LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009–2010–2011–2012

MINUTES OF PROCEEDINGS

No. 139

TUESDAY, 20 MARCH 2012

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 INDEPENDENT WORKPLACE AUDIT—LEADER OF THE OPPOSITION'S OFFICE—TIMING OF REPORT—STATEMENT BY SPEAKER

The Speaker made a statement concerning the timing of the report of the independent auditor's review into staffing arrangements in the office of the Leader of the Opposition.

3 PETITION—MINISTERIAL RESPONSE

The Clerk announced that the following response to a petition had been lodged by:

Mr Corbell (Attorney-General), dated 9 March 2012—Response to petition No. 127, lodged by Ms Bresnan on 8 December 2011, concerning public debate on ACT drug laws and policies.

4 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—INQUIRY—LIQUOR LICENSING FEES REVIEW AND SUBORDINATE LEGISLATION—AMENDMENT TO RESOLUTION

Mrs Dunne (Chair), by leave, moved—That the resolution of the Assembly of 17 November 2011 referring the Liquor Licensing Fees Review and subordinate legislation to the Committee for inquiry and report be amended by omitting the words "by the first sitting day in March 2012" and substituting "by the last sitting day in May 2012" and inserting a new paragraph (2A):

"(2A) if the Assembly is not sitting when the report is completed the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation;".

Question—put and passed.

5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 49—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 49, dated 15 March 2012, together with the relevant minutes of proceedings—

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

6 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—LONG SERVICE LEAVE (PORTABLE SCHEMES) AMENDMENT BILL 2011—PROPOSED GOVERNMENT AMENDMENTS—STATEMENT BY CHAIR

Mrs Dunne (Chair), pursuant to standing order 246A, advised the Assembly that the Standing Committee on Justice and Community Safety (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee) had examined the proposed Government amendments to the Long Service Leave (Portable Schemes) Amendment Bill 2011 and had no comment to make.

7 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRY—ROAD TRANSPORT (THIRD-PARTY INSURANCE) AMENDMENT BILL 2011—STATEMENT BY CHAIR—AMENDMENT TO RESOLUTION—ORDER TO TABLE—TREASURER—MOTION OF GRAVE CONCERN

Ms Le Couteur (Chair), pursuant to standing order 246A, made a statement concerning the Standing Committee on Public Accounts' inquiry into the Road Transport (Third-Party Insurance) Amendment Bill 2011.

Ms Le Couteur, by leave, moved—That the resolution of the Assembly of 31 March 2011 concerning the referral of the Road Transport (Third-Party Insurance) Amendment Bill 2011 to the Standing Committee on Public Accounts for inquiry and report, be amended by:

(1) omitting the words "by the first sitting week in March 2012" and substituting "by the second sitting week in May 2012"; and

(2) adding a new paragraph (3):

"(3) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation.".

Mr Smyth, by leave, moved the following amendment to Ms Le Couteur's paragraph (2): Add new paragraphs (4) and (5):

"(4) requires the Treasurer to table, by the close of business today, the report of the review of the *Road Transport (Third-Party Insurance) Act 2008*; and

(5) censures the Treasurer for failing to comply with the requirements of section 275 of the *Road Transport (Third-Party Insurance) Act 2008*.".

Debate continued.

Ms Le Couteur moved the following amendment to Mr Smyth's proposed amendment: Omit paragraph (5), substitute:

"(5) that this Assembly expresses its grave concern for the Treasurer's failure to comply with the requirements of section 275 of the *Road Transport (Third-Party Insurance) Act 2008*.".

Debate continued.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

"That the resolution of the Assembly of 31 March 2011 concerning the referral of the Road Transport (Third-Party Insurance) Amendment Bill 2011 to the Standing Committee on Public Accounts for inquiry and report, be amended by:

(1) omitting the words 'by the first sitting week in March 2012' and substituting 'by the second sitting week in May 2012'; and

(2) adding the following new paragraphs:

'(3) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation;

(4) requires the Treasurer to table, by the close of business today, the report of the review of the *Road Transport (Third-Party Insurance) Act 2008*; and

(5) that this Assembly expresses its grave concern for the Treasurer's failure to comply with the requirements of section 275 of the *Road Transport (Third-Party Insurance) Act 2008*.'."—

be agreed to—put and passed.

8 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

The Speaker, pursuant to standing order 223, advised the Assembly that he had approved the discharge of Mr Hargreaves from the membership of the Standing Committee on Administration and Procedure and the appointment of Ms Porter in his place, and presented the following paper:

Paper: Standing Committee on Administration and Procedure—Membership—Letter to the Speaker from Ms Porter, dated 3 March 2012.

Mr Corbell (Manager of Government Business), pursuant to standing order 223, moved—That Ms Porter be appointed as a member of the Standing Committee on Administration and Procedure.

Debate ensued.

Question—put and passed.

9 ROAD TRANSPORT (GENERAL) 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.

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

Detail Stage

Bill, by leave, taken as a whole—

Ms Bresnan moved her amendment No. 1 (*see* Schedule 1).

Debate continued.

Question—put.

The Assembly voted—

AYES, 4	NOES, 13	
Ms Bresnan	Mr Barr	Ms Gallagher
Ms Hunter	Dr Bourke	Mr Hanson
Ms Le Couteur	Ms Burch	Mr Hargreaves
Mr Rattenbury	Mr Coe	Ms Porter
	Mr Corbell	Mr Seselja
	Mr Doszpot	Mr Smyth
	Mrs Dunne	

And so it was negatived.

Bill, as a whole, agreed to.

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

10 WORKERS COMPENSATION (TERRORISM) AMENDMENT BILL 2012

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 LONG SERVICE LEAVE (PORTABLE SCHEMES) 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.

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 Dr Bourke (Minister for Industrial Relations), by leave, his amendments Nos. 1 to 3 (*see* Schedule 2) were made together.

Paper: Dr Bourke 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.

12 ROAD TRANSPORT (THIRD-PARTY INSURANCE) ACT—A.C.T. CTP SCHEME—REVIEW OF ACT—PAPER AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPER

Mr Barr (Treasurer), by leave, presented the following paper:

Road Transport (Third-Party Insurance) Act, pursuant to subsection 275(2)—ACT CTP Scheme—Review of Act—

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

Mr Barr moved—That the Assembly takes note of the paper.

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

13 QUESTIONS

Questions without notice being asked—

Paper: Dr Bourke (Minister for Education and Training) presented the following paper:

Emergency response guide—ACT Government—Education and Training.

Order to table document moved: Mr Smyth, pursuant to standing order 213, moved—That Dr Bourke (Minister for Education and Training) table the document he was quoting from.

Debate ensued.

Mr Smyth, by leave, withdrew the motion.

Paper: Dr Bourke presented the following paper:

Weapons in schools—Talking points.

Questions continued.

Paper: Ms Gallagher (Chief Minister) presented the following paper:

Statement of Commitment to Canberra and Launch of Centenary of Canberra—Copy of Prime Minister's speech—Monday, 12 March 2012.

Questions continued.

14 QUESTION ON NOTICE NO. 2009—ANSWER—EXPLANATION

Mr Smyth, pursuant to standing order 118A, asked Mr Barr (Treasurer) for an explanation concerning the answer to question on notice No. 2009.

Mr Barr gave an explanation.

15 QUESTIONS ON NOTICE NOS. 2012 AND 2026—ANSWERS—EXPLANATIONS

Mr Smyth, pursuant to standing order 118A, asked Ms Gallagher (Chief Minister) for explanations concerning the answers to questions on notice Nos. 2012 and 2026.

Ms Gallagher gave explanations.

16 QUESTION ON NOTICE NO. 1994—ANSWER—EXPLANATION

Mrs Dunne, pursuant to standing order 118A, asked Mr Corbell (Attorney-General) for an explanation concerning the answer to question on notice No. 1994.

Mr Corbell gave an explanation.

17 QUESTIONS ON NOTICE NOS. 1996 AND 1997—ANSWERS—EXPLANATIONS

Mr Smyth, pursuant to standing order 118A, asked Mr Corbell (Minister for the Environment and Sustainable Development) for explanations concerning the answers to questions on notice Nos. 1996 and 1997.

Mr Corbell gave explanations.

18 QUESTION ON NOTICE NO. 2000—ANSWER—EXPLANATION

Mrs Dunne, pursuant to standing order 118A, asked Dr Bourke (Minister for Industrial Relations) for an explanation concerning the answer to question on notice No. 2000.

Dr Bourke gave an explanation.

19 QUESTION ON NOTICE NO. 2015—ANSWER—EXPLANATION

Mr Coe, pursuant to standing order 118A, asked Ms Gallagher (Minister for Territory and Municipal Services) for an explanation concerning the answer to question on notice No. 2015.

Ms Gallagher gave an explanation.

20 PRESENTATION OF PAPERS

The Speaker, pursuant to standing order 191, presented the following papers:

Standing order 191—Amendments to:

Business Names Registration (Transition to Commonwealth) Bill 2011, dated 24 February 2012.

Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011, dated 27 and 28 February 2012.

Electoral Legislation Amendment Bill 2011, dated 24 February 2012.

Food Amendment Bill 2011, dated 27 and 28 February 2012.

Transplantation and Anatomy Amendment Bill 2011, dated 27 and 28 February 2012.

Work Health and Safety (Bullying) Amendment Bill 2011, dated 27 and 28 February 2012.

21 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Ms Gallagher (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contract:

Kuan Yian Sim, dated 1 March 2012.

Short-term contracts:

Barry Folpp, dated 24 and 29 February 2012.

Bianca Kimber, dated 2 February 2012.

Ian David Hill, dated 13 February 2012.

Jeremy David Henry Roberts, dated 2 February 2012.

Kathleen Goth, dated 13 February 2012.

Liliana Hays, dated 2 February 2012.

Mark Doverty, dated 5 September 2011.

Mary Toohey, dated 2 February 2012.

Michael Brice, dated 15 February 2012.

Michael Brown, dated 2 February 2012.

Contract variations:

David Dawes, dated 13 and 14 February 2012.

David Papps, dated 13 and 14 February 2012.

Elizabeth Beattie, dated 31 January and 2 February 2012.

Glenn Lacey, dated 8 December 2011.

Lana Junakovic, dated 16 January 2012.

Richard Baumgart, dated 5 and 6 March 2012.

Ross McKay, dated 16 December 2011—

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

22 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 20—INQUIRY INTO THE EXPOSURE DRAFT OF THE FINANCIAL MANAGEMENT (ETHICAL INVESTMENT) LEGISLATION AMENDMENT BILL 2010—GOVERNMENT RESPONSE—PAPER NOTED

Mr Barr (Treasurer) presented the following paper:

Public Accounts—Standing Committee—Report 20—*Inquiry into the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill 2010*—Government response—

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

Debate ensued.

Question—put and passed.

23 INTERJECTIONS DURING QUESTION TIME—STATEMENT BY ASSISTANT SPEAKER—STATEMENTS BY MEMBERS

The Assistant Speaker (Mr Hargreaves) made a statement concerning the number of interjections during question time.

Mr Hanson and Mr Coe, by indulgence, also made statements in relation to the matter.

24 PRESENTATION OF PAPERS

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

Australian Crime Commission (ACT) Act, pursuant to subsection 51(5)—Australian Crime Commission—Board of the Australian Crime Commission—Chair annual report 2010-11, dated 9 December 2011.

ACT Criminal Justice—Statistical Profile 2011—December quarter.

25 NATIONAL ENVIRONMENT PROTECTION COUNCIL ACT—NATIONAL ENVIRONMENT PROTECTION COUNCIL—ANNUAL REPORT 2010-2011—PAPER AND STATEMENT BY MINISTER

Mr Corbell (Minister for the Environment and Sustainable Development) presented the following paper:

National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—Annual report 2010-2011—

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

26 PRESENTATION OF PAPER

Dr Bourke (Minister for Industrial Relations) presented the following paper:

OHS Liaison Officer funding—Review, prepared by the Chair, Work Safety Council, dated November 2011.

27 PETITIONS OUT-OF-ORDER—PAPERS

Mr Corbell (Manager of Government Business) presented the following papers:

Petitions which do not conform with the standing orders—

University of Canberra—Japanese Language Program—Ms Bresnan (1076 signatures).

Tuggeranong Town Square—Increased security—Mr Corbell (286 signatures).

28 A.C.T. EMERGENCY SERVICES AGENCY RESPONSE TO THE MARCH 2012 WEATHER EVENT—MINISTERIAL STATEMENT—STATEMENT BY MEMBER

Mr Corbell (Minister for Police and Emergency Services), by leave, made a ministerial statement concerning the ACT Emergency Services Agency response to the March 2012 weather event.

Mr Smyth, by leave, also made a statement in relation to the matter.

29 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—REDUCING CRIME—AN EVIDENCE-BASED APPROACH

The Assembly was informed that Ms Bresnan, Mr Coe, 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 Hunter be submitted to the Assembly, namely, "An evidence-based approach to reducing crime in the ACT".

Discussion ensued.

Discussion concluded.

30 MOTION OF NO CONFIDENCE IN ASSISTANT SPEAKER—LEAVE NOT GRANTED

Mr Hanson sought leave to move a motion of no confidence in Mr Hargreaves (Assistant Speaker).

Objection being raised, leave not granted.

31 SUSPENSION OF STANDING AND TEMPORARY ORDERS MOVED—MOTION OF NO CONFIDENCE IN ASSISTANT SPEAKER

Mr Smyth moved—That so much of the standing and temporary orders be suspended as would prevent Mr Hanson from moving a motion of no confidence in Mr Hargreaves (Assistant Speaker).

Debate ensued.

Mr Smyth, by leave, withdrew his motion.

32 ASSISTANT SPEAKER—STATEMENT BY SPEAKER

The Speaker made a statement concerning comments made by Mr Hargreaves (Assistant Speaker) earlier in the proceedings today.

33 ASSISTANT SPEAKER—PROPOSED MOTION OF NO CONFIDENCE

Mr Hanson, by leave, moved—That this Assembly has no confidence in Mr Hargreaves in his capacity as Assistant Speaker.

Debate ensued.

Question—put.

The Assembly voted—

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

And so it was negatived.

33 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 6.22 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

SCHEDULES OF AMENDMENTS

Schedule 1

ROAD TRANSPORT (GENERAL) AMENDMENT BILL 2011

Amendment circulated by Ms Bresnan

1
Clause 5
Proposed new section 58B (5)
Page 4, line 4—

omit

Schedule 2

LONG SERVICE LEAVE (PORTABLE SCHEMES) AMENDMENT BILL 2011

Amendments circulated by the Minister for Industrial Relations

1
Clause 27
Proposed new section 80C (1)
Page 13, line 15—

omit

5 business days

substitute

28 days

2
Clause 27
Proposed new section 80C (2)
Page 13, line 19—

omit

3
Proposed new clause 52A
Page 21, line 20—

insert

52A Schedule 4, table, items 16 and 17, column 2

omit

69 (3)

substitute

69 (4)