

2004–2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 6

WEDNESDAY, 16 FEBRUARY 2005

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 **LAND (PLANNING AND ENVIRONMENT) (UNIT DEVELOPMENTS)
AMENDMENT BILL 2005**

Dr Foskey, pursuant to notice, presented a Bill for an Act to amend the *Land (Planning and Environment) Act 1991*, and for other purposes.

Paper: Dr Foskey presented an explanatory statement to the Bill.

Title read by Clerk.

Dr Foskey moved—That this Bill be agreed to in principle.

Debate adjourned (Ms Gallagher—Minister for Education and Training) and the resumption of the debate made an order of the day for the next sitting.

3 **ANIMAL LEGISLATION (PENALTIES) AMENDMENT BILL 2005**

Mr Stefaniak, pursuant to notice, presented a Bill for an Act to amend the *Animal Welfare Act 1992* and the *Animal Diseases Act 1993*.

Title read by Clerk.

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

Debate adjourned (Ms Gallagher—Minister for Education and Training) and the resumption of the debate made an order of the day for the next sitting.

4 **LEAVE OF ABSENCE**

Mr Hargreaves (Minister for Disability, Housing and Community Services) moved—That leave of absence be given to Mr Corbell (Minister for Health) and Mr Pratt for this sitting.

Question—put and passed.

5 GENDER-BASED VIOLENCE

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

- (1) acknowledges that in the ACT, Australia and the world, women and girls comprise the majority of victims of domestic, family, sexual and cultural violence;
- (2) notes that violence, including gender-based violence costs Australia billions of dollars each year;
- (3) recognises that ending gender-based violence requires the dedication and assistance of all members of the community;
- (4) recognises the important role community groups, awareness programs and events such as White Ribbon Day play in raising awareness about gender-based violence; and
- (5) acknowledges the ACT Government's and others' commitment to reducing the incidence of gender-based violence.

Debate ensued.

Question—put and passed.

6 SUB-JUDICE CONVENTION—STATEMENT BY SPEAKER

The Speaker made a statement regarding the application of the sub-judice convention.

7 ATTORNEY-GENERAL—CALL TO STAND ASIDE

Mr Stefaniak, pursuant to notice, moved—That this Assembly calls on the Attorney-General to stand aside until the Coronial Inquest into the January 2003 Bushfires and all other related court actions are concluded.

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 BUSHFIRES—CORONIAL INQUEST—QUESTION TAKEN ON NOTICE—ANSWER—REQUEST FOR AN EXPLANATION

Mr Mulcahy, pursuant to standing order 118A, asked Mr Stanhope (Attorney-General) for an explanation concerning a question taken on notice on 7 December 2004.

10 ATTORNEY-GENERAL—CALL TO STAND ASIDE

The order of the day having been read for the resumption of the debate on the motion of Mr Stefaniak—That this Assembly calls on the Attorney-General to stand aside until the Coronial Inquest into the January 2003 Bushfires and all other related court actions are concluded—

Debate resumed.

Question—put.

The Assembly voted—

AYES, 6

Mrs Burke
Mrs Dunne
Mr Mulcahy
Mr Seselja
Mr Smyth

Mr Stefaniak

NOES, 9

Mr Berry
Dr Foskey
Ms Gallagher
Mr Gentleman
Mr Hargreaves

Ms MacDonald

Ms Porter

Mr Quinlan

Mr Stanhope

And so it was negatived.

11 SUSTAINABILITY TARGETS

Dr Foskey, pursuant to notice, moved—That this Assembly:

- (1) recognises the need for mandatory sustainability targets in the building design and construction industry in the ACT; and
- (2) calls on the Government to to:
 - (a) commit to the implementation of a user-friendly planning tool for all residential dwellings, such as the Building Sustainability Index from NSW that:
 - (i) requires each dwelling design to meet water consumption and greenhouse gas emissions targets that are linked to Territory level sustainability targets;
 - (ii) ensures each dwelling design meets minimum sustainability standards through the completion of a mandatory sustainability assessment before lodgement of the development application;
 - (iii) has the capacity and flexibility to increase the standards; and
 - (iv) requires certification of sustainability features by a building certifier when issuing a certificate of occupancy;
 - (b) commit to implementing sustainability requirements for all government office developments and all new government tenancies using a recognised assessment and accreditation tool, such as the Australian Building Greenhouse Rating Scheme and Green Star; and
 - (c) report back to the Assembly with an implementation plan by June 2005.

Mr Hargreaves, by leave, moved the following amendments together:

- (1) paragraph 1, omit “and” at end of paragraph; and
- (2) paragraph 2, omit the paragraph, substitute:
 - “(2) supports the Government’s commitment to re-establish Canberra as an Australian centre of sustainable and innovative design as stated in its election policies;
- (3) encourages the Government in its development of strategies to ensure that:
 - (a) new single residential building design meets minimum sustainability standards including minimum water consumption and greenhouse gas emissions with targets that are linked to Territory sustainability targets; and

- (b) the strategies have the capacity and flexibility to increase the sustainability standards;
- (4) notes the Government’s commitment in its policies to implementing sustainability requirements for all new commercial and multi-storey residential buildings using a recognised assessment and rating tool; and
- (5) agrees that the Government will report back to the Assembly on the progress in implementing these strategies on an annual basis.”.

Debate continued.

Mr Seselja moved the following amendment to Mr Hargreaves’ proposed amendments:

- (1) Omit “omit ‘and’ at end of paragraph”, substitute:

“Omit ‘mandatory sustainability targets in the building design and construction industry in the ACT; and’, substitute ‘sustainability targets in the building design and construction industry in the ACT.’.”.

Debate continued.

Question—That Mr Seselja’s proposed amendment to Mr Hargreaves’ proposed amendments be agreed to—put.

The Assembly voted—

AYES, 14

NOES, 1

Mr Berry	Mr Mulcahy	Dr Foskey
Mrs Burke	Ms Porter	
Mrs Dunne	Mr Quinlan	
Ms Gallagher	Mr Seselja	
Mr Gentleman	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Ms MacDonald	Mr Stefaniak	

And so it was resolved in the affirmative.

Question—That Mr Hargreaves’ proposed amendments, as amended, be agreed to—put.

The Assembly voted—

AYES, 14

NOES, 1

Mr Berry	Mr Mulcahy	Dr Foskey
Mrs Burke	Ms Porter	
Mrs Dunne	Mr Quinlan	
Ms Gallagher	Mr Seselja	
Mr Gentleman	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Ms MacDonald	Mr Stefaniak	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) recognises the need for sustainability targets in the building design and construction industry in the ACT;

- (2) supports the Government's commitment to re-establish Canberra as an Australian centre of sustainable and innovative design as stated in its election policies;
- (3) encourages the Government in its development of strategies to ensure that:
 - (a) new single residential building design meets minimum sustainability standards including minimum water consumption and greenhouse gas emissions with targets that are linked to Territory sustainability targets; and
 - (b) the strategies have the capacity and flexibility to increase the sustainability standards;
- (4) notes the Government's commitment in its policies to implementing sustainability requirements for all new commercial and multi-storey residential buildings using a recognised assessment and rating tool; and
- (5) agrees that the Government will report back to the Assembly on the progress in implementing these strategies on an annual basis."—

be agreed to—put.

The Assembly voted —

AYES, 14

NOES, 1

Mr Berry	Mr Mulcahy	Dr Foskey
Mrs Burke	Ms Porter	
Mrs Dunne	Mr Quinlan	
Ms Gallagher	Mr Seselja	
Mr Gentleman	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Ms MacDonald	Mr Stefaniak	

And so it was resolved in the affirmative.

12 COMMUNITY HEALTH IN CHARNWOOD

Ms Porter, pursuant to notice, moved—That this Assembly notes and congratulates the work of the Charnwood Community Health Committee in their endeavours to establish a community health centre for Charnwood and surrounding suburbs with bulk-billing doctors and allied health services.

Debate ensued.

Question—put and passed.

13 AUSTRALIAN COUNCIL ON HEALTHCARE STANDARDS ACCREDITATION—THE CANBERRA HOSPITAL

Mr Smyth (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the failure of The Canberra Hospital to attain full four-year accreditation from the Australian Council on Healthcare Standards (ACHS);
 - (b) this failure indicates that The Canberra Hospital did not meet at least one of the 19 mandatory ACHS criteria; and
 - (c) the ACT Government was aware of this failure in mid-2004 and concealed this information from the public; and

(2) calls on the Government to table the full ACHS report by close of business today.
Debate ensued.

Dr Foskey addressing the Assembly—

14 ADJOURNMENT

It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Debate ensued.

The Assembly continuing to sit until 6.30 p.m., the Speaker adjourned the Assembly until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Corbell* and Mr Pratt*.

*On leave

Tom Duncan
Clerk of the Legislative Assembly