



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009

## MINUTES OF PROCEEDINGS

No. 31

WEDNESDAY, 26 AUGUST 2009

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- 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 **UNPARLIAMENTARY LANGUAGE—STATEMENT BY SPEAKER**

The Speaker made a statement concerning unparliamentary language and called upon Mr Doszpot to withdraw comments made last Thursday.

Mr Doszpot withdrew the comments.

- 3 **MINISTER FOR EDUCATION AND TRAINING—PROPOSED CENSURE**

Mr Doszpot, by leave, moved—That this Assembly censures the Minister for Education and Training for using his office as Minister to make a false and misleading statement about another Member of this Assembly in the form of a letter to the Non-Government Schools Education Council for his own political gain, and for displaying a pattern of behaviour of misleading the ACT Legislative Assembly for his own political gain.

Debate ensued.

Ms Bresnan moved—That debate be adjourned.

Question—put.

The Assembly voted—

AYES, 9

Ms Bresnan	Ms Hunter
Mr Coe	Ms Le Couteur
Mr Doszpot	Mr Rattenbury
Mrs Dunne	Mr Seselja
Mr Hanson	

NOES, 6

Mr Barr	Ms Porter
Ms Burch	
Mr Corbell	
Ms Gallagher	
Mr Hargreaves	

And so it was resolved in the affirmative.

Question—That the resumption of the debate be made an order of the day for the next sitting—put.

Mr Hanson moved the following amendment: Omit “the next sitting”, substitute “a later hour this day”.

Amendment agreed to.

Question, as amended—put and passed.

#### **4 STATEMENT BY MEMBER**

Ms Le Couteur, by leave, made a statement concerning documents quoted from by Mr Barr (Minister for Planning) in relation to the Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Bill 2009.

#### **5 PETITIONS**

The Clerk announced that the following Members had lodged petitions for presentation:

Ms Le Couteur, from 562 residents, requesting that the Assembly stop the abuse of hens by banning the production of battery eggs in the ACT.

Mr Hanson, from 8 residents, requesting that the Assembly direct the Minister for Health and the Government to halt the carpark demolition at The Canberra Hospital and to reconsider a number of issues surrounding the proposed 9 storey carpark.

#### **6 CIVIL PARTNERSHIPS AMENDMENT BILL 2009**

Mr Rattenbury, pursuant to notice, presented a Bill for an Act to amend the *Civil Partnerships Act 2008*, and for other purposes.

*Paper:* Mr Rattenbury presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Rattenbury 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.

#### **7 GAMING MACHINE (SUSPENSION OF TRANSFERS) AMENDMENT BILL 2009**

Mr Smyth, pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 2004*.

Title read by Clerk.

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

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

#### **8 EMERGENCIES (BUSHFIRE WARNINGS) AMENDMENT BILL 2009**

Mr Smyth, pursuant to notice, presented a Bill for an Act to amend the *Emergencies Act 2004*.

*Paper:* Mr Smyth presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Corbell—Minister for Police and Emergency Services) and the resumption of the debate made an order of the day for the next sitting.

## **9 EMERGENCIES (ESA) AMENDMENT BILL 2009**

Mr Smyth, pursuant to notice, presented a Bill for an Act to amend the *Emergencies Act 2004*, and for other purposes.

*Paper:* Mr Smyth presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Corbell—Minister for Police and Emergency Services) and the resumption of the debate made an order of the day for the next sitting.

## **10 EGGS (CAGE SYSTEMS) LEGISLATION AMENDMENT BILL 2009**

Ms Le Couteur, pursuant to notice, presented a Bill for an Act to amend legislation about the keeping of hens in cage systems and the display of cage eggs.

*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 Stanhope—Minister for Territory and Municipal Services) and the resumption of the debate made an order of the day for the next sitting.

