



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 88

THURSDAY, 14 DECEMBER 2006

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 PAPER

Mr Mulcahy, during a personal explanation, by leave, presented the following paper:

“Mulcahy questions Grimes departure from ACT Treasury”—Media release by Mr Mulcahy, dated Wednesday, 13 December 2006.

3 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—UTILITIES (NETWORK FACILITIES TAX) BILL 2006—STATEMENT BY CHAIR

Mr Seselja (Chair), pursuant to standing order 246A, made a statement concerning the Committee’s deliberations on the Utilities (Network Facilities Tax) Bill 2006.

4 RATES AMENDMENT BILL 2006 (NO. 2)

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Rates Act 2004*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 12 December 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.

5 CORRECTIONS MANAGEMENT BILL 2006

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act relating to correctional services, 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, dated 12 December 2006.

Title read by Clerk.

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

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

6 ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2006

Mr Hargreaves (Minister for the Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend various legislation about animal welfare, and for other purposes.

Papers: Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 12 December 2006.

Title read by Clerk.

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

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

7 HOUSING ASSISTANCE BILL 2006

Mr Hargreaves (Minister for Housing), pursuant to notice, presented a Bill for an Act to provide for housing assistance, and for other purposes.

Papers: Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 12 December 2006.

Title read by Clerk.

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

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

8 PLANNING AND DEVELOPMENT BILL 2006

Mr Corbell (Minister for Planning), pursuant to notice, presented a Bill for an Act about planning and development in the ACT.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 12 December 2006.

Title read by Clerk.

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

Mr Corbell, by leave, was granted an extension of time.

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

9 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 22—EXPOSURE DRAFT PLANNING AND DEVELOPMENT BILL 2006—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

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

Planning and Environment—Standing Committee—Report 22—*Exposure Draft Planning and Development Bill 2006*—Government response—

and moved—That the Assembly takes note of the paper.

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

10 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 7—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 2 OF 2005: DEVELOPMENT APPLICATION AND APPROVAL PROCESS—GOVERNMENT RESPONSE—PAPER NOTED

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

Public Accounts—Standing Committee—Report 7—*Review of Auditor-General's Report No. 2 of 2005: Development Application and Approval Process*—Government response—

and moved—That the Assembly takes note of the paper.

Question—put and passed.

11 PRESENTATION OF PAPER

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

Planning and Development Bill 2006—Possible regulations.

12 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 8—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 5 OF 2004: LEAVE MANAGEMENT—PUBLICATION OF REPORT—REPORT NOTED

Mr Mulcahy (Chair) presented the following report:

Public Accounts—Standing Committee—Report 8—*Review of Auditor-General's Report No. 5 of 2004: Leave Management*, dated 29 November 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.

13 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 9—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 7 OF 2005: 2004-05 FINANCIAL AUDITS—PUBLICATION OF REPORT—REPORT NOTED

Mr Mulcahy (Chair) presented the following report:

Public Accounts—Standing Committee—Report 9—*Review of Auditor-General's Report No. 7 of 2005: 2004-05 Financial Audits*, dated 29 November 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.

14 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

15 SITTING PATTERN—2007

Mr Corbell (Manager of Government Business), 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 2007:

February	20	21	22
March	6	7	8
	13	14	15
May	1	2	3
	29	30	31
June	5	6	7
August	21	22	23
	28	29	30
September	25	26	27
October	16	17	18
November	13	14	15
	20	21	22
December	4	5	6

Debate ensued.

Question—put and passed.

16 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence from 15 December 2006 to 19 February 2007 inclusive be given to all Members.

Question—put and passed.

17 LEAVE OF ABSENCE TO MEMBER

Mr Corbell (Manager of Government Business) moved—That leave of absence be given to Ms Gallagher (Deputy Chief Minister) for this sitting.

Question—put and passed.

18 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 today continuing past 30 minutes.

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

19 UTILITIES (NETWORK FACILITIES TAX) 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.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Hargreaves	Mrs Dunne	Mr Seselja
Mr Berry	Ms MacDonald	Dr Foskey	Mr Smyth
Mr Corbell	Ms Porter	Mr Mulcahy	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Pratt	

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

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

20 MINISTERIAL ARRANGEMENTS

Mr Stanhope (Chief Minister) informed the Assembly of the absence of Ms Gallagher (Deputy Chief Minister) and advised the Assembly that questions without notice normally directed to Ms Gallagher could be directed to Mr Stanhope.

21 QUESTIONS

Questions without notice being asked—

Minister for Education and Training—Proposed Censure: Mrs Dunne, by leave, moved—That this Assembly censures the Minister for Education and Training for his handling of the *Towards 2020* policy, specifically:

- (1) he presided over the wholesale breaking of its commitments to the Canberra electorate when it promised no schools would close in the life of this Assembly;
- (2) his failure to adequately explain the purpose and justification of the policy;
- (3) his failure to provide the community with the necessary information on which the policy was based;
- (4) his failure to provide adequate reasons for the decision announced on 13 December 2006;
- (5) his decision to introduce substantial new initiatives into the policy at the time of its final announcement;
- (6) the poor handling of the announcement on 13 December 2006; and
- (7) the poor treatment of groups, individuals and community adversely affected by the decision.

Debate ensued.

Closure: Mr Corbell (Manager of Government Business) moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

AYES, 8	NOES, 5
Mr Barr	Mr Gentleman
Mr Berry	Mr Hargreaves
Mr Corbell	Ms Porter
Dr Foskey	Mr Stanhope
	Mrs Dunne
	Mr Pratt
	Mr Seselja
	Mr Smyth
	Mr Stefaniak

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

The Assembly voted—

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

And so it was negatived.

Questions without notice concluded.

22 FINANCIAL MANAGEMENT ACT—INSTRUMENTS—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the Department of the Territory and Municipal Services, including a statement of reasons—

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

23 PRESENTATION OF PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Chief Minister's Department—Annual Report 2005-06—Corrigendum, dated December 2006.

24 PRESENTATION OF PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Long Stay Older Patients' Initiative—Cooperative implementation of Council of Australian Governments' (COAG's) "Helping public patients in hospital waiting for nursing home places" initiative—Memorandum of Understanding between the Commonwealth of Australia and the Australian Capital Territory, dated 11 September 2006 and 12 October 2006.

25 PRESENTATION OF PAPERS

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

Victims Services Scheme—Review—Final report of the Reference Group.

Administration of Justice—ACT Criminal Justice—Statistical Profile—September quarter 2006.

26 ACT MULTICULTURAL STRATEGY 2006-2009—PAPER AND STATEMENT BY MINISTER

Mr Hargreaves (Minister for Multicultural Affairs) presented the following paper:

ACT Multicultural Strategy 2006-2009, dated December 2006—

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

27 PRESENTATION OF PAPERS

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

Education Act—

Pursuant to section 127—Non-Government Schools Education Council—Submission for the 2007-08 ACT Budget, dated 30 November 2006.

Pursuant to section 73—Government Schools Education Council—Priority Issues/Directions for the 2007-2008 Budget—Executive Summary, dated 30 November 2006.

28 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—HIV/AIDS—PREVENTION AND CARE

The Assembly was informed that Dr Foskey, Mr Gentleman and Ms Porter 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 Ms Porter be submitted to the Assembly, namely, "The importance to the Canberra community of preventing further transmission of HIV/AIDS, and providing care and support for people living with HIV/AIDS."

Discussion ensued.

Discussion concluded.

29 TERRITORY-OWNED CORPORATIONS 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.

30 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 6.19 p.m., adjourned until Tuesday, 20 February 2007 at 10.30 a.m., in accordance with the resolution agreed to earlier this day.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly