



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009

MINUTES OF PROCEEDINGS

No. 43

WEDNESDAY, 18 NOVEMBER 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 FINANCIAL MANAGEMENT (BUDGET REVIEW) AMENDMENT BILL 2009

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

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.

3 REDEX TRIAL

Mr Coe, pursuant to notice, moved—That this Assembly notes:

- (1) the ACT Government's \$1 million trial of Redex between Gungahlin and Kingston;
- (2) that the Redex trial has already been scaled back and services from West Belconnen have been aborted;
- (3) that Redex services travel on the same roads as existing bus services with little potential for time improvements;

- (4) that routes 51, 52 or 59 provide fifty services a day between Gungahlin suburbs and the city;
- (5) that for Gungahlin residents in Nicholls, Ngunnawal, Casey, Forde and Amaroo that use a route 51, 52 or 59 service, the travel and connection time to and from the city on a Redex service will exceed the travel time of these existing route services to and from the city for 92% of services;
- (6) that during off-peak hours, Redex offer a negligible time saving to the existing route 5 services;
- (7) that there are no “park and ride” facilities at the Gungahlin Town Centre;
- (8) that in the absence of “park and ride” facilities there are concerns that commuters will occupy private car parking spaces at the Gungahlin Town Centre and therefore restrict trade for local business operators;
- (9) that the lengthy travel times are often caused by indirect suburban services and a lack of bus priority in key locations;
- (10) the potential for worsened bus bunching, especially on Northbourne Avenue;
- (11) the fuel cost and emissions from dead running buses between bus depots and the starting point of Redex services;
- (12) the existing stresses and lack of resources on other parts of the ACT bus network;
- (13) the opportunity cost within the network of spending \$1 million on these services; and
- (14) that a \$1 million investment in public transport could be better spent by providing:
 - (a) choice to Gungahlin commuters with more direct route services from Gungahlin suburbs to the Gungahlin Town Centre and city;
 - (b) resources for improving bus priority on existing routes to cut travel times; and
 - (c) a “park and ride” facility at the Gungahlin Town Centre.

Mr Stanhope (Minister for Transport) moved the following amendment: Omit all words after “That this Assembly notes”, substitute:

- “(1) the ACT Government’s \$1 million trial of Redex between Gungahlin to Kingston, which will run to 30 June 2010;
- (2) that the Redex trial follows advice of transport planning experts and is in line with the Government’s draft Strategic Public Transport Network Plan;
- (3) that the Redex service offers a new transport service to Canberrans, including:
 - (a) a new concept in the ACT of limited-stop, 15-minute frequency services all day, from 7 a.m. to 7 p.m., weekdays travelling from Gungahlin to Kingston via Mitchell, the city, Russell and the Parliamentary Triangle;
 - (b) a comfortable ride on the new MAN Euro 5 clean diesel buses, which are fully accessible and air-conditioned; and
 - (c) improved passenger information through the use of on-board information screens, which display information about upcoming stops and other ACTION services; and

- (4) that the Government will review the Redex service during the trial to consider its expansion as part of the Sustainable Transport Action Plan, in consideration with the finalisation of the Strategic Public Transport Network Plan.”

Ms Bresnan, by leave, moved the following amendments to Mr Stanhope’s proposed amendment together:

- (1) paragraph (3), omit (b) and (c); and
- (2) add:
- “(5) the Redex trial final plans focused on one route;
- (6) that Redex services travel on the same roads as existing bus services;
- (7) that routes 51, 52 or 59 provide 50 services a day between Gungahlin suburbs and the city;
- (8) that there are no ‘park and ride’ facilities at the Gungahlin Town Centre; and
- (9) that a \$1 million investment in public transport should be coupled with investment in:
- (a) improving bus priority on existing routes to cut travel times; and
- (b) consider an appropriate location for a ‘park and ride’ facility to service Gungahlin in line with plans for a Gungahlin bus interchange.”.

Debate continued.

Ms Le Couteur, who had already spoken, by leave, again addressed the Assembly.

Mr Coe, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Question—That Ms Bresnan’s amendments to Mr Stanhope’s proposed amendment be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 4
Mr Barr	Ms Le Couteur	Mr Coe
Ms Bresnan	Ms Porter	Mr Hanson
Ms Burch	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth
Ms Hunter		

And so it was resolved in the affirmative.

