



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007–2008

MINUTES OF PROCEEDINGS

No. 149

TUESDAY, 5 AUGUST 2008

- 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 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 PETITION AND MINISTERIAL RESPONSES

Presentation

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

Mr Mulcahy, from 55 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.

Ministerial responses

The Clerk announced that the following responses to petitions had been lodged by a Minister:

Mr Barr (Minister for Planning)—Responses to petitions lodged by—

Mr Stanhope, on 25 June 2008, concerning the proposed gas fired power station in Tuggeranong, dated 10 July 2008.

Mr Pratt on, 26 June 2008, concerning the proposed gas fired power station in Tuggeranong, dated 16 July 2008.

3 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 57—STATEMENT BY CHAIR

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 57, dated 28 July 2008, together with the relevant minutes of proceedings—

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

4 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 4—REVIEW OF CODE OF CONDUCT FOR MEMBERS—MOTION THAT REPORT BE ADOPTED

Mr Berry (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 4—*Review of Code of Conduct for Members*, dated 4 August 2008, including a dissenting report (Mr Berry), together with a copy of the extracts of the relevant minutes of proceedings.

Mrs Burke moved—That the report be adopted.

Debate ensued.

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

5 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 34—INQUIRY INTO THE NAMADGI NATIONAL PARK DRAFT PLAN OF MANAGEMENT—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 34—*Inquiry into the Namadgi National Park Draft Plan of Management*, 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—INQUIRY INTO WATER USE AND MANAGEMENT—STATEMENT BY CHAIR

Mr Gentleman (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning and Environment had resolved not to continue with the inquiry into water use and management.

Dr Foskey sought leave to make a statement.

Objection being raised, leave not granted.

Suspension of standing orders moved—Statement by Member: Mrs Dunne moved—That so much of the standing orders be suspended as would prevent Dr Foskey making a statement.

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 Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope

And so it was negatived.

7 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 15—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 4 OF 2005: COURTS ADMINISTRATION—REPORT NOTED

Dr Foskey (Chair) presented the following report:

Public Accounts—Standing Committee—Report 15—*Review of Auditor-General's Report No. 4 of 2005: Courts Administration*, 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.

8 PUBLIC ACCOUNTS—STANDING COMMITTEE—STRATEGIC AND FUNCTIONAL REVIEW OF THE A.C.T. PUBLIC SECTOR AND SERVICES—REQUEST FOR DOCUMENT—NOTICE OF MOTION—STATEMENT BY CHAIR

Dr Foskey (Chair), pursuant to standing order 246A, informed the Assembly of the requests made by the Standing Committee on Public Accounts to the Chief Minister to obtain a copy of the *Strategic and Functional Review of the ACT Public Sector and Services* and that she would lodge a notice of motion to require the Chief Minister to table the document in the Assembly.

Mr Smyth sought leave to make a statement.

Objection being raised, leave not granted.

Suspension of standing orders moved—Statement by Member: Mr Smyth moved—That so much of the standing orders be suspended as would prevent Mr Smyth making a statement.

Debate ensued.

Closure: Mr Gentleman moved—That the question be now put.

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

And the question—That the standing orders be suspended—being accordingly 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 Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope

And so it was negatived.

9 LEAVE OF ABSENCE TO MEMBER

Mr Corbell (Manager of Government Business) moved—That leave of absence be granted to Ms MacDonald for this sitting week to attend a Commonwealth Parliamentary Association conference.

Question—put and passed.

10 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Mr Corbell (Manager of Government Business), pursuant to standing order 223, moved—That Ms MacDonald be discharged from the Standing Committee on Administration and Procedure for the period 5 to 10 August 2008 and that Ms Porter be appointed in her place.

Question—put and passed.

11 MEDICINES, POISONS AND THERAPEUTIC GOODS BILL 2007

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.

12 MINISTERIAL ARRANGEMENTS

Mr Stanhope (Chief Minister) informed the Assembly that Mr Corbell (Attorney-General) had been delayed and advised the Assembly that questions without notice normally directed to Mr Corbell could be directed to Mr Stanhope.

13 QUESTIONS

Questions without notice being asked—

Paper: Mr Stanhope (Chief Minister) presented the following paper:

Gungahlin Drive Extension—Additional works—Copy of brief from Tony Gill, Director, Roads ACT to the Minister for Territory and Municipal Services, the Chief Executive and the Executive Director, Community and Infrastructure Services, dated 20 June 2008.

Questions continued.

14 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Study trips—Reports by:

Mr Berry, MLA—Meeting with Victorian Members of Parliament—Parliament House, Melbourne, 30 July 2008.

Mr Seselja, MLA—Shadow Ministers for Education meeting—Melbourne, 23 May 2008.

Estimates 2008-2009—Select Committee—Outstanding answers to questions on notice.

Standing order 191—Amendments to:

Children and Young People Bill 2008, dated 16 July 2008.

Electricity Feed-in (Renewable Energy Premium) Bill 2008, dated 8 July 2008.

Firearms Amendment Bill 2008, dated 11 July 2008.

Justice and Community Safety Legislation Amendment Bill 2008, dated 7 July 2008.

15 PRESENTATION OF PAPERS

Mr Corbell (Attorney-General) presented the following papers:

Crimes (Forensic Procedures) Amendment Bill 2008—Revised supplementary explanatory statement.

Independent Competition and Regulatory Commission—Report 4 of 2008—Retail Prices for Non-contestable Electricity Customers—Final Decision and Price Direction, dated June 2008.

Occupational Health and Safety Act, pursuant to subsection 228(3)—Operation of the Occupational Health and Safety Commissioner—Half-yearly report for the period 1 January to 30 June 2008.

16 PRESENTATION OF PAPERS

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

Skilling Australia's Workforce—Bilateral Funding Agreement between the Australian Government and the Australian Capital Territory under the 2005-08 Commonwealth-State Agreement—

2006 Update.

2007 Update.

2008 Update.

17 LAND (PLANNING AND ENVIRONMENT) ACT—SCHEDULE—LEASES GRANTED—PAPER AND STATEMENT BY MINISTER

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

Land (Planning and Environment) Act (Repealed), pursuant to section 216A—Schedule—Leases granted for the period 1 April to 30 June 2008—

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

18 WORKERS COMPENSATION AMENDMENT BILL 2008—REVISED EXPLANATORY STATEMENT

Mr Barr (Minister for Industrial Relations) presented the following paper:

Workers Compensation Amendment Bill 2008—Revised explanatory statement.

19 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—

Agents Act; Associations Incorporation Act; Births, Deaths and Marriages Registration Act; Business Names Act; Civil Law (Wrongs) Act; Civil Partnerships Act; Classification (Publications, Films and Computer Games) (Enforcement) Act; Consumer Credit (Administration) Act; Cooperatives Act; Court Procedures Act; Dangerous Substances Act; Emergencies Act; Guardianship and Management of Property Act; Instruments Act; Land Titles Act; Liquor Act; Machinery Act; Occupational Health and Safety Act; Partnership Act; Pawnbrokers Act; Prostitution Act; Public Trustee Act; Registration of Deeds Act; Sale of Motor Vehicles Act; Scaffolding and Lifts Act; Second-hand Dealers Act; Security Industry Act; Trade Measurement (Administration) Act; Workers Compensation Act—Attorney General (Fees) Determination 2008—Disallowable Instrument DI2008-145 (without explanatory statement) (LR, 26 June 2008).

Animal Diseases Act—Animal Diseases (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-144 (LR, 30 June 2008).

Animal Welfare Act—Animal Welfare (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-146 (LR, 30 June 2008).

Architects Act—Architects (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-159 (LR, 30 June 2008).

Building Act—Building (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-160 (LR, 30 June 2008).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-155 (LR, 30 June 2008).

Children and Young People Act—Children and Young People Childrens Services Council Appointment 2008 (No. 1)—Disallowable Instrument DI2008-184 (LR, 7 July 2008).

Clinical Waste Act—Clinical Waste (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-147 (LR, 30 June 2008).

Community Title Act—Community Title (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-161 (LR, 30 June 2008).

Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-162 (LR, 30 June 2008).

Court Procedures Act—Court Procedures Amendment Rules 2008 (No. 1)—Subordinate Law SL2008-25 (LR, 26 June 2008).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-140 (LR, 3 July 2008).

Domestic Animals Act—Domestic Animals (Fees) Determination 2008 (No. 2)—Disallowable Instrument DI2008-156 (LR, 30 June 2008).

Electoral Act—Electoral (Fees) Determination 2008—Disallowable Instrument DI2008-154 (LR, 30 June 2008).

Electricity Safety Act—Electricity Safety (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-163 (LR, 30 June 2008).

Environment Protection Act—Environment Protection (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-148 (LR, 30 June 2008).

Fisheries Act—Fisheries (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-149 (LR, 30 June 2008).

Gas Safety Act—Gas Safety (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-164 (LR, 30 June 2008).

Hawkers Act—Hawkers (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-157 (LR, 30 June 2008).

Health Act—Health (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-131 (LR, 26 June 2008).

Health Professionals Act—

Health Professionals (Fees) Determination 2008 (No. 3)—Disallowable Instrument DI2008-130 (LR, 26 June 2008).

Health Professionals (Fees) Determination 2008 (No. 4)—Disallowable Instrument DI2008-181 (LR, 7 July 2008).

Heritage Act—Heritage (Register Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-150 (LR, 30 June 2008).

Housing Assistance Act—Housing Assistance Housing Asset Assistance Program 2008 (No. 1)—Disallowable Instrument DI2008-180 (LR, 7 July 2008).

Juries Act—Juries Fees Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-29 (LR, 30 June 2008).

Land Rent Act—

Land Rent (Certificate Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-139 (LR, 30 June 2008).

Land Rent Regulation 2008—Subordinate Law SL2008-28 (LR, 30 June 2008).

Legal Profession Act—Legal Profession (Disciplinary Tribunal) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-175 (LR, 30 June 2008).

Nature Conservation Act—

Nature Conservation (Criteria and Guidelines for Declaring Threatened Species and Communities) Determination 2008—Disallowable Instrument DI2008-170 (LR, 3 July 2008).

Nature Conservation (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-151 (LR, 30 June 2008).

Planning and Development Act—

Planning and Development (Fees) Determination 2008 (No. 4)—Disallowable Instrument DI2008-165 (LR, 30 June 2008).

Planning and Development Amendment Regulation 2008 (No. 2)—Subordinate Law SL2008-27 (LR, 30 June 2008).

Public Baths and Public Bathing Act—Public Baths and Public Bathing (Active Leisure Centre) (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-169 (LR, 30 June 2008).

Public Place Names Act—

Public Place Names (Acton) Determination 2008 (No. 1)—Disallowable Instrument DI2008-135 (LR, 26 June 2008).

Public Place Names (Bonner) Determination 2008 (No. 1)—Disallowable Instrument DI2008-133 (LR, 26 June 2008).

Public Place Names (Forde) Determination 2008 (No. 1)—Disallowable Instrument DI2008-182 (LR, 10 July 2008).

Public Sector Management Act—Public Sector Management Amendment Standards 2008 (No. 2)—Disallowable Instrument DI2008-171 (LR, 3 July 2008).

Residential Tenancies Act—

Residential Tenancies Tribunal Appointment 2008 (No. 1)—Disallowable Instrument DI2008-176 (LR, 30 June 2008).

Residential Tenancies Tribunal Appointment 2008 (No. 2)—Disallowable Instrument DI2008-177 (LR, 30 June 2008).

Residential Tenancies Tribunal Selection 2008 (No. 2)—Disallowable Instrument DI2008-178 (LR, 30 June 2008).

Road Transport (General) Act—Road Transport (General) (Pay Parking Area Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-141 (LR, 26 June 2008).

Road Transport (Public Passenger Services) Act—

Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2008 (No. 1)—Disallowable Instrument DI2008-129 (LR, 26 June 2008).

Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2008 (No. 1)—Disallowable Instrument DI2008-142 (LR, 30 June 2008).

Road Transport (Safety and Traffic Management) Regulation—

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2008 (No. 3)—Disallowable Instrument DI2008-143 (LR, 30 June 2008).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2008 (No. 4)—Disallowable Instrument DI2008-179 (LR, 3 July 2008).

Roads and Public Places Act—Roads and Public Places (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-158 (LR, 30 June 2008).

Stock Act—Stock (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-152 (LR, 30 June 2008).

Surveyors Act—Surveyors (Fees) Determination 2008 (No. 2)—Disallowable Instrument DI2008-166 (LR, 30 June 2008).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Land Rent) Determination 2008 (No. 1)—Disallowable Instrument DI2008-138 (LR, 30 June 2008).

Taxation Administration (Interest Payable—Land Rent) Determination 2008 (No. 1)—Disallowable Instrument DI2008-137 (LR, 30 June 2008).

Taxation Administration (Rates) Determination 2008 (No. 1)—Disallowable Instrument DI2008-136 (LR, 30 June 2008).

Taxation Administration (Rates—Fire and Emergency Services Levy) Determination 2008 (No. 1)—Disallowable Instrument DI2008-134 (LR, 30 June 2008).

Taxation Administration (Rates—Rebate Cap) Determination 2008 (No. 1)—Disallowable Instrument DI2008-132 (LR, 26 June 2008).

Training and Tertiary Education Act—

Training and Tertiary Education (Fees) Determination 2008—Disallowable Instrument DI2008-183 (LR, 7 July 2008).

Training and Tertiary Education Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-26 (LR, 30 June 2008).

Unit Titles Act—Unit Titles (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-167 (LR, 30 June 2008).

Utilities Act—

Utilities (Essential Services Consumer Council) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-172 (LR, 30 June 2008).

Utilities (Essential Services Consumer Council) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-173 (LR, 30 June 2008).

Utilities (Essential Services Consumer Council) Appointment 2008 (No. 3)—Disallowable Instrument DI2008-174 (LR, 30 June 2008).

Water and Sewerage Act—

Water and Sewerage (Fees) Determination 2008 (No. 2)—Disallowable Instrument DI2008-168 (LR, 30 June 2008).

Water Resources (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-153 (LR, 30 June 2008).

20 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—SMALLER CLASS SIZES—IMPACT ON EDUCATIONAL PERFORMANCE

The Assembly was informed that Mrs Dunne, Dr Foskey, Mr Gentleman, Mr Mulcahy, Ms Porter, Mr Pratt, Mr Seselja (Leader of the Opposition), Mr Smyth and Mr Stefaniak 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 Pratt be submitted to the Assembly, namely, “The impact of smaller class sizes on educational performance”.

Discussion ensued.

Discussion concluded.

21 STATUTE LAW 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 adjourned (Mrs Dunne) and the resumption of the debate made an order of the day for a later hour this day.

22 PARENTAL LEAVE LEGISLATION 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.

23 STATUTE LAW 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.

24 JUSTICE AND COMMUNITY SAFETY LEGISLATION 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 and passed.

Leave granted to dispense with the detail stage.

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

25 WORKERS COMPENSATION 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.

26 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 5.38 p.m., adjourned until tomorrow at 10.30 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly