



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013–2014–2015

### MINUTES OF PROCEEDINGS

No. 95

WEDNESDAY, 25 MARCH 2015

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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 **SENATOR FOR THE AUSTRALIAN CAPITAL TERRITORY—NOTIFICATION OF CASUAL VACANCY—PAPER**

Mr Barr (Chief Minister) advised the Assembly that, in accordance with the provisions of section 44 of the *Commonwealth Electoral Act 1918*, he had received a notification from the President of the Senate that the place of the Honourable Kate Lundy, a senator for the Australian Capital Territory, had become vacant before the expiration of her term of service.

Mr Barr, in accordance with Continuing Resolution 9, presented the following paper:

Notification of a vacancy in the Senate—Letter from the President of the Senate to the Chief Minister of the Australian Capital Territory, dated 24 March 2015—

and moved—That consideration of the choice of a person to hold the vacant place of a senator for the Australian Capital Territory shall proceed forthwith.

Question—put and passed.

3 **SENATOR FOR THE AUSTRALIAN CAPITAL TERRITORY—CASUAL VACANCY IN THE SENATE—PAPER**

Mr Barr (Chief Minister) presented the following paper:

Casual vacancy in the Senate—Statutory declaration made by Katherine Ruth Gallagher, dated 24 March 2015—Stating that she is eligible to be chosen as a senator and that she is a member of the same party of the senator whose place has become vacant as required by section 44(3) of the *Commonwealth Electoral Act 1918*—



and moved—That Katy Gallagher, a person who is eligible to be a senator and is of the same party of the Honourable Kate Lundy whose place has become vacant, be chosen to fill the casual vacancy for senator for the Australian Capital Territory until the expiration of the term of the outgoing senator.

Question—put and passed.

#### **4 CENTENARY OF ANZAC**

Mr Hanson (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) that 25 April 2015 marks the centenary of Anzac;
  - (b) the significance of Canberra as the National Capital and home of the Australian War Memorial in commemorating the centenary of Anzac;
  - (c) the service and sacrifice made by the men and women of the Australian Defence Force over the past 100 years;
  - (d) the ongoing contribution of ADF members to peacekeeping missions and conflicts around the globe;
  - (e) the significant number of Canberrans who are currently serving or have served in our Defence Force;
  - (f) the sacrifices made by Defence families; and
  - (g) the important role played by Ex Service Organisations in supporting veterans and their families in Canberra and their contribution to our community; and
- (2) commemorates the sacrifice of those Australians who have lost their lives or been wounded in war and express its support for the defence community in Canberra comprising ADF members, defence families, veterans and Ex Service Organisations.

Debate ensued.

Question—put and passed.

#### **5 CANBERRA INSTITUTE OF TECHNOLOGY—SKILLS EDUCATION AND TRAINING—ECONOMIC AND SOCIAL BENEFITS**

Ms Porter, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) that access to high quality skills education is necessary to the ongoing prosperity of the community;
  - (b) that a well funded public TAFE system ensures that all citizens can gain access to skills education and training opportunities;
  - (c) that the Canberra Institute of Technology (CIT) is the ACT's sole public TAFE provider;
  - (d) the important role CIT has played in the economic and social life of the ACT;

- (e) CIT's consistent delivery of high quality courses and outcomes for its students;
  - (f) the high confidence in CIT expressed by industry, employer groups, graduates and students;
  - (g) the ACT Government's ongoing commitment to CIT and public TAFE; and
  - (h) the recent amendments by the ACT Government to the CIT Act to ensure that CIT remains a strong and viable provider of skills education and training; and
- (2) calls on the Government to:
- (a) ensure that the ACT continues to benefit from the economic and social benefits of skills education and training;
  - (b) ensure that ACT residents continue to have access to high quality public TAFE through CIT; and
  - (c) ensure that CIT remains a high quality and responsive training provider that meets the needs of its students, employers and the broader ACT community.

Debate ensued.

Question—put and passed.