## **11 STRATEGIC BUDGET REVIEW—DEPARTMENT OF TERRITORY AND MUNICIPAL SERVICES**

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

- (1) notes the Strategic Budget Review, Department of Territory and Municipal Services of 9 December 2008:
  - (a) was tabled on 20 August 2008;
  - (b) gives a scathing assessment of the department and reveals a lack of financial transparency, a lack of leadership and strategic direction, and a failure to make promised administrative savings;
  - (c) reveals that political influence has led to the department not delivering core business and that political expediency is more important than financial control; and
  - (d) makes recommendations in relation to improved financial management, better future planning, and departmental and government restructures to better align the department's and Government's service delivery to core business;
- (2) notes also that the poor performance of the department is a result of a lack of ministerial leadership, in particular from the former Minister, Mr Hargreaves; and
- (3) calls on the Government to table a report into the progress of the implementation of the recommendations of the Strategic Budget Review.

Debate ensued.

Mr Stanhope (Minister for Territory and Municipal Services), on behalf of Mr Barr (Minister for Education and Training), by leave, moved the following amendments together:

- (1) omit paragraphs (1)(b) and (1)(c); and
- (2) omit paragraph (2).

Debate continued.

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.

## 12 QUESTIONS

Questions without notice were asked.

## 13 PRESENTATION OF PAPER

The Speaker presented the following paper:

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual report—2008-2009, dated 10 August 2008.

## 14 MINISTER FOR EDUCATION AND TRAINING—PROPOSED CENSURE—MISREPRESENTATION OF STATEMENT BY MEMBER

The order of the day having been read for the resumption of the debate on the motion of Mr Doszpot (*see* [entry 3](#))—

Debate resumed by Ms Bresnan, who moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes that:

- (a) the Minister for Education and Training wrote to the Non-Government Schools Council on 28 July 2009, stating that ‘... I have made abundantly clear in the Legislative Assembly that the Government opposes suggestions by the Liberal Party’s spokesman that I should use the *Human Rights Act 2004* as a way of the Government taking over non-government school teaching and curriculum’ and then tabled this letter in the Assembly on 18 August 2009;
- (b) the Liberal Party’s spokesman for Education, Mr Doszpot, has asserted that this is an incorrect statement and that the Minister for Education has misrepresented him and misled the Non-Government Schools Council and, in doing this, has breached the Ministerial Code of Conduct; and
- (c) the Minister for Education and Training has been unable in the debate today to provide a logical and substantial justification for making that claim to the Non-Government Schools Council;

(2) calls on the Minister for Education and Training to:

- (a) apologise in the Chamber to Mr Doszpot for misrepresenting him in the letter to the Non-Government Schools Council by the end of sitting on Thursday, 27 August 2009; and

- (b) write to the Non-Government Schools Council withdrawing the statement, as it misrepresented Mr Doszpot, and table a copy of the signed letter by end of sitting on Thursday, 27 August 2009; and
- (3) should the Minister for Education and Training not meet the requirements of clause 2b, calls on the Speaker to write to the Non-Government Schools Council, in the following terms:

‘In a letter from the Minister for Education and Training to you on 28 July 2009, he stated that “... I have made abundantly clear in the Legislative Assembly that the Government opposes suggestions by the Liberal Party’s spokesman (Mr Doszpot MLA) that I should use the *Human Rights Act 2004* as a way of the Government taking over non-government school teaching and curriculum”.

The ACT Legislative Assembly has found that this statement may have misled you because it is a misrepresentation of Mr Doszpot. It has also found that in making such a statement to you, the Minister inappropriately used his position of authority.

The Assembly called on the Minister for Education and Training on Wednesday, 26 August 2009 to apologise to Mr Doszpot, and correct the record with you, but he has chosen not to do so.’.”

Debate continued.

Amendment agreed to.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) the Minister for Education and Training wrote to the Non-Government Schools Council on 28 July 2009, stating that ‘... I have made abundantly clear in the Legislative Assembly that the Government opposes suggestions by the Liberal Party’s spokesman that I should use the *Human Rights Act 2004* as a way of the Government taking over non-government school teaching and curriculum’ and then tabled this letter in the Assembly on 18 August 2009;
  - (b) the Liberal Party’s spokesman for Education, Mr Doszpot, has asserted that this is an incorrect statement and that the Minister for Education has misrepresented him and misled the Non-Government Schools Council and, in doing this, has breached the Ministerial Code of Conduct; and
  - (c) the Minister for Education and Training has been unable in the debate today to provide a logical and substantial justification for making that claim to the Non-Government Schools Council;
- (2) calls on the Minister for Education and Training to:
  - (a) apologise in the Chamber to Mr Doszpot for misrepresenting him in the letter to the Non-Government Schools Council by the end of sitting on Thursday, 27 August 2009; and

- (b) write to the Non-Government Schools Council withdrawing the statement, as it misrepresented Mr Doszpot, and table a copy of the signed letter by end of sitting on Thursday, 27 August 2009; and
- (3) should the Minister for Education and Training not meet the requirements of clause 2b, calls on the Speaker to write to the Non-Government Schools Council, in the following terms:

‘In a letter from the Minister for Education and Training to you on 28 July 2009, he stated that “... I have made abundantly clear in the Legislative Assembly that the Government opposes suggestions by the Liberal Party’s spokesman (Mr Doszpot MLA) that I should use the *Human Rights Act 2004* as a way of the Government taking over non-government school teaching and curriculum”.

The ACT Legislative Assembly has found that this statement may have misled you because it is a misrepresentation of Mr Doszpot. It has also found that in making such a statement to you, the Minister inappropriately used his position of authority.

The Assembly called on the Minister for Education and Training on Wednesday, 26 August 2009 to apologise to Mr Doszpot, and correct the record with you, but he has chosen not to do so.’—

be agreed to—put.

The Assembly voted—

AYES, 10

Ms Bresnan	Ms Hunter
Mr Coe	Ms Le Couteur
Mr Doszpot	Mr Rattenbury
Mrs Dunne	Mr Seselja
Mr Hanson	Mr Smyth

NOES, 7

Mr Barr	Ms Porter
Ms Burch	Mr Stanhope
Mr Corbell	
Ms Gallagher	
Mr Hargreaves	

And so it was resolved in the affirmative.

## 15 STRATEGIC BUDGET REVIEW—DEPARTMENT OF TERRITORY AND MUNICIPAL SERVICES

The order of the day for the resumption of the debate on the motion of Mr Coe, and on the amendments moved by Mr Stanhope (Minister for Territory and Municipal Services) (*see entry 11*)—

Debate resumed.

Question—That Mr Stanhope’s amendments be agreed to—put.

The Assembly voted—

AYES, 11

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

NOES, 6

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

And so it was resolved in the affirmative.

Mr Coe, by leave, moved the following amendment to the motion, as amended: In paragraph (2), add “by the last sitting day in September 2009”.

Debate continued.

Amendment negatived.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the Strategic Budget Review, Department of Territory and Municipal Services of 9 December 2008:
  - (a) was tabled on 20 August 2008; and
  - (b) makes recommendations in relation to improved financial management, better future planning, and departmental and government restructures to better align the department’s and Government’s service delivery to core business; and
- (2) calls on the Government to table a report into the progress of the implementation of the recommendations of the Strategic Budget Review.”—

be agreed to—put and passed.

## 16 **WATER AND SEWERAGE (ENERGY EFFICIENT HOT-WATER SYSTEMS) LEGISLATION AMENDMENT BILL 2009**

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

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### *Detail Stage*

Clause 1 agreed to.

Remainder of Bill, by leave, taken as a whole—

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

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

Mr Seselja, by leave, moved his amendments Nos. 2 to 4 and 7 to 13 together ([see Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 9

Ms Bresnan	Ms Hunter
Mr Coe	Ms Le Couteur
Mr Doszpot	Mr Rattenbury
Mrs Dunne	Mr Seselja
Mr Hanson	

NOES, 6

Mr Barr	Ms Porter
Ms Burch	
Mr Corbell	
Ms Gallagher	
Mr Hargreaves	

And so it was resolved in the affirmative.

On the motion of Ms Le Couteur, by leave, her amendments Nos. 1 to 7 (*see* [Schedule 2](#)) were made together, after debate.

