



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006

# MINUTES OF PROCEEDINGS

No. 73

**THURSDAY, 24 AUGUST 2006**

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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 PETITIONS

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

Dr Foskey, from 45 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 110 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.

Dr Foskey, from 2012 residents, requesting that the Assembly ensure that the proposed sale of the longstay caravan park at Narrabundah be abandoned and, irrespective of whether the sale takes place, ensure certain arrangements for the future of its residents.

## 3 REVENUE LEGISLATION AMENDMENT BILL 2006 (NO. 2)

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

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 22 August 2006.

Title read by Clerk.

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

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

#### 4 LAPSE OF NOTICE

Upon notice No. 1, Assembly business, relating to the membership of the Standing Committee on Legal Affairs, being called on and the Member not being present, pursuant to standing order 127, it was withdrawn from the *Notice Paper*.

#### 5 WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE—APPOINTMENT—AMENDMENT TO RESOLUTION OF THE ASSEMBLY

The order of the day having been read for the resumption of the debate on the motion of Mrs Burke relating to the resolution of the Assembly establishing the Select Committee on Working Families in the Australian Capital Territory, as amended on 8 June 2006—That the resolution of the Assembly establishing the Select Committee on Working Families in the Australian Capital Territory, agreed to on 5 May 2005, be amended as follows: Omit paragraph (3), substitute:

“(3) noting that the Committee has tabled an interim report which indicated at paragraph 5.12 that time and evidence are needed to reliably and validly determine the effects on working families in the ACT of reforms to the industrial relations system:

- (a) suspends the operation of the Committee from the date this motion is agreed to until March 2007; and
- (b) calls on the Assembly to amend the terms of reference in March 2007 in light of comments in the interim report; and”—

and on the amendment moved by Mr Gentleman: Omit all words after “as follows:”, and substitute “in paragraph (3), omit ‘2006’, substitute ‘2007’”—

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

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

And the question—That Mr Gentleman’s amendment be agreed to—being accordingly put—

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That:

- (1) a Select Committee on Working Families in the Australian Capital Territory be appointed to examine the effect on working families in relation to health costs, effects of industrial relations changes, adjustments by the Commonwealth Grants Commission and the allocation of funds by the Commonwealth, impacts on current or potential ACT legislation by the Commonwealth and any other related matter;
- (2) the Committee be composed of:
  - (a) two members to be nominated by the Government; and
  - (b) one member to be nominated by the Opposition;
 to be notified in writing to the Speaker within four hours after the passing of this resolution;
- (3) the Committee report by the first sitting day in October 2007 and that the Committee also provide interim reports on its progress; and
- (4) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders have effect notwithstanding anything contained in the standing orders.”.

be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

And so it was resolved in the affirmative.

**6 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 6—REVIEW OF AUDITOR-GENERAL’S REVIEW REPORT APRIL 2005: MATTERS RELEVANT TO THE OFFICE OF THE SPECIAL ADVISER, COUNCIL OF AUSTRALIAN GOVERNMENTS AND INTER-GOVERNMENTAL RELATIONS—PUBLICATION OF REPORT—REPORT NOTED**

Mr Mulcahy (Chair) presented the following report:

Public Accounts—Standing Committee—Report 6—*Review of Auditor-General’s Review Report April 2005: Matters relevant to the Office of the Special Adviser, Council of Australian Governments and Inter-governmental Relations*, dated 10 August 2006, together with a copy of the extracts of the relevant minutes of proceedings—

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

Question—put and passed.

Mr Mulcahy moved—That the report be noted.

Question—put and passed.

**7 EXECUTIVE BUSINESS—PRECEDENCE**

Ordered—That Executive business be called on forthwith.

**8 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY 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. 4 and 5, Assembly business, relating to the Report of the Select Committee on Estimates 2006-2007 and the Government response to that report, being called on in sequence immediately after the resolution of any question relating to the conclusion of consideration of order of the day No. 1, Executive business, relating to the Appropriation Bill 2006-2007.

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

**9 APPROPRIATION BILL 2006-2007**

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

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*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.4—Chief Minister's Department—\$36 418 000 (net cost of outputs), \$35 653 000 (capital injection), totalling \$72 071 000—

Debate continued.

Proposed expenditure agreed to.

Part 1.5—Department of Treasury—\$49 686 000 (net cost of outputs), \$37 182 000 (payments on behalf of the Territory), totalling \$86 868 000—debated and agreed to.

Part 1.6—Central Financing Unit—\$214 000 (capital injection), \$11 943 000 (payments on behalf of the Territory), totalling \$12 157 000—debated and agreed to.

Part 1.7—Home Loan Portfolio—Nil expenditure—

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.

**10 QUESTIONS**

Questions without notice were asked.

**11 PRESENTATION OF PAPER**

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

ACT public education—Budget proposals—Letter from the Government Schools Education Council to the Minister for Education and Training, dated 23 June 2006.

**12 PRESENTATION OF PAPERS**

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

**Petitions—Out of order**

Petitions which do not conform with the standing orders—

Cook Primary School and Cook Pre-School—Proposed closure—Mrs Dunne (1418 signatures).

Narrabundah Longstay Caravan Park—Security of tenure for residents—Dr Foskey (685 signatures).

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-44 (LR, 14 August 2006).

Court Procedures Act—Court Procedures Amendment Rules 2006 (No. 1)—Subordinate Law SL2006-43 (LR, 14 August 2006).

**13 CANBERRA SPATIAL PLAN AND SUSTAINABLE TRANSPORT PLAN—PROGRESS REPORT—MINISTERIAL STATEMENT**

Mr Corbell (Minister for Planning) sought leave to make a ministerial statement.

Objection being raised, leave not granted.

*Suspension of standing orders moved—Ministerial statement:* Mr Corbell moved—That so much of the standing orders be suspended as would prevent Mr Corbell from making a ministerial statement.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

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

Mr Corbell made a ministerial statement concerning the progress of the Canberra Spatial Plan and the Sustainable Transport Plan.

**14 APPROPRIATION BILL 2006-2007**

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

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*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.7—Home Loan Portfolio—Nil expenditure—

Debate continued.

Proposed expenditure agreed to.

Part 1.8—Shared Services Centre—\$13 092 000 (net cost of outputs), \$10 225 000 (capital injection), totalling \$23 317 000—debated and agreed to.

Part 1.9—Superannuation Unit—\$107 000 000 (capital injection), \$17 280 000 (payments on behalf of the Territory), totalling \$124 280 000—debated and agreed to.

Part 1.10—ACT Health—\$592 119 000 (net cost of outputs), \$18 198 000 (capital injection), \$4 865 000 (payments on behalf of the Territory), totalling \$615 182 000—debated.

*Paper:* Dr Foskey, by leave, presented the following paper:

Mental illness—“Making our own boundaries, not living in your walls”—Public discussion paper prepared by Fiona Tito Wheatland for the ACT Greens.

Debate continued.

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

Ms Gallagher (Deputy Chief Minister) requiring the question to be forthwith without debate—

Question—put and negated.

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Debate continued.

Proposed expenditure agreed to.

Part 1.11—Department of Territory and Municipal Services—\$257 486 000 (net cost of outputs), \$100 359 000 (capital injection), \$945 000 (payments on behalf of the Territory), totalling \$358 790 000—debated.

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

Eyesore of the week—Copy of article from the Sunday Times—Sunday, 20 August 2006.

Debate continued

Question—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

And so it was resolved in the affirmative—Proposed expenditure agreed to.

Part 1.12—ACT Planning and Land Authority—\$35 851 000 (net cost of outputs), \$9 732 000 (capital injection), totalling \$45 583 000—debated.

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*Suspension of standing order 76:* Mr Corbell (Manager of Government Business) moved—That standing order 76 be suspended for the remainder of this sitting.

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

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Debate continued.

Proposed expenditure agreed to.

Part 1.13—Department of Disability, Housing and Community Services—\$173 241 000 (net cost of outputs), \$21 758 000 (capital injection), \$28 297 000 (payments on behalf of the Territory), totalling \$223 296 000—debated.

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The Assembly continuing to sit until after midnight—  
Friday, 25 August 2006

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Debate continued.

Proposed expenditure agreed to.

Part 1.14—ACT Housing—\$22 384 000 (net cost of outputs), \$11 353 000 (capital injection), totalling \$33 737 000—debated and agreed to.

Part 1.15—Department of Justice and Community Safety—\$159 335 000 (net cost of outputs) \$103 143 000 (capital injection), \$101 331 000 (payments on behalf of the Territory), totalling \$363 809 000—

Mr Stefaniak (Leader of the Opposition) moved his amendment No. 2 (*see* [Schedule 1](#)).

Debate continued.

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

Burnouts in streets around Canberra—Photographs (5).

Debate continued.

Question—put.

The Assembly voted—

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

And so it was negatived.

Proposed expenditure agreed to.

Part 1.16—Department of Education and Training—\$409 105 000 (net cost of outputs), \$59 884 000 (capital injection), \$166 028 000 (payments on behalf of the Territory), totalling \$635 017 000—debated.

Question—put.

The Assembly voted—

AYES, 7		NOES, 6	
Mr Barr	Ms MacDonald	Mrs Dunne	Mr Seselja
Mr Berry	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Corbell	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

And so it was resolved in the affirmative.

*Proposed new part—*

Mrs Dunne moved her amendment No. 1 (*see* [Schedule 2](#)), which inserts a new part 1.16A into Schedule 1 of the Bill.

*Speaker's ruling:* The Speaker ruled that Mrs Dunne's amendment was out of order as it would infringe against the resolution of the Assembly of 23 November 1995.

Part 1.17—Canberra Institute of Technology—\$60 359 000 (net cost of outputs), \$5 170 000 (capital injection), totalling \$65 529 000—debated and agreed to.

Part 1.18—Exhibition Park Corporation—\$321 000 (net cost of outputs), \$450 000 (capital injection), totalling \$771 000—agreed to.

Part 1.19—Legal Aid Commission (ACT)—\$3 385 000 (net cost of outputs), totalling \$3 385 000—agreed to.

Part 1.20—Public Trustee for the ACT—\$613 000 (net cost of outputs), totalling \$613 000—agreed to.

Part 1.21—ACTEW Corporation—\$9 444 000 (net cost of outputs), totalling \$9 444 000—debated and agreed to.

Part 1.22—Cultural Facilities Corporation—\$6 410 000 (net cost of outputs), \$3 261 000 (capital injection), totalling \$9 671 000—debated and agreed to.

Part 1.23—ACT Gambling and Racing Commission—\$4 008 000 (net cost of outputs), totalling \$4 008 000—agreed to.

Total appropriated to agencies—\$1 840 542 000 (net cost of outputs), \$486 600 000 (capital injection), \$377 408 000 (payments on behalf of the territory), totalling \$2 704 550 000—debated and agreed to.

Part 1.24—Treasurer's Advance—\$26 900 000—agreed to.

Total appropriations—\$1 840 542 000 (net cost of outputs), \$486 600 000 (capital injection), \$377 408 000 (payments on behalf of the Territory), totalling \$2 731 450 000—

Question—put.

The Assembly voted—

AYES, 7		NOES, 6	
Mr Barr	Ms MacDonald	Mrs Dunne	Mr Seselja
Mr Berry	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Corbell	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

And so it was resolved in the affirmative—Proposed expenditure agreed to.



Clauses 1 to 11, by leave, taken together and agreed to.

Schedule 2 agreed to.

Title agreed to.

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

**15 ESTIMATES 2006-2007—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2006-2007—REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Ms Porter (Chair)—That the report be noted (*presented 15 August 2006*)—

Estimates 2006-2007—Select Committee—Report—*Appropriation Bill 2006-2007*, dated 14 August 2006, including additional comments (*Dr Foskey, Mr Gentleman*) and a dissenting report (*Mr Pratt, Mr Smyth*)—

Question—put and passed.

**16 ESTIMATES 2006-2007—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2006-2007—GOVERNMENT RESPONSE—PAPER NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Stanhope (Treasurer)—That the Assembly takes note of the paper (*presented 22 August 2006*)—

Estimates 2006-2007—Select Committee—Report—*Appropriation Bill 2006-2007—Government response*, including Government response to the Dissenting Report, dated August 2006—

Question—put and passed.

**17 REMUNERATION TRIBUNAL AMENDMENT BILL 2006**

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.

**18 ADJOURNMENT**

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

Question—put and passed.

And then the Assembly, at 5.00 a.m., adjourned until Tuesday, 19 September 2006 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

# SCHEDULES OF AMENDMENTS

## Schedule 1

### APPROPRIATION BILL 2006-2007

Amendments circulated by Mr Stefaniak

**1**  
**Clause 6 heading**  
**Page 3, line 1**

*omit clause 6 heading, substitute*

**6 Appropriations of \$2 657 400 000**

**2**  
**Schedule 1**  
**Page 7—**

*omit*

<b>Part 1.15</b>					
Department of Justice and Community Safety	Justice and Community Safety	159 335 000	103 143 000	101 331 000	363 809 000

*substitute*

<b>Part 1.15</b>					
Department of Justice and Community Safety	Justice and Community Safety	158 835 000	29 593 000	101 331 000	289 759 000

**3**  
**Schedule 1**  
**Page 8—**

*omit*

<i>Total appropriated to agencies</i>					
		1 840 542 000	486 600 000	377 408 000	2 704 550 000

*substitute*

<i>Total appropriated to agencies</i>					
		1 840 042 000	413 050 000	377 408 000	2 630 500 000

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**4**  
**Schedule 1**  
**Page 8—***omit*

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<i>Total</i> <i>appropriations</i>	1 840 542 000	486 600 000	377 408 000	2 731 450 000
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*substitute*

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<i>Total</i> <i>appropriations</i>	1 840 042 000	413 050 000	377 408 000	2 657 400 000
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**Schedule 2**

**APPROPRIATION BILL 2006-2007**

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Amendments circulated by Mrs Dunne

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**1**  
**Schedule 1**  
**Proposed new part 1.16A**  
**Page 7—**

*after Part 1.16, insert*

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<b>Part 1.16A</b>			
Department of Education and Training	Education and Training—closure of government schools	nil	nil

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**2**  
**Schedule 2**  
**Proposed new appropriation unit and class of output**  
**Page 10—**

*after Education and Training, insert*

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Education and Training—closure of government schools	1	Closure of government schools
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