



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009

MINUTES OF PROCEEDINGS

No. 28

WEDNESDAY, 19 AUGUST 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 asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITION

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Hanson, from 45 residents, requesting that the Assembly direct the Minister for Health and the Government to halt the carpark demolition at The Canberra Hospital and to reconsider a number of issues surrounding the proposed 9 storey carpark.

3 COURTS AND TRIBUNAL (APPOINTMENTS) AMENDMENT BILL 2009

Mrs Dunne, pursuant to notice, presented a Bill for an Act to amend the *ACT Civil and Administrative Tribunal Act 2008*, the *Magistrates Court Act 1930* and the *Supreme Court Act 1933*.

Paper: Mrs Dunne presented an explanatory statement to the Bill.

Title read by Clerk.

Mrs Dunne moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Corbell—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

4 FINANCIAL MANAGEMENT (BOARD COMPOSITION) AMENDMENT BILL 2009

Mr Smyth, pursuant to notice, presented a Bill for an Act to amend the *Financial Management Act 1996* and for other purposes.

Paper: Mr Smyth presented an explanatory statement to the Bill.

Title read by Clerk.

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

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

5 WATER AND SEWERAGE (ENERGY EFFICIENT HOT-WATER SYSTEMS) 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.

Detail Stage

Clause 1—

Debate adjourned (Mr Seselja—Leader of the Opposition) and the resumption of the debate made an order of the day for a later hour this day.

6 CANBERRA LABOR CLUB LIMITED—PROPOSED SALE OF ASSETS

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

- (1) notes:
 - (a) the broad understanding and acceptance of the community that the provision of poker machine licences and subsequent profits were intended to be for the benefit of community projects in the ACT; and
 - (b) that the intent of the original grants and subsequent legislation was to ensure that profits from poker machines stay in the community;
- (2) raises concerns about the proposed sale of the Labor Club group which will see a potential massive windfall from what is in effect the sale of poker machines;
- (3) notes:
 - (a) the potential for the proposed transaction to undermine the public acceptance and original intent of the community based gaming model; and
 - (b) the sections of the *Gaming Machine Act 2004* that identify influential persons and prohibits clubs that operate poker machines from being under the influence of outside parties;
- (4) raises concerns about reports that Labor Party representatives, and members of the current Government, may have been involved in influencing the decisions of the board of the Labor Club group; and

- (5) calls on all ministers of the ACT Government to make full and frank disclosures of any involvement they, their staff or their representatives may have had in influencing the decision making process of the Labor Club board.

Debate ensued.

Ms Hunter moved the following amendment: Omit paragraphs (2) to (5), substitute:

“(2) requests the ACT Gambling and Racing Commission:

- (a) investigate claims made in *The Canberra Times* and *The Australian* newspapers regarding a possible breach of the *Gaming Machine Act 2004* in relation to the proposed sale of assets by Canberra Labor Club Limited;
- (b) have tabled in the Assembly the full findings of an investigation into the claims, should an investigation be pursued and completed; and
- (c) provide to the Assembly reasons why it may decide it does not have sufficient grounds to conduct an investigation into the claims, if it finds that to be so.”.

Debate continued.

Mrs Dunne addressing the Assembly—

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.

7 QUESTIONS

Questions without notice were asked.

8 CANBERRA LABOR CLUB LIMITED—PROPOSED SALE OF ASSETS

The order of the day having been read for the resumption of the debate on the motion of Mr Seselja (Leader of the Opposition), and on the amendment moved by Ms Hunter (*see entry 6*):

Debate resumed by Mrs Dunne, who moved the following amendment to Ms Hunter’s proposed amendment: Omit paragraph (2), substitute:

- “(2) raises concerns about the proposed sale of the Labor Club group which will see a potential massive windfall from what is in effect the sale of poker machines;
- (3) notes:
 - (a) the potential for the proposed transaction to undermine the public acceptance and original intent of the community based gaming model; and
 - (b) the sections of the *Gaming Machine Act 2004* that identify influential persons and prohibits clubs that operate poker machines from being under the influence of outside parties;
- (4) raises concerns about reports that Labor Party representatives, and members of the current Government, may have been involved in influencing the decisions of the board of the Labor Club group;

- (5) calls on all ministers of the ACT Government to make full and frank disclosures of any involvement they, their staff or their representatives may have had in influencing the decision making process of the Labor Club board; and
- (6) requests the ACT Gambling and Racing Commission:
- (a) investigate claims made in *The Canberra Times* and *The Australian* newspapers regarding a possible breach of the *Gaming Machine Act 2004* in relation to the proposed sale of assets by Canberra Labor Club Limited;
 - (b) have tabled in the Assembly the full findings of an investigation into the claims, should an investigation be pursued and completed; and
 - (c) provide to the Assembly reasons why it may decide it does not have sufficient grounds to conduct an investigation into the claims, if it finds that to be so.”.

Debate continued.

Question—That Mrs Dunne’s amendment to Ms Hunter’s proposed amendment be agreed to—put.

The Assembly voted—

AYES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 11

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

And so it was negatived.

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

The Assembly voted—

AYES, 11

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

NOES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the broad understanding and acceptance of the community that the provision of poker machine licences and subsequent profits were intended to be for the benefit of community projects in the ACT; and
 - (b) that the intent of the original grants and subsequent legislation was to ensure that profits from poker machines stay in the community; and

- (2) requests the ACT Gambling and Racing Commission:
- (a) investigate claims made in *The Canberra Times* and *The Australian* newspapers regarding a possible breach of the *Gaming Machine Act 2004* in relation to the proposed sale of assets by Canberra Labor Club Limited;
 - (b) have tabled in the Assembly the full findings of an investigation into the claims, should an investigation be pursued and completed; and
 - (c) provide to the Assembly reasons why it may decide it does not have sufficient grounds to conduct an investigation into the claims, if it finds that to be so.”—

be agreed to—put and passed.

