



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009

MINUTES OF PROCEEDINGS

No. 44

THURSDAY, 19 NOVEMBER 2009

- 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 **DEATH OF MR JAMES PEAD MBE**

Mr Stanhope (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Mr James Pead MBE, a proactive and loyal resident of Canberra who made significant contributions to the commercial and administrative development of the city, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Seselja (Leader of the Opposition), Ms Hunter, and Mrs Dunne addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

- 3 **RATES AND LAND TAX LEGISLATION AMENDMENT BILL 2009**

Ms Gallagher (Treasurer), pursuant to notice, presented a Bill for an Act to amend legislation in relation to rates and land tax, and for other purposes.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 18 November 2009.

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 WORKERS COMPENSATION AMENDMENT BILL 2009

Ms Gallagher (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Workers Compensation Act 1951*, and for other purposes.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 18 November 2009.

Title read by Clerk.

Ms Gallagher 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 FAIR TRADING (MOTOR VEHICLE REPAIR INDUSTRY) BILL 2009

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to provide for the licensing and regulation of people in the motor vehicle repair industry, 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 18 November 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.

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

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 18 November 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 RACING AMENDMENT BILL 2009

Mr Barr (Minister for Gaming and Racing), pursuant to notice, presented a Bill for an Act to amend the *Racing Act 1999*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 18 November 2009.

Title read by Clerk.

Mr Barr 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.

8 DANGEROUS SUBSTANCES ACT—DANGEROUS SUBSTANCES (EXPLOSIVES) AMENDMENT REGULATION 2009 (NO. 2)—SUBORDINATE LAW SL2009-43—MOTION TO DISALLOW

Mrs Dunne, pursuant to notice, moved—That Subordinate Law SL2009-43, being the Dangerous Substances (Explosives) Amendment Regulation 2009 (No. 2), be disallowed.

Debate ensued.

Ms Burch addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Question—put.

The Assembly voted—

AYES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

NOES, 10

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

And so it was negatived.

9 SUSPENSION OF STANDING AND TEMPORARY ORDERS—PRECEDENCE TO ASSEMBLY BUSINESS

Mrs Dunne moved—That so much of the standing and temporary orders be suspended as would prevent Assembly business having precedence over Executive business and continuing until consideration of Assembly business, Notice No. 2, has been completed.

Question—put and passed, with the concurrence of an absolute majority.

10 CAMPAIGN FINANCE REFORM—SELECT COMMITTEE—PROPOSED ESTABLISHMENT—JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REFERENCE—CAMPAIGN FINANCE REFORM

Mr Seselja (Leader of the Opposition), pursuant to notice, moved—That:

- (1) a Select Committee on Campaign Finance Reform be established to examine campaign financing in the ACT, including:
 - (a) regulation of:
 - (i) donation size;
 - (ii) political party campaign expenditure; and
 - (iii) third party campaign expenditure;
 - (b) disclosure laws;
 - (c) public funding;
 - (d) regulation of:
 - (i) personal candidate funding; and
 - (ii) corporate and union donations; and
 - (e) any other relevant matter;
- (2) the committee shall report back to the Assembly by the last sitting day in April 2010; and
- (3) the committee shall be composed of:
 - (a) one member nominated by the Government;
 - (b) one member nominated by the Crossbench; and
 - (c) one member nominated by the Opposition;

to be notified to the Speaker within 24 hours of this resolution being passed.

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.

11 NOTICE NO. 3—PRIVATE MEMBERS' BUSINESS—SPEAKER'S RULING

The Speaker ruled that notice No. 3, Private Member's business, was out of order as it contravened standing order 136, in that it was the same in substance as an amendment that was negated yesterday. The Speaker directed that the notice be withdrawn from the *Notice Paper*.

12 SUPPLEMENTARY QUESTIONS—STATEMENT BY SPEAKER

The Speaker made a statement concerning the procedure to be followed when a supplementary question is ruled out of order.

13 QUESTIONS

Questions without notice were asked.

14 CANBERRA HIGH SCHOOL SEMINAR—INQUIRY BY DEPARTMENT OF EDUCATION AND TRAINING—STATEMENT BY MINISTER

Mr Barr (Minister for Education and Training), by leave, made a statement concerning an inquiry held by the Department of Education and Training into a seminar held at Canberra High School in October 2009.

15 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—VULNERABLE ROAD USERS

The Assembly was informed that Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, 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 Ms Bresnan be submitted to the Assembly, namely, “Protecting and prioritising vulnerable road users”.

Discussion ensued.

Discussion concluded.

16 CAMPAIGN FINANCE REFORM—SELECT COMMITTEE—PROPOSED ESTABLISHMENT—JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REFERENCE—CAMPAIGN FINANCE REFORM

The order of the day having been read for the resumption of the debate on the motion of Mr Seselja (Leader of the Opposition) (*see* [entry 10](#))—

Debate resumed by Ms Hunter, who moved the following amendment: Omit all words after “That”, substitute:

- “(1) the Standing Committee on Justice and Community Safety inquire into electoral and political party funding in the ACT, including:
- (a) regulation of:
 - (i) donation size;
 - (ii) political party campaign expenditure; and
 - (iii) third party campaign expenditure;
 - (b) financial disclosure laws;
 - (c) direct and indirect public funding of elections;
 - (d) regulation of:
 - (i) donations by private individuals, corporations, unions, organisations and other contributors; and
 - (ii) personal candidate funding;
 - (e) enforcement of funding and financial disclosure law;
 - (f) the relationship between ACT electoral law and Commonwealth electoral law;
 - (g) any Constitutional matters; and
 - (h) any other relevant matter.”.

Mr Corbell (Attorney-General) moved the following amendment to Ms Hunter’s proposed amendment: Insert the following words after “ACT” in paragraph (1):

“having regard to the Commonwealth Government’s Electoral Reform Green Paper, *Donations, Funding and Expenditure* (December 2008)”.

Debate continued.

Question—That Mr Corbell’s amendment to Ms Hunter’s proposed amendment be agreed to—put and negatived.

Question—That Ms Hunter’s amendment be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That the Standing Committee on Justice and Community Safety inquire into electoral and political party funding in the ACT, including:

- (1) regulation of:
 - (a) donation size;
 - (b) political party campaign expenditure; and
 - (c) third party campaign expenditure;
- (2) financial disclosure laws;
- (3) direct and indirect public funding of elections;
- (4) regulation of:
 - (a) donations by private individuals, corporations, unions, organisations and other contributors; and
 - (b) personal candidate funding;
- (5) enforcement of funding and financial disclosure law;
- (6) the relationship between ACT electoral law and Commonwealth electoral law;
- (7) any Constitutional matters; and
- (8) any other relevant matter.”—

be agreed to—put and passed.

17 EXECUTIVE BUSINESS—MOTION FOR PRECEDENCE MOVED

Mr Corbell (Manager of Government Business) moved—That Executive business be called on forthwith.

Question—put.

The Assembly voted—

AYES, 6

Mr Barr	Mr Stanhope
Ms Burch	
Mr Corbell	
Ms Gallagher	
Ms Porter	

NOES, 9

Ms Bresnan	Ms Hunter
Mr Coe	Ms Le Couteur
Mr Doszpot	Mr Rattenbury
Mrs Dunne	Mr Seselja
Mr Hanson	

And so it was negatived.

18 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—REPORT 3—INQUIRY INTO THE DELAY IN THE COMMENCEMENT OF OPERATIONS AT THE ALEXANDER MACONOCHIE CENTRE—REPORT NOTED

Mrs Dunne (Chair) presented the following report:

Justice and Community Safety—Standing Committee—Report 3—*Inquiry into the delay in the commencement of operations at the Alexander Maconochie Centre*, dated 19 November 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.

19 PUBLIC ACCOUNTS—STANDING COMMITTEE—GOVERNMENT PROCUREMENT ACT—REPORTABLE CONTRACTS—TABLING—STATEMENT BY CHAIR—PAPER

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly of certain action taken by the Standing Committee on Public Accounts in relation to the tabling of reportable contracts provided to the Committee under section 39 of the Government Procurement Act.

Paper: Ms Le Couteur, by leave, presented the following paper:

Reportable contracts—Agencies reporting reportable contracts for period 1 April to 30 September 2009—Table.

20 STATUTE LAW AMENDMENT BILL 2009 (NO. 2)

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.

21 STANDING COMMITTEES—MEMBERSHIP

Mr Corbell (Manager of Government Business), pursuant to standing order 223, moved—That the following changes be made to the membership of Assembly committees:

Ms Burch be discharged from the Standing Committee on Education, Training and Youth Affairs and Ms Porter be appointed in her place.

Ms Porter be discharged from the Standing Committee on Justice and Community Safety from 23 November 2009 and Mr Hargreaves be appointed in her place.

Ms Burch be discharged from the Standing Committee on Health, Community and Social Services and Ms Porter be appointed in her place.

Ms Porter be discharged from the Standing Committee on Climate Change, Environment and Water and Mr Hargreaves be appointed in her place.

Ms Burch be discharged from the Standing Committee on Public Accounts and Mr Hargreaves be appointed in her place.

Question—put and passed.

22 BUILDING AND CONSTRUCTION INDUSTRY (SECURITY OF PAYMENT) 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 Seselja (Leader of the Opposition), by leave, his amendments Nos. 1 and 2 (*see* [Schedule 1](#)) were made together, after debate.

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

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

23 ADJOURNMENT

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

Debate ensued.

The Assembly continuing to sit until 6.30 p.m.—The Speaker adjourned the Assembly until Tuesday, 8 December 2009 at 10 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Hargreaves*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

BUILDING AND CONSTRUCTION INDUSTRY (SECURITY OF PAYMENT) BILL 2009

Amendments circulated by Mr Seselja (Leader of the Opposition)

1

Clause 45 (1)

Page 39, line 19—

omit

2015

substitute

2012

2

Clause 45 (2)

Page 39, line 21—

omit

2016

substitute

2013
