



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009

MINUTES OF PROCEEDINGS

No. 41

THURSDAY, 12 NOVEMBER 2009

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 EDUCATION AMENDMENT BILL 2009 (NO. 2)—SPEAKER’S RULING

The Speaker ruled that the Education Amendment Bill 2009 (No. 2) was out of order as it contravened standing orders 136 and 169 and ordered that it be withdrawn from the *Notice Paper* in accordance with standing order 170.

**3 SUSPENSION OF STANDING AND TEMPORARY ORDERS MOVED—
EDUCATION AMENDMENT BILL 2009 (NO. 2)**

Mr Doszpot moved—That so much of the standing and temporary orders be suspended as would prevent the Education Amendment Bill 2009 (No. 2) being restored to the *Notice Paper* and that consideration on the Bill resume at the stage reached.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 4

Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

NOES, 9

| | |
|--------------|---------------|
| Mr Barr | Ms Hunter |
| Ms Bresnan | Ms Le Couteur |
| Ms Burch | Mr Rattenbury |
| Mr Corbell | Mr Stanhope |
| Ms Gallagher | |

And so it was negatived.

4 PETITION—MINISTERIAL RESPONSE

The Clerk announced that the following response to a petition had been lodged by Mr Barr (Minister for Planning):

Petition No. 104, lodged by Ms Le Couteur on 15 October 2009, concerning amendments to plans for the intersection of Wells Station Drive and Horse Park Drive in Gungahlin, dated 11 November 2009.

5 REVENUE LEGISLATION AMENDMENT BILL 2009

Ms Gallagher (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *First Home Owner Grant Act 2000* and the *Taxation Administration Act 1999*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 November 2009.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Seselja—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

6 HEALTH LEGISLATION AMENDMENT BILL 2009

Ms Gallagher (Minister for Health), pursuant to notice, presented a Bill for an Act to amend legislation about health, and for other purposes.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 November 2009.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

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

7 CANBERRA'S MAJOR WATER SECURITY PROJECTS—SELECT COMMITTEE—PROPOSED ESTABLISHMENT

Mr Seselja (Leader of the Opposition), pursuant to notice, moved—That:

- (1) a Select Committee on Canberra's Major Water Security Projects ("the Projects") be appointed to inquire into, comment upon and make recommendations on the conduct of the Projects according to the following terms of reference:

An examination of:

- (a) Canberra's major water security projects, including, but not limited to, the enlarged Cotter Dam project and the Murrumbidgee to Googong Bulk Water Transfer project;

- (b) the process under which the Bulk Water Alliance was established, including, but not limited to, the process by which the Alliance partners were selected;
 - (c) the consideration given to other options for delivery of the Projects;
 - (d) the tendering process undertaken or planned to be undertaken for the capital works, including policy in relation to securing the services or products of local suppliers;
 - (e) the process undertaken to develop the project estimates and costings at all stages from 2005 to November 2009;
 - (f) the trends in the cost of materials, supplies and labour during the period 2005 to November 2009;
 - (g) the impact that any variances in actual costs to estimated costs are likely to have on the delivery of the Projects, including how any under-estimates or over-estimates will be dealt with;
 - (h) the comparison between the final cost of the Projects to those of other recent similar projects undertaken in Australia;
 - (i) the role of the ACT Government and its relevant agencies in monitoring the development of the Projects during the period 2005 to November 2009, including, but not limited to, the quality of the information provided by ACTEW Corporation in that process;
 - (j) the level of public engagement and consultation undertaken by ACTEW Corporation and the ACT Government during the period 2005 to November 2009;
 - (k) the consultation and negotiation with rural landholders to gain access to their land, acquire land, use equipment on their land or install infrastructure in or on their land; and
 - (l) other matters the committee considers relevant to the inquiry;
- (2) the committee be comprised of:
- (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;
- to be notified in writing to the Speaker within 24 hours of the passage of this motion;
- (3) the Member nominated by the Opposition be the committee chair;
 - (4) the committee report by the end of April 2010;
 - (5) 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;

- (6) 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; and
- (7) the committee conduct the inquiry as it sees fit, including but not limited to, calling witnesses, requesting or requiring documents and seeking relevant expert advice, support or assistance.

Debate ensued.

It being 45 minutes after the commencement of Assembly business—

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

Papers: Mrs Dunne, by leave, presented the following papers:

Enlarged Cotter Dam—Graphs—

Costs—Percentage change.

Figure 1.3.10 ECD minimum excavation line.

Debate continued.

Question—put.

The Assembly voted—

| | |
|------------|---------------|
| AYES, 4 | NOES, 9 |
| Mr Doszpot | Mr Barr |
| Mrs Dunne | Ms Bresnan |
| Mr Hanson | Ms Burch |
| Mr Seselja | Mr Corbell |
| | Ms Gallagher |
| | Ms Hunter |
| | Ms Le Couteur |
| | Mr Rattenbury |
| | Mr Stanhope |

And so it was negatived.

8 PLANNING AND DEVELOPMENT AMENDMENT BILL 2009— STATEMENT BY MINISTER

Mr Barr (Minister for Planning), by leave, made a statement regarding the Planning and Development Amendment Bill 2009.

9 LONG SERVICE LEAVE (COMMUNITY SECTOR) 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.

The Assembly voted—

| | |
|---------------|------------|
| AYES, 8 | NOES, 3 |
| Mr Barr | Mr Doszpot |
| Ms Bresnan | Mrs Dunne |
| Ms Burch | Mr Seselja |
| Mr Corbell | |
| Ms Hunter | |
| Ms Le Couteur | |
| Mr Rattenbury | |
| Mr Stanhope | |

And so it was resolved in the affirmative—Bill agreed to in principle.

Detail Stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9—

On the motion of Ms Burch (Minister for Disability, Housing and Community Services), on behalf of the Minister for Industrial Relations, pursuant to standing order 182A(b), by leave, her amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

Paper: Ms Burch presented a supplementary explanatory statement to the Government amendment.

Clause 9, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

10 MINISTERIAL ARRANGEMENTS

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

11 QUESTIONS

Questions without notice were asked.

12 PAPER

Mr Corbell (Attorney-General), having added to an answer, presented the following paper:

ACT WorkCover Review 2009—Terms of reference—Answer to question taken on notice from Ms Bresnan yesterday.

13 CANBERRA'S MAJOR WATER SECURITY PROJECTS—SELECT COMMITTEE—PROPOSED ESTABLISHMENT—ENLARGED COTTER DAM PROJECT—RESOLUTION OF THE ASSEMBLY

Mr Corbell (Minister for the Environment, Climate Change and Water), pursuant to order, presented the following paper:

Canberra's Major Water Security Projects—Select Committee—Proposed Establishment—Enlarged Cotter Dam Project—Resolution of the Assembly of 15 October 2009—Letter to the Minister for the Environment, Climate Change and Water from Mr Mark Sullivan, Managing Director, ACTEW Corporation, dated 30 October 2009.

14 ASSISTANT SPEAKER

The Speaker informed the Assembly that, pursuant to standing order 8, he had revoked the nomination of Ms Burch as an Assistant Speaker and nominated Mr Hargreaves as Assistant Speaker and presented the following warrant of revocation and nomination:

Pursuant to the provisions of standing order 8, I—

1. revoke the nomination of Ms Burch as an Assistant Speaker, and
2. nominate Mr Hargreaves to act as an Assistant Speaker.

Given under my hand on 12 November 2009.

Shane Rattenbury, MLA
Speaker
12 November 2009

15 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Administrative Arrangements—

Administrative Arrangements 2009 (No. 2)—Notifiable Instrument NI2009-561, dated 9 November 2009.

Australian Capital Territory (Self-Government) Ministerial Appointment 2009 (No. 2)—Notifiable Instrument NI2009-562 (Special Gazette No. S4, Tuesday 10 November, 2009).

16 PRESENTATION OF PAPER

Mr Barr (Minister for Education and Training) presented the following paper:

Education Act, pursuant to section 118A—Non-Government Schools Education Council—Advice on ACT Budget Considerations for 2010-2011, dated 28 September 2009.

17 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—PARLIAMENTARY TRIANGLE—IMPACT OF DEVELOPMENT

The Assembly was informed that Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur and Mr Seselja (Leader of the Opposition) 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 Le Couteur be submitted to the Assembly, namely, “Developments in the Parliamentary Triangle and their impacts on the ACT”.

Discussion ensued.

Discussion concluded.

18 PAYROLL TAX 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.

19 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2009 (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.

Leave granted to dispense with the detail stage.

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

20 LEAVE OF ABSENCE TO MEMBER

Mr Stanhope (Chief Minister) moved—That leave of absence be granted to Ms Porter for this sitting due to her attendance interstate on behalf of the Chief Minister.

Question—put and passed.

21 ADJOURNMENT

Mr Stanhope (Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.02 p.m., adjourned until Tuesday, 17 November 2009 at 10 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Hargreaves*, Ms Porter* and Mr Smyth*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

LONG SERVICE LEAVE (COMMUNITY SECTOR) AMENDMENT BILL 2009

Amendment circulated by the Minister for Industrial Relations

1

Clause 9

Proposed new section 2A.7 (3)

Page 6, line 12—

omit
