LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008-2009

NOTICE PAPER

No. 14

WEDNESDAY, 1 APRIL 2009

The Assembly meets this day at 10 am

PRIVATE MEMBERS' BUSINESS

Notices

*1 **MR RATTENBURY:** To present a Bill for an Act to amend the *Associations Incorporation Act 1991*, and for other purposes. *(Notice given 31 March 2009).*

*2 **MS LE COUTEUR**: To present a Bill for an Act to promote the use of solar and other efficient hot water systems in the ACT, and for other purposes. *(Notice given 31 March 2009).*

3 **MS PORTER**: To move—That this Assembly:

(1) notes that the abrupt closure of the Kippax Family Practice has caused significant concern and disruption to staff and patients and the local community; and

(2) calls on the ACT Government to investigate possible legislative responses that could be pursued to ensure that patients are afforded an appropriate period of notice. (*Notice given 24 March 2009. Notice will be removed from the Notice Paper unless called on within 7 sitting weeks – standing order 125A.*)

** Notifications to which an asterisk (*) is prefixed appear for the first time*

Orders of the day

1 **GOVERNMENT AGENCIES (CAMPAIGN ADVERTISING) BILL 2008**: *(Mr Seselja)* Agreement in principle—Resumption of debate *(from 10 December 2008—Mr Corbell).*

Notices - continued

*4 **MS HUNTER**: To move—That this Assembly:

(1) notes :

(a) the importance of providing opportunities for young Canberrans to reach their potential;

(b) the events currently occurring around the ACT and nationally as part of Youth Week 2009; and

(c) the success of Youth Week for highlighting the achievements and concerns of young people; and

(1) calls on the Government to:

(a) commit to ongoing support for Youth Week and other youth events; and

(b) produce an updated ACT Young People's plan in order to provide a framework for the implementation of adequate and appropriate youth-centred and youth-oriented policy, services and programs across the whole of Government. (*Notice given 31 March 2009. Notice will be removed from the Notice Paper unless called on within 8 sitting weeks – standing order 125A.*)

*5 **MR HANSON**: To move—That this Assembly:

(1) notes that:

(a) serious and organised crime poses a major threat to community safety both within the ACT and across Australia and is estimated to cost the community in excess of $10 billion per year from crime related activity; and

(b) organised crime networks, such as outlaw motorcycle gangs (OMCG) operate across State and Territory borders;

(2) acknowledges that:

(a) State and Territory Governments have the primary responsibility of administering and implementing effective laws which restrict and disrupt serious and organised criminal activity within each jurisdiction;

(b) a number of jurisdictions have implemented or are in the process of implementing legislation targeting organised criminal networks to safeguard the community, including South Australia, New South Wales and Queensland;

(c) the Australian Federal Police Association, the professional association representing ACT Policing officers, have consistently called for more effective powers to disrupt organised criminal networks in the ACT, such as those being implemented in other jurisdictions;

(d) legislation targeting organised criminal networks has been successfully implemented in other jurisdictions with protections and oversight mechanisms and contain due regard for civil liberties; and

(e) the Federal Labor Government has singled out Serious and Organised Crime as a threat to national security, as outlined in the First National Security Statement of 4 December 2008, and is currently considering a national approach to this threat;

(3) directs the Government to:

(a) liaise with all other Federal, State and Territory governments to determine what current legislation is in place and what is being proposed to combat organised crime organisations, especially OMCG; and

(b) report back to the Assembly with a summary of other legislation and action being taken by other jurisdictions by the first sitting day in May 2009; and

(4) directs the Government to introduce into the Assembly by the last sitting day in May 2009 legislation that will address deficiencies in current ACT law and ensure consistency with other jurisdictions so that the ACT does not become vulnerable to organised crime, especially OMCG. (*Notice given 31 March 2009. Notice will be removed from the Notice Paper unless called on within 8 sitting weeks – standing order 125A.*)

Orders of the day - continued

2 **ENERGY EFFICIENCY RATINGS**: Resumption of debate *(from 25 March 2009—Mr Smyth)* on the motion of Ms Le Couteur—That this Assembly:

(1) notes:

(a) the lack of:

(i) auditing of energy efficiency ratings of new houses in Canberra;

(ii) sufficient warning to energy auditors to prepare for the new software which will be mandatory from May this year; and

(iii) auditing of the ratings as used by real estate agents to regularly disclose the energy efficiency of houses for sale as per the Sale of Premises Act;

(b) that despite Action 19 in the Government's *Weathering the Change* strategy, there has been no action to extend energy efficiency ratings to commercial and rental buildings; and

(c) the potential for confusion as there will soon be two different ratings schemes for households; and

(2) agrees that the Government should:

(a) immediately start auditing the energy efficiency ratings undertaken last year for new houses and houses for sale;

(b) set a target of auditing at least 5% of ratings on an annual basis; and

(c) urgently implement transitional arrangements, in particular:

(i) inform ACT energy auditors as soon as possible of the new energy efficiency software which will be required under the Building Code of Australia from May 2009;

(ii) clarify which software will be required under the Sale of Premises Act, and inform the real estate industry and energy auditors of this;

(iii) implement an education program to explain the two ratings schemes, so users of the ratings, such as home owners and purchasers, understand how the new ratings relate to the old ones and why ratings are important;

(iv) ensure that there are sufficient trained auditors by May 2009; and

(v) publicly release the energy rating discussion paper published by the ACT Planning and Land Authority last year.

And on the amendment moved by Mr Seselja—Omit all words after "should" in paragraph (2), substitute:

"(a) publicly release the energy rating discussion paper published by the ACT Planning and Land Authority last year; and

(b) ensure the Department for Environment, Climate Change, Water and Energy undertakes an annual review of the ACT Planning and Land Authority's energy efficiency rating scheme and make the report publicly available.".

Notices - continued

*6 **MR SMYTH**: To move—That this Assembly:

(1) notes with concern the reduction in access to Budget information for Members of the Assembly on Budget Day;

(2) regrets the recent tendency to apply the gag to budget debates without detailed discussion of some line items;

(3) requires the Stanhope-Gallagher Government to provide to each Member's office a Budget kit for the Member and for each designated adviser, consisting of both printed budget papers and a CD-ROM at the same time on Budget Day that the Budget lockup commences;

(4) requires the Stanhope-Gallagher Government to make officers available after the adjournment of the morning session on Budget Day to brief the Opposition and cross benches on the Budget; and

(5) considers that each Budget line should have at least one speaker from the Government, the Opposition and the cross benches in the debate on that

appropriation. (*Notice given 31 March 2009. Notice will be removed from the Notice Paper unless called on within 8 sitting weeks – standing order 125A.*)

7 **MS PORTER**: To move—That this Assembly:

(1) supports the Federal Government's compact with the non profit sector and acknowledges the proactive participation of the ACT Government in the consultation process; and

(2) acknowledges the ACT Government's own compact with the non profit sector in the ACT and recognises the mutual benefits that the Federal compact will have in strengthening partnerships with the non profit sector. (*Notice given 24 February 2009. Notice will be removed from the Notice Paper unless called on within 6 sitting weeks – standing order 125A.*)

8 **MS PORTER**: To move—That this Assembly recognises the ACT Government's success in promoting positive ageing strategies and social inclusion, and helping ACT senior citizens live an active and fulfilling life. (*Notice given 24 February 2009. Notice will be removed from the Notice Paper unless called on within 6 sitting weeks – standing order 125A.*)

9 **MS PORTER**: To move—That this Assembly recognises the valuable contribution made by volunteers to the ACT economy, and to the local community. (*Notice given 24 February 2009. Notice will be removed from the Notice Paper unless called on within 6 sitting weeks – standing order 125A.*)

10 **MS PORTER**: To move—That this Assembly:

(1) promotes the World Day of Social Justice, by developing concrete activities in the ACT on 20 February in future years to commemorate this day; and

(2) encourages the Government to actively support social development that is aimed at social justice, solidarity, harmony and equality. (*Notice given 24 February 2009. Notice will be removed from the Notice Paper unless called on within 6 sitting weeks – standing order 125A.*)

11 **MS PORTER**: To move—That this Assembly:

(1) recognises restorative justice as a viable alternative to traditional responses to various forms of disruptive behaviour in ACT schools; and

(2) encourages the ACT Government to consider expanding the opportunities for current and future ACT school teachers to study restorative justice theory and practice. (*Notice given 26 February 2009. Notice will be removed from the Notice Paper unless called on within 7 sitting weeks – standing order 125A.*)

*12 **MR SESELJA**: To move—That this Assembly:

(1) notes:

(a) the failure of the Government to build the Gungahlin Drive Extension "in full, on time and on budget"; and

(b) the lack of appropriate sporting facilities in Gungahlin, including a 50 metre pool; and

(2) calls on the Government to:

(a) ensure the funding for the Gungahlin Drive duplication is included in the budget for the upcoming financial year and that construction commences as soon as possible;

(b) ensure the funding for the Gungahlin pool is included in the budget for the upcoming financial year; and

(c) ensure that Gungahlin is given the appropriate attention and priority in the budget as the fastest growing population centre in the Territory. (*Notice given 31 March 2009. Notice will be removed from the Notice Paper unless called on within 8 sitting weeks – standing order 125A.*)

*13 **MS BRESNAN**: To move—That this Assembly:

(1) notes:

(a) the unacceptable number of people trapped in Canberra hospital beds due to a lack of disability support resources;

(b) the unnecessary cost to the ACT Government for this unfortunate organisation of resources;

(c) the health impacts on those people unreasonably restricted to life in the hospital;

(d) the health impacts on those people unable to access hospital care in a timely manner due to bed blockage; and

(e) the poor policy outcomes that result from long established silos in the ACT public services; and

(2) calls on the ACT Government to:

(a) provide the Assembly with a report on the financial impact of the hospital bed blockage, including:

(i) the number of dischargeable patients in hospital and the time they remain there; and

(ii) annual and daily costs of accommodation provided both in hospital and through an adequate Individual Support Program;

(b) develop a whole of government plan which will, by the end of the year:

(i) return people to their homes and assist them in independent living;

(ii) make best use of available resources; and

(iii) free up the hospital beds as soon as possible; and

(c) table the plan in the Assembly by the June sitting week this year. *(Notice given 31 March 2009. Notice will be removed from the Notice Paper unless called on within 8 sitting weeks – standing order 125A.)*

Orders of the day - continued

3 **LAW OFFICER AMENDMENT BILL 2008**: *(Mrs Dunne)* Agreement in principle—Resumption of debate *(from 10 December 2008—Mr Corbell)*.

4 **LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) AMENDMENT BILL 2008 (NO. 2)**: *(Mr Smyth)* Agreement in principle—Resumption of debate *(from 10 December 2008—Mr Stanhope).*

5 **EDUCATION AMENDMENT BILL 2008**: *(Ms Hunter)* Agreement in principle—Resumption of debate *(from 10 December 2008—Mr Barr).*

6 **CLIMATE CHANGE (GREENHOUSE GAS EMISSIONS TARGETS) BILL 2008 (NO 2)**: *(Mr Seselja)* Agreement in principle—Resumption of debate *(from 10 December 2008—Mr Corbell).*

7 **DUTIES (FIRST HOME OWNER EXEMPTION) AMENDMENT BILL 2008**: *(Mr Seselja)* Agreement in principle—Resumption of debate *(from 10 December 2008—Ms Gallagher).*

8 **ACT ECONOMY**: Resumption of debate *(from 10 December 2008—Ms Hunter, in continuation)* on the motion of Mr Smyth—That this Assembly:

(1) notes:

(a) the failure of the Stanhope-Gallagher Government to recognise the changes that were taking place in the ACT and national economies during 2008;

(b) that the lack of appropriate action by the Stanhope Government will probably lead to the ACT Budget moving into deficit during 2008-09;

(c) that the Chief Minister promised, during the 2008 ACT election campaign, that a re-elected Labor Government will not take the budget into deficit; and

(d) that the Treasurer has subsequently stated "there is a very strong chance … the budget for next year will be in deficit";

(2) regrets the failure of the Stanhope-Gallagher Government to use an additional $1.6 billion in additional revenue to either secure the future of the ACT economy or improve essential services for Canberrans; and

(3) condemns the Stanhope-Gallagher Government for its inaction in dealing with developments in the ACT economy.

EXECUTIVE BUSINESS

Orders of the day

1 **EXHIBITION PARK CORPORATION REPEAL BILL 2009**: *(Minister for Tourism, Sport and Recreation)*: Agreement in principle—Resumption of debate *(from 26 March 2009—Mr Smyth).*

2 **ROADS AND PUBLIC PLACES AMENDMENT BILL 2009**: *(Minister for Transport)*: Agreement in principle—Resumption of debate *(from 26 March 2009—Mr Smyth)*.

3 **ANIMAL DISEASES AMENDMENT BILL 2009**: *(Minister for Territory and Municipal Services)*: Agreement in principle—Resumption of debate *(from 26 March 2009—Mrs Dunne)*.

4 **WATER SECURITY—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**: Resumption of debate *(from 26 March 2009—Mr Doszpot)* on the motion of Mr Corbell—That the Assembly takes note of the paper.

5 **OUTLAW MOTORCYCLE GANGS**: Resumption of debate *(from 31 March 2009—Mrs Dunne)* on the motion of Mr Corbell—That this Assembly:

(1) notes:

(a) current community concerns regarding the activities of outlaw motorcycle gangs (OMCG) and apparent gang related violence in some Australian cities;

(b) the relatively low level of OMCG membership and associated criminal activity in the ACT; and

(c) the involvement of OMCG in organised crime in Australia and overseas;

(2) resolves that the Government provide advice to the Assembly on:

(a) the nature and operation of existing Territory laws used to combat organised crime groups and any proposed review of such laws;

(b) issues arising from the *South Australian Serious and Organised Crime (Control) Act 2008* including any available early evidence as to its operation and efficacy in reducing organised criminal activity;

(c) any legislation introduced into the New South Wales Parliament to provide for special powers to combat OMCG;

(d) any other legislative developments internationally that could be of relevance to combating organised crime groups in the Territory and any available evidence as to the efficacy and operation of such legislation; and

(e) the human rights issues raised by legislation that provides for mechanisms similar to those contained in the South Australian legislation that allow for the banning of certain organisations in circumstances where a sufficient nexus can be established between the organisation and criminal activity; and

(3) resolves that this advice be provided to the Assembly by the last sitting day in June 2009.

ASSEMBLY BUSINESS

Notices

1 **MR SMYTH**: To move—That:

(1) a Select Committee on Estimates 2009-10 be appointed to examine the expenditure proposals contained in Appropriation Bill 2009-2010 and any revenue estimates proposed by the Government in the 2009-2010 Budget;

(2) the Committee be composed of:

(a) one Member to be nominated by the Government;

(b) two Members to be nominated by the Opposition; and

(c) two Members to be nominated by the Greens;

to be notified in writing to the Speaker by 4 pm today;

(3) a non-Government member shall be elected chair of the committee by the committee;

(4) the Government second two ACT public servants to the Committee Office to assist in analysing the 2009-10 ACT Budget and in preparing the report of the committee;

(5) the Committee is to report by 16 June 2009;

(6) 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; and

(7) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders. (*Notice given 24 March 2009. Notice will be removed from the Notice Paper unless called on within 7 sitting weeks – standing order 125A.*)

*2 **MR RATTENBURY**: To move—That temporary order 213A agreed to by the Assembly on 12 February 2009 be amended as follows:

Insert the following new paragraph:

(5A) Where the Assembly requires a document to be returned, either the document requested or a claim of privilege must be given to the Clerk within 14 calendar days of the date of the order by the Assembly. *(Notice given 31 March 2009. Notice will be removed from the Notice Paper unless called on within 8 sitting weeks – standing order 125A.)*

*3 **MR RATTENBURY**: To move—That the following amendments be made to the standing and temporary orders of the Assembly:

(1) Standing order 30

Omit "owners", *substitute* "custodians"

(2) Standing order 74

74 (b) *omit and substitute*

"The Speaker shall fix a later hour for the resumption of debate on any matters under discussion and not disposed of at the time of interruption."

(3) Proposed new standing order 152A

Insert

152A Removal of private Members' business orders of the day from the *Notice Paper*

"After notifying the Member in charge, the Clerk shall remove from the *Notice Paper* any private Members' business order of the day which has not been called on for eight sitting weeks, excluding bills."

(4) Standing order 191

Omit and substitute

"(1) Under the authority of the Speaker, the Clerk may make the following formal amendments to a bill passed by the Assembly before the bill is presented to the Speaker to request notification:

(a) amendments to correct clerical, grammatical or typographical errors;

(b) amendments consequential on the passage of the bill, including:

(i) amendments necessary or desirable to the title, long title or method of citation;

(ii) amendments to correct the citation of an Act;

(iii) renumbering of provisions and updating of cross-references.

(2) The Speaker must advise the Assembly when the amendments are made." (*Notice given 31 March 2009. Notice will be removed from the Notice Paper unless called on within 8 sitting weeks – standing order 125A.*)

4 **MRS DUNNE**: To move—That this Assembly refers the *Freedom of Information Act 1989* (FOI Act) to the Standing Committee on Justice and Community Safety for inquiry and report to the Assembly under the following terms of reference:

(1) The purposes and principles of freedom of information and the development of thinking on access to information since the introduction of the FOI Act.

(2) Whether the FOI Act satisfies those purposes and principles as well as current thinking, in particular regarding the:

(a) objects of the FOI Act;

(b) appropriateness of provisions exempting classes of documents from the Act;

(c) exemption provisions in Part 4 of the FOI Act;

(d) effectiveness of processes under the FOI Act (including application and review processes) and ways in which those processes can be streamlined and made more efficient and user-friendly; and

(e) timeliness and costs of the provision of freedom of information in the ACT.

(3) Ways to improve and modernise freedom of information, including:

(a) relevant existing and proposed Commonwealth, State and Territory laws and practices;

(b) other recent reviews of freedom of information legislation, nationally and internationally;

(c) the operation of the freedom of information regime in an evolving technological environment;

(d) specific issues relating to access by individuals to personal information, including the interaction between freedom of information laws and the protection of privacy interests; and

(e) the interaction of the FOI Act with other mechanisms for accessing information held by government.

(4) Any other relevant matter. (*Notice given 11 February 2009. Notice will be removed from the Notice Paper unless called on within 5 sitting weeks – standing order 125A.*)

Orders of the day

Last sitting week in June 2009

1 **ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE**: Presentation of report on the implementation of the Latimer House principles in the governance of the ACT, pursuant to order of the Assembly of 11 December 2008.

30 July 2009

2 **CLIMATE CHANGE, ENVIRONMENT AND WATER—STANDING COMMITTEE**: Presentation of report on ACT greenhouse gas reduction targets, pursuant to order of the Assembly of 11 December 2008.

First sitting day in August 2009

3 **PLANNING, PUBLIC WORKS AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE**: Presentation of report on the Crimes (Bill Posting) Amendment Bill 2008 pursuant to order of the Assembly of 10 February 2009.

Last sitting day in August 2009

4 **JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE**: Presentation of report on the Crimes (Murder) Amendment Bill 2008 pursuant to order of the Assembly of 10 February 2009.

5 **ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE:** Presentation of report on the merit of appointing a parliamentary budget officer, pursuant to order of the Assembly of 12 February 2009.

First sitting day in October 2009

6 **PLANNING, PUBLIC WORKS AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE**: Presentation of report on supporting live music and events in the community pursuant to order of the Assembly of 25 February 2009.

Referred to Standing Committee on Planning, Public Works and Territory and Municipal Services on

10 February 2009

CRIMES (BILL POSTING) AMENDMENT BILL 2008: *(Minister for Territory and Municipal Services)*: Agreement in principle—Resumption of debate *(from 10 February 2009).*

Referred to Standing Committee on Justice and Community Safety on

10 February 2009

CRIMES (MURDER) AMENDMENT BILL 2008: *(Attorney-General)*: Detail stage—Clause 1—Resumption of debate *(from 10 February 2009).*

QUESTIONS ON NOTICE

On the first sitting day of a period of sittings a complete *Notice Paper* is published containing all unanswered questions. On subsequent days, only new and redirected or revised questions are included on the *Notice Paper*.

Unanswered questions

29, 30, 73, 76, 83, 92, 93, 95, 100, 104-148.

New questions

(30 days expires 1 May 2009)

*149 **MR SMYTH:** To ask the Treasurer—

(1) What amount of unclaimed trust money was held by the Territory as at 1 January for each of the past ten years.

(2) If there was unclaimed trust money in any of these years, was a statement prepared of the status of the trust banking account for each year; if so, when was this statement prepared; if not, why not.

(3) If any such statements were prepared, were these statements published in a newspaper published in the ACT; if so, on what dates; if not, why not.

*150 **MR SMYTH:** To ask the Treasurer—

(1) What was the outcome of expenditure incurred in the General Government Sector, for the 2008-09 financial year, up to 28 February 2009.

(2) What was the outcome for revenue received in the General Government Sector, for the 2008-09 financial year, up to 28 February 2009.

(3) What was the estimated outcome of the expected long term capital gains on superannuation investments for the 2008-09 financial year, up to 28 February 2009.

*151 **MR SMYTH:** To ask the Treasurer—

(1) Why did 38 Treasury officers attend a course entitled *Emotions at work and respectful workplace behaviour*.

(2) What benefits did these officers gain from this course.

(3) Were these 38 officers the same 38 officers who attended the *Maintaining a harassment free environment – managers course*.

(4) What benefits did these officers gain from this course.

(5) If these officers were the same on each course, why was this so and what benefits were gained.

(6) Why did 215 Treasury officers attend a *Formal writing techniques* training course.

(7) Why did 15 Treasury officers attend a *Grammar* training course.

*152 **MR SMYTH:** To ask the Treasurer—

(1) Has Treasury undertaken a staff survey, in accordance with the requirement set out in the Treasury Collective Agreement; if so, (a) when was this survey undertaken, (b) what were the results of this survey, and (c) where is the report of this survey available.

(2) If no survey has been undertaken, why not.

T Duncan
Clerk of the Legislative Assembly

GOVERNMENT TO RESPOND TO PETITIONS

(in accordance with standing order 100)

By 6 May 2009

Development Application 200813348—Minister for Planning—Petition lodged by Mr Barr (Pet 94).

By 20 May 2009

Light rail system—Minister for Territory and Municipal Services—Petition lodged by Ms Hunter (Pet 95).

By 24 June 2009

Wheelchair Accessible Taxi Service—Minister for Transport—Petition lodged by Ms Bresnan (Pet 96).

COMMITTEES

Unless otherwise shown, appointed for the life of the Seventh Assembly. The dates of the amendments to the committees' resolution of appointment are reflected, but not changes in the membership.

Standing

Pursuant to standing order

ADMINISTRATION AND PROCEDURE: *(Formed 5 November 2008)*: The Speaker *(Chair)*, Ms Bresnan, Ms Burch, Mrs Dunne.

Pursuant to resolution

CLIMATE CHANGE, ENVIRONMENT AND WATER: *(Formed 9 December 2008)*: Ms Hunter *(Chair)*, Ms Porter, Mr Seselja.

EDUCATION, TRAINING AND YOUTH AFFAIRS: *(Formed 9 December 2008)*: Ms Bresnan *(Chair)*, Ms Burch, Mr Hanson.

HEALTH, COMMUNITY AND SOCIAL SERVICES: *(Formed 9 December 2008)*: Mr Doszpot *(Chair)*, Ms Bresnan, Ms Burch.

JUSTICE AND COMMUNITY SAFETY: *(Formed 9 December 2008)*: Mrs Dunne *(Chair)*, Ms Hunter, Ms Porter.

PLANNING, PUBLIC WORKS AND TERRITORY AND MUNICIPAL SERVICES: *(Formed 9 December 2008)*: Ms Porter *(Chair)*, Mr Coe, Ms Le Couteur.

PUBLIC ACCOUNTS: *(Formed 9 December 2008)*: Ms Le Couteur *(Chair)*, Ms Burch, Mr Smyth.

———————