



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 69

WEDNESDAY, 16 AUGUST 2006

- 1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) 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 **PETITIONS**

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

Dr Foskey, from 59 residents, requesting that the Assembly pass the Education (School Closures Moratorium) Amendment Bill 2006 to ensure that no schools are involuntarily closed until 2008 and that no school closures take effect from that date unless supported by a specific vote of the ACT Legislative Assembly.

Dr Foskey, from 85 residents, requesting that the Assembly ensure that a comprehensive review of all Government schools be undertaken and that no Government school is closed or amalgamated with any other school or schools before 1 January 2008 unless supported by a specific vote of the Legislative Assembly.

Ms Porter, from 4392 residents, requesting that the Assembly not close Hall Primary School.

Mr Smyth, from 1578 residents, requesting that the Assembly move that the ACT Government not close Gilmore Primary School and Pre-School.

Education, Training and Young People—Standing Committee—Proposed reference—Petitions—Education (School Closures Moratorium) Amendment Bill 2006, School closures—Comprehensive review; Hall Primary School—Proposed closure, Gilmore Primary School and Pre-School—Proposed closure: Mrs Dunne, pursuant to standing order 99, moved—That the petitions relating to proposed school closures be referred to the Standing Committee on Education, Training and Young People.

Debate ensued.

Closure: Mr Hargreaves (Minister for the Territory and Municipal Services) moved—
That the question be now put.

Question—That the question be now put—put and passed.

And the question—That the motion be agreed to—being accordingly put.

The Assembly voted—

AYES, 7		NOES, 8	
Mrs Dunne	Mr Seselja	Mr Barr	Mr Gentleman
Dr Foskey	Mr Smyth	Mr Berry	Mr Hargreaves
Mr Mulcahy	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Pratt		Ms Gallagher	Mr Stanhope

And so it was negatived.

3 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker made a statement concerning an alleged breach of privilege raised by Mr Pratt and Mr Smyth.

Paper: The Speaker presented the following paper:

Alleged breach of privilege—Letter from Mr Pratt and Mr Smyth to the Speaker, dated 14 August 2006.

Having considered the matter, the Speaker stated that he did not believe the matter warranted precedence under standing order 71(e).

4 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 28—STATEMENT BY CHAIR

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 28, dated 7 August 2006, together with the relevant minutes of proceedings—

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

5 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 29—LEGISLATURES AND THE PROTECTION OF HUMAN RIGHTS CONFERENCE—PUBLICATION OF REPORT—REPORT NOTED

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 29—*Legislatures and the Protection of Human Rights Conference—University of Melbourne—20-22 July 2006*, dated 7 August 2006—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Mr Stefaniak moved—That the report be noted.

Debate ensued.

Closure: Mrs Dunne moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mrs Dunne	Mr Seselja	Mr Barr	Mr Gentleman
Dr Foskey	Mr Smyth	Mr Berry	Mr Hargreaves
Mr Mulcahy	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Pratt		Ms Gallagher	Mr Stanhope

And so it was negatived.

Debate continued.

Question—put and passed.

6 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—11TH NATIONAL CONFERENCE OF PARLIAMENTARY PUBLIC WORKS AND ENVIRONMENT COMMITTEES—STATEMENT BY CHAIR

Mr Gentleman (Chair), pursuant to standing order 246A, informed the Assembly of the Standing Committee on Planning and Environment's attendance at the 11th National Conference of Parliamentary Public Works and Environment Committees, held on 24 to 28 July 2006.

Ms Porter sought leave to make a statement in relation to the conference.

Objection being raised, leave not granted.

Suspension of standing orders moved—Statement by Member: Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent Ms Porter from making a statement.

Debate ensued.

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

Ms Porter made a statement in relation to the conference.

7 PUBLIC ACCOUNTS—STANDING COMMITTEE—AUSTRALASIAN COUNCIL OF PUBLIC ACCOUNTS COMMITTEES (ACPAC) MID-TERM MEETING—STATEMENT BY CHAIR

Mr Mulcahy (Chair), pursuant to standing order 246A, informed the Assembly of the Standing Committee on Public Accounts' attendance at the Australasian Council of Public Accounts Committees (ACPAC) Mid-Term Meeting, held in Alice Springs on 26-28 April 2006.

8 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRIES—AUDITOR-GENERAL'S REPORTS—STATEMENT BY CHAIR

Mr Mulcahy (Chair), pursuant to standing order 246A, informed the Assembly of the Standing Committee on Public Accounts' progress in relation to their inquiries into the following Auditor-General's reports:

No. 7/2005—2004-05 Financial Audits

No. 1/2006—Regulation of Charitable Collections and Incorporated Associations.

9 EDUCATION AMENDMENT BILL 2006 (NO. 3)

Mrs Dunne, pursuant to notice, presented a Bill for an Act to amend the *Education Act 2004*.

Title read by Clerk.

Mrs Dunne moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Barr—Minister for Education and Training) and the resumption of the debate made an order of the day for the next sitting.

10 QUESTIONS

Questions without notice were asked.

11 PRESENTATION OF PAPER

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

Petition which does not conform with the standing orders—Kambah High School—Proposed closure—Dr Foskey (197 signatures).

12 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—EARLY CHILDHOOD DEVELOPMENT

The Assembly was informed that Mr Gentleman and Ms Porter 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 Mr Gentleman be submitted to the Assembly, namely, “The importance of the investment in early childhood development.”

Mr Gentleman addressing the Assembly—

Suspension of standing orders moved—Member be not further heard: Mrs Dunne moved—That so much of the standing orders be suspended as would prevent Mrs Dunne moving a motion that Mr Gentleman be not further heard.

Debate ensued.

Question—put and negatived.

Discussion continued.

Discussion concluded.

13 LAPSE OF NOTICE

Upon Notice No. 2, Private Members’ business, relating to the Education (School Closures Moratorium) Amendment Bill 2006, being called on and the Member not being present, pursuant to standing order 127, it was withdrawn from the *Notice Paper*.

14 CODE OF CONDUCT—MEMBERS OF THE A.C.T. LEGISLATIVE ASSEMBLY—AUTHORISATION OF MEMBER’S PARTICIPATION IN PROCEEDINGS

Mr Corbell (Manager of Government Business), by leave, moved—That this Assembly:

- (1) notes the provisions of section 15 of the *Australian Capital Territory (Self-Government) Act 1988* relating to conflict of interest and those of standing order 156 which provide that the Assembly may decide how those provisions may be applied;

- (2) notes that Ms Porter has an employment contract with a family member; and
- (3) decides that, notwithstanding Ms Porter's contract, it is in the public interest to allow Ms Porter to participate in any future discussion of a matter, or vote on a question, in relation to the Code of Conduct for Members.

Question—put and passed.

15 CODE OF CONDUCT—MEMBERS OF THE A.C.T. LEGISLATIVE ASSEMBLY—AMENDMENT TO RESOLUTION

Mr Berry, pursuant to notice, moved—That the resolution of the Assembly of 25 August 2005 regarding the Code of Conduct for All Members of the Legislative Assembly for the Australian Capital Territory be amended as follows: Omit: “Members should make employment decisions that are in the best interests of the Members and the Assembly. Members are advised to carefully consider the implications of employing persons in close relationships where there may be perceived conflicts of interest.”, substitute: “Members should not appoint close relatives to positions in their own offices or any other place of employment where the Member's approval is required.”.

Debate ensued.

Question—put and passed.

16 EDUCATION (SCHOOL CLOSURES MORATORIUM) AMENDMENT BILL 2006—STATEMENT BY MEMBER

Dr Foskey, by leave, made a statement concerning why she was not present in the Chamber when Notice No. 2, Private Members' business, relating to the Education (School Closures Moratorium) Amendment Bill 2006, was called on.

17 EDUCATION (SCHOOL CLOSURES MORATORIUM) AMENDMENT BILL 2006

Dr Foskey, by leave, presented a Bill for an Act to amend the *Education Act 2004*.

Paper: Dr Foskey presented an explanatory statement to the Bill.

Title read by Clerk.

Dr Foskey moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Barr—Minister for Education and Training) and the resumption of the debate made an order of the day for the next sitting.

18 INTERNATIONAL STUDENTS AT A.C.T. TERTIARY INSTITUTIONS

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

- (1) international students at ACT tertiary institutions make a valuable contribution to campus life and to the broader ACT community; and
- (2) student organisations provide invaluable support for international students in fostering a positive educational and cultural experience.

Debate ensued.

Question—put and passed.

19 SCHOOL CLOSURES—CONSULTATION PERIOD

Mrs Dunne, pursuant to notice, moved—That the ACT Government extend the consultation and decision period on school closures until the end of March 2007, and further that no school closures occur before December 2007.

Debate ensued.

Mr Smyth addressing the Assembly—

Debate interrupted in accordance with standing order 34 and the resumption of the debate made an order of the day for the next sitting.

20 ADJOURNMENT

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

Debate ensued.

Paper: Mr Smyth, by leave, presented the following paper:

Land Development Agency—Staffing numbers—Extract from the ACT Government Directory, dated 21 June 2006.

Debate continued.

The Assembly continuing to sit until 6.30 p.m.—The Speaker adjourned the Assembly until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mrs Burke* and Ms MacDonald*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly