



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009–2010–2011

MINUTES OF PROCEEDINGS

No. 126

THURSDAY, 27 OCTOBER 2011

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 SPEAKER'S RULING—MATTERS OF PUBLIC IMPORTANCE

The Speaker informed the Assembly that six matters of public importance lodged this morning were out of order as they were the same in substance as a previous matter and a Private Member's motion discussed this calendar year.

**3 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—
REPORT 8—A.C.T. ELECTORAL COMMISSION REPORT ON THE A.C.T.
LEGISLATIVE ASSEMBLY ELECTION 2008 AND ELECTORAL ACT
AMENDMENT BILLS 2011—REPORT NOTED**

Mrs Dunne (Chair), pursuant to order, presented the following report:

Justice and Community Safety—Standing Committee—Report 8—*ACT Electoral Commission Report on the ACT Legislative Assembly Election 2008 and Electoral Act amendment Bills 2011*, including dissenting comments (*Mrs Dunne*), dated October 2011, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

4 TRANSPLANTATION AND ANATOMY AMENDMENT BILL 2011

Ms Gallagher (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Transplantation and Anatomy Act 1978*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 October 2011.

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 EDUCATION AMENDMENT BILL 2011

Mr Barr (Minister for Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Education Act 2004*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 October 2011.

Title read by Clerk.

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

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

6 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2011 (NO. 3)

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 October 2011.

Title read by Clerk.

Mr Corbell 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.

7 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—REFERENCE—FITTERS' WORKSHOP, KINGSTON ARTS PRECINCT—FUTURE USE

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

(1) notes that:

- (a) the ACT Government has allocated \$3.8m in its 2011-12 budget for a capital works project in support of an earlier decision to relocate Megalo Print Studio to the Kingston arts precinct, including the Fitters' Workshop;
 - (b) there has been considerable public controversy over this initiative, particularly from the music community, having discovered an unusual acoustic quality in the Fitters' Workshop after the Government had made its decision to move Megalo; and
 - (c) the Government has refused to review its decision in light of that later discovery;
- (2) refer the matter to the Standing Committee on Education, Training and Youth Affairs for consideration and review, including but not limited to:
- (a) reviewing the processes followed leading to the Government's decision to relocate Megalo to the Fitters' Workshop, including public consultation, expert advice obtained and any other processes the Committee considers relevant;
 - (b) taking evidence from witnesses;
 - (c) seeking expert advice;
 - (d) reviewing any other relevant material;
 - (e) issuing findings in relation to the probity and efficacy of the processes the Government followed in reaching its decision;
 - (f) making recommendations to the Assembly; and
 - (g) reporting to the Legislative Assembly by the last sitting day in 2012; and
- (3) calls on the Government to suspend the capital works project until the Standing Committee has reported, the Government has responded and the Legislative Assembly has debated the Government's response.

Ms Le Couteur, by leave, moved the following amendments together:

- (1) Omit paragraph (2), substitute:
- “(2) refers to the Standing Committee on Education, Training and Youth Affairs for inquiry and report to the Assembly by March 2012:
- (a) the best use of the Fitters' Workshop, taking into account the acoustic qualities, heritage value, its location, cost and community demand of the building;
 - (b) options for alternative venues for use by a range of community music groups;
 - (c) options for alternative purpose built accommodation for Megalo Print Studio; and
 - (d) any other relevant matter;
- (2A) resolves that funds be provided by the Parliament to permit the engagement of external expertise to work with the Committee to assist in the preparation of the report of the Committee;”.

(2) Omit paragraph (3), substitute:

“(3) calls on the Government to:

- (a) suspend the capital works project until the Standing Committee has reported, the Government has responded and the Assembly has noted the Government’s response; and
- (b) ensure that adequate temporary accommodation is provided to the Megalo Print Studio until permanent accommodation has been provided.”.

Debate continued.

It being 45 minutes after the commencement of Assembly business—

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

Amendments agreed to.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) the ACT Government has allocated \$3.8m in its 2011-12 budget for a capital works project in support of an earlier decision to relocate Megalo Print Studio to the Kingston arts precinct, including the Fitters’ Workshop;
 - (b) there has been considerable public controversy over this initiative, particularly from the music community, having discovered an unusual acoustic quality in the Fitters’ Workshop after the Government had made its decision to move Megalo; and
 - (c) the Government has refused to review its decision in light of that later discovery;
- (2) refers to the Standing Committee on Education, Training and Youth Affairs for inquiry and report to the Assembly by March 2012:
 - (a) the best use of the Fitters’ Workshop, taking into account the acoustic qualities, heritage value, its location, cost and community demand of the building;
 - (b) options for alternative venues for use by a range of community music groups;
 - (c) options for alternative purpose built accommodation for Megalo Print Studio; and
 - (d) any other relevant matter;
- (3) resolves that funds be provided by the Parliament to permit the engagement of external expertise to work with the Committee to assist in the preparation of the report of the Committee; and

- (4) calls on the Government to:
- (a) suspend the capital works project until the Standing Committee has reported, the Government has responded and the Assembly has noted the Government's response; and
 - (b) ensure that adequate temporary accommodation is provided to the Megalo Print Studio until permanent accommodation has been provided.”—

be agreed to—put.

