



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009–2010

MINUTES OF PROCEEDINGS

No. 87

TUESDAY, 7 DECEMBER 2010

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 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 DEATH OF PROFESSOR FRANK FENNER, AC, CMG, MBE

Mr Stanhope (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Professor Frank Fenner, AC, CMG, MBE, distinguished and eminent scientist and philanthropist and tireless advocate for public health, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Seselja (Leader of the Opposition) and Ms Hunter addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

3 PETITIONS

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

Ms Le Couteur, from—

211 residents, requesting that the Assembly provide for the establishment of a convenient, community drop off system across the ACT for fluorescent light globes (Pet 114).

24 residents, requesting that the Assembly provide for the establishment of a convenient, community drop off system across the ACT for battery recycling (Pet 115).

4 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 31—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 31, dated 6 December 2010, together with the relevant minutes of proceedings—

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

5 HEALTH, COMMUNITY AND SOCIAL SERVICES—STANDING COMMITTEE—REPORT 4—LOVE HAS ITS LIMITS—RESPITE CARE SERVICES IN THE A.C.T.—REPORT NOTED

Mr Doszpot (Chair) presented the following report:

Health, Community and Social Services—Standing Committee—Report 4—*Love Has Its Limits—Respite care services in the ACT*, dated 3 December 2010, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

6 AUDITOR-GENERAL'S REPORT NO. 5/2009—ADMINISTRATION OF EMPLOYMENT ISSUES FOR STAFF OF MEMBERS OF THE ACT LEGISLATIVE ASSEMBLY—STATEMENT BY MINISTER

Mr Stanhope (Chief Minister), by leave, made a statement concerning Auditor-General's Report No. 5/2009 entitled *Administration of employment issues for staff of Members of the ACT Legislative Assembly*.

7 KANGAROO CULL—STATEMENT BY MINISTER

Mr Stanhope (Minister for Territory and Municipal Services), by leave, made a statement in relation to the resolution of the Assembly of 23 June 2010 concerning kangaroo culling.

8 ESTIMATES 2010-2011—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2010-2011—RECOMMENDATION 13—STATEMENT BY MINISTER

Ms Gallagher (Treasurer), by leave, made a statement in response to recommendation 13 of the report of the Select Committee on Estimates 2010-2011 concerning the status of Totalcare Industries.

9 PLASTIC SHOPPING BAGS BAN 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.

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

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Ms Hunter	Mr Doszpot
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Ms Burch	Ms Porter	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Mr Hargreaves	Mr Stanhope	Mr Smyth

And so it was resolved in the affirmative—Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole—

Mr Corbell (Minister for the Environment, Climate Change and Water), pursuant to SO182A(b), was granted leave to move amendments.

On the motion of Mr Corbell, his amendments Nos. 1 and 2 (*see* [Schedule 1](#)) were made together, after debate.

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

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

The Assembly voted—

AYES, 10		NOES, 5
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Ms Burch	Ms Porter	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Mr Hargreaves	Mr Stanhope	Mr Smyth

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	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Ms Burch	Ms Porter	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Mr Hargreaves	Mr Stanhope	Mr Smyth

And so it was resolved in the affirmative—Bill, as amended, agreed to.

10 QUESTIONS

Questions without notice were asked.

11 CENSURE MOTION—LEAVE NOT GRANTED

Mr Hanson sought leave to move a motion of censure of the Attorney-General.

Objection being raised, leave not granted.

**12 SUSPENSION OF STANDING AND TEMPORARY ORDERS MOVED—
PRECEDENCE TO MOTION**

Mr Hanson moved—That so much of the standing and temporary orders be suspended as would prevent Mr Hanson from moving a motion of censure of the Attorney-General.

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
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.

13 PRESENTATION OF PAPER

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

Standing order 191—Amendments to the Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010, dated 24 November 2010.

**14 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:

Adrian Makeham-Kirchner, dated 11 June 2010.

Short-term contracts:

Daniel Walters, dated 22 and 28 October 2010.

Dougal Whitton, dated 4 November 2010.

John Stenhouse, dated November 2010.

Kate Starick, dated 11 November 2010.

Keith Simpson, dated 2 November 2010.

Leanne Power, dated 9 November 2010.

Lisa Holmes, dated 3 November 2010.

Contract variations:

Anne Ellis, dated 4 November 2010.

Anthony Polinelli, dated 11 November 2010.

Loretta Zamprogno, dated 5 November 2010.

Michael Trushell, dated 15 November 2010.

Paul Ogden, dated 5 November 2010.

Roderick John Nicholas, dated 10 November 2010.

Stuart Friend, dated 8 November 2010—

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

15 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

North Weston Pond—Molonglo—Request for inquiry into procedures used to test for contamination—

Copy of letter from the Chief Minister to Ms Tu Pham, ACT Auditor-General, dated 7 December 2010.

Copy of media release by the Chief Minister.

16 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 11—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 8 OF 2009: 2008-09 FINANCIAL AUDITS—GOVERNMENT RESPONSE—STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Public Accounts—Standing Committee—Report 11—*Review of Auditor-General's Report No. 8 of 2009: 2008-09 Financial Audits*—Government response—

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

17 PRESENTATION OF PAPERS

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

Gene Technology Act, pursuant to subsection 136(2)—Operations of the Gene Technology Regulator—Annual report 2009-2010, dated 13 September 2010.

Australian Health Practitioner Regulation Agency—Annual report 2009-2010—

Report.

Corrigendum, dated 16 November 2010.

18 GAMING MACHINE ACT—COMMUNITY CONTRIBUTIONS MADE BY GAMING MACHINE LICENSEES—REPORT BY THE A.C.T. GAMBLING AND RACING COMMISSION—PAPER AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPER

Mr Barr (Minister for Gaming and Racing) presented the following paper:

Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Report by the ACT Gambling and Racing Commission—1 July 2009 to 30 June 2010, dated 26 October 2010—

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

Mr Barr moved—That the Assembly take note of the paper.

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

19 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—

Education Act—Education (School Boards of Schools in Special Circumstances) Birrigai Outdoor School Determination 2010—Disallowable Instrument DI2010-284 (LR, 4 November 2010).

Exhibition Park Corporation Act and Financial Management Act—

Exhibition Park Corporation (Governing Board) Appointment 2010 (No. 3)—Disallowable Instrument DI2010-287 (LR, 11 November 2010).

Exhibition Park Corporation (Governing Board) Appointment 2010 (No. 4)—Disallowable Instrument DI2010-288 (LR, 11 November 2010).

Radiation Protection Act—Radiation Protection (Fees) Determination 2010 (No. 1)—Disallowable Instrument DI2010-283 (LR, 4 November 2010).

Road Transport (General) Act—Road Transport (General) Application of Road Transport Legislation Declaration 2010 (No. 9)—Disallowable Instrument DI2010-286 (LR, 8 November 2010).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2010 (No. 4)—Disallowable Instrument DI2010-289 (LR, 11 November 2010).

Smoking (Prohibition in Enclosed Public Places) Act—Smoking (Prohibition in Enclosed Public Places) Amendment Regulation 2010 (No. 1)—Subordinate Law SL2010-44 (LR, 10 November 2010).

20 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—WOMEN IN THE COMMUNITY

The Assembly was informed that Ms Bresnan, 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 Ms Porter be submitted to the Assembly, namely, “The importance of supporting and valuing women in the ACT community”.

Discussion ensued.

Discussion concluded.

21 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2010 (NO. 4)

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—

Suspension of standing and temporary orders moved—Debate on adjournment of bill:
Mrs Dunne moved—That so much of the standing and temporary orders be suspended as would prevent debate on reasons why the Justice and Community Safety Legislation Amendment Bill 2010 (No. 4) should be adjourned, being debated.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Smyth

NOES, 10

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

And so it was negatived.

Mrs Dunne moved—That debate be adjourned.

Question—put and negatived.

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.

22 FIREARMS AMENDMENT 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.

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.

23 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 5.22 p.m., adjourned until tomorrow at 10 a.m.

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

M M KIERMAIER
Acting Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

PLASTIC SHOPPING BAGS BAN BILL 2010

Amendments circulated by the Minister for the Environment, Climate Change and Water

1

Clause 2

Page 2, line 3—

omit clause 2, substitute

2

Commencement

(1) This Act (other than section 7) commences on 1 July 2011.

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

(2) Section 7 commences on 1 November 2011.

2

Clause 100 (3) (b)

Page 6, line 6—

omit clause 100 (3) (b), substitute

(b) contain the following statement:

‘The ACT Government will ban the supply of lightweight checkout style plastic shopping bags, starting on 1 November 2011.

Alternative shopping bags are available from this retail outlet.’; and
