



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009–2010

### MINUTES OF PROCEEDINGS

No. 54

**TUESDAY, 16 MARCH 2010**

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**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 PETITION—MINISTERIAL RESPONSE**

The Clerk announced that the following response to a petition had been lodged by Ms Gallagher (Minister for Health):

Petition No. 106, lodged by Mr Stanhope on 9 February 2010, concerning the proposed sale of Clare Holland House, dated 4 March 2010.

**3 LEAVE OF ABSENCE TO MEMBER**

Ms Bresnan moved—That leave of absence be granted to Ms Hunter for this sitting due to ill health.

Question—put and passed.

**4 ATTORNEY-GENERAL—PROPOSED CENSURE**

Mr Seselja (Leader of the Opposition), by leave, moved—That this Assembly censures the Attorney-General for persistently and wilfully misleading the Assembly in relation to the Home Insulation Scheme by denying:

- (1) the existence of any documents relating to the scheme only to subsequently release hundreds of documents upon being forced to through a motion in the Assembly;
- (2) that the ACT Government had received complaints about “dodgy” installation of insulation; and

- (3) that the ACT Government had received complaints about poor installation of insulation.

*Paper:* Mrs Dunne, by leave, presented the following paper:

Commonwealth Home Insulation Scheme—Copy of email from Andrew Hunter, Senior Adviser, Office of Mary Porter, AM, MLA, to Andrew Butters and Ashley King, dated 15 January 2010.

Debate continued.

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

Mr Smyth, by leave, was granted an extension of time.

Debate continued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 10	
Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
Mr Seselja		Ms Gallagher	Mr Stanhope

And so it was negatived.

**5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 20—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 20, dated 15 March 2010, together with the relevant minutes of proceedings—

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

**6 PUBLIC ACCOUNTS—STANDING COMMITTEE—AUDITOR-GENERAL'S REPORTS—GOVERNMENT SUBMISSIONS—STATEMENT BY CHAIR**

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly of the Standing Committee on Public Accounts' concern about overdue Government submissions to Auditor-General's reports, in particular:

No. 2/2008—Management of Calvary Hospital Agreements.

No. 2/2009—Follow-up Audit: Implementation of Audit Recommendations on Road Safety.

No. 5/2009—Administration of employment issues for staff of Members of the ACT Legislative Assembly.

No. 6/2009—Government Office Accommodation.

**7 CLIMATE CHANGE, ENVIRONMENT AND WATER—STANDING COMMITTEE—INQUIRY—A.C.T. GREENHOUSE GAS REDUCTION TARGETS—AMENDMENT TO RESOLUTION**

Mr Hargreaves (Deputy Chair), by leave, moved—That the resolution of the Assembly of 11 December 2008, as amended 23 June and 15 September 2009, which referred the issue of ACT greenhouse gas reduction targets to the Standing Committee on Climate Change, Environment and Water be amended by omitting the following words in paragraph (3):

“present a final report by the last sitting in March 2010;”

and substituting:

“present a final report by the last sitting in August 2010;”.

Question—put and passed.

**8 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 5—GOVERNMENT RESPONSE—STATEMENT BY MINISTER**

Ms Burch (Minister for Disability, Housing and Community Services), by leave, made a statement concerning the Government response to Report 5 of the Standing Committee on Public Accounts, entitled *Review of Auditor-General’s Report No. 4 of 2008: Maintenance of Public Housing*.

**9 HEALTH PRACTITIONER REGULATION NATIONAL LAW (A.C.T.) BILL 2009**

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 Hanson 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.

**10 QUESTIONS**

Questions without notice were asked.

**11 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Standing order 191—Amendments to:

Children and Young People Amendment Bill 2009 (No. 2), dated 2 March 2010.

Construction Occupations Legislation Amendment Bill 2009, dated 2 March 2010.

Human Rights Commission Legislation Amendment Bill 2009, dated 1 March 2010.

Surveyors Amendment Bill 2009, dated 1 March 2010.

**12 PRESENTATION OF PAPERS**

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

Commonwealth Home Insulation Program—

Letter to the Speaker from the Attorney-General, dated 3 March 2010.

Documents (various) held by the ACT Government.

**13 PRESENTATION OF PAPERS**

Mr Stanhope (Chief Minister) presented the following papers:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—

Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2010 (No. 1)—Notifiable Instrument NI2010-71, dated 4 February 2010.

Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2010 (No. 2)—Notifiable Instrument NI2010-122, dated 10 March 2010.

**14 PRESENTATION OF PAPER**

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

Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 July to 30 September 2009, dated 25 November 2009.

**15 PRESENTATION OF PAPER**

Ms Gallagher (Minister for Industrial Relations) presented the following paper:

Long Service Leave (Portable Schemes) Act—Long Service Leave (Portable Schemes) Employers Levy Determination 2009—Disallowable Instrument DI2009-256—Revised explanatory statement.

**16 COMMISSIONER FOR THE ENVIRONMENT ACT—COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT—REPORT ON A.C.T. LOWLAND NATIVE GRASSLAND INVESTIGATION—GOVERNMENT RESPONSE—PAPER—MOTION TO TAKE NOTE OF PAPER**

Mr Corbell (Minister for the Environment, Climate Change and Water) presented the following paper:

Commissioner for the Environment Act—Commissioner for Sustainability and the Environment—Report on ACT Lowland Native Grassland Investigation—Government response—

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

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

**17 INDEPENDENT COMPETITION AND REGULATORY COMMISSION—REPORT 4 OF 2010—FINAL REPORT—ELECTRICITY FEED-IN RENEWABLE ENERGY PREMIUM: DETERMINATION OF PREMIUM RATE—PAPER—PAPER NOTED**

Mr Corbell (Minister for Energy) presented the following paper:

Independent Competition and Regulatory Commission—Report 4 of 2010—Final Report—Electricity Feed-in Renewable Energy Premium: Determination of Premium Rate, dated March 2010—

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

Debate ensued.

Question—put and passed.

**18 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—CATHOLIC EDUCATION**

The Assembly was informed that Ms Bresnan, Mr Doszpot, Mrs Dunne, Mr Hanson, Mr Hargreaves, 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 Smyth be submitted to the Assembly, namely, “The role of Catholic education in the ACT”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

**19 HEALTH PRACTITIONER REGULATION NATIONAL LAW (A.C.T.) BILL 2009**

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.

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*Detail Stage*

Clauses 1 to 10, by leave, taken together and agreed to.

*New clause—*

On the motion of Ms Gallagher (Minister for Health), pursuant to standing order 182A(b), by leave, new clause 10A (her amendment No. 1—*see* [Schedule 1](#)) was inserted in the Bill, after debate.

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

Clauses 11 to 14, by leave, taken together and agreed to.

Schedule 1—

Modification 1.1—

Mr Hanson moved his amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 10	
Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
Mr Seselja		Ms Gallagher	Mr Stanhope

And so it was negatived.

Modification 1.1 agreed to.

Modification 1.2 agreed to.

Modification 1.3—

Ms Bresnan, by leave, moved her amendments Nos. 1 and 2 together (*see* [Schedule 3](#)).

Debate continued.

Amendments negatived.

Modification 1.3 agreed to.

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

Mr Hanson, by leave, moved his amendments Nos. 3 to 11 together (*see* [Schedule 2](#)).

Debate continued.

Amendments negatived.

Remainder of Bill, as a whole, agreed to.

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

## 20 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 6.04 p.m., adjourned until tomorrow at 10 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Ms Hunter\*.

\*on leave

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**M M KIERMAIER**  
Acting Clerk of the Legislative Assembly

## SCHEDULES OF AMENDMENTS

### Schedule 1

#### **HEALTH PRACTITIONER REGULATION NATIONAL LAW (ACT) BILL 2009**

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Amendment circulated by the Minister for Health

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**1**

**Proposed new clause 10A**

**Page 5, line 20—**

*insert*

#### **10A Review of Act**

- (1) The Minister must as soon as practicable after 1 July 2011—
    - (a) review the operation of this Act in relation to the relationship of the National Boards and the health complaints entity; and
    - (b) present a report of the review to the Legislative Assembly.
  - (2) This section expires on 1 July 2012.
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**Schedule 2****HEALTH PRACTITIONER REGULATION NATIONAL  
LAW (ACT) BILL 2009**

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Amendments circulated by Mr Hanson

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**1**  
**Schedule 1, modification 1.1**  
**Page 8, line 5—**

*omit*

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**2**  
**Schedule 1, modification 1.3**  
**Page 9, line 1—**

*omit*

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**3**  
**Schedule 1, modification 1.5**  
**Page 10, line 8—**

*omit*

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**4**  
**Schedule 1, modification 1.11**  
**Proposed new section 167 (4)**  
**Page 12, line 8—**

*omit*

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**5**  
**Schedule 1, modification 1.16**  
**Page 13, line 6—**

*omit*

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**6**  
**Schedule 1, modification 1.17**  
**Page 13, line 19—**

*omit*

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**7**  
**Schedule 1, modification 1.18**  
**Page 14, line 1—**

*omit*

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**8**  
**Schedule 1, modification 1.19**  
**Page 14, line 12—**

*omit*

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**9**

**Schedule 1, modification 1.20**

**Page 14, line 20—**

*omit*

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**10**

**Schedule 1, modification 1.21**

**Page 14, line 24—**

*omit*

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**11**

**Schedule 1, modification 1.22**

**Page 15, line 1—**

*omit*

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**Schedule 3****HEALTH PRACTITIONER REGULATION NATIONAL  
LAW (ACT) BILL 2009**

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Amendments circulated by Ms Bresnan

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**1**

**Schedule 1, modification 1.3**

**Proposed new section 150 (4A) (d)**

**Page 9, line 14—**

*omit*

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**2**

**Schedule 1, modification 1.3**

**Proposed new section 150 (4B)**

**Page 9, line 25—**

*insert*

- (4B) If a notification or complaint is referred to the health complaints entity under subsection (4A) (c), the health complaints entity may refer the notification or complaint to a National Board to investigate under part 8, division 8 (Investigations).
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