



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009–2010

MINUTES OF PROCEEDINGS

No. 84

TUESDAY, 16 NOVEMBER 2010

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITION

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Seselja, from 148 residents, requesting that the Assembly introduce measures to improve safety for children within the Gowrie Oval car park, including traffic calming devices, speed bumps, pedestrian crossings and improved signage (Pet 113).

3 PETITIONS—MINISTERIAL RESPONSES

The Clerk announced that the following responses to petitions had been lodged by:

Mr Stanhope (Minister for Transport), dated 1 November 2010—Petition No. 110, lodged by Mr Seselja on 25 August 2010, concerning the provision of a direct school bus service between the suburbs of Yarralumla and Deakin and Marist College Canberra.

Mr Corbell (Minister for the Environment, Climate Change and Water), dated 8 November 2010—Petitions Nos. 111 and 112, lodged by Mr Rattenbury and Ms Le Couteur on 19 and 21 October 2010, respectively, concerning a greenhouse gas emissions reduction target.

4 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Ms Hunter, pursuant to standing order 223, moved—That Ms Bresnan be discharged from the Standing Committee on Administration and Procedure on 3 December 2010 and that Ms Hunter be appointed in her place for that day.

Question—put and passed.

5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 30—STATEMENT BY CHAIR

Mrs Dunne (Chair) presented the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 30, dated 15 November 2010, together with the relevant minutes of proceedings—

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

6 CRIMINAL CODE AMENDMENT BILL 2010

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.

7 CRIMES (CHILD SEX OFFENDERS) AMENDMENT BILL 2010

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.

8 FIRST HOME OWNER GRANT AMENDMENT BILL 2010

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.

Detail Stage

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5—

On the motion of Ms Gallagher, pursuant to standing order 182A(b), by leave, her amendment No. 1 (*see* [Schedule 1](#)) was made.

Paper: Ms Gallagher (Treasurer) presented a supplementary explanatory statement to the Government amendment.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7—

Ms Hunter moved her amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

Amendment negatived.

Clause 7 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.

9 PUBLIC AND COMMUNITY HOUSING—DIFFERENT APPROACHES—MINISTERIAL STATEMENT

Ms Burch (Minister for Disability, Housing and Community Services), by leave, made a ministerial statement concerning different approaches in public and community housing.

10 PLANNING, PUBLIC WORKS AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE—REPORT 8—VARIATION TO THE TERRITORY PLAN NO. 298—HOLT SECTION 99 PART BLOCK 11 (BELCONNEN GOLF COURSE)—STRUCTURE PLAN, CONCEPT PLAN AND ZONE CHANGES—REPORT NOTED

Ms Porter (Chair) presented the following report:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 8—*Variation to the Territory Plan No. 298—Holt Section 99 Part Block 11 (Belconnen Golf Course)—Structure Plan, Concept Plan and Zone Changes*, dated 3 November 2010, including additional comments (*Ms Le Couteur*), together with the transmittal letter and a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

11 STANDING ORDER 213—STATEMENT BY SPEAKER

The Speaker made a statement concerning the application of standing order 213 (quoting documents).

12 QUESTIONS

Questions without notice being asked—

Paper: Mr Barr (Minister for Planning) presented the following paper:
Crace Estate—Landscape sketch design, dated 22 September 2010.
Questions continued.

13 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act—Auditor-General's Reports Nos.—

8/2010—Delivery of Mental Health Services to Older Persons, dated 29 October 2010.

9/2010—Follow-Up Audit—Courts Administration, dated 12 November 2010.

Standing order 191—Amendments to:

Climate Change and Greenhouse Gas Reduction Bill 2010, dated 1 and 2 November 2010.

Liquor (Consequential Amendments) Bill 2010, dated 1 and 2 November 2010.

ACT Legislative Assembly Secretariat—Annual Report 2009-2010—Erratum, dated 2 November 2010.

14 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

David Matthews, dated 19 September 2009.

Gregory Jones, dated 29 October 2010.

Ian Hubbard, dated 11 July 2008.

Khalid Ahmed, dated 28 October 2010.

Martin Hehir, dated 13 October 2010.

Short-term contracts:

Christopher Norman, dated 29 September 2010.

Daniel Stewart, dated 8 October 2010.

David Jones, dated 21 September 2010.

David Purser, dated 22 October 2010.

Helen Shephard, dated 26 October 2010.

John Wynants, dated 1 October 2010.

Kerry Webb, dated 21 October 2010.

Linda Kohlhagen, dated 1 October 2010.

Meredith Whitten, dated 26 October 2010.

Narelle Ford, dated 30 September 2010.
Samantha Tyler, dated 29 October 2010.
Sarah Byrne, dated 16 September 2010.
Sushila Sharma, dated 19 and 20 October 2010.
Wendy Jane Cuzner, dated 24 October 2010.

Contract variations:

Anna Thornton, dated 12 October 2010.
Bronwen Overton-Clarke, dated 27 September 2010.
David Colussi, dated 27 September 2010.
Donna Mowbray, dated 3 June 2010.
Elizabeth Trickett, dated 26 October 2010.
Francis Duggan, dated 27 September 2010.
Gregory Kent, dated 29 April 2010.
Gregory Tong, dated 22 October 2010.
Lois Ford, dated 27 September and 7 October 2010.
Mark Huxley, dated 24 October 2010.
Shane Kay, dated 26 and 27 October 2010.
Vanessa Little, dated 26 October 2010—

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

**15 TERRORISM (EXTRAORDINARY TEMPORARY POWERS) ACT 2006—
REVIEW—PAPER AND STATEMENT BY MINISTER**

Mr Corbell (Attorney-General) presented the following paper:

Terrorism (Extraordinary Temporary Powers) Act, pursuant to subsection 100(b)—
Review of the operation and effectiveness of the Act—

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

16 PRESENTATION OF PAPER

Mr Corbell (Attorney-General) presented the following paper:

ACT Criminal Justice—Statistical Profile 2010—September quarter.

