



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009

MINUTES OF PROCEEDINGS

No. 34

WEDNESDAY, 16 SEPTEMBER 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 EMERGENCIES (BUSHFIRE REPORTING) AMENDMENT BILL 2009

Mr Smyth, pursuant to notice, presented a Bill for an Act to amend the *Emergencies Act 2004*.

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 (Mr Corbell—Minister for Police and Emergency Services) and the resumption of the debate made an order of the day for the next sitting.

3 TEACHERS IN THE A.C.T.

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

- (1) notes:
 - (a) the fact that outside the home, teachers are the most important factor in influencing a child's education; and
 - (b) the importance of having the best and most experienced teachers in ACT classrooms; and

- (2) supports the ACT Government and the Federal Labor Government's initiatives to develop merit-based promotion systems and improve pay outcomes to attract and retain the best teachers in ACT classrooms.

Debate ensued.

Question—put and passed.

4 COTTER DAM ENLARGEMENT AND MURRUMBIDGEE TO GOOGONG TRANSFER PROJECT

Mrs Dunne, pursuant to notice, moved—That this Assembly:

- (1) notes the need to secure Canberra's future water supply;
- (2) supports the construction of the enlarged Cotter Dam as announced by the Minister for the Environment, Climate Change and Water in March 2009;
- (3) notes:
 - (a) the decision of the Minister for Planning, announced on 26 August 2009, to exercise his call-in powers in relation to ACTEW Corporation's development application for the enlarged Cotter Dam; and
 - (b) with concern:
 - (i) the announcement by ACTEW Corporation on 3 September 2009 that the cost of construction for the enlarged Cotter Dam had blown out to \$363 million; and
 - (ii) the anticipated increased costs for the Murrumbidgee to Googong transfer project;
- (4) expresses its concern at the lack of capacity of the ACT Government and its agencies, including Territory-owned corporations, to manage capital works; and
- (5) calls on the Chief Minister, on behalf of the shareholders of ACTEW Corporation, and any ministers having an involvement in water security projects to provide to the Legislative Assembly by close of business on Thursday, 17 September 2009 in relation to both of the Cotter Dam enlargement and the Murrumbidgee to Googong transfer project:
 - (a) a full accounting of the factors leading to the cost blow-out; and
 - (b) a chronology of advice given to the shareholders, individual ministers, Cabinet or any government agencies in relation to the cost blow-out.

Mr Corbell (Minister for the Environment, Climate Change and Water) moved the following amendment: Omit paragraphs (3)(b), (4) and (5), substitute:

- “(3) (b) the announcement by ACTEW Corporation on 3 September 2009 that the cost of construction for the enlarged Cotter Dam had increased to \$363 million; and
- (c) the anticipated increased costs for the Murrumbidgee to Googong transfer project;
- (4) notes that the management of the project is being undertaken by the Board of ACTEW Corporation, consistent with the provisions of the *Territory-owned Corporations Act 1990*; and

- (5) requests that the Minister for the Environment, Climate Change and Water request that ACTEW provide to the Minister, to present to the Legislative Assembly by close of business on Thursday, 17 September 2009, in relation to both of the Cotter Dam enlargement and the Murrumbidgee to Googong transfer project:
- (a) a detailed accounting of the factors leading to the increase in costs of the projects; and
 - (b) a chronology of when ACTEW advised the Government of the variation in costs and details thereof in relation to the projects.”.

Debate continued.

Debate adjourned (Mr Smyth) and the resumption of the debate made an order of the day for a later hour this day.

5 UNPARLIAMENTARY LANGUAGE—STATEMENT BY SPEAKER

The Speaker made a statement concerning unparliamentary language.

6 QUESTIONS

Questions without notice were asked.

7 MY LIFE, MY COMMUNITY—JOURNEYS TO RECOVERY THROUGH COMMUNITY SERVICES FOR MENTAL HEALTH—PAPER AND STATEMENT BY MEMBER

Ms Bresnan, by leave, presented the following paper:

My Life, My Community—Journeys to recovery through Community Services for mental health, prepared by Fiona Tito-Wheatland, Enduring Solutions Pty Ltd for the ACT Greens, dated July 2009—

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

8 REDUCING ALCOHOL RELATED VIOLENCE: A NEW FRAMEWORK FOR THE A.C.T.—PAPER AND STATEMENT BY MEMBER

Mr Rattenbury, by leave, presented the following paper:

Reducing Alcohol Related Violence: A New Framework for the ACT—A paper by the ACT Greens, dated September 2009—

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

9 COTTER DAM ENLARGEMENT AND MURRUMBIDGEE TO GOOGONG TRANSFER PROJECT

The order of the day having been read for the resumption of the debate on the motion of Mrs Dunne, and on the amendment moved by Mr Corbell (Minister for the Environment, Climate Change and Water) (*see entry 4*)—

Debate resumed.

Mr Corbell, by leave, moved the following amendment to his proposed amendment: In proposed paragraph 5(b), after “Government” insert “, shareholders and Ministers”.

Question—That Mr Corbell’s amendment to his proposed amendment be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

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

The Assembly voted—

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

And so it was resolved in the affirmative.

Mr Rattenbury, by leave, moved the following amendment: Add:

“(6) expresses its concern at the increase in the cost of the project and the importance of accurate assessment of costs for major public infrastructure projects so as to provide for informed public debate.”.

Debate continued.

Question—That Mr Rattenbury’s amendment be agreed to—put and passed.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes the need to secure Canberra’s future water supply;
- (2) supports the construction of the enlarged Cotter Dam as announced by the Minister for the Environment, Climate Change and Water in March 2009;
- (3) notes:
 - (a) the decision of the Minister for Planning, announced on 26 August 2009, to exercise his call-in powers in relation to ACTEW Corporation’s development application for the enlarged Cotter Dam;
 - (b) the announcement by ACTEW Corporation on 3 September 2009 that the cost of construction for the enlarged Cotter Dam had increased to \$363 million; and
 - (c) the anticipated increased costs for the Murrumbidgee to Googong transfer project;
- (4) notes that the management of the project is being undertaken by the Board of ACTEW Corporation, consistent with the provisions of the *Territory-owned Corporations Act 1990*;

- (5) requests that the Minister for the Environment, Climate Change and Water request that ACTEW provide to the Minister, to present to the Legislative Assembly by close of business on Thursday, 17 September 2009, in relation to both of the Cotter Dam enlargement and the Murrumbidgee to Googong transfer project:
- (a) a detailed accounting of the factors leading to the increase in costs of the projects; and
 - (b) a chronology of when ACTEW advised the Government, shareholders and Ministers of the variation in costs and details thereof in relation to the projects; and
- (6) expresses its concern at the increase in the cost of the project and the importance of accurate assessment of costs for major public infrastructure projects so as to provide for informed public debate.”—

be agreed to—put and passed.

10 EGGS (CAGE SYSTEMS) LEGISLATION 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.

The Assembly voted—

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

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

Detail Stage

Clause 1 agreed to.

Clause 2—

Mr Stanhope (Minister for Territory and Municipal Services) moved—That consideration of clause 2 be postponed until after consideration of clause 14.

Debate ensued.

Question—put and passed.

Clause 2 postponed.

Clause 3—

Debate continued.

Question—put.

The Assembly voted—

AYES, 4

Ms Bresnan
Ms Hunter
Ms Le Couteur
Mr Rattenbury

NOES, 11

Mr Barr	Ms Gallagher
Ms Burch	Mr Hanson
Mr Coe	Mr Hargreaves
Mr Corbell	Mr Seselja
Mr Doszpot	Mr Stanhope
Mrs Dunne	

And so it was negatived.

Clause 4 debated and negatived.

Clause 5 debated and negatived.

Clause 6—

Debate continued.

Battery cages—Copy of email to Mrs Dunne—Order to table: Ms Hunter, pursuant to standing order 213, moved—That the document quoted from by Mrs Dunne be tabled.

Question—put and passed.

Question—put.

The Assembly voted—

AYES, 4

Ms Bresnan
Ms Hunter
Ms Le Couteur
Mr Rattenbury

NOES, 11

Mr Barr	Ms Gallagher
Ms Burch	Mr Hanson
Mr Coe	Mr Hargreaves
Mr Corbell	Mr Seselja
Mr Doszpot	Mr Stanhope
Mrs Dunne	

And so it was negatived.

Clause 7 debated and negatived.

Clause 8 debated and negatived.

Clause 9 debated and negatived.

Clause 10—

Justice and Community Safety—Standing Committee—Proposed Reference—Eggs (Cage Systems) Legislation Amendment Bill 2009: Mrs Dunne, by leave, moved—That the Eggs (Cage Systems) Legislation Amendment Bill 2009, as amended, and the Government's proposed amendments to the Eggs (Labelling and Sale) Act be referred to the Standing Committee on Justice and Community Safety for inquiry with special consideration on the impact on business.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

NOES, 10

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

And so it was negatived.

Clause 10 agreed to.

Clause 11—

Debate continued.

Mr Stanhope moved his amendment No. 8 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 9

Mr Barr
Ms Bresnan
Mr Corbell
Ms Gallagher
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Mr Rattenbury
Mr Stanhope

NOES, 4

Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

And so it was resolved in the affirmative.

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

Mr Corbell (Manager of Government Business) requiring the question to be forthwith without debate—

Question—put and negatived.

Clause 11, as amended, agreed to.

Clause 12 debated and negatived.

Clause 13 agreed to.

Clause 14—

On the motion of Ms Gallagher (Deputy Chief Minister), on behalf of Mr Stanhope, his amendment No. 10 (*see* [Schedule 1](#)) was made.

Clause 14, as amended, agreed to.

Clause 2—

On the motion of Ms Gallagher, on behalf of Mr Stanhope, his amendment No. 1 (*see* [Schedule 1](#)) was made.

Clause 2, as amended, agreed to.

Title agreed to.

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

11 LEAVE OF ABSENCE TO MEMBER

Mr Corbell (Manager of Government Business) moved—That leave of absence be granted to Ms Porter for this sitting on the grounds of ill health.

Question—put and passed.

12 PAPER

Mrs Dunne, pursuant to order, presented the following paper:

Battery cages—Copy of email to Mrs Dunne from Meg Parkinson, dated 26 August 2009.

13 EMERGENCIES (BUSHFIRE WARNINGS) 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.

The Assembly voted—

AYES, 4	NOES, 9
Mrs Dunne	Mr Barr
Mr Hanson	Ms Bresnan
Mr Seselja	Ms Burch
Mr Smyth	Mr Corbell
	Ms Gallagher
	Mr Hargreaves
	Ms Hunter
	Ms Le Couteur
	Mr Rattenbury

And so it was negatived.

14 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 6.55 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

EGGS (CAGE SYSTEMS) LEGISLATION AMENDMENT BILL 2009

Amendments circulated by the Minister for Territory and Municipal
Services

1
Clause 2
Page 2, line 5—

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 3
Page 3, line 2—

[oppose the clause]

3
Clause 4
Page 3, line 4—

[oppose the clause]

4
Clause 5
Page 3, line 11—

[oppose the clause]

5
Clause 6
Page 3, line 15—

[oppose the clause]

6
Clause 7
Page 4, line 19—

[oppose the clause]

7**Clause 8****Page 4, line 22—***[oppose the clause]*

8**Clause 11****Proposed new section 7 (2), (3) and (4)****Page 6, line 11—***omit proposed new section 7 (2), (3) and (4), substitute*

- (2) For subsection (1)—
- (a) the display must have a sign containing the following statement:
‘THESE ARE CAGE EGGS. Birds are continuously housed in cages within a shed.’; and
 - (b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and
 - (c) the statement on the sign must be printed in—
 - (i) a colour that contrasts with the background colour of the sign; and
 - (ii) Arial bold typeface in a size not less than 50 point.
- (3) If the person displays cage system eggs and other hen eggs for retail display, the display of cage system eggs must—
- (a) be separate from the display of the other eggs; and
 - (b) have a red marking on the edge of the shelf so that the marking can be seen easily by a person at or near the display of cage system eggs.
- (4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.
- (5) Subsection (3) (b) does not apply if the total length of shelf on which hen eggs of any kind are displayed for sale is less than 2m.

Example

A retailer displays cage eggs, barn eggs and free-range eggs for sale on shelves that are stacked above one another, each kind of eggs on a different shelf. The display of each kind of egg takes up 1m of shelf length. The total length of shelf on which eggs are displayed is 3m. Subsection (3) (b) applies to the retailer.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

7A Barn eggs—retail display

- (1) A person who displays barn eggs for retail sale commits an offence if the display is not in accordance with subsections (2) and (3).

Maximum penalty: 50 penalty units.

- (2) For subsection (1)—
- (a) the display must have a sign containing the following statement:
‘THESE ARE BARN EGGS. Birds in barn systems are free to roam within a shed which may have more than 1 level. The floor may be based on litter and/or other material such as slats or wire mesh.’; and
 - (b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and
 - (c) the statement on the sign must be printed in—
 - (i) a colour that contrasts with the background colour of the sign; and
 - (ii) Arial bold typeface in a size not less than 50 point.
- (3) If the person displays barn eggs and other hen eggs for retail display, the display of barn eggs must be separate from the display of the other eggs so that a person at or near the display can easily identify the eggs to which the sign mentioned in subsection (2) relates.
- (4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

7B Free-range eggs—retail display

- (1) A person who displays free-range eggs for retail sale commits an offence if the display is not in accordance with subsections (2) and (3).

Maximum penalty: 50 penalty units.

- (2) For subsection (1)—
- (a) the display must have a sign containing the following statement:
‘THESE ARE FREE-RANGE EGGS. Birds in free-range systems are housed in sheds and have access to an outdoor range.’; and
 - (b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and
 - (c) the statement on the sign must be printed in—
 - (i) a colour that contrasts with the background colour of the sign; and

- (ii) Arial bold typeface in a size not less than 50 point.
- (3) If the person displays free-range eggs and other hen eggs for retail display, the display of free-range eggs must be separate from the display of the other eggs so that a person at or near the display can easily identify the eggs to which the sign mentioned in subsection (2) relates.
- (4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

9

Clause 12

Page 7, line 8—

[oppose the clause]

10

Clause 14

Page 8, line 16—

omit clause 14, substitute

14 Dictionary, new definitions

insert

barn egg means an egg laid by a hen kept in the conditions described in schedule 1, item 2, column 3.

cage egg means an egg laid by a hen kept in the conditions described in schedule 1, item 1, column 3.

free-range egg means an egg laid by a hen kept in the conditions described in schedule 1, item 4, column 3.
