



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007–2008

# MINUTES OF PROCEEDINGS

No. 151

**THURSDAY, 7 AUGUST 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 PETITION**

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

Mr Mulcahy, from 40 residents, requesting that work begin as soon as possible to expand the Gungahlin Drive Extension.

**3 DUTIES AMENDMENT BILL 2008 (NO. 2)**

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 August 2008.

Title read by Clerk.

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

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

**4 SUPERANNUATION (LEGISLATIVE ASSEMBLY MEMBERS) AMENDMENT BILL 2008**

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Superannuation (Legislative Assembly Members) Act 1991*.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 August 2008.

Title read by Clerk.

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

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

**5 ACT CIVIL AND ADMINISTRATIVE TRIBUNAL LEGISLATION AMENDMENT BILL 2008 (NO. 2)**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation in relation to tribunals and other bodies, the functions of which are to be conferred on the ACT Civil and Administrative Tribunal, and for other purposes.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 August 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.

**6 CRIMES LEGISLATION AMENDMENT BILL 2008**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation in relation to criminal proceedings.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 August 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.

**7 DOMESTIC VIOLENCE AND PROTECTION ORDERS BILL 2008**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act about orders to protect people from domestic violence and personal violence, and for other purposes.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 August 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.

**8 GUARDIANSHIP AND MANAGEMENT OF PROPERTY AMENDMENT BILL 2008**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Guardianship and Management of Property Act 1991*.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 August 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.

**9 UNIT TITLES AMENDMENT BILL 2008**

Mr Barr (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend the *Unit Titles Act 2001*, 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 7 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.

**10 LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) AMENDMENT BILL 2008**

Mr Berry, pursuant to notice, presented a Bill for an Act to amend the *Legislative Assembly (Members' Staff) Act 1989*.

*Paper:* Mr Berry presented an explanatory statement to the Bill.

Title read by Clerk.

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

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

**11 STRATEGIC AND FUNCTIONAL REVIEW OF THE ACT PUBLIC SECTOR AND SERVICES—PAPER—PROPOSED ORDER TO TABLE**

Dr Foskey, pursuant to notice, moved—That this Assembly calls on the Chief Minister to table the *Strategic and Functional Review of the ACT Public Sector and Services* in the Assembly before the end of this sitting day.

Debate ensued.

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It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

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Debate continued.

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

Strategic and Functional Review—Copy of letter to Mr Michael Costello, AO, Chairman, Strategic and Functional Review, from Mr Peter Dunn, AO, Commissioner, ACT Emergency Services Authority, dated 4 April 2006.

Debate continued.

Mr Pratt addressing the Assembly—

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.

**12 QUESTIONS**

Questions without notice were asked.

**13 PRESENTATION OF PAPER**

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No. 4/2008—Maintenance of Public Housing, dated 7 August 2008.

**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:

Devinder Grewal, dated 11 June 2008.

Tracey Hayne, dated 15 June 2008.

Short-term contracts:

Adrian Walsh, dated 30 June 2008.

Anthony Polinelli, dated 20 May 2008.

Craig Hooper, dated 2 July 2008.

David Colussi, dated 5 June 2008.

David Matthews, dated 19 June 2008.

Debra Chase, dated 1 July 2008.

Fiona Barbaro, dated 4 July 2008.

Floyd Kennedy, dated 13 and 23 June 2008.

Helen Pappas, dated 23 June 2008.

Janice Biggin, dated 12 June 2008.

Joanne Howard, dated 1 July 2008.

John Bissell, dated 13 and 15 June 2008.

John Meyer, dated 3 June 2008.

Julie Field, dated 25 June 2008.

Lana Junakovic, dated 3 July 2008.

Leanne Power, dated 26 March 2008.

Lisa Holmes, dated 4 and 7 July 2008.

Luke McAlary, dated 27 May 2008.

Mary Toohey, dated 25 June 2008.

Meredith Lily Whitten.

Michael Marsalek, dated 24 June 2008.

Michelle Callen, dated 18 June 2008.

Neil Cooper, dated 5 June 2008.

Nikos Christos Kalogeropoulos, dated 20 May 2008.

Robert Carter, dated 7 July 2008.

Robert Van Aalst, dated 2 June 2008.

Rosemary O'Donnell, dated 2 June 2008.

Sarah Byrne, dated 23 June 2008.

Simon Craig Kinsmore, dated 12 and 13 June 2008.

Sue Morrell, dated 19 and 24 June 2008.

Sushila Sharma, dated 18 and 19 June 2008.

Tania Manuel, dated 20 June 2008.

Tony Gill, dated 24 June 2008.

Contract variations:

Brenda Ainsworth, dated 10 May 2008.

Bronwen Overton-Clarke, dated 23 June 2008.

Kaye O'Hara, dated 30 June 2008.

Leanne Cover, dated 30 June 2008.

Meredith Lily Whitten.

Peter Kowald, dated 30 June 2008.

Philippa De Veau, dated 2 June 2008.

Stuart William Friend, dated 4 July 2008—

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

## **15 PRESENTATION OF PAPER**

Mr Stanhope (Chief Minister) presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determination—Survey Practice Advisory Committee—Determination No 5 of 2008, together with statement, dated 26 June 2008.

## **16 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the ACT Planning and Land Authority, including a statement of reasons, dated 8 July 2008—

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

## **17 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 13—INQUIRY INTO LAND VALUATION IN THE AUSTRALIAN CAPITAL TERRITORY—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Treasurer) presented the following paper:

Public Accounts—Standing Committee—Report 13—*Inquiry into Land Valuation in the Australian Capital Territory*—Government response—

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

## **18 COMMISSIONER FOR THE ENVIRONMENT ACT—COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT—STATE OF THE ENVIRONMENT REPORT 2007/08—PAPER AND STATEMENT BY MINISTER**

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

Commissioner for the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—State of the Environment Report 2007/08—

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

**19 INDEPENDENT COMPETITION AND REGULATORY COMMISSION—REPORT 3 OF 2008—A.C.T. GREENHOUSE GAS ABATEMENT SCHEME—COMPLIANCE AND OPERATION OF THE SCHEME FOR THE 2007 COMPLIANCE YEAR—PAPER AND STATEMENT BY MINISTER**

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

Independent Competition and Regulatory Commission—Report 3 of 2008—ACT Greenhouse Gas Abatement Scheme—Compliance and operation of the Scheme for the 2007 compliance year, dated June 2008—

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

**20 PRESENTATION OF PAPERS**

Mr Stanhope (Minister for the Arts) presented the following papers:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2007-2008—Third quarter (1 January to 31 March 2008).

Tabling statement, dated August 2008.

**21 FACING UP TO RACISM—A STRATEGIC PLAN ADDRESSING RACISM AND UNFAIR DISCRIMINATION 2004-2008—REPORT CARD 2008—PAPER AND STATEMENT BY MINISTER**

Mr Hargreaves (Minister for Multicultural Affairs) presented the following paper:

Facing up to racism—A strategic plan addressing racism and unfair discrimination 2004-2008—Report card 2008—

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

**22 PLANNING AND DEVELOPMENT ACT—PLANNING AND DEVELOPMENT AMENDMENT REGULATION 2008 (NO. 3)—SUBORDINATE LAW SL2008-33—PAPER AND STATEMENT BY MINISTER**

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

Planning and Development Act—Planning and Development Amendment Regulation 2008 (No. 3)—Subordinate Law SL2008-33, together with its explanatory statement (LR, 5 August 2008)—

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

**23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—GUNG AHLIN DRIVE EXTENSION**

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Mr Mulcahy, 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 Mr Smyth be submitted to the Assembly, namely, “The Gungahlin Drive Extension”.

Discussion ensued.

Time for discussion having expired—

Discussion concluded.

**24 SUSPENSION OF STANDING ORDERS—REFERENCE TO COMMITTEE**

Mrs Burke moved—That so much of the standing orders be suspended as would prevent Mrs Burke from moving a motion to refer a matter to a committee and having the motion resolved.

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

**25 HEALTH AND DISABILITY—STANDING COMMITTEE—REFERENCE—CLOSURE OF WANNIASSA MEDICAL CENTRE**

Mrs Burke moved—That the closure of the Wanniasa Medical Centre be referred to the Standing Committee on Health for immediate enquiry and to report back to the Assembly on Tuesday, 26 August 2008.

Debate ensued.

Question—put and passed.

**26 DUTIES (LANDHOLDERS) 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.

Leave granted to dispense with the detail stage.

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

**27 CRIMES (CONTROLLED OPERATIONS) 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.

Dr Foskey addressing the Assembly—

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*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.

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Debate continued.

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

Leave granted to dispense with the detail stage.

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



**28 HOUSING ASSISTANCE AMENDMENT BILL 2008**

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

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*Detail Stage*

Clause 1 agreed to.

Clause 2—

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

Debate continued.

Amendment negatived.

Clause 2 agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6 debated and negatived.

Clause 7 agreed to.

Clause 8—

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

*Paper:* Mr Hargreaves presented a supplementary explanatory statement to the Government amendments.

On the motion of Mr Hargreaves, his amendment No. 3 (*see* [Schedule 2](#)) was made.

On the motion of Mr Hargreaves, his amendment No. 4 (*see* [Schedule 2](#)) was made, after debate.

On the motion of Mr Hargreaves, his amendment No. 5 (*see* [Schedule 2](#)) was made, after debate.

On the motion of Mr Hargreaves, his amendment No. 6 (*see* [Schedule 2](#)) was made, after debate.

Dr Foskey moved her amendment No. 2 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

On the motion of Mr Seselja (Leader of the Opposition), his amendment No. 2 (*see* [Schedule 3](#)) was made, after debate.

Question—That clause 8, as amended, be agreed to—put.

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

**29 ADJOURNMENT**

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

Question—put and passed.

And then the Assembly, at 6.59 p.m., adjourned until Tuesday, 19 August 2008 at 10.30 a.m.

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

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULES OF AMENDMENTS

## Schedule 1

### **HOUSING ASSISTANCE AMENDMENT BILL 2008**

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Amendments circulated by Dr Foskey

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**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.
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**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

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 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.

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

housing

*insert*

affordable

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 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	

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**Schedule 2****HOUSING ASSISTANCE AMENDMENT BILL 2008**

Amendments circulated by the Minister for Housing

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**1**

**Clause 6**

**Page 3, line 1—**

*[oppose the clause]*

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**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.

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**3**

**Clause 8**

**Proposed new section 25C (2) (c)**

**Page 4, line 24—**

*after*

numbers

*insert*

, and email address,

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**4**

**Clause 8**

**Proposed new section 25F (1) (f)**

**Page 6, line 12—**

*omit*

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**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

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**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.

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

may

*substitute*

must

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**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.

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**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.

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

*omit proposed new table 31A, substitute*

<b>Table 31A Reviewable decisions</b>		
<b>column 1</b>	<b>column 2</b>	<b>column 3</b>
<b>item</b>	<b>decision</b>	<b>affected entity</b>
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

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**Schedule 3****HOUSING ASSISTANCE AMENDMENT BILL 2008**

Amendments circulated by Mr Seselja (Leader of the Opposition)

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**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;

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**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.

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**3**

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

*omit*

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