



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009–2010

MINUTES OF PROCEEDINGS

No. 62

THURSDAY, 6 MAY 2010

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 DUTIES AMENDMENT BILL 2010

Ms Gallagher (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 May 2010.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

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

3 REVENUE LEGISLATION AMENDMENT BILL 2010

Ms Gallagher (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*, the *Payroll Tax Act 1987* and the *Rates Act 2004*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 May 2010.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

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

4 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2010 (NO. 2)

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 May 2010.

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.

5 CONSTRUCTION OCCUPATIONS LEGISLATION (EXEMPTION ASSESSMENT) AMENDMENT BILL 2010

Mr Barr (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend legislation about construction occupations, and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 May 2010.

Title read by Clerk.

Mr Barr moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Seselja—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

6 STANDING AND TEMPORARY ORDERS—AMENDMENT—NEW TEMPORARY ORDER 253A

Mrs Dunne, pursuant to notice, moved—That standing and temporary orders be amended to include a new temporary order 253A in the following terms:

253A. When presenting its report, the Chair of the Select Committee on Estimates will present to the Assembly a schedule listing questions on notice for which answers were not provided during the annual estimates inquiry. Outstanding questions on notice will be provided to the Clerk within 30 days from the tabling of the estimates report. The Speaker will present to the Assembly the answers received after the report has been tabled and a schedule of questions on notice outstanding after the 30-day period.

Debate ensued.

Question—put and passed.

7 PRIVILEGES 2010—SELECT COMMITTEE—ESTABLISHMENT—AMENDMENT TO RESOLUTION

Ms Bresnan (Chair) moved—That the resolution of the Assembly of 23 February 2010, which established a Select Committee on Privileges, be amended by the addition of a paragraph (2A) as follows:

“(2A) 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, circulation and publication;”.

Question—put and passed.

8 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—REPORT 3—INQUIRY INTO THE EDUCATIONAL ACHIEVEMENT GAP IN THE A.C.T.—MOTION THAT REPORT BE NOTED

Ms Bresnan (Chair) presented the following report:

Education, Training and Youth Affairs—Standing Committee—Report 3—*Inquiry into the Educational Achievement Gap in the ACT*, dated 14 April 2010, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Debate adjourned (Mr Barr—Minister for Education and Training) and the resumption of the debate made an order of the day for the next sitting.

9 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—REPORT 4—REPORT ON ANNUAL AND FINANCIAL REPORTS 2008-2009—REPORT NOTED

Ms Bresnan (Chair) presented the following report:

Education, Training and Youth Affairs—Standing Committee—Report 4—*Report on Annual and Financial Reports 2008-2009*, dated 29 April 2010, 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.

10 EMERGENCIES AMENDMENT BILL 2010

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 Smyth moved his amendment No. 1 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 4

Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 9

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

And so it was negatived.

Bill, as a whole, agreed to.

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

11 STATUTE LAW AMENDMENT BILL 2010

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.

12 CRIMES (SENTENCE ADMINISTRATION) AMENDMENT BILL 2010

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 adjourned (Mrs Dunne) and the resumption of the debate made an order of the day for the next sitting.

13 QUESTIONS

Questions without notice being asked—

At 2.30 p.m. questions were interrupted pursuant to the resolution of the Assembly of 4 May 2010.

14 APPROPRIATION BILL 2010-2011

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.

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

Ms Gallagher (Treasurer) requiring the question to be put forthwith without debate—

Question—put and negatived.

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

Estimates 2010-2011—Select Committee—Reference—Appropriation Bill 2010-2011: Ms Gallagher, pursuant to standing order 174, moved—That the Appropriation Bill 2010-2011 be referred to the Select Committee on Estimates 2010-2011.

Question—put and passed.

15 STANDING ORDER 156—ADVICE—ETHICS AND INTEGRITY ADVISER—STATEMENT BY SPEAKER

The Speaker presented the following paper:

Standing order 156—Advice from the Ethics and Integrity Adviser, dated 5 May 2010—

and made a statement in relation to the paper.

16 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 6—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 7 OF 2008: PROPOSAL FOR A GAS-FIRED POWER STATION AND DATA CENTRE—SITE SELECTION PROCESS—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

Ms Gallagher (Deputy Chief Minister), on behalf of the Chief Minister, presented the following paper:

Public Accounts—Standing Committee—Report 6—*Review of Auditor-General's Report No. 7 of 2008: Proposal for a gas-fired power station and data centre—Site selection process—Government response—*

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

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

17 PLANNING AND ENVIRONMENT—STANDING COMMITTEE (SIXTH ASSEMBLY)—REPORT 34—INQUIRY INTO THE NAMADGI NATIONAL PARK DRAFT PLAN OF MANAGEMENT—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

Mr Stanhope (Minister for Territory and Municipal Services) presented the following paper:

Planning and Environment—Standing Committee (Sixth Assembly)—Report 34—*Inquiry into the Namadgi National Park Draft Plan of Management—Government response —*

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

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

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

Ms Gallagher (Treasurer) presented the following papers:

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds within ACT Health, including a statement of reasons, dated 21 April and 3 May 2010.

Pursuant to section 16—Instruments, including statements of reasons, directing a transfer of appropriations—

From the Chief Minister's Department to the Department of Land and Property Services, dated 12 April 2010.

From the Department of Justice and Community Safety to Housing ACT, dated 12 April 2010.

From the Department of Territory and Municipal Services to the Chief Minister's Department, dated 21 April 2010.

Within the Legislative Assembly Secretariat, dated 30 April 2010.

Pursuant to section 17—Instruments, including statements of reasons, varying appropriations relating to Commonwealth funding to—

Department of Education and Training, dated 12 April 2010.

Department of Treasury, dated 12 April 2010.

Legal Aid Commission (ACT), dated 21 April 2010.

Pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Department of Treasury, including a statement of reasons, dated 8 April 2010—

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

19 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 October to 31 December 2009, dated 16 February 2010.

20 LEGAL AFFAIRS—STANDING COMMITTEE (SIXTH ASSEMBLY)—REPORT 7—STRICT AND ABSOLUTE LIABILITY OFFENCES—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

Mr Barr (Minister for Education and Training), on behalf of the Attorney-General, presented the following paper:

Legal Affairs—Standing Committee (Sixth Assembly)—Report 7—*Strict and Absolute Liability Offences*—Government response—

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

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

21 PRESENTATION OF PAPER

Mr Barr (Minister for Education and Training), on behalf of the Attorney-General, presented the following paper:

Work Safety Act, pursuant to subsection 209(2)—Work Safety Matters Report—1 July to 31 December 2009.

22 PRESENTATION OF PAPER

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

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2009, including financial statements, dated April 2010.

23 PLANNING AND DEVELOPMENT ACT—SCHEDULE—LEASES GRANTED—PAPER AND STATEMENT BY MINISTER

Mr Barr (Minister for Planning) presented the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Schedule of leases granted for the period 1 January to 31 March 2010—

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

24 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 5—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 4 OF 2008: MAINTENANCE OF PUBLIC HOUSING—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

Ms Burch (Minister for Disability, Housing and Community Services) presented the following paper:

Public Accounts—Standing Committee—Report 5—*Review of Auditor-General's Report No. 4 of 2008: Maintenance of Public Housing*—Government response—

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

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

25 PAY EQUITY AUDIT—PAPER AND STATEMENT BY MINISTER—STATEMENT BY MEMBER

Ms Burch (Minister for Women) presented the following paper:

Pay equity audit—Copy of letter to Ms Hunter from Ms Burch, dated 6 May 2010—

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

Ms Hunter, by leave, also made a statement in relation to the paper.

**26 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 7—
REPORT ON ANNUAL AND FINANCIAL REPORTS 2008-2009—
RECOMMENDATION 25—STATEMENT BY MINISTER**

Ms Gallagher (Treasurer), by leave, made a statement concerning recommendation 25 of Report 7 of the Standing Committee on Public Accounts entitled *Report on Annual and Financial Reports 2008-2009*.

27 ADJOURNMENT

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

Paper: Mr Barr (Minister for Planning) presented the following paper:

Electric shock incident—Section 45 Block 44 Scullin ACT—Report prepared by the Electrical Inspector, ACT Planning and Land Authority, dated 17 March 2010.

Debate continued.

Question—put and passed.

And then the Assembly, at 7 p.m., adjourned until Tuesday, 22 June 2010 at 10 a.m.

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

M M KIERMAIER
Acting Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

EMERGENCIES AMENDMENT BILL 2010

Amendment circulated by Mr Smyth

1

Clause 24

Proposed new division 7.3.1A

Page 7, line 22—

omit 150A(5)
