



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009–2010–2011–2012

MINUTES OF PROCEEDINGS

No. 135

THURSDAY, 16 FEBRUARY 2012

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 MR HARGREAVES—PROPOSED CENSURE

Mr Smyth, by leave, moved—That the Assembly:

- (1) notes the quite unprecedented and disgraceful attack that was made on the Tuggeranong Community Council and on other individuals by the Government Whip, Mr John Hargreaves MLA; and
- (2) calls on:
 - (a) the Assembly to censure Mr Hargreaves for his comments about the Tuggeranong Community Council and other individuals;
 - (b) the ACT Government to remove Mr Hargreaves from his position as Government Whip.

Debate ensued.

Closure: Mr Corbell (Manager of Government Business) moved—That the question be now put.

Question—That the question be now put—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.

And the question—That the motion be agreed to—being accordingly put.

The Assembly voted—

AYES, 6

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

NOES, 11

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

And so it was negatived.

3 **CRIMES (CHILD SEX OFFENDERS) AMENDMENT BILL 2012**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes (Child Sex Offenders) Act 2005*, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 15 February 2012.

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.

4 **WORKERS COMPENSATION (TERRORISM) AMENDMENT BILL 2012**

Dr Bourke (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Workers Compensation Act 1951*.

Papers: Dr Bourke presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 15 February 2012.

Title read by Clerk.

Dr Bourke 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.

5 **PLANNING AND DEVELOPMENT ACT—PLANNING AND DEVELOPMENT AMENDMENT REGULATION 2011 (NO. 1)—SUBORDINATE LAW SL2011-30—PROPOSED MOTION TO DISALLOW—RESOLUTION OF AMENDMENT**

Ms Le Couteur, pursuant to notice, moved—That this Assembly:

- (1) notes that the Minister for the Environment and Sustainable Development approved a Planning and Development Regulation which exempts an area on the Kingston Foreshore from third party appeals on approved development applications; and
- (2) disallows Subordinate Law SL2011-30, Planning and Development Amendment Regulation 2011 (No. 1), including a regulatory impact statement.

Debate ensued.

Mr Dunne moved the following amendment: Omit paragraph (2), substitute:

- “(2) amend the definition of “*Kingston Foreshore*” in Subordinate Law SL2011-30, Planning and Development Amendment Regulation 2011 (No. 1), including the associated regulatory impact statement and explanatory statement, to exclude section 49 from the area outlined in bold on the plan in Schedule 3, part 3.4, division 3.4.6.”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that the Minister for the Environment and Sustainable Development approved a Planning and Development Regulation which exempts an area on the Kingston Foreshore from third party appeals on approved development applications; and
- (2) amend the definition of “*Kingston Foreshore*” in Subordinate Law SL2011-30, Planning and Development Amendment Regulation 2011 (No. 1), including the associated regulatory impact statement and explanatory statement, to exclude section 49 from the area outlined in bold on the plan in Schedule 3, part 3.4, division 3.4.6.”—

be agreed to—put and passed.

6 PUBLIC ACCOUNTS—STANDING COMMITTEE—PROPOSED REFERENCE—GOVERNMENT OFFICE BUILDING PROJECT—CIVIC

Mr Seselja (Leader of the Opposition), pursuant to notice, moved—That:

- (1) the matter pertaining to the Government Office Building be referred to the Standing Committee on Public Accounts for inquiry and report;
- (2) the Committee is to investigate the Government’s:
 - (a) decision to discontinue this project;
 - (b) consideration of the opportunity cost of the project against other significant infrastructure projects;
 - (c) status on its whole-of-government accommodation strategy subsequent to its latest decision;
 - (d) business case, economic analysis, environmental analysis, design, planning, procurement and risk management considerations to date;
 - (e) financial basis for the \$34.5 million claimed savings; and
 - (f) finances expended and committed thus far; and

- (3) the Standing Committee on Public Accounts shall report on its inquiry by the last sitting day in May 2012.

Mr Seselja addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

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

Mr Seselja continued.

Debate ensued.

Mr Seselja closing debate—

The extended time allotted to Assembly business having expired—

Suspension of standing and temporary orders—Continuation of debate: Mr Smyth moved—That so much of the standing and temporary orders be suspended as would prevent the Assembly concluding its consideration of notice No. 2, Assembly business, relating to the proposed reference of the Government Office Building project to the Standing Committee on Public Accounts.

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

Mr Seselja continued.

Question—put.

The Assembly voted—

AYES, 5

Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 10

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

And so it was negatived.

7 QUESTIONS

Questions without notice were asked.

8 LEADER OF THE OPPOSITION—STAFFING MATTERS—ORDER TO PROVIDE WRITTEN STATEMENT—STATEMENT BY MEMBER—PAPER—STATEMENT BY MINISTER

Mr Seselja (Leader of the Opposition), by leave, made a statement concerning record keeping practices by members of his staff and, pursuant to the resolution of the Assembly of 14 February 2012, presented the following paper:

Leader of the Opposition—Staffing matters—Order to provide written statement—Statement from Mr Seselja, MLA, Leader of the Opposition, dated 16 February 2012.

Ms Gallagher (Chief Minister), by leave, also made a statement in relation to the matter.

9 COMMISSIONER FOR THE ENVIRONMENT ACT—COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT—REPORT ON THE INVESTIGATION INTO THE GOVERNMENT’S TREE MANAGEMENT PRACTICES AND THE RENEWAL OF CANBERRA’S URBAN FOREST—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Minister for Territory and Municipal Services) presented the following paper:

Commissioner for the Environment Act—Commissioner for Sustainability and the Environment—Report on the Investigation into the Government’s tree management practices and the renewal of Canberra’s urban forest—Government response—

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

10 TERRITORY RECORDS ACT—REVIEW OF THE OPERATION OF THE ACT—REPORT NO. 3 TO THE A.C.T. LEGISLATIVE ASSEMBLY—PAPER AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following paper:

Territory Records Act—Review of the operation of the Act—Report No. 3 to the ACT Legislative Assembly on the effectiveness of amendments made to the *Territory Records Act 2002* and standards either revised or issued under the Act, in response to the Review of the Operation of the *Territory Records Act 2002*—

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

11 FINANCIAL MANAGEMENT ACT—INSTRUMENTS—PAPERS AND STATEMENT BY MINISTER

Mr Barr (Treasurer) presented the following papers:

Financial Management Act, pursuant to—

Section 14—Instruments, including statements of reasons, directing a transfer of funds—

From Community Services Directorate to Housing ACT, dated 3 January 2012.

From Economic Development Directorate to Territory and Municipal Services Directorate, dated 22 and 23 January 2012.

Within Economic Development Directorate, dated 19 and 20 December 2011.

Section 16—Instrument directing a transfer of appropriations relating to the Administrative Arrangements 2011 (No. 1), including a statement of reasons, dated 21 December 2011.

Section 16B—Instruments, including statements of reasons, authorising the rollover of undisbursed appropriation of—

Canberra Institute of Technology, Superannuation Provision Account, Legal Aid Commission (ACT) and Shared Services Centre, dated 20 and 21 January 2012.

Environment and Sustainable Development Directorate, dated 20 January 2012.

Section 18A—Authorisations of expenditure from the Treasurer’s Advance, including statements of reasons, to—

Justice and Community Safety Directorate, dated 13 December 2011.

Legal Aid Commission (ACT), dated 13 December 2011—

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

12 A.C.T. FESTIVAL FUND—2012 FUNDING ROUND 2—INFORMATION BOOKLET—PAPER AND STATEMENT BY MINISTER

Mr Barr (Minister for Tourism, Sport and Recreation), pursuant to the resolution of the Assembly of 16 November 2011, presented the following paper:

ACT Festival Fund—2012 Funding Round 2—Information booklet—

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

13 EDUCATION AND CARE SERVICES NATIONAL LAW—EDUCATION AND CARE SERVICES NATIONAL REGULATIONS—PAPER AND STATEMENT BY MINISTER

Ms Burch (Minister for Community Services) presented the following paper:

Education and Care Services National Law—Education and Care Services National Regulations, dated 9 December 2011, together with an explanatory statement—

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

14 LONG SERVICE LEAVE (PORTABLE SCHEMES) AMENDMENT BILL 2011—REVISED EXPLANATORY STATEMENT—PAPER AND STATEMENT BY MINISTER

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

Long Service Leave (Portable Schemes) Amendment Bill 2011—Revised explanatory statement—

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

15 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—SCHOOL INFRASTRUCTURE

The Assembly was informed that Ms Bresnan, Mr Coe, Mr Doszpot, 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 Mr Hargreaves be submitted to the Assembly, namely, “The importance of making and supporting quality and timely investments in school infrastructure in the ACT”.

Discussion ensued.

Discussion concluded.

16 ELECTORAL LEGISLATION 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

Clauses 1 to 6, by leave, taken together and agreed to.
 Clauses 7 and 8, by leave, taken together and negatived.
 Clause 9 agreed to.
 Clause 10 negatived.
 Clauses 11 to 23, by leave, taken together and agreed to.
 Remainder of Bill, by leave, taken as a whole and agreed to.

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

17 BUSINESS NAMES REGISTRATION (TRANSITION TO COMMONWEALTH) 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.

Paper: Mr Corbell (Attorney-General) presented a revised explanatory statement to the Bill.

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.

18 T2 LANE—ADELAIDE AVENUE—REINSTATEMENT—STATEMENT BY MINISTER—PAPER—PAPER NOTED

Ms Gallagher (Minister for Territory and Municipal Services), by leave, pursuant to the resolution of the Assembly of 16 November 2011, made a statement regarding reinstatement of the T2 lane on Adelaide Avenue.

Ms Gallagher presented the following paper:

Transit Lane Warrants Study, prepared by AECOM Australia Pty Ltd for Roads ACT, dated 1 February 2012—

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

Debate ensued.

Question—put and passed.

19 SUSPENSION OF STANDING AND TEMPORARY ORDERS—CONSIDERATION OF PRIVATE MEMBERS' BUSINESS

Mr Corbell (Manager of Government Business) moved—That so much of the standing and temporary orders be suspended as would prevent Private Members' business, order of the day No. 18—Children and Young People (Transition to Independence) Amendment Bill 2011 being called on and debated cognately with Executive business, order of the day No. 3—Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011.

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

20 CHILDREN AND YOUNG PEOPLE (TRANSITION FROM OUT-OF-HOME CARE) 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.

Ms Hunter addressing the Assembly—

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

Ms Burch (Minister for Community Services) requiring the question to be put forthwith without debate—

Question—put and negatived.

Ms Hunter continued.

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

21 ADJOURNMENT

Ms Burch (Minister for Community Services) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.33 p.m., adjourned until Tuesday, 21 February 2012 at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly