



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009–2010

MINUTES OF PROCEEDINGS

No. 50

THURSDAY, 11 FEBRUARY 2010

1 The Assembly met at 10 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Rattenbury) ordered the bells to be rung. A quorum having been formed, the Speaker 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 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2010

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 10 February 2010.

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.

3 PERSONAL PROPERTY SECURITIES BILL 2010

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an act relating to personal property securities to make provision consequent on the enactment by the Parliament of the Commonwealth of the *Personal Property Securities Act 2009* (Cwlth).

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 10 February 2010.

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 EDUCATION AMENDMENT BILL 2010

Mr Barr (Minister for Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Education Act 2004*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 February 2010.

Title read by Clerk.

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

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

5 BROADCASTING GUIDELINES—CONTINUING RESOLUTION 3—AMENDMENT TO RESOLUTION

Mr Rattenbury (Speaker), pursuant to notice, moved—That Continuing Resolution No. 3 relating to Broadcasting Guidelines be amended by omitting all words after “That—” and substituting:

“(1) pursuant to subsection 5(2) of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly agrees to the Speaker of the Legislative Assembly making guidelines for the broadcasting of Assembly and committee proceedings that include as a minimum the following requirements:

- (a) persons or organisations intending to record for broadcast proceedings in the Legislative Assembly or its committees must seek the approval of the Speaker each calendar year;
- (b) persons or organisations that have been granted permission to record for broadcast the proceedings of the Legislative Assembly or its committees will acknowledge in writing and abide by the broadcasting guidelines laid down by the Speaker from time to time;
- (c) persons or organisations that have been granted permission to record for broadcast committee proceedings will be able to do so, unless a member of the committee or witness objects;
- (d) witnesses at public hearings of committees will be advised in advance that the proceedings may be recorded for broadcast; and

- (e) persons or organisations that wish to rebroadcast from the audio-visual material available on the Assembly's website, must acknowledge and abide by the conditions of use laid down by the Speaker from time to time;
- (2) pursuant to section 6 of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly:
 - (a) delegates to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly; and
 - (b) delegates to each committee formed by resolution or standing order of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of that committee; and
- (3) pursuant to subsection 6(4) of the *Legislative Assembly (Broadcasting) Act 2001*, the Speaker or a committee chair may withdraw from a person or organisation the right to broadcast, or record for broadcast, public proceedings of the Assembly or the relevant committee if that person or organisation does not abide by the *Guidelines for recording and broadcasting the public proceedings of the Legislative Assembly and its committees*."

Question—put and passed.

6 ESTIMATES 2010-2011—SELECT COMMITTEE—ESTABLISHMENT

Mr Smyth, pursuant to notice, moved—That:

- (1) a Select Committee on Estimates 2010-2011 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2010-2011 and any revenue estimates proposed by the Government in the 2010-2011 Budget and prepare a report to the Parliament;
- (2) the Committee be composed of:
 - (a) one Member to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) two Members to be nominated by the Greens;
 to be notified in writing to the Speaker by 4 pm today;
- (3) a non-Government member shall be elected chair of the Committee by the Committee;
- (4) funds be provided by the Parliament to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
- (5) the Committee is to report by 22 June 2010;
- (6) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Corbell (Manager of Government Business) moved the following amendment: In paragraph (2)(a), omit “one”, substitute “two”.

Debate continued.

Amendment negatived.

Question—That the motion be agreed to—put and passed.

7 ASSEMBLY COMMITTEE PROCESS

The order of the day having been read for the resumption of the debate on the motion of Mrs Dunne—That this Assembly:

- (1) re-affirms the importance of the Assembly committee process and its role in:
 - (a) providing the Assembly, as a unicameral system of parliament, with the kinds of checks and balances not otherwise available;
 - (b) preserving and promoting the value of transparency and accountability in the assessment of government decision-making, policy development and legislative processes;
 - (c) giving constituents “a say” in government decision-making, policy development and legislative processes; and
 - (d) providing Members of the Assembly with opportunities to engage in in-depth analysis and examination of and seek expert advice about government decisions, policies and legislation; and
- (2) unconditionally supports the right of Assembly committees to:
 - (a) have unfettered access to documents and witnesses relevant to matters being considered;
 - (b) call for and consider public submissions;
 - (c) report on their findings and recommendations without fear or favour; and
 - (d) be entitled to respectful responses from government—

Debate resumed by Mr Corbell (Manager of Government Business), who moved the following amendment: Omit introduction to paragraph (2) and paragraph (2)(a), substitute:

- “(2) supports the right of Assembly committees, subject to accepted conventions and privileges, to:
- (a) have access to documents and witnesses relevant to matters being considered;”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 7		NOES, 10	
Mr Barr	Ms Porter	Ms Bresnan	Ms Hunter
Ms Burch	Mr Stanhope	Mr Coe	Ms Le Couteur
Mr Corbell		Mr Doszpot	Mr Rattenbury
Ms Gallagher		Mrs Dunne	Mr Seselja
Mr Hargreaves		Mr Hanson	Mr Smyth

And so it was negatived.

Ms Bresnan, by leave, moved the following amendments together:

- (1) omit paragraph (2)(a), substitute:
 - “(a) have unfettered and timely access to documents and witnesses relevant to matters being considered;”; and
- (2) add:
 - “(3) supports the notion that:
 - (a) committee chairs, on behalf of their committee, be permitted to make submissions in relation to documents referred to the independent arbiter where privilege has been claimed; and
 - (b) committee members respect the private nature of the discussions had during committee deliberations.”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 10		NOES, 7	
Ms Bresnan	Ms Hunter	Mr Barr	Ms Porter
Mr Coe	Ms Le Couteur	Ms Burch	Mr Stanhope
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Mr Hanson	Mr Smyth	Mr Hargreaves	

And so it was resolved in the affirmative.

