



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009

MINUTES OF PROCEEDINGS

No. 17

TUESDAY, 5 MAY 2009

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 MR JOHN CLIFFORD, PARLIAMENTARY COUNSEL—RETIREMENT—MOTION OF THANKS

Mr Corbell (Attorney-General) moved—That this Assembly places on record its thanks to John Clifford, on his retirement as Parliamentary Counsel, for the outstanding contribution he has made to the Territory since self-government.

Debate ensued.

Question—put and passed.

3 SUSPENSION OF STANDING AND TEMPORARY ORDERS—APPROPRIATION BILL 2009-2010

Mr Corbell (Manager of Government Business) moved—That so much of the standing and temporary orders be suspended as would prevent:

- (1) any business before the Assembly at 2.30 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2009-2010;
- (2) (a) questions without notice concluding at the time of interruption; or
 - (b) debate on any motion before the Assembly at the time of interruption being adjourned until the question—“That debate on the Appropriation Bill 2009-2010 be adjourned and the resumption of the debate be made an order of the day for the next sitting” is agreed to;

- (3) at 2.30 p.m. on Thursday, 7 May 2009, the order of the day for resumption of debate on the question that the Appropriation Bill 2009-2010 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition and the ACT Greens Parliamentary Convenor be equivalent to the time taken by the Treasurer in moving the motion—That this Bill be agreed to in principle; and
- (4) (a) questions without notice concluding at the time of interruption; or
 (b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

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

4 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

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

Question—put and passed.

5 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 6—STATEMENT BY CHAIR

Ms Porter (Deputy 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 6, dated 4 May 2009, together with the relevant minutes of proceedings—

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

6 HEALTH, COMMUNITY AND SOCIAL SERVICES—STANDING COMMITTEE—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2007-2008—REPORT NOTED

Mr Doszpot (Chair) presented the following report:

Health, Community and Social Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*, dated 29 April 2009, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

7 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRIES—AUDITOR-GENERAL'S REPORTS NOS. 7/2008 AND 8/2008—STATEMENT BY CHAIR

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had resolved to conduct inquiries into and report on the following Auditor-General's reports:

- (1) No. 7/2008—Proposal for a gas-fired power station and data centre—Site selection process.
- (2) No. 8/2008—2007-08 Financial Audits.

8 EXHIBITION PARK CORPORATION REPEAL 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, 6		NOES, 9	
Mr Barr	Mr Stanhope	Ms Bresnan	Ms Le Couteur
Ms Burch		Mr Coe	Mr Rattenbury
Mr Corbell		Mr Doszpot	Mr Seselja
Mr Hargreaves		Mr Hanson	Mr Smyth
Ms Porter		Ms Hunter	

And so it was negatived.

9 ROADS AND PUBLIC PLACES 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

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

Proposed new clause—

Mr Coe moved his amendment No. 1 (*see* [Schedule 1](#)), which inserts a new clause 4A in the Bill.

Debate continued.

Amendment negatived.

Clause 5—

Mr Coe, by leave, moved his amendments Nos. 2 and 3 together (*see* [Schedule 1](#)).

Amendments negatived.

Ms Le Couteur moved her amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

Paper: Mr Stanhope (Minister for Transport) presented a revised explanatory statement to the Bill.

Debate continued.

Amendment agreed to.

Mr Coe moved his amendment No. 4 (*see* [Schedule 1](#)).

Amendment negatived.

Clause 5, as amended, agreed to.

Clause 6—

On the motion of Ms Le Couteur, her amendment No. 2 (*see* [Schedule 2](#)) was made.

Clause 6, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

10 ANIMAL DISEASES 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.

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.

11 QUESTIONS

Questions without notice being asked—

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

Education Act 2004—Extract—Chapter 2, pages 7 and 8.

Questions continued.

It being 2.30 p.m., questions were interrupted pursuant to the order of the Assembly.

12 APPROPRIATION BILL 2009-2010

Ms Gallagher (Treasurer) presented a Bill for an Act to appropriate money for the purposes of the Territory for the financial year beginning on 1 July 2009, 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 5 May 2009.

Budget 2009-2010—Financial Management Act, pursuant to section 10—

Speech (Budget paper No. 1).

Investing in our community (Budget paper No. 2).

Budget overview (Budget paper No. 3).

Budget estimates (Budget paper No. 4).

Infrastructure statement (Budget paper No. 5).

Title read by Clerk.

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

Debate adjourned (Mr Seselja—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

13 PRESENTATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No. 2/2009—Follow-up Audit: Implementation of Audit Recommendations on Road Safety, dated 1 May 2009.

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 contracts:

Leanne Cover, dated 27 November 2008.

Mark Collis.

Mark Whybrow.

Rosemary Kennedy, dated 3 March 2009.

Short-term contracts:

Alan Franklin, dated 31 March and 1 April 2009.

Brett Phillips, dated 11 March 2009.

Craig Hooper, dated 16 and 18 March 2009.

David Dutton, dated 16 and 18 March 2009.

David Foot, dated 16 and 17 March 2009.

John Bissell, dated 11 March 2009.

Paul Wyles, dated 8 April 2009.

Peter Donnelly, dated 27 March 2009.

Rachael Taylor, dated 5 March 2009.

Simon Kinsmore, dated 13 March 2009.

Stephen Goggs, dated 13 March 2009.

Stephen Ryan, dated 3 and 5 March 2009.

Contract variations:

Bren Burkevics, dated 11 March 2009.

Carol Harris, dated 22 February 2009.

David Butt, dated 18 March 2009.

Floyd Kennedy, dated 11 March 2009.

Gary Byles, dated 30 March and 6 April 2009.

Gregory Newton, dated 9 April 2009.

Janet Davy, dated 3 April 2009.

Mark Cormack, dated 23 and 27 March 2009.

Marsha Guthrie, dated 12 March 2009.

Stuart Friend, dated 18 March 2009.

Timothy Swift, dated 1 April 2009.

Tom Elliott, dated 1 April 2009—

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

15 PRESENTATION OF PAPERS

Ms Gallagher (Treasurer) presented the following papers:

Financial Management Act, pursuant to subsection 62(1)—Statements of Intent 2009-2010—

ACT Building and Construction Industry Training Fund Authority, dated 20 and 27 April 2009.

ACT Cleaning Industry Long Service Leave Authority, dated 21 and 27 April 2009.

ACT Construction Industry Long Service Leave Authority, dated 21 and 29 April 2009.

ACT Gambling and Racing Commission, dated 21 and 27 April 2009.

ACT Insurance Authority, dated 24 and 27 April 2009.

ACT Public Cemeteries Authority, dated 23 and 27 April 2009.

Canberra Institute of Technology.

Cultural Facilities Corporation, dated 21 and 27 April 2009.

Independent Competition and Regulatory Commission.

Land Development Agency, dated 28 April 2009.

Legal Aid Commission (ACT), dated 23 and 29 April 2009.

Public Trustee for the ACT.

16 PRESENTATION OF PAPERS

Ms Gallagher (Treasurer) presented the following papers:

Financial Management Act—

Pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the Department of Territory and Municipal Services, including a statement of reasons, dated 23 April 2009.

Pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Territory and Municipal Services to the Department of the Environment, Climate Change, Energy and Water, including a statement of reasons, dated 14 April 2009.

Territory-Owned Corporations Act, pursuant to subsection 19(3)—Statement of Corporate Intent 2008-2009—Rhodium Asset Solutions—Revised, dated March 2009.

Financial Management Act, pursuant to subsection 62(1)—Statement of Intent 2008-2009—ACT Building and Construction Industry Training Fund Authority—Revised, dated 15 and 23 April 2009.

17 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER—MOTION TO TAKE NOTE OF PAPER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 19B—Instrument varying appropriations related to the Nation Building and Jobs Plan—Housing ACT and the Department of Education and Training, including a statement of reasons—

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

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

18 PRESENTATION OF PAPER

Mr Corbell (Minister for the Environment, Climate Change and Water) presented the following paper:

Financial Management Act, pursuant to section 19D—Instrument amending performance criteria for the Department of the Environment, Climate Change, Energy and Water, including a statement of reasons, dated 14 April 2009.

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—

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No. 1)—Disallowable Instrument DI2009-52 (LR, 9 April 2009).

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No. 2)—Disallowable Instrument DI2009-53 (LR, 9 April 2009).

Children and Young People Act—Children and Young People (Research) Standards 2009 (No. 1)—Disallowable Instrument DI2009-34 (LR, 26 March 2009).

Court Procedures Act—Court Procedures Amendment Rules 2009 (No. 1)—Subordinate Law SL2009-11 (LR, 27 March 2009).

Domestic Violence and Protection Orders Act—Domestic Violence and Protection Orders Regulation 2009—Subordinate Law SL2009-10 (LR, 27 March 2009).

Education Act—

Education (Government Schools Education Council) Appointment 2009 (No. 1)—Disallowable Instrument DI2009-42 (LR, 6 April 2009).

Education (Government Schools Education Council) Appointment 2009 (No. 2)—Disallowable Instrument DI2009-43 (LR, 6 April 2009).

Education (Government Schools Education Council) Appointment 2009 (No. 3)—Disallowable Instrument DI2009-44 (LR, 6 April 2009).

Education (Government Schools Education Council) Appointment 2009 (No. 4)—Disallowable Instrument DI2009-45 (LR, 6 April 2009).

Education (Non-Government Schools Education Council) Appointment 2009 (No. 1)—Disallowable Instrument DI2009-50 (LR, 9 April 2009).

Education (Non-Government Schools Education Council) Appointment 2009 (No. 2)—Disallowable Instrument DI2009-51 (LR, 9 April 2009).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Continuation of Employment Direction 2009—Disallowable Instrument DI2009-47 (LR, 9 April 2009).

Legislative Assembly (Members' Staff) Deemed Date of Termination of Employment Of Members' Staff 2009—Disallowable Instrument DI2009-48 (LR, 9 April 2009).

Planning and Development Act—Planning and Development (Amount payable for, and period of, further rural lease) Determination 2009 (No. 1)—Disallowable Instrument DI2009-38 (LR, 30 March 2009).

Public Places Names Act—Public Place Names (Casey) Determination 2009 (No. 3)—Disallowable Instrument DI2009-33 (LR, 26 March 2009).

Public Sector Management Act—

Public Sector Management Amendment Standards 2009—Disallowable Instrument DI2009-46 (LR, 9 April 2009).

Public Sector Management Amendment Standards 2009 (No. 2)—Disallowable Instrument DI2009-54 (LR, 14 April 2009).

Road Transport (Public Passenger Services) Regulation—Road Transport (Public Passenger Services) (Authorised Fixed Fare Hiring) Approval 2009 (No. 1)—Disallowable Instrument DI2009-49 (LR, 9 April 2009).

Territory Records Act—Territory Records (Advisory Council) Appointment 2009 (No. 1)—Disallowable Instrument DI2009-35 (LR, 25 March 2009).

Training and Tertiary Education Act—

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2009 (No. 1)—Disallowable Instrument DI2009-39 (LR, 9 April 2009).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2009 (No. 2)—Disallowable Instrument DI2009-40 (LR, 9 April 2009).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2009 (No. 3)—Disallowable Instrument DI2009-41 (LR, 6 April 2009).

Utilities Act—

Utilities Exemption 2009 (No. 1)—Disallowable Instrument DI2009-37 (LR, 30 March 2009).

Utilities Exemption 2009 (No. 2)—Disallowable Instrument DI2009-55 (LR, 16 April 2009).

20 ADJOURNMENT

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 3.14 p.m., adjourned until tomorrow at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

ROADS AND PUBLIC PLACES AMENDMENT BILL 2009

Amendments circulated by Mr Coe

1

Proposed new clause 4A

Page 2, line 28—

insert

**4A Removal of abandoned vehicles from public places
Section 12E (3) (b)**

omit

2

substitute

3

2

Clause 5

Proposed new section 12E (4) (b)

Page 3, line 6—

omit

2

substitute

3

3

Clause 5

Proposed new section 12E (4) (c)

Page 3, line 11—

omit

2

substitute

3

4

Clause 5

Proposed new section 12E (7)

Page 3, line 28—

insert

- (7) If notice is given under subsection (5) for a vehicle, the chief executive must give the registered operator—
- (a) written notice that the notice has been given under subsection (5); and
 - (b) a copy of the notice given.
-

Schedule 2

ROADS AND PUBLIC PLACES AMENDMENT BILL 2009

Amendments circulated by Ms Le Couteur

1

Clause 5

Proposed new section 12E (4A)

Page 3, line 20—

insert

- (4A) Also, a notice must state, in a conspicuous position on the notice—
- (a) that it is an offence under this Act, section 12EB to remove, deface or interfere with a notice placed on, or attached to, a vehicle if a person is not the registered operator or owner of the vehicle; and
 - (b) the penalty for the offence.
-

2

Clause 6

Proposed new section 12EA (3) (e)

Page 4, line 21—

omit proposed new section 12EA (3) (e), substitute

- (e) if the notified person is not an owner of the vehicle—
- (i) state that the notified person must tell the chief executive, within 7 days after the day the notice is given—
 - (A) that the notified person is not an owner of the vehicle; and
 - (B) the name and address of anyone that the notified person believes is an owner of the vehicle; and
 - (ii) state that—
 - (A) it is an offence under this Act, section 12F not to tell the chief executive the information mentioned in subparagraph (i); and
 - (B) the penalty for the offence; and
-