



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009–2010

MINUTES OF PROCEEDINGS

No. 51

TUESDAY, 23 FEBRUARY 2010

- 1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

- 2 **COMMONWEALTH INSULATION INSTALMENT PROGRAM—ANSWER TO QUESTION WITHOUT NOTICE—STATEMENT BY MINISTER**
 Mr Corbell (Attorney-General), by leave, made a statement in relation to an answer to a question without notice he gave on 11 February 2010 concerning the Commonwealth insulation instalment program.

- 3 **PETITION**
 The Clerk announced that the following Member had lodged a petition for presentation:
 Mr Rattenbury, from 26 residents, requesting that the Assembly rescind any changes to parking arrangements in Elder and Farrar Streets, Braddon and keep parking durations at their present level (Pet 107).

- 4 **PRIVILEGE—STATEMENT BY SPEAKER**
 The Speaker made a statement concerning an alleged breach of privilege raised by Mrs Dunne in relation to the giving of evidence by Mr Mark Sullivan, Managing Director, ACTEW Corporation Limited, to the Select Committee on Estimates 2009-2010 during its inquiry into the Appropriation Bill 2009-2010.

The Speaker advised that, owing to his attendance at the hearings of the Select Committee on Estimates 2009-2010 and later at the Standing Committee on Public Accounts where the alleged breach was raised, he had referred the matter to the Deputy Speaker for determination. On advice received from the Deputy Speaker, the Speaker stated that he was prepared to allow precedence to a motion under standing order 276(e).

Papers: The Speaker presented the following papers:

Privilege—Alleged breach—

Letter to the Speaker from Mrs Dunne, dated 19 February 2010.

Advice to the Speaker from the Deputy Speaker, dated 23 February 2010.

Letter to the Speaker from Mr Mark Sullivan, Managing Director, ACTEW Corporation, dated 23 February 2010.

5 PRIVILEGES 2010—SELECT COMMITTEE—ESTABLISHMENT

Mrs Dunne moved—That this Assembly:

- (1) pursuant to standing order 276, establish a Select Committee on Privileges 2010 to examine whether a breach of privilege or contempt of the Assembly has been committed by:
 - (a) Mr Mark Sullivan, Managing Director of ACTEW Corporation; or
 - (b) Ms Katy Gallagher MLA, Treasurer and shareholder of ACTEW Corporation;

in relation to evidence given on matters relating to the major water security projects comprising the enlargement of Cotter Dam, the Murrumbidgee-to-Googong bulk water transfer pipeline and the Tantangara Reservoir bulk water licensing arrangements:

 - (i) at the Select Committee on Estimates 2009-2010 on 18 May 2009; or
 - (ii) at the 2 December 2009 or the 18 February 2010 hearings of the Assembly's Standing Committee on Public Accounts in its inquiry into Annual Reports 2008-2009; or
 - (iii) in any public statements; or
 - (iv) in any additional material facts;
- (2) the Committee shall report back to the Assembly by Tuesday, 22 June 2010; and
- (3) the Committee shall comprise:
 - (a) one member nominated by the Government;
 - (b) one member nominated by the Crossbench; and
 - (c) one member nominated by the Opposition;

notified to the Speaker by 4 p.m. this sitting day.

Debate ensued.

Ms Bresnan moved the following amendment: Omit all words after “committed by” in paragraph (1), substitute:

“Mr Mark Sullivan, Managing Director of ACTEW Corporation, in relation to evidence given on matters relating to the Murrumbidgee-to-Googong bulk water transfer pipeline:

- (a) at the Select Committee on Estimates 2009-2010 on 18 May 2009; or
 - (b) at the 2 December 2009 or the 18 February 2010 hearings of the Assembly’s Standing Committee on Public Accounts in its inquiry into Annual Reports 2008-2009; or
 - (c) in any directly relevant evidence;
- (2) the Committee shall report back to the Assembly by Tuesday, 22 June 2010; and
- (3) the Committee shall comprise:
- (a) one member nominated by the Government;
 - (b) one member nominated by the Crossbench; and
 - (c) one member nominated by the Opposition;
- notified to the Speaker by 4 p.m. this sitting day.”.

