2004* in relation to the treatment of inmates at Quamby; and

(2) calls on the Minister to table in the Assembly all relevant documents in relation to the establishment of the working group within the current sitting of the Assembly.

And on the amendment moved by Ms Gallagher—Omit all words after "That this Assembly", substitute:

"acknowledges the:

(1) $40 million commitment the ACT Government has made to building a new youth detention facility in the ACT;

(2) efforts being undertaken by staff at Quamby and from other organisations to ensure the individual needs of young people living at Quamby are being met; and

(3) significant increases in resources from the ACT Government to Quamby to address the challenges presented by the existing facility.".

4 **CIVIL LAW (WRONGS) AMENDMENT BILL 2005**: *(Mrs Dunne)* Agreement in principle—Resumption of debate *(from 17 August 2005—Mr Stanhope).*

5 **GUARDIANSHIP AND MANAGEMENT OF PROPERTY AMENDMENT BILL 2005**: *(Mr Stefaniak)* Agreement in principle—Resumption of debate *(from 19 October 2005—Mr Corbell).*

6 **ANNUAL REPORTS (GOVERNMENT AGENCIES) AMENDMENT BILL 2005**: *(Mr Smyth)* Agreement in principle—Resumption of debate *(from 14 December 2005).*

7 **PUBLIC HOSPITALS—PERFORMANCE**: Resumption of debate *(from 7 June 2006—Ms Gallagher)* on the motion of Mr Smyth—That this Assembly:

(1) notes that, despite the dedication and hard work of our nurses, doctors and allied health workers in the public hospital system:

(a) the recent report from the Australian Institute of Health and Welfare found that the ACT rated very poorly across a range of health indicators;

(b) the rate of by-pass occasions at The Canberra Hospital has increased substantially during May 2006; and

(c) the elective surgery waiting lists show continuing increases in people waiting for surgery; and

(2) calls on the ACT Government to take urgent action to improve the performance of the ACT's public hospitals.

*8 **EDUCATION AMENDMENT BILL 2006 (NO. 3)**: *(Mrs Dunne)* Agreement in principle—Resumption of debate *(from 16 August 2006—Mr Barr)*.

*9 **EDUCATION (SCHOOL CLOSURES MORATORIUM) AMENDMENT BILL 2006**: *(Dr Foskey)* Agreement in principle—Resumption of debate *(from 16 August 2006—Mr Barr)*.

*10 **SCHOOL CLOSURES—EXTENTION OF CONSULTATION PERIOD**: Resumption of debate *(from 16 August 2006—Mr Smyth, in continuation)* on the motion of Mrs Dunne—That the ACT Government extend the consultation and decision period on school closures until the end of March 2007, and further that no school closures occur before December 2007.

Referred to Standing Committee on Legal Affairs on

14 December 2005

COURT PROCEDURES (PROTECTION OF PUBLIC PARTICIPATION) AMENDMENT BILL 2005: *(Dr Foskey)*: Agreement in principle—Resumption of debate *(from 29 June 2005—Mr Hargreaves)*.

QUESTIONS ON NOTICE

On the first sitting day of a period of sittings a complete *Notice Paper* is published containing all unanswered questions. On subsequent days, only new and redirected or revised questions are included on the *Notice Paper*.

Unanswered questions

1146, 1167-1176.

17 August 2006

(Redirected question—30 days expires 15 September 2006)

1174 **MR MULCAHY:** To ask the Treasurer—

(1) In relation to recent reports that customers of ActewAGL, who had elected to bundle four services (electricity, gas, telephone and internet) to receive a 10 percent discount on their gas supply charge, have only received a 5 percent discount, how many customers have not had the full discount applied;

(2) How many customers have not had their account credited with money to compensate for the failure to provide the full discount;

(3) Has work on the gas billing system been completed to allow for bills to be issued at the total discounted rate; if not, when is it envisaged that work will be completed.

New questions

(30 days expires 16 September 2006)

*1177 **MR SESELJA:** To ask the Minister for Planning—

(1) When will the Minister provide written notice for the commencement of the *Construction Occupations Legislation Amendment Act 2006*;

(2) Given that sub-section 56(1) of the Act makes provision for a person who has been given a disciplinary notice to ask the registrar to hold an inquiry, (a) how many disciplinary notices have been issued since 1 September 2004, (b) how many disciplinary notices issued since 1 September 2004 have been taken to the Administrative Appeals Tribunal (AAT), (c) of those disciplinary notices taken to the AAT, how many were upheld and how many have been overturned and (d) how many complaints has the ACT Planning and Land Authority (ACTPLA) received from people issued with disciplinary notices since 1 September 2004;

(3) Given that section 35 of the Act makes no provision for an inquiry when a rectification order is issued, (a) how many rectification orders have been issued since 1 September 2004, (b) how many rectification orders issued since 1 September 2004 have been taken to the AAT, (c) of those rectification orders taken to the AAT, how many were upheld and how many have been overturned and (d) how many complaints has ACTPLA received from people issued with rectification orders since 1 September 2004.

*1178 **MR PRATT:** To ask the Minister for the Territory and Municipal Services—

(1) Did a mail-out on 5 June by Urban Services include a DL size flyer of an upcoming show at the Canberra Theatre, a DL size pamphlet of the National Bonsai Collection of Australia and an A5 size booklet titled "Supervising a Learner Driver";

(2) How often do these mail-outs occur;

(3) Is there a process for selection of what material is included in these mail outs; if so, how does this selection process occur and who approves the material;

(4) How many people are employed in the Department of Urban Services to process these mail-outs;

(5) Who is on the mailing list;

(6) What is the (a) average cost of these mail outs and (b) highest cost and lowest cost of one of these mail-outs.

T Duncan
Clerk of the Legislative Assembly

COMMITTEES

Unless otherwise shown, appointed for the life of the Sixth Assembly. The dates of the amendments to the committees' resolution of appointment are reflected, but not changes in the membership.

Standing

Pursuant to standing order

ADMINISTRATION AND PROCEDURE: *(Formed 4 November 2004)*: The Speaker *(Presiding Member*), Mrs Dunne, Dr Foskey, Ms MacDonald.

Pursuant to resolution

EDUCATION, TRAINING AND YOUNG PEOPLE: *(Formed 7 December 2004)*: Ms Porter *(Chair)*, Mrs Dunne, Mr Gentleman.

HEALTH AND DISABILITY: *(Formed 7 December 2004)*: Ms MacDonald *(Chair)*, Mrs Burke, Ms Porter.

LEGAL AFFAIRS: *(Formed 7 December 2004)*: Mr Stefaniak *(Chair)*, Dr Foskey, Ms MacDonald.

PLANNING AND ENVIRONMENT: *(Formed 7 December 2004)*: Mr Gentleman *(Chair)*, Ms Porter, Mr Seselja.

PUBLIC ACCOUNTS: *(Formed 7 December 2004)*: Mr Mulcahy *(Chair)*, Dr Foskey, Ms MacDonald.

Select

WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY: *(Formed 5 May 2005)*: Mr Gentleman *(Chair)*, Mrs Burke, Ms Porter.

Dissolved

ESTIMATES 2005-2006: *(Formed 7 April 2005)*: Ms MacDonald *(Chair)*, Dr Foskey, Mr Mulcahy, Ms Porter, Mr Seselja. *(Presented 21 June 2005)*.

ESTIMATES 2006-2007: *(Formed 4 May 2006)*: Ms Porter *(Chair)*, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Pratt, Mr Smyth. *(Presented 15 August 2006)*.