



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 99

THURSDAY, 3 MAY 2007

- 1** The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Berry) 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** **ENVIRONMENT PROTECTION (FUEL SALES DATA) AMENDMENT BILL 2007**

Mr Stanhope (Minister for the Environment, Water and Climate Change), pursuant to notice, presented a Bill for an Act to amend the *Environment Protection Act 1997*, and for other purposes.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 May 2007.

Title read by Clerk.

Mr Stanhope moved—that this Bill be agreed to in principle.

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

- 3** **WATER RESOURCES BILL 2007**

Mr Stanhope (Minister for the Environment, Water and Climate Change), pursuant to notice, presented a Bill for an Act to provide for sustainable management of the water resources of the Territory, and for other purposes.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 May 2007.

Title read by Clerk.

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

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

4 ALLOCATION OF THE CALL—STATEMENT BY SPEAKER

The Speaker made a statement concerning the allocation of the call.

5 STATUTE LAW AMENDMENT BILL 2007

Mr Stanhope (Chief Minister), on behalf of Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend certain legislation for the purpose of statute law revision.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 May 2007.

Title read by Clerk.

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

Debate adjourned (Mr Stefaniak—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

6 ESTIMATES 2007-2008—SELECT COMMITTEE—APPOINTMENT

Mr Stefaniak (Leader of the Opposition), pursuant to notice, moved—That:

- (1) a Select Committee on Estimates 2007-2008 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2007-2008 and any revenue estimates proposed by the Government in the 2007-2008 Budget;
- (2) the Committee be composed of:
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;to be notified in writing to the Speaker by 4 p.m. today;
- (3) the Committee report by 21 August 2007;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (5) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Ms MacDonald moved the following amendment: After paragraph (4), insert:

“(4A) the Committee Chair shall be held by a Government Member; and”.

Debate continued.

Mr Stanhope addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Closure: Mr Corbell (Manager of Government Business) moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

AYES, 9

Mr Barr	Mr Gentleman
Mr Berry	Ms MacDonald
Mr Corbell	Ms Porter
Dr Foskey	Mr Stanhope
Ms Gallagher	

NOES, 6

Mrs Dunne	Mr Stefaniak
Mr Mulcahy	
Mr Pratt	
Mr Seselja	
Mr Smyth	

And so it was resolved in the affirmative.

And the question—That Ms MacDonald’s amendment be agreed to—being accordingly put—

The Assembly voted—

AYES, 8

Mr Barr	Mr Gentleman
Mr Berry	Ms MacDonald
Mr Corbell	Ms Porter
Ms Gallagher	Mr Stanhope

NOES, 7

Mrs Dunne	Mr Seselja
Dr Foskey	Mr Smyth
Mr Mulcahy	Mr Stefaniak
Mr Pratt	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That:

- (1) a Select Committee on Estimates 2007-2008 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2007-2008 and any revenue estimates proposed by the Government in the 2007-2008 Budget;
 - (2) the Committee be composed of:
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;
- to be notified in writing to the Speaker by 4 p.m. today;

- (3) the Committee report by 21 August 2007;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation;
- (5) the Committee Chair shall be held by a Government Member; and
- (6) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.”—

be agreed to—put and passed.

7 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF PRIVATE MEMBERS' BUSINESS

Mr Stefaniak (Leader of the Opposition) moved—That so much of the standing orders be suspended as would prevent notice No. 2, Private Members' business, relating to the use of audio visual and audio links in committee public and deliberative meetings, being called on forthwith.

Question—put and passed, with the concurrence of an absolute majority.

8 ASSEMBLY COMMITTEES— PUBLIC AND DELIBERATIVE MEETINGS— USE OF AUDIO VISUAL AND AUDIO LINKS

Mrs Dunne, pursuant to notice, moved—That:

- (1) when a public meeting or deliberative meeting is being conducted, an Assembly committee may resolve to conduct proceedings using audio visual or audio links with members of the committee or witness not present in one place;
- (2) if an audio visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location; and
- (3) if the Chair is not present where the public hearing or deliberative meeting is being conducted, the Deputy Chair shall chair the meeting in accordance with standing order 226.

Debate ensued.

Question—put and passed.

9 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 26— REPORT ON ANNUAL AND FINANCIAL REPORTS 2005-06—PUBLICATION OF REPORT—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 26—*Report on Annual and Financial Reports 2005-06*, dated 12 April 2007, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Mr Gentleman moved—That the report be noted.

Question—put and passed.

10 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

11 FINANCIAL MANAGEMENT AMENDMENT BILL 2007

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

Bill, by leave, taken as a whole—

On the motion of Mr Stanhope (Treasurer), his amendment No. 1 (*see Schedule 1*) was made, after debate.

Paper: Mr Stanhope 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.

12 QUESTIONS

Questions without notice were asked.

13 ESTIMATES 2007-2008—SELECT COMMITTEE—MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that he had been notified, in writing, of the nominations of Mrs Burke, Dr Foskey, Mr Gentleman, Ms Porter and Mr Stefaniak (Leader of the Opposition) to be members of the Select Committee on Estimates 2007-2008.

Mr Corbell (Manager of Government Business) moved—That the Members so nominated be appointed as members of the Select Committee on Estimates 2007-2008.

Question—put and passed.

14 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Intergovernmental agreements—

Ministerial level negotiations list—April 2007.

Research involving human embryos and prohibition of human cloning—Notice of Variation, dated 13 April 2007.

National Identity Security Strategy, dated April 2007.

15 GAMING MACHINE ACT—COMMUNITY CONTRIBUTIONS MADE BY GAMING MACHINE LICENSEES—NINTH REPORT BY THE A.C.T. GAMBLING AND RACING COMMISSION—CORRIGENDUM—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Ninth report by the ACT Gambling and Racing Commission—1 July 2005 to 30 June 2006—Corrigendum—

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

16 INDIGENOUS EDUCATION—PERFORMANCE IN INDIGENOUS EDUCATION—ANNUAL REPORT 2006—PAPER AND STATEMENT BY MINISTER

Mr Barr (Minister for Education and Training) presented the following paper:

Indigenous Education—Performance in Indigenous Education—Annual report 2006—
and, by leave, made a statement in relation to the paper.

17 A.C.T. HEALTH'S ACCREDITATION BY THE AUSTRALIAN COUNCIL ON HEALTHCARE STANDARDS—MINISTERIAL STATEMENT—PAPER NOTED

Ms Gallagher (Minister for Health), by leave, made a ministerial statement concerning ACT Health's accreditation by the Australian Council on Healthcare Standards and presented the following paper:

ACT Health accreditation—Ministerial statement, 3 May 2007.

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

Debate ensued.

Question—put and passed.

18 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—GOVERNANCE—A.C.T. GOVERNMENT AND PUBLIC SECTOR

The Assembly was informed that Mrs Burke, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Pratt, Mr Seselja, Mr Smyth and Mr Stefaniak (Leader of the Opposition) 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 Mr Seselja be submitted to the Assembly, namely, “Governance in the ACT Government and public sector.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

19 GOVERNMENT PROCUREMENT AMENDMENT BILL 2007

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

Bill, by leave, taken as a whole—

Mr Mulcahy moved his amendment No. 1 (*see Schedule 2*).

Debate interrupted in accordance with standing order 34 and the resumption of the debate made an order of the day for the next sitting.

20 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.27 p.m., adjourned until Tuesday, 29 May 2007 at 10.30 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

FINANCIAL MANAGEMENT AMENDMENT BILL 2007

Amendment circulated by the Treasurer

1

Clause 4

Proposed new section 16A (1) and (2)

Page 2, line 12—

omit proposed new section 16A (1) and (2), substitute

- (1) This section applies if—
 - (a) an employee entitlement exists in relation to an entity in a financial year; and
 - (b) the total amount of employee entitlements paid, or required to be paid, by the entity in the financial year exceeds the amount appropriated for the entity in relation to employee entitlements for the financial year.
 - (2) The Treasurer may, in writing, authorise an appropriation for the entity for the amount that the total amount paid, or required to be paid, in the financial year exceeds the amount appropriated for the entity for the financial year.
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Schedule 2

GOVERNMENT PROCUREMENT AMENDMENT BILL 2007

Amendment circulated by Mr Mulcahy

1

Clause 19

Proposed new section 22A (3) (a)

Page 8, line 22—

omit

and ethical behaviour
