



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008

MINUTES OF PROCEEDINGS

No. 4

THURSDAY, 11 DECEMBER 2008

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 INAUGURAL SPEECHES

Ms Bresnan and Mr Rattenbury, by leave, made their respective inaugural speeches.

3 CRIMES (BILL POSTING) AMENDMENT BILL 2008

Mr Stanhope (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 December 2008.

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 DANGEROUS SUBSTANCES AND LITTER (DUMPING) LEGISLATION AMENDMENT BILL 2008

Mr Stanhope (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend laws relating to the dumping of dangerous substances and litter, 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 11 December 2008.

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.

5 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2008 (NO. 2)

Mr Stanhope (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend legislation about road transport.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 December 2008.

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.

6 REVENUE LEGISLATION AMENDMENT BILL 2008 (NO. 2)

Ms Gallagher (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999* and the *First Home Owner Grant Act 2000*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 December 2008.

Title read by Clerk.

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

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

7 CRIMES (MURDER) AMENDMENT BILL 2008

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 December 2008.

Memorandum of compatibility, prepared by the Department of Justice and Community Safety.

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.

8 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2008 (NO. 2)

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 December 2008.

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.

9 FREEDOM OF INFORMATION AMENDMENT BILL 2008 (NO. 2)

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Freedom of Information Act 1989*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 11 December 2008.

Title read by Clerk.

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

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

10 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 1—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 1, dated 10 December 2008, together with the relevant minutes of proceedings—

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

11 ACCESS TO COMMITTEE RECORDS

The Speaker (Mr Rattenbury), pursuant to notice, moved—That this Assembly authorises officers of the Legislative Assembly Secretariat to have access to the records of all Assembly committees from this and previous Assemblies for the purposes of conducting a review (as part of a project involving the Australian National University's Parliamentary Studies Centre) of the effectiveness of the committees' oversight of government statutory appointments processes.

Question—put and passed.

12 CLIMATE CHANGE, ENVIRONMENT AND WATER—STANDING COMMITTEE—REFERENCE—A.C.T. GREENHOUSE GAS REDUCTION TARGETS

Mr Corbell (Minister for the Environment, Climate Change and Water), pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) expert scientific evidence confirms that human activity is causing a significant increase in global temperatures, which will have a dramatic impact on the sustainability of existing ecological systems and human settlements;
 - (b) climate change is one of the greatest economic, social and environmental challenges facing the ACT community, and must be addressed accordingly and that it is imperative that the ACT moves to a low carbon future both swiftly and equitably;
 - (c) Australia is a signatory to the United Nations Framework Convention on Climate Change and that the most recent Conference of the Parties agreed that emissions reductions of 25-40% will be necessary by 2020 (compared to 1990 levels); and
 - (d) the scientific understanding of climate change is evolving rapidly, and the ACT Climate Change Strategy and its greenhouse gas reduction target should be responsive to the best available scientific knowledge and experience to contribute to a safe climate outcome;
- (2) resolves that the Standing Committee on Climate Change, Environment and Water inquire into and report on:
 - (a) an appropriate target to be established in legislation, including:
 - (i) an appropriate date for the peaking of greenhouse gas emissions in the ACT;
 - (ii) an appropriate target for the reduction of greenhouse gas emissions in the ACT by 2012; and
 - (iii) an appropriate target for the reduction of greenhouse gas emissions in the ACT by 2020;
 - (b) appropriate monitoring, reporting and review processes to accompany the target; and
 - (c) the following issues associated with achieving the greenhouse gas reduction target:

- (i) the efficacy of existing programs within the current ACT Climate Change Strategy *Weathering the Change*, and the need for additional programs in the Strategy;
 - (ii) the ACT's future energy supplies, taking account of the draft ACT Government Energy Strategy due to be published in late 2008 and options for sourcing or producing sufficient renewable energy to meet the needs of the ACT;
 - (iii) climate change impacts on the sustainability of existing ecological communities;
 - (iv) social equity and economic issues, costs and opportunities in achieving this target;
 - (v) the relationship between the ACT's legislated target and policy and measures agreed to and implemented at a national level;
 - (vi) the acceptability of local and offshore offsets;
 - (vii) the need to ensure that the ACT does not transfer its greenhouse emissions to other jurisdictions;
 - (viii) the adequacy of existing data collection and methodology for the purpose of establishing a baseline year of 1990 or 2000 and for future monitoring and reporting purposes; and
 - (ix) any other related matter; and
- (3) resolves that the Committee shall report by 30 July 2009.

Debate ensued.

It being approximately 45 minutes after the commencement of Assembly business—
Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Question—put and passed.

13 SITTING PATTERN—2009

Mr Corbell (Manager of Government Business), by leave, having amended his notice, 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 2009:

February	10*	11	12
	24*	25	26
March	24*	25	26
March/April	31*	1	2
May	5	6	7
	11		
June	16*	17	18
	23*	24	25

August	18*	19	20
	25*	26	27
September	15*	16	17
October	13*	14	15
November	10*	11	12
	17*	18	19
December	8*	9	10

* Evening sitting—7.30 pm to 10 pm

Mr Hanson moved the following amendment: Omit all dates after 2009, substitute:

February	10*	11	12
	17*	18	19
March	24*	25	26
March/April	31*	1	2
May	5*	6	7
	11		
June	16*	17	18
	23*	24	25
August	11*	12	13
	18*	19	20
September	8*	9	10
	15*	16	17
October	13*	14	15
	27*	28	29
November	10*	11	12
	17*	18	19
December	1*	2	3

* Evening sitting—7.30 pm to 10 pm

Debate continued.

Question—That Mr Hanson's amendment be agreed to—put.

The Assembly voted—

AYES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 11

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

And so it was negatived.

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

14 STANDING COMMITTEES—REFERENCE—2007-2008 ANNUAL AND FINANCIAL REPORTS

Mr Corbell (Manager of Government Business), by leave, moved—That:

- (1) the annual and financial reports for the calendar year 2008 and the financial year 2007-2008 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;
- (2) the annual reports of ACT Policing and the ACT Legislative Assembly Secretariat stand referred to the Standing Committee on Justice and Community Safety and Standing Committee on Public Accounts respectively;
- (3) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2008 and financial year 2007-2008 annual and financial reports at any given time; and
- (4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs
ACT Cleaning Industry Long Service Leave Board		Minister for Industrial Relations	Public Accounts
ACT Construction Industry Long Service Leave Board		Minister for Industrial Relations	Public Accounts
ACT Electoral Commission		Attorney-General	Justice and Community Safety
ACTEW Corporation Limited		Treasurer	Public Accounts
ACT Gambling and Racing Commission		Treasurer	Public Accounts
ACT Government Procurement Board		Treasurer	Public Accounts
ACT Health		Minister for Health	Health, Community and Social Services
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Legislative Assembly Secretariat		Speaker	Public Accounts
ACT Ombudsman		Attorney-General	Justice and Community Safety
ACT Planning and Land Authority		Minister for Planning	Planning, Public Works and Territory and Municipal Services
ACT Policing		Attorney General	Justice and Community Safety
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
ACTTAB Ltd		Treasurer	Public Accounts
Chief Minister's Department	ACT Executive	Chief Minister	Public Accounts
	Arts ACT	Minister for the Arts and Heritage	Education, Training and Youth Affairs
	Business and Economic Development	Minister for Business and Economic Development	Public Accounts
	Default Insurance Fund	Minister for Industrial Relations	Public Accounts
	Occupational Health and Safety Council	Minister for Industrial Relations	Public Accounts
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs
Office of the Commissioner for Sustainability and the Environment		Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Commissioner for Public Administration		Chief Minister	Public Accounts
Cultural Facilities Corporation		Minister for the Arts and Heritage	Education, Training and Youth Affairs
Department of Disability, Housing and Community Services	Community Development and Policy—Community and Homeless Services	Minister for Community Services	Health, Community and Social Services
	Disability and Therapy Services	Minister for Disability and Housing	Health, Community and Social Services

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Disability, Housing and Community Services (cont'd)	Commissioner for Social Housing	Minister for Disability and Housing	Health, Community and Social Services
	Community Affairs—Ageing	Minister for Ageing	Health, Community and Social Services
	Community Affairs—Indigenous Affairs	Minister for Indigenous Affairs	Health, Community and Social Services
	Community Affairs—Women	Minister for Women	Health, Community and Social Services
	Community Affairs—Multicultural Affairs	Minister for Multicultural Affairs	Health, Community and Social Services
	Children, Youth and Family Services	Minister for Children and Young People	Education, Training and Youth Affairs
	Official Visitor— <i>Children and Young People Act 2008</i>	Minister for Children and Young People	Education, Training and Youth Affairs
Department of Education and Training		Minister for Education and Training	Education, Training and Youth Affairs
Department of Justice and Community Safety		Attorney-General	Justice and Community Safety
	Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
Department of Territory and Municipal Services		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
	Animal Welfare Authority	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
	Australian Capital Tourism	Minister for Tourism, Sport and Recreation	Public Accounts
	Conservator of Flora and Fauna	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
	Environmental Protection Agency	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
	Heritage Council	Minister for the Arts and Heritage	Planning, Public Works and Territory and Municipal Services
Department of Treasury		Treasurer	Public Accounts

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Director of Public Prosecutions		Attorney-General	Justice and Community Safety
Exhibition Park Corporation		Treasurer	Public Accounts
Independent Competition and Regulatory Commission		Attorney-General	Justice and Community Safety
Land Development Agency		Chief Minister	Planning, Public Works and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Nominal Defendant for the ACT		Treasurer	Public Accounts
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Rhodium Asset Solutions		Treasurer	Public Accounts
Totalcare Industries Limited		Treasurer	Public Accounts
University of Canberra		Minister for Education and Training	Education, Training and Youth Affairs
Victims of Crime Support Program		Attorney-General	Justice and Community Safety

Question—put and passed.

15 **LATIMER HOUSE PRINCIPLES—ENDORSEMENT—CONTINUING RESOLUTION**

Mr Corbell (Manager of Government Business), by leave, moved—That this Assembly endorses the following continuing resolution:

Endorsement of the Commonwealth (Latimer) House Principles on the Three Branches of Government

That:

(1) **Preamble**

Members of the Legislative Assembly endorse and adopt the Commonwealth (Latimer) House Principles on the Three Branches of Government as agreed by Law Ministers and endorsed by the Commonwealth Heads of Government Meeting, Abuja, Nigeria, 2003.

Members do so in acknowledgment that the principles express the fundamental values they believe should govern the relationship between the three branches of government in the Australian Capital Territory.

The Principles

(2) Objective

The objective of these Principles is to provide, in accordance with the laws and customs of each Commonwealth country, an effective framework for the implementation by governments, parliaments and judiciaries of the Commonwealth's fundamental values.

(a) The Three Branches of Government

Each Commonwealth country's parliaments, executives and judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.

(b) Parliament and the Judiciary

- (i) Relations between parliament and the judiciary should be governed by respect for parliament's primary responsibility for law making on the one hand and for the judiciary's responsibility for the interpretation and application of the law on the other hand.
- (ii) Judiciaries and parliaments should fulfil their respective but critical roles in the promotion of the rule of law in a complementary and constructive manner.

(c) Independence of Parliamentarians

- (i) Parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from unlawful interference.
- (ii) Criminal and defamation laws should not be used to restrict legitimate criticism of parliament; the offence of contempt of parliament should be narrowly drawn and reporting of the proceedings of parliament should not be unduly restricted by narrow application of the defence of qualified privilege.

(d) Independence of the Judiciary

An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice. The function of the judiciary is to interpret and apply national constitutions and legislation, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country.

