



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007–2008

### MINUTES OF PROCEEDINGS

No. 143

WEDNESDAY, 25 JUNE 2008

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- 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 **CHIEF MINISTER—PROPOSED MOTION OF NO CONFIDENCE**

Mr Seselja (Leader of the Opposition), pursuant to notice, moved—That this Assembly no longer has confidence in the Chief Minister due to his:

  - (1) repeatedly giving inconsistent testimony and testimony that is inconsistent with the written record of events relating to the data centre and gas fired power plant at Tuggeranong and, therefore, misleading the Estimates Committee and consequently the Assembly;
  - (2) mismanaging the process associated with the data centre and gas fired power plant at Tuggeranong, jeopardising an important project for the Australian Capital Territory and, as a consequence, costing the Territory around \$1 billion in investment;
  - (3) selectively releasing materials to the media which were withheld from the Assembly and withholding the substantial part of the records, showing contempt for the people and Parliament of the Australian Capital Territory; and
  - (4) failing to properly consider the impact on residents of the data centre and gas fired power plant, and failing to adequately notify or consult with residents, which jeopardised the entire project.

*Papers:* Mr Seselja, by leave, presented the following papers:

Proposed gas fired power station and data centre—Copies of:

ActewAGL's site selection criteria and site identification and selection.

Email to Leesha Pitt, Communications team leader, ACT Planning and Land Authority, from Garrick Calnan, dated Friday, 30 March 2007.

Brief to Anne Skewes, Chief Executive Officer and Ray Stone, Acting General Manager, Urban Development.

Email to Rod Power from Scott Carr, dated Sunday, 8 July 2007.

Select Committee on Estimates 2008-2009—Question on notice No. E08-253.

Attachment 3 to press release 256/07, dated 23 May 2007.

Email to Ray Stone, Project Director, Land Development Agency, from Gordon Lowe, dated Wednesday, 4 July 2007 (2).

Letter to Tom Percival, Project Manager, Land Use Planning, ACT Planning and Land Authority, from Ken Douglas, Acting Director, Economic, Regional and Planning Branch, Chief Minister's Department, dated June 2007 (2).

Brief to the Chief Minister from Pam Davoren, dated July 2007.

Minute to Ray Stone, Senior Project Manager, Urban Development, from Michael Britton, Project Officer, Land Development Agency, dated 5 June 2007.

Extract from valuation report by Savills (Canberra).

Preliminary assessment for Canberra Technology City.

Mr Seselja, by leave, was granted an extension of time.

Debate ensued.

Mr Stanhope (Chief Minister), by leave, was granted an extension of time.

Mr Stanhope, by leave, was granted a further extension of time.

Debate continued.

Dr Foskey, by leave, moved the following amendments together:

- (1) omit "That this Assembly no longer has confidence in the Chief Minister due to his", substitute "that this Assembly censures the Chief Minister for his"; and
- (2) add:
  - “(5) (a) failure to assure the Canberra community that a full and independent analysis of the health and environmental impacts of the data centre and power station would be conducted; and
  - (b) out of hand rejection of an environmental impact statement of this proposal.”.

Dr Foskey, by leave, was granted an extension of time.

Mr Mulcahy moved the following amendment to Dr Foskey's proposed amendment No. (2): Omit the amendment, substitute:

“(2) omit paragraphs (2) and (4).”.

Mr Mulcahy, by leave, was granted an extension of time.

Debate continued.

*Paper:* Ms Gallagher (Deputy Chief Minister) presented the following paper:

Proposed gas fired power station and data centre—Copy of Brief to the Chief Minister from Pam Davoren, Acting Chief Executive, CMD, dated July 2007.

Debate continued.

*Papers:* Mrs Dunne, by leave, presented the following papers:

Proposed gas fired power station and data centre—Copies of—

Email to Pam Davoren, David Dawes and George Tomlins from Rod Power, Senior Manager, Planning and Urban Services Section, Cabinet and Policy Group, dated Saturday, 7 July 2007.

Letter to Mr J A Mackay AM, Chief Executive Officer, ActewAGL from the Chief Minister (2).

Brief to the Chief Minister from Pam Davoren, dated July 2007.

Debate continued.

*Papers:* Ms Porter, by leave, presented the following papers:

Proposed gas fired power station and data centre—Statements of Fact—

Ray Stone, Project Director, Urban Development, dated 20 June 2008.

Gordon Lowe, General Management Urban Development, Land Development Agency, dated 20 June 2008.

Debate continued.

*Papers:* Mr Gentleman, by leave, presented the following papers:

Proposed gas fired power station and data centre—Copies of—

ActewAGL welcomes further independent review—Media release, dated 17 June 2008.

Power station debacle—Flyer by Mr Pratt.

Debate continued.

Question—That Mr Mulcahy's amendment to Dr Foskey's proposed amendment No. 2 be agreed to—put and negatived.

Question—That Dr Foskey's amendments be agreed to—put.

Ordered—That the question be divided.

Question—That amendment No. (1) be agreed to—put.

The Assembly voted—

AYES, 2

Dr Foskey  
Mr Mulcahy

NOES, 15

Mr Barr	Ms MacDonald
Mr Berry	Ms Porter
Mrs Burke	Mr Pratt
Mr Corbell	Mr Seselja
Mrs Dunne	Mr Smyth
Ms Gallagher	Mr Stanhope
Mr Gentleman	Mr Stefaniak
Mr Hargreaves	

And so it was negatived.

Question—That amendment No. (2) be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 10	
Mrs Burke	Mr Smyth	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Berry	Ms MacDonald
Dr Foskey		Mr Corbell	Mr Mulcahy
Mr Pratt		Ms Gallagher	Ms Porter
Mr Seselja		Mr Gentleman	Mr Stanhope

And so it was negatived.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 6		NOES, 11	
Mrs Burke		Mr Barr	Mr Hargreaves
Mrs Dunne		Mr Berry	Ms MacDonald
Mr Pratt		Mr Corbell	Mr Mulcahy
Mr Seselja		Dr Foskey	Ms Porter
Mr Smyth		Ms Gallagher	Mr Stanhope
Mr Stefaniak		Mr Gentleman	

And so it was negatived.

### 3 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.

### 4 PETITIONS

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

Mrs Burke, from 876 residents, requesting that the Assembly immediately implement a preservation plan for the Caretakers Cottage at 540 Cotter Road, Weston Creek that is inclusive of the current caretakers, and certain other action be taken in relation to the Cottage.

Mr Mulcahy, from 22 residents, requesting that the Assembly address the 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 Stanhope, from 17 residents, 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.

**5 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 55—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 55, dated 10 June 2008, together with the relevant minutes of proceedings—

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

**6 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 56—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 56, dated 23 June 2008, together with the relevant minutes of proceedings—

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

**7 LEGAL AFFAIRS—STANDING COMMITTEE—ANNUAL AND FINANCIAL REPORTS 2006-2007—STATEMENT BY CHAIR**

Ms MacDonald (Deputy Chair), pursuant to standing order 246A, informed the Assembly of the Standing Committee on Legal Affairs' inquiry into annual reports within its portfolio responsibilities.

**8 PUBLIC ACCOUNTS—STANDING COMMITTEE—GOVERNMENT PROCUREMENT ACT—REPORTABLE CONTRACTS—TABLING—STATEMENT BY CHAIR—PAPERS**

Dr Foskey (Chair), pursuant to standing order 246A, informed the Assembly of certain action taken by the Standing Committee on Public Accounts in relation to the *Government Procurement Act 2001*.

*Papers:* Dr Foskey, by leave, presented the following papers:

Reportable contracts—

Copies of letters to the Chair of the Standing Committee on Public Accounts from the following Departments and Agencies for the period 1 October 2007 to 31 March 2008—

ACT Health, dated 14 April 2008.

Canberra Institute of Technology, dated 3 April 2008.

Chief Minister's, dated 17 April 2008.

Education and Training, dated 21 April 2008.

Justice and Community Safety, dated 7 April 2008.

Land Development Agency, dated 18 April 2008.

Territory and Municipal Services, dated 21 April 2008.

Treasury, dated 17 April 2008.

Copy of letter to Chief Executive Officers and Chief Planning Executive from Megan Smithies, Under Treasurer, Department of Treasury, dated 14 February 2008.

**9 ETHICS AND INTEGRITY ADVISER—APPOINTMENT—STATEMENT BY SPEAKER**

The Speaker made a statement concerning the appointment of Mr Stephen Skehill as the Ethics and Integrity Adviser for the remainder of this Assembly.

**10 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF EXECUTIVE BUSINESS AND PRIVATE MEMBERS' BUSINESS**

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent orders of the day Nos. 1 and 2, Executive business, relating to the National Gas (ACT) Bill 2008 and the Land Rent Bill 2008, and order of the day No. 4, Private Members' business, relating to the Electricity Feed-In (Renewable Energy Premium) Bill 2008, being called on forthwith.

Question—put.

The Assembly voted—

	AYES, 10		NOES, 5
Mr Barr	Mr Gentleman		Mrs Burke
Mr Berry	Mr Hargreaves		Mr Mulcahy
Mr Corbell	Ms MacDonald		Mr Pratt
Dr Foskey	Ms Porter		Mr Seselja
Ms Gallagher	Mr Stanhope		Mr Smyth

And so it was resolved in the affirmative, with the concurrence of an absolute majority.

**11 NATIONAL GAS (ACT) 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 (Minister for the Environment, Water and Climate Change), his amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

*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 LAND RENT 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.

The Assembly voted—

AYES, 9		NOES, 5
Mr Barr	Mr Gentleman	Mrs Burke
Mr Berry	Ms MacDonald	Mrs Dunne
Mr Corbell	Mr Mulcahy	Mr Pratt
Dr Foskey	Mr Stanhope	Mr Seselja
Ms Gallagher		Mr Smyth

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.

**13 ELECTRICITY FEED-IN (RENEWABLE ENERGY PREMIUM) 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*

Clause 1—

Debate adjourned (Mr Stanhope—Minister for the Environment, Water and Climate Change) and the resumption of the debate made an order of the day for the next sitting.

**14 ADJOURNMENT**

Mr Stanhope (Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 10.47 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

### **NATIONAL GAS (ACT) BILL 2008**

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Amendment circulated by the Minister for the Environment, Water and Climate Change

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**1**

**Clause 2**

**Page 2, line 4—**

*omit clause 2, substitute*

**2**

#### **Commencement**

- (1) This Act (other than section 19 (1) and schedule 1) commences, or is taken to have commenced, on the commencement of the *National Gas (South Australia) Act 2008* (SA), section 7 (Application of National Gas Law).

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

- (2) Section 19 (1) and schedule 1 commence on the later of—
- (a) the commencement of the *Offshore Petroleum Act 2006* (Cwlth), section 7 (Offshore areas); and
  - (b) the day section 10 commences, or is taken to have commenced.
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