17 PRESENTATION OF PAPERS

Mr Corbell (Manager of Government Business) presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Criminal Code—Criminal Code Amendment Regulation 2010 (No. 1)—Subordinate
Law SL2010-41 (LR, 25 October 2010).

Government Agencies (Campaign Advertising) Act—

Government Agencies (Campaign Advertising) Exemption 2010 (No. 4)—Disallowable Instrument DI2010-272 (LR, 21 October 2010).

Government Agencies (Campaign Advertising) Exemption 2010 (No. 5)—Disallowable Instrument DI2010-278 (LR, 28 October 2010).

Health Act—Health (Fees) Determination 2010 (No. 4)—Disallowable Instrument DI2010-274 (LR, 25 October 2010).

Health Professionals Act—Health Professionals Amendment Regulation 2010 (No. 2)—Subordinate Law SL2010-43 (LR, 1 November 2010).

Juries Act—Juries (Payment) Determination 2010—Disallowable Instrument DI2010-270 (LR, 21 October 2010).

Magistrates Court Act—Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010—Subordinate Law SL2010-42 (LR, 28 October 2010).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2010 (No. 1)—Disallowable Instrument DI2010-277 (LR, 28 October 2010).

Planning and Development Act—Planning and Development (Jerrabomberra Wetlands Nature Reserve) Plan of Management 2010—Disallowable Instrument DI2010-280 (LR, 28 October 2010).

Planning and Development Regulation—Planning and Development (Change of Use Charge—GP Practice Clinics) Policy Direction 2010 (No. 1)—Disallowable Instrument DI2010-275 (LR, 25 October 2010).

Road Transport (General) Act—Road Transport (General) Application of Road Transport Legislation Declaration 2010 (No. 8)—Disallowable Instrument DI2010-282 (LR, 31 October 2010).

Road Transport (Offences) Regulation—Road Transport (Offences) (Declaration of Holiday Period) Determination 2010 (No. 1)—Disallowable Instrument DI2010-281 (LR, 1 November 2010).

Utilities Act and Utilities (Water Conservation) Regulation—Utilities Water Conservation Measures Approval 2010—Disallowable Instrument DI2010-279 (LR, 31 October 2010).

Question—put and passed.

18 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 14—Instrument directing a transfer of funds within the Department of Territory and Municipal Services, including a statement of reasons, dated 27 and 29 October 2010—

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

19 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Territory and Municipal Services to the Department of Land and Property Services, including a statement of reasons, dated 3 November 2010—

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

20 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Department of Territory and Municipal Services, including a statement of reasons, dated 3 November 2010—

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

21 FINANCIAL MANAGEMENT ACT—CONSOLIDATED FINANCIAL REPORT—PAPER AND STATEMENT BY MINISTER—PAPER NOTED

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 September 2010—

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

Ms Gallagher moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

22 FINANCIAL MANAGEMENT ACT—CONSOLIDATED ANNUAL FINANCIAL STATEMENTS—2009-2010 FINANCIAL YEAR—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2009-2010 financial year—

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

23 FUTURE DIRECTIONS: TOWARDS CHALLENGE 2014—IMPLEMENTATION PLAN: 2010-2014—PAPER—PAPER NOTED

Ms Burch (Minister for Disability, Housing and Community Services) presented the following paper:

Future Directions: Towards Challenge 2014—Implementation Plan: 2010-2014—

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

Question—put and passed.

24 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—MOVEMBER

The Assembly was informed that Ms Bresnan, 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 Mrs Dunne be submitted to the Assembly, namely, “The importance of Movember”.

Discussion ensued.

Paper: Mr Hargreaves, by leave, presented the following paper:

Captain of *Sea Shepherd*—Copy of photograph from ABC website.

Discussion continued.

Discussion concluded.

25 ADJOURNMENT

Ms Gallagher (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Paper: Mr Rattenbury, by leave, presented the following paper:

Responses to climate change: an Australian scientist’s perspective—Copy of presentation by Mark Howden, Chief Research Scientist, CSIRO Climate Adaptation Flagship, to the Commonwealth Parliamentary Association Conference, Canberra, November 2010.

Debate continued.

Question—put and passed.

And then the Assembly, at 5.16 p.m., adjourned until tomorrow 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

SCHEDULES OF AMENDMENTS

Schedule 1

FIRST HOME OWNER GRANT AMENDMENT BILL 2010

Amendment circulated by the Treasurer

1

Clause 5

Proposed new section 10 (2)

Page 2, line 25—

omit proposed new section 10 (2), substitute

- (2) However, the applicant is not ineligible if—
- (a) for an application that relates to an eligible transaction with a commencement date before 1 January 2011—the grant was later paid back under the conditions on which the grant was made; or
 - (b) for an application that relates to an eligible transaction with a commencement date on or after 1 January 2011—
 - (i) the grant was later paid back; and
 - (ii) any amount payable as a penalty or as interest was also paid in relation to the earlier application.
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Schedule 2

FIRST HOME OWNER GRANT AMENDMENT BILL 2010

Amendment circulated by Ms Hunter

1

Clause 7

Proposed new section 13A (2) (a)

Page 3, line 19—

omit proposed new section 13A (2) (a), substitute

(a) \$550 000; or