## **6 GOVERNMENT PROCUREMENT (TRANSPARENCY IN SPENDING) AMENDMENT BILL 2014**

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 adjourned (Mr Barr—Treasurer) and the resumption of the debate made an order of the day for the next sitting.

## **7 QUESTIONS**

Questions without notice were asked.

## **8 PETITION OUT-OF-ORDER—PAPER—STATEMENT BY MEMBER**

Ms Burch (Manager of Government Business) presented the following paper:

Petition which does not conform with the standing orders—Dickson—Shopping precinct development—Mr Wall (1517 signatures).

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

## **9 ALEXANDER MACONOCHIE CENTRE—SECURITY**

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

- (1) notes:
  - (a) that a number of well-publicised, serious breaches of security relating to the use of mobile phones have occurred at the Alexander Maconochie Centre (AMC) in recent months;
  - (b) current systems and policies in place at the AMC to deter and detect contraband such as mobile phones within the jail are ineffective; and

- (c) the NSW Liberal and Nationals Government have been successful in extending a trial of phone jamming technology at Lithgow Correctional Centre; and
- (2) calls on the ACT Government to develop a new strategy to deter and detect contraband entering and exiting the AMC and provide a briefing on this strategy to Members of the ACT Legislative Assembly upon request.

Mr Rattenbury (Minister for Justice) moved the following amendment: Omit all words after “notes”, substitute:

- “(a) that the Alexander Maconochie Centre (AMC) has a range of static and dynamic security measures in place, including but not limited to:
  - (i) metal detectors;
  - (ii) x-ray baggage scanner to scan property (every pedestrian entry and exit);
  - (iii) itemiser to detect traces of drugs and explosives (random basis only); and
  - (iv) physical searches of all vehicles prior to entering and exiting the AMC including use of mirrors to search under the vehicles and random canine searches;
- (b) current systems and policies are in place at the AMC to deter and detect contraband such as mobile phones within the jail;
- (c) a trial of phone jamming technology at Lithgow Correctional Centre has been in development since 2002 and has yet to be finalised;
- (d) every jail in Australia faces challenges regarding the use of telecommunications and emerging technologies; and
- (e) briefings on these issues are available to Members of the ACT Legislative Assembly upon request.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Corbell	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly notes:

- (1) that the Alexander Maconochie Centre (AMC) has a range of static and dynamic security measures in place, including but not limited to:
  - (a) metal detectors;
  - (b) x-ray baggage scanner to scan property (every pedestrian entry and exit);
  - (c) itemiser to detect traces of drugs and explosives (random basis only); and

- (d) physical searches of all vehicles prior to entering and exiting the AMC including use of mirrors to search under the vehicles and random canine searches;
- (2) current systems and policies are in place at the AMC to deter and detect contraband such as mobile phones within the jail;
- (3) a trial of phone jamming technology at Lithgow Correctional Centre has been in development since 2002 and has yet to be finalised;
- (4) every jail in Australia faces challenges regarding the use of telecommunications and emerging technologies; and
- (5) briefings on these issues are available to Members of the ACT Legislative Assembly upon request.”—

be agreed to—put and passed.

## **10 COMMUNITY EVENTS IN THE A.C.T.**

Ms Fitzharris, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) Canberra Day events this year were a continuing success with record attendance;
  - (b) that Canberra paid tribute to the Centenary of Anzac with a special, one-off concert featuring a traditional “Beating Retreat” ceremony by the Australian Defence Force and a performance from the Canberra Symphony Orchestra;
  - (c) the growing cultural strengths of the capital;
  - (d) as part of a packed events program Enlighten, the Night Noodle Market, the Balloon Spectacular, and Art not Apart helped draw tourists from across the region and boost the local economy; and
  - (e) these events are part of what makes Canberra the most liveable city in the world; and
- (2) calls on the Government to:
  - (a) deliver high quality events for the community;
  - (b) work with the local business and community sector to promote a wide range of events in Canberra; and
  - (c) support the work of Access Canberra to make it easier for the private sector to start and operate events in the ACT.

Debate ensued.

Question—put and passed.

## **11 MR FLUFFY LOOSE FILL ASBESTOS—PUBLIC HOUSING**

Ms Lawder, pursuant to notice, moved—That this Assembly:

- (1) notes that a number of Housing ACT dwellings are likely to contain asbestos, including Mr Fluffy; and
- (2) calls on the ACT Government to provide detailed information, by the last sitting day in March, on the following:

- (a) its management strategy for Housing ACT dwellings containing asbestos, including Mr Fluffy;
- (b) the number of Housing ACT dwellings containing asbestos;
- (c) whether the Housing ACT dwellings being sold as part of the ACT Government's asset recycling program contain asbestos;
- (d) whether tenants of Housing ACT dwellings containing asbestos have been notified that they are living in a dwelling containing asbestos; and
- (e) the health risks to tenants of Housing ACT dwellings containing asbestos.

Ms Berry (Minister for Housing) moved the following amendment: Omit all words after "That this Assembly", substitute:

"(1) notes that:

- (a) only 5 Housing ACT properties have been identified to contain Mr Fluffy asbestos;
- (b) most public and private properties built in Australia before the late 1980s are likely to have some form of asbestos present in the dwelling or external buildings;
- (c) the majority of properties owned by Housing ACT were constructed prior to the late 1980s, meaning that these properties are also likely to include materials that contain asbestos; and
- (d) bonded asbestos does not pose a risk to health if it is maintained in good condition and not disturbed; and

(2) further notes:

- (a) the ACT Government's strong commitment to renewing ageing public housing stock;
- (b) that all Housing ACT properties with Mr Fluffy asbestos will be demolished, with tenants being relocated to other homes, and these tenants have been advised of this;
- (c) that since 2005 Housing ACT has provided detailed information in writing to its tenants about asbestos that may be present in their homes;
- (d) that Housing ACT tenants are provided advice on not undertaking repairs or renovations to areas of their property that may contain asbestos and also on what they should do in the event that they are concerned about the condition of the asbestos in their properties; and
- (e) that any Housing ACT properties demolished under the Asset Recycling Initiative, which contain asbestos, will be managed appropriately through relevant planning, environment and work, health and safety controls."

Debate continued.

Ms Lawder moved the following amendment to Ms Berry's amendment: Add new paragraph (3)

"(3) calls on the ACT Government to advise the Assembly, by the first sitting day in May, the number of Housing ACT dwellings containing asbestos."

Debate continued.

Question—That the amendment to Ms Berry’s proposed amendment be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mr Coe	Ms Lawder	Mr Barr	Ms Fitzharris
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury

And so it was negatived.

Amendment agreed to.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) only 5 Housing ACT properties have been identified to contain Mr Fluffy asbestos;
  - (b) most public and private properties built in Australia before the late 1980s are likely to have some form of asbestos present in the dwelling or external buildings;
  - (c) the majority of properties owned by Housing ACT were constructed prior to the late 1980s, meaning that these properties are also likely to include materials that contain asbestos; and
  - (d) bonded asbestos does not pose a risk to health if it is maintained in good condition and not disturbed; and
- (2) further notes:
  - (a) the ACT Government’s strong commitment to renewing ageing public housing stock;
  - (b) that all Housing ACT properties with Mr Fluffy asbestos will be demolished, with tenants being relocated to other homes, and these tenants have been advised of this;
  - (c) that since 2005 Housing ACT has provided detailed information in writing to its tenants about asbestos that may be present in their homes;
  - (d) that Housing ACT tenants are provided advice on not undertaking repairs or renovations to areas of their property that may contain asbestos and also on what they should do in the event that they are concerned about the condition of the asbestos in their properties; and
  - (e) that any Housing ACT properties demolished under the Asset Recycling Initiative, which contain asbestos, will be managed appropriately through relevant planning, environment and work, health and safety controls.”—

be agreed to—put and passed.

**12 ADJOURNMENT**

Ms Burch (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

The time allotted for the debate having expired—

Question—put and passed.

And then the Assembly, at 5.52 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, except Mrs Jones\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly