



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009

## MINUTES OF PROCEEDINGS

No. 6

**WEDNESDAY, 11 FEBRUARY 2009**

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1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) 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 Barr, from 62 residents, requesting that the Assembly intercede in the deliberations of ACTPLA on development application 200813348 in Theodore and consider re-evaluating zoning laws to protect family oriented communities.

### 3 CAPITAL WORKS PROJECTS

Mr Seselja (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) the failure of the Stanhope Government to deliver capital works projects on time and on budget;
  - (b) the significant spending on capital works projects as part of the Rudd Government's proposed \$42 billion package of stimulus for the Australian economy; and
  - (c) the critical issue of undertaking these capital works projects within tight timeframes; and
- (2) calls on the Stanhope Gallagher Government to explain how it will deliver these capital works projects on time and on budget.

Ms Gallagher (Treasurer) moved the following amendment: Omit all words after “notes”, substitute:

- (a) the significant spending on capital works projects as part of the Rudd Government’s proposed \$42 billion package of stimulus for the Australian economy; and
  - (b) the critical issue of undertaking these capital works projects within tight timeframes; and
- (2) notes that the ACT Government will provide a report to the Legislative Assembly on the implementation plans for the *Nation Building and Jobs Package* once the bill has been passed by the Federal Senate.”.

Debate continued.

Question—That Ms Gallagher’s amendment be agreed to—put.

The Assembly voted—

AYES, 11		NOES, 6
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
  - (a) the significant spending on capital works projects as part of the Rudd Government’s proposed \$42 billion package of stimulus for the Australian economy; and
  - (b) the critical issue of undertaking these capital works projects within tight timeframes; and
- (2) notes that the ACT Government will provide a report to the Legislative Assembly on the implementation plans for the *Nation Building and Jobs Package* once the bill has been passed by the Federal Senate.”—

be agreed to—put and passed.

#### **4 MENTAL HEALTH SERVICES PLAN 2008-13**

Ms Bresnan, pursuant to notice, moved—That this Assembly:

- (1) notes:
  - (a) the progressive mental health policy reform occurring across Australia; and
  - (b) the need for the ACT Government’s Mental Health Services Plan 2008-13 to reflect and keep pace with this reform; and

- (2) calls on the ACT Government to:
- (a) table the KPMG reports relating to consultation on the Draft Mental Health Services Plan 2008-13; and
  - (b) ensure that the finalised Mental Health Services Plan 2008-13:
    - (i) reflects the policy directions established by the ACT Greens-ALP Parliamentary Agreement;
    - (ii) provides clear targets for 2013;
    - (iii) outlines how those targets will be achieved; and
    - (iv) presents vision and innovation for mental health policy to 2020.

*Paper:* Ms Gallagher (Minister for Health) presented the following paper:

ACT Health—Mental Health Services Plan—Draft prepared by KPMG, dated 7 May 2007.

Debate continued.

Question—put and passed.

## **5 SUSPENSION OF STANDING AND TEMPORARY ORDERS— CONSIDERATION OF EXECUTIVE BUSINESS**

Ms Gallagher (Deputy Chief Minister) moved—That so much of the standing and temporary orders be suspended as would prevent order of the day No. 2, Executive business, relating to the Freedom of Information Amendment Bill 2008 (No. 2), being called on and debated cognately with order of the day No. 1, Private Members' business, relating to the Freedom of Information Amendment Bill 2008.

Debate ensued.

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

## **6 FREEDOM OF INFORMATION 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.

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.

## **7 ALEXANDER MACONOCHIE CENTRE—STATEMENT BY MINISTER**

Mr Stanhope (Chief Minister), by leave, made a statement concerning the Alexander Maconochie Centre.

## **8 QUESTIONS**

Questions without notice were asked.

## **9 FREEDOM OF INFORMATION 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.

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*Detail Stage*

Clauses 1 to 3, by leave, taken together and agreed to.

*New clause—*

Mr Corbell (Attorney-General), moved his amendment No. 1 (*see* [Schedule 1](#)), which inserts a new clause 3A in the Bill.

Debate continued.

Question—put.

The Assembly voted—

AYES, 11		NOES, 6
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

And so it was resolved in the affirmative.

*Proposed new clause—*

Mr Corbell moved his amendment No. 2 (*see* [Schedule 1](#)), which inserts a new clause 3B in the Bill.

Debate continued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 9	
Mr Barr	Mr Stanhope	Ms Bresnan	Ms Hunter
Ms Burch		Mr Coe	Ms Le Couteur
Mr Corbell		Mr Doszpot	Mr Rattenbury
Ms Gallagher		Mrs Dunne	Mr Seselja
Ms Porter		Mr Hanson	

And so it was negated.

Clause 4 debated and agreed to.

*New clause—*

Mr Corbell moved his amendment No. 4 (*see* [Schedule 1](#)), which inserts a new clause 4A in the Bill.

Debate continued.

Mr Corbell, by leave, moved the following amendment to his amendment No. 4: Omit “handbook”, substitute “notebook”.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole—

Debate continued.

Remainder of Bill, as a whole, agreed to.

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

## **10 FREEDOM OF INFORMATION 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—

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

## **11 LANGUAGE EDUCATION**

Ms Porter, pursuant to notice, moved—That this Assembly:

- (1) notes that the ACT Government recognises the importance of language education and supports diversity in our community; and
- (2) recognises the importance of the United Nations International Mother Language Day on 21 February 2009.

Debate ensued.

Question—put and passed.

## **12 HEALTH PERFORMANCE INDICATORS**

Mr Hanson, pursuant to notice, moved—That this Assembly:

- (1) notes that the Stanhope-Gallagher Government has failed to improve on key health performance indicators as measured in the Australian Medical Association Public Hospital Report Card 2008, specifically of concern to the Opposition is the ACT's poor performances in key areas of:
  - (a) Emergency Department waiting times;
  - (b) Category One and Category Two elective surgery waiting times; and
  - (c) bed occupancy rates;
- (2) recognises that the Stanhope-Gallagher Government:
  - (a) spends the second highest amount in health funding per capita yet consistently achieves poor performance outcomes;
  - (b) has now received a base rate increase in Commonwealth public hospital funding and that it can no longer relinquish responsibility for poor performances as it has done consistently over the previous seven and a half years; and
  - (c) has over seven and a half years in government, failed to attract and retain appropriate numbers of general practitioners (GPs) to the ACT and that this failure has placed immense stress on our public hospital system; and
- (3) calls on the Stanhope-Gallagher Government to outline when it will improve:
  - (a) the ACT's performance in Emergency Department waiting times from the worst in Australia to be the best in Australia;

- (b) the ACT's performance in Category One and Category Two elective surgery waiting times from the worst in Australia to be the best in Australia;
- (c) the ACT's performance in bed occupancy rates from the worst in Australia to be the best in Australia; and
- (d) the number of GPs per capita to bring the ACT in line with the national average.

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

Public Hospital Report Card 2008—An AMA analysis of Australia's public hospital system.

Mr Hanson addressing the Assembly—

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

Ms Gallagher (Minister for Health) requiring the question to be forthwith without debate—

Question—put and negatived.

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Mr Hanson continued.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 3	NOES, 7
Mr Coe	Mr Barr
Mrs Dunne	Ms Bresnan
Mr Hanson	Ms Burch
	Ms Gallagher
	Ms Le Couteur
	Ms Porter
	Mr Rattenbury

And so it was negatived.

### 13 LIVE COMMUNITY EVENTS

Ms Le Couteur, pursuant to notice, moved—That this Assembly:

- (1) acknowledges that live music and events are an integral part of our culture and essential for maintaining a vibrant, culturally diverse community; and
- (2) calls on the ACT Government to:
  - (a) develop a policy and actions to support live events in our community, including, but not limited to, ensuring that:
    - (i) order of occupancy legislation is reviewed;
    - (ii) each local shopping centre has a large 24 hour accessible community space, such as bollard or clearly sign posted and prominent wall space, for the promotion of events via bill posters;

- (iii) large commercial developments in group and town centres provide a community bollard for the promotion of events via bill posters; and
  - (iv) building codes for residential development in all commercial zones have sound insulation and physical security appropriate to co-location with live cultural events;
- (b) provide adequate late night transport options for large scale events; and
  - (c) report back to the Assembly by the last sitting week in 2009.

Mr Barr (Minister for Education and Training) moved the following amendment: Omit paragraph (2), substitute:

“(2) refers the issue of supporting live music and events in our community be referred to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report by the first sitting day in October 2009. The inquiry will consider, but not be limited to:

- (a) a review of order of occupancy legislation;
- (b) the existing provision of, and necessity to supplement, prominent areas for the display of promotional material for live music events via bill posters;
- (c) options to encourage or require large commercial developments in group and town centres to provide community bollards for the promotion of events via bill posters;
- (d) examination of how building codes for residential and business development in commercial zones could be amended to ensure sound insulation and physical security are appropriate to co-location with live cultural events; and
- (e) options to improve late night transport for large scale events.”.

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

#### 14 ADJOURNMENT

Mr Barr (Minister for Education and Training) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 7 p.m., adjourned until tomorrow at 10 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

#### FREEDOM OF INFORMATION AMENDMENT BILL 2008

Amendments circulated by the Attorney-General

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1

**Proposed new clause 3A**

**Page 2, line 12—**

*insert*

**3A Pt 3 not to apply to certain documents  
New section 11 (1A)**

*insert*

- (1A) A person is not entitled to obtain access under this part to a notebook or similar document (the *Cabinet notebook*) containing notes of any discussion or deliberation taking place at a meeting of the Executive or of a committee of the Executive, made in the course of the discussion or deliberation by, or under the authority of, the Secretary to the Executive.

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2

**Proposed new clause 3B**

**Page 2, line 12—**

*insert*

**3B New section 11 (1B)**

*insert*

- (1B) A person is not entitled to obtain access under this part to any of the following documents:
- (a) a document prepared for a Minister newly appointed to a portfolio for the purpose of giving information and advice about the Minister's portfolio responsibilities;
  - (b) a document prepared by or for a Minister for the purpose of accounting to the Legislative Assembly for the previous and proposed spending of appropriations by agencies within the Minister's portfolio;
  - (c) a document prepared by or for a Minister for the purpose of assisting the Minister to answer questions in the Legislative Assembly.
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3

Clause 4

Page 2, line 13—

*[oppose the clause]*

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4

Proposed new clause 4A

Page 2, line 16—

*insert*

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4A

**Executive documents  
Section 35 (1), new note**

*insert*

*Note* Access to the Cabinet handbook is excluded under s 11 (1A).

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