To secure these aims:

- (i) Judicial appointments should be made on the basis of clearly defined criteria and by a publicly declared process. The process should ensure:

- (A) equality of opportunity for all who are eligible for judicial office;
 - (B) appointment on merit; and
 - (C) that appropriate consideration is given to the need for the progressive attainment of gender equity and the removal of other historic factors of discrimination.
- (ii) Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place.
 - (iii) Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independence sought.
 - (iv) Interaction, if any, between the executive and the judiciary should not compromise judicial independence. Judges should be subject to suspension or removal only for reasons of incapacity or misbehaviour that clearly renders them unfit to discharge their duties. Court proceedings should, unless the law or overriding public interest otherwise dictates, be open to the public. Superior Court decisions should be published and accessible to the public and be given in a timely manner. An independent, effective and competent legal profession is fundamental to the upholding of the rule of law and the independence of the judiciary.
- (e) **Public Office Holders**
- (i) Merit and proven integrity, should be the criteria of eligibility for appointment to public office.
 - (ii) Subject to (i), measures may be taken, where possible and appropriate, to ensure that the holders of all public offices generally reflect the composition of the community in terms of gender, ethnicity, social and religious groups and regional balance.
- (f) **Ethical Governance**
- Ministers, members of parliament, judicial officers and public office holders in each jurisdiction should respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issue of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence.
- (g) **Accountability Mechanisms**
- (i) **Executive Accountability to Parliament**
- Parliaments and governments should maintain high standards of accountability, transparency and responsibility in the conduct of all public business. Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to parliament.

(ii) Judicial Accountability

Judges are accountable to the Constitution and to the law which they must apply honestly, independently and with integrity. The principles of judicial accountability and independence underpin public confidence in the judicial system and the importance of the judiciary as one of the three pillars upon which a responsible government relies. In addition to providing proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered. Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness. The criminal law and contempt proceedings should not be used to restrict legitimate criticism of the performance of judicial functions.

(iii) Judicial review

Best democratic principles require that the actions of governments are open to scrutiny by the courts, to ensure that decisions taken comply with the Constitution, with relevant statutes and other law, including the law relating to the principles of natural justice.

(h) The law-making process

In order to enhance the effectiveness of law making as an essential element of the good governance agenda:

- (i) there should be adequate parliamentary examination of proposed legislation;
- (ii) where appropriate, opportunity should be given for public input into the legislative process; and
- (iii) parliaments should, where relevant, be given the opportunity to consider international instruments or regional conventions agreed to by governments.

(i) Oversight of Government

The promotion of zero-tolerance for corruption is vital to good governance. A transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process. Steps which may be taken to encourage public sector accountability include:

- (i) The establishment of scrutiny bodies and mechanisms to oversee government, enhances public confidence in the integrity and acceptability of government's activities. Independent bodies such as public accounts committees, ombudsmen, human rights commissions, auditors-general, anti-corruption commissions, information commissioners and similar oversight institutions can play a key role in enhancing public awareness of good governance and rule of law issues. Governments are encouraged to establish or enhance appropriate oversight bodies in accordance with national circumstances.

(ii) Government's transparency and accountability is promoted by an independent and vibrant media which is responsible, objective and impartial and which is protected by law in its freedom to report and comment upon public affairs.

(j) Civil Society

Parliaments and governments should recognise the role that civil society plays in the implementation of the Commonwealth's fundamental values and should strive for a constructive relationship with civil society to ensure that there is broader opportunity for lawful participation in the democratic process.

(3) This resolution has effect from the commencement of the Seventh Assembly and continues in force unless and until amended or repealed by this or subsequent Assembly.

Debate ensued.

Mr Rattenbury addressing the Assembly—

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.

16 QUESTIONS

Questions without notice were asked.

17 PAPER

Ms Gallagher (Treasurer), having added to an answer, presented the following paper:
Business Cycle—Reference List.

18 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Intergovernmental agreements—

Agreement on Murray-Darling Basin Reform, dated 3 July 2008.

Food Regulation Agreement, dated 3 July 2008.

Gene Technology Agreement, dated 3 July 2008.

Queanbeyan Water Supply Agreement.

