



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2008–2009–2010–2011**

**MINUTES OF PROCEEDINGS**

**No. 132**

**THURSDAY, 8 DECEMBER 2011**

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**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 PETITION**

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

Ms Bresnan, from 373 residents, requesting that the Assembly conduct a public debate on drug laws and policies with a view to revising relevant ACT laws and policies (Pet 127).

**3 FOOD AMENDMENT BILL 2011**

Ms Gallagher (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Food Act 2001*, 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 7 November 2011.

Title read by Clerk.

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

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

**4 PUBLIC UNLEASED LAND BILL 2011**

Ms Gallagher (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act about public unleased land, 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 7 November 2011.

Title read by Clerk.

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

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

**5 GOVERNMENT PROCUREMENT AMENDMENT BILL 2011**

Mr Barr (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Government Procurement Act 2001*.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 November 2011.

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.

**6 CIVIL UNIONS BILL 2011**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to provide for civil unions, 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 7 December 2011.

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 CRIMES LEGISLATION AMENDMENT BILL 2011**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about self-defence and sentencing.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 November 2011.

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.

## **8 ROAD TRANSPORT (GENERAL) AMENDMENT BILL 2011**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (General) Act 1999*, 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 7 November 2011.

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.

## **9 CHILDREN AND YOUNG PEOPLE (TRANSITION FROM OUT-OF-HOME CARE) AMENDMENT BILL 2011**

Ms Burch (Minister for Community Services), pursuant to notice, presented a Bill for an Act to amend the *Children and Young People Act 2008*.

*Papers:* Ms Burch presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 November 2011.

Title read by Clerk.

Ms Burch 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.

## **10 LONG SERVICE LEAVE (PORTABLE SCHEMES) AMENDMENT BILL 2011**

Dr Bourke (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Long Service Leave (Portable Schemes) Act 2009*.

*Papers:* Dr Bourke presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 December 2011.

Title read by Clerk.

Dr Bourke 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.

## 11 STANDING AND TEMPORARY ORDERS—STANDING ORDER 16—AMENDMENT

Mr Hargreaves, pursuant to notice, moved—That standing order 16 be amended by omitting paragraph (b) and substituting:

“(b) the Committee shall consist of:

- (i) the Speaker;
- (ii) the Government whip;
- (iii) the Opposition whip; and
- (iv) a representative of the crossbench (or if a single party, the whip of that party).”.

Debate ensued.

Mr Hargreaves addressing the Assembly—

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It being 45 minutes after the commencement of Assembly business—

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

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Mr Hargreaves 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.

## 12 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Mr Hargreaves, pursuant to standing order 223, moved—That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure and Mr Hanson be appointed in her place.

Question—put and passed.

## 13 SITTING PATTERN—2012

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2012:

<b>February</b>	14	15	16
	21	22	23
<b>March</b>	20	21	22
	27	28	29
<b>May</b>	1	2	3
	8	9	10
<b>June</b>	5	6	7
<b>August</b>	14	15	16
	21	22	23

Ms Bresnan moved the following amendment: Insert:

<b>May</b>	29	30	31
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Debate continued.

Question—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.

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

#### 14 **ADDITIONAL ROSTERED MINISTERS' QUESTIONS—ROSTER FOR 2012**

Mr Hargreaves, pursuant to notice, moved—That the following roster for the additional rostered Ministers' questions be adopted for 2012:

##### **ROSTERED QUESTIONS FOR 2012**

14 February	Minister for Industrial Relations
15 February	Minister for Gaming and Racing
21 February	Minister for Police and Emergency Services
22 February	Minister for Tourism, Sport and Recreation

Debate ensued.

Question—put and passed.

**15 LEAVE OF ABSENCE TO MEMBERS**

Mr Corbell (Manager of Government Business) moved—That leave of absence be granted for all Members for the period 9 December 2011 to 13 February 2012.

Question—put and passed.

**16 SUSPENSION OF STANDING AND TEMPORARY ORDERS—EXTENSION OF ADJOURNMENT DEBATE**

Mr Corbell (Manager of Government Business) moved—That so much of the standing and temporary orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

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

**17 QUESTIONS**

Questions without notice were asked.

**18 A.C.T. LEGISLATIVE ASSEMBLY SECRETARIAT—SOCIAL PROCUREMENT POLICY—PAPER AND STATEMENT BY SPEAKER**

The Speaker, pursuant to the resolution of the Assembly of 29 June 2011, presented the following paper:

ACT Legislative Assembly Secretariat—Social procurement policy—  
and made a statement in relation to the paper.

**19 PRESENTATION OF PAPER**

Ms Gallagher (Chief Minister) presented the following paper:

Estimates 2011-2012—Select Committee—Report—*Appropriation Bill 2011-2012—Recommendation 67—ACTPS Workers' Compensation and Work Safety Improvement Plan—Progress report, dated December 2011.*

**20 ESTIMATES 2011-2012—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2011-2012—RECOMMENDATION 66—REPORT ON COSTS OF IMPLEMENTATION OF GOVERNING THE CITY STATE: ONE A.C.T. PUBLIC SERVICE REPORT—PAPER AND STATEMENT BY MINISTER**

Ms Gallagher (Minister for Territory and Municipal Services) presented the following paper:

Estimates 2011-2012—Select Committee—Report—*Appropriation Bill 2011-2012—Recommendation 66—Report on costs of implementation of *Governing the City State: One ACT Public Service Report—**

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

**21 PRESENTATION OF PAPER**

Ms Gallagher (Chief Minister) presented the following paper:

Estimates 2011-2012—Select Committee—Report—*Appropriation Bill 2011-2012—Recommendation 168—Perpetual Care Liability for the Maintenance of Burial and Interment Facilities.*

**22 PRESENTATION OF PAPER**

Ms Gallagher (Minister for Territory and Municipal Services) presented the following paper:

Service Funding Agreement Between the ACT Government and the Royal Society for Prevention of Cruelty to Animals (ACT) Incorporated, dated 30 September 2011.

**23 PRESENTATION OF PAPER**

Ms Gallagher (Chief Minister), pursuant to the resolution of the Assembly of 17 August 2011, presented the following paper:

ACT Public Service—Governance—Statement.

**24 PRESENTATION OF PAPER**

Mr Barr (Minister for Economic Development) presented the following paper:

Estimates 2011-2012—Select Committee—Report—*Appropriation Bill 2011-2012*—Recommendation 73—Master Plan for the redevelopment of the Kingston Arts Precinct—Statement.

**25 PRESENTATION OF PAPER**

Mr Corbell (Manager of Government Business) presented the following paper:

Petition which does not conform with the standing orders—Sidney Nolan Street—Pedestrian crossing—Ms Bresnan (32 signatures).

**26 PRESENTATION OF PAPER**

Mr Corbell (Minister for the Environment and Sustainable Development), pursuant to the resolution of the Assembly of 17 August 2011, presented the following paper:

Development of Throsby—Incorporation of existing biodiversity and connectivity data into the ACTMAPi—Statement.

**27 SUSPENSION OF STANDING AND TEMPORARY ORDERS MOVED—CONSIDERATION OF ASSEMBLY BUSINESS**

Ms Le Couteur moved—That so much of the standing and temporary orders be suspended as would prevent notice No. 4, Assembly business, relating to disallowance of Subordinate Law SL2011-30, being called on and debated forthwith.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 4

Ms Bresnan  
Ms Hunter  
Ms Le Couteur  
Mr Rattenbury

NOES, 13

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

And so it was negatived.

**28 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. GOVERNMENT TAXES AND CHARGES—IMPACT ON CANBERRA FAMILIES**

The Assembly was informed that Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Mr Hargreaves, Ms Hunter, Ms Le Couteur, 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 Mrs Dunne be submitted to the Assembly, namely, “The impact of ACT Government taxes and charges on Canberra families”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

**29 EXECUTIVE BUSINESS—PRECEDENCE**

Ordered—That Executive business be called on forthwith.

**30 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—WORK HEALTH AND SAFETY (CONSEQUENTIAL AMENDMENTS) BILL 2011—STATEMENT BY CHAIR**

Mrs Dunne (Chair), pursuant to standing order 246A, made a statement concerning the Committee’s deliberations on the Work Health and Safety (Consequential Amendments) Bill 2011.

**31 WORK HEALTH AND SAFETY (CONSEQUENTIAL AMENDMENTS) 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 having been closed by the reply of the mover—Ms Bresnan, by leave, addressed the Assembly.

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.

**32 ELECTRICITY FEED-IN (LARGE-SCALE RENEWABLE ENERGY GENERATION) BILL 2011**

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

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*Detail Stage*

Clause 1 agreed to.

Remainder of Bill, by leave, taken as a whole—



On the motion of Mr Corbell (Minister for the Environment and Sustainable Development), pursuant to standing order 182A(b), by leave, his amendments Nos. 1 to 8 (*see* [Schedule 1](#)) were made together, after debate.

*Paper:* Mr Corbell presented a supplementary explanatory statement to the Government amendments.

Question—That the remainder of the Bill, as a whole, as amended, be agreed to—put.

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Mr Hargreaves	Mr Coe
Dr Bourke	Ms Hunter	Mr Doszpot
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Mr Corbell	Ms Porter	Mr Hanson
Ms Gallagher	Mr Rattenbury	Mr Seselja

And so it was resolved in the affirmative.

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

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Mr Hargreaves	Mr Coe
Dr Bourke	Ms Hunter	Mr Doszpot
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Mr Corbell	Ms Porter	Mr Hanson
Ms Gallagher	Mr Rattenbury	Mr Seselja

And so it was resolved in the affirmative.

### 33 CORRECTIONS AND SENTENCING LEGISLATION 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 and passed.

Leave granted to dispense with the detail stage.

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

### 34 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—INQUIRY—REVIEW OF THE AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) ACT 1988 (CWLTH)—STATEMENT BY CHAIR

Mr Rattenbury (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Administration and Procedure had considered the *Independent review of the three branches of government in the ACT against the Latimer House Principles* and had resolved to conduct a review of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) and associated regulations and make recommendations as to whether the Act should be modified.

**35 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 6.27 p.m., adjourned until Tuesday, 14 February 2012 at 10 a.m., in accordance with the resolution agreed to earlier this day.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULE OF AMENDMENTS

## Schedule 1

### **ELECTRICITY FEED-IN (LARGE-SCALE RENEWABLE ENERGY GENERATION) BILL 2011**

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Amendments circulated by the Minister for the Environment and Sustainable Development

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**1**

**Clause 5 (a)**

**Page 3, line 6—**

*omit*

in and around the ACT

*substitute*

in the Australian capital region

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**2**

**Clause 6 (1), definition of *large renewable energy generator*, paragraph (b)**

**Page 3, line 22—**

*omit*

2MW

*substitute*

200kW

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**3**

**Proposed new clause 10 (2A)**

**Page 7, line 5—**

*insert*

(2A) The determination may state the minimum capacity of a large renewable energy generator's generating system in relation to which a FiT entitlement may be granted under the FiT capacity release.

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**4**

**Clause 10 (2) (b) (iii)**

**Page 7, line 2—**

*after*

in the ACT

*insert*

or may be located elsewhere in the Australian capital region

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**5****Clause 11 (1)****Page 7, line 15—***substitute*

- (1) The Minister may grant a person a FiT entitlement under a FiT capacity release in relation to a large renewable energy generator located in the Australian capital region.

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**6****Proposed new clauses 11 (2A) and (2B)****Page 7, line 18—***insert*

- (2A) The Minister must not grant a FiT entitlement under a FiT capacity release before—
- (a) if there is a motion to disallow the determination under section 10 for the release and the motion is negated by the Legislative Assembly—the day after the motion is negated; or
  - (b) the day after the 6th sitting day after the determination for the release is presented to the Legislative Assembly under the Legislation Act, chapter 7; or
  - (c) if the determination for the release provides for a later date or time for the grant of the entitlement—that date or time.
- (2B) Subsection (2A) is subject to any disallowance or amendment of the determination under the Legislation Act, chapter 7.

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**7****Clause 22 (5)****Page 19, line 21—***omit*

a report of

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**8****Dictionary, proposed new definition of *Australian capital region*****Page 21, line 23—***insert****Australian capital region*** means the region made up of—

- (a) the following areas:
- (i) ACT;
  - (ii) Bega Valley Shire;
  - (iii) Bombala Valley Shire;
  - (iv) Boorowa Shire;
  - (v) Cooma-Monaro Shire;
  - (vi) Cootamundra Shire;
  - (vii) Eurobodalla Shire;
  - (viii) Goulburn Mulwaree Council Area;

- (ix) Gundagai Shire;
  - (x) Harden Shire;
  - (xi) Queanbeyan City Council Area;
  - (xii) Palerang Council Area;
  - (xiii) Snowy River Shire;
  - (xiv) Tumbarumba Shire;
  - (xv) Tumut Shire;
  - (xvi) Upper Lachlan Council Area;
  - (xvii) Yass Valley Local Government Area;
  - (xviii) Young Shire; or
- (b) if a regulation prescribes areas that make up the region—  
the prescribed areas.
-