



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009

MINUTES OF PROCEEDINGS

No. 45

TUESDAY, 8 DECEMBER 2009

- 1 The Assembly met at 10 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Rattenbury) ordered the bells to be rung. A quorum having been formed, the Speaker 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 **SPEAKER'S RULING—MATTERS OF PUBLIC IMPORTANCE**

The Speaker informed the Assembly that, pursuant to standing order 130, the matters of public importance lodged by Mr Coe, Mr Doszpot, Mrs Dunne, Mr Smyth and Mr Seselja (Leader of the Opposition) were out of order as they anticipated debate on order of the day No. 13, Private Members' business.

- 3 **JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 16—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 16, dated 7 December 2009, together with the relevant minutes of proceedings—

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

4 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 5—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 4 OF 2008: MAINTENANCE OF PUBLIC HOUSING—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Public Accounts—Standing Committee—Report 5—*Review of Auditor-General's Report No. 4 of 2008: Maintenance of Public Housing*, dated 2 December 2009, 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.

5 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRY—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:

(1) No. 3/2008—Records Management in ACT Government Agencies.

(2) No. 3/2009—Management of Respite Care Services—

and had resolved to conduct an inquiry into, and report on, Auditor-General's Report No. 3/2008.

6 CIVIL PARTNERSHIPS AMENDMENT BILL 2009 (NO. 2)

Mr Corbell (Attorney-General), by leave, presented a Bill for an Act to amend the *Civil Partnerships Act 2008*, 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 7 December 2009.

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 SMOKING (PROHIBITION IN ENCLOSED PUBLIC PLACES) AMENDMENT 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.

Detail Stage

Bill, by leave, taken as a whole—

Mr Hanson moved his amendment No. 1 (*see* Schedule 1).

Debate continued.

Question—put.

The Assembly voted—

AYES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

NOES, 9

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

And so it was negatived.

Bill, as a whole, agreed to.

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

8 RATES AND LAND TAX LEGISLATION AMENDMENT 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.

Leave granted to dispense with the detail stage.

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

9 RACING AMENDMENT 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.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Barr (Minister for Gaming and Racing), pursuant to standing order 182A(b), by leave, his amendments Nos. 1 to 3 (*see* Schedule 2) were made together, after debate.

Paper: Mr Barr 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.

10 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2009 (NO. 4)

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—

Mrs Dunne, by leave, moved her amendments Nos. 1 to 3 together (*see* Schedule 3).

Debate continued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 6	
Ms Bresnan	Mr Hanson	Mr Barr	Mr Hargreaves
Mr Coe	Ms Le Couteur	Ms Burch	Mr Stanhope
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	

And so it was resolved in the affirmative.

Bill, as a whole, as amended, agreed to.

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

11 SPEAKER'S RULING—MATTERS OF PUBLIC IMPORTANCE

The Speaker informed the Assembly that, pursuant to standing order 130, the matters of public importance lodged by Mr Hargreaves and Ms Porter were out of order as they anticipated debate on order of the day No. 16, Private Members' business. As a consequence, there would be no discussion of a matter of public importance today.

12 QUESTIONS

Questions without notice were asked.

13 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Standing order 191—Amendments to:

Building and Construction Industry (Security of Payment) Bill 2009, dated 24 November 2009.

Financial Management (Board Composition) Amendment Bill 2009, dated 24 November 2009.

Statute Law Amendment Bill 2009 (No. 2), dated 24 November 2009.

ACT Legislative Assembly Secretariat—Annual Report 2008-2009—Erratum, dated 1 December 2009.

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

Mr Stanhope (Chief Minister) presented the following papers:

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

Long-term contracts:

Christopher Reynolds, dated 25 August 2009.

Hamish McNulty, dated 17 November 2009.

Joanne Howard.

Short-term contracts:

Barry Folpp, dated 26 October 2009.

Christine Murray, dated 23 October 2009.

Conrad Barr, dated 28 October 2009.

David Evans, dated 31 October 2009.

Glenn Lacey, dated 4 and 9 November 2009.

Greg Kent (2), dated 28 October and 6 November 2009.

Jon Quiggin, dated 26 October 2009.

Paul Coleman, dated 26 October 2009.

Phil Canham, dated 9 November 2009.

Contract variations:

Danielle Krajina, dated 11 November 2009.

David Dutton, dated 19 and 22 October 2009.

David Read, dated 26 October 2009.

Eric Swan, dated 12 November 2009.

Glenn Bain, dated 10 November 2009.

Jayne Johnston, dated 5 November 2009.

Jocelyn Vasey, dated 5 November 2009.

Kaaren Blom, dated 6 November 2009.

Martin Hehir, dated 4 and 5 November 2009.

Susan Hall, dated 6 November 2009.

Tania Manuel, dated 26 October 2009—

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

15 ADMINISTRATIVE ARRANGEMENTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Administrative Arrangements—

Administrative Arrangements 2009 (No. 3)—Notifiable Instrument NI2009-593, dated 30 November 2009.

Australian Capital Territory (Self-Government) Ministerial Appointment 2009 (No. 3)—Notifiable Instrument NI2009-594 (Special Gazette No. S5, Tuesday 1 December, 2009)—

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

16 PRESENTATION OF PAPER

Mr Stanhope (Minister for Land and Property Services), pursuant to the resolution of the Assembly of 25 February 2009, presented the following paper:

Hawker—Blocks 8 and 10 Section 34—Planning study, prepared by the Land Development Agency, dated November 2009.

17 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Chief Minister's Department to the Department of Land and Property Services, including a statement of reasons, dated 1 December 2009—

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

18 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Department of Justice and Community Safety, including a statement of reasons, dated 23 November 2009—

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

19 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 4—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 8 OF 2008: 2007-08 FINANCIAL AUDITS—GOVERNMENT RESPONSE—STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Public Accounts—Standing Committee—Report 4—*Review of Auditor-General's Report No. 8 of 2008: 2007-08 Financial Audits*—Government response—

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

20 GENERAL PRACTICE AND SUSTAINABLE PRIMARY HEALTH CARE: THE WAY FORWARD—FINAL REPORT—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPER

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

General Practice and Sustainable Primary Health Care: The Way Forward—Final report—September 2009—Government response—

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

Ms Gallagher moved—That the Assembly takes note of the paper.

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

21 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 2008-2009, dated 16 September 2009.

Pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 April to 30 June 2009, dated 3 September 2009.

22 PRESENTATION OF PAPER

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

Education Act, pursuant to section 66A—Government Schools Education Council—ACT Budget 2010-2011.

23 WORKERS COMPENSATION AMENDMENT BILL 2009—REVISED EXPLANATORY STATEMENT

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

Workers Compensation Amendment Bill 2009—Revised explanatory statement.

24 A.C.T. YOUNG PEOPLE'S PLAN 2009-2014—PAPERS AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPERS

Ms Burch (Minister for Children and Young People) presented the following papers:

ACT Young People's Plan 2009-2014—

Plan, dated December 2009.

Delivering, dated December 2009.

Developing, dated December 2009—

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

Ms Burch moved—That the Assembly takes note of the papers.

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

25 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Education Act—Education (School Boards of School-Related Institutions) Early Childhood Schools Determination 2009—Disallowable Instrument DI2009-226 (LR, 12 November 2009).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Investigation into Projected Costs of the enlarged Cotter Dam water security project) Terms of Reference Determination 2009—Disallowable Instrument DI2009-227 (LR, 12 November 2009).

Radiation Protection Act—Radiation Protection (Fees) Determination 2009 (No. 1)—Disallowable Instrument DI2009-228 (LR, 16 November 2009).

26 NATION BUILDING AND JOBS PLAN—IMPLEMENTATION IN THE A.C.T.—SECOND QUARTERLY REPORT 2009—MINISTERIAL STATEMENT—PAPER

Mr Stanhope (Chief Minister), by leave, made a ministerial statement concerning the second report on the implementation of the Nation Building and Jobs Plan in the ACT and presented the following paper:

Nation Building and Jobs Plan—Implementation in the ACT—Second quarterly report 2009—Ministerial statement, 8 December 2009.

27 ADJOURNMENT

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

Debate ensued.

The time allotted for the debate having expired—

Question—put and passed.

And then the Assembly, at 3.59 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

SMOKING (PROHIBITION IN ENCLOSED PUBLIC PLACES) AMENDMENT BILL 2009

Amendment circulated by Mr Hanson

1

Clause 11

Proposed new section 9F (4) (b)

Page 11, line 21—

omit proposed new section 9F (4) (b), substitute

- (b) if the total area of the licensed outdoor area of the premises that is not an off-gaming area is 100m² or more—up to 50% of that area; and
 - (c) if the total area of the licensed outdoor area of the premises that is not an off-gaming area is less than 100m²—
 - (i) if it is a single area—up to 100% of that area; or
 - (ii) if it is made up of 2 or more separate areas—up to 100% of the smallest area (or any 1) of those areas.
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Schedule 2

RACING AMENDMENT BILL 2009

Amendments circulated by the Minister for Gaming and Racing

1

Clause 4

Proposed new section 61H (b)

Page 6, line 14—

omit proposed new section 61H (b), substitute

- (b) the operator does not comply with a condition on the approval that was imposed by the commission.

2

Clause 4

Proposed new section 61N

Page 11, line 6—

omit proposed new section 61N, substitute

61N Other conditions of approval

An approval issued under section 61K, or a renewal issued under section 61Q—

- (a) is subject to the conditions prescribed by regulation; and
(b) may be subject to any other condition imposed by the commission.

3

Clause 6

Schedule 3, proposed new items 6 and 7

Page 17—

omit proposed new items 6 and 7, substitute

6	61N (b)	issue approval on condition	applicant for approval
7	61N (b)	renew approval on condition	licensed wagering operator

Schedule 3

JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2009 (NO. 4)

Amendments circulated by Mrs Dunne

1

Clause 2 (1) (except notes)

Page 2, line 5—

omit clause 2 (1) (except notes), substitute

- (1) Schedule 1, part 1.7 (Trustee Companies Act 1947) commences on a day fixed by the Minister by written notice.
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2

Schedule 1, part 1.5

Page 6, line 17—

omit

3

Schedule 1, part 1.6

Page 7, line 15—

omit
