



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2012–2013**

**MINUTES OF PROCEEDINGS**

**No. 18**

**WEDNESDAY, 8 MAY 2013**

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**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) 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 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS**

Mr Wall moved—That so much of the standing orders be suspended as would prevent notice No. 3, Assembly business, relating to the rejection of Variation No. 306 to the Territory Plan being called on and debated forthwith.

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

**3 PLANNING AND DEVELOPMENT ACT—VARIATION NO. 306 TO THE TERRITORY PLAN—PROPOSED REJECTION**

Mr Wall moved—That this Assembly, in accordance with subsection 80(2) of the *Planning and Development Act 2007*, rejects Variation No. 306 to the Territory Plan, Residential development, estate development and leasing codes: Replacement of residential zones objectives, development tables, and housing development codes—Introduction of Residential Zones Development Code and Lease Variation General Code—Replacement of Residential Subdivision Development Code with Estate Development Code.

Debate ensued.

Mr Rattenbury moved the following amendment: Omit all words after “That this Assembly”, substitute:



“(1) notes:

- (a) the tabling of Variation No. 306 to the Territory Plan, Residential development, estate development and leasing codes: Replacement of residential zones objectives, development tables, and housing development codes—Introduction of Residential Zones Development Code and Lease Variation General Code—Replacement of Residential Subdivision Development Code with Estate Development Code;
- (b) that Variation 306 includes a range of valuable planning reforms that will improve sustainability in areas such as solar orientation and solar access rights, allowing secondary residences, transport planning and increasing the diversity of dwelling types; and
- (c) that, given the volume and complexity of the variation, the ACT Government has committed to make any necessary technical amendments to the revised residential codes to address community and industry feedback from the implementation of the codes, including the possibility of staged commencement; and

(2) calls on the ACT Government to:

- (a) invite community feedback on specific clauses of concern that might be addressed through technical variations; and
- (b) report to the Assembly on the progress of any technical variations related to Variation 306 by the last sitting day in October 2013.”.

*Speaker’s ruling:* Mr Coe having raised a point of order, the Speaker ruled the amendment out of order as she was unable to discern from the amendment whether she would have to notify Parliamentary Counsel that the variation had been disallowed.

Mr Corbell (Minister for the Environment and Sustainable Development), who had already spoken, by indulgence, again addressed the Assembly.

Debate continued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Mr Seselja	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

And so it was negatived.

#### **4 PLANNING AND DEVELOPMENT ACT—VARIATION TO THE TERRITORY PLAN NO. 306**

Mr Rattenbury, by leave, moved—That this Assembly:

(1) notes:

- (a) the tabling of Variation No. 306 to the Territory Plan, Residential development, estate development and leasing codes: Replacement of residential zones objectives, development tables, and housing development codes—Introduction of Residential Zones Development Code and Lease Variation General Code—Replacement of Residential Subdivision Development Code with Estate Development Code;
  - (b) that Variation 306 includes a range of valuable planning reforms that will improve sustainability in areas such as solar orientation and solar access rights, allowing secondary residences, transport planning and increasing the diversity of dwelling types; and
  - (c) that, given the volume and complexity of the variation, the ACT Government has committed to make any necessary technical amendments to the revised residential codes to address community and industry feedback from the implementation of the codes, including the possibility of staged commencement; and
- (2) calls on the ACT Government to:
- (a) invite community feedback on specific clauses of concern that might be addressed through technical variations; and
  - (b) report to the Assembly on the progress of any technical variations related to Variation 306 by the last sitting day in October 2013.

Debate ensued.

Question—put and passed.

## **5 SUPREME COURT (APPOINTMENT OF RESIDENT JUDGES) AMENDMENT BILL 2013**

Mr Seselja, pursuant to notice, presented a Bill for an Act to amend the *Supreme Court Act 1933*.

*Paper:* Mr Seselja presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Seselja moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Corbell—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

## **6 EDUCATION FUNDING REFORMS**

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

- (1) notes:
  - (a) that education funding reforms proposed by the Gonski Committee were the subject of discussions at a COAG meeting in Canberra on 19 April 2013;
  - (b) that at that meeting no jurisdiction, including the ACT, was prepared to agree to the multi-billion dollar joint funding agreement and since then only one State has signed up;
  - (c) the Prime Minister has given States and Territories until 30 June 2013 to agree to the reforms; and

- (2) calls on the Chief Minister to:
- (a) release the details of the funding offer or offers provided to ACT schools;
  - (b) advise the Assembly what financial and any other implications acceptance of the offer will have for all schools in the ACT;
  - (c) table the financial modeling that was required to determine the ACT Government's position, including the cost implications for the ACT Government in the forward years;
  - (d) outline where the funding across the forward estimates will come from;
  - (e) give a guarantee that indexation is included in any forward estimates, so that no school in the ACT, government or non-government, will lose a dollar in real terms as a result of these reforms; and
  - (f) ensure that the ACT is not disadvantaged, comparative to other States.

Ms Gallagher (Chief Minister), by leave, moved the following amendments together:

- (1) Omit subparagraph (1)(b), substitute:
- “(b) that, at that meeting, COAG affirmed its commitment to ongoing negotiations on the Commonwealth's proposed reforms that would provide Australian students and families with an education system that would place Australia in the top five countries in reading, numeracy and science by 2025, as well as making Australia a high quality and high equity schooling system by international standards by 2025;”.
- (2) Insert new subparagraphs (1)(d) and (e):
- “(d) the unique opportunity afforded by the Commonwealth's National Schools Reform to improve our national education system; and
- (e) the opportunity presented by the current negotiations to achieve the best outcome for all ACT schools and all ACT students; and”.
- (3) Omit paragraph (2), substitute:
- “(2) calls on the Chief Minister to:
- (a) ensure that the ACT is not disadvantaged, comparative to other States; and
  - (b) report back to the Assembly by 8 August 2013 on the options that have been examined, the finalisation of negotiations and the outcomes for all ACT schools.”.

Debate continued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

## 7 QUESTIONS

Questions without notice were asked.

## 8 EDUCATION FUNDING REFORMS

The order of the day having been read for the resumption of the debate on the motion of Mr Doszpot, and on the amendments moved by Ms Gallagher (Chief Minister) (*see entry 6*)—

Debate resumed.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) that education funding reforms proposed by the Gonski Committee were the subject of discussions at a COAG meeting in Canberra on 19 April 2013;
  - (b) that, at that meeting, COAG affirmed its commitment to ongoing negotiations on the Commonwealth’s proposed reforms that would provide Australian students and families with an education system that would place Australia in the top five countries in reading, numeracy and science by 2025, as well as making Australia a high quality and high equity schooling system by international standards by 2025;
  - (c) the Prime Minister has given States and Territories until 30 June 2013 to agree to the reforms;
  - (d) the unique opportunity afforded by the Commonwealth’s National Schools Reform to improve our national education system; and
  - (e) the opportunity presented by the current negotiations to achieve the best outcome for all ACT schools and all ACT students; and
- (2) calls on the Chief Minister to:
  - (a) ensure that the ACT is not disadvantaged, comparative to other States; and
  - (b) report back to the Assembly by 8 August 2013 on the options that have been examined, the finalisation of negotiations and the outcomes for all ACT schools.”—

be agreed to—put and passed.

## **9 ERINDALE GROUP CENTRE—PARKING**

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

- (1) notes:
  - (a) the parking challenges surrounding the Erindale Group Centre;
  - (b) the significant additional pressure put on this area on Sunday mornings when the Capital Edge Community Church holds their main service;

- (c) the concerns raised by Erindale Group Centre business owners and the Capital Edge Community Church about the lack of parking; and
  - (d) that the Capital Edge Community Church has expressed a desire to utilise the unleased territory land adjacent to their facility for parking; and
- (2) calls on the ACT Government:
- (a) to examine the options for use of the adjacent unleased territory land with the aim of providing more parking for people using the group centre and visiting the Church; and
  - (b) to report back to the Assembly by 8 August 2013 on the options that have been examined.

Mr Rattenbury, by leave, moved the following amendments together:

- (1) Insert new subparagraph (1)(e):
- “(e) that the Erindale Centre Master Plan proposes an additional 1200 car parks around the Erindale Group Centre by 2031; and”.
- (2) Omit subparagraphs (2)(a) and (b), substitute:
- “(a) to examine the parking situation around the Erindale Group Centre including options for using the adjacent land for additional parking; and
- (b) to report back to the Assembly on the issue by 19 September 2013.”.

Debate continued.

Amendments agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) the parking challenges surrounding the Erindale Group Centre;
  - (b) the significant additional pressure put on this area on Sunday mornings when the Capital Edge Community Church holds their main service;
  - (c) the concerns raised by Erindale Group Centre business owners and the Capital Edge Community Church about the lack of parking;
  - (d) that the Capital Edge Community Church has expressed a desire to utilise the unleased territory land adjacent to their facility for parking; and
  - (e) that the Erindale Centre Master Plan proposes an additional 1200 car parks around the Erindale Group Centre by 2031; and
- (2) calls on the ACT Government:
- (a) to examine the parking situation around the Erindale Group Centre including options for using the adjacent land for additional parking; and
  - (b) to report back to the Assembly on the issue by 19 September 2013.”—

be agreed to—put and passed.

**10 AUSTRALIAN PUBLIC SERVICE JOBS IN CANBERRA**

Dr Bourke, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) recent comments by the Leader of the Federal Opposition, Tony Abbott, that as many public service jobs as possible should be relocated outside of Canberra;
  - (b) that Mr Abbott said it was important that service delivery agencies are located outside of Canberra “for them to be amongst the people they are seeking to help”;
  - (c) that these comments reinforce previous commitments given by Mr Abbott and Mr Hockey, the Shadow Treasurer, that if elected they will abolish up to 20 000 public service jobs;
  - (d) that the Commonwealth Government signed on 12 March 2012 a Statement of Commitment to Canberra including a commitment for Canberra remaining the heart of the Australian Public Service and the primary location of government departments and agencies; and
  - (e) that the Statement of Commitment to Canberra included strong support to continue to build and grow the nation’s capital, its cultural institutions and its role as the focus of ceremonial, parliamentary and national leadership focus;
- (2) calls on the Assembly to affirm our support for the Statement of Commitment to Canberra; and
- (3) requests that the Speaker:
  - (a) write to the Leader of the Opposition seeking his support for the Statement of Commitment to Canberra; and
  - (b) ask that he respond in writing to the Assembly on his intentions on the Federal public service including any current plans to relocate departments, agencies or other Canberra based entities outside of the ACT.

Mr Hanson moved the following amendment: Omit all words after “notes”, substitute:

- “(a) Labor promised Canberra that they would not cut jobs;
  - (b) the current Prime Minister is currently reducing the size of the public service in Canberra;
  - (c) the Public Service Commission reports that nearly 3000 positions have been cut from the Federal public service in the last six months of last year;
  - (d) further job cuts in the Federal public service have occurred since last year and job cuts are continuing under Federal Labor; and
  - (e) any commitment to Canberra signed by the Prime Minister cannot be trusted given her extensive record of breaking commitments; and
- (2) requests that the Speaker:
    - (a) write to the Prime Minister and request up to date figures on how many public service jobs have been cut under her term of Government; and
    - (b) write to Andrew Leigh MP, Gai Brodtmann MP, and Senator Kate Lundy asking them to explain:

- (i) why they have failed to be open and accountable with Canberrans about the public service job cuts that are currently occurring under a Federal Labor Government; and
- (ii) why they pledged against recruitment freezes but continue to support cuts to public service jobs in the ACT.”.

Debate continued.

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*Adjournment negatived:* It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Barr (Deputy Chief Minister) requiring the question to be put forthwith without debate—

Question—put and negatived.

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Question—That Mr Hanson’s amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Mr Seselja	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

And so it was negatived.

Mr Rattenbury, by leave, moved the following amendments together:

- (1) Omit subparagraphs (1)(d) and (e), substitute:

“(d) that the Prime Minister made a commitment in her speech launching the Centenary celebrations on 12 March 2012 to Canberra remaining the heart of the Australian Public Service and the primary location of Commonwealth Government departments and agencies; and

(e) the importance to the nation and to Canberra residents of the Commonwealth Government recognising the importance of Canberra as the nation’s capital and continuing to invest in Canberra, both as the home of our national institutions and the heart of the Australian Public Service;”.

- (2) Omit paragraph (2), substitute:

“(2) affirms its support for the Commonwealth Government:

(a) making a commitment to the role and significance of Canberra in the life of our nation;

(b) maintaining the number of public service jobs in Canberra; and

(c) keeping Canberra as the central location of Commonwealth Government departments and agencies;”.

(3) Omit paragraph (3), substitute:

“(3) calls on the Speaker to write to Mr Abbott:

- (a) expressing the Assembly’s support for the ACT retaining its role as the home of Australia’s national institutions and the Australian Public Service; and
- (b) asking that he respond in writing to the Assembly on his intentions for the Australian Public Service, including any current plans to relocate departments, agencies or other Canberra-based entities outside of the ACT.”.

Debate continued.

Question—That Mr Rattenbury’s amendments be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) recent comments by the Leader of the Federal Opposition, Tony Abbott, that as many public service jobs as possible should be relocated outside of Canberra;
  - (b) that Mr Abbott said it was important that service delivery agencies are located outside of Canberra “for them to be amongst the people they are seeking to help”;
  - (c) that these comments reinforce previous commitments given by Mr Abbott and Mr Hockey, the Shadow Treasurer, that if elected they will abolish up to 20 000 public service jobs;
  - (d) that the Prime Minister made a commitment in her speech launching the Centenary celebrations on 12 March 2012 to Canberra remaining the heart of the Australian Public Service and the primary location of Commonwealth Government departments and agencies; and
  - (e) the importance to the nation and to Canberra residents of the Commonwealth Government recognising the importance of Canberra as the nation’s capital and continuing to invest in Canberra, both as the home of our national institutions and the heart of the Australian Public Service;
- (2) affirms its support for the Commonwealth Government:
  - (a) making a commitment to the role and significance of Canberra in the life of our nation;

- (b) maintaining the number of public service jobs in Canberra; and
  - (c) keeping Canberra as the central location of Commonwealth Government departments and agencies; and
- (3) calls on the Speaker to write to Mr Abbott:
- (a) expressing the Assembly's support for the ACT retaining its role as the home of Australia's national institutions and the Australian Public Service; and
  - (b) asking that he respond in writing to the Assembly on his intentions for the Australian Public Service, including any current plans to relocate departments, agencies or other Canberra-based entities outside of the ACT."—

be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

## 11 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.44 p.m., adjourned until tomorrow at 10 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting.

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**Tom Duncan**  
Clerk of the Legislative Assembly