



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009

MINUTES OF PROCEEDINGS

No. 30

TUESDAY, 25 AUGUST 2009

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 LEAVE OF ABSENCE TO MEMBER

Mr Hanson moved—That leave of absence be granted to Mr Doszpot for this sitting owing to his attendance at a disability conference.

Question—put and passed.

3 DEATH OF BARBARA BYRNE, OAM

Mr Stanhope (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Barbara Byrne OAM, life member of Volunteering ACT and an active and energetic supporter of the Canberra community through her myriad of activities, and tenders its profound sympathy to her family, friends and colleagues in their bereavement.

Mr Seselja (Leader of the Opposition), Ms Hunter, Ms Gallagher (Deputy Chief Minister), Mr Barr (Minister for Education and Training), Ms Porter and Mr Hargreaves (Minister for Disability and Housing) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

4 PETITION

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

Mr Barr, from 103 residents, requesting that the Assembly provide a public toilet at the Waramanga Shopping Centre as part of the proposed refurbishment.

5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 11—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 11, dated 24 August 2009, together with the relevant minutes of proceedings—

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

6 LONG SERVICE LEAVE (PORTABLE SCHEMES) 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

Bill, by leave, taken as a whole—

On the motion of Mr Hargreaves (Minister for Industrial Relations), his amendment No. 2 (*see* [Schedule 1](#)) was made, after debate.

Paper: Mr Hargreaves presented a supplementary explanatory statement to the Government amendments.

On the motion of Mr Hargreaves, pursuant to standing order 182A, by leave, his amendments Nos. 1 and 3 to 11 (*see* [Schedule 1](#)) were made together, after debate.

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

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

7 WATER SECURITY FOR THE A.C.T.—MINISTERIAL STATEMENT—PAPER NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Corbell (Minister for the Environment, Climate Change and Water)—That the Assembly takes note of the paper (*presented 26 March 2009*), viz:

Water security for the ACT—Ministerial statement—

Debate resumed.

Question—put and passed.

8 SERIOUS ORGANISED CRIME GROUPS AND ACTIVITIES—GOVERNMENT REPORT TO THE A.C.T. LEGISLATIVE ASSEMBLY—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Corbell (Attorney-General)—That the Assembly takes note of the paper (*presented 24 June 2009*), viz:

Serious organised crime groups and activities—Government report to the ACT Legislative Assembly, dated June 2009—

Debate resumed.

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.

9 QUESTIONS

Questions without notice were asked.

10 PLANNING, PUBLIC WORKS AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE—REPORT 3—INQUIRY INTO THE CRIMES (BILL POSTING) AMENDMENT BILL 2008—GOVERNMENT RESPONSE—PAPER NOTED

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

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 3—*Inquiry into the Crimes (Bill Posting) Amendment Bill 2008*—Government response—

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

Debate ensued.

Question—put and passed.

11 CULTURAL FACILITIES CORPORATION ACT—CULTURAL FACILITIES CORPORATION—QUARTERLY REPORT—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Minister for the Arts and Heritage) presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report (for the third quarter 2008-2009: 1 January to 31 March 2009)—

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

12 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—

Adoption Act—Adoption (Fees) Determination 2009 (No. 1)—Disallowable Instrument DI2009-186 (LR, 13 August 2009).

Building and Construction Industry Training Levy Act and Financial Management Act—

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No. 6)—Disallowable Instrument DI2009-171 (LR, 23 July 2009).

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No. 7)—Disallowable Instrument DI2009-172 (LR, 23 July 2009).

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No. 8)—Disallowable Instrument DI2009-173 (LR, 23 July 2009).

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No. 9)—Disallowable Instrument DI2009-174 (LR, 23 July 2009).

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No. 10)—Disallowable Instrument DI2009-175 (LR, 23 July 2009).

Charitable Collections Act—Charitable Collections Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-36 (LR, 13 July 2009).

Children and Young People Act—

Children and Young People (Children and Youth Services Council) Appointment 2009 (No. 1)—Disallowable Instrument DI2009-176 (LR, 27 July 2009).

Children and Young People Regulation 2009—Subordinate Law SL2009-37 (LR, 16 July 2009).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2009 (No. 2)—Disallowable Instrument DI2009-177 (LR, 29 July 2009).

Education Act—

Education (Government Schools Education Council) Appointment 2009 (No. 7)—Disallowable Instrument DI2009-191 (LR, 13 August 2009).

Education (Non-government Schools Education Council) Appointment 2009 (No. 4)—Disallowable Instrument DI2009-190 (LR, 13 August 2009).

Education (School Boards of School-Related Institutions) Murrumbidgee Education and Training Centre Determination 2009—Disallowable Instrument DI2009-189 (LR, 13 August 2009).

Education (School Boards of Schools in Special Circumstances) Telopea Park School Determination 2009—Disallowable Instrument DI2009-188 (LR, 13 August 2009).

Education Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-42 (LR, 10 August 2009).

Electricity Safety Act—Electricity Safety (Fees) Determination 2009 (No. 1)—Disallowable Instrument DI2009-178 (LR, 31 July 2009).

Exhibition Park Corporation Act and Financial Management Act—Exhibition Park Corporation (Governing Board) Appointment 2009 (No. 2)—Disallowable Instrument DI2009-167 (LR, 23 July 2009).

Gas Safety Act—

Gas Safety (Codes of Practice) Approval 2009—Disallowable Instrument DI2009-187 (LR, 13 August 2009).

Gas Safety (Fees) Determination 2009 (No. 2)—Disallowable Instrument DI2009-179 (LR, 3 August 2009).

Health Professionals Act—

Health Professionals (Fees) Determination 2009 (No. 4)—Disallowable Instrument DI2009-182 (LR, 4 August 2009).

Health Professionals (Fees) Determination 2009 (No. 5)—Disallowable Instrument DI2009-184 (LR, 13 August 2009).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2009 (No. 1)—Disallowable Instrument DI2009-170 (LR, 23 July 2009).

Mental Health (Treatment and Care) Act—Mental Health (Treatment and Care) (Official Visitors) Appointment 2009 (No. 1)—Disallowable Instrument DI2009-169 (LR, 22 July 2009).

Planning and Development Act—

Planning and Development (Concessional Leases) Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-41 (LR, 5 August 2009).

Planning and Development (Fees) Determination 2009 (No. 3)—Disallowable Instrument DI2009-180 (LR, 31 July 2009).

Planning and Development Amendment Regulation 2009 (No. 9)—Subordinate Law SL2009-38 (LR, 23 July 2009).

Planning and Development Amendment Regulation 2009 (No. 10), including a regulatory impact statement—Subordinate Law SL2009-39 (LR, 23 July 2009).

Planning and Development Amendment Regulation 2009 (No. 11), including a regulatory impact statement—Subordinate Law SL2009-40 (LR, 23 July 2009).

Public Place Names Act—Public Place Names (City) Determination 2009 (No. 1)—Disallowable Instrument DI2009-183 (LR, 6 August 2009).

Public Sector Management Act—Public Sector Management Amendment Standards 2009 (No. 7)—Disallowable Instrument DI2009-185 (LR, 7 August 2009).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2009 (No. 2)—Disallowable Instrument DI2009-181 (LR, 31 July 2009).

13 STATEMENT BY MINISTER—PAPER

Mr Barr (Minister for Planning), by leave, responded to questions taken on notice from Ms Bresnan, Ms Hunter and Ms Le Couteur last Thursday concerning energy efficient hot-water systems.

Paper: Mr Barr presented the following paper:

Energy efficient hot-water systems—Advice and correspondence to the Minister from HIA and ACTPLA.

14 PRESENTATION OF PAPER—LEAVE NOT GRANTED

Mrs Dunne sought leave to present a paper.

Objection being raised, leave not granted.

15 SUSPENSION OF STANDING AND TEMPORARY ORDERS—PRESENTATION OF PAPER

Mrs Dunne moved—That so much of the standing and temporary orders be suspended as would prevent Mrs Dunne from presenting a paper.

Debate ensued.

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

16 PAPERS

Mrs Dunne presented the following papers:

Pace Farm egg production facility—Letters (31) addressed to Mrs Dunne from employees of Pace Farm, dated 19 August 2009.

17 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—COMMUNITY CONSULTATION

The Assembly was informed that Ms Bresnan, Ms Burch, Mr Coe, Mrs Dunne, Mr Hanson, 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 Mr Smyth be submitted to the Assembly, namely, “Community consultation in the ACT”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

18 SERIOUS ORGANISED CRIME GROUPS AND ACTIVITIES—GOVERNMENT REPORT TO THE A.C.T. LEGISLATIVE ASSEMBLY—PAPER NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Corbell (Attorney-General)—That the Assembly takes note of the paper ([see entry 8](#))—

Debate resumed.

Question—put and passed.

19 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 5.40 p.m., adjourned until tomorrow at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

LONG SERVICE LEAVE (PORTABLE SCHEMES) BILL 2009

Amendments circulated by the Minister for Industrial Relations

1

Clause 2

Page 2, line 4

omit clause 2, substitute

2

Commencement

This Act commences on 1 January 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 21 (1) and (2)

Page 11, line 13—

omit clause 21 (1) and (2), substitute

- (1) The governing board has at least 3 members and not more than 7 members.

Note 1 The chair of the governing board must be appointed under the *Financial Management Act 1996*, s 79.

Note 2 The chief executive officer of the authority is appointed by the governing board after consulting with the responsible minister (see *Financial Management Act 1996*, s 80 (2)).

Note 3 The registrar is a member of the governing board and is the chief executive officer of the authority (see dict, def **registrar** and *Financial Management Act 1996*, s 80 (4)).

- (2) The governing board must have the following members:
- (a) at least 1 member appointed to represent employer organisations for the covered industries;
 - (b) at least 1 member appointed to represent employee organisations for the covered industries;
 - (c) at least 1 other member who is not appointed to represent an employer or employee organisation.

Note One of the members mentioned in par (c) is the deputy chair (see s 22).

- (2A) In appointing the members for subsection (2) (a) and (b), the Minister must, as far as reasonably practicable, ensure that there is equal representation for employer organisations and employee organisations.

3

Clause 43 (3) (b)

Page 22, line 9

omit

42

substitute

45

4

Clause 54 (1), penalty

Page 30, line 7

omit

5

Clause 54 (2)

Page 30, line 9

omit

6

Clause 55 (1), penalty

Page 31, line 6

omit

7

Clause 55 (2)

Page 31, line 7

omit

8

Clause 64

Page 38, line 18

omit clause 64, substitute

64 Service credit—registered worker's service

Service to be credited in the workers register for a registered worker for a covered industry is the amount of service worked out under the covered industry schedule for the covered industry.

9**Schedule 1****Clause 1.16****Page 75, line 20**

omit clause 1.16, substitute

1.16 Service credit—building and construction industry—s 64

A registered worker for the building and construction industry must not, in a financial year, be credited with more than 220 days of service.

10**Schedule 2****Clause 2.16****Page 87, line 20**

omit clause 2.16, substitute

2.16 Service credit—contract cleaning industry—s 64

- (1) A registered worker for the contract cleaning industry is to be credited in the workers register with 1 day's service for each day (including a day when the worker does not carry out cleaning work) in each service period of the worker on or after the worker's registration day.

Example

A day when a worker attends a court in accordance with a summons to serve as a juror or a subpoena to give evidence or produce documents is a day in the worker's period of service when the worker does not carry out cleaning work.

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).

- (2) However a registered worker for the contract cleaning industry must not, in a financial year, be credited with more than 365 days of service.

11**Dictionary****Definition of *covered industry schedule*****Page 97, line 5**

omit the definition, substitute

- ***covered industry schedule*** means—
 - (a) for the building and construction industry—schedule 1;
and
 - (b) for the contract cleaning industry—schedule 2.
-