



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007–2008

# MINUTES OF PROCEEDINGS

No. 144

**THURSDAY, 26 JUNE 2008**

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- 1 The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Berry) 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 PETITIONS AND MINISTERIAL RESPONSES

### **Presentation**

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

Mr Pratt, 2 petitions of similar wording, from 1022 and 479 residents respectively, requesting that the Assembly immediately rescind any approvals or licences granted to ActewAGL to construct a gas fired power station in Macarthur, district of Tuggeranong or close to urban areas, and to undertake to find alternative locations within the ACT that would be suitable for such a large facility.

### **Ministerial responses**

The Clerk announced that the following responses to petitions had been lodged by a Minister:

Mr Barr (Minister for Planning)—Responses to petitions lodged by—

Ms Porter on 10 April 2008 concerning a development application in Fraser, dated 24 June 2008.

Mr Pratt on 8 May 2008 concerning the proposed gas fired power station in Tuggeranong, dated 24 June 2008.

**3 COURT LEGISLATION AMENDMENT BILL 2008**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about courts.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 June 2008.

Title read by Clerk.

Mr Corbell moved—That this Bill be agreed to in principle.

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

**4 STATUTE LAW AMENDMENT BILL 2008**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend certain legislation for the purpose of statute law revision.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 June 2008.

Title read by Clerk.

Mr Corbell moved—That this Bill be agreed to in principle.

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

**5 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2008**

Mr Hargreaves (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend legislation about road transport.

*Papers:* Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 June 2008.

Title read by Clerk.

Mr Hargreaves moved—That this Bill be agreed to in principle.

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

**6 LONG SERVICE LEAVE LEGISLATION AMENDMENT BILL 2008**

Mr Barr (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend legislation about long service leave.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 June 2008.

Title read by Clerk.

Mr Barr moved—That this Bill be agreed to in principle.

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

## **7 PARENTAL LEAVE LEGISLATION AMENDMENT BILL 2008**

Mr Barr (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Discrimination Act 1991* to make it clear that parents in same-sex relationships cannot be discriminated against in relation to benefits associated with employment, and to repeal the *Parental Leave (Private Sector Employees) Act 1992*.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 June 2008.

Title read by Clerk.

Mr Barr moved—That this Bill be agreed to in principle.

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

## **8 WORKERS COMPENSATION AMENDMENT BILL 2008**

Mr Barr (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Workers Compensation Act 1951*.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 June 2008.

Title read by Clerk.

Mr Barr moved—That this Bill be agreed to in principle.

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

## **9 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 6—THE USE OF CRYSTAL METHAMPHETAMINE ‘ICE’ IN THE A.C.T.—REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Ms MacDonald—That the report be noted (*presented 8 May 2008*):

Health and Disability—Standing Committee—Report 6—*The use of crystal methamphetamine ‘ice’ in the ACT—*

Debate resumed.

Question—put and passed.

**10 ESTIMATES 2008-2009—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2008-2009—MOTION THAT REPORT BE NOTED**

Ms Porter, by leave, presented the following report:

Estimates 2008-2009—Select Committee—Report (2 volumes)—*Appropriation Bill 2008-2009*, dated 17 June 2008, including a dissenting report (Mrs Dunne, Mr Smyth), together with—

A copy of the relevant minutes of proceedings.

Letter to the Speaker from the Chair requesting authorisation for the printing, tabling and circulation of the Report on the Appropriation Bill 2008-2009, dated 17 June 2008.

Answers to questions on notice (3 volumes)—

and moved—That the report be noted.

Mr Corbell (Manager of Government Business) moved—That debate be adjourned.

Question—put and passed.

Question—That the resumption of the debate be made an order of the day for a later hour this day—

The Assembly proceeding to a vote—

There being confusion concerning the original question, the Assembly, in accordance with standing order 165, proceeded to another vote—

AYES, 10

Mr Barr

Mr Berry

Mr Corbell

Ms Gallagher

Mr Gentleman

Mr Hargreaves

Ms MacDonald

Mr Mulcahy

Ms Porter

Mr Stanhope

NOES, 7

Mrs Burke

Mrs Dunne

Dr Foskey

Mr Pratt

Mr Seselja

Mr Smyth

Mr Stefaniak

And so it was resolved in the affirmative—Debate adjourned.

Question—That the resumption of the debate be made an order of the day for a later hour this day—put and passed.

**11 DUTIES AMENDMENT BILL 2008**

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.

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*Detail Stage*

Bill, by leave, taken as a whole—

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

*Paper:* Mr Stanhope presented a supplementary explanatory statement to the Government amendment.

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

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

**12 ESTIMATES 2008-2009—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2008-2009—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER**

Mr Stanhope (Treasurer) presented the following paper:

Estimates 2008-2009—Select Committee—Report—*Appropriation Bill 2008-2009*—Government response, dated June 2008—

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

Debate ensued.

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

**13 APPROPRIATION BILL 2008-2009**

The Assembly, according to order, resumed consideration at the detail stage.

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*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Part 1.1—Legislative Assembly Secretariat—\$5 878 000 (net cost of outputs), \$212 000 (capital injection) and \$4 974 000 (payments on behalf of Territory), totalling \$11 064 000—debated—

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.

**14 QUESTIONS**

Questions without notice were asked.

**15 QUESTION ON NOTICE NO. 1987—ANSWER—EXPLANATION**

Mr Stefaniak, pursuant to standing order 118A, asked Mr Corbell (Attorney-General) for an explanation concerning the answer to question on notice No. 1987.

Mr Corbell gave an explanation.

**16 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Auditor-General Act—Auditor-General's Reports—

No. 1/2008—Chris21 Human Resource Management System—Procurement and Implementation, dated 12 May 2008.

No. 2/2008—Management of Calvary Hospital Agreements, dated 29 May 2008.

No. 3/2008—Records Management in ACT Government Agencies, dated 25 June 2008.

Pursuant to standing order 191—Amendments to:

Civil Partnerships Bill 2006, dated 13 and 14 May 2008.

Electoral Legislation Amendment Bill 2007, dated 14 and 15 May 2008.

**17 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:

Barry Folpp, dated 4 May 2008.

Rodney William Bray, dated 24 April 2008.

Short-term contracts:

Allan McLean, dated 23 April 2008.

Bronwen Overton-Clarke (2), dated 20 March and 21 May 2008.

Craig Hooper, dated 18 April 2008.

George Tomlins, dated 18 April 2008.

Jane Carder, dated 1 and 2 May 2008.

Marsha Guthrie, dated 31 March 2008.

Nikos Christos Kalogeropoulos, dated 8 April 2008.

Patrick McAuliffe, dated 31 March 2008.

Robert Carter, dated 12 April 2008.

Rosemary Kennedy, dated 14 and 15 April 2008.

Seam [sic] Moysey, dated 19 May 2008.

Stephen Hughes, dated 8 May 2008.

Stuart Friend, dated 1 May 2008.

Thomas Kevin Bell, dated 2 April 2008.

Contract variations:

Brenda Ainsworth, dated 14 April 2008.

Craig Hooper, dated 12 May 2008.

Joy Vickerstaff, dated 14 April 2008.

Kathy Melsom, dated 15 May 2008.

Kirsten Thompson, dated 31 March 2008.

Matthew Kelly, dated 5 May 2008.

Neil Brian Bulless, dated 1 May 2008.

Nic Manikis, dated 17 April 2008.

Philip Mitchell, dated 17 April 2008.

Phillip Tardif, dated 8 May 2008.

Ron Foster, dated 10 April 2008—

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

## **18 PRESENTATION OF PAPERS**

Mr Stanhope (Chief Minister) presented the following papers:

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

Chief Executives and Executives—Determination 2 of 2008, dated 5 June 2008.

Clerk of the Legislative Assembly—Determination 4 of 2008, dated 5 June 2008.

Full-time Holders of Public Office—Determination 3 of 2008, dated 5 June 2008.

Members of the ACT Legislative Assembly—Determination 1 of 2008, dated 5 June 2008.

## **19 ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT—ANNUAL REPORT (GOVERNMENT AGENCIES) NOTICE 2008 (NO. 1)—NOTIFIABLE INSTRUMENT NI2008-225—PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Chief Minister) presented the following paper:

Annual Reports (Government Agencies) Act—Annual Report (Government Agencies) Notice 2008 (No. 1)—Notifiable Instrument NI2008-225, dated 18 June 2008, including a copy of the Chief Minister's 2007-2010 Annual Report Directions, a Declaration of Minister for a public authority and a Declaration of public authority—

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

## **20 PRESENTATION OF PAPERS**

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act—

Pursuant to section 14—Instruments, including statements of reasons, directing a transfer of funds within—

ACT Health, dated 24 June 2008.

ACT Planning and Land Authority, dated 24 June 2008.

Department of Disability, Housing and Community Services, dated 24 June 2008.

Department of Education and Training, dated 24 June 2008.

Pursuant to section 16A—Instruments, including statements of reasons, authorising appropriation for payment of accrued employee entitlements within—

Department of Education and Training, dated 24 June 2008.

Department of Territory and Municipal Services, dated 6 June 2008.

Pursuant to section 16B—Instrument authorising the rollover of undispersed appropriation of the Department of Disability, Housing and Community Services, including a statement of reasons, dated 21 May 2008.

Pursuant to section 17—Instruments, including statements of reasons, varying appropriations relating to Commonwealth funding to—

ACT Health, dated 24 June 2008.

Department of Disability, Housing and Community Services, dated 24 June 2008.

Department of Education and Training, dated 24 June 2008.

Pursuant to section 18A—Authorisations of Expenditure from the Treasurer's Advance, including statements of reasons, to—

ACT Health, dated 23 June 2008.

Chief Minister's Department—

Dated 25 May 2008.

Dated 2 June 2008 (2).

Dated 23 June 2008.

Department of Education and Training, dated 23 June 2008.

Department of Justice and Community Safety, dated 23 June 2008.

Department of Territory and Municipal Services—

Dated 6 June 2008.

Dated 18 June 2008.

Dated 23 June 2008.

Legislative Assembly, dated 23 June 2008.

Pursuant to section 19B—Instruments, including statements of reasons, varying appropriations related to—

Industry Skills Centres—Department of Education and Training, dated 24 June 2008.

COAG Illicit Drug Diversion Initiative and Elective Surgery Waiting List Reduction—ACT Health, dated 24 June 2008.

## **21 PRESENTATION OF PAPER**

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

Education Act, pursuant to section 66A—Government Schools Education Council—Early childhood schools establishment—Copy of letter to the Minister for Education and Training from Di Kerr, Chair.

## **22 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION NO. 293 TO THE TERRITORY PLAN—CZ6 LEISURE AND ACCOMMODATION ZONE AMENDMENTS TO CZ6 DEVELOPMENT TABLES AND CZ6 DEVELOPMENT CODE TO ALLOW RESIDENTIAL USE ON BLOCK 1 SECTION 34 NARRABUNDAH—PAPER AND STATEMENT BY MINISTER**

Mr Barr (Minister for Planning) presented the following paper:



Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 293 to the Territory Plan—CZ6 Leisure and Accommodation Zone Amendments to CZ6 Development Tables and CZ6 Development Code to Allow Residential Use on Block 1 Section 34 Narrabundah, dated 22 April 2008, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required—

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

## 23 PRESENTATION OF PAPERS

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

### **Annual report**

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2007, including financial statements, dated April 2008.

### **Subordinate Legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-127 (LR, 19 June 2008).

Casino Control Act—Casino Control (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-125 (LR, 12 June 2008).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (ACT Public Cemeteries Authority Governing Board) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-99 (LR, 5 June 2008).

Education Act—Education Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-22 (LR, 22 May 2008).

Gaming Machine Act—Gaming Machine (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-126 (LR, 12 June 2008).

Health Professionals Act—Health Professionals (Fees) Determination 2008 (No. 2)—Disallowable Instrument DI2008-116 (LR, 19 June 2008).

Legal Aid Act—Legal Aid (Commissioner—ACTCOSS Nominee) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-118 (LR, 2 June 2008).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Hiring Arrangements Approval 2008 (No. 1)—Disallowable Instrument DI2008-101 (LR, 29 May 2008).

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2008 (No. 1)—Disallowable Instrument DI2008-124 (LR, 23 June 2008).

Legislative Assembly (Members' Staff) Office-holders' Hiring Arrangements Approval 2008 (No. 1)—Disallowable Instrument DI2008-102 (LR, 29 May 2008).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2008 (No. 1)—Disallowable Instrument DI2008-128 (LR, 23 June 2008).

Legislative Assembly (Members' Staff) Variable Terms of Employment of Office-holders' Staff 2008 (No. 1)—Disallowable Instrument DI2008-122 (LR, 29 May 2008).

## Nature Conservation Act—

Nature Conservation (Flora and Fauna Committee) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-120 (LR, 29 May 2008).

Nature Conservation (Flora and Fauna Committee) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-121 (LR, 29 May 2008).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-87 (LR, 12 June 2008).

Road Transport (General) Act—Road Transport (Offences) Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-23 (LR, 10 June 2008).

Territory-owned Corporations Amendment Act—Territory-owned Corporations Regulation 2008—Subordinate Law SL2008-24 (LR, 18 June 2008).

Tree Protection Act—Tree Protection (Advisory Panel) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-123 (LR, 30 May 2008).

**24 A.C.T. HEALTH SYSTEM—MINISTERIAL STATEMENT**

Ms Gallagher (Minister for Health), by leave, made a ministerial statement concerning the ACT health system.

**25 APPROPRIATION BILL 2008-2009**

The Assembly, according to order, resumed consideration at the detail stage.

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*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.1—Legislative Assembly Secretariat—\$5 878 000 (net cost of outputs), \$212 000 (capital injection) and \$4 974 000 (payments on behalf of Territory), totalling \$11 064 000—debated and agreed to.

Part 1.2—ACT Executive—\$5 582 000 (payments on behalf of Territory), totalling \$5 582 000—debated and agreed to.

Part 1.3—Auditor-General—\$2 072 000 (net cost of outputs), totalling \$2 072 000—debated and agreed to.

Part 1.4—Chief Minister's Department—\$50 148 000 (net cost of outputs), \$15 544 000 (capital injection), totalling \$65 692 000—debated.

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

Mr Stanhope (Treasurer) requiring the question to be forthwith without debate—

Question—put and negatived.

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Debate continued.

Proposed expenditure agreed to.

Part 1.5—Department of Treasury—\$49 623 000 (net cost of outputs), \$34 450 000 (capital injection), \$37 041 000 (payments on behalf of Territory), totalling \$121 114 000—debated and agreed to.

Part 1.6—Territory Banking Account—\$214 000 (capital injection), \$12 860 000 (payments on behalf of Territory), totalling \$13 074 000—debated and agreed to.

Part 1.7—Home Loan Portfolio—Nil expenditure—debated and agreed to.

Part 1.8—Shared Services Centre—\$5 666 000 (net cost of outputs), \$6 437 000 (capital injection), totalling \$12 103 000—debated and agreed to.

Part 1.9—Superannuation Provision Account—\$133 763 000 (capital injection), \$7 736 000 (payments on behalf of Territory), totalling \$141 499 000—debated and agreed to.

Part 1.10—ACT Health—\$693 502 000 (net cost of outputs), \$91 183 000 (capital injection), \$5 395 000 (payments on behalf of Territory), totalling \$790 080 000—debated and agreed to.

Part 1.11—Department of Territory and Municipal Services—\$306 295 000 (net cost of outputs), \$172 297 000 (capital injection), \$1 762 000 (payments on behalf of Territory), totalling \$480 354 000—

Debate adjourned (Mr Corbell—Manager of Government Business) and the resumption of the debate made an order of the day for the next sitting.

## 26 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 11.52 p.m., adjourned until tomorrow at 10.30 a.m.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULE OF AMENDMENTS

## Schedule 1

### **DUTIES AMENDMENT BILL 2008**

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Amendment circulated by the Treasurer

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**1**

**Clause 2**

**Page 2, line 3—**

*omit clause 2, substitute*

### **2 Commencement**

- (1) This Act (other than section 4) commences, or is taken to have commenced, on 30 June 2008.
  - (2) Section 4 commences, or is taken to have commenced, on 1 July 2008.
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