Debate continued.

Mr Corbell (Minister for the Environment, Climate Change and Water), by leave, moved the following amendments to Ms Bresnan’s proposed amendment together:

- (1) insert “and Mrs Vicki Dunne MLA” after “ACTEW Corporation”; and
- (2) insert “and assertions made” after “evidence given”, first occurring.

Debate continued.

Question—That Mr Corbell’s amendments to Ms Bresnan’s proposed amendment be agreed to—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
Mr Hargreaves		Mrs Dunne	Mr Seselja
Ms Porter		Mr Hanson	

And so it was negatived.

Question—That Ms Bresnan’s amendment be agreed to—put and passed.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) pursuant to standing order 276, establish a Select Committee on Privileges 2010 to examine whether a breach of privilege or contempt of the Assembly has been committed by Mr Mark Sullivan, Managing Director of ACTEW Corporation, in relation to evidence given on matters relating to the Murrumbidgee-to-Googong bulk water transfer pipeline:

- (a) at the Select Committee on Estimates 2009-2010 on 18 May 2009; or
 - (b) at the 2 December 2009 or the 18 February 2010 hearings of the Assembly's Standing Committee on Public Accounts in its inquiry into Annual Reports 2008-2009; or
 - (c) in any directly relevant evidence;
- (2) the Committee shall report back to the Assembly by Tuesday, 22 June 2010; and
- (3) the Committee shall comprise:
- (a) one member nominated by the Government;
 - (b) one member nominated by the Crossbench; and
 - (c) one member nominated by the Opposition;
- notified to the Speaker by 4 p.m. this sitting day.”—

be agreed to—put and passed.

6 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 19—STATEMENT BY CHAIR

Mrs Dunne (Chair) presented the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 19, dated 22 February 2010, together with the relevant minutes of proceedings—

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

7 HEALTH, COMMUNITY AND SOCIAL SERVICES—STANDING COMMITTEE—REPORT 2—ACCESS TO PRIMARY HEALTH CARE SERVICES—REPORT NOTED

Mr Doszpot (Chair) presented the following report:

Health, Community and Social Services—Standing Committee—Report 2—*Access to Primary Health Care Services*, dated 17 February 2010, 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 HUMAN RIGHTS COMMISSION LEGISLATION AMENDMENT BILL 2009

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.

9 QUESTIONS

Questions without notice were asked.

10 QUESTION ON NOTICE NO. 434—ANSWER—EXPLANATION

Mr Coe, pursuant to standing order 118A, asked Mr Stanhope (Minister for Transport) for an explanation concerning the answer to question on notice No. 434.

Mr Stanhope gave an explanation.

11 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Standing order 191—Amendments to:

Domestic Animals Amendment Bill 2009, dated 15 February 2010.

Health Legislation Amendment Bill 2009, dated 12 February 2010.

Planning and Development Amendment Bill 2009 (No. 2), dated 15 February 2010.

Revenue Legislation Amendment Bill 2009, dated 12 February 2010.

ACT schools—Procurement and purchasing policies and practices—Response to resolution of the Assembly—Letter from the Minister for Education and Training to the Speaker, dated 19 February 2010.

Commonwealth insulation instalment program—Answer to question without notice asked on 11 February 2010—Further advice—Letter from the Attorney-General to the Speaker, dated 17 February 2010.

12 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Department of Treasury, including a statement of reasons, dated 15 February 2010—

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

13 PRESENTATION OF PAPER

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

ACT Criminal Justice—Statistical Profile—December 2009 quarter .

14 OUTLAW MOTORCYCLE GANGS—HUMAN RIGHTS COMPLIANCE OF LEGISLATIVE RESPONSES TO BIKIE GANGS—PAPER—PAPER NOTED

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

Outlaw motorcycle gangs—Human rights compliance of legislative responses to bikie gangs—Copy of letter to the Attorney-General from the Human Rights and Discrimination Commissioner, dated 24 August 2009, pursuant to the resolution of the Assembly of 1 April 2009—

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

Question—put and passed.

15 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—

Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-58 (LR, 17 December 2009).

