



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009

MINUTES OF PROCEEDINGS

No. 40

WEDNESDAY, 11 NOVEMBER 2009

- 1 The Assembly met at 10 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Rattenbury) ordered the bells to be rung. A quorum having been formed, the Speaker 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)**
 Mr Doszpot, pursuant to notice, presented a Bill for an Act to amend the *Education Act 2004*, and for other purposes.
Paper: Mr Doszpot presented an explanatory statement to the Bill.
 Title read by Clerk.
 Mr Doszpot moved—That this Bill be agreed to in principle.
 Debate adjourned (Mr Barr—Minister for Education and Training) and the resumption of the debate made an order of the day for the next sitting.

- 3 **CIVIL PARTNERSHIPS 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, 9		NOES, 4
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher		

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

Detail Stage

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6—

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

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8—

On the motion of Mr Corbell, his amendment No. 2 (*see* [Schedule 1](#)) was made.

Clause 8, as amended, agreed to.

Clauses 9 and 10, by leave, taken together and agreed to.

New clause—

On the motion of Mr Corbell, new clause 10A (his amendment No. 3—*see* [Schedule 1](#)) was inserted in the Bill.

Clauses 11 to 15, by leave, taken together and agreed to.

Schedule 1—

Amendments 1.1 and 1.2, by leave, taken together and agreed to.

Amendment 1.3—

On the motion of Mr Corbell, his amendment No. 4 (*see* [Schedule 1](#)) was made.

Amendment 1.3, as amended, agreed to.

Amendment 1.4—

On the motion of Mr Corbell, his amendment No. 5 (*see* [Schedule 1](#)) was made.

Amendment 1.4, 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.

4 WELLS STATION DRIVE EXTENSION

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

- (1) recognises that:
 - (a) the current proposed alignment of Wells Station Drive Extension will create problems of noise pollution, road safety and loss of urban amenity for residents in Harrison;
 - (b) the consultation that preceded residents living in the vicinity of the Wells Station Drive Extension was inadequate; and
 - (c) after a recent round of consultation the Government did not respond to Harrison residents' concerns; and
- (2) calls on the Government to:
 - (a) abandon the current proposed alignment of Wells Station Drive Extension; and
 - (b) redesign the Wells Station Drive Extension to an eastern alignment.

Debate ensued.

Ms Le Couteur moved the following amendment: In paragraph 2(b), after “alignment”, add “in consultation with the local community”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) recognises that:
 - (a) the current proposed alignment of Wells Station Drive Extension will create problems of noise pollution, road safety and loss of urban amenity for residents in Harrison;
 - (b) the consultation that preceded residents living in the vicinity of the Wells Station Drive Extension was inadequate; and
 - (c) after a recent round of consultation the Government did not respond to Harrison residents' concerns; and
- (2) calls on the Government to:
 - (a) abandon the current proposed alignment of Wells Station Drive Extension; and
 - (b) redesign the Wells Station Drive Extension to an eastern alignment in consultation with the local community.”—

be agreed to—put and passed.

5 SPORT IN THE A.C.T.

Notice No. 3, Private Members' business, having been called on—

Mr Barr (Minister for Tourism, Sport and Recreation), pursuant to standing order 127, and at the request of Ms Porter, fixed a later hour this day for the moving of the motion.

6 SHARED POSTNATAL WARDS—POLICIES AND PROTOCOLS IN PUBLIC HOSPITALS

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

- (1) notes:
 - (a) that a number of people, including newborn infants, were recently exposed to the risk of being infected by tuberculosis at The Canberra Hospital; and
 - (b) that protocols and policies regarding partners staying overnight in shared postnatal wards in ACT public hospitals is unclear; and
- (2) calls on the Minister for Health to:
 - (a) clarify policies and protocols with regard to partners staying overnight in shared postnatal wards in ACT public hospitals;
 - (b) review the circumstances of the recent case where newborn infants were exposed to tuberculosis and identify if any policies or protocols were breached;
 - (c) review current ACT Health policies and protocols for visiting hours and overnight stays by partners in shared postnatal wards; and
 - (d) report back to the Assembly with the findings by the first sitting day in December 2009.

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.

7 QUESTIONS

Questions without notice were asked.

8 SHARED POSTNATAL WARDS—POLICIES AND PROTOCOLS IN PUBLIC HOSPITALS

The order of the day having been read for the resumption of the debate on the motion of Mr Hanson (*see* [entry 6](#))—

Debate resumed by Ms Gallagher (Minister for Health), who moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes:
- (a) that a number of people, including new born infants, were recently exposed to the risk of being infected by tuberculosis at The Canberra Hospital; and
 - (b) that protocols and policies regarding partners staying overnight in shared postnatal wards in ACT public hospitals need to be flexible to allow for the best interests of the family depending on their individual circumstances; and
- (2) calls on the ACT Health Minister to:
- (a) clarify policies and protocols with regard to partners staying overnight in shared postnatal wards in ACT public hospitals; and

- (b) review the circumstances of the recent case where newborn infants were exposed to tuberculosis and identify if any policies or protocols were breached”.

Debate continued.

Amendment agreed to.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) that a number of people, including new born infants, were recently exposed to the risk of being infected by tuberculosis at The Canberra Hospital; and
 - (b) that protocols and policies regarding partners staying overnight in shared postnatal wards in ACT public hospitals need to be flexible to allow for the best interests of the family depending on their individual circumstances; and
- (2) calls on the ACT Health Minister to:
 - (a) clarify policies and protocols with regard to partners staying overnight in shared postnatal wards in ACT public hospitals; and
 - (b) review the circumstances of the recent case where newborn infants were exposed to tuberculosis and identify if any policies or protocols were breached.”—

be agreed to—put and passed.

9 URBAN TREES

Ms Le Couteur, pursuant to notice, moved—That this Assembly:

- (1) notes the importance of urban trees for:
 - (a) habitat for wildlife species;
 - (b) their key role in the carbon cycle;
 - (c) landscape amenity; and
 - (d) improving the liveability of cities and suburbs and in particular reducing heat load in summer; and
- (2) calls upon the Government to ensure that:
 - (a) urban tree programs are funded separately to climate change initiatives;
 - (b) local communities are thoroughly consulted in all urban tree removal and planting activities and are encouraged to participate in decision making in relation to any major tree work in the local area;
 - (c) any potential risk to the public posed by a tree is assessed in consultation with the community and managed by risk mitigation actions that prioritise the continued life of the tree;
 - (d) the environmental value of trees is prioritised in tree management decisions;

- (e) timber from removed trees is used sustainably to minimise greenhouse gas emissions;
- (f) solar access to buildings is given high consideration in tree replacements and appropriate tree species are selected to suit each site;
- (g) when urban trees are removed, they are promptly replaced with the same or a greater number of trees;
- (h) urban trees are cared for to ensure their survival and good health;
- (i) strong safeguards are in place and requirements are formalised when employing tree contractors, to ensure they follow best practice and strictly adhere to the Government's tree policies;
- (j) tree management in parks emphasises keeping communities of trees intact and retaining trees for habitat; and
- (k) sufficient resources are allocated for the management of urban trees as described in this motion.

Mr Stanhope (Minister for Territory and Municipal Services) moved the following amendment: Omit paragraph (2), substitute:

“(2) notes that:

- (a) the ACT Greens have requested that the Commissioner for Sustainability and the Environment consider investigating a number of tree management issues;
- (b) subsequently the Minister for Territory and Municipal Services has formally requested that the Commissioner investigate the Government's tree management practices, including the need for an enhanced program to manage and renew Canberra's urban forest, with a report to Government by 30 June 2010;
- (c) the Minister has asked that the Commissioner investigate and report on the following matters:
 - (i) the scope and urgency of any enhancement that may be required to the Government's existing tree management programs;
 - (ii) the benefits and drawbacks of considering funding for urban tree programs separately to climate change initiatives;
 - (iii) improved notification and consultation processes to support greater community involvement in urban tree planning and management, including risk mitigation, tree removal and planting;
 - (iv) the priority given in tree management decisions to environmental values, solar access and the retention of communities of trees in parks;
 - (v) the sustainable reuse of timber from felled trees;
 - (vi) when replanting should occur following the removal of trees, and principles for the number and species of trees that should be replanted;
 - (vii) the need for enhanced management to maintain the survival and good health of trees;

- (viii) appropriate safeguards to ensure contractors follow best practice and adhere to Government tree policies;
- (ix) principles for the decision-making process where it is proposed that a tree is removed;
- (x) improvements to the Tree Protection Act or other relevant Acts in light of the above matters; and
- (xi) resource implications associated with an enhanced program;
- (d) the Government will not proceed to implement the Urban Forest Renewal Program until the Commissioner's report has been received and responded to; and
- (e) trees that pose a significant risk to the public will continue to be pruned and, where necessary, removed. An enhanced process of consultation will occur with affected residents including the opportunity to discuss risk mitigation options.”.

Mr Coe moved the following amendment to Mr Stanhope's proposed amendment: Add the following paragraphs:

- “(3) notes the importance of urban trees which help define the character of our suburbs;
- (4) recognises the significance of trees in older suburbs where the existing trees are the plantings that were made at the time of gazettal of the suburb, thus being of special value to residents;
- (5) acknowledges the harsh consequences that the removal of trees can have on residents' quality of life;
- (6) expresses concern about any policies that result in widespread removal of trees without individual tree assessments; and
- (7) calls on the Government to ensure that:
 - (a) all trees are managed to ensure maximum lifespan for the benefit of the community;
 - (b) local communities are extensively consulted in all urban tree removal and replacement activities and are encouraged to participate in decision-making in relation to tree work undertaken in the local area;
 - (c) any potential risk posed by a tree to the public is assessed in consultation with the community and managed appropriately; and
 - (d) appropriate expertise is utilised to manage the process.”.

Debate continued.

Question—That Mr Coe's amendment to Mr Stanhope's proposed amendment be agreed to—put and passed.

Debate continued.

Ms Le Couteur, by leave, moved the following amendment to Mr Stanhope's proposed amendment, as amended: Omit “Omit paragraph (2), substitute”, substitute “Add (3)”.

Question—That Ms Le Couteur’s amendment to Mr Stanhope’s proposed amendment, as amended, be agreed to—put and negatived.

Question—That Mr Stanhope’s amendment, as amended, be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the importance of urban trees for:
 - (a) habitat for wildlife species;
 - (b) their key role in the carbon cycle;
 - (c) landscape amenity; and
 - (d) improving the liveability of cities and suburbs and in particular reducing heat load in summer;
- (2) notes that:
 - (a) the ACT Greens have requested that the Commissioner for Sustainability and the Environment consider investigating a number of tree management issues;
 - (b) subsequently the Minister for Territory and Municipal Services has formally requested that the Commissioner investigate the Government’s tree management practices, including the need for an enhanced program to manage and renew Canberra’s urban forest, with a report to Government by 30 June 2010;
 - (c) the Minister has asked that the Commissioner investigate and report on the following matters:
 - (i) the scope and urgency of any enhancement that may be required to the Government’s existing tree management programs;
 - (ii) the benefits and drawbacks of considering funding for urban tree programs separately to climate change initiatives;
 - (iii) improved notification and consultation processes to support greater community involvement in urban tree planning and management, including risk mitigation, tree removal and planting;
 - (iv) the priority given in tree management decisions to environmental values, solar access and the retention of communities of trees in parks;
 - (v) the sustainable reuse of timber from felled trees;
 - (vi) when replanting should occur following the removal of trees, and principles for the number and species of trees that should be replanted;
 - (vii) the need for enhanced management to maintain the survival and good health of trees;
 - (viii) appropriate safeguards to ensure contractors follow best practice and adhere to Government tree policies;

- (ix) principles for the decision-making process where it is proposed that a tree is removed;
- (x) improvements to the Tree Protection Act or other relevant Acts in light of the above matters; and
- (xi) resource implications associated with an enhanced program;
- (d) the Government will not proceed to implement the Urban Forest Renewal Program until the Commissioner's report has been received and responded to; and
- (e) trees that pose a significant risk to the public will continue to be pruned and, where necessary, removed. An enhanced process of consultation will occur with affected residents including the opportunity to discuss risk mitigation options;
- (3) notes the importance of urban trees which help define the character of our suburbs;
- (4) recognises the significance of trees in older suburbs where the existing trees are the plantings that were made at the time of gazettal of the suburb, thus being of special value to residents;
- (5) acknowledges the harsh consequences that the removal of trees can have on residents' quality of life;
- (6) expresses concern about any policies that result in widespread removal of trees without individual tree assessments; and
- (7) calls on the Government to ensure that:
 - (a) all trees are managed to ensure maximum lifespan for the benefit of the community;
 - (b) local communities are extensively consulted in all urban tree removal and replacement activities and are encouraged to participate in decision-making in relation to tree work undertaken in the local area;
 - (c) any potential risk posed by a tree to the public is assessed in consultation with the community and managed appropriately; and
 - (d) appropriate expertise is utilised to manage the process.”—

be agreed to—put and passed.

10 SUPERMARKET COMPETITION POLICY

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

- (1) notes:
 - (a) the comments by Graeme Samuel, Chairman of the Australian Competition and Consumer Commission, in relation to certain recommendations contained in the *Review of ACT Supermarket Competition Policy* at a Senate Estimates hearing on 22 October 2009;
 - (b) supermarket industry concerns and confusion about certain recommendations contained in the *Review of ACT Supermarket Competition Policy*;

- (c) the important contribution that small independent supermarket operators make to the grocery sector in the ACT and to the ACT economy more broadly; and
 - (d) that robust competition is required in the grocery market to maintain downward pressure on grocery prices in the ACT; and
- (2) calls on the Government to:
- (a) ensure:
 - (i) that independent supermarket operators are not excluded from bidding for new supermarket sites in the ACT; and
 - (ii) that a competitive and transparent process is used to allocate new supermarket sites to supermarket operators in the ACT;
 - (b) report to the Legislative Assembly on the process used to allocate each new supermarket site in the ACT to supermarket operators; and
 - (c) seek the Australian Competition and Consumer Commission's views on the recommendations contained in the *Review of ACT Supermarket Competition Policy* and report to the Assembly before the recommendations are implemented.

Debate ensued.

Ms Le Couteur moved the following amendment: Omit all words after “notes”, substitute:

- “(a) that the ACCC has been consulted throughout the Martin Review process;
 - (b) supermarket industry concerns and confusion about certain recommendations contained in the *Review of ACT Supermarket Competition Policy*;
 - (c) the important contribution that small independent supermarket operators make to the grocery sector in the ACT and to the ACT economy more broadly;
 - (d) that robust competition is required in the grocery market to maintain downward pressure on grocery prices in the ACT; and
 - (e) notes that the Government is yet to make an official response to the Review, and that a consultation process on some of the details is underway; and
- (2) calls on the Government to:
- (a) clarify that the definition of ‘controlled by a major wholesaler’ as outlined in the eligibility criteria for assessing candidates for new entry facilitation; and
 - (b) ensure that a competitive and transparent process is used to allocate new supermarket sites to supermarket operators in the ACT as per the eligibility criteria outlined in the Review.”.

Debate continued.

Mr Seselja addressing the Assembly—

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

Mr Stanhope (Minister for Business and Economic Development) requiring the question to be forthwith without debate—

Question—put and negatived.

Debate continued.

Question—That Ms Le Couteur's amendment be agreed to—put.

The Assembly voted—

AYES, 10

NOES, 5

Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes:

- (a) that the ACCC has been consulted throughout the Martin Review process;
- (b) supermarket industry concerns and confusion about certain recommendations contained in the *Review of ACT Supermarket Competition Policy*;
- (c) the important contribution that small independent supermarket operators make to the grocery sector in the ACT and to the ACT economy more broadly;
- (d) that robust competition is required in the grocery market to maintain downward pressure on grocery prices in the ACT; and
- (e) notes that the Government is yet to make an official response to the Review, and that a consultation process on some of the details is underway; and

(2) calls on the Government to:

- (a) clarify that the definition of ‘controlled by a major wholesaler’ as outlined in the eligibility criteria for assessing candidates for new entry facilitation; and
- (b) ensure that a competitive and transparent process is used to allocate new supermarket sites to supermarket operators in the ACT as per the eligibility criteria outlined in the Review.”—

be agreed to—put and passed.

11 SPORT IN THE A.C.T.

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

- (1) recognises the role that sport plays in contributing towards improved health and community participation in the ACT;
- (2) acknowledges that the need to adapt to the changing context within which local sport operates; and
- (3) encourages the ACT Government to explore policy initiatives that capitalise on existing and emerging sports facilities and human resources in the ACT.

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

12 ADJOURNMENT

Mr Barr (Minister for Education and Training) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.54 p.m., adjourned until tomorrow at 10 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

CIVIL PARTNERSHIPS AMENDMENT BILL 2009

Amendments circulated by the Attorney-General

1

Clause 6

Proposed new section 6A (b)

Page 3, line 8—

before

making

insert

unless the couple may marry under the *Marriage Act 1961* (Cwlth),

2

Clause 8

Proposed new section 8C

Page 5, line 2—

insert

8C When civil partnership has effect

- (1) A civil partnership entered into as mentioned in section 6A (a) has effect when the registrar-general registers the relationship under section 8 (1) (a).
- (2) A civil partnership entered into as mentioned in section 6A (b) has effect when the 2 people make a declaration before the civil partnership notary in accordance with section 8B.

3

Proposed new clause 10A

Page 9, line 6—

insert

10A Evidence of identity and age Section 13 (1)

after

section 7 (2) (b)

insert

and section 8A (2) (b)

4**Schedule 1****Amendment 1.3****Proposed new section 8A (1) (a)****Page 14, line 10—**

substitute

- (a) if the civil partnership was entered into by registration under the *Civil Partnerships Act 2008*, section 8—the date and place of registration;
- (ab) if the civil partnership was entered into before a civil partnership notary under the *Civil Partnerships Act 2008*, section 8B—
 - (i) the date and place of the declaration before the notary; and
 - (ii) the full name of at least 1 witness to the civil partnership;

5**Schedule 1****Amendment 1.4****Page 14, line 11—**

omit
