



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007–2008

MINUTES OF PROCEEDINGS

No. 157

THURSDAY, 28 AUGUST 2008

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) 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 PETITIONS

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

Mr Smyth, from 214 residents, requesting that the Assembly intervene in development application 200812308 in the interests of residents and the broader Canberra community.

Mr Pratt, from 439 residents, requesting that the Assembly immediately rescind any approvals or licences granted to ActewAGL to construct a gas fired power station in Macarthur, district of Tuggeranong or close to urban areas, and to undertake to find alternative locations within the ACT that would be suitable for such a large facility.

3 DISCHARGE OF ORDER OF THE DAY

Order of the day No. 1, Assembly business, having been called on—

Mr Gentleman, by leave, moved—That order of the day No. 1, Assembly business, relating to the presentation of the report of the Standing Committee on Planning and Environment into water use and management, be discharged from the *Notice Paper*.

Question—put and passed.

4 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 16—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 5 OF 2006: RHODIUM ASSET SOLUTIONS LIMITED—REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Dr Foskey—That the report be noted (*presented 21 August 2008*)—

Public Accounts—Standing Committee—Report 16—Review of Auditor-General’s Report No. 5 of 2006: Rhodium Asset Solutions Limited—

Debate resumed.

Papers: Ms Gallagher (Deputy Chief Minister) presented the following papers:

Rhodium Asset Solutions Limited—

Advice on aspects of Report Number 16 of the Standing Committee on Public Accounts, prepared by ACT Treasury, dated August 2008.

Responsibilities of voting shareholders of TOCs—Copy of letter to the Chief Minister from Peter Garrisson, Chief Solicitor, dated 21 August 2008.

Debate continued.

Question—put and passed.

5 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—PROPOSED REFERENCE—STANDING ORDER 156

The order of the day having been read for the resumption of the debate on the motion of Mr Smyth—That standing order 156 be referred to the Standing Committee on Administration and Procedure for inquiry and report, with specific reference to whether Members who receive benefits from poker machine revenue should be able to participate in debate on matters pertaining to gambling and associated subjects—

Debate resumed.

Question—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Corbell	Ms MacDonald
Dr Foskey	Mr Stefaniak	Ms Gallagher	Ms Porter
Mr Mulcahy		Mr Gentleman	Mr Stanhope

And so it was negatived.

6 STRATEGIC AND FUNCTIONAL REVIEW OF THE A.C.T. PUBLIC SECTOR AND SERVICES—PAPER—REQUEST TO TABLE

The order of the day having been read for the resumption of the debate on the motion of Dr Foskey—That this Assembly calls on the Chief Minister to table the *Strategic and Functional Review of the ACT Public Sector and Services* in the Assembly before the end of this sitting day—

Debate resumed.

Mrs Dunne addressing the Assembly—

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77 and the resumption of the debate made an order of the day for the next sitting.

7 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 8—THE EARLY INTERVENTION AND CARE OF VULNERABLE INFANTS—REPORT NOTED

Ms MacDonald (Chair) presented the following report:

Health and Disability—Standing Committee—Report 8—*The early intervention and care of vulnerable infants*, dated 21 August 2008, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

8 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 18—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 4 OF 2007: REGULATION OF A.C.T. LIQUOR LICENCES—REPORT NOTED

Dr Foskey (Chair) presented the following report:

Public Accounts—Standing Committee—Report 18—*Review of Auditor-General's Report No. 4 of 2007: Regulation of ACT Liquor Licences*, dated 27 August 2008, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

9 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRIES INTO AUDITOR-GENERAL'S REPORTS—STATEMENT BY CHAIR

Dr Foskey (Chair), pursuant to standing order 246A, made a statement concerning the status of inquiries into Auditor-General's reports by the Standing Committee on Public Accounts.

10 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting extending beyond the 30 minute time limit.

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

11 DAY AND HOUR OF NEXT MEETING

Mr Corbell (Manager of Government Business) moved—That the Assembly, at its rising, adjourn until a day and hour to be fixed by the Speaker either:

- (1) at the request of the Chief Minister; or
- (2) on receipt of a request in writing from an absolute majority of Members,

and that the date and time of meeting shall be notified by the Speaker to each Member in writing.

Question—put and passed.

12 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence from 29 August to 17 October 2008 inclusive be given to all Members.

Question—put and passed.

13 WORK SAFETY BILL 2008

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.

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.

14 QUESTIONS

Questions without notice being asked—

Proposed order to table document: Mrs Dunne, pursuant to standing order 213, moved—That the document quoted from by Mr Stanhope (Chief Minister) be presented to the Assembly.

Debate ensued.

Question—put and negatived.

Questions continued.

Proposed order to table document: Mrs Dunne, pursuant to standing order 213, moved—That the document quoted from by Mr Stanhope be presented to the Assembly.

Question—put.

The Assembly voted—

AYES, 7

Mrs Burke	Mr Smyth
Mrs Dunne	Mr Stefaniak
Dr Foskey	
Mr Pratt	
Mr Seselja	

NOES, 10

Mr Barr	Mr Hargreaves
Mr Berry	Ms MacDonald
Mr Corbell	Mr Mulcahy
Ms Gallagher	Ms Porter
Mr Gentleman	Mr Stanhope

And so it was negatived.

Questions continued.

Order to table document: Mr Stanhope, pursuant to standing order 213, moved—That the document quoted from by Mrs Dunne be presented to the Assembly.

Question—put and passed.

Questions continued.

Paper: Mr Barr (Minister for Education and Training) presented the following paper:
Mr Stefaniak—Resignation—Copy of article from *Crikey*.

Questions continued.

Paper: Mr Stanhope presented the following paper:

Proposed gas fired power station and data centre—Copy of statement by Michael Costello, Chief Executive Officer, ActewAGL, dated 28 August 2008.

Paper: Mrs Dunne, pursuant to order, presented the following paper:

Education—School closures—Copy of question without notice, dated 28 August 2008.

15 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Study trips—Reports by—

Mr Gentleman MLA—2008 Banksia Awards presentation—Melbourne, 18 July 2008.

Dr Foskey MLA—Brazil, 16 April to 4 May 2008.

Estimates 2008-2009—Select Committee—Answers to questions on notice.

Committee reports—Schedule of Government responses as at August 2008.

Parliament of Kiribati and ACT Legislative Assembly—CPA Branches—Report on twinning arrangements and visit by the Speaker, Deputy Speaker and Clerk.

Public Accounts—Standing Committee—Report 14—*Report on Annual and Financial Reports 2006-2007*—Speaker's response to Recommendation No. 2, dated 28 August 2008.

16 PRESENTATION OF PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Intergovernmental Agreements—Ministerial level negotiations—Schedule as at August 2008.

17 AUDITOR-GENERAL ACT—AUDITOR-GENERAL'S REPORT NO. 3/2007—COLLECTION OF FEES AND FINES—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Auditor-General Act—Auditor-General's Report No. 3/2007—Collection of fees and fines—Government response—

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

18 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 14—Instrument directing a transfer of funds from the Department of Disability, Housing and Community Services to Housing ACT, including a statement of reasons—

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

19 PRESENTATION OF PAPERS

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Education and Training to the Canberra Institute of Technology, including a statement of reasons.

Territory-owned Corporations Act, pursuant to subsection 19(3)—Statements of Corporate Intent—

ACTEW Corporation Ltd—2008-09 to 2011-12.

ACTTAB Limited—1 July 2008 to 30 June 2009.

Rhodium Asset Solutions—2007-2008 Revised, dated August 2008.

20 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to Department of Education and Training, including a statement of reasons, dated 25 August 2008—

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

21 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 6—THE USE OF CRYSTAL METHAMPHETAMINE 'ICE' IN THE A.C.T.—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Minister for Health) presented the following paper:

Health and Disability—Standing Committee—Report 6—*The use of crystal methamphetamine 'ice' in the ACT*—Government response—

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

22 HOUSING ASSISTANCE ACT—HOUSING ASSISTANCE (COMMONWEALTH STATE HOUSING AGREEMENT) VARIATION 2008 (NO. 1)—NOTIFIABLE INSTRUMENT NI2008-343—PAPER AND STATEMENT BY MINISTER

Mr Hargreaves (Minister for Housing) presented the following paper:

Housing Assistance Act, pursuant to section 31—Housing Assistance (Commonwealth State Housing Agreement) Variation 2008 (No. 1)—Notifiable Instrument NI2008-343, dated 14 August 2008, including a Deed of Variation of the 2003 Commonwealth State Housing Agreement—

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

23 INDIGENOUS EDUCATION—INTERIM REPORT—PAPER AND STATEMENT BY MINISTER

Mr Barr (Minister for Education and Training), pursuant to the resolution of the Assembly of 24 May 2000, as amended 16 February 2006, presented the following paper:

Performance in Indigenous Education—Interim report—January to June 2008—

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

24 RETIREMENT VILLAGES IN THE A.C.T.—REVIEW—DISCUSSION PAPER—PAPER AND STATEMENT BY MEMBER

Ms Porter, by leave, presented the following paper:

Retirement villages in the ACT—Review—Discussion paper—
and, by leave, made a statement in relation to the paper.

25 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. GOVERNMENT SERVICES—DELIVERY

The Assembly was informed that Mrs Burke, Mrs Dunne, Mr Gentleman, Ms MacDonald, Ms Porter, Mr Pratt, Mr Seselja (Leader of the Opposition), Mr Smyth and Mr Stefaniak had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mrs Dunne be submitted to the Assembly, namely, “Delivery of ACT Government services in the community”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

26 WORK SAFETY BILL 2008

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—

Mr Stefaniak moved—That debate be adjourned.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mrs Burke	Mr Seselja	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Gentleman	

And so it was negatived.

On the motion of Mr Barr (Minister for Industrial Relations), his amendment No. 1 (*see* [Schedule 1](#)) was made.

Question—That the Bill, as a whole, as amended, be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

And so it was resolved in the affirmative.

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

27 VALEDICTORIES

Mr Stefaniak, by leave, made a statement concerning his retirement from the Assembly.

Dr Foskey, by leave, making a statement concerning her retirement from the Assembly—

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

Mr Corbell (Manager of Government Business) requiring the question to be forthwith without debate—

Question—put and negatived.

Dr Foskey continued.

Ms MacDonald, by leave, made a statement concerning her retirement from the Assembly.

Mr Berry, by leave, made a statement concerning his retirement from the Assembly.

28 ADJOURNMENT

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

Debate ensued.

Mr Corbell, by leave, addressed the Assembly without closing debate.

Debate continued.

Question—put and passed.

And then the Assembly, at 8.03 p.m., adjourned until a day and hour to be fixed by the Speaker in accordance with the resolution agreed to this sitting.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

WORK SAFETY BILL 2008

Amendment circulated by the Minister for Industrial Relations

1

Clause 123 (4)

Page 83, line 5—

omit clause 123 (4), substitute

- (4) However, any information, document or thing obtained, directly or indirectly, because of the giving of the answer or the production of the document is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence against—
- (a) section 121; or
 - (b) section 122; or
 - (c) the Criminal Code, part 3.4 (False or misleading statements, information and documents).
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