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 the motion, as amended, viz:

“That this Assembly:

- (1) re-affirms the importance of the Assembly committee process and its role in:
 - (a) providing the Assembly, as a unicameral system of parliament, with the kinds of checks and balances not otherwise available;
 - (b) preserving and promoting the value of transparency and accountability in the assessment of government decision-making, policy development and legislative processes;
 - (c) giving constituents ‘a say’ in government decision-making, policy development and legislative processes; and
 - (d) providing Members of the Assembly with opportunities to engage in in-depth analysis and examination of and seek expert advice about government decisions, policies and legislation;
- (2) unconditionally supports the right of Assembly committees to:

- (a) have unfettered and timely access to documents and witnesses relevant to matters being considered;
 - (b) call for and consider public submissions;
 - (c) report on their findings and recommendations without fear or favour; and
 - (d) be entitled to respectful responses from government; and
- (3) supports the notion that:
- (a) committee chairs, on behalf of their committee, be permitted to make submissions in relation to documents referred to the independent arbiter where privilege has been claimed; and
 - (b) committee members respect the private nature of the discussions had during committee deliberations.”—

be agreed to—put and passed.

8 CLIMATE CHANGE, ENVIRONMENT AND WATER—STANDING COMMITTEE—REPORT 3—REPORT ON ANNUAL AND FINANCIAL REPORTS 2008-2009—REPORT NOTED

Ms Hunter (Chair) presented the following report:

Climate Change, Environment and Water—Standing Committee—Report 3—*Report on Annual and Financial Reports 2008-2009*, dated 3 February 2010, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

9 REDUCING SPEED ZONES AROUND SHOPPING AND COMMUNITY FACILITIES—STATEMENT BY MINISTER—PAPER—PAPER NOTED

Mr Stanhope (Minister for Territory and Municipal Services), pursuant to order, made a statement regarding reducing speed zones around shopping centres and community facilities to 40 km/h.

Mr Stanhope presented the following paper:

Reducing speed zones around shopping and community facilities—Statement to the Assembly—

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

Debate ensued.

Question—put and passed.

10 DOMESTIC ANIMALS AMENDMENT BILL 2009

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.

11 PLANNING AND DEVELOPMENT AMENDMENT BILL 2009 (NO. 2)

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.

12 MINISTERIAL ARRANGEMENTS

Ms Gallagher (Deputy Chief Minister) informed the Assembly of the absence of Mr Stanhope (Chief Minister) and advised the Assembly that questions without notice normally directed to Mr Stanhope could be directed to Ms Gallagher.

13 QUESTIONS

Questions without notice were asked.

14 QUESTIONS ON NOTICE NOS. 518 AND 519—ANSWERS—EXPLANATION

Ms Le Couteur, pursuant to standing order 118A, asked Mr Barr (Minister for Planning) for an explanation concerning the answers to questions on notice Nos. 518 and 519.

Mr Barr gave an explanation.

15 QUESTION ON NOTICE NO. 521—ANSWER—EXPLANATION

Ms Le Couteur, pursuant to standing order 118A, asked Mr Corbell (Attorney-General) for an explanation concerning the answer to question on notice No. 521.

Mr Corbell gave an explanation.

16 BUDGET 2009-2010—BUDGET REVIEW—PAPER AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPER

Ms Gallagher (Treasurer) presented the following paper:

Budget 2009-2010— Budget review—

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

Ms Gallagher moved—That the Assembly takes notes of the paper.

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

17 FINANCIAL MANAGEMENT ACT—CONSOLIDATED FINANCIAL REPORT—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2009—

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

18 PLANNING AND ENVIRONMENT—STANDING COMMITTEE (SIXTH ASSEMBLY)—REPORT 24—REVIEW OF DRAFT MANAGEMENT PLAN FOR URBAN OPEN SPACE AND PUBLIC ACCESS SPORTSGROUNDS IN THE GUNGAHLIN REGION—GOVERNMENT RESPONSE—PAPER NOTED

Mr Barr (Minister for Tourism, Sport and Recreation) presented the following paper:

Planning and Environment—Standing Committee—Report 24—Review of Draft Management Plan for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region—Government response—

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

Question—put and passed.

19 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—MAJOR CAPITAL WORKS PROJECTS

The Assembly was informed that Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Mr Hargreaves, 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 Mr Hanson be submitted to the Assembly, namely, “Management of major capital works projects”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

20 ESTIMATES 2010-2011—SELECT COMMITTEE—MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that he had been notified, in writing, of the nominations of Ms Bresnan, Mr Hargreaves, Ms Hunter, Mr Seselja (Leader of the Opposition) and Mr Smyth to be members of the Select Committee on Estimates 2010-2011.

Mr Barr (Minister for Education and Training) moved—That the Members so nominated be appointed as members of the Select Committee on Estimates 2010-2011.

Question—put and passed.

21 PLANNING AND DEVELOPMENT AMENDMENT BILL 2009 (NO. 2)

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.

22 ADJOURNMENT

Mr Barr (Minister for Education and Training) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 4.42 p.m., adjourned until Tuesday, 23 February 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