



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 85

THURSDAY, 23 NOVEMBER 2006

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:

Ms Porter, from 283 residents, requesting that the Assembly, as an urgent priority, review the decision to close Giralang Primary School due to the overwhelming concern about the detrimental educational, social and health effects this closure will have on the children and the community of Giralang.

Mr Pratt, from 90 residents, requesting that the Assembly act to ensure that the Griffith Library remains open to serve the community as a vital and highly valued community service.

Mr Pratt, from 721 residents, requesting that the Assembly delay the proposed closure of Griffith Library to allow consultation and liaison with Government agencies, service providers and peak community and industry groups in a meaningful way.

3 TERRITORY-OWNED CORPORATIONS AMENDMENT BILL 2006

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Territory-owned Corporations Act 1990*, 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, dated 21 November 2006.

Title read by Clerk.

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

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

4 COURT LEGISLATION AMENDMENT BILL 2006

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend various legislation about courts.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 21 November 2006.

Title read by Clerk.

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

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

5 FREEDOM OF INFORMATION AMENDMENT BILL 2006

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Freedom of Information Act 1989*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 21 November 2006.

Title read by Clerk.

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

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

6 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2006 (NO. 2)

Mr Hargreaves (Minister for the Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Safety and Traffic Management) Act 1999*, and for other purposes.

Papers: Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 22 November 2006.

Title read by Clerk.

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

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

7 UNIVERSITY OF CANBERRA AMENDMENT BILL 2006

Mr Barr (Minister for Education and Training), pursuant to notice, presented a Bill for an Act to amend the *University of Canberra Act 1989* and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 21 November 2006.

Title read by Clerk.

Mr Barr 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.

8 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—PROPOSED REFERENCE—GRIFFITH LIBRARY—PROPOSED CLOSURE

Mr Pratt, pursuant to notice, moved—That, given the failure of the Government to consult appropriately with the Canberra community over the announced closure of the Griffith Library:

- (1) the closure of the Griffith Library be deferred until appropriate consultation has taken place;
- (2) the proposal to close Griffith Library be referred to the Standing Committee on Planning and Environment for inquiry and report by 31 March 2007; and
- (3) the Government wait for the report by the Standing Committee on Planning and Environment and respond to the Assembly before any decision is made.

Debate ensued.

Mr Mulcahy addressing the Assembly—

It being 45 minutes after the commencement of Assembly business, debate interrupted in accordance with standing order 77—

Mr Smyth moved—That the time allotted to Assembly business be extended by 30 minutes.

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—Resumption of the debate made an order of the day for the next sitting.

**9 MINISTER FOR THE TERRITORY AND MUNICIPAL SERVICES—
PROPOSED CENSURE**

Mr Mulcahy, by leave, moved—That the Minister for the Territory and Municipal Services be censured for his handling of the closure of the Griffith Library.

Debate ensued.

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.

10 QUESTIONS

Questions without notice being asked—

Paper: Mr Hargreaves (Minister for the Territory and Municipal Services) presented the following paper:

Aerial Consolidated Transport—Aerial's booking and dispatch system—Copy of letter to the Chief Executive Officer, Aerial Consolidated Transport, from the Chief Executive, Department of the Territory and Municipal Services, dated 23 November 2006.

Questions continued.

11 PAPERS

Mr Hargreaves, Minister for the Territory and Municipal Services), having added to an answer, presented the following papers:

Aerial Consolidated Transport—

MTData dispatch system—Copy of letter to the General Manager Transport, Department of the Territory and Municipal Services, from the Chief Executive Officer, Aerial Consolidated Transport, dated 13 November 2006.

Indemnity agreements—Copy of letter to ACT taxi plate owners from the Chief Executive Officer, Aerial Consolidated Transport, dated 14 November 2006.

**12 ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT—CHIEF MINISTER'S
DEPARTMENT—ANNUAL REPORT 2005-06—CORRIGENDUM—PAPER
AND STATEMENT BY MINISTER**

Mr Stanhope (Chief Minister) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Chief Minister's Department—Annual Report 2005-06—Corrigendum—

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

**13 UTILITIES (NETWORK FACILITIES TAX) BILL 2006—EXPOSURE
DRAFT—PAPERS AND STATEMENT BY MINISTER**

Mr Stanhope (Treasurer) presented the following papers:

Utilities (Network Facilities Tax) Bill 2006—

Exposure draft.

Draft explanatory statement.

Tabling speech—

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

14 PRESENTATION OF PAPER

Mr Barr (Minister for Industrial Relations) presented the following paper:

Occupational Health and Safety Act, pursuant to section 228—Operation of the *Occupational Health and Safety Act 1989* and its associated law—Quarterly report—September quarter 2006.

15 GOVERNMENT PROCUREMENT ACT 2001—REPORT ON OUTCOMES OF THE REVIEW OF OPERATIONS—MINISTERIAL STATEMENT—PAPER

Mr Stanhope (Treasurer), by leave, made a ministerial statement concerning a report on the outcomes of the review of operations of the *Government Procurement Act 2001* and presented the following paper:

Government Procurement Act 2001—Review of the operation, dated November 2006.

16 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF PRIVATE MEMBERS' BUSINESS

Mr Smyth moved—That so much of the standing orders be suspended as would prevent order of the day, Private Members' business, relating to the proposed censure of the Minister for the Territory and Municipal Services being called on forthwith.

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

17 MINISTER FOR THE TERRITORY AND MUNICIPAL SERVICES—PROPOSED CENSURE

The order of the day having been read for the resumption of the debate on the motion of Mr Mulcahy (*see entry 9*)—

Debate resumed.

Question—put.

The Assembly voted—

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

And so it was negatived.

18 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS

Ms MacDonald moved—That so much of the standing orders be suspended as would prevent order of the day, Assembly business, relating to the proposed reference of the closure of the Griffith Library to the Standing Committee on Planning and Environment, being called on forthwith.

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

**19 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—
PROPOSED REFERENCE—GRIFFITH LIBRARY—PROPOSED CLOSURE**

The order of the day having been read for the resumption of the debate on the motion of Mr Pratt (*see entry 8*)—

Debate resumed.

Closure: Ms MacDonald moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

The Assembly voted—

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

And so it was negated.

**20 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—ENVIRONMENTAL
SUSTAINABILITY AND COMMUNITY DEVELOPMENT AND COHESION—
ROLE PLAYED BY LOCAL SCHOOLS AND NEIGHBOURHOOD CENTRES**

The Assembly was informed that Dr Foskey, Mr Gentleman, Ms Porter 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 Dr Foskey be submitted to the Assembly, namely, “The vital role played by local schools and neighbourhood centres in environmental sustainability and community development and cohesion.”.

Discussion ensued.

Discussion concluded.

21 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 1, Executive business, relating to the Building and Construction Industry Training Levy Amendment Bill 2006, be postponed until a later hour this day.

22 LONG SERVICE LEAVE (CONTRACT CLEANING INDUSTRY) AMENDMENT BILL 2006

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.

23 BUILDING AND CONSTRUCTION INDUSTRY TRAINING LEVY AMENDMENT BILL 2006

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.

24 ADJOURNMENT

Mr Barr (Minister for Education and Training) 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 6.23 p.m., adjourned until Tuesday, 12 December 2006 at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly