



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 107

WEDNESDAY, 22 AUGUST 2007

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) 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 CONSUMER CREDIT

Dr Foskey, pursuant to notice, moved—That this Assembly:

- (1) notes the:
 - (a) report “They want to take our house” by the Consumer Law Centre of the ACT (CARE);
 - (b) increase in non-bank lenders in the home loan market; and
 - (c) upward trend in the number of borrowers facing home repossession by non-bank lenders; and
- (2) calls on the ACT Government to:
 - (a) implement recommendation seven of the CARE report; and
 - (b) introduce legislation related to this recommendation by the end of 2007.

Mr Stefaniak (Leader of the Opposition) moved the following amendment: Omit all words after paragraph 1(b), substitute:

“(c) the responsibility of States and Territories for the regulation of consumer credit; and

- (2) calls on the ACT Government to press to ensure that the Labor States and Territories develop, as quickly as possible, uniform legislation for the regulation of the mortgage broking industry to be considered by the Legislative Assembly.”.

Debate continued.

Question—That Mr Stefaniak’s amendment be agreed to—put and negatived.

Mr Corbell (Attorney-General), by leave, moved the following amendment: Omit all words after paragraph (1)(a), substitute:

- “(b) regulation of credit providers which offer low-doc or no-doc loans are already governed by the *Consumer Credit (Administration) Act 1996*;
- (c) ACT Government is working with other State and Territory Governments, through the Ministerial Council on Consumer Affairs, to investigate the extension of the general principles relating to responsible credit card lending under the Consumer Credit Code to other forms of consumer lending, such as low-doc loans; and
- (d) desirability of ensuring legislative consistency with other jurisdictions on matters of consumer credit.”.

Debate continued.

Question—That Mr Corbell’s amendment be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly notes the:

- (1) report “They want to take our house” by the Consumer Law Centre of the ACT (CARE);
- (2) regulation of credit providers which offer low-doc or no-doc loans are already governed by the *Consumer Credit (Administration) Act 1996*;
- (3) ACT Government is working with other State and Territory Governments, through the Ministerial Council on Consumer Affairs, to investigate the extension of the general principles relating to responsible credit card lending under the Consumer Credit Code to other forms of consumer lending, such as low-doc loans; and
- (4) desirability of ensuring legislative consistency with other jurisdictions on matters of consumer credit.”—

be agreed to—put and passed.

3 FIRELINK SYSTEM

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

- (1) notes that:
 - (a) the 2003-04 budget announced funding of \$23.6 million for the implementation of a range of communications programs for the Emergency Services, including the mobile data communications and automatic vehicle location system;
 - (b) the Government approved the use of a single select tender for the purchase of the mobile data communications and automatic vehicle location system on the basis that it be operational for the 2004-05 bushfire season;
 - (c) Firelink has cost in excess of \$4.5 million, \$1.3 million over the initial budget forecast;
 - (d) both Mr Corbell and his predecessor, Mr Hargreaves, in their capacities as Emergency Services Ministers repeatedly stated that Firelink was fully operational and working effectively;

- (e) the Minister for Police and Emergency Services, Mr Corbell, announced in July that the contract for mobile data communications and automatic vehicle location system, Firelink, would be discontinued; and
 - (f) as a result of the cancellation of the Firelink contract, there is no other mobile data communications and automatic vehicle location system currently in place for Rural Fire Services and State Emergency Services operations ready for the imminent bushfire season;
- (2) condemns the failure of the three ministers to develop a mobile data communications and automatic vehicle location system; and
- (3) calls on the Government to report to the Assembly by 5 pm on 30 August 2007 what mobile data communications system will be in place for the bushfire season 2007-08, due to commence on 1 November 2007.

Mr Corbell (Minister for Police and Emergency Services) moved the following amendment: Omit all words after “notes”, substitute:

- “(a) the ACT Emergency Services Agency (ESA) took the responsible and informed decision to withdraw the Firelink system;
- (b) that decision was based on two independent reviews of the ICT programs for the agency;
- (c) those reviews concluded that Firelink was unsuitable for the ESA’s ongoing operations; and
- (d) the ACT Government has provided the ESA with substantial funding to address communications issues following the 2003 bushfires which has provided emergency services personnel with advancements with the trunk radio network and computer aided dispatch system.”.

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.

4 QUESTIONS

Questions without notice being asked—

Paper: Mr Seselja, by leave, presented the following paper:

“Stanhope’s super mistake on property”—Article appearing in the *Sunday Canberra Times* on 12 August 2007.

Questions continued.

5 FIRELINK SYSTEM

The order of the day having been read for the resumption of the debate on the motion of Mr Pratt and on the amendment moved by Mr Corbell (Minister for Police and Emergency Services) (*see entry 3*)—

Debate resumed.

Mr Corbell, by leave, moved the following amendment to his proposed amendment:
Add:

“(e) the Minister for Police and Emergency Services will provide an update on the implementation of alternative communications systems for vehicle location prior to the commencement of the 2007-2008 bushfire season.”.

Debate continued.

Question—That Mr Corbell’s amendment to his proposed amendment be agreed to—put and passed.

Debate continued.

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

Question—That the motion, as amended, viz:

“That this Assembly notes:

- (1) the ACT Emergency Services Agency (ESA) took the responsible and informed decision to withdraw the Firelink system;
- (2) that decision was based on two independent reviews of the ICT programs for the agency;
- (3) those reviews concluded that Firelink was unsuitable for the ESA’s ongoing operations;
- (4) the ACT Government has provided the ESA with substantial funding to address communications issues following the 2003 bushfires which has provided emergency services personnel with advancements with the trunk radio network and computer aided dispatch system; and
- (5) the Minister for Police and Emergency Services will provide an update on the implementation of alternative communications systems for vehicle location prior to the commencement of the 2007-2008 bushfire season.”—

be agreed to—put and passed.

6 SENIOR SECONDARY EDUCATION SYSTEM

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

- (1) recognises the success of the ACT’s senior secondary education system;
- (2) acknowledges continuous assessment provides for a high degree of integrity in the assessment process;
- (3) notes there is no educational merit in changing the ACT’s college system and continuous assessment model; and
- (4) places on the record its opposition to the Howard Government’s unnecessary intervention in the ACT education system.

Mrs Dunne moved the following amendment: Omit all words after “Assembly”, substitute:

- “(1) notes the report of the Review of Government Secondary Colleges entitled *Government Secondary Colleges in the Australian Capital Territory: Challenge, Opportunity and Renewal* of December 2005 by Atelier Learning Solutions Pty Ltd; and
- (2) calls on the Government to fully implement all the recommendations of the Review to ensure that the ACT college system can fully and effectively meet the 21st century educational needs of all young people in the ACT.”.

Debate continued.

Question—That Mrs Dunne’s amendment be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mrs Burke	Mr Pratt	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Ms Gallagher	Ms Porter
Mr Mulcahy		Mr Gentleman	Mr Stanhope

And so it was negatived.

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

7 GUARDIANSHIP AND MANAGEMENT OF PROPERTY AMENDMENT BILL 2005

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 Ms Gallagher (Deputy Chief Minister, on behalf of the Attorney-General, by leave, amendments Nos. 1 to 7 (*see* [Schedule 1](#)) were made together, after debate.

Paper: Ms Gallagher presented a supplementary explanatory statement to the Government amendments.

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

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

8 ADJOURNMENT

Ms Gallagher (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.05 p.m., adjourned until tomorrow at 10.30 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

GUARDIANSHIP AND MANAGEMENT OF PROPERTY AMENDMENT BILL 2005

Amendments circulated by the Attorney-General

1

Clause 4

Proposed new section 8AA (1A)

Page 2, line 22—

insert

- (1A) However, the tribunal must not consider an application under subsection (1) in relation to a person if—
- (a) the public trustee has made an application to the Supreme Court to be appointed the manager of the person's property under the *Public Trustee Act 1985*, section 34 (Application for appointment as manager of property) and the application has not been finally dealt with; or
 - (b) the Supreme Court has appointed the public trustee manager of the person's property under that Act, section 34 (2).
-

2

Clause 4

Proposed new section 8AA (4) and (5)

Page 3, line 23—

omit proposed new section 8AA (4) and (5), substitute

- (4) An application under subsection (1), or an appointment under subsection (3), does not prevent the public trustee making an application under the *Public Trustee Act 1985*, section 34 in relation to the property to which the application or appointment relates.
- (5) The Legislation Act, part 19.3 (Appointments) does not apply to an appointment under subsection (3).
-

3**Clause 4****Proposed new sections 8AB and 8AC****Page 4, line 5—***insert***8AB Missing people's property—who may apply for appointment of manager?**

An application for the appointment of a manager for a person under section 8AA may be made by any of the following:

- (a) a domestic partner of the person;
- (b) a relative of the person;
- (c) a carer of the person;
- (d) the Attorney-General;
- (e) the public trustee;
- (f) the public advocate;
- (g) anyone else who has an interest in the property of the person.

8AC Missing people's property—powers and term of manager

- (1) The powers that may be given to the manager under section 8AA (3) (Manager for missing person's property) are the powers the missing person would have if the person were able to exercise them.
- (2) However, an order under section 8AA (3) must state the kind of decisions the manager may make and the property in relation to which the power may be exercised.
- (3) An order under section 8AA (3) must also state the term of the appointment.
- (4) An appointment under section 8AA (3) must not be for more than 2 years, but the tribunal may, on application by the manager or a person mentioned in section 8AB, extend the term for up to 2 years.

4**Proposed new clause 4A****Page 4, line 5—***insert***4A New section 27A***in division 2.3, insert*

27A Missing people's property—liability of manager and third party dealings

- (1) A manager does not incur any liability, either to a missing person or anyone else, because of conduct done honestly during the manager's appointment under section 8AA (3) (Manager for missing person's property) in relation to a missing person's property if the conduct was for the exercise of a function under the appointment or of a function that the manager believed, on reasonable grounds, was a function under the appointment.
- (2) A person (the *third party*) who deals with a manager in relation to property that is under the manager's control because of the manager's appointment under section 8AA (3), does not incur any liability because of the dealing if it was done in the honest belief that the dealing was for the exercise of a function under the appointment.
- (3) In this section:
conduct—see the Criminal Code, section 13.

5

Proposed new clause 4B
Page 4, line 5—

insert

4B New section 30A

insert

30A Missing people's property—ending of order

An order appointing a manager to manage a missing person's property under section 8AA (Manager for missing person's property) ends if the Supreme Court appoints the public trustee manager of the property under the *Public Trustee Act 1985*, section 34.

6

Clause 11
Page 5, line 16—

[oppose the clause]

7

Clause 12
Page 5, line 18—

[oppose the clause]