



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 112

TUESDAY, 25 SEPTEMBER 2007

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) 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 DEATH OF JUSTICE TERRY CONNOLLY—PROPOSED CONDOLENCE MOTION—STATEMENT BY MINISTER

Mr Stanhope (Chief Minister), by leave, made a statement regarding the death of Justice Terry Connolly, ACT Supreme Court Judge and former Member of the ACT Legislative Assembly, and a proposed condolence motion tomorrow.

3 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 45—STATEMENT BY CHAIR

Mr Seselja (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 45, dated 24 September 2007, together with the relevant minutes of proceedings—

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

4 EDUCATION, TRAINING AND YOUNG PEOPLE—STANDING COMMITTEE—REPORT 5—INQUIRY INTO THE ELIGIBLE VOTING AGE—PUBLICATION OF REPORT—REPORT NOTED

Ms Porter (Chair) presented the following report:

Education, Training and Young People—Standing Committee—Report 5—*Inquiry into the Eligible Voting Age*, dated 13 September 2007, 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.

Ms Porter moved—That the report be noted.

Debate ensued.

Question—put and passed.

5 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRIES—AUDITOR-GENERAL'S REPORTS—STATEMENT BY CHAIR

Dr Foskey (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had called for submissions into the following Auditor-General's reports:

No. 4/2006—Road Safety.

No. 6/2006—Vocational Education and Training—

and had resolved to make no further inquiries into these reports.

Mr Mulcahy, by leave, also made a statement in relation to the matter.

6 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence be given to Ms Gallagher (Deputy Chief Minister), Ms MacDonald and Mr Stefaniak (Leader of the Opposition) for this sitting week.

Question—put and passed.

7 STANDING COMMITTEES—REFERENCE—2006-2007 ANNUAL AND FINANCIAL REPORTS

Mr Corbell (Manager of Government Business), by leave, moved—That:

- (1) the annual and financial reports for the calendar year 2007 and the financial year 2006–2007 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;
- (2) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2007 and financial year 2006-2007 annual and financial reports at any given time; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Cleaning Industry Long Service Leave Authority		Minister for Industrial Relations	Public Accounts

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Construction Industry Long Service Leave Authority		Minister for Industrial Relations	Public Accounts
ACT Electoral Commission		Attorney-General	Legal Affairs
ACTEW Corporation		Treasurer	Public Accounts
ACT Government Procurement Board		Treasurer	Public Accounts
ACT Health		Minister for Health	Health and Disability
ACT Insurance Authority		Treasurer	Public Accounts
ACT Legislative Assembly Secretariat		Speaker	Public Accounts
ACT Ombudsman		Attorney-General	Legal Affairs
ACT Policing		Attorney General	Legal Affairs
ACT Planning and Land Authority		Minister for Planning	Planning and Environment
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services	Planning and Environment
ACTTAB Ltd		Treasurer	Public Accounts
Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Young People
Chief Minister's Department	ACT Executive	Chief Minister	Public Accounts
		Minister for Arts	Public Accounts
		Minister for Business and Economic Development	Public Accounts
	Default Insurance Fund	Minister for Industrial Relations	Public Accounts
	Land Development Agency	Chief Minister	Planning and Environment
	Occupational Health and Safety Council	Minister for Industrial Relations	Public Accounts
Commissioner for the Environment		Minister for the Environment, Water and Climate Change	Planning and Environment
Commissioner for Public Administration		Chief Minister	Public Accounts

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Cultural Facilities Corporation		Minister for Arts	Public Accounts
Department of Disability, Housing and Community Services		Minister for Disability and Community Services	Health and Disability
		Minister for Housing	Health and Disability
	Community Affairs—Ageing	Chief Minister	Health and Disability
	Community Affairs—Indigenous Affairs	Minister for Indigenous Affairs	Health and Disability
	Community Affairs—Women	Minister for Women	Health and Disability
	Community Affairs—Multicultural Affairs	Minister for Multicultural Affairs	Health and Disability
	Office of Children, Youth and Family Support	Minister for Children and Young People	Education, Training and Young People
	Official Visitor— <i>Children and Young People Act 1999</i>	Minister for Children and Young People	Education, Training and Young People
Department of Education and Training		Minister for Education and Training	Education, Training and Young People
Department of Justice and Community Safety		Attorney-General	Legal Affairs
	Emergency Services Agency	Minister for Police and Emergency Services	Legal Affairs
Department of Territory and Municipal Services		Minister for Territory and Municipal Services	Planning and Environment
		Minister for Environment, Water and Climate Change	Planning and Environment
	Australian Capital Tourism	Minister for Tourism, Sport and Recreation	Public Accounts
Department of Treasury		Treasurer	Public Accounts
Director of Public Prosecutions		Attorney-General	Legal Affairs
Exhibition Park Corporation		Treasurer	Public Accounts
Gambling and Racing Commission		Treasurer	Public Accounts

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Human Rights Commission		Attorney-General	Legal Affairs
Independent Competition and Regulatory Commission		Attorney-General	Legal Affairs
Legal Aid Commission ACT		Attorney-General	Legal Affairs
Nominal Defendant for the ACT		Treasurer	Public Accounts
Public Advocate of the ACT		Attorney-General	Legal Affairs
Public Trustee for the ACT		Attorney-General	Legal Affairs
Rhodium Asset Solutions		Treasurer	Public Accounts
Victims of Crime Coordinator		Attorney-General	Legal Affairs

Question—put and passed.

8 LEGAL PROFESSION AMENDMENT 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.

9 REVENUE LEGISLATION (HOUSING AFFORDABILITY INITIATIVES) AMENDMENT 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.

10 HOLIDAYS (CANBERRA DAY) AMENDMENT 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.

11 MINISTERIAL ARRANGEMENTS

Mr Stanhope (Chief Minister) informed the Assembly of the absence of Ms Gallagher (Deputy Chief Minister, Minister for Health and Minister for Disability and Community Services) and advised the Assembly that questions without notice normally directed to Ms Gallagher could be directed to Mr Corbell (Acting Minister for Health and Acting Minister for Disability and Community Services).

12 QUESTIONS

Questions without notice were asked.

13 QUESTIONS ON NOTICE NOS. 1653 TO 1659—ANSWERS—EXPLANATIONS

Mrs Burke, pursuant to standing order 118A, asked Mr Corbell (Acting Minister for Health) for an explanation concerning the answers to questions on notice Nos. 1653 to 1659.

Mr Corbell gave an explanation.

14 PRESENTATION OF PAPER

The Speaker presented the following paper:

Study trip—Report by Dr Foskey MLA—National Conference of Housing Cooperatives—Melbourne, 20 and 21 September 2007.

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—

Contract variations:

Anne Glover, dated 17 and 18 July 2007.

Chris Reynolds, dated 15 August 2007.

Grant Carey-Ide, dated 13 August 2007.

Kenneth Douglas, dated 8 August 2007.

Linda Lorraine Trompf, dated 28 August 2007.

Maxine Cooper, dated 31 August 2007.

Neil Brian Bulless, dated 28 August 2007.

Long-term contract:

Martin Hehir, dated 30 July 2007.

Short-term contracts:

Anthony Norman Charge, dated 30 August 2007.

Bronwen Margaret Overton-Clarke, dated 13 July 2007.

Carol Veronica Harris, dated 7 August 2007.

Craig Ronald Curry, dated 6 August 2007.

Gregory John Kent, dated 7 August 2007.

Helen Child, dated 24 July 2007.

Kaaren Blom, dated 30 July 2007.

Lisa Marguerite Jackson, dated 16 August 2007.

Maureen Patricia Sheehan, dated 28 August 2007.

Megan Mitchell, dated 8 August 2007.

Meredith Lily Whitten.

Rosalind Lambert, 12 August 2007.

Sara Jane Lynch, dated 10 and 14 August 2007.

Sharon Nelson-Kelly, dated 30 August 2007.

Timothy McGuffog, dated 14 June 2007—

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

16 PRESENTATION OF PAPER

The Speaker presented the following paper:

ACT Legislative Assembly Secretariat—Annual Report 2006-2007.

17 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Members of the ACT Legislative Assembly—Determination No 15 of 2007, together with statement, dated 3 September 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2006-2007—

Chief Minister's Department (2 volumes), dated 18 September 2007.

Commissioner for Public Administration, dated 21 September 2007.

Land Development Agency, dated 21 September 2007.

18 ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT—EXTENSION OF TIME FOR PRESENTING ANNUAL REPORT 2006-2007—ACTEW CORPORATION LIMITED—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to subsection 14(7)—Extension of time for presenting annual report 2006-2007—ACTEW Corporation Limited—Tabling statement—

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

19 PRESENTATION OF PAPERS

Mr Stanhope (Treasurer) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2006-2007—

ACT Gambling and Racing Commission, dated 4 September 2007.

ACT Government Procurement Board, dated 21 September 2007.

ACT Insurance Authority, dated 19 September 2007.

ACTTAB Limited, dated 21 August 2007.

Department of Treasury (2 volumes), dated 18 and 19 September 2007.

Exhibition Park Corporation, dated 31 August 2007.

Rhodium Asset Solutions, dated 7 September 2007.

20 PRESENTATION OF PAPER

Mr Stanhope (Minister for the Environment, Water and Climate Change) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2006-2007—Commissioner for the Environment (ACT), dated 9 August 2007.

21 PRESENTATION OF PAPER

Mr Stanhope (Minister for the Arts) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2006-2007—Cultural Facilities Corporation, dated 14 September 2007.

22 PRESENTATION OF PAPER

Mr Corbell (Acting Minister for Health) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2006-2007—ACT Health, dated 18 September 2007.

23 PRESENTATION OF PAPER

Mr Corbell (Acting Minister for Disability and Community Services) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2006-2007—Department of Disability, Housing and Community Services (2 volumes), dated 3 September 2007.

24 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2006-2007—

ACT Electoral Commission, dated 31 August 2007.

ACT Ombudsman, dated 12 September 2007.

Department of Justice and Community Safety (2 volumes), dated 17 September 2007.

Human Rights Commission, dated 25 September 2007.

Independent Competition and Regulatory Commission, dated September 2007.

Legal Aid Commission (ACT), dated 14 September 2007.

Office of the Director of Public Prosecutions, dated 10 September 2007.

Public Advocate of the ACT, dated 21 September 2007.

Public Trustee for the ACT, dated 3 August 2007.

Victims of Crime Support Program (incorporating Victims of Crime Co-ordinator, ACT Victims Services Scheme and the *Victims of Crime (Financial Assistance) Act 1983*), dated 14 September 2007.

25 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13 and in accordance with the Policing Arrangement between the Commonwealth and the ACT Governments—Annual Report 2006-2007—ACT Policing, dated 21 September 2007.

26 PRESENTATION OF PAPERS

Mr Hargreaves (Minister for Territory and Municipal Services) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2006-2007—

ACT Public Cemeteries Authority, dated 18 September 2007.

Department of Territory and Municipal Services (2 volumes), dated 11 September 2007.

27 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2006-2007—

ACT Building and Construction Industry Training Fund Authority, dated 4 September 2007.

Department of Education and Training, dated 19 September 2007.

28 PRESENTATION OF PAPER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2006-2007—ACT Planning and Land Authority, dated 21 September 2007.

29 PRESENTATION OF PAPERS

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2006-2007—

ACT Cleaning Industry Long Service Leave Authority, dated 20 September 2007.

ACT Construction Industry Long Service Leave Authority, dated 14 September 2007.

30 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—

Animal Diseases Act—

Animal Diseases (Exotic Disease Quarantine Area) Declaration 2007 (No. 1)—Disallowable Instrument DI2007-206 (without explanatory statement) (LR, 27 August 2007).

Animal Diseases (Exotic Disease Quarantine Area) Declaration 2007 (No. 2)—Disallowable Instrument DI2007-209 (without explanatory statement) (LR, 31 August 2007).

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2007 (No. 9)—Disallowable Instrument DI2007-210 (LR, 6 September 2007).

Canberra Institute of Technology Act—Canberra Institute of Technology (Fees) Determination 2007—Disallowable Instrument DI2007-205 (LR, 27 August 2007).

Civil Law (Wrongs) Act—Attorney General (Fees) Amendment Determination 2007 (No. 1)—Disallowable Instrument DI2007-214 (LR, 10 September 2007).

Education Act—Education (Non-Government Schools Education Council) Appointment 2007 (No. 3)—Disallowable Instrument DI2007-211 (LR, 6 September 2007).

Financial Management Act—

Financial Management (Credit Facility) Approval 2007 (No. 1)—Disallowable Instrument DI2007-220 (LR, 13 September 2007).

Financial Management (Cultural Facilities Corporation Governing Board Members) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-219 (LR, 13 September 2007).

Heritage Act—Heritage (Council Members) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-221 (LR, 13 September 2007).

Land (Planning and Environment) Act—Land (Planning and Environment) Criteria for Direct Grant of a Residential Lease to Community Housing Canberra Determination 2007—Disallowable Instrument DI2007-213 (LR, 6 September 2007).

Public Place Names Act—

Public Place Names (Coree District) Determination 2007 (No. 1)—Disallowable Instrument DI2007-223 (LR, 17 September 2007).

Public Place Names (Forde) Determination 2007 (No. 3)—Disallowable Instrument DI2007-222 (LR, 17 September 2007).

Road Transport (General) Act—Road Transport (General) (Australian Road Rules—Heavy Motorised Wheelchairs) Exemption 2007 (No. 1)—Disallowable Instrument DI2007-207 (LR, 3 September 2007).

Training and Tertiary Education Act—Training and Tertiary Education (Accreditation and Registration Council) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-208 (LR, 6 September 2007).

University of Canberra Act—

University of Canberra (Academic Board) Amendment Statute 2007 (No. 1)—Disallowable Instrument DI2007-218 (LR, 13 September 2007).

University of Canberra (Election of Council Members by Graduates) Repeal Statute 2007—Disallowable Instrument DI2007-215 (LR, 13 September 2007).

University of Canberra (Election of Student Members of Council) Statute 2007—Disallowable Instrument DI2007-216 (LR, 13 September 2007).

University of Canberra (University Seal) Statute 2007—Disallowable Instrument DI2007-217 (LR, 13 September 2007).

Utilities Act—Utilities (Electricity Network Use of System Code) Approval 2007 (No. 1)—Disallowable Instrument DI2007-212 (LR, 3 September 2007).

31 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—POKER MACHINES—IMPACT IN THE A.C.T.

The Assembly was informed that Mrs Dunne, Dr Foskey, Mr Gentleman, Mr Mulcahy, Ms Porter, Mr Pratt, Mr Seselja 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, “The impact of poker machines in the ACT.”

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

32 ADJOURNMENT

Mr Hargreaves (Minister for Territory and Municipal Services) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 4.48 p.m., adjourned until tomorrow at 10.30 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly