



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009

MINUTES OF PROCEEDINGS

No. 11

TUESDAY, 24 MARCH 2009

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) 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 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 1—
APPROPRIATION BILL 2008-2009 (NO. 3)—REPORT NOTED**

Ms Le Couteur (Chair), pursuant to order, presented the following report:

Public Accounts—Standing Committee—Report 1—*Appropriation Bill 2008-2009 (No. 3)*, including additional comments (*Ms Burch*), dated 23 March 2009, 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.

**3 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
(PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND
SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 4—
STATEMENT BY CHAIR**

Mrs Dunne (Chair) presented the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 4, dated 23 March 2009, together with the relevant minutes of proceedings—

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

4 CLIMATE CHANGE, ENVIRONMENT AND WATER—STANDING COMMITTEE—REPORT 1—REPORT ON ANNUAL AND FINANCIAL REPORTS 2007-2008—REPORT NOTED

Ms Hunter (Chair) presented the following report:

Climate Change, Environment and Water—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*, dated 20 March 2009, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

5 WORKERS COMPENSATION (TERRORISM) AMENDMENT BILL 2009

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.

6 SUSPENSION OF STANDING AND TEMPORARY ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS

Mr Corbell (Manager of Government Business) moved—That so much of the standing and temporary orders be suspended as would prevent order of the day No. 2, Assembly business, relating to the Government response to Report 8 of the Standing Committee on Health and Disability (6th Assembly), being called on forthwith.

Debate ensued.

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

7 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 8—THE EARLY INTERVENTION AND CARE OF VULNERABLE INFANTS (SIXTH ASSEMBLY)—GOVERNMENT RESPONSE—PAPER NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Barr (Minister for Children and Young People)—That the Assembly takes note of the paper (*presented 26 February 2009*):

Health and Disability—Standing Committee—Report 8—*The early intervention and care of vulnerable infants* (Sixth Assembly)—Government response—

Debate resumed.

Question—put and passed.

8 FIRST HOME OWNER GRANT AMENDMENT BILL 2009

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.

Debate adjourned (Mr Corbell—Manager of Government Business) and the resumption of the debate made an order of the day for a later hour this day.

9 MOTION—LEAVE NOT GRANTED

Mr Stanhope (Minister for Territory and Municipal Services) sought leave to move a motion in relation to reducing speed zones around shopping and community facilities.

Objection being raised, leave not granted.

10 SUSPENSION OF STANDING AND TEMPORARY ORDERS—PRECEDENCE TO MOTION

Mr Stanhope (Minister for Territory and Municipal Services) moved—That so much of the standing and temporary orders be suspended as would prevent Mr Stanhope from moving a motion in relation to reducing speed zones around shopping and community facilities.

Debate ensued.

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

11 REDUCING SPEED ZONES AROUND SHOPPING AND COMMUNITY FACILITIES

Mr Stanhope (Minister for Territory and Municipal Services) moved—That this Assembly:

- (1) notes that ensuring the safety of all Canberrans on our roads, including pedestrians, cyclists, drivers and motorcyclists, is of extreme importance for the community as a whole; and
- (2) refers the option of reducing speed zones around shopping and community facilities to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report by the end of June 2010. The inquiry will consider, but not be limited to:
 - (a) the use of 40km/h speed limits (apart from school zones) in other jurisdictions, including the criteria used to identify location for the speed limits, any impacts on traffic flows and any issues relating to the enforcement of the reduced speed limit;
 - (b) the types of shopping centres (town centres, group centres, local shopping centres) and community facilities (child care centres, aged care facilities, community halls, sporting venues) where a 40km/h speed limit could apply;
 - (c) a set of guidelines for selecting locations for inclusion in such program/scheme;
 - (d) the hours of operation of this reduced speed limit (part-time vs full-time) for each shopping and community facility type;
 - (e) the extent of coverage of the reduced speed limit around these facilities (only on the frontage road to a facility vs on all roads in its vicinity); and
 - (f) any physical measures (speed humps, threshold treatments, signs, linemarking) required to ensure that motorists' speeds are reduced to the new 40km/h speed limit.

Ms Bresnan, by leave, moved the following amendments together:

(1) omit paragraph (2), substitute:

“(2) calls on the ACT Government to consult on reducing speed zones around shopping and community facilities, and to report back to the Assembly with a plan of action by the end of June 2010. Matters specifically considered for the plan of action to include, but not be limited to:”; and

(2) add:

“(g) the impact on pedestrian and cyclist safety.”.

Mr Coe moved the following amendment to Ms Bresnan’s proposed amendments: Omit “end of June 2010”, substitute “last sitting day of 2009”.

Debate continued.

Question—That Mr Coe’s amendment to Ms Bresnan’s proposed amendments be agreed to—put and passed.

Question—That Ms Bresnan’s amendment, as amended, be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that ensuring the safety of all Canberrans on our roads, including pedestrians, cyclists, drivers and motorcyclists, is of extreme importance for the community as a whole; and
- (2) calls on the ACT Government to consult on reducing speed zones around shopping and community facilities, and to report back to the Assembly with a plan of action by the last sitting day of 2009. Matters specifically considered for the plan of action to include, but not be limited to:
 - (a) the use of 40km/h speed limits (apart from school zones) in other jurisdictions, including the criteria used to identify location for the speed limits, any impacts on traffic flows and any issues relating to the enforcement of the reduced speed limit;
 - (b) the types of shopping centres (town centres, group centres, local shopping centres) and community facilities (child care centres, aged care facilities, community halls, sporting venues) where a 40km/h speed limit could apply;
 - (c) a set of guidelines for selecting locations for inclusion in such program/scheme;
 - (d) the hours of operation of this reduced speed limit (part-time vs full-time) for each shopping and community facility type;
 - (e) the extent of coverage of the reduced speed limit around these facilities (only on the frontage road to a facility vs on all roads in its vicinity);
 - (f) any physical measures (speed humps, threshold treatments, signs, linemarking) required to ensure that motorists’ speeds are reduced to the new 40km/h speed limit; and

(g) the impact on pedestrian and cyclist safety.”—
be agreed to—put and passed.

12 FIRST HOME OWNER GRANT AMENDMENT BILL 2009

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—

On the motion of Ms Hunter, by leave, her amendments Nos. 1 to 3 (*see* [Schedule 1](#)), were made together.

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

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

13 QUESTIONS

Questions without notice were asked.

14 PRESENTATION OF PAPERS

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

Standing order 191—Amendments to:

Adoption Amendment Bill 2008, dated 3 March 2009.

Revenue Legislation Amendment Bill 2008 (No. 2), dated 3 March 2009.

Road Transport Legislation Amendment Bill 2008 (No. 2), dated 3 March 2009.

15 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—

Short-term contracts:

Adrian Walsh, dated 9 February 2009.

Anthony Polinelli, dated 18 February 2009.

Craig Hooper, dated 16 December 2008.

Danielle Krajina, dated 12 February 2009.

Frank Duggan, dated 19 January 2009.

Gregory Newton, dated 20 January 2009.

James Henry, dated 20 January 2009.
 Leanne Power, dated 8 January 2009.
 Loretta Zamprogno, dated 23 January 2009.
 Martin Hehir, dated 17 February 2009.
 Penelope Farnsworth, dated 10 February 2009.
 Simon Kinsmore, dated 21 January 2009.
 Stephen Ryan, dated 19 December 2008.
 Sue Hall, dated 21 January 2009.
 Susan Northmore, dated 3 February 2009.
 Tania Manuel, dated 12 February 2009.
 Timothy Swift, dated 9 December 2008.
 Wayne Chandler, dated 20 January 2009.

Contract variations:

Catherine Hudson, dated 20 February 2009.
 Christian Sanchez, dated 27 January 2009.
 David Evans, dated 9 February 2009.
 Gary Williamson, dated 27 January 2009.
 Geoff Bell, dated 9 February 2009.
 Glenn Bain, dated 19 February 2009.
 Joanne Howard, dated 22 February 2009.
 Lana Junakovic, dated 4 February 2009.
 Liesl Centenera, dated 20 February 2009.
 Patrick McAuliffe, dated 27 November 2008.
 Sandra Lambert, dated 16 February 2009.
 Stephen Ryan, dated 19 January 2009.
 Sue Morrell, dated 13 February 2009.
 Tom Elliot, dated 11 February 2009—

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

16 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

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

Part-Time Holder of Public Office—Part-Time Presidential Member—ACT Civil and Administrative Tribunal—Determination No 1 of 2009, dated 30 January 2009.

Part-Time Holders of Public Office—Part-Time Non-Presidential Members—ACT Civil and Administrative Tribunal—Determination No 2, dated 30 January 2009.

Trans-Tasman Mutual Recognition Act, pursuant to section 7—Trans-Tasman Mutual Recognition Amendment Regulations 2009 (No. 1)—Notifiable Instrument, dated 12 March 2009.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2007-2008—Land Development Agency—Independent Audit Report, prepared by the Auditor-General, dated 9 September 2008.

17 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Disability, Housing and Community Services to the Chief Minister’s Department, including a statement of reasons—

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

18 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION NO. 296 TO THE TERRITORY PLAN—AMENDMENTS TO WATER USE AND CATCHMENT GENERAL CODE—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. 296 to the Territory Plan—Amendments to Water Use and Catchment General Code, dated 5 March 2009, 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.

19 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION NO. 261 TO THE TERRITORY PLAN—PART BLOCKS 2 AND 3 AND BLOCK 5 SECTION 75 WATSON—CHANGES TO COMMERCIAL CZ6 LEISURE AND ACCOMMODATION ZONE—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. 261 to the Territory Plan—Part Blocks 2 and 3 and Block 5 Section 75 Watson—Changes to Commercial CZ6 Leisure and Accommodation Zone, dated 18 March 2009, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required, and incorporating:

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 (Sixth Assembly)—Government response.

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

20 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—

Health Professionals Regulation—Health Professionals (ACT Nursing and Midwifery Board) Appointment 2009 (No. 1)—Disallowable Instrument DI2009-18 (LR, 19 February 2009).

Planning and Development Act—

Planning and Development (Fees) Determination 2009 (No. 1)—Disallowable Instrument DI2009-19 (LR, 25 February 2009).

Planning and Development Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-3 (LR, 24 February 2009).

Planning and Development Amendment Regulation 2009 (No. 2), including a regulatory impact statement—Subordinate Law SL2009-8 (LR, 20 March 2009).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2009 (No. 1)—Disallowable Instrument DI2009-25 (LR, 5 March 2009).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2009 (No. 1)—Disallowable Instrument DI2009-20 (LR, 26 February 2009).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2009 (No. 1)—Disallowable Instrument DI2009-24 (LR, 5 March 2009).

Utilities Act—

Utilities (Electricity Feed-in Code) Determination 2009—Disallowable Instrument DI2009-23 (LR, 27 February 2009).

Utilities (Electricity Retail) Licence Conditions Direction 2009—Disallowable Instrument DI2009-21 (LR, 27 February 2009).

21 PLANNING FOR POSITIVE AGEING—MINISTERIAL STATEMENT—PAPER NOTED

Mr Hargreaves (Minister for Ageing), by leave, made a ministerial statement concerning planning for positive ageing and presented the following paper:

Planning for positive ageing—Ministerial statement, 24 March 2009.

Mr Hargreaves moved—That the Assembly takes note of the paper.

Question—put and passed.

22 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—REDUCING WASTEFUL EXPENDITURE IN THE A.C.T. GOVERNMENT

The Assembly was informed that Ms Bresnan, Ms Burch, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, 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 Mrs Dunne be submitted to the Assembly, namely, “Reducing wasteful expenditure in the ACT Government”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

23 ADJOURNMENT

Mr Hargreaves (Minister for Disability and Housing) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 4.38 p.m., adjourned until tomorrow at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

FIRST HOME OWNER GRANT AMENDMENT BILL 2009

Amendments circulated by Ms Hunter

1

Clause 6

Proposed new section 24C (5)

Page 7, line 20—

after

if the commissioner is satisfied

insert

on reasonable grounds

2

Clause 6

Proposed new section 24F (2)

Page 9, line 1—

omit

(including in relation to another territory law)

3

Clause 6

Proposed new section 24F (3)

Page 9, line 6—

omit

or another territory law
