



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2012–2013**

**MINUTES OF PROCEEDINGS**

**No. 43**

**THURSDAY, 28 NOVEMBER 2013**

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**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) 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 REGIONAL DEVELOPMENT—SELECT COMMITTEE—ESTABLISHMENT—REPORTING DATE—AMENDMENT TO RESOLUTION**

Ms Berry (Chair), by leave, moved—That the resolution of the Assembly of 28 February 2013 establishing the Select Committee on Regional Development, as amended on 17 September 2013, be amended by omitting the words “shall report no later than the last sitting day in November 2013” and substituting “shall report no later than the first sitting week in February 2014”.

Debate ensued.

Question—put and passed.

**3 NATIONAL DISABILITY INSURANCE SCHEME—MINISTERIAL STATEMENT—PAPER NOTED**

Ms Burch (Minister for Disability, Children and Young People), by leave, made a ministerial statement concerning the National Disability Insurance Scheme and presented the following paper:

National Disability Insurance Scheme—Ministerial statement, dated 28 November 2013.

Ms Burch moved—That the Assembly takes note of the paper.

Debate ensued.

Question—put and passed.



**4 TOTALISATOR BILL 2013**

Ms Burch (Minister for Racing and Gaming), pursuant to notice, presented a Bill for an Act to provide for the conduct of totalisators and the regulation of totalisator betting, and for other purposes.

*Papers:* Ms Burch presented the following papers:

Explanatory statement to the Bill.

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

Title read by Clerk.

Ms Burch 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 COURTS LEGISLATION AMENDMENT BILL 2013**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about courts, 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.

Title read by Clerk.

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

Debate adjourned (Mr Hanson—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

**6 ROAD TRANSPORT (ALCOHOL AND DRUGS) AMENDMENT BILL 2013**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Alcohol and Drugs) Act 1977*.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

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

Title read by Clerk.

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

Debate adjourned (Mr Hanson—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

**7 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2013**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Births, Deaths and Marriages Registration Act 1997*, 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.

Title read by Clerk.

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

Debate adjourned (Mr Hanson—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

## **8 CONSTRUCTION AND ENERGY EFFICIENCY LEGISLATION AMENDMENT BILL 2013 (NO. 2)**

Mr Corbell (Minister for the Environment and Sustainable Development), pursuant to notice, presented a Bill for an Act to amend legislation relating to construction and energy efficiency, 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.

Title read by Clerk.

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

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

## **9 STANDING ORDER 248—AMENDMENT—PAPER**

Dr Bourke, pursuant to notice, moved—That standing order 248 be omitted and the following standing order be substituted:

“248. At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once. Copies shall be circulated in advance to each Member of the Committee. The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. The Chair shall propose the question ‘That the paragraph(s) or appendix be agreed to’ and a Member objecting to any portion of the report may vote against it or move an amendment at the time the paragraph or appendix to be amended is under consideration.”.

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

Standing Order 248—Amendment—Letter from the Clerk to Dr Bourke, dated 29 July 2013.

Debate ensued.

Mr Smyth, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Question—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

## 10 ASSEMBLY BUSINESS—EXTENSION OF TIME

It being 45 minutes after the commencement of Assembly business—

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

## 11 STANDING ORDERS—PROPOSED AMENDMENTS

Mr Smyth, pursuant to notice, moved—That standing orders 247 to 252 be omitted and the following standing orders be substituted:

### “Draft report

247. It shall be the duty of the Chair of every committee to prepare a draft report. Copies shall be circulated in advance to each Member of the committee.

### Presentation of the draft report to the Committee

248. At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once.

### Alternative draft report

249. If any Member, other than the Chair, submits a draft report to the committee, the committee shall first decide upon which report it will consider.

### Consideration of the report chosen by the Committee

- 249A. The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. The Chair shall propose the question ‘That the paragraph(s) or appendix be agreed to’ and a Member objecting to any portion of the report may vote against it or move an amendment at the time the paragraph or appendix to be amended is under consideration.

### Reconsideration of draft report

250. After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.

### Final consideration of the draft report

- 250A. At the conclusion of the consideration and any reconsideration of the draft report selected by the committee the Chair shall move ‘That the report as amended be agreed to’.

**Unable to agree on a report**

250B. If the committee is unable to agree upon a report, the Chair of the committee must present a statement to that effect, with just the minutes and transcripts of evidence.

**Dissenting report**

251. If any Member dissents from part or all of the draft report under consideration, that Member may present a dissenting report or additional comments which shall be added to the report agreed to by the committee.

**Signing of report**

252. Every report of a committee shall be signed by the Chair, and any dissenting report or additional comments shall be signed by the relevant Member or Members.”.

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

## 12 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REFERENCE—REPORT CONSIDERATION STANDING ORDERS

Mr Smyth, pursuant to notice, moved—That the standing orders relating to the consideration of reports by Assembly committees be referred to the Standing Committee on Administration and Procedure for inquiry and report by the last sitting day in February 2014.

Debate ensued.

Question—put and passed.

## 13 SITTING PATTERN—2014

Mr Corbell (Manager of Government Business), by leave, having amended his notice, pursuant to notice, moved—That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2014:

<b>February</b>	25	26	27
<b>March</b>	18	19	20
<b>April</b>	8	9	10
<b>May</b>	6	7	8
	13	14	15
<b>June</b>	3	4	5
<b>August</b>	5	6	7
	12	13	14
<b>September</b>	16	17	18
	23	24	25
<b>October</b>	21	22	23
	28	29	30
<b>November</b>	25	26	27

Mr Smyth moved the following amendment: That the following days be added to the 2014 sitting calendar:

<b>March</b>	11	12	13
<b>April</b>	1	2	3

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

And so it was negatived.

Question—That the motion be agreed to—put and passed.

#### **14 PRESENTATION OF PAPERS—LEAVE NOT GRANTED**

Mr Rattenbury sought leave to present papers.

Objection being raised, leave not granted.

#### **15 SUSPENSION OF STANDING ORDERS—PRESENTATION OF PAPERS**

Mr Rattenbury moved—That so much of the standing orders be suspended as would prevent Mr Rattenbury from presenting an exposure draft of the Freedom of Information Bill 2013, together with a draft explanatory statement and to make a statement in relation to the papers.

Debate ensued.

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

#### **16 QUESTIONS**

Questions without notice were asked.

#### **17 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER**

Ms Gallagher (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:

David Matthews, dated 18 November 2013.

Short-term contracts:

Amanda Nuttall, dated 21 November 2013.

Bruce Fitzgerald, dated 4 and 13 November 2013.

Carolyn O'Neill, dated 13 November 2013.

Charmaine Murfet, dated 18 November 2013.  
Daniel Childs, dated 5 and 11 November 2013.  
David Parkinson, dated 22 and 31 October 2013.  
Gary Byles, dated 22 November 2013.  
Howard Wren, dated 30 October and 1 November 2013  
Jeanette Maccullagh, dated 30 October and 5 November 2013.  
Jeremy Roberts aka David Roberts, dated 18 November 2013.  
Joanne Garrisson, dated 30 October 2013.  
Michael Edwards, dated 21 November 2013.  
Michael Young, dated 30 October 2013.  
Moira Crowhurst, dated 11 November 2013.  
Peter Jeffery, dated 16 November 2013.  
Stephen Gniel, dated 24 and 28 October 2013.  
Stephen Goggs, dated 22 November 2013.  
Stewart Ellis, dated 21 November 2013.  
Wendy Cuzner, dated 29 October 2013.

Contract variations:

Alison Abernathy, dated 31 October 2013.  
Barbara Reid, dated 15 November 2013.  
Carolyn O'Neill, dated 11 and 13 November 2013.  
Cheryl Sizer, dated 18 November 2013.  
David Matthews, dated 18 November 2013.  
David Parkinson, dated 13 November 2013.  
Liesl Centenera, dated 11 November 2013—

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

**18 PRESENTATION OF PAPERS**

Ms Gallagher (Minister for Health) presented the following papers:

Gene Technology Act, pursuant to subsection 136(2)—Operations of the Gene Technology Regulator—Annual report 2012-2013, dated 25 September 2013.

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Administrator of the National Health Funding Pool—Annual Report 2012-13, dated 31 October 2013.

Australian Health Practitioner Regulation Agency—Annual Report 2012/13—Regulating health practitioners in the public interest.

**19 PRESENTATION OF PAPER**

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

Beyond the Binary: legal recognition of sex and gender diversity in the ACT—Report by the ACT Law Reform Advisory Council—Revised Government response, dated November 2013.

**20 PRESENTATION OF PAPER**

Mr Corbell (Minister for Police and Emergency Services) presented the following paper:

Strategic Bushfire Management Plan—Resources needed to meet objectives, Government response pursuant to the resolution of the Assembly of 18 September 2013.

**21 PLANNING AND DEVELOPMENT ACT—APPROVAL—VARIATION NO. 305 TO THE TERRITORY PLAN—MUGGA LANE RESOURCE MANAGEMENT CENTRE—JERRABOMBERRA BLOCK 2247—PAPER AND STATEMENT BY MINISTER**

Mr Corbell (Minister for the Environment and Sustainable Development) presented the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 305 to the Territory Plan—Mugga Lane Resource Management Centre—Jerrabomberra Block 2247, dated 21 November 2013, 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.

**22 PRESENTATION OF PAPER**

Mr Corbell (Minister for Environment and Sustainable Development) presented the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Schedule of Leases Granted—1 April to 30 June 2013—Corrigendum.

**23 PAPER—PETITION OUT-OF-ORDER—STATEMENT BY MEMBER**

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

Petition which does not conform with the standing orders—Women's Information and Referral Centre—Mrs Jones (690 signatures).

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

**24 GAMING MACHINE ACT—COMMUNITY CONTRIBUTIONS MADE BY GAMING MACHINE LICENSEES—REPORT BY THE ACT GAMBLING AND RACING COMMISSION—PAPER AND STATEMENT BY MINISTER**

Ms Burch (Minister for Racing and Gaming) presented the following paper:

Gaming Machine Act, pursuant to section 168—Community contributions made by Gaming Machine Licensees—Report by the ACT Gambling and Racing Commission—1 July 2012 to 30 June 2013, dated 24 October 2013—

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

**25 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—OVERREGULATION**

The Assembly was informed that Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson (Leader of the Opposition), Mrs Jones, Ms Lawder, Ms Porter, Mr Smyth and Mr Wall 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 Doszpot be submitted to the Assembly, namely, “The issue of overregulation in the ACT”.

Discussion ensued.

Discussion concluded.

**26 FREEDOM OF INFORMATION BILL 2013—EXPOSURE DRAFT—PAPERS AND STATEMENT BY EXECUTIVE MEMBER**

Mr Rattenbury presented the following papers:

Freedom of Information Bill 2013—

Exposure draft.

Explanatory statement to the exposure draft.

Invitation for community consultation—

and made a statement in relation to the papers.

**27 LEAVE OF ABSENCE TO MEMBERS**

Mr Corbell (Manager of Government Business) moved—That leave of absence be granted for all Members for the period 29 November 2013 to 24 February 2014.

Question—put and passed.

**28 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE**

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

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

**29 UNPARLIAMENTARY LANGUAGE—STATEMENT BY SPEAKER**

The Speaker made a statement concerning unparliamentary language at during question time this sitting.

**30 ACTTAB LIMITED—STATEMENT BY SPEAKER**

The Speaker made a statement concerning Notice No. 6, Executive business relating to the proposed sale of ACTTAB Limited.

**31 ACTTAB LIMITED—PROPOSED SALE**

Mr Barr (Treasurer), by leave, having amended his notice, pursuant to notice, moved—That this Assembly:

(1) approves the disposal of the Territory’s interest in ACTTAB Limited:

- (a) subject to the passing of an amendment by the Assembly to the *Territory-owned Corporations Act 1990* to remove ACTTAB Limited from Schedule 1 to the *Territory-owned Corporations Act 1990*, by way of a sale of the ACTTAB Limited shares held by the Territory; or
  - (b) in accordance with section 16(4) of the *Territory-owned Corporations Act 1990*, by way of a sale of the main undertakings of ACTTAB Limited; and
- (2) approves the Voting Shareholders making amendments to the Constitution of ACTTAB Limited in the event of a share sale in order to replace provisions relating to Ministers, the Voting Shareholders, the Auditor-General and specific obligations relating to the *Territory-owned Corporations Act 1990*. This would ensure the ACTTAB constitution is then suitable for a private company.

Mr Smyth moved the following amendment: Add paragraph (3):

“(3) ensure the following outcomes:

- (a) a sale of ACTTAB’s business with a condition that ensures appropriate funding for the ACT racing industry’s racing products;
- (b) the sale of ACTTAB to a major wagering operator with the highest levels of integrity and racing industry understanding;
- (c) that the funding arrangements are broadly consistent with other jurisdictions to ensure the ACT racing industry’s viability and maintenance of parity of prize money with interstate clubs;
- (d) that the funding arrangements allow the racing industry to be self-reliant and sustainable in the long term; and
- (e) appropriate transition and/or support arrangements are put in place for ACTTAB staff.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

And so it was negatived.

Mr Rattenbury, by leave, moved the following amendment: Add paragraph (3):

“(3) asks the government to ensure the following outcomes from the sale:

- (a) achieve a fair and reasonable price;
- (b) ensure local racing industry is not negatively affected;
- (c) achieve a timely sale;
- (d) ensure the successful party has appropriate experience, capacity and integrity to operate a wagering business; and
- (e) ensure employee welfare is considered.”.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) approves the disposal of the Territory’s interest in ACTTAB Limited:
  - (a) subject to the passing of an amendment by the Assembly to the *Territory-owned Corporations Act 1990* to remove ACTTAB Limited from Schedule 1 to the *Territory-owned Corporations Act 1990*, by way of a sale of the ACTTAB Limited shares held by the Territory; or
  - (b) in accordance with section 16(4) of the *Territory-owned Corporations Act 1990*, by way of a sale of the main undertakings of ACTTAB Limited;
- (2) approves the Voting Shareholders making amendments to the Constitution of ACTTAB Limited in the event of a share sale in order to replace provisions relating to Ministers, the Voting Shareholders, the Auditor-General and specific obligations relating to the *Territory-owned Corporations Act 1990*. This would ensure the ACTTAB constitution is then suitable for a private company; and
- (3) asks the government to ensure the following outcomes from the sale:
  - (a) achieve a fair and reasonable price;
  - (b) ensure local racing industry is not negatively affected;
  - (c) achieve a timely sale;
  - (d) ensure the successful party has appropriate experience, capacity and integrity to operate a wagering business; and
  - (e) ensure employee welfare is considered.”—

be agreed to—put and passed.

### **32 CRIMES LEGISLATION AMENDMENT BILL 2013**

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.

### **33 HEAVY VEHICLE NATIONAL LAW (ACT) BILL 2013**

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.

*Paper:* Mr Corbell (Attorney-General) presented a revised explanatory statement to the Bill.

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.

**34 HEAVY VEHICLE NATIONAL LAW (CONSEQUENTIAL AMENDMENTS) BILL 2013**

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.

**35 ADJOURNMENT NEGATIVED**

It being approximately 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Corbell (Manager of Government Business) requiring the question to be put forthwith without debate—

Question—put and negatived.

**36 TRINITY CHRISTIAN SCHOOL—TRAFFIC SAFETY MEASURES—STATEMENT BY MINISTER**

Mr Rattenbury (Minister for Territory and Municipal Services), by leave, made a statement regarding Trinity Christian School, pursuant to the resolution of the Assembly of 23 October 2013.

**37 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 6.58 p.m., adjourned until Tuesday, 25 February 2014 at 10 a.m., in accordance with the resolution agreed to earlier in this day.

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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