



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009–2010–2011

MINUTES OF PROCEEDINGS

No. 96

TUESDAY, 29 MARCH 2011

- 1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

- 2 **JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 34—STATEMENT BY CHAIR**

Mrs Dunne (Chair) presented the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 34, dated 24 March 2011, together with the relevant minutes of proceedings—

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

- 3 **PUBLIC ACCOUNTS—STANDING COMMITTEE—AUDITOR-GENERAL—EXPIRATION OF TERM OF APPOINTMENT—STATEMENT BY CHAIR—STATEMENTS BY MEMBERS AND MINISTER**

Ms Le Couteur (Chair), pursuant to standing order 246A, made a statement concerning the expiration of the term of the current Auditor-General, Mrs Tu Pham PSM.

Mr Smyth, Mr Hargreaves, Mr Seselja (Leader of the Opposition), Ms Gallagher (Deputy Chief Minister) and Ms Bresnan, by leave, also made statements concerning the Auditor-General.

4 INFORMATION AND COMMUNICATIONS TECHNOLOGY—PROGRESS REPORT—STATEMENT BY MINISTER—PAPER—PAPER NOTED

Mr Stanhope (Minister for Territory and Municipal Services), by leave, pursuant to the resolution of the Assembly of 22 September 2010, made a statement concerning information and communications technology.

Mr Stanhope presented the following paper:

Clean ICT motion—Government response—Copy of statement by Minister—
and moved—That the Assembly takes note of the paper.

Debate ensued.

Question—put and passed.

5 LEAVE OF ABSENCE TO MEMBER

Mr Corbell (Manager of Government Business) moved—That leave of absence be granted to Ms Porter for this sitting fortnight for medical reasons.

Question—put and passed.

6 BIMBERI YOUTH JUSTICE CENTRE—STATEMENT BY MINISTER—PAPER—MOTION TO TAKE NOTE OF PAPER

Ms Burch (Minister for Children and Young People), by leave, made a statement concerning Bimberi Youth Justice Centre.

Ms Burch presented the following paper:

Bimberi Youth Justice Centre—Reviews into 5 February incident—Copy of statement by Minister—

and moved—That the Assembly takes note of the paper.

Debate ensued.

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

7 WORKING WITH VULNERABLE PEOPLE (BACKGROUND CHECKING) BILL 2010

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 were asked.

9 PRESENTATION OF PAPERS

The Speaker, pursuant to standing order 191, presented the following papers:

Standing order 191—Amendments to:

Children and Young People (Death Review) Amendment Bill 2010, dated 11 and 15 March 2011.

Crimes Legislation Amendment Bill 2010, dated 11 and 15 March 2011.

Dangerous Substances Amendment Bill 2010, dated 11 and 15 March 2011.

Environment Protection Amendment Bill 2010, dated 11 and 15 March 2011.

10 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contract—Benjamin Ponton.

Short-term contracts:

Barry Folpp, dated 7 and 10 February 2011.

Elizabeth Beattie, dated 15 December 2010.

Elizabeth McPherson, dated 17 February 2011.

Judy Redmond, dated 31 January 2011.

Malcolm Prentice, dated 25 and 28 February 2011.

Marnie Edwards, dated 7 January 2011.

Meredith Whitten.

Pamela Jenkins, dated 2 February 2011.

Peter Maybury, dated 9 December 2010.

Ronia McDade, dated 19 January 2011.

Simone Fowlie, dated 7 February 2011.

Stephen Goggs, dated 18 January 2011.

Susan Lebish, dated 18 February 2011.

Contract variations:

Adrian Scott (2), dated 10 and 25 February 2011.

Alan Traves, dated 7 February 2011.

Alison Purvis, dated 11 and 17 February 2011.

Andrew Kefford, dated 21 February 2011.

Barbara Reid, dated 25 February 2011.

Bronwen Overton-Clarke, dated 11 February 2011.

Brook Dixon, dated 28 February 2011.

David Metcalf, dated 28 February 2011.

David Read, dated 18 February 2011.

Elizabeth Trickett, dated 31 January 2011.

Geoffrey Rutledge, dated 7 March 2011.

Jill Divorty, dated 18 February 2011.

Julie Field, dated 28 February 2011.

Liz Beattie, dated 11 February 2011.

Richard Neeves, dated 18 February 2011.

Rosemary Kennedy, dated 14 February 2011.

Stephen Goggs.

Stuart Friend, dated 18 February 2011—

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

11 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Full-Time Holder of Public Office—Victims of Crime Commissioner—Determination 1 of 2011, dated 14 February 2011.

Part-Time Holder of Public Office—Climate Change Council—Determination 2 of 2011, dated 14 February 2011.

12 PRESENTATION OF PAPER

Mr Barr (Minister for Education and Training) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010—Canberra Institute of Technology, dated 28 March 2011.

13 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Architects Act—Architects Board Appointment 2011 (No. 1)—Disallowable Instrument DI2011-34 (LR, 7 March 2011).

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2011 (No. 1)—Disallowable Instrument DI2011-35 (LR, 7 March 2011).

Canberra Institute of Technology (Advisory Council) Appointment 2011 (No. 2)—Disallowable Instrument DI2011-37 (LR, 7 March 2011).

Canberra Institute of Technology (Advisory Council) Appointment 2011 (No. 3)—Disallowable Instrument DI2011-38 (LR, 7 March 2011).

Canberra Institute of Technology (Advisory Council) Appointment 2011 (No. 4)—Disallowable Instrument DI2011-39 (LR, 7 March 2011).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2011 (No. 1)—Disallowable Instrument DI2011-41 (LR, 15 March 2011).

Court Procedures Act—Court Procedures Amendment Rules 2011 (No. 1)—Subordinate Law SL2011-6 (LR, 28 February 2011).

Domestic Violence Agencies Act 1986 and Legislation Act—Domestic Violence Agencies (Project Coordinator) Revocation 2011—Disallowable Instrument DI2011-28 (LR, 24 February 2011).

Environment Protection Act—Environment Protection Amendment Regulation 2011 (No. 2)—Subordinate Law SL2011-9 (LR, 10 March 2011).

Litter Act—Litter (Shopping Trolleys) Regulation 2011—Subordinate Law SL2011-7 (LR, 1 March 2011).

Public Place Names Act—

Public Place Names (Franklin) Amendment Determination 2011 (No. 1)—Disallowable Instrument DI2011-43 (LR, 17 March 2011).

Public Place Names (Macgregor) Determination 2011 (No. 1)—Disallowable Instrument DI2011-27 (LR, 24 February 2011).

Public Place Names (Weston) Determination 2011 (No. 1)—Disallowable Instrument DI2011-42 (LR, 17 March 2011).

Road Transport (Driver Licensing) Regulation 2000—Road Transport (Driver Licensing) Driving Instruction Code of Practice 2011 (No. 1)—Disallowable Instrument DI2011-40 (LR, 15 March 2011).

Road Transport (General) Act—Road Transport (General) (Guidelines about withdrawal of infringement notices) Determination 2011—Disallowable Instrument DI2011-33 (LR, 3 March 2011).

Road Transport (Public Passenger Services) Regulation 2002—Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2011 (No. 1)—Disallowable Instrument DI2011-36 (LR, 7 March 2011).

Road Transport (Safety and Traffic Management) Regulation 2000—

Road Transport (Safety and Traffic Management) Booster Seats Approval 2011—Disallowable Instrument DI2011-31 (LR, 3 March 2011).

Road Transport (Safety and Traffic Management) Child Restraints Approval 2011—Disallowable Instrument DI2011-30 (LR, 3 March 2011).

Road Transport (Safety and Traffic Management) Child Safety Harnesses Approval 2011—Disallowable Instrument DI2011-32 (LR, 3 March 2011).

Work Safety Act—

Work Safety (ACT Code of Practice for Formwork) Code of Practice 2011—Disallowable Instrument DI2011-29 (LR, 4 March 2011).

Work Safety Amendment Regulation 2011 (No. 1)—Subordinate Law SL2011-8 (LR, 7 March 2011).

14 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—PEAK OIL

The Assembly was informed that Ms Bresnan, Mr Coe, Mr Doszpot, Mr Hanson, Ms Hunter, Ms Le Couteur, 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 Le Couteur be submitted to the Assembly, namely, “The importance of preparing the ACT for peak oil”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

15 WORKING WITH VULNERABLE PEOPLE (BACKGROUND CHECKING) BILL 2010

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.

Paper: Ms Burch (Minister for Disability, Housing and Community Services) presented a revised explanatory statement to the Bill.

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

Detail Stage

Clause 1—

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

16 HEALTH 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.

Detail Stage

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

Clause 5—

Ms Gallagher (Minister for Health), pursuant to SO182A(b), was granted leave to move amendments.

On the motion of Ms Gallagher, her amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

Paper: Ms Gallagher presented a supplementary explanatory statement to the Government amendments.

On the motion of Ms Gallagher, by leave, her amendments Nos. 2 and 3 (*see* [Schedule 1](#)) were made together, after debate.

On the motion of Ms Gallagher, by leave, her amendments Nos. 4 and 5 (*see* [Schedule 1](#)) were made together, after debate.

Clause 5, as amended, agreed to.

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

On the motion of Ms Gallagher, by leave, her amendments Nos. 6 to 9 (*see* [Schedule 1](#)) were made together, after debate.

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

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

17 ADJOURNMENT

Ms Gallagher (Minister for Health) moved—That the Assembly do now adjourn.

Debate ensued.

Suspension of standing and temporary orders—Extension of adjournment debate:
Ms Gallagher moved—That so much of the standing and temporary orders be suspended as would enable her to conclude her speech.

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

Debate continued.

Question—put and passed.

And then the Assembly, at 5.45 p.m., adjourned until tomorrow at 10 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

HEALTH AMENDMENT BILL 2011

Amendments circulated by the Minister for Health

1

Clause 5

Proposed new section 15 (4)

Page 4, line 27—

insert

- (4) The Minister must, within 6 sitting days after the day a report under subsection (1) is given to the Minister, present the report to the Legislative Assembly.
-

2

Clause 5

Proposed new section 17 (1)

Page 5, line 11—

*omit everything before proposed new section 17 (1) (a),
substitute*

- (1) The council must include members who bring the necessary skills and experience to allow the council to perform its functions under the Act, and include members who have expertise or experience in 1 or more of the following areas:
-

3

Clause 5

Proposed new section 17 (1) (b)

Page 5, line 13—

omit proposed new section 17 (1) (b), substitute

- (b) 1 person who is a medical practitioner with at least 5 years clinical experience;
- (ba) 1 person who has expertise in clinical matters;
-

4

Clause 5

Proposed new section 19C (3) (b)

Page 7, line 12—

omit

3

substitute

6

5

Clause 5**Proposed new section 19D (4)****Page 7, line 22—***omit*

3

substitute

6

6

Clause 13**Proposed new section 67 (1) (a)****Page 21, line 8—***omit*

, under section 65

7

Clause 13**Proposed new section 67 (1) (b)****Page 21, line 10—***omit*

under section 66

8

Clause 13**Proposed new section 67 (4)****Page 21, line 25—***insert*

(4) In this section:

recommendation notice—see section 65 (2).

9

Proposed new clause 20A**Page 35, line 8—***insert*

20A Dictionary, note 2

insert

- sitting day
-