Regulatory and Operational Reform in Occupational Health and Safety, dated 3 July 2008.

19 PRESENTATION OF PAPERS

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

Gene Technology Act—

Pursuant to subsection 136(2)—Operations of the Gene Technology Regulator—
Annual report 2007-2008, dated 23 September 2008.

Pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—
Quarterly report—1 April to 30 June 2008, dated 26 September 2008.

Human Cloning and Embryo Research Act, pursuant to section 50—National Health and Medical Research Council—Embryo Research Licensing Committee—Report to the Parliament of Australia for the period 1 October 2007 to 31 March 2008, dated June 2008.

20 PRESENTATION OF PAPERS

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

Classification of Publications—Guidelines, dated 26 March 2008.

ACT Criminal Justice—Statistical Profile 2008—June quarter.

21 STATE OF THE ENVIRONMENT REPORT 2007-2008—GOVERNMENT RESPONSE—STATEMENT BY MINISTER

Mr Corbell (Minister for the Environment, Climate Change and Water), by leave, made a statement in relation to the Government response to the State of the Environment Report 2007-2008.

22 PLANNING AND DEVELOPMENT ACT—SCHEDULES—LEASES GRANTED—PAPER AND STATEMENT BY MINISTER

Mr Barr (Minister for Planning) presented the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Schedules—Leases granted for the period 1 July to 30 September 2008—

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

23 PRESENTATION OF PAPER

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

Ministerial statement—Portfolio responsibilities—Mr Barr.

24 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—OLDER CANBERRANS—IMPORTANCE OF PROMOTING EMPOWERMENT AND INCLUSION

The Assembly was informed that Ms Burch, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, 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 Porter be submitted to the Assembly, namely, “The importance of promoting the empowerment and inclusion of older Canberrans”.

Discussion ensued.

Discussion concluded.

25 LATIMER HOUSE PRINCIPLES

The order of the day having been read for the resumption of the debate on the Motion of Mr Corbell (Manager of Government Business) (*see* [entry 15](#))—

Debate resumed.

Mr Rattenbury, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Question—put and passed.

26 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REFERENCE—LATIMER HOUSE PRINCIPLES

Ms Hunter, by leave, moved—That the Standing Committee for Administration and Procedure:

- (1) inquire into appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House Principles in the governance of the ACT; and
- (2) report to the Assembly by the last sitting week in June 2009.

Paper: Ms Hunter, by leave, presented the following paper:

Latimer House Principles—Copy of the Edinburgh Plan of Action for the Commonwealth, dated 7 July 2008.

Debate continued.

Question—put and passed.

27 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence from 12 December 2008 to 9 February 2009 inclusive be given to all Members.

Question—put and passed.

28 STANDING COMMITTEES—MEMBERSHIP

Mr Corbell, pursuant to standing order 223, moved—That:

- (1) Ms Porter be discharged as a member of the Standing Committee on Health, Community and Social Services;
- (2) Ms Burch be discharged as a member of the Standing Committee on Justice and Community Safety;
- (3) Ms Porter be appointed as a member of the Standing Committee on Justice and Community Safety; and
- (4) Ms Burch be appointed as a member of the Standing Committee on Health, Community and Social Services.

Question—put and passed.

29 DEVELOPMENT APPLICATION (BLOCK 20 SECTION 23 HUME) ASSESSMENT FACILITATION BILL 2008

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.

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

Proposed gas fired power station and data centre—Copy of email to ACT Liberal and ACT Greens MLAs from Mr Alan Kerlin, President, Gungahlin Community Council, dated 11 December 2008.

Debate continued.

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

Detail Stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9—

Debate continued.

Proposed order to table document: Mrs Dunne, pursuant to standing order 213, moved—That the document quoted from by Mr Stanhope (Chief Minister) be presented to the Assembly.

The Assembly voted—

AYES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 11

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

And so it was negatived.

Debate continued.

Question—That clause 9 be agreed to—put and negatived.

Clauses 10 to 13, by leave, taken together and agreed to.

Dictionary agreed to.

Preamble—

On the motion of Mr Seselja, his amendment No. 1 (*see* Schedule 2) was made, after debate.

Preamble, as amended, agreed to.

Title agreed to.

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

30 APPROPRIATION BILL 2008-2009 (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.

Mr Smyth addressing the Assembly—

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

Ms Gallagher (Deputy Chief Minister) requiring the question to be forthwith without debate—

Question—put and negatived.

Debate continued.

Paper: Ms Gallagher (Treasurer) presented the following paper:

Job cuts—Copy of email from Megan Smithies to the Chief Minister, dated 15 October 2008.

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

Detail Stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7—Consideration by appropriation units: Mr Smyth, by leave, moved—That clause 7 be considered in the following groups of subclauses and separate questions be put on each group:

Subclauses (1) and (2).

Subclause (3).

Subclauses (4) and (5).

Subclause (6).

Subclauses (7) and (8).

Subclauses (9) and (10).

Subclauses (11) and (12).

Subclauses (13) and (14).

Subclauses (15), (16) and (17).

Subclauses (18) and (19).

Question—put and passed.

Clause 7—

Subclauses (1) and (2) debated and agreed to.

Subclause (3) debated and agreed to.

Subclauses (4) and (5) debated and agreed to.

Subclause (6) debated and agreed to.

Subclauses (7) and (8) debated and agreed to.

Subclauses (9) and (10) debated and agreed to.

Subclauses (11) and (12) debated and agreed to.

Subclauses (13) and (14) debated and agreed to.

Subclauses (15), (16) and (17) debated and agreed to.

Subclauses (18) and (19) debated and agreed to.

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

Debate continued.

Remainder of Bill agreed to.

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

31 ROAD TRANSPORT (THIRD-PARTY INSURANCE) AMENDMENT BILL 2008 (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 and passed.

Leave granted to dispense with the detail stage.

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

32 SUSPENSION OF STANDING AND TEMPORARY ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Ms Gallagher (Deputy Chief Minister) moved—That so much of the standing and temporary orders be suspended as would prevent the adjournment debate for today continuing past 30 minutes.

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

33 ADJOURNMENT

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

Debate ensued.

The debate having been closed by the reply of Ms Gallagher—

Mr Coe, Mr Doszpot and Mr Hargreaves (Minister for Disability and Housing), by leave, addressed the Assembly.

Question—put and passed.

And then the Assembly, at 11 p.m., adjourned until Tuesday, 10 February 2009 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

DEVELOPMENT APPLICATION (BLOCK 20 SECTION 23 HUME) ASSESSMENT FACILITATION BILL 2008

Amendment circulated by Mr Seselja

1
Clause 9
Page 5, line 5—

[oppose the clause]

Schedule 2

DEVELOPMENT APPLICATION (BLOCK 20 SECTION 23 HUME) ASSESSMENT FACILITATION BILL 2008

Amendment circulated by Mr Seselja

1

Preamble

Page 2, line 2—

omit Preamble, substitute

Preamble

Following advice from the ACT Government as to the suitability of the site, a development application was made for a proposed development that involves the construction of a data centre and power co-generation facility of block 1676, District of Tuggeranong.

Significant concerns about the process associated with the site selection and the assessment of the development application have been raised by the community and by Members of the Assembly.

Concerns about the site selection process were raised in the Auditor General's Report No. 7 of 2008.

Many members of the community and the majority of Members of the Legislative Assembly oppose the proposed development going ahead on the Tuggeranong site.

Block 20 section 23 Hume may be suitable for the proposed development.

The Legislative Assembly considers that—

- The construction of the data centre and gas powered co-generation facility is important for the ACT.
- This facility should not be constructed on block 1676, District of Tuggeranong.
- In light of the role the ACT Government played in the selection of block 1676, District of Tuggeranong, it is appropriate that consideration of an application for development on the Hume site should be expedited.

For these reasons, the Legislative Assembly wishes to facilitate the processing of a development application in relation to block 20 section 23 Hume.
