



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009–2010–2011–2012

MINUTES OF PROCEEDINGS

No. 152

WEDNESDAY, 6 JUNE 2012

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 PLANNING AND DEVELOPMENT (GREENHOUSE GAS REDUCTION TARGETS) AMENDMENT BILL 2012

Ms Le Couteur, pursuant to notice, presented a Bill for an Act to amend the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008*.

Paper: Ms Le Couteur presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Corbell—Minister for the Environment and Sustainable Development) and the resumption of the debate made an order of the day for the next sitting.

3 WATER AND SEWERAGE REGULATION (WATER HEATERS) AMENDMENT BILL 2012

Ms Le Couteur, pursuant to notice, presented a Bill for an Act to amend the *Water and Sewerage Regulation 2001*.

Paper: Ms Le Couteur presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Corbell—Minister for the Environment and Sustainable Development) and the resumption of the debate made an order of the day for the next sitting.

4 RETIREMENT VILLAGES BILL 2012

Ms Porter, pursuant to notice, presented a Bill for an Act to regulate retirement villages, and for other purposes.

Paper: Ms Porter presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Corbell—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

5 ELECTORAL (LIMIT ON GIFTS) AMENDMENT BILL 2012

Ms Hunter, pursuant to notice, presented a Bill for an Act to amend the *Electoral Act 1992*.

Paper: Ms Hunter presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Corbell—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

6 ENVIRONMENT AND CONSTRUCTION OCCUPATIONS LEGISLATION (WOOD HEATERS) AMENDMENT BILL 2012—EXPOSURE DRAFT—PAPERS AND STATEMENT BY MEMBER

Ms Bresnan, by leave, presented the following papers:

Environment and Construction Occupations Legislation (Wood Heaters) Amendment Bill 2012—

Exposure draft.

Addressing Wood Heater Pollution in the ACT—Consultation Paper, dated 1 June 2012—

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

7 HEALTH CARE—MANAGEMENT

Mr Hanson, pursuant to notice, moved—That this Assembly:

- (1) notes that amongst a number of failures across the management of health in the ACT:
 - (a) the percentage of Emergency Department patients seen on time has deteriorated from 78 percent in 2001 to 58 percent in the latest Australian Institute of Health and Welfare (AIHW) Hospital Statistics report;
 - (b) that due to a conflict of interest, Katy Gallagher MLA recently stood aside from investigations into the falsification of Emergency Department results;
 - (c) the median wait time for elective surgery has grown from 44 days in AIHW Hospital Statistics 2000-01 to 76 days in the latest AIHW report;

- (d) that in 2011 the Auditor-General found that elective surgery “downgrades of patients’ urgency category, often without documented clinical reasons, raised considerable doubts about the reliability and appropriateness of the clinical classifications for patients on the waiting lists”;
 - (e) the Minister for Health denied, then attempted to cover up, serious complaints of bullying at The Canberra Hospital in 2010;
 - (f) the ACT has become chronically short of general practitioners, bulk billing rates are the lowest in the nation and the cost of visiting a general practitioner is the highest in the nation;
 - (g) the Minister for Health misled the community at the 2008 election over her bungled plans to purchase Calvary Hospital and sell Clare Holland House;
 - (h) the Minister for Health broke her 2008 election promise of three nurse-led walk-in clinics and a secure mental health facility;
 - (i) there has been disruption, delay and cost blowouts across numerous health infrastructure projects; and
 - (j) the ACT Visiting Medical Officers Association lost confidence in Katy Gallagher MLA and called for her to be dismissed as Minister for Health; and
- (2) calls on the Minister for Health to explain to the Assembly why access to health care in the ACT has deteriorated under 11 years of the ACT Labor Government.

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.

8 QUESTIONS

Questions without notice were asked.

9 HEALTH CARE—MANAGEMENT

The order of the day having been read for the resumption of the debate on the motion of Mr Hanson (*see* [entry 7](#))—

Debate resumed.

Question—put.

The Assembly voted—

AYES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 11

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

And so it was negated.

10 OFFICIAL VISITOR BILL 2012 (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

The Assembly voted—

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

And so it was resolved in the affirmative.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Corbell, his amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Ms Bresnan, by leave, her amendments Nos. 1 to 3 (*see* [Schedule 2](#)) were made together.

Bill, as a whole, as amended, agreed to.

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

11 ELECTORAL (DONATION LIMIT) AMENDMENT BILL 2011

The Assembly, according to order, resumed consideration at the detail stage.

Detail Stage

Clause 1—

Debate continued.

Question—put.

The Assembly voted—

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

And so it was negatived.