Debate continued.

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

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

The Assembly voted—

AYES, 9		NOES, 6	
Ms Bresnan	Ms Hunter	Mr Barr	Ms Porter
Mr Coe	Ms Le Couteur	Ms Burch	
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Mr Hanson		Mr Hargreaves	

And so it was resolved in the affirmative—Bill, as amended, agreed to.

## 17 **CANBERRA LABOR CLUB LIMITED—PROPOSED SALE OF ASSETS—INQUIRY BY GAMBLING AND RACING COMMISSION**

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

- (1) notes:
  - (a) that the Treasurer has referred certain documents to the Gambling and Racing Commission for inquiry;
  - (b) the continual refusal of the Chief Minister to fully answer questions concerning his role in the proposed sale of the Canberra Labor Club Group;
  - (c) that the Gambling and Racing Commission does not have the same independent role as the Auditor-General or an Assembly committee; and
  - (d) the significant concern surrounding the proposed transaction and apparent conflict of interest with the ACT Labor Government; and
- (2) calls on the Chief Minister to fully detail his participation in the proposed sale of the Canberra Labor Club Group.

Ms Gallagher (Treasurer) moved the following amendment: Omit all words after paragraph (1)(a).

Debate continued.

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

The Assembly voted—

AYES, 10		NOES, 5	
Mr Barr	Mr Hargreaves	Mr Coe	
Ms Bresnan	Ms Hunter	Mr Doszpot	
Ms Burch	Ms Le Couteur	Mrs Dunne	
Mr Corbell	Ms Porter	Mr Hanson	
Ms Gallagher	Mr Rattenbury	Mr Smyth	

And so it was resolved in the affirmative.



Question—That the motion, as amended, viz:

“That this Assembly notes that the Treasurer has referred certain documents to the Gambling and Racing Commission for inquiry.”—

be agreed to—put and passed.

## 18 ASSOCIATIONS INCORPORATION 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 and passed.

Leave granted to dispense with the detail stage.

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

## 19 DEFENCE AND VETERANS’ COMMUNITIES—GOVERNMENT SUPPORT

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

- (1) recognises:
  - (a) the important role played in the ACT community by Defence Force members and their families, ex-service personnel, veterans and their families and the surviving dependants of Defence Force personnel; and
  - (b) the important role played by ex-service organisations in the ACT and their great contribution to community life;
- (2) notes the initiatives that have been implemented in other jurisdictions that support veterans’ communities; and
- (3) calls on the Stanhope-Gallagher Government to review its support to defence and veterans’ communities in the ACT.

Mr Hanson addressing the Assembly—

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

Mr Corbell (Manager of Government Business) requiring the question to be forthwith without debate—

Question—put and negated.

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Debate ensued.

Ms Bresnan moved the following amendment: In paragraph (3), omit the words “Stanhope-Gallagher Government”, substitute “ACT Government”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) recognises:
  - (a) the important role played in the ACT community by Defence Force members and their families, ex-service personnel, veterans and their families and the surviving dependants of Defence Force personnel; and
  - (b) the important role played by ex-service organisations in the ACT and their great contribution to community life;
- (2) notes the initiatives that have been implemented in other jurisdictions that support veterans’ communities; and
- (3) calls on the ACT Government to review its support to defence and veterans’ communities in the ACT.”—

be agreed to—put and passed.

## **20 RESTORATIVE JUSTICE IN A.C.T. SCHOOLS**

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

- (1) recognises restorative justice as a viable alternative to traditional responses to various forms of disruptive behaviour in ACT schools; and
- (2) encourages the ACT Government to consider expanding the opportunities for current and future ACT school teachers to study restorative justice theory and practice.

Debate ensued.

Question—put and passed.

## **21 ADJOURNMENT**

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

Question—put and passed.

And then the Assembly, at 7.11 p.m., adjourned until tomorrow at 10 a.m.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly

## SCHEDULE OF AMENDMENTS

### Schedule 1

#### **WATER AND SEWERAGE (ENERGY EFFICIENT HOT-WATER SYSTEMS) LEGISLATION AMENDMENT BILL 2009**

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Amendments circulated by Mr Seselja (Leader of the Opposition)

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**1**

**Clause 2**

**Page 2, line 6—**

*omit*

1 October 2009

*substitute*

31 January 2010

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**2**

**Clause 10**

**Proposed new schedule 2, section 2.2, definition of *compliant electric hot-water system***

**Page 5, line 20—**

*omit*

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**3**

**Clause 10**

**Proposed new schedule 2, section 2.3 heading**

**Page 9, line 1—**

*omit the heading, substitute*

**2.3 Hot-water system—installation**

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**4**

**Clause 10**

**Proposed new schedule 2, section 2.3 (1)**

**Page 9, line 2—**

*omit*

a class 1 building

*substitute*

a new class 1 building

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**5****Clause 10****Proposed new schedule 2, section 2.3 (1), new example****Page 9, line 8—***insert***Example—par (d)**

the minister determines a low-energy electric hot-water system

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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**6****Clause 10****Proposed new schedule 2, section 2.3 (2)****Page 9, line 9—***omit section 2.3 (2), substitute*

(2) However, this section does not apply if the hot-water system—

- (a) consists of solid fuel-burning equipment; and
- (b) is being installed in a class 1 building located in an area of non-urban land.

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**7****Clause 10****Proposed new schedule 2, section 2.3 (3)****Page 10, line 4—***omit*

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**8****Clause 10****Proposed new schedule 2, section 2.3 (4), definition of *gas distribution network*****Page 10, line 18—***omit*

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**9****Clause 10****Proposed new schedule 2, section 2.3 (4), definition of *install*****Page 10, line 19—***omit*

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**10****Clause 10****Proposed new schedule 2, section 2.3 (4), new definition of *new class 1 building*****Page 10, line 20—***insert*

***new class 1 building*** means a class 1 building that has not been previously occupied or sold as a place of residence, and includes a building built to replace demolished premises.

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**11****Clause 10****Proposed new schedule 2, section 2.3 (4), definition of *R-value*****Page 11, line 6—***omit*

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**12****Clause 10****Proposed new schedule 2, section 2.4 (1) (a)****Page 11, line 16—***omit*

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**13****Clause 13****Proposed new dictionary, definition of *compliant electric hot-water system*****Page 13, line 17—***omit*

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**Schedule 2****WATER AND SEWERAGE (ENERGY EFFICIENT HOT-WATER SYSTEMS) LEGISLATION AMENDMENT BILL  
2009**

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Amendments circulated by Ms Le Couteur

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**1**

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant heat pump hot-water system*, paragraph (c) (i)**

**Page 6, line 15—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

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**2**

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant heat pump hot-water system*, paragraph (d) (i)**

**Page 6, line 22—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

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**3**

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant heat pump hot-water system*, paragraph (e) (i)**

**Page 7, line 3—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

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**4****Clause 10****Proposed new schedule 2, item 2.2 (1), definition of *compliant solar hot-water system*, paragraph (c) (i)****Page 7, line 14—***omit*

climate zone 7

*substitute*the climate zone in which the ACT is located

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**5****Clause 10****Proposed new schedule 2, item 2.2 (1), definition of *compliant solar hot-water system*, paragraph (d) (i)****Page 7, line 21—***omit*

climate zone 7

*substitute*the climate zone in which the ACT is located

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**6****Clause 10****Proposed new schedule 2, item 2.2 (1), definition of *compliant solar hot-water system*, paragraph (e) (i)****Page 8, line 3—***omit*

climate zone 7

*substitute*the climate zone in which the ACT is located

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**7****Clause 10****Proposed new schedule 2, item 2.2 (2), definition of *climate zone 7*****Page 8, line 27—***substitute*

***climate zone*** means a zone determined by the regulator and set out in the register of solar hot water heaters kept under the *Renewable Energy (Electricity) Regulations 2001* (Cwlth).

***regulator*** means the regulator under the *Renewable Energy (Electricity) Act 2000* (Cwlth).

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