Question—That Mr Stanhope’s amendment, as amended, be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 4
Mr Barr	Ms Le Couteur	Mr Coe
Ms Bresnan	Ms Porter	Mr Hanson
Ms Burch	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth
Ms Hunter		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly notes:

- (1) the ACT Government’s \$1 million trial of Redex between Gungahlin to Kingston, which will run to 30 June 2010;
- (2) that the Redex trial follows advice of transport planning experts and is in line with the Government’s draft Strategic Public Transport Network Plan;
- (3) that the Redex service offers a new transport service to Canberrans, including a new concept in the ACT of limited-stop, 15-minute frequency services all day, from 7 a.m. to 7 p.m., weekdays travelling from Gungahlin to Kingston via Mitchell, the city, Russell and the Parliamentary Triangle;
- (4) that the Government will review the Redex service during the trial to consider its expansion as part of the Sustainable Transport Action Plan, in consideration with the finalisation of the Strategic Public Transport Network Plan;
- (5) the Redex trial final plans focused on one route;
- (6) that Redex services travel on the same roads as existing bus services;
- (7) that routes 51, 52 or 59 provide 50 services a day between Gungahlin suburbs and the city;
- (8) that there are no ‘park and ride’ facilities at the Gungahlin Town Centre; and
- (9) that a \$1 million investment in public transport should be coupled with investment in:
 - (a) improving bus priority on existing routes to cut travel times; and
 - (b) consider an appropriate location for a ‘park and ride’ facility to service Gungahlin in line with plans for a Gungahlin bus interchange.”—

be agreed to—put and passed.

4 CALVARY HOSPITAL AND CLARE HOLLAND HOUSE—PROPOSED PURCHASE AND SALE

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

- (1) notes:
 - (a) that ACT Government funded health services are provided for the benefit of the ACT people and those of the surrounding region;
 - (b) the ACT Government’s proposal to purchase Calvary Public Hospital from the Little Company of Mary Health Care Limited (LCM Health Care);
 - (c) LCM Health Care’s sale of the hospital is conditional on it purchasing Clare Holland House, the ACT’s only hospice, from the ACT Government; and
 - (d) the outcomes of the ACT Government’s consultation on these proposals, through which the community has raised considerable opposition to the sale of Clare Holland House to LCM Health Care;
- (2) requests that LCM Health Care reconsider the conditional link it has imposed on the ACT Government’s purchase of the hospital with the sale of the hospice; and

- (3) calls on the Minister for Health to write to the Board of LCM Health Care, advising them of this motion, and seeking a response to it.

Ms Bresnan, by leave, moved the following amendment to her motion: Add:

- “(4) requests that the Minister for Health table a report in the Assembly by 10 December 2009 outlining the issues that were raised by the community through the public consultation process, and the ACT Government response to these issues.”.

Debate ensued.

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.

5 QUESTIONS

Questions without notice were asked.

6 PAPER

Ms Gallagher (Minister for Health) presented the following paper:

Overnight stay for a support person—The Canberra Hospital Maternity Practice Guidelines—May 2006.

7 CALVARY HOSPITAL AND CLARE HOLLAND HOUSE—PROPOSED PURCHASE AND SALE

The order of the day having been read for the resumption of the debate on the motion of Ms Bresnan, and on her amendment to the motion (*see entry 4*)—

Debate resumed.

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

Mr Hanson, by leave, moved the following amendment to the motion, as amended: Omit all words after “That this Assembly”, substitute:

- “(1) notes that the Government’s proposal to purchase Calvary Hospital and sell Clare Holland House:
- (a) has followed very poor public process;
 - (b) will provide no health benefit to the ACT;
 - (c) will cost ACT taxpayers in excess of \$160 million over 20 years; and
 - (d) will result in the loss of Clare Holland House as a publicly owned hospice;
- (2) calls on the Government to immediately cease negotiations on the purchase of Calvary Hospital and sale of Clare Holland House; and
- (3) calls on the Minister for Health to outline new options to deliver improved public hospital services in the north of Canberra.”.

Debate continued.

Question—That Mr Hanson’s amendment be agreed to—put.

The Assembly voted—

AYES, 5

Mr Coe
Mr Doszpot
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 10

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

And so it was negatived.

Debate continued.

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

The Assembly voted—

AYES, 4

Ms Bresnan
Ms Hunter
Ms Le Couteur
Mr Rattenbury

NOES, 11

Mr Barr
Ms Burch
Mr Coe
Mr Corbell
Mr Doszpot
Ms Gallagher
Mr Hanson
Ms Porter
Mr Seselja
Mr Smyth
Mr Stanhope

And so it was negatived.

8 FINANCIAL MANAGEMENT (BOARD COMPOSITION) 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 agreed to.

Clause 2—

Mr Smyth moved his amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 9

Ms Bresnan
Mr Coe
Mr Doszpot
Mr Hanson
Ms Hunter
Ms Le Couteur
Mr Rattenbury
Mr Seselja
Mr Smyth

NOES, 6

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

And so it was resolved in the affirmative.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4—

On the motion of Mr Smyth, his amendment No. 2 (*see* Schedule 2) was made, after debate.

Clause 4, as amended, agreed to.

New clause—

On the motion of Ms Gallagher (Treasurer), new clause 4A (her amendment No. 3—*see* [Schedule 1](#)) was inserted in the Bill.

Clause 5—

Ms Gallagher moved her amendment No. 4 (*see* [Schedule 1](#)).

On the motion of Mr Smyth, his amendment No. 1 (*see* Schedule 3) to Ms Gallagher's proposed amendment No. 4 was made, after debate.

Amendment, as amended, agreed to.

Clause 5, as amended, agreed to.

Clause 6—

On the motion of Mr Smyth, his amendment No. 3 (*see* Schedule 2) was made, after debate.

Clause 6, as amended, agreed to.

Title debated and agreed to.

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

9 GREENHOUSE GAS EMISSIONS TARGETS

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

- (1) notes:
 - (a) the importance of addressing climate change as one of the biggest policy challenges facing the modern world;
 - (b) ACT greenhouse gas emissions have increased by 10% since 2000 and our emissions are increasing at a faster rate than the national average;
- (2) endorses the Government decision to set an ambitious yet achievable greenhouse gas reduction of being carbon neutral by 2060 and to set a target of our emissions peaking in 2013;
- (3) notes that the Government has committed to set medium term targets in the first half of next year; and
- (4) rejects the view that as we are a small jurisdiction that our actions to reduce our greenhouse gas emissions are inconsequential.

Mr Seselja (Leader of the Opposition) moved the following amendment: Omit all words after paragraph (1)(b), substitute:

- “(2) notes the leadership of the Canberra Liberals in climate change particularly that:
- (a) in 1997 the ACT became the first government in Australia to sign up to targets for greenhouse gas reduction of 1990 levels by 2008 and a 20% reduction on those levels by 2018;
 - (b) the Canberra Liberal Government set about a project of quantifying the ACT’s emissions and developing strategies for reduction;
 - (c) in 2007 the first ever bill to legislate for greenhouse gas emission targets was introduced into this Assembly; and
 - (d) the home insulation policy, the Solar Canberra policy and related election policies further support a commitment to addressing climate change;
- (3) notes the failure of leadership by the Stanhope Government particularly:
- (a) in 2004 the Stanhope Government abandoned all work on the ACT’s Greenhouse Strategy;
 - (b) in 2005 threw out the ACT’s Greenhouse Strategy until 2007; and
 - (c) the Stanhope Government’s 2007 strategy was widely criticised for refusing to set interim targets or to adopt any meaningful strategies or initiatives to reduce our long-term greenhouse emissions;
- (4) notes that there is now general agreement to legislate to set climate change targets; and
- (5) calls on the ACT Government to set strong and achievable medium-term targets which take into account the proposed Carbon Pollution Reduction Scheme and international developments.”.

Debate continued.

Mr Corbell (Minister for the Environment, Climate Change and Water) addressing the Assembly—

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

Mr Corbell requiring the question to be forthwith without debate—

Question—put and negatived.

Debate continued.

Question—That Mr Seselja’s amendment be agreed to—put.

The Assembly voted—

AYES, 3	NOES, 8
Mrs Dunne	Mr Barr
Mr Seselja	Ms Bresnan
Mr Smyth	Mr Corbell
	Ms Gallagher
	Ms Hunter
	Ms Le Couteur
	Mr Rattenbury
	Mr Stanhope

And so it was negatived.

Mr Rattenbury, by leave, moved the following amendment: Omit all words after paragraph (1)(a), substitute:

- “(b) ACT greenhouse gas emissions have increased by 25% since 1990 and our emissions are increasing at a faster rate than the national average;
- (2) endorses the Government decision to legislate a greenhouse gas reduction target of the ACT being carbon neutral by 2060 and to legislate a target for the ACT’s emissions peaking in 2013;
- (3) notes the Government has announced its intent to set a medium-term greenhouse gas reduction target in the range of 25% to 40% by 2020 in the first half of 2010 and this will be included in the proposed greenhouse gas reduction targets legislation;
- (4) acknowledges that, despite being a small jurisdiction, the ACT’s actions to reduce our greenhouse gas emissions at a local level are an essential contribution to taking action on climate change;
- (5) acknowledges the associated benefits from legislating a target include increased investment in the green business sector and financial savings from increased energy efficiency; and
- (6) calls on the Government to:
- (a) include a renewable energy target of at least 15% by 2012 and 25% by 2020 in the ACT energy policy;
- (b) release a final energy policy for the ACT by mid-2010; and
- (c) amend the *Electricity Feed-in (Renewable Energy Premium) Act 2008* to include installations larger than 30kW as soon as possible in 2010.”.

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

10 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 6.44 p.m., adjourned until tomorrow 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

SCHEDULES OF AMENDMENTS

Schedule 1

FINANCIAL MANAGEMENT (BOARD COMPOSITION) AMENDMENT BILL 2009

Amendments circulated by the Treasurer

1
Clause 2
Page 2, line 4—

substitute

2 Commencement

- (1) This Act (other than section 6) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75(1)).

- (2) Section 6 commences 6 months after this Act's notification day.
-

2
Clause 4
Proposed new section 78 (4A) (b)
Page 2, line 16—

omit proposed new section 78 (4A) (b), substitute

- (b) the appointment would result in—
- (i) more than 1 public servant being a member of the board (whether as CEO or otherwise); and
 - (ii) more than 35% of the members of the board (including the CEO) being public servants.
-

3
Proposed new clause 4A
Page 2, line 22—

insert

4A Section 78 (6), new note

insert

Note The terms *public servant* and *statutory office holder* are defined in the Legislation Act, dict, pt 1.

4

Clause 5

Page 3, line 1—

omit clause 5, substitute

5

Appointment of chair and deputy chair

New section 79 (2A)

insert

- (2A) Also, the responsible Minister must not appoint a public servant as chair or deputy chair unless—
- (a) there is no member of the board who—
 - (i) is not a public servant; and
 - (ii) is available to be appointed; or
 - (b) the Legislation Assembly approves, by resolution, the appointment.
-

Schedule 2

FINANCIAL MANAGEMENT (BOARD COMPOSITION) AMENDMENT BILL 2009

Amendments circulated by Mr Smyth

1
Clause 2
Page 2, line 4—

omit clause 2, substitute

2 **Commencement**

This Act commences on 1 January 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2
Clause 4
Proposed new section 78 (4A) (b)
Page 2, line 16—

omit proposed new section 78 (4A) (b), substitute

- (b) if the governing board has a maximum of 6 members or less—the appointment would result in more than 1 public servant being a member of the board; and
 - (c) if the governing board has a maximum of more than 6 members—the appointment would result in more than 2 public servants being members of the board.
-

3
Clause 6
Page 3, line 7—

omit clause 6, substitute

6 **Repeal of Exhibition Park Corporation (Governing Board) Appointment 2009 (No 3)**

The appointments made under the *Exhibition Park Corporation (Governing Board) Appointment 2009 (No 3)* (NI2009-519) are revoked and the instrument is repealed.

Schedule 3

**FINANCIAL MANAGEMENT (BOARD COMPOSITION)
AMENDMENT BILL 2009**

Amendment circulated by Mr Smyth to the Treasurer's amendment No. 4

**1
Amendment No 4
Clause 5
Page 3, line 1
Paragraph (2A)(a)(ii)—**

omit “or”, substitute “and”