9 CURRONG APARTMENTS, BRADDON

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

- (1) notes:
 - (a) that Housing ACT is yet to sell, refurbish, or resolve the future of the Currong Apartments in Braddon;
 - (b) the positive social, environmental and economic outcomes that are being delivered around the world through the innovative design of multi-unit social housing developments; and
 - (c) the social and environmental benefits of the award winning K2 Apartments constructed by the Victorian Office of Housing in the central Melbourne location of Windsor; and
- (2) calls on the ACT Government to conduct a well organised and resourced project competition for the Currong site to build a sustainable neighbourhood that will:
 - (a) provide homes for a social mix of residents;
 - (b) meet best practice environmental performance standards; and
 - (c) feature healthy, inclusive, high quality design.

Mr Hargreaves (Minister for Disability and Housing), by leave, moved the following amendments together:

- (1) in paragraph 1(c), insert the words “potential for” after “the” (first occurring); and
- (2) omit paragraph (2), substitute:

“(2) notes the ACT Government’s commitment to socially and environmentally sustainable public housing, which has as its main objectives:

 - (a) the aim and ambition of eliminating homelessness in the ACT;
 - (b) the allocation of public housing properties based on client need, as part of the suite of support packages designed to increase the quality of life of all clients;
 - (c) the provision of a Canberra-wide social mix of residents through a client focussed mix of stand-alone and small scale multi-unit properties;

- (d) the implementation of best practice environmental performance standards; and
- (e) the implementation of healthy, inclusive, high quality design.”.

Debate continued.

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

10 H1N1 INFLUENZA 09 VIRUS

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

- (1) notes the grave concerns raised by the family of the first victim of the H1N1 Influenza ‘09 (Swine Flu) in the ACT with regard to the way they were treated by ACT Health and the circumstances in which details of the death were widely reported in the media prior to the family receiving details; and
- (2) requests that the Minister for Health:
 - (a) provide the Assembly with a full explanation of any failures in communication that occurred between ACT Health and the family; and
 - (b) provide a full explanation of the current ACT Health procedures for notifying family and the public of any Swine Flu deaths in the ACT.

Ms Gallagher (Minister for Health) moved the following amendment: Add:

- “(3) acknowledges the sustained hard work and hours that a large number of ACT Health staff in the Population Health Division, the Emergency Departments of The Canberra Hospital and Calvary Public Hospital, Community Health, and also comprise support staff throughout ACT Health including Marketing and Communications and Executive Coordination have put in since the advent of the H1N1 epidemic in Canberra in May.”.

Debate continued.

Question—That Ms Gallagher’s amendment be agreed to—put.

The Assembly voted—

AYES, 6		NOES, 9	
Mr Barr	Ms Porter	Ms Bresnan	Ms Hunter
Ms Burch		Mr Coe	Ms Le Couteur
Mr Corbell		Mr Doszpot	Mr Rattenbury
Ms Gallagher		Mrs Dunne	Mr Smyth
Mr Hargreaves		Mr Hanson	

And so it was negatived.

Question—That the motion be agreed to—put and passed.

11 CANBERRA SMALL AND MICRO BUSINESSES

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

- (1) acknowledges:
 - (a) the contribution of the local business sector and the benefits that small and micro businesses bring to the ACT; and

- (b) the programs and business support offered through the ACT Government; and
- (2) recognises the establishment of the Canberra Small and Micro Business Forum which will convene in September 2009.

Debate ensued.

Question—put and passed.

12 WATER AND SEWERAGE (ENERGY EFFICIENT HOT-WATER SYSTEMS) LEGISLATION AMENDMENT BILL 2009

The Assembly, according to order, resumed consideration at the detail stage.

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

13 ADJOURNMENT NEGATIVED

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

Mr Barr (Minister for Education and Training) requiring the question to be forthwith without debate—

Question—put and negatived.

14 LAW OFFICER AMENDMENT BILL 2008

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

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5—

On the motion of Mrs Dunne, her amendment No. 1 (*see* [Schedule 1](#)) was made.

On the motion of Mr Rattenbury, his amendment No. 1 (*see* [Schedule 2](#)) was made, after debate.

On the motion of Mrs Dunne, her amendment No. 3 (*see* [Schedule 1](#)) was made.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Title agreed to.

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

15 ADJOURNMENT

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.42 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

LAW OFFICER AMENDMENT BILL 2008

Amendments circulated by Mrs Dunne

1

Clause 5

Proposed new section 5AA (1)

Page 2, line 20—

omit

may

substitute

must

3

Clause 5

Proposed new section 5AC (2) to (4)

Page 3, line 19—

insert

- (2) Each chief executive (other than the JACS chief executive) must—
- (a) prepare a report setting out the matters mentioned in subsection (1) (a) and (b) for the administrative unit; and
 - (b) give the report to the JACS chief executive not later than 21 days after the end of the financial year.
- (3) The report prepared by the JACS chief executive under subsection (1) must include a summary of each report given to the chief executive under subsection (2) for the relevant financial year.
- (4) In this section:

JACS chief executive means the chief executive of the administrative unit responsible for this Act.

Schedule 2**LAW OFFICER AMENDMENT BILL 2008**

Amendment circulated by Mr Rattenbury

1

Clause 5**Proposed new section 5AA (4) and (5)****Page 3, line 2—**

insert

- (4) The model litigant guidelines may be enforced only by, or on the application of, the Attorney-General.
 - (5) The issue of non-compliance with the model litigant guidelines may not be raised in a proceeding (whether in a court, tribunal or other body) except by or on behalf of the Territory.
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