



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009–2010–2011–2012

MINUTES OF PROCEEDINGS

No. 134

WEDNESDAY, 15 FEBRUARY 2012

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 ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2012

Ms Le Couteur, pursuant to notice, presented a Bill for an Act to amend legislation about animal welfare.

Paper: Ms Le Couteur presented an explanatory statement to the Bill.

Title read by Clerk.

Ms Le Couteur 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.

3 COMMISSIONER FOR THE ENVIRONMENT AMENDMENT BILL 2012

Mr Rattenbury, pursuant to notice, presented a Bill for an Act to amend the *Commissioner for the Environment Act 1993*, and for other purposes.

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

Title read by Clerk.

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

Debate adjourned (Mr Corbell—Minister for the Environment and Sustainable Development) and the resumption of the debate made an order of the day for the next sitting.

4 CRIMES (OFFENCES AGAINST POLICE) AMENDMENT BILL 2012

Mr Seselja (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

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

Title read by Clerk.

Mr Seselja 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.

5 PUBLIC ADVOCATE (OFFICIAL VISITORS) AMENDMENT BILL 2012—EXPOSURE DRAFT—PAPERS AND STATEMENT BY MEMBER

Ms Bresnan, by leave, presented the following papers:

Public Advocate (Official Visitors) Amendment Bill 2012—

Exposure draft.

Explanatory statement to the exposure draft, dated January 2012.

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

6 NURSE-LED WALK-IN CENTRES

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

(1) notes:

- (a) that, in 2008, Katy Gallagher promised that if elected “ACT Labor will establish three new walk-in centres”;
- (b) that this promise has not been fulfilled and only one walk-in centre has been opened, located at The Canberra Hospital (TCH);
- (c) that, on 12 December 2011, Katy Gallagher announced that if re-elected in 2012, her Government “will expand the nurse-led walk-in centre model to Belconnen and Tuggeranong”;
- (d) that the public and the media were falsely given the understanding that “two new” centres were in addition to the current facility at TCH;
- (e) that, after questions were raised, Katy Gallagher subsequently admitted on 23 December 2011 that her preferred option is to close the existing nurse-led centre at TCH;
- (f) that Katy Gallagher’s stated fallback option to closing the TCH centre is to provide only lesser “satellite” centres to Belconnen and Tuggeranong;
- (g) that the funding for the existing centre at TCH has been provided by the Commonwealth only until financial year 2013-2014;
- (h) that, on 12 December 2011, Katy Gallagher announced funding to be \$10 million, over four years, sufficient to fund only one additional centre; and
- (i) that, in order to fund two centres for four years, an additional \$8.9 million would be required from 2014 that has not been identified in the policy announcement; and

- (2) calls on the Minister for Health to:
- (a) clarify what her nurse-led centre policy is and what it would cost in full;
 - (b) explain to the Assembly why on 12 December 2011 she misled the media and the public by concealing the fact that as part of her policy she intends to close the TCH walk-in centre;
 - (c) explain how two walk-in centres would be funded over the four years given the Commonwealth funding finishes in 2014;
 - (d) assure the Assembly that future election promises will not be so misleading, will not omit major aspects of the policy and will be fully funded; and
 - (e) apologise to the Canberra community for breaking her 2008 promise of “three new walk-in centres”.

Ms Gallagher (Minister for Health) moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes that:
- (a) in the lead up to the 2008 election, the Labor Party committed to establishing three walk-in centres;
 - (b) since that time, extensive consultation and negotiation has taken place with the relevant stakeholders and professional bodies to develop an acceptable model;
 - (c) in response to that consultation, the Health Directorate implemented the first walk-in centre located at The Canberra Hospital (TCH);
 - (d) the Government committed to reviewing the service after one year and released the independent evaluation of the walk-in centre in August 2011;
 - (e) based on that evaluation, the Minister for Health announced on 12 December 2011 that, if re-elected in 2012, her Government would establish nurse-led walk-in centres in Belconnen and Tuggeranong;
 - (f) funding for the existing centre at TCH has been provided by the Commonwealth until part way through financial year 2013-2014; and
 - (g) the ACT Government will take over funding in full from 2014-2015 and has accounted for this expense in the forward estimates; and
- (2) calls on the Health Minister to:
- (a) clarify what her nurse-led centre policy is and what it would cost in full; and
 - (b) explain how the walk-in centres would be funded over the four years given the Commonwealth funding finishes in 2013-2014.”.

Ms Bresnan, by leave, moved the following amendments to Ms Gallagher’s proposed amendments together:

- (1) Omit subparagraph (1)(g).
- (2) Insert new subparagraph (2)(aa):
 - “(aa) clarify the status of the TCH walk-in centre;”.

Debate continued.

Amendments to proposed amendment agreed to.

Debate continued.

Question—That the amendment, as amended, be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) in the lead up to the 2008 election, the Labor Party committed to establishing three walk-in centres;
 - (b) since that time, extensive consultation and negotiation has taken place with the relevant stakeholders and professional bodies to develop an acceptable model;
 - (c) in response to that consultation, the Health Directorate implemented the first walk-in centre located at The Canberra Hospital (TCH);
 - (d) the Government committed to reviewing the service after one year and released the independent evaluation of the walk-in centre in August 2011;
 - (e) based on that evaluation, the Minister for Health announced on 12 December 2011 that, if re-elected in 2012, her Government would establish nurse-led walk-in centres in Belconnen and Tuggeranong; and
 - (f) funding for the existing centre at TCH has been provided by the Commonwealth until part way through financial year 2013-2014; and
- (2) calls on the Health Minister to:
 - (a) clarify what her nurse-led centre policy is and what it would cost in full;
 - (b) clarify the status of the TCH walk-in centre; and
 - (c) explain how the walk-in centres would be funded over the four years given the Commonwealth funding finishes in 2013-2014.”—

be agreed to—put and passed.

7 RESIDENTIAL TENANCIES (MINIMUM HOUSING STANDARDS) AMENDMENT BILL 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.

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.

8 QUESTIONS

Questions without notice being asked—

Proposed order to table name of staff member: Mr Hanson, by leave, moved—That, given Dr Bourke's repeated refusal to answer questions regarding his office's involvement in the Australia Day protest, that by the close of business today he table in the Assembly the name of the staff member who referred the PMO to Kim Sattler and in what capacity he made that call and for what purpose.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 6

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

NOES, 11

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

And so it was negatived.

Questions continued.

9 ROSTERED MINISTER'S QUESTIONS

Questions were asked of Ms Burch (Minister for Gaming and Racing).

10 RESIDENTIAL TENANCIES (MINIMUM HOUSING STANDARDS) AMENDMENT BILL 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.

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

The Assembly voted—

AYES, 4

Ms Bresnan
Ms Hunter
Ms Le Couteur
Mr Rattenbury

NOES, 13

Mr Barr
Dr Bourke
Ms Burch
Mr Coe
Mr Corbell
Mr Doszpot
Mrs Dunne
Ms Gallagher
Mr Hanson
Mr Hargreaves
Ms Porter
Mr Seselja
Mr Smyth

And so it was negatived.

11 T2 LANE—BARRY DRIVE

Mr Coe, pursuant to notice, moved—That this Assembly calls on the Government to:

- (1) immediately convert the bus lane on Barry Drive to a T2 lane; and
- (2) acknowledge that car pooling is an effective means of reducing the number of cars on our roads and alleviating road congestion.

Ms Gallagher (Minister for Territory and Municipal Services) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“notes that:

- (1) the Assembly passed a motion in November 2011 for the Government to, among other things, develop and publish Government guidelines for the appropriate locations and uses for transit lanes and bus lanes in the ACT, which have reference to safety, congestion and transport sustainability goals;
- (2) the Minister for Territory and Municipal Services will be providing a report to the Assembly on T2 related issues on Thursday, in accordance with the Assembly motion of 16 November 2011; and
- (3) Mr Coe’s motion is premature and inappropriate in terms of the Assembly motion that he supported just three months ago.”.

Debate continued.

Question—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly notes that:

- (1) the Assembly passed a motion in November 2011 for the Government to, among other things, develop and publish Government guidelines for the appropriate locations and uses for transit lanes and bus lanes in the ACT, which have reference to safety, congestion and transport sustainability goals;
- (2) the Minister for Territory and Municipal Services will be providing a report to the Assembly on T2 related issues on Thursday, in accordance with the Assembly motion of 16 November 2011; and
- (3) Mr Coe’s motion is premature and inappropriate in terms of the Assembly motion that he supported just three months ago.”—

be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

12 LEASE VARIATION CHARGE

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

- (1) notes:
 - (a) that the Lease Variation Charge captures fair value for the ACT community relating to the changed use of land that is owned ultimately by the ACT community;
 - (b) that the Government's 2011-2012 Budget contained generous remissions for the Lease Variation Charge to allow industry time to adjust to changed arrangements;
 - (c) that funds raised through the Lease Variation Charge will be put towards maintaining and improving the city through the Urban Improvement Program; and
 - (d) that these arrangements are important to protect the amenity, equity, and economic sustainability of our Territory; and
- (2) calls on the Assembly to:
 - (a) support the ACT community receiving fair value for the changed use of land;
 - (b) support these arrangements for protecting the amenity, equity and economic sustainability of our Territory; and
 - (c) commit to retaining the Lease Variation Charge and the associated Urban Improvement Program over the next term of the Assembly.

Debate ensued.

Ms Hunter moved the following amendment: Omit subparagraph (1)(d) and paragraph (2), substitute:

- “(d) that revenue generated through the Lease Variation Charge is important for delivering government services and protecting the amenity, social equity, and economic sustainability of our Territory;
- (2) expresses its ongoing support for:
 - (a) the ACT community receiving fair value for granting additional development rights through the Lease Variation Charge; and
 - (b) ongoing improvements in urban amenity, social equity and economic sustainability; and

- (3) calls on the Government to finalise the Lease Variation Charge remission instruments set out in the *Planning and Development Act 2007* by 1 May 2012.”.

Debate continued.

Amendment agreed to.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) that the Lease Variation Charge captures fair value for the ACT community relating to the changed use of land that is owned ultimately by the ACT community;
 - (b) that the Government’s 2011-2012 Budget contained generous remissions for the Lease Variation Charge to allow industry time to adjust to changed arrangements;
 - (c) that funds raised through the Lease Variation Charge will be put towards maintaining and improving the city through the Urban Improvement Program; and
 - (d) that revenue generated through the Lease Variation Charge is important for delivering government services and protecting the amenity, social equity, and economic sustainability of our Territory;
- (2) expresses its ongoing support for:
- (a) the ACT community receiving fair value for granting additional development rights through the Lease Variation Charge; and
 - (b) ongoing improvements in urban amenity, social equity and economic sustainability; and
- (3) calls on the Government to finalise the Lease Variation Charge remission instruments set out in the *Planning and Development Act 2007* by 1 May 2012.”—

be agreed to—put and passed.

13 TUGGERANONG—PLANNING AND MAINTENANCE

Notice No. 7, Private Members’ business, having been called on—

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

Mr Barr (Deputy Chief Minister) requiring the question to be put forthwith without debate—

Question—put and negatived.

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

- (1) notes:
 - (a) that the planning of Tuggeranong and the maintenance of Tuggeranong appears to be low in the priorities of the Gallagher Labor Government;
 - (b) that the quality of the water in Lake Tuggeranong has deteriorated to the extent that the lake is closed for extended periods because of algae;
 - (c) that there is always a considerable volume of rubbish in the water of Lake Tuggeranong and that rubbish continues to accumulate along the foreshore of Lake Tuggeranong;
 - (d) that the Gallagher Labor Government had to be persuaded to undertake planning for the Tuggeranong Town Centre, Erindale Group Centre and other regional commercial and shopping centres;
 - (e) the significance of the village of Tharwa to the overall planning of Tuggeranong, in terms of the tourist and recreational values which are added to Tuggeranong; and
 - (f) the importance of appropriate planning for the development of Hume, given the proximity of Hume to Tuggeranong; and
- (2) calls on the ACT Government:
 - (a) to coordinate all the planning activities that are required for the appropriate development and redevelopment of Tuggeranong and the adjoining regions;
 - (b) to implement appropriate maintenance programs, as a matter of urgency, for Lake Tuggeranong;
 - (c) to implement measures to mitigate the amount of rubbish which enters Lake Tuggeranong; and
 - (d) to develop plans to manage the run-off of water into Lake Tuggeranong and the Murrumbidgee River.

Ms Bresnan moved the following amendment: Omit all words after “That this Assembly”, substitute:

- “(1) notes:
- (a) there have been complaints made about the level of rubbish in Lake Tuggeranong;
 - (b) that the Assembly passed a motion in March 2011 initiating an investigation by the Commissioner for Sustainability and the Environment into the state of the ACT’s watercourses and catchments;
 - (c) that the ACT Government is undertaking planning for the Tuggeranong Town Centre, Erindale Group Centre and other regional commercial and shopping centres;
 - (d) the significance of the village of Tharwa to the overall planning of Tuggeranong, in terms of the tourist and recreational values which are added to Tuggeranong, and that a Master Plan for Tharwa will be undertaken; and
 - (e) the importance of appropriate planning for the development of Hume, given the proximity of Hume to Tuggeranong;

- (2) calls on the ACT Government to:
 - (a) co-ordinate all the planning activities that are required for the appropriate development and redevelopment of Tuggeranong and the adjoining regions;
 - (b) review appropriate maintenance programs, as a matter of urgency, for Lake Tuggeranong;
 - (c) further investigate measures to mitigate the amount of rubbish which enters Lake Tuggeranong;
 - (d) consider further means to manage run-off of water into Lake Tuggeranong and the Murrumbidgee River; and
 - (e) consider and respond to the Environment Commissioner's upcoming report into the state of the ACT's lakes and waterways; and
- (3) commends the Tuggeranong Community Council on its initiative to register a team and nominate Lake Tuggeranong as a clean up site for Clean Up Australia on Sunday, 4 March 2012."

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) there have been complaints made about the level of rubbish in Lake Tuggeranong;
 - (b) that the Assembly passed a motion in March 2011 initiating an investigation by the Commissioner for Sustainability and the Environment into the state of the ACT's watercourses and catchments;
 - (c) that the ACT Government is undertaking planning for the Tuggeranong Town Centre, Erindale Group Centre and other regional commercial and shopping centres;
 - (d) the significance of the village of Tharwa to the overall planning of Tuggeranong, in terms of the tourist and recreational values which are added to Tuggeranong, and that a Master Plan for Tharwa will be undertaken; and
 - (e) the importance of appropriate planning for the development of Hume, given the proximity of Hume to Tuggeranong;
- (2) calls on the ACT Government to:
 - (a) co-ordinate all the planning activities that are required for the appropriate development and redevelopment of Tuggeranong and the adjoining regions;
 - (b) review appropriate maintenance programs, as a matter of urgency, for Lake Tuggeranong;
 - (c) further investigate measures to mitigate the amount of rubbish which enters Lake Tuggeranong;

- (d) consider further means to manage run-off of water into Lake Tuggeranong and the Murrumbidgee River; and
 - (e) consider and respond to the Environment Commissioner's upcoming report into the state of the ACT's lakes and waterways; and
- (3) commends the Tuggeranong Community Council on its initiative to register a team and nominate Lake Tuggeranong as a clean up site for Clean Up Australia on Sunday, 4 March 2012."—

be agreed to—put and passed.

14 WASTE MANAGEMENT

Ms Le Couteur, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) that the ACT has the second highest rate of waste production per capita in Australia, at 2.5 tonnes per resident;
 - (b) that on average, 40-50% of household waste is organic matter;
 - (c) that the level of waste per capita is growing;
 - (d) that the Mugga Lane landfill site is expected to be full in 2015;
 - (e) that the Government commissioned Hyder to produce a report *Assessment of waste infrastructure and services options for the ACT* which was delivered in December 2011;
 - (f) that according to the Hyder report, an education program:
 - (i) could reduce overall level of waste to landfill from the household stream by 23% by increasing recycling rates and home composting and food waste avoidance;
 - (ii) is the most cost effective solution as it doesn't require significant investment in large infrastructure; and
 - (iii) would be best implemented if contracted out, and therefore not subject to potential annual budget cuts;
 - (g) that source separation of recyclable materials:
 - (i) recovers the highest quality organic material for composting with the highest reuse value that can be used to enrich soils and sequester carbon;
 - (ii) would be enhanced by an education program; and
 - (iii) has a synergy with the plastic bag ban, as without organic matter in landfill bins, bin liners are unnecessary;
 - (h) that the Government's current Waste Management Strategy includes a residual waste Materials Recovery Facility (also known as a dirty MRF), despite it being known that the flow of toxic and hazardous waste to landfill means that any organic waste collected cannot be used for high quality compost and has little market value; and
 - (i) that a new contract for ACT waste vehicles is due to be negotiated in the middle of this year; and

- (2) calls on the Government to:
- (a) commence an education program along the lines indicated in the Hyder report;
 - (b) not commit any funds to a residual waste MRF at this stage;
 - (c) ensure that any contract entered into for rubbish removal this year is compatible with an organic waste collection scheme; and
 - (d) consider an organics collection bin if there has not been a significant reduction in organic waste to landfill as a result of the education program.

Debate adjourned (Mr Corbell—Minister for the Environment and Sustainable Development) and the resumption of the debate made an order of the day for the next sitting.

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 9:31 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