



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007–2008

MINUTES OF PROCEEDINGS

No. 152

TUESDAY, 19 AUGUST 2008

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional owners. The Speaker 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:

Mr Mulcahy, from 52 residents, requesting that the Assembly address road safety issues with the intersections of Tyagarah Street and Hindmarsh Drive and Numeralla Street and Yamba Drive to make it easier and safer for O'Malley residents to exit the suburb.

Mr Mulcahy, from 35 residents, requesting that the Assembly begin work as soon as possible to expand the Gungahlin Drive Extension.

3 LEAVE OF ABSENCE TO MEMBER

Mrs Burke moved—That leave of absence be granted to Mr Stefaniak for this sitting to attend to family business interstate.

Question—put and passed.

4 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 58—STATEMENT BY DEPUTY CHAIR

Ms MacDonald (Deputy Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 58, dated 18 August 2008, together with the relevant minutes of proceedings—

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

5 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 7—HEALTH SCIENCE IN THE A.C.T.—REPORT NOTED

Ms MacDonald (Chair) presented the following report:

Health and Disability—Standing Committee—Report 7—*Health Science in the ACT*, dated 30 July 2008, 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 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 35—VARIATION TO THE TERRITORY PLAN NO. 261—PART BLOCKS 2 AND 3 AND BLOCK 5, SECTION 75 WATSON—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 35—*Variation to the Territory Plan No. 261—Part Blocks 2 and 3 and Block 5, Section 75 Watson*, dated 13 August 2008, 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 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 36—VARIATION TO THE TERRITORY PLAN NO. 281—MOLONGLO AND NORTH WESTON—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 36—*Variation to the Territory Plan No. 281—Molonglo and North Weston*, dated 18 August 2008, 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.

8 WORK SAFETY BILL 2008

Mr Barr (Minister for Industrial Relations), by leave, presented a Bill for an Act to secure and promote work safety by the management of risk, and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 19 August 2008.

Title read by Clerk.

Mr Barr 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.

9 HOUSING ASSISTANCE AMENDMENT BILL 2008

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

Detail Stage

Clause 8, as amended—

Dr Foskey, by leave, moved her amendments Nos. 3 and 4 together (*see* [Schedule 1](#)).

Debate continued.

Amendments negatived.

On the motion of Mr Hargreaves (Minister for Housing), his amendment No. 7 (*see* [Schedule 2](#)) was made, after debate.

Dr Foskey moved her amendment No. 5 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

Mr Seselja (Leader of the Opposition) moved his amendment No. 3 (*see* [Schedule 3](#)).

Debate continued.

Amendment negatived.

On the motion of Mr Hargreaves, his amendment No. 8 (*see* [Schedule 2](#)) was made, after debate.

Dr Foskey moved her amendment No. 6 (*see* [Schedule 1](#)).

Amendment negatived.

On the motion of Mr Hargreaves, by leave, his amendments Nos. 9 to 11 (*see* [Schedule 2](#)) were made together, after debate.

Dr Foskey moved her amendment No. 7 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

Clause 8, as amended, agreed to.

Clause 9—

On the motion of Mr Hargreaves, his amendment No. 12 (*see* [Schedule 2](#)) was made, after debate.

Clause 9, 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 QUESTIONS

Questions without notice were asked.

11 QUESTIONS ON NOTICE NOS. 2003 AND 2082—ANSWERS—EXPLANATIONS

Dr Foskey, pursuant to standing order 118A, asked Mr Corbell (Attorney-General) for explanations concerning the answers to questions on notice Nos. 2003 and 2082.

Mr Corbell gave explanations.

12 PRESENTATION OF PAPERS

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

Standing order 191—Amendments to:

Justice and Community Safety Legislation Amendment Bill 2008 (No. 2), dated 11 August 2008.

Medicines, Poisons and Therapeutic Goods Bill 2007, dated 11 and 12 August 2008.

13 PRESENTATION OF PAPER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report for the financial quarter and year-to-date ending 30 June 2008.

14 FINANCIAL MANAGEMENT ACT—INSTRUMENTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 16B—Instruments authorising the rollover of undisbursed appropriation, including statements of reasons, for the following Departments:

Disability, Housing and Community Services, dated 16 August 2008.

