



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009–2010

MINUTES OF PROCEEDINGS

No. 77

THURSDAY, 23 SEPTEMBER 2010

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) 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 TERRITORY RECORDS AMENDMENT BILL 2010

Mr Stanhope (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend the *Territory Records Act 2002*, and for other purposes.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement.

Title read by Clerk.

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

Debate adjourned (Mr Coe) and the resumption of the debate made an order of the day for the next sitting.

3 CRIMINAL CODE AMENDMENT BILL 2010

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Criminal Code 2002*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement.

Title read by Clerk.

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

Debate adjourned (Mrs Dunne) and the resumption of the debate made an order of the day for the next sitting.

4 LIQUOR (CONSEQUENTIAL AMENDMENTS) BILL 2010

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation because of the enactment of the *Liquor Act 2010*, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement.

Title read by Clerk.

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

Debate adjourned (Mrs Dunne) and the resumption of the debate made an order of the day for the next sitting.

5 HEALTH, COMMUNITY AND SOCIAL SERVICES—STANDING COMMITTEE—REFERENCE—CALVARY PUBLIC HOSPITAL OPTIONS

Mr Hanson, pursuant to notice, moved—That:

- (1) this Assembly notes:
 - (a) that the ACT Government abandoned its proposal to purchase Calvary Public Hospital in February 2010 after 18 months of negotiations with the Little Company of Mary;
 - (b) that the process followed by the Minister for Health was flawed and caused significant aggravation to the community; and
 - (c) the Minister for Health has proposed four new options for future ownership and management arrangements of Calvary Public Hospital;
- (2) this Assembly refer the four new Calvary Hospital options to the Standing Committee on Health, Community and Social Services for consideration;
- (3) the Committee evaluate the relative merits of the four options presented by the Minister for Health, including the financial and health impacts of the options;
- (4) as appropriate, the Committee identify and evaluate any further options available for Calvary Hospital that have not been presented by the Minister; and
- (5) the Committee report back to the Assembly by the last sitting day in March 2011.

Ms Bresnan moved the following amendment: Omit paragraph (1), substitute:

“(1) this Assembly notes that, on 19 August 2010, the Minister for Health proposed four new options for future ownership and management arrangements of Calvary Public Hospital;”.

Debate continued.

Paper: Mr Hargreaves, by leave, presented the following paper:

Calvary Public Hospital—Copy of letter to Mr Tom Brennan, Chair, Little Company of Mary Health Care Ltd, from the Minister for Health, dated 17 September 2010.

Mr Hargreaves addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Question—That Ms Bresnan’s amendment be agreed to—put and passed.

Mr Hanson, by leave, moved the following amendment: Add:

“(6) calls on the ACT Government not to make a formal decision on any of the four options currently being considered by the Government until such time that the Committee has tabled its findings in the Assembly.”.

Debate continued.

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

The Assembly voted—

AYES, 6	NOES, 11
Mr Coe	Mr Barr
Mr Doszpot	Ms Bresnan
Mrs Dunne	Ms Burch
Mr Hanson	Mr Corbell
Mr Seselja	Ms Gallagher
Mr Smyth	Mr Hargreaves
	Ms Hunter
	Ms Le Couteur
	Ms Porter
	Mr Rattenbury
	Mr Stanhope

And so it was negatived.

Debate continued.

Question—That the motion, as amended, viz:

“That:

- (1) this Assembly notes that, on 19 August 2010, the Minister for Health proposed four new options for future ownership and management arrangements of Calvary Public Hospital;
- (2) this Assembly refer the four new Calvary Hospital options to the Standing Committee on Health, Community and Social Services for consideration;
- (3) the Committee evaluate the relative merits of the four options presented by the Minister for Health, including the financial and health impacts of the options;
- (4) as appropriate, the Committee identify and evaluate any further options available for Calvary Hospital that have not been presented by the Minister; and
- (5) the Committee report back to the Assembly by the last sitting day in March 2011.”—

be agreed to—put and passed.

6 STANDING COMMITTEES—REFERENCE—2009-2010 ANNUAL AND FINANCIAL REPORTS

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That:

- (1) the annual and financial reports for the calendar year 2010 and the financial year 2009-2010 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;
- (2) the annual reports of ACT Policing and the ACT Legislative Assembly Secretariat stand referred to the Standing Committee on Justice and Community Safety and Standing Committee on Public Accounts, respectively;
- (3) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2010 and financial year 2009-2010 annual and financial reports at any given time; and
- (4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs
ACT Electoral Commission		Attorney-General	Justice and Community Safety
ACT Gambling and Racing Commission		Minister for Gaming and Racing	Public Accounts
ACT Government Procurement Board		Minister for Territory and Municipal Services	Public Accounts
ACT Health		Minister for Health	Health, Community and Social Services
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts
ACT Insurance Authority	Office of the Nominal Defendant of the ACT	Treasurer	Public Accounts
ACT Legislative Assembly Secretariat		Speaker	Public Accounts
ACT Long Service Leave Authority		Minister for Industrial Relations	Public Accounts
ACT Ombudsman		Attorney-General	Justice and Community Safety
ACT Planning and Land Authority		Minister for Planning	Planning, Public Works and Territory and Municipal Services
ACT Policing		Minister for Police and Emergency Services	Justice and Community Safety

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
ACTEW Corporation Limited		Treasurer	Public Accounts
ACTTAB Ltd		Treasurer	Public Accounts
Chief Minister's Department	ACT Executive	Chief Minister	Public Accounts
Chief Minister's Department	Arts Policy, Advice and Programs (including Arts ACT)	Minister for the Arts and Heritage	Education, Training and Youth Affairs
Chief Minister's Department	Business and Economic Development	Minister for Business and Economic Development	Public Accounts
Chief Minister's Department	Industrial Relations Policy	Minister for Industrial Relations	Public Accounts
Chief Minister's Department	Default Insurance Fund	Minister for Industrial Relations	Public Accounts
Chief Minister's Department	Work Safety Council	Minister for Industrial Relations	Public Accounts
Chief Minister's Department	Tourism Policy and Services (including Australian Capital Tourism)	Minister for Tourism, Sport and Recreation	Public Accounts
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs
Commissioner for Public Administration		Chief Minister	Public Accounts
Cultural Facilities Corporation		Minister for the Arts and Heritage	Education, Training and Youth Affairs
Department of Disability, Housing and Community Services	Disability and Therapy Services Housing ACT Community Development and Policy	Minister for Disability, Housing and Community Services	Health, Community and Social Services
Department of Disability, Housing and Community Services	Community Affairs—Ageing	Minister for Ageing	Health, Community and Social Services
Department of Disability, Housing and Community Services	Community Affairs—Aboriginal and Torres Strait Islander Affairs	Minister for Aboriginal and Torres Strait Islander Affairs	Health, Community and Social Services
Department of Disability, Housing and Community Services	Community Affairs—Women	Minister for Women	Health, Community and Social Services

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Disability, Housing and Community Services	Community Affairs— Multicultural Affairs	Minister for Multicultural Affairs	Health, Community and Social Services
Department of Disability, Housing and Community Services	Office of Children, Youth and Family Services	Minister for Children and Young People	Education, Training and Youth Affairs
Department of Disability, Housing and Community Services	Official Visitor— <i>Children and Young People Act 2008</i>	Minister for Children and Young People	Education, Training and Youth Affairs
Department of Education and Training		Minister for Education and Training	Education, Training and Youth Affairs
Department of the Environment, Climate Change, Energy and Water	Conservator of Flora and Fauna	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Department of the Environment, Climate Change, Energy and Water		Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Department of the Environment, Climate Change, Energy and Water	Environment Protection Authority	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Department of Justice and Community Safety		Attorney-General	Justice and Community Safety
Department of Justice and Community Safety	Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
Department of Land and Property Services		Minister for Land and Property Services	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services	Animal Welfare Authority	Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services	ACTION	Minister for Transport	Planning, Public Works and Territory and Municipal Services

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Territory and Municipal Services	Road Services Transport Policy and Regulation	Minister for Transport	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services (moved to CMD from 1/7/2010)	ACT Heritage Council	Minister for the Arts and Heritage	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services	Director of Territory Records	Minister for Territory and Municipal Services	Public Accounts
Department of Territory and Municipal Services	Shared Services	Minister for Territory and Municipal Services	Public Accounts
Department of Treasury		Treasurer	Public Accounts
Director of Public Prosecutions		Attorney-General	Justice and Community Safety
Exhibition Park Corporation		Minister for Tourism, Sport and Recreation	Public Accounts
Independent Competition and Regulatory Commission		Attorney-General	Justice and Community Safety
Land Development Agency		Minister for Land and Property Services	Planning, Public Works and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Office of the Commissioner for Sustainability and the Environment		Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Rhodium Asset Solutions		Treasurer	Public Accounts
Totalcare Industries		Treasurer	Public Accounts
University of Canberra		Minister for Education and Training	Education, Training and Youth Affairs
Victims of Crime Support Program		Attorney-General	Justice and Community Safety

Question—put and passed.

7 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 11—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 8 OF 2009: 2008-09 FINANCIAL AUDITS—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Public Accounts—Standing Committee—Report 11—*Review of Auditor-General’s Report No. 8 of 2009: 2008-09 Financial Audits*, dated 2 September 2010, 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 12—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 2 OF 2009: FOLLOW-UP AUDIT—IMPLEMENTATION OF AUDIT RECOMMENDATIONS ON ROAD SAFETY—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Public Accounts—Standing Committee—Report 12—*Review of Auditor-General’s Report No. 2 of 2009: Follow-up Audit—Implementation of Audit Recommendations on Road Safety*, dated 14 September 2010, 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 ROAD TRANSPORT (GENERAL) AMENDMENT BILL 2010

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.

Leave granted to dispense with the detail stage.

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

10 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2010 (NO. 3)

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—

Mrs Dunne moved her amendment No. 1 (*see* [Schedule 1](#)).

Amendment negatived.

Bill, as a whole, agreed to.

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

11 QUESTIONS

Questions without notice were asked.

12 QUESTION ON NOTICE NO. 973—ANSWER—EXPLANATION

Mrs Dunne, pursuant to standing order 118A, asked Ms Gallagher (Treasurer) for an explanation concerning the answer to question on notice No. 973.

Ms Gallagher gave an explanation.

13 INTERGOVERNMENTAL AGREEMENTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Intergovernmental agreements—

List of agreements signed by the ACT Government, as at 23 September 2010.

Schedule of Ministerial level negotiations as at September 2010—

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

14 PRESENTATION OF PAPER

Mr Stanhope (Minister for the Arts and Heritage) presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2010 (1 April to 30 June 2010).

15 TERRITORY-OWNED CORPORATIONS ACT—STATEMENTS OF CORPORATE INTENT—ACTEW CORPORATION LTD, ACTTAB AND RHODIUM ASSET SOLUTIONS—PAPERS AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following papers:

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

ACTEW Corporation Ltd—2010-11 to 2013-14.

ACTTAB—1 July 2010 to 30 June 2011.

Rhodium Asset Solutions—2010-11, dated July 2010—

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

16 A.C.T. PUBLIC SERVICE WORKFORCE PROFILE 2008-2009—SUPPLEMENTARY GENDER ANALYSIS—PAPER—PAPER NOTED

Ms Burch (Minister for Women) presented the following paper:

ACT Public Service Workforce Profile 2008-2009—Supplementary Gender Analysis, in response to the resolution of the Assembly of 24 February 2010 regarding pay equity for women—

and moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

17 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—WATER EFFICIENCY MEASURES

The Assembly was informed that Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja (Leader of the Opposition) and Mr Smyth 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 Ms Hunter be submitted to the Assembly, namely, “The importance of ongoing water efficiency measures in the ACT”.

Discussion ensued.

Discussion concluded.

18 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 4.44 p.m., adjourned until Tuesday, 19 October 2010 at 10 a.m.

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

M M KIERMAIER
Acting Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2010 (NO. 3)

Amendment circulated by Mrs Dunne

1

Schedule 3, Part 3.2

Amendment 3.2

Proposed new section 68C (2) and (3)

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omit proposed new section 68C (2) and (3)