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

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

12 A.C.T. ECONOMY

The notice for the moving of the motion having been called on—

Ms Porter, pursuant to standing order 128, fixed a later hour this day for the moving of notice No. 6, Private Members' business.

13 CRIMES (OFFENCES AGAINST POLICE) AMENDMENT BILL 2012

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, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 11

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

And so it was negatived.

14 BAIL AMENDMENT BILL 2012

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.

Ms Hunter addressing 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 put forthwith without debate—

Question—put and negatived.

Ms Hunter continued.

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

AYES, 4
 Ms Bresnan
 Ms Hunter
 Ms Le Couteur
 Mr Rattenbury

NOES, 13
 Mr Barr
 Dr Bourke
 Ms Burch
 Mr Coe
 Mr Corbell
 Mr Doszpot
 Mrs Dunne
 Ms Gallagher
 Mr Hanson
 Mr Hargreaves
 Ms Porter
 Mr Seselja
 Mr Smyth

And so it was negatived.

15 NATIONAL ENERGY RETAIL LAW (CONSEQUENTIAL AMENDMENTS) BILL 2012—RESCISSION AND RECONSIDERATION

Mr Corbell (Minister for the Environment and Sustainable Development), by leave, moved—That, in relation to the National Energy Retail Law (Consequential Amendments) Bill 2012, the Assembly:

- (1) rescind the resolution of the Assembly to dispense with the detail stage and that the Bill be agreed to; and
- (2) recommit the Bill at the detail stage.

Question—put and passed.

16 NATIONAL ENERGY RETAIL LAW (CONSEQUENTIAL AMENDMENTS) BILL 2012

The Assembly, according to order, resumed consideration at the detail stage—

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Corbell (Minister for the Environment and Sustainable Development), by leave, pursuant to standing order 182A(b), his amendment No. 1 (*see* [Schedule 3](#)) was made.

Paper: Mr Corbell presented a supplementary explanatory statement to the Government amendment.

Bill, as a whole, as amended, agreed to.

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

17 A.C.T. ECONOMY

Ms Porter, pursuant to notice, moved—That this Assembly:

- (1) notes the importance of:
 - (a) supporting economic growth and supporting jobs;
 - (b) providing appropriate settings for private sector investment and innovation;
 - (c) investing in high quality services for our community whilst undertaking responsible economic management;

- (d) investing in productive infrastructure to support economic and population growth; and
 - (e) undertaking structural tax reform to put the ACT on a more sustainable basis and make our tax system fairer, simpler and more efficient; and
- (2) supports:
- (a) maintaining a strong economy in the face of significant economic challenges;
 - (b) maintaining a focus on employment to minimise the economic and social costs of joblessness to individuals, households and society;
 - (c) policy settings that support business investment and innovation without dictating industry outcomes;
 - (d) investment in high quality services to support measured return to surplus in line with the Government's original budget plan following the Global Financial Crisis;
 - (e) investments such as the ACT 2012-2013 Budget's allocations to health, education and transport infrastructure; and
 - (f) undertaking structural tax reform to address short-term and long-term challenges facing the ACT and to make our tax system fairer, simpler and more efficient.

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

18 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.23 p.m., adjourned until tomorrow at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

OFFICIAL VISITOR BILL 2012 (NO. 2)

Amendment circulated by the Attorney-General

1

Clause 2 (2)

Page 2, line 13—

omit clause 2 (2), substitute

(2) The remaining provisions commence on 1 July 2013.

Schedule 2

OFFICIAL VISITOR BILL 2012 (NO. 2)

Amendments circulated by Ms Bresnan

1

Schedule 1, part 1.3

Amendment 1.25

Proposed new section 8G

Page 33, line 2—

omit

Minister

substitute

director-general

2

Schedule 1, part 1.3

Amendment 1.25

Proposed new section 8G, note 1

Page 33, line 5—

omit

Minister

substitute

director-general

3

Schedule 1, part 1.6

Amendment 1.38

Proposed new section 122B

Page 39, line 13—

omit

visitable place

substitute

mental health facility

Schedule 3**NATIONAL ENERGY RETAIL LAW (CONSEQUENTIAL AMENDMENTS BILL 2012)**

Amendments circulated by the Minister for the Environment and Sustainable Development

1

Proposed new part 7A
Page 18, line 12—

insert

Part 7A **Energy Efficiency (Cost of Living) Improvement Act 2012**

39A **Dictionary**
Section 3, note 1

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*approved abatement factor*—see section 18.’ means that the term ‘approved abatement factor’ is defined in that section.

39B **Working out priority household obligation**
Section 15 (2) (b), formula

omit

SESO

substitute

RESO

39C **Section 15 (2) (b), definition of SESO**

substitute

RESO means the tier 1 NERL retailer’s energy savings obligation for the compliance period.

**39D Compliance with energy savings obligations—
supplier energy savings result
Section 20 (2), formula**

omit

SESO

substitute

RESO

39E Section 20 (2), definitions of S and SESO

substitute

RESO means the retailer's energy savings obligation.

S means the carried forward surplus.

39F Dictionary, definition of *electricity supplier*

omit

39G Dictionary, new definitions

insert

NERL retailer means a person who holds a retailer authorisation under the *National Energy Retail Law (ACT)* to sell electricity to premises in the ACT for consumption.

retailer energy savings result—see section 20.

retailer priority household result—see section 21.

39H Dictionary, definitions of *supplier energy savings result* and *supplier priority household result*

omit

39I Dictionary, definition of *tier 1 electricity supplier*

omit everything before paragraph (a), substitute

tier 1 NERL retailer means a NERL retailer that—

39J Dictionary, definition of *tier 2 electricity supplier*

substitute

tier 2 NERL retailer means a NERL retailer that is not a tier 1 NERL retailer.

39K Dictionary, definition of *utility*

omit

39L Further amendments, mentions of *electricity supplier* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 7	electricity suppliers	NERL retailers
2	section 8	electricity suppliers	NERL retailers
3	section 8	supplier's	retailer's
4	section 11	electricity suppliers	NERL retailers
5	section 11	supplier's	retailer's
6	section 13	An electricity supplier	A NERL retailer
7	section 13	the supplier's	the retailer's
8	section 13	An electricity supplier's	A NERL retailer's
9	section 13	a supplier	a retailer
10	section 13, definition of <i>electricity sales</i>	the electricity supplier's	the NERL retailer's
11	section 14	An electricity supplier	A NERL retailer
12	section 14	supplier's	retailer's
13	section 14	1 electricity supplier	1 NERL retailer
14	section 14	the supplier	the retailer
15	section 14	2 electricity supplier	2 NERL retailer
16	section 15	electricity supplier	NERL retailer
17	section 15	the supplier's	the retailer's
18	section 15	An electricity supplier's	A NERL retailer's
19	section 15	a supplier	a retailer
20	section 16	electricity supplier	NERL retailer
21	section 16	supplier's	retailer's
22	section 16	the supplier	the retailer
23	section 17 heading	Supplier	NERL retailer
24	section 17	An electricity supplier	A NERL retailer
25	section 17	the supplier	the retailer

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
26	section 17	supplier's	retailer's
27	section 18	An electricity supplier	A NERL retailer
28	section 18	supplier's	retailer's
29	section 18	the supplier	the retailer
30	section 19	An electricity supplier	A NERL retailer
31	section 19	the supplier's	the retailer's
32	section 19	the supplier	the retailer
33	section 19	1 electricity supplier	1 NERL retailer
34	section 19	2 electricity supplier	2 NERL retailer
35	section 19	a supplier	a retailer
36	section 20 heading	supplier	retailer
37	section 20	<i>supplier</i>	<i>retailer</i>
38	section 20	an electricity supplier's	a NERL retailer's
39	section 20	the supplier's	the retailer's
40	section 20	A supplier	A retailer
41	section 20	an electricity supplier	a NERL retailer
42	section 20	supplier's supplier	retailer's retailer
43	section 20	the electricity supplier	the NERL retailer
44	section 20	the supplier	the retailer
45	section 21 heading	supplier	retailer
46	section 21	<i>supplier</i>	<i>retailer</i>
47	section 21	electricity supplier's	NERL retailer's
48	section 21	the supplier's	the retailer's
49	section 21	A supplier	A retailer
50	section 21	electricity supplier	NERL retailer
51	section 21	supplier's supplier	retailer's retailer
52	section 21	the supplier	the retailer

column 1 item	column 2 provision	column 3 omit	column 4 substitute
53	section 22	an electricity supplier's supplier	a NERL retailer's retailer
54	section 22	the supplier	the retailer
55	section 22	1 electricity supplier's supplier	1 NERL retailer's retailer
56	section 24	electricity suppliers	NERL retailers
57	section 24	electricity suppliers'	NERL retailers'
58	section 24	supplier's	retailer's
59	section 26	An electricity supplier	A NERL retailer
60	section 26	supplier's	retailer's
61	section 27	electricity supplier	NERL retailer
62	schedule 1, items 1 to 3, column 4	electricity supplier	NERL retailer
63	schedule 1, items 2 and 3, column 3	supplier	retailer