Education and Training, dated 16 August 2008.

Housing ACT, dated 16 August 2008.

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

15 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION NO. 289 TO THE TERRITORY PLAN—BELCONNEN TOWN CENTRE—CHANGES TO THE ROAD NETWORK, INTER-TOWN PUBLIC TRANSPORT ROUTE AND OTHER ZONE CHANGES—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. 289 to the Territory Plan—Belconnen Town Centre—Changes to the Road Network, Inter-town Public Transport Route and other Zone Changes, dated 7 August 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.

16 PLANNING AND DEVELOPMENT ACT—PLANNING AND DEVELOPMENT REGULATION 2008—SUBORDINATE LAW SL2008-2 AND PLANNING AND DEVELOPMENT AMENDMENT REGULATION 2008 (NO. 1)—SUBORDINATE LAW SL2008-8—REVISED EXPLANATORY STATEMENTS—PAPERS AND STATEMENT BY MINISTER

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

Planning and Development Act—Revised explanatory statements—

Planning and Development Regulation 2008—Subordinate Law SL2008-2.

Planning and Development Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-8.

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

17 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—

Adoption Act—Adoption Review Committee Appointment 2008 (No. 1)—Disallowable Instrument DI2008-199 (LR, 7 August 2008).

Agents Act—Agents Amendment Regulation 2008—Subordinate Law SL2008-32 (LR, 5 August 2008).

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2008 (No. 1)—Disallowable Instrument DI2008-198 (LR, 7 August 2008).

Building Act—Building (ACT Appendix to the Building Code of Australia) Determination 2008—Disallowable Instrument DI2008-202 (LR, 11 August 2008).

Cultural Facilities Corporation Act—Cultural Facilities Corporation (Governing Board) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-188 (LR, 6 August 2008).

Education Act—

Education (Government Schools Education Council) Appointment 2008 (No. 5)—Disallowable Instrument DI2008-185 (LR, 17 July 2008).

Education (Government Schools Education Council) Appointment 2008 (No. 6)—Disallowable Instrument DI2008-194 (LR, 4 August 2008).

Education (Government Schools Education Council) Appointment 2008 (No. 7)—Disallowable Instrument DI2008-195 (LR, 4 August 2008).

Environment Protection Act—Environment Protection (Declarations of non-application of section 48) Revocation 2008 (No. 1)—Disallowable Instrument DI2008-200 (LR, 11 August 2008).

Financial Management Act—Financial Management (Periodic and Annual Financial Statements) Guidelines 2008—Disallowable Instrument DI2008-191 (LR, 24 July 2008).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-186 (LR, 17 July 2008).

Long Service Leave (Building and Construction Industry) Act—Long Service Leave (Building and Construction Industry) Contractors Levy Determination 2008 (No. 1)—Disallowable Instrument DI2008-189 (LR, 17 July 2008).

Planning and Development Act—Planning and Development (Fees) Determination 2008 (No. 5)—Disallowable Instrument DI2008-201 (LR, 11 August 2008).

Prohibited Weapons Act—Prohibited Weapons (Laser Pointers) Declaration 2008—Disallowable Instrument DI2008-197 (without explanatory statement) (LR, 1 August 2008).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2008 (No. 1)—Disallowable Instrument DI2008-193 (LR, 31 July 2008).

Road Transport (Driver Licensing) Act 1999 and the Road Transport (Vehicle Registration) Act—Road Transport Legislation Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-30 (LR, 7 July 2008).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No. 6)—Disallowable Instrument DI2008-187 (LR, 17 July 2008).

Road Transport (Third-Party Insurance) Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-31 (LR, 21 July 2008).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2008 (No. 5)—Disallowable Instrument DI2008-190 (LR, 17 July 2008).

Surveyors Act—Surveyors (Chief Surveyor) Practice Directions 2008 (No. 1)—Disallowable Instrument DI2008-192 (LR, 29 July 2008).

Training and Tertiary Education Act—Training and Tertiary Education (Accreditation and Registration Council) Appointment 2008 (No. 3)—Disallowable Instrument DI2008-196 (LR, 4 August 2008).

18 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—AFFORDABLE HOUSING—INCREASING SUPPLY

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, 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 MacDonald be submitted to the Assembly, namely, “The importance of increasing the supply of affordable housing”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

19 DUTIES AMENDMENT BILL 2008 (NO. 2)

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, 9		NOES, 6	
Mr Barr	Mr Gentleman	Mrs Burke	Mr Smyth
Mr Berry	Mr Hargreaves	Mrs Dunne	
Mr Corbell	Ms Porter	Mr Mulcahy	
Dr Foskey	Mr Stanhope	Mr Pratt	
Ms Gallagher		Mr Seselja	

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

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

20 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION NO. 281 TO THE TERRITORY PLAN—MOLONGLO AND NORTH WESTON AND PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 36—GOVERNMENT RESPONSE—PAPERS AND STATEMENT BY MINISTER

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

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 281 to the Territory Plan—Molonglo and North Weston, dated 19 August 2008, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Planning and Environment—Standing Committee—Report 36—*Variation to the Territory Plan No. 281—Molonglo and North Weston*—Government response—

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

Mr Barr addressing the Assembly—

Adjournment negated: 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 negated.

Mr Barr continued.

21 ACT CIVIL AND ADMINISTRATIVE TRIBUNAL 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.

Detail Stage

Bill, by leave, taken as a whole—

Mr Seselja (Leader of the Opposition) moved—That debate be adjourned.

Question—put.

The Assembly voted—

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

And so it was negatived.

Mr Corbell (Attorney-General), sought leave to move his amendments Nos. 1 to 26 together.

Objection being raised, leave not granted.

Suspension of standing orders moved—Amendments to be moved together: Mr Corbell moved—That so much of the standing orders be suspended as would prevent Mr Corbell from moving his amendments Nos. 1 to 26 together.

Debate ensued.

Question—put and negatived.

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

22 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 7.08 p.m., adjourned until tomorrow at 10.30 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

HOUSING ASSISTANCE AMENDMENT BILL 2008

Amendments circulated by Dr Foskey

1

Clause 2

Page 2, line 3—

omit clause 2, substitute

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) If this Act has not commenced within 12 months beginning on its notification day, it automatically commences on the first day after that period.
- (3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.
-

2

Clause 8

Proposed new section 25K (3)

Page 9, line 1—

omit proposed new section 25K (3), substitute

- (3) Without limiting subsection (1), the monitoring guidelines may make provision in relation to—
- (a) for affordable housing providers—
- (i) compliance by a provider with the objects of the provider's constitution or rules; and
 - (ii) business planning; and
 - (iii) financial and risk management; and
 - (iv) service quality; and
 - (v) portfolio planning; and
 - (vi) procurement of properties; and

- (vii) land, housing development and property management; and
- (b) for community housing providers—
 - (i) compliance by a provider with the objects of the provider’s constitution or rules; and
 - (ii) compliance by a provider with the standards for the provider.

3

Clause 8**Proposed new section 25S heading****Page 12, line 24—***omit the heading, substitute*

25S Affordable housing providers—housing commissioner may intervene

4

Clause 8**Proposed new section 25S (1)****Page 12, line 27—***after*

registered

insert

affordable

5

Clause 8**Proposed new section 25S (2)****Page 13, line 8—***after*

registered

insert

affordable

6

Clause 8**Proposed new section 25S (3)****Page 13, line 17—***after*

registered

insert

affordable

 7
Clause 8**Proposed new section 25TA****Page 14, line 11—***insert***25TA Affordable and community housing providers—
voluntary removal from register**

The housing commissioner must remove a registered housing provider from the register if—

- (a) the provider asks, in writing, to be removed; and
- (b) the housing commissioner has no ground for believing that the provider has breached a condition of registration, or is in breach of this part.

 8
Clause 9**Proposed new table 31A, item 5, column 2****Page 15—***before*

housing

insert

affordable

 9
Clause 9**Proposed new table 31A, new item 6****Page 15—***insert*

6	s 25TA—refusing to remove	the housing provider
	housing provider from register	

Schedule 2**HOUSING ASSISTANCE AMENDMENT BILL 2008**

Amendments circulated by the Minister for Housing

1

Clause 6

Page 3, line 1—

[oppose the clause]

2

Clause 8

Proposed new section 25A (1)

Page 3, line 16—

omit proposed new section 25A (1), substitute

- (1) The housing commissioner may, on application, register an eligible entity as—
- (a) an affordable housing provider; or
 - (b) a community housing provider.

Note If a form is approved under s 39 for this provision, the form must be used.

(1A) Registration may be subject to conditions.

3

Clause 8

Proposed new section 25C (2) (c)

Page 4, line 24—

after

numbers

insert

, and email address,

4

Clause 8

Proposed new section 25F (1) (f)

Page 6, line 12—

omit

5**Clause 8****Proposed new section 25G (d)****Page 7, line 10—**

omit proposed new section 25G (d), substitute

- (d) manages not less than 10 residential housing properties;
and

6**Clause 8****Proposed new section 25I (3) and note****Page 8, line 8—**

omit proposed new section 25I (3) and note, substitute

- (3) A standard is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

7**Clause 8****Proposed new section 25S (1A) and (1B)****Page 13, line 6—**

insert

- (1A) If the housing commissioner proposes to intervene in the business of a registered housing provider, the commissioner must give the housing provider written notice stating—
- (a) the reasons for the proposed intervention; and
 - (b) how the commissioner proposes to intervene; and
 - (c) the reasonable time within which the housing provider may make representations to the commissioner about the proposed intervention.
- (1B) The housing commissioner must not intervene in the business of a registered housing provider unless the commissioner—
- (a) has considered any representations made to the commissioner within the time stated in the notice given under subsection (1A); and
 - (b) is satisfied on reasonable grounds that the intervention is appropriate in the circumstances and in accordance with the intervention guidelines.
-

8**Clause 8****Proposed new section 25S (3)****Page 13, line 15—***omit*

may

substitute

must

9**Clause 8****Proposed new section 25S (4) and note****Page 13, line 18—***omit proposed new section 25S (4) and note, substitute*

- (4) The intervention guidelines are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

10**Clause 8****Proposed new section 25T (1) and (2)****Page 14, line 3—***omit proposed new section 25T (1) and (2), substitute*

- (1) The housing commissioner may remove a registered housing provider from the register if satisfied the provider—
- (a) has breached a requirement of this part or a condition of the provider's registration; or
 - (b) no longer satisfies the eligibility criteria.

Note Eligibility criteria for affordable and community housing providers are set out in s 25F and s 25G.

11**Clause 8****Proposed new section 25T (3A)****Page 14, line 9—***insert*

- (3A) The notice must include a statement of the reasons for the decision.
-

12
Clause 9
Proposed new table 31A
Page 15, line 1—

omit proposed new table 31A, substitute

Table 31A Reviewable decisions		
column 1	column 2	column 3
item	decision	affected entity
1	s 24—refusing application for housing assistance	the applicant
2	s 25—suspending or cancelling all or part of housing assistance being provided to entity	the entity
3	s 25A (1A)—registering entity as housing provider on conditions	the entity
4	s 25B—refusing to register entity as housing provider	the entity
5	s 25O (2) or (3)—refusing to approve change to constitution or rules of housing provider	the applicant
6	s 25S—deciding to intervene in business of housing provider	the housing provider
7	s 25T—removing housing provider from register	the housing provider

Schedule 3**HOUSING ASSISTANCE AMENDMENT BILL 2008**

Amendments circulated by Mr Seselja (Leader of the Opposition)

1

Clause 8**Proposed new section 25C (2) (c)****Page 4, line 24—**

omit proposed new section 25C (2) (c), substitute

- (c) the telephone number and email address of the contact person;

2

Clause 8**Proposed new section 25N (2) (c) and (d)****Page 10, line 16—**

omit proposed new section 25N (2) (c) and (d), substitute

- (c) the housing provider's audited financial statements; and
- (d) any other matter required under a contract, to which the Territory and the provider are parties, that relates to housing arrangements.

3

Clause 8**Proposed new section 25S (2) (c)****Page 13, line 13—**

omit