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2010 (No. 1)—Disallowable Instrument DI2010-11 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No. 2)—Disallowable Instrument DI2010-12 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No. 3)—Disallowable Instrument DI2010-13 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No. 4)—Disallowable Instrument DI2010-14 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No. 5)—Disallowable Instrument DI2010-15 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No. 6)—Disallowable Instrument DI2010-16 (LR, 1 February 2010).

Corrections Management Act—Corrections Management (Official Visitor) Appointment 2010—Disallowable Instrument DI2010-17 (LR, 4 February 2010).

Court Procedures Act—Court Procedures Amendment Rules 2009 (No. 3)—Subordinate Law SL2009-56 (LR, 17 December 2009).

Environment Protection Act—

Environment Protection Amendment Regulation 2009 (No. 2)—Subordinate Law SL2009-54 (LR, 11 December 2009).

Environment Protection Amendment Regulation 2009 (No. 3)—Subordinate Law SL2009-55 (LR, 11 December 2009).

Exhibition Park Corporation Act and Financial Management Act—Exhibition Park Corporation (Governing Board) Appointment 2010 (No. 1)—Disallowable Instrument DI2010-10 (LR, 1 February 2010).

Liquor Act—Liquor Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-57 (LR, 18 December 2009).

Medicines, Poisons and Therapeutic Goods Act—

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2010 (No. 1)—Subordinate Law SL2010-1 (LR, 21 January 2010).

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2010 (No. 2)—Subordinate Law SL2010-2 (LR, 21 January 2010).

Prohibited Weapons Act—Prohibited Weapons Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-60 (LR, 23 December 2009).

Racing Act—Racing (Race Field Information) Regulation 2010—Subordinate Law SL2010-3 (LR, 25 January 2010).

Road Transport (General) Act—Road Transport (General) (Vehicle Registration) Exemption 2010 (No. 1)—Disallowable Instrument DI2010-9 (LR, 1 February 2010).

Territory-owned Corporations Act—Territory-owned Corporations Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-53 (LR, 10 December 2009).

16 MATTER OF PUBLIC IMPORTANCE— DISCUSSION—CARERS— IMPORTANCE IN THE COMMUNITY

The Assembly was informed that Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Mr Hargreaves, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja (Leader of the Opposition) 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 Ms Porter be submitted to the Assembly, namely, “The importance of carers in the ACT community”.

Discussion ensued.

Discussion concluded.

17 HUMAN RIGHTS COMMISSION LEGISLATION AMENDMENT BILL 2009

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.

Detail Stage

Bill, by leave, taken as a whole—

Mr Seselja (Leader of the Opposition), by leave, moved his amendments Nos. 1 and 2 together (*see* [Schedule 1](#)).

Debate continued.

Amendments negatived.

Bill, as a whole, agreed to.

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

18 SURVEYORS AMENDMENT BILL 2009

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.

19 EDUCATION AMENDMENT BILL 2010

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.

Detail Stage

Bill, by leave, taken as a whole—

Mr Doszpot, by leave, moved his amendments Nos. 1 and 2 together (*see* [Schedule 2](#)).

Debate continued.

Amendments agreed to.

Question—That this Bill, as a whole, as amended be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 4
Mr Barr	Mr Hargreaves	Ms Bresnan
Ms Burch	Ms Porter	Ms Hunter
Mr Coe	Mr Smyth	Ms Le Couteur
Mr Doszpot	Mr Stanhope	Mr Rattenbury
Mrs Dunne		

And so it was resolved in the affirmative.

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

20 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.54 p.m., adjourned until tomorrow at 10 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

M M KIERMAIER
Acting Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

HUMAN RIGHTS COMMISSION LEGISLATION AMENDMENT BILL 2009

Amendments circulated by Mr Seselja (Leader of the Opposition)

1

Clause 5

Page 3, line 8—

[oppose the clause]

2

Clause 10

**Proposed new definitions of *industrial activity*, *industrial association*
and *industrial organisation***

Page 5, line 7—

omit

Schedule 2**EDUCATION AMENDMENT BILL 2010**

Amendments circulated by Mr Doszpot

1**Clause 4****Page 2, line 15—***omit*

10

*substitute*15

2**Clause 5****Page 2, line 22—***omit*

10

*substitute*15