The Assembly voted—

AYES, 10		NOES, 7	
Ms Bresnan	Ms Hunter	Mr Barr	Mr Hargreaves
Mr Coe	Ms Le Couteur	Dr Bourke	Ms Porter
Mr Doszpot	Mr Rattenbury	Ms Burch	
Mrs Dunne	Mr Seselja	Mr Corbell	
Mr Hanson	Mr Smyth	Ms Gallagher	

And so it was resolved in the affirmative.

8 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRIES—AUDITOR-GENERAL'S REPORTS—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had examined the following Auditor-General's reports:

No. 4/2010—Water Demand Management: Administration of Selected Initiatives.

No. 8/2010—Delivery of Mental Health Services to Older Persons.

No. 1/2011—Waiting Lists for Elective Surgery and Medical Treatment.

No. 2/2011—Residential Land Supply and Development—

and had resolved to conduct inquiries into, and report on, Auditor-General's reports Nos. 1/2011 and 2/2011.

9 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

10 CRIMES (PROTECTION OF WITNESS IDENTITY) BILL 2011

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.

11 QUESTIONS

Questions without notice were asked.

12 PRESENTATION OF PAPER

Ms Gallagher (Minister for Health) presented the following paper:

Auditor-General's Report No. 1/2011—Waiting Lists for Elective Surgery and Medical Treatment—Progress report on achievements against recommendations, dated July 2011.

13 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—Education and Training Directorate—Corrigendum.

14 PRESENTATION OF PAPERS

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

Electoral Act, pursuant to section 54—ACT Legislative Assembly—Electoral Boundaries Redistribution 2011—Redistribution Report, dated 24 October 2011.

Delays in the ACT Courts—Report to the Legislative Assembly, dated October 2011.

15 PRESENTATION OF PAPER

Mr Corbell (Minister for Police and Emergency Services) presented the following paper:

New Belconnen Police Station—Progress report in regard to construction, dated 27 October 2011.

16 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—PUBLIC TRANSPORT

The Assembly was informed that Dr Bourke, Ms Bresnan, Mr Hargreaves, Ms Hunter, Ms Le Couteur and Ms Porter 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 Dr Bourke be submitted to the Assembly, namely, "The benefits of investing in public transport in the ACT".

Discussion ensued.

Discussion concluded.

17 CRIMES (CERTAIN PENALTY INCREASES) AMENDMENT BILL 2011

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.

Mr Corbell (Attorney-General), by leave, was granted an extension of time.

Mr Corbell addressing the Assembly—

Member named and suspended: The Assistant Speaker named Mrs Dunne for persistently and wilfully refusing to conform to any standing order and persistently and wilfully disregarding the authority of the Chair.

The Assistant Speaker, pursuant to standing order 203, proposed—That Mrs Dunne be suspended from the service of the Assembly.

Question—put.

The Assembly voted—

AYES, 11		NOES, 6
Mr Barr	Mr Hargreaves	Mr Coe
Dr Bourke	Ms Hunter	Mr Doszpot
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Ms Burch	Ms Porter	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher		Mr Smyth

And so it was resolved in the affirmative.

Mrs Dunne was therefore suspended at 4.39 p.m. for three sitting hours in accordance with standing order 204, and she accordingly withdrew from the Chamber.

Mr Corbell continued.

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

AYES, 7		NOES, 9	
Mr Barr	Mr Hargreaves	Ms Bresnan	Ms Le Couteur
Dr Bourke	Ms Porter	Mr Coe	Mr Rattenbury
Ms Burch		Mr Doszpot	Mr Seselja
Mr Corbell		Mr Hanson	Mr Smyth
Ms Gallagher		Ms Hunter	

And so it was negated.

18 **MOTOR VEHICLE REGISTRATION—ANNUAL COST OF REMOVAL OF FEE ON PART PAYMENT—ORDER TO TABLE**

Mr Smyth, by leave, moved—That the ACT Legislative Assembly directs the Chief Minister to table, by 6 p.m. today, all government documents relating to the Government's calculation of \$10 million as the annual cost of the removal of the fee on part payment of motor vehicle registration.

Debate ensued.

Question—put and passed.

19 **ADJOURNMENT**

Mr Barr (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.37 p.m., adjourned until Tuesday, 15 November 2011 at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly