



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009

MINUTES OF PROCEEDINGS

No. 47

THURSDAY, 10 DECEMBER 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 **PLANNING, PUBLIC WORKS AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE—REFERENCE—LIVE COMMUNITY EVENTS—AMENDMENT TO RESOLUTION**

The order of the day relating to the presentation of the report of the Standing Committee on Planning, Public Works and Territory and Municipal Services having been called on—

Ms Le Couteur (Chair), by leave, moved—That the resolution of the Assembly of 25 February 2009, as amended on 13 October 2009, which referred the issue of live community events to the Committee be amended by omitting the words “and report by the last sitting day in December 2009” and substituting “and present an interim report by the end of the last sitting day in December 2009 and present a final report by the last sitting day in June 2010”.

Question—put and passed.

- 3 **DOMESTIC ANIMALS AMENDMENT BILL 2009**

Mr Stanhope (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend the *Domestic Animals Act 2000*, 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 9 December 2009.

Title read by Clerk.

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

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

4 HEALTH LEGISLATION AMENDMENT BILL 2009 (NO. 2)

Ms Gallagher (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Health Records (Privacy and Access) Act 1997*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 December 2009.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

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

5 HEALTH PRACTITIONER REGULATION NATIONAL LAW (ACT) BILL 2009

Ms Gallagher (Minister for Health), pursuant to notice, presented a Bill for an Act about health practitioner regulation, and for other purposes.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 December 2009.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

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

6 HUMAN RIGHTS COMMISSION LEGISLATION AMENDMENT BILL 2009

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation relating to the Human Rights Commission, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 December 2009.

Title read by Clerk.

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

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

7 SURVEYORS AMENDMENT BILL 2009

Mr Barr (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend the *Surveyors Act 2007*, and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 December 2009.

Title read by Clerk.

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

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

8 CONSTRUCTION OCCUPATIONS LEGISLATION AMENDMENT BILL 2009

Mr Barr (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend the *Construction Occupations (Licensing) Act 2004* and the *Unit Titles Act 2001*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 December 2009.

Title read by Clerk.

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

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

9 PLANNING AND DEVELOPMENT AMENDMENT BILL 2009 (NO. 2)

Mr Barr (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend the *Planning and Development Act 2007*, and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 December 2009.

Title read by Clerk.

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

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

10 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2009 (NO. 2)

Ms Burch (Minister for Children and Young People), pursuant to notice, presented a Bill for an act to amend the *Children and Young People Act 2008*.

Papers: Ms Burch presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 9 December 2009.

Title read by Clerk.

Ms Burch moved—That this Bill be agreed to in principle.

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

11 DECLARATION OF PRIVATE INTERESTS OF MEMBERS—CONTINUING RESOLUTION 6—AMENDMENT TO RESOLUTION

Mr Rattenbury (Speaker), by leave, having amended his notice, pursuant to notice, moved—That continuing resolution 6 be amended as follows:

Omit paragraphs (2) and (3), substitute the following paragraphs:

- “(2) under the general direction of the Speaker, the Clerk shall store the declarations of private interests made by each Member and arrange for the declarations for that Assembly to be placed on the Legislative Assembly website on the internet. Any alterations shall be placed on the Legislative Assembly website on the internet every six months. When a Member vacates his or her seat and is not re-elected at the next general election for the Assembly, the Clerk shall destroy all declarations made by that Member in his/her custody and remove those declarations from the Legislative Assembly website on the internet;
- (3) any declaration stored by the Clerk be made available for perusal to any person on request; and”.

Debate ensued.

Question—put and passed.

12 ASSEMBLY COMMITTEE PROCESS

Mrs Dunne, pursuant to notice, moved—That this Assembly:

- (1) re-affirms the importance of the Assembly committee process and its role in:
 - (a) providing the Assembly, as a unicameral system of parliament, with the kinds of checks and balances not otherwise available;
 - (b) preserving and promoting the value of transparency and accountability in the assessment of government decision-making, policy development and legislative processes;
 - (c) giving constituents “a say” in government decision-making, policy development and legislative processes; and
 - (d) providing Members of the Assembly with opportunities to engage in in-depth analysis and examination of and seek expert advice about government decisions, policies and legislation; and

- (2) unconditionally supports the right of Assembly committees to:
- (a) have unfettered access to documents and witnesses relevant to matters being considered;
 - (b) call for and consider public submissions;
 - (c) report on their findings and recommendations without fear or favour; and
 - (d) be entitled to respectful responses from government.

Debate ensued.

Mr Corbell (Manager of Government Business) moved—That debate be adjourned.

Suspension of standing and temporary orders moved—Debate on adjournment of debate: Mrs Dunne moved—That so much of the standing and temporary orders be suspended as would prevent debate on the motion to adjourn debate being debated.

Closure of Member moved: Mr Corbell moved—That the Member be no longer heard.

The Speaker, pursuant to standing order 70, declined to put the question.

Debate ensued.

The time allotted for the debate having expired—

Question—put.

The Assembly voted—

AYES, 4

Mr Coe
Mrs Dunne
Mr Seselja
Mr Smyth

NOES, 9

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

And so it was negatived.

Question—That debate be adjourned—put and passed.

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

13 EXTENSION OF ASSEMBLY BUSINESS

It being 45 minutes after the commencement of Assembly business—

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

14 SITTING PATTERN—2010

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2010:

February	9	10	11
	23	24	25
March	16	17	18
	23	24	25
May	4	5	6
June	22	23	24
	29	30	
July			1
August	17	18	19
	24	25	26
September	21	22	23
October	19	20	21
	26	27	28
November	16	17	18
December	7	8	9.

Mrs Dunne, by leave, moved the following amendments together:

“(1) after March, insert:

2 3 4; and

(2) after November 18, insert:

23 24 25.”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 3

Mr Coe
Mrs Dunne
Mr Smyth

NOES, 8

Mr Barr
Ms Bresnan
Mr Corbell
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Mr Rattenbury
Mr Stanhope

And so it was negatived.

Question—That the motion be agreed to—put and passed.

15 QUESTIONS

Questions without notice were asked.

16 PRESENTATION OF PAPER

Mr Stanhope (Minister for Territory and Municipal Services) presented the following paper:

Strategic Budget Review—Department of Territory and Municipal Services—
Implementation of recommendations—Progress report, dated December 2009.

17 PRESENTATION OF PAPER

Mr Stanhope (Minister for Aboriginal and Torres Strait Islander Affairs) presented the following paper:

Ngunnawal Genealogy Study—Consultation with the United Ngunnawal Elders Council and Indigenous Elected Body—Report back to the Assembly.

18 PRESENTATION OF PAPER

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

ACT Criminal Justice—Statistical Profile 2009—September quarter.

19 A.C.T. STRATEGIC PLAN FOR POSITIVE AGEING 2010-2014—TOWARDS AN AGE-FRIENDLY CITY—PAPER AND STATEMENT BY MINISTER

Ms Burch (Minister for Ageing) presented the following paper:

ACT Strategic Plan for Positive Ageing 2010-2014—Towards an Age-Friendly City—

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

20 A.C.T. MULTICULTURAL STRATEGY 2010-2013—PAPER AND STATEMENT BY MINISTER

Ms Burch (Minister for Multicultural Affairs) presented the following paper:

ACT Multicultural Strategy 2010-2013—

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

21 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—HEALTH AND SAFETY IN THE WORKPLACE

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 Ms Bresnan be submitted to the Assembly, namely, “Health and safety in the workplace”.

Discussion ensued.

Discussion concluded.

22 PLANNING, PUBLIC WORKS AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE—REPORT 4—INQUIRY INTO LIVE COMMUNITY EVENTS—INTERIM REPORT—REPORT NOTED

Ms Porter (Chair) presented the following report:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 4—*Inquiry into Live Community Events*—Interim report, dated 3 December 2009, including additional comments (*Ms Le Couteur*), together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

23 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 1, Executive business, relating to the Crimes (Bill Posting) Amendment Bill 2008, be postponed until the next day of sitting.

24 WORKERS COMPENSATION 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.

Detail Stage

Clauses 1 to 10, by leave, taken together and agreed to.

Clause 11—

On the motion of Mrs Dunne, her amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

Clause 11, as amended, agreed to.

Clause 12—

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

Debate continued.

Amendment negatived.

On the motion of Mrs Dunne, her amendment No. 2 (*see* [Schedule 1](#)) was made, after debate.

Clause 12, as amended, agreed to.

Clauses 13 to 27, by leave, taken together and agreed to.

Clause 28—

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

Debate continued.

Amendment negatived.

On the motion of Mrs Dunne, her amendment No. 3 (*see* [Schedule 1](#)) was made, after debate.

Clause 28, as amended, agreed to.

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

Ms Bresnan, by leave, moved her amendments Nos. 3 to 7 together (*see* [Schedule 2](#)).

Debate continued.

Amendments negatived.

Remainder of Bill, as a whole, agreed to.

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

**25 SUSPENSION OF STANDING AND TEMPORARY ORDERS—
CONSIDERATION OF CIVIL PARTNERSHIPS AMENDMENT BILL 2009
(NO. 2)**

Mr Corbell (Manager of Government Business) moved—That so much of the standing and temporary orders be suspended as would prevent the Civil Partnerships Amendment Bill 2009 (No. 2) being called on and debated forthwith.

Debate ensued.

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

26 CIVIL PARTNERSHIPS AMENDMENT BILL 2009 (NO. 2)

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, 10

NOES, 5

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

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

Leave granted to dispense with the detail stage.

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

**27 PLANNING AND DEVELOPMENT (NOTIFICATIONS AND REVIEW)
AMENDMENT BILL 2009—EXPLANATORY STATEMENT**

Ms Le Couteur, by leave, presented the following paper:

Planning and Development (Notifications and Review) Amendment Bill 2009—
Explanatory statement.

28 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence from 11 December 2009 to 8 February 2010 inclusive be given to all Members.

Question—put and passed.

**29 SUSPENSION OF STANDING AND TEMPORARY ORDERS—EXTENSION
OF ADJOURNMENT DEBATE**

Mr Corbell (Manager of Government Business) moved—That so much of the standing and temporary orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

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

30 ADJOURNMENT

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 7 p.m., adjourned until Tuesday, 9 February 2010 at 10 a.m., in accordance with the resolution agreed to earlier this day.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

WORKERS COMPENSATION AMENDMENT BILL 2009

Amendments circulated by Mrs Dunne

1

Clause 11

Proposed new section 147A (6A)

Page 8, line 10—

insert

(6A) Subsections (3), (4) and (5) do not apply to a non-business employer.

2

Clause 12

Proposed new section 149 (4) (b) (viii)

Page 10, line 25—

omit proposed new section 149 (4) (b) (viii), substitute

(viii) any other relevant factor.

3

Clause 28

Proposed new section 162A (3) (b) (viii)

Page 17, line 23—

omit proposed new section 162A (3) (b) (viii), substitute

(viii) any other relevant factor.

Schedule 2**WORKERS COMPENSATION AMENDMENT BILL 2009**

Amendments circulated by Ms Bresnan

1

Clause 12

Proposed new section 149 (4) (b) (iv)

Page 10, line 18—

omit

2

Clause 28

Proposed new section 162A (3) (b) (iv)

Page 17, line 16—

omit

3

Clause 42

Proposed new section 201A (1)

Page 27, line 10—

omit proposed new section 201A (1), substitute

(1) This section applies if—

(a) the chief executive is entitled to recover an amount from a corporation under—

(i) section 149 (Failure to maintain compulsory insurance policy—chief executive entitled to recovery amount); or

(ii) section 162A (Avoiding payment of premium—chief executive entitled to recovery amount); or

(b) a corporation fails to maintain a compulsory insurance policy with an approved insurer and an amount is owed by the corporation to the DI fund under section 171I (1) (c) (Effect of payment of claims).

4

Clause 42

Proposed new section 201A (2)

Page 27, line 15—

omit

5

Clause 42
Proposed new section 201A (3)
Page 27, line 19—
after

the amount

insert

(or part of it)

6

Clause 42
Proposed new section 201A (3A)
Page 27, line 21—
insert

- (3A) If the chief executive recovers an amount (the ***recovered amount***) from a culpable executive officer of a corporation under subsection (3), any amount owed by the corporation as a debt to the DI fund for a matter to which the recovered amount relates is reduced by the recovered amount.
-

7

Clause 42
Proposed new section 201A (4)
Page 27, line 22—
omit proposed new section 201A (4), substitute

- (4) An executive officer is culpable at the relevant time if he or she was an executive officer of the corporation at any time during which the corporation committed—
- (a) if an entitlement to recover arises under section 149 (Failure to maintain compulsory insurance policy—chief executive entitled to recovery amount)—the offence, under section 147A (Compulsory insurance—offences), to which the entitlement to recover relates; or
 - (b) if an entitlement to recover arises under section 162A (Avoiding payment of premium—chief executive entitled to recovery amount)—the offence, under section 162 (False information causing lower premium), to which the entitlement to recover relates; or
 - (c) if the corporation is liable for an amount owing as a debt to the DI fund under section 171I (1) (c) (Effect of payment of claims)—the act or omission that led to the liability.
-