



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2008–2009**

**MINUTES OF PROCEEDINGS**

**No. 37**

**WEDNESDAY, 14 OCTOBER 2009**

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- 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 asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**2 SCHOOL CLOSURES**

Mr Doszpot, pursuant to notice, moved—That this Assembly:

- (1) notes:
- (a) recommendation 13 of the Standing Committee on Education, Training and Youth Affairs inquiry into school closures and reform of the ACT education system, which states that based on the demographic, educational, social and economic evidence presented during the inquiry, that the Government immediately commences the process to reopen the Hall and Tharwa primary schools; and
  - (b) the demographic, educational, social and economic evidence that supports the reopening of Flynn and Cook primary schools; and
- (2) calls on the ACT Government to immediately commence the process to reopen Hall, Tharwa, Flynn and Cook primary schools.

Debate ensued.

Ms Hunter moved—That the debate be adjourned.

Question—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Question—That the resumption of the debate be made an order of the day for the next sitting—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

### 3 SUPERMARKET SECTOR—INCREASED COMPETITION

Ms Porter, pursuant to notice, moved—That this Assembly supports efforts to increase competition in the ACT's supermarket sector both at the retail and wholesale level.

Debate ensued.

Question—put and passed.

### 4 CALVARY HOSPITAL AND CLARE HOLLAND HOUSE—PROPOSED PURCHASE AND SALE—PROPOSED REFERRAL TO THE AUDITOR-GENERAL

Mr Hanson, pursuant to notice, moved—That:

- (1) this Assembly refer to the Auditor-General for independent analysis, evaluation and audit the matter of the ACT Government proposal to purchase Calvary Hospital, and to sell Clare Holland House;
- (2) without limiting the scope of the audit, the Auditor-General will examine:
  - (a) operation and compliance with the original and supplementary agreements between Little Company of Mary and government bodies;
  - (b) procedural fairness of any alterations proposed to these agreements;
  - (c) any business case used by the ACT Government to justify the proposal;
  - (d) any evidence of:
    - (i) efficiencies that would be achieved by the proposal; and
    - (ii) enhanced health outcomes achieved by the proposal;

- (e) the methodology, process and data used to value:
    - (i) Clare Holland House at \$9 million; and
    - (ii) Calvary Public Hospital at \$77 million;
  - (f) the timeframes and methodology used in the ACT Treasury's Financial Analysis; and
  - (g) the validity of the data presented in the ACT Treasury's Financial Analysis of the proposal; and
- (3) the Auditor-General's audit be presented to the Assembly no later than the first sitting day of 2010.

Debate ensued.

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.

## 5 QUESTIONS

Questions without notice were asked.

## 6 QUESTION ON NOTICE NO. 260—ANSWER—EXPLANATION

Mrs Dunne, pursuant to standing order 118A, asked Mr Hargreaves (Minister for Corrections) for an explanation concerning the answer to question on notice No. 260.

Mr Corbell (Attorney-General) gave an explanation.

## 7 CALVARY HOSPITAL AND CLARE HOLLAND HOUSE—PROPOSED PURCHASE AND SALE—PROPOSED REFERRAL TO THE AUDITOR-GENERAL

The order of the day having been read for the resumption of the debate on the motion of Mr Hanson (*see* [entry 4](#))—

Debate resumed.

Question—put.

The Assembly voted—

AYES, 5

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Smyth

NOES, 10

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

And so it was negatived.

## 8 COMMUNITY HOUSING

Ms Bresnan, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) the growing role of non-government housing providers in the supply and management of supported and affordable housing;

- (b) the difference that the ownership of housing, and its condition, can make to providers' viability; and
  - (c) the impact of the formulae for government funding to providers on the quality of the providers' services; and
- (2) calls on the ACT Government to:
- (a) commission an independent comparative analysis of the formulae for government funding, and the property ownership and equity models, that apply to the various non-government housing providers within the ACT and in each State and Territory, with a view to their impact on the viability of non-government housing providers and quality of services the providers can deliver; and
  - (b) table that analysis in the Assembly by the last sitting week in November 2009.

Mr Hargreaves (Minister for Disability and Housing) moved the following amendment: Omit all words after paragraph (1)(c), substitute:

- “(d) that the Commonwealth Government has commissioned KPMG in 2009 to provide strategic advice on the viability and sustainability of the community housing sector in Australia and to assess prospects for growth;
- (e) that the ACT Government will circulate the terms of reference of the project once permission for its publication has been received from KPMG and the Commonwealth;
- (f) that the ACT Government will table the KPMG report upon receipt; and
- (g) that the work undertaken by KPMG will inform further policy formulation with regards to community housing and it is noted that this will avoid a duplication of both effort and cost.”.

Debate continued.

Question—That Mr Hargreaves' amendment be agreed to—put.

The Assembly voted—

AYES, 11

Mr Barr  
 Ms Burch  
 Mr Coe  
 Mr Corbell  
 Mr Doszpot  
 Mrs Dunne

Ms Gallagher  
 Mr Hanson  
 Mr Hargreaves  
 Ms Porter  
 Mr Smyth

NOES, 4

Ms Bresnan  
 Ms Hunter  
 Ms Le Couteur  
 Mr Rattenbury

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly notes:

- (1) the growing role of non-government housing providers in the supply and management of supported and affordable housing;
- (2) the difference that the ownership of housing, and its condition, can make to providers' viability;

- (3) the impact of the formulae for government funding to providers on the quality of the providers' services;
- (4) that the Commonwealth Government has commissioned KPMG in 2009 to provide strategic advice on the viability and sustainability of the community housing sector in Australia and to assess prospects for growth;
- (5) that the ACT Government will circulate the terms of reference of the project once permission for its publication has been received from KPMG and the Commonwealth;
- (6) that the ACT Government will table the KPMG report upon receipt; and
- (7) that the work undertaken by KPMG will inform further policy formulation with regards to community housing and it is noted that this will avoid a duplication of both effort and cost.”—

be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 4
Mr Barr	Ms Gallagher	Ms Bresnan
Ms Burch	Mr Hanson	Ms Hunter
Mr Coe	Mr Hargreaves	Ms Le Couteur
Mr Corbell	Ms Porter	Mr Rattenbury
Mr Doszpot	Mr Smyth	
Mrs Dunne		

And so it was resolved in the affirmative.

## 9 COURTS AND TRIBUNAL (APPOINTMENTS) 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.

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### *Detail Stage*

Bill, by leave, taken as a whole—

Mr Corbell (Attorney-General), by leave, moved his amendments Nos. 1 to 9 together (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 3
Mr Barr	Mr Hargreaves	Mr Doszpot
Ms Bresnan	Ms Hunter	Mrs Dunne
Mr Corbell	Ms Le Couteur	Mr Smyth
Ms Gallagher	Mr Rattenbury	

And so it was resolved in the affirmative.

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

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

## **10 ADJOURNMENT NEGATIVED**

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

Mr Corbell (Manager of Government Business) requiring the question to be forthwith without debate—

Question—put and negatived.

## **11 ANTI-POVERTY WEEK**

Ms Hunter, pursuant to notice, moved—That this Assembly:

- (1) supports the aims of Anti-Poverty Week, commencing 11 and concluding 17 October 2009, which strive to:
  - (a) strengthen public understanding of the causes and consequences of poverty and hardship around the world and in Australia; and
  - (b) encourage research, discussion and action to address these problems, including action by individuals, communities, organisations and governments;
- (2) notes:
  - (a) that this week highlights the needs of vulnerable and disadvantaged people and the causes and consequences of poverty and hardship; and
  - (b) that as a consequence of the recent global economic crisis greater numbers of families and individuals are relying upon assistance from community organisations which provide services to those most vulnerable and in need; and
- (3) calls on the Government to:
  - (a) commit to quarantining community organisations, which provide assistance to people in poverty, from efficiency dividend measures in the 2010-2011 Budget; and
  - (b) include a poverty impact analysis as part of the triple bottom line framework that is currently being developed by government.

Debate ensued.

Mrs Dunne moved the following amendment: Omit paragraph (3).

Debate continued.

Amendment negatived.

Question—put and passed.

**12 ADJOURNMENT**

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.54 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.

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULE OF AMENDMENTS

## Schedule 1

### COURTS AND TRIBUNAL (APPOINTMENTS) AMENDMENT BILL 2009

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Amendments circulated by the Attorney-General

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**1**

**Part 2**

**Page 3, line 1—**

*omit*

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**2**

**Clause 6**

**Proposed new section 7AA**

**Page 5, line 6—**

*omit proposed new section 7AA, substitute*

#### **7AA Requirements of appointment—magistrates**

- (1) The Executive must, in relation to the appointment of magistrates, determine—
  - (a) the criteria that apply to the selection of a person for appointment; and
  - (b) the process for selecting the person.
- (2) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

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**3**

**Clause 7**

**Proposed new section 8AA**

**Page 6, line 3—**

*omit proposed new section 8AA, substitute*

#### **8AA Requirements of appointment—special magistrates**

- (1) The Executive must, in relation to the appointment of special magistrates, determine—
  - (a) the criteria that apply to the selection of a person for appointment; and
  - (b) the process for selecting the person.
- (2) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

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 4
**Clause 8****Page 6, line 16—***[oppose the clause]*


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 5
**Clause 9****Page 7, line 1—***[oppose the clause]*


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 6
**Clause 11****Proposed new section 4AA****Page 8, line 6—***omit proposed new section 4AA, substitute***4AA Requirements of appointment—resident judges**

- (1) The Executive must, in relation to the appointment of resident judges, determine—
  - (a) the criteria that apply to the selection of a person for appointment; and
  - (b) the process for selecting the person.
- (2) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

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 7
**Clause 12****Proposed new section 40A****Page 9, line 3—***omit proposed new section 40A, substitute***40A Requirements of appointment—master**

- (1) The Executive must, in relation to the appointment of the master, determine—
  - (a) the criteria that apply to the selection of a person for appointment; and
  - (b) the process for selecting the person.
- (2) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

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 8
**Clause 13****Page 9, line 15—***[oppose the clause]*

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**9****Clause 14****Page 10, line 1—***[oppose the